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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, July 31, 2008*

The House met at 10 a.m.

Rev. William H. Hild, Jr., First Baptist Church, Sarasota, Florida, offered the following prayer:

Our Father and our God, we beseech You this morning to grant unto this House abundant wisdom upon which debate and decision will be made. We pray for each and every esteemed Member, their spouses, their families, and the dedicated staffs who undergird them. May the great challenges that confront our land, debated in this Chamber, become opportunities for even greater blessing as, together, we seek Your will for this, our beloved Nation.

May we be reminded today that Your Word teaches: ''Blessed is the Nation whose God is the Lord.'' We thank You for Your incredible goodness, remembering all Your many blessings both individually and as a Nation. We earnestly pray for a deeper desire to make You the foundation and center of our life as we offer this humble prayer in the name of Jesus Christ our Lord.

Amen.

THE JOURNAL

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

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

Mr. PENCE. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Arizona (Ms. GIFFORDS) come forward and lead the House in the Pledge of Allegiance.

Ms. GIFFORDS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 5938. An act to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

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

S. 2617. An act to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that were effective as of December 1, 2007, to provide for an increase in the rates of such compensation effective December 1, 2008, and for other purposes.

WELCOMING REV. WILLIAM H. HILD, JR.

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

There was no objection.

Mr. BUCHANAN. Madam Speaker, it is my privilege and honor today to recognize and welcome my family's pastor, also my wife, Sandy, and my two children. He's been our pastor for the last 8 years. William Hild, since 1997, has served and led as the pastor of First Baptist Church of Sarasota, Florida. Accompanying him here today is his wife, Beverly, of 28 years; William Hild III, who also attends Georgetown Law School; and his sister, Kathy.

Since becoming pastor of First Baptist Church of Sarasota in 1997, Bill has helped to spread the church's ministry throughout our community, the State of Florida, the United States, and even across the world.

Under Pastor Hild's leadership, the church has organized over 20 Holy Land trips to Israel, Jordan and Egypt. These trips provide our members with a greater understanding of the Bible and a deeper appreciation of the work of God.

Here at home, Pastor Hild was a leader in the recovery efforts following Hurricane Katrina. Under his leadership, First Baptist Church of Sarasota donated cash and pledges in excess of $140,000 to help the victims of Katrina. The church also conducted multiple trips to the gulf coast region, delivering food and personal hygiene kits to those affected by the hurricane.

I want to thank my pastor, Pastor Bill Hild, for more importantly, his close friendship and guidance to me, and also providing today's prayer. Also, I would like to thank his wife, Beverly, and son, Will, for being with us today and his family and his many friends from back home watching here today on this very special day.

Thank you, Pastor Hild.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

EXTEND RENEWABLE ENERGY TAX CREDITS

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

Ms. GIFFORDS. Madam Speaker, I rise today to address the urgent issue of extending the renewable energy tax credits. These tax credits are due to expire this year. As we all know, their extension is critical to the young renewable energy industry in our Nation.

The House has passed extensions four separate times, and I applaud my colleagues for doing so. But our job is not done. I urge our colleagues in the Senate to work with us to pass a responsible extender bill quickly.

Solar power and other renewables are poised to be one of the biggest opportunities of the 21st century. Yet unlike our foreign competitors, we still haven't made a firm national commitment to this industry.

America can do better. We have always looked to the future, imagined a better world, and then partnered with the private sector to build it: railroads, the highways, the Internet as well. Government support was critical to every one of these technologies in its earliest stages. Renewable energy is no different.

I refuse to believe that we cannot get this legislation passed. I call on the leadership to pass it immediately. There's no time to waste.

RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO

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

Mr. WAMP. Mr. Speaker, I rise this morning as the co-chair of the Renewable Energy and Energy Efficiency Caucus in the House of Representatives, representing well over half of the full House, to praise today's 11th annual Renewable Energy and Energy Efficiency Expo being held all day long in the Cannon Caucus Room.

Republicans and Democrats will join in support of these most important investments in renewable energy: wind, solar, biomass, geothermal. We have an abundance of these opportunities. We need to grow this from 6 percent of our electricity utilization to much, much higher.

We believe that Members should lead, encouraging weatherization of your homes, new appliances in your homes, ways to conserve. Conservation is not for wimps. It's for warriors. Not every American will wear the uniform of our Armed Forces, but every American can help our country reduce the demand and lower the cost for energy.

It's a critical issue. Our all-of-the-above strategy includes a tremendous focus on renewable energy, energy efficiency, energy conservation.

We encourage all Members to come to Cannon Caucus at any time today and join us in this most important bipartisan effort.

STOPPING THE FURTHER THEFT OF IRAQ'S OIL RESOURCES

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

Mr. KUCINICH. Mr. Speaker, just prior to the invasion of Iraq on March 17, 2003, the price of a barrel of oil was $30.01, and the price of a gallon of gas was $1.77, the average.

On July 29, 2008, the price of a barrel of oil was $122.21, and the average gallon of gas, $3.96.

The invasion of Iraq was about oil, but it didn't result in more oil or cheaper gas. It resulted in war profiteering by oil companies who benefited by keeping Iraq oil off the market. Remember the secret meetings between the administration and the oil company executives before the war?

Well, today, I'm going to introduce a bill which prevents U.S.-based oil companies from development of and investment in the petroleum resources of Iraq. This will discourage U.S. oil companies from profiting from the war and will stop the further theft of Iraq's oil resources by the very interests who have profited from the war for oil, the U.S. oil companies.

PROMOTING NEW AMERICAN ENERGY ACT

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

Mrs. BACHMANN. Mr. Speaker, as part of our action plan for energy, Republicans in the United States House of Representatives are asking that we push forward with an all-of-the-above energy plan to utilize every source of American energy to release us from our dependence on foreign oil.

That's why today I'm introducing, Mr. Speaker, the Promoting New American Energy Act which accelerates tax depreciation to 3 years for investments in newer, cleaner, more efficient technologies, including wind, solar, and geothermal, as well as others.

According to the nonprofit American Council for Capital Formation, American energy investments have less favorable tax depreciation rules in the United States compared to many other countries. This does not put America in a good position for alternatives.

My bill will bring America's tax depreciation schedule in line with those of our major trading partners overseas, which will put America on a better foot globally, and that means more jobs in the United States.

This will take us one step closer, Mr. Speaker, to increasing domestic energy production and making it more efficient.

As a member of the Renewable Energy and Energy Efficiency Caucus, I ask my colleagues to promote newer, cleaner, more efficient energy solutions.

COMMENDING SANTA ANA POLICE DETECTIVE CHUCK SALLE

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on May 18, 2007, a young mother was executed in cold blood by her former live-in boyfriend. The woman's 11-year-old daughter was in the house and heard her mother begging for her life, then a pause, then a gunshot, and then silence.

Santa Ana Police Detective Chuck Salle, badge number 2005, was on assignment to the United States Marshall's Fugitive Task Force and was tasked with tracking down and arresting that suspect.

Task force members located the suspect in a crowded restaurant and arranged a meeting away from the public area. Detective Salle approached the suspect, identified himself as a police officer, and the suspect pointed his gun directly at Salle's head and fired. The bullet missed, officers returned fire, and the suspect fell to the ground fatally wounded.

Today, the Treasury Department will recognize Officer Salle with the highest valor award that they honor ATF agents with.

Today, I publicly commend and thank Detective Salle, the United States Marshall's Fugitive Task Force, and law enforcement officers all across this great Nation for their efforts in protecting and serving our communities, day or night, rain or shine, every minute of the day.

□ 1015

LET'S VOTE ON AMERICAN ENERGY ACT

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

Ms. FALLIN. Mr. Speaker, in just 2 weeks, children from all across America and in my district will be starting back to school. All over America, school officials are struggling with the rising costs of fuel. They have to run their buses twice a day for the next 9 months. And in some States, they're already talking about cutting back on bus routes. They're already talking about forcing some children to have to walk to school, and even going to four-day-a-week school classes. That's just not inconvenient for our families and our children, but it's flat-out dangerous for our children, especially our young ones.

Day after day, we wait for this House and the Democratic leadership to allow us a vote on expanded energy resources, whether it is drilling, whether it is alternative resources—wind, solar, nuclear, refinery capacity, and day after day they say no.

In just a few weeks, our children, who have been riding buses safely, are now going to have to alter the way they get to school.

Mr. Speaker, time is up. It's time for us to vote on the American Energy Act. Let's vote on it today. Let's vote on it before we go on our August break. Let's give the American people relief on gas prices.

GAS PRICES

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

Mr. HALL of New York. Mr. Speaker, gas prices in New York are still at the outrageous price of $4.19, well above what working families in the Hudson Valley can bear. They are looking to us in the government for answers, and Congress needs to respond.

The fact is that the Democratic majority has advanced a wide variety of proposals to provide relief. We have pushed tax credits for fuel-efficient vehicles and renewables, we've called for Big Oil to drill on its land that it has already leased and gotten permits for, and advocated a release from the SPR. Each time President Bush and his allies have opposed these measures and are holding real energy solutions hostage to their insistence on old, ineffective drilling proposals.

The Republican minority treats our energy crisis like a multiple choice question. The problem is that they keep answering ''none of the above.'' On this side of the aisle, we will keep pushing solutions to responsibly enhance American energy supplies and usher in an innovative and independent energy future.

I hope that after the break our friends on the other side of the aisle will come back to Congress ready to cooperate instead of standing in the way.

AMERICA NEEDS COMPREHENSIVE ENERGY REFORM

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

Mr. LATTA. Mr. Speaker, I am proud to represent the ninth largest manufacturing district of the United States Congress. Earlier this week, I had the pleasure of visiting two manufacturing facilities in my district.

During the visits, the management of each facility told me that the number one issue facing them is the rising cost of energy and petroleum products.

Natural gas is a much-needed resource in the manufacturing industry to fuel production, in addition to the thousands of petroleum-based products that are used to fabricate various goods.

Without comprehensive energy reform, the price of oil and natural gas will continue to rise here in the United States, forcing costs to rise, and leaving us at a competitive disadvantage with the rest of the world. Foreign manufacturers located in countries such as India and China are allowing for exploration and recovery of their domestic natural resources that keep their energy prices low.

The bottom line is that energy equals manufacturing which equals jobs. And without comprehensive energy reform, our Nation will continue to lose business to these countries and our economy will continue to suffer. The time to act is now.

COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. Mr. Speaker, we are a Nation with a Constitution and a Bill of Rights, with human rights; and that's what makes our country so great.

These rights were violated for hundreds of families in immigration raids throughout the country, including Postville, Iowa. What we fail to see at times are the long-lasting and devastating impact raids leave behind.

In Postville, hundreds of children have been ripped from their families, elderly left to fend for themselves, single parents forced to wear ankle bracelets are prohibited from working to feed their children. And the schools now resemble ghost towns with the absence of so many children.

We cannot continue to look the other way and ignore what is happening in this country.

The human dignity of these families have been stepped on. We are a country with moral principles and core family values. There is no blanket solution for the immigration crisis. We need to look beyond this ugly anti-immigrant rhetoric that is dividing our Nation and work towards comprehensive immigration reform.

213 VOTE TO GET OUT OF DODGE

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

Mr. POE. Mr. Speaker, it was 213 to get out of town and it was 212 to stay here and do our job, which is to pass an energy bill for Americans. So the 213 that won this vote, at the end of the day tomorrow they're getting out of town. But you see, back home where I live, people can't even leave town because they don't have enough money to pay for gasoline for their vehicles.

It's a shame on Congress that we are going in recess when we have to deal and have not dealt with the issue of high energy prices.

So let's bring a vote up today on whether we should drill offshore or not. Let Congress decide—no politics, up or down vote—whether we should drill offshore and get America back to work by lowering gasoline prices. That's what we need to do rather than get out of Dodge—or should I say Washington, DC.

And that's just the way it is.

VETERANS TRAVEL PROGRAM REFORM ACT

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

Mr. WALZ of Minnesota. Mr. Speaker, I rise today to introduce a new bill, the Veterans Travel Program Reform Act of 2008. I'm proud to be joined by my colleague from Connecticut (Mr. COURTNEY) in introducing this legislation.

Many of our veterans incur significant costs traveling to and from VA facilities to receive their health care treatment. This is especially true because of skyrocketing gas prices, and it's a big problem in rural areas like southern Minnesota.

While some veterans are reimbursed for their travel, the rate they receive is way below what Members of this body receive when we travel in our cars. That is simply wrong. What's more, current law requires the VA Secretary to raise the deductible that veterans have to pay when the mileage reimbursement goes up.

Many of our veterans travel—and travel long distances—and end up paying for it out of their own pocket. This bill would fix these problems by making it more generous and fair in the reimbursement. It would set the mileage rate at the same rate that other Members of Congress and other Federal employees receive. It would eliminate the deductible, and it would eliminate the restrictions on eligibility so more of our veterans would be able to receive that.

Mr. Speaker, our veterans served us, now it's time we serve them. I urge my colleagues to join me.

CONGRESS SHOULD DO ITS JOB AND VOTE ON ENERGY

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

Mr. PENCE. Yesterday, by one vote, the House voted to adjourn as soon as today for the August recess. This means Congress is about to take a 5-week vacation without even taking a vote on bipartisan measures that would lessen our dependence on foreign oil by allowing more domestic drilling on the Outer Continental Shelf.

Mr. Speaker, the American people won't get a vacation from high gasoline prices, so Congress shouldn't take a vacation until we vote to lessen our dependence on foreign oil.

If the Speaker won't keep the House in session to allow this vote, I urge President Bush to call an immediate energy special session of Congress. Under article II, section 3 of the Constitution, the President has the power, quote, on extraordinary occasions to convene the Congress. If $4 a gallon of gas isn't an extraordinary occasion that demands action by the Congress, I don't know what is.

The Congress should stay in session and do its job and give the bipartisan pro-drilling majority a vote. And, Mr. President, if this Congress tries to leave town without voting on more drilling, use your constitutional authority, bring them back and make them work.

RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO

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

Mr. CARNAHAN. Mr. Speaker, I rise to thank Congressman MARK UDALL and Congressman ZACH WAMP and the Renewable Energy and Energy Efficiency Caucus for sponsoring the expo today in the Cannon Caucus Room. I urge all Members and staff to attend.

I believe Members from both sides of the aisle can agree that renewable energy and energy efficiency will be a big part of our effort to wean ourselves from a dangerous reliance on foreign oil.

This new and developing sector of the economy will generate thousands of new jobs, high-paying green collar jobs, that will remain in America and won't be outsourced.

The union of renewable energy and energy efficiency with the built environment will not only generate new jobs and new technology, but it will help to immediately address global climate change. According to recent studies, the quickest and easiest way to positively affect global climate change is to design and build—or retrofit—high-performance green buildings. These buildings are energy efficient, healthy, safe, and secure.

Developing buildings that use renewable energy and seeking energy efficiency is a win for the economy, for the environment, and for the people who work in them.

MEDIA FAIRNESS INITIATIVE: MEDIA DONATIONS FAVOR DEMOCRATS

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

Mr. SMITH of Texas. Mr. Speaker, the story of the 2008 election is being told by a partisan media. If you have any doubt, just follow the money.

An analysis by Investor's Business Daily shows that journalists contributed 15 times more money to Democrats than Republicans during this election cycle. While 235 journalists donated to Democrats, just 20 gave to Republicans, a margin of more than 10–1. And journalists who gave to Senator OBAMA outnumbered those who contributed to Senator MCCAIN by a 20–1 margin. No wonder nearly seven in 10 Americans say the media wants Senator OBAMA to win the election, according to a recent poll.

Mr. Speaker, we need to promote fairness and objectivity in journalism. Only then we will restore Americans' faith in the media.

CONSUMER SAFETY

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

Mr. KLEIN of Florida. Mr. Speaker, yesterday the House passed two pieces of legislation critical to consumer safety, both in my district in south Florida and of course throughout the United States.

The first bill, the Product Safety Modernization Act, bans dangerous chemicals in the manufacture of children's toys to keep them safe. The second bill, the Family Smoking Prevention and Tobacco Control Act, grants the FDA necessary authority to restrict tobacco marketing and sales to children.

Mr. Speaker, one of the most important responsibilities as parents that we have is to keep our children safe. I'm proud that we passed these bills by a bipartisan majority to demonstrate that we will not allow our children to be exposed to toxic chemicals by unscrupulous toy manufacturers or cigarette company marketers.

The rash of product recalls in the last year prove that we must be vigilant when it comes to consumer safety. Thanks to this week's legislation, parents in south Florida and across the Nation can rest a little easier.

UNFINISHED BUSINESS

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

Mr. WESTMORELAND. Mr. Speaker, I want to call today your attention to something yesterday. We had a vote 213–212 to adjourn this House without passing a comprehensive energy bill, without being able to vote on drilling. So what I've done, Mr. Speaker, I've got a number here. Call (202) 224–3121. Ask for Speaker PELOSI if you want to make sure that we do something before we leave this Chamber today or tomorrow to vote on drilling; or call and ask for your Member of Congress and find out if they were the swing vote that made us leave this city without voting for you.

But I'll tell you what, not only are they leaving Washington, DC, they're going to get on jets on your dime. They're going to fly to Africa and Europe and all over this world on your dime while you don't have money at your house to go on a family vacation, or even go to the store sometimes, they're going to be flying around here.

Call this number. Mr. Speaker, I hope they will put it on the Internet. I hope we will let Speaker PELOSI, the Democratic leadership, know we're tired of this. We need to know where you stand. We need to drill for U.S. oil.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROSS). Members are reminded they must address their remarks to the Chair.

CONGRATULATING THE ENERGY RENEWABLE AND ENERGY EFFICIENCY CAUCUS

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

Mrs. BOYDA of Kansas. Mr. Speaker, in contrast, I would like to just stand up and, again, like so many others, not rail on somebody, but to thank the bipartisan Energy Renewable and Energy Efficiency Caucus.

Our country is facing deep, deep energy problems, and I think the good people of Kansas certainly understand that the way that we're going to address that is coming and looking at the bipartisan commonsense solutions.

I want to just congratulate—this is a bipartisan group—the Renewable Energy and Energy Efficiency Caucus. And I would like to specifically thank Representative MARK UDALL and Representative ZACH WAMP, a Republican, for coming together and making this such an important issue. It's over in the Cannon Caucus Room. And I certainly ask each of us to get over there and to support this bipartisan effort.

You know, I think people in Kansas are sick and tired of everybody railing on somebody else. It's time that we work together.

□ 1030

THE EFFECTS OF HIGH GASOLINE PRICES

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

Mr. CARTER. Mr. Speaker, today in Texas the temperature is going to be about 103 to 105 degrees. It's going to be hot, and it's been hot for the last 2 weeks.

Last night I had the pleasure of visiting with some of my constituents back home, several hundred of them. And at this time of the year, Texans generally try to get their old folks and their kids out of the heat wherever they can. So historically Texans have loaded up in their pickups with their campers or their tents, and they have gone to visit our neighbors in New Mexico and Colorado to get a little bit up in the mountains and get a little bit cooler so we can stay alive when this heat hits us.

But it's not happening in Texas today because, quite frankly, ordinary folks can't afford to load up their pickup, put gasoline in it, and drive the distance it takes to get to the mountains. And they're concerned about it, and they're worried about it. And they want to know if they are having to take the heat, why can't this House stand the heat and stay here until we have resolved this issue of offshore drilling and drilling in other parts of the country.

RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO AND FORUM

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

Mr. COSTA. Mr. Speaker, what the American people want is for us in a bipartisan effort to come together and use all the energy tools in our energy tool box to, in fact, solve America's energy problems. Such an effort is being sponsored today in part by the House Renewable Energy and Efficiency Caucus, of which I am a member.

Renewable energy and energy efficiency are important tools for reducing our reliance on imported oil and addressing climate change. In my home State of California in 2007, 23.5 percent of our electricity came from renewable resources such as wind, solar, geothermal, biomass, and hydroelectric facilities. We've made a lot of progress. The Fresno-Yosemite Airport near my district recently installed solar panels that provide 40 percent of the airport's need for electricity. At my alma mater, Fresno State, we've built shaded parking using solar panels that provide over 20 percent of the energy necessary for the university. We also have dairy farmers and utility companies partnering together to generate electricity through methane gas.

This is the kind of partnership and cooperation and collaboration we need. This is an exciting time for renewable energy and energy efficiency. I encourage all to visit this very important expo and forum in the Cannon Office Building.

HONORING MICHAEL DEAN RAMBO

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

Mr. MARCHANT. Mr. Speaker, I rise today to honor Michael Dean Rambo of Colleyville, Texas.

Michael was an outstanding husband, father, and scout master for Troop 28. Michael was always looking for an opportunity to give back to the community in which he lived. He loved his family and friends, and they loved him.

Michael always had a childlike wonder and awe of the world around him and a thirst for knowledge. His example and enthusiasm made those around him want to learn more and do more.

Michael was always up for a challenge and always willing to lend a hand. He was the cubmaster for Pack 254 before taking the lead role for Troop 28. Michael was the guiding light for Troop 28 for 12 years and helped them earn Colleyville's first service award.

Among Michael's many accomplishments, he earned his Eagle Scout at age 13. He earned a select student in science and math degree from Stephen F. Austin University, and he went on to earn a master's degree from UT Arlington. His favorite people were his sons, Patrick Rambo and Aaron Rambo, and his wife, Mary Margaret.

Michael Rambo selflessly served the community. He loved his family and friends, and he enjoyed life to the fullest. He was a role model of superior citizenship who had a tremendous impact on our lives.

PROVIDING FOR CONSIDERATION OF H.R. 1338, PAYCHECK FAIRNESS ACT

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1338 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, a member of the Rules Committee, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1388.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, House Resolution 1388 provides for consideration of H.R. 1338, the Paycheck Fairness Act, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Education and Labor. The rule makes in order six amendments which are printed in the Rules Committee report, and the rule also provides one motion to recommit with or without instructions.

Mr. Speaker, our great Nation recently celebrated the 160th anniversary of the 1848 Women's Rights Convention in Seneca Falls, New York. This groundbreaking convention was dedicated to the key principle in the Declaration of Independence that we are all created equal. Women have had a

hard time to recognize that because it took more than 70 years for us to pass legislation giving women the right to vote.

But in the years since Seneca Falls, generations of courageous women have made great strides towards equality. From securing a woman's right to vote in 1920 to serving our country in World War II, American women have come a long way. In this Congress alone, we have much to celebrate. Speaker PELOSI is the first woman to lead this esteemed body. And Senator CLINTON made ''18 million cracks'' in the Nation's highest glass ceiling as the first woman to run a formidable Presidential campaign.

Yet as we celebrate these important milestones and look back on all we have achieved since 1848, we know full well that our journey toward gender equality is not complete. Despite the strong leadership of several generations of women, we are still struggling to achieve equality in the workplace. Among the most distressing disparities is the significant gap in pay between American men and women as they work side by side doing the very same work.

Mr. Speaker, 45 years ago President John F. Kennedy signed into law the Equal Pay Act to address the unconscionable practice of paying women less for the same job. That was 45 years ago and we still struggle. At that time when this bill was signed, women were earning 59 cents for each dollar earned by a man in a comparable job. While the wage gap has narrowed, today the working women in America still earn only 77 cents for every dollar earned by men. In other words, let me put it this way, 18 cents more has been achieved in the past 45 years.

According to the Department of Labor, which maintains data on over 300 job classifications, men are paid more in each and every category. This is so important, I'm going to say it again. The Department of Labor says in 300 job classifications, men are paid more in each and every 1 of them. Even in what they call the female-dominated industries where women comprise 70 percent of that labor force, women earn 20 percent less than their male coworkers.

Experts estimate that the average woman worker will lose anywhere from $200,000 to $2 million over her lifetime as a result of the wage gap. Over time women earn significantly less than men, and lower wages translate into less income that counts in calculating pensions and in some cases Social Security benefits. Closing the wage gap will have a long-term impact on the women's economic security, especially in retirement.

To all the cynics who dismiss equal pay as just another women's issue, I want to point out that the wage gap not only hurts women, it hurts families. It hurts children being raised by single moms who have to work two jobs to make ends meet when one might suffice were she to be paid equally with her male coworkers. It hurts families with two working parents who are struggling as one partner makes 20 percent less than her male colleagues. Currently, single women who are heads of households are twice as likely to be in poverty as single fathers. Again, currently single women who are heads of households are twice as likely to be in poverty as single fathers. That is a fact that we must face here and remedy. And we know that pay equity for women is closely linked to eradicating poverty. For families who live below or near the poverty line, the equal pay for women will make a significant difference to the well-being of American families. And after all, Mr. Speaker, isn't that why we are here?

Despite these statistics and shocking data that indicates that men make over 20 percent more than their female colleagues on average, the Supreme Court dealt a blow to working women last year when it decided Ledbetter v. Goodyear. In that case, former Goodyear employee Lilly Ledbetter, an employee of 28 years, sued the company after she left the company after discovering she had been paid significantly less than male employees doing the same job during her nearly two decades of employment. And remember, Mr. Speaker, that the Equal Pay Act of 1963 was in effect at that time. Though Ms. Ledbetter was clearly treated as a second-class employee, although she got wonderful ratings and compliments on her job, the Supreme Court let Goodyear off the hook on what I think is a misrepresentation of the law.

The Supreme Court ruled that in order to enforce her right to be paid fairly, Ms. Ledbetter would have had to file a wage discrimination complaint within 180 days of when the discrimination began. Now, imagine that. You're new on the job. You're happy to be there. You're learning your job. And you have no idea what other people are paid or whether you're being discriminated against. That shows you the grave mistake made by the Supreme Court. But since pay practices typically take place in secret, it would be impossible for a woman to discover discrimination within a 180-day window that she has to file a claim.

Justice Ginsberg, the only woman serving on the Court, wisely noted that the Ledbetter decision essentially gutted legislative protections against discriminatory pay practices. Again, that would have been the law of 1963. In its Ledbetter ruling, the Supreme Court has all but endorsed gender discrimination in employment by robbing women of a legal remedy to enforce equality. One certainly understands that we need more women on the United States Supreme Court.

To overcome these efforts to nullify the Equal Pay Act, we must redouble our efforts to insist that Lilly Ledbetter and the countless hardworking women like her in America are compensated fairly.

Earlier this month I was proud to join Speaker PELOSI, Senator CLINTON, ROSA DELAURO, Lilly Ledbetter, and many of my colleagues at an event in support of the Paycheck Fairness Act.

□ 1045

This legislation we are debating today prohibits employers from retaliating against employees who discuss salary information with coworkers. Can you imagine that in most companies that is against the rules? It puts gender-based discrimination sanctions on equal footing with other forms of wage discrimination by allowing women to sue for compensatory and punitive damages, and it will help prevent future pay disparities by requiring the Department of Labor to expand outreach to employers and to continue to collect and share wage information based on gender.

Finally, it creates a grant program to strengthen the negotiation skills of girls and women to help our daughters fight for the compensation to which they are entitled.

Today, we have an historic opportunity to stand up for the women of America and say, You deserve equal pay for equal work. Today, we have an opportunity and an obligation to stand up for our mothers and daughters and sisters and nieces who are making less than their male counterparts for the exact same work.

Today, even though it is late in the day, we have an opportunity to secure the promise of America so that tomorrow our daughters and sons and granddaughters and grandsons will all have equal opportunity to achieve the American dream. Until we do, we will never reach the gender equality that women and men present at the 1848 Women's Rights Convention aspired to achieve.

Mr. Speaker, it is our responsibility to the working women in our lives and to the generations of hardworking women who came before us to support this legislation. It is my sincere hope that this bill will soon become law, and I implore my colleagues to vote for it.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend, the distinguished chairwoman, Ms. SLAUGHTER, for the time. I wish her the best today, and all those who participate in this debate.

I yield myself such time as I may consume.

Mr. Speaker, no worker should ever be subjected to discrimination because of gender or any other reason. Anyone who commits such discrimination must be stopped and punished for reprehensible behavior. Discrimination has no place in the workplace.

For that reason, Congress has passed two major laws that prohibit an employer from paying an employee a different wages or otherwise discriminating in any term or condition of employment on the basis of gender. These prohibitions against discrimination are provided in both title VII of the Civil Rights Act and the Equal Pay Act of 1963.

The underlying legislation, H.R. 1338, seeks to further prevent gender discrimination in the workplace. The legislation has raised some concerns on how it seeks to achieve the goal. For example, in a letter from the Secretary of Labor, Ms. Chao, to Chairman MILLER, the Secretary expressed concerns that the legislation would allow for unlimited compensatory and punitive damages, and she also expressed opposition to changes in the establishment requirement. Under current law, employees whose pay is being compared, must work in the same establishment. In the underlying legislation, that would change to mean workplaces in the same county, and it also allows that change to be defined even more broadly. But, without doubt,

Mr. Speaker, later this week, the House of Representatives is scheduled to take a 5-week recess so Members can return to their districts but, unfortunately, without having considered comprehensive energy legislation. A few days ago, I held a town hall meeting with constituents. One of them asked very clearly and emphatically that we stay in session until we consider comprehensive energy legislation that would reduce the price of gasoline and reduce our dependence on foreign energy sources. That was no isolated statement. Each and every time I speak to my constituents these days, I hear their frustrations and concerns with one specific issue, one specific problem facing the Nation, the unacceptably high price of gasoline.

I understand my constituents' frustration with the majority's unwillingness to act. They are upset and they want us to take action. I agree with my constituents that we should not leave until we have provided them, the Nation, comprehensive energy legislation.

I explained in that meeting that the minority each and every week has attempted and continues to attempt to bring a number of energy proposals before the House of Representatives for debate. However, the majority consistently blocks all attempts at a comprehensive energy debate.

The majority's constant attempts to block energy debates was even mentioned in a publication that covers Capitol Hill, The Hill. That newspaper, in an article a few days ago, stated, ''Democrats have consistently put energy bills on the suspension calendar to block Republicans from offering any alternatives at all. They have also shut down the appropriations process for the year to avoid possibly losing votes on energy bills.'' That sort of obstruction is unacceptable, especially when the American people are calling for Congress to act.

The majority's obstruction, Mr. Speaker, is not limited to energy legislation. It extends to virtually every bill, including the underlying legislation.

Yesterday, the majority on the Rules Committee passed a restrictive rule that blocked an open and fair debate. A total of 15 amendments were submitted to the Rules Committee, four majority amendments and 11 minority amendments. Continuing its obstruction of an open debate, the majority on the Rules Committee made every majority amendment in order, while allowing only two minority amendments. The majority got 100 percent of their amendments made in order, while the minority got 18 percent of their amendments made in order.

This isn't the first time that has happened. Just last week, the majority on the Rules Committee did the same thing with regard to a bill, allowing every majority amendment while blocking an overwhelming number of minority amendments.

So what happened to the majority's promise of an open and fair debate? I think it was well described by a recent article in another publication that covers Capitol Hill, called Politico, in an article on the Speaker. It read, ''After promising fairness and open debate, she has resorted to hard-nosed parliamentary devices that effectively bar any chance for Republicans to offer policy alternatives.''

I think it's unnecessary and unfair, Mr. Speaker. I think it's unfortunate and sad.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Rules Committee and also from Florida (Ms. CASTOR).

Ms. CASTOR. I thank the chairwoman for yielding time and thank her for her career of championing nondiscrimination and equal rights for women in the workplace.

Mr. Speaker, I am proud to rise today in strong support of the Paycheck Fairness Act and this rule and take another important step towards equality for all Americans. During the 230 plus-year history of our great Nation, the march towards equality under the law for all of our citizens has sometimes been slow, but it has been steady.

Over time, the Congress has outlawed discrimination in the workplace based upon a person's race, gender, age, national origin, religion, and disability, because when it comes to employment and hiring and firing and promotion and compensation, decisions are rightly based upon a person's qualifications and job performance.

These are the values we share as Americans; that if someone works hard and plays by the rules, and if they share the same job, duties and responsibilities, no matter that they are a man or a woman, they will receive equal pay for equal work. Unfortunately, that does not always happen, and sometimes women are paid less just because they are women and the boss can get away with it. The wage disparity over time can cost women over $400,000 to $2 million in lost wages.

This Paycheck Fairness Act addresses that disparity by providing more effective remedies for gender-based wage discrimination and ensuring that if a case goes all the way to a jury, that the arbitrary and outdated caps on damages will be addressed.

Thank you to Congresswoman ROSA DELAURO. She introduced this legislation 11 years ago, but she never gave up. Congresswoman DELAURO, we are not going to give up just because the President has threatened to veto the measure. I'd also like to thank Speaker NANCY PELOSI, Chairman GEORGE MILLER, and Chairwoman LOUISE SLAUGHTER for their leadership and commitment to equality under the law for all Americans.

Passing this historic Paycheck Fairness Act will bring our Nation closer to our promise of equality for all Americans. It is a hopeful day for working women and families, and I urge a ''yes'' vote on their behalf.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we reserve.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to a member of the Rules Committee, the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the distinguished Chair of the Rules Committee for her leadership on this issue and for the time. I also want to thank Speaker NANCY PELOSI and Representative ROSA DELAURO for their commitment and dedication to bringing this forward over hurdle past hurdle past challenge past challenge. Thank you so much.

Mr. Speaker, I rise in strong support of H. Res. 1388 and the underlying legislation, the Paycheck Fairness Act. Mr. Speaker, fairness is something we strive for in all aspects of our lives. From an early age, we try to instill in our children the importance of fairness, fair play, and equality. But, sadly, while we preach fairness, on average, women today earn a deplorable 77 percent of what men earn and, unfortunately, the wage gap in my home State of Ohio is even more substantial than the national average.

According to the National Women's Law Center, Ohio ranked 30th in the ratio of women's earnings to men's earnings. The Center gave Ohio, along with 46 other States, a failing grade. That is simply unacceptable.

I have read and heard the stories of wage discrimination. We have all heard the story of Lilly Ledbetter, the worker who was a victim of systematic pay

discrimination for 19 years. These are the stories of women who have dedicated decades upon decades of their lives to their employers, only to find out that they are compensated at a fraction of the rate of their male counterparts.

With every paycheck these women deposit, they and their families are being held back, their earning potential limited by a factor over which they have no control, their gender, and a factor that has no affect on their job performance.

Mr. Speaker, I would like to read to you a letter my office received on this issue from a college student at the University of Akron. She wrote, ''Ever since I started working, I have become more knowledgeable of the fact that in most cases men receive a higher pay than women do for the same amount of work.''

We need to send a message to the young women in our country that the status quo is not acceptable. We need to respond to the concerns of our future leaders and show them that we are willing to stand up for their right to earn equal pay for equal work.

This young woman went on to say, ''Equal pay for equal work is a simple matter of justice for women.'' I couldn't say it better myself. The Paycheck Fairness Act will update and strengthen the Equal Pay Act. This bill will close numerous loopholes in the 45-year old law that has allowed employers to avoid liability for discriminatory practices.

□ 1100

The American people expect their government to stand up for fairness and justice. The Paycheck Fairness Act is not only about changing the way we treat our working women. It is about paying rent, putting food on the table, and paying for college tuition. We must return to the founding principles of our Nation and what has moved us forward in difficult times. Fairness has been at the heart of all that makes America strong, and this Congress cannot turn away from that.

I urge all of my colleagues to support this rule and this incredibly important bill.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the author of this legislation, an outstanding Member, the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of this rule. I commend Speaker PELOSI, the majority leader, Chairman MILLER, and as well Chairman SLAUGHTER and the entire Rules Committee, for bringing this important legislation to the floor.

With this resolution, we take up an effort that began more than 150 years ago when visionary women came together to stand up for women's rights, to better the status of women in our society. In this tradition, more than 11 years ago I first introduced the legislation that we consider this morning, the Paycheck Fairness Act, and I cannot help but think of all the Aprils we have commemorated Equal Pay Day without legislative movement. But, today, the legislative inertia we have experienced for years comes to an end. I could not be more proud.

We have made some important strides during the last quarter century. Women now make up a majority of the workforce, own 6 million small businesses and are more likely to hold an advanced degree than men. But for all of our successes, women continue to be stymied when it comes to equal pay.

The wage gap is real. Over the course of her lifetime, a female high school graduate will make $700,000 less than the young man she graduates with. Compared to a man, a female college graduate stands to lose up to $2 million in the course of her career. This is true across the board. As the National Committee on Pay Equity tells us, the wage gap today finds that women earn about 77 cents for every dollar men earn.

By now, we are all familiar with the case of Lilly Ledbetter, the woman whose pay discrimination case against Goodyear Tire and Rubber Company went all the way to the Supreme Court. In her testimony before the Education and Labor Committee, she said, ''Goodyear acknowledged that it was paying me a lot less than the men doing the same work, so I was actually earning 20 percent less than the lowest paid male supervisor in the same position. What happened to me is not only an insult to my dignity, but it had real consequences for my ability to care for my family. Every paycheck I received, I got less than what I was entitled under the law.''

Clearly, the marketplace alone and even our court system will not correct this injustice. We need a legislative solution. The Paycheck Fairness Act would make modest, commonsense reforms to the Equal Pay Act by closing numerous loopholes in the 45-year-old law that has enabled some employers to evade liability.

It would clarify the ''any factor other than sex'' defense so that an employer trying to justify paying a man more than a woman for the same job must show that the disparity is not sex-based; that it is job related and necessary for the businesses. It would prohibit employers from retaliating against employees who discuss or disclose salary information with their coworkers.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield an additional 30 seconds.

Ms. DELAURO. Of course, employees such as human resources personnel who have access to payroll information would not be protected if they disclosed workers' salaries of other workers. And it would strengthen the remedies available to include punitive and compensatory damages.

Pay equity is not just another benefit to be bargained for or bargained away. It is part of something bigger, part of a promise in which we all have a role, giving women the power to gain economic security for themselves and for their families. I urge a yes vote on this resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we continue to reserve.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague from New York for her leadership in the Rules Committee bringing this important bill to the floor, I thank my colleague ROSA DELAURO for her stunning work in bringing this legislation into print, and I rise in strong support of H.R. 1338, the Paycheck Fairness Act.

Last week, I was fortunate enough to participate in a rally with several of my female colleagues in the House and Senate and our hero, Lilly Ledbetter. Lilly's personal experience is a testament to the Equal Pay Act, which guarantees equal pay for equal work, needs some work of its own. H.R. 1338 closes some existing loopholes so that employees can fight for their deserved wages without fear of retaliation.

As we discussed these issues at the event last week, I was inspired and comforted to see such a crowd of young women, many of whom are recent college graduates just starting out in their careers. They can be sure that with the passage this legislation, they may not face the same barriers that women from their mothers' and grandmothers' generations faced.

I urge my colleagues to vote in favor of this important legislation. Help us secure a better economic future for our daughters, our granddaughters and their friends.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, in 1963 President Kennedy signed the Equal Pay Act in order to address the wage gap, and yet 45 years later, more than my entire life, women still make on average only 77 cents for every dollar earned by men for the same work.

Last summer I had the opportunity to meet Lilly Ledbetter during a House Judiciary Committee hearing. When she worked for Goodyear, she had no proof of pay discrimination until someone anonymously slipped payroll

records into her mailbox. When Lilly took her case to court, the Supreme Court failed her, telling her she should have known all along she was being discriminated against, even though Goodyear's payroll records were secret. This bill lifts the cloak of secrecy that allows these kinds of unfair pay practices to fester.

I urge my colleagues today to support eliminating discriminatory pay practices. Let's create an America where our next generation of daughters get paid for their worth equally, regardless of their gender.

My congratulations to Congresswoman DELAURO and Chairman MILLER for their leadership on this issue. The Paycheck Fairness Act is a bold step forward in righting the wrong of pay discrimination.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished chairwoman of the Rules Committee. Her presence on the Rules Committee is evidence of the struggle, but yet the progress, and the reason why we stand here today. I thank the long-standing, committed Member of Congress, ROSA DELAURO, and I certainly thank the leadership for recognizing as we approach a very important time of year, August 26th, 2008, that will reflect on the movement of women arguing not for special preferences, but simply equality, that this Paycheck equality legislation must pass today!

So the Paycheck Fairness Act is crucial to that equality, because it clarifies the ''any factor other than sex'' defense that kept Ms. Ledbetter from knowing and being able to petition for more money, is clarified to show that the disparity is not sex-based, is job-related, and necessary for the business. Do people realize that Ms. Ledbetter worked and toiled for years without understanding that she was not being paid a fair day's wage for a fair day's work? How tragic in America.

May I ask the Members to support this legislation, because it is real, it is needed now!

Mr. Speaker, I would also like to thank Congresswoman DELAURO for this important legislation as well as the Chairman and Ranking Minority Member of the Committee on Education & Labor for working together to see that gender equity is not just something we talk about, but something we are actually willing to put into action.

This legislation is intended to combat the wage gap that still exists today between men and women in the workplace. It is an important step in addressing the persistent wage gap between women and men by updating the Equal Pay Act—passed more than 45 years ago.

The reality is the Equal Pay Act needs to be strengthened and improved for all women to combat wage discrimination and eliminate loopholes in the current law. The Paycheck Fairness Act creates meaningful penalties against employers whose pay practices are proven to have been discriminatory. The bill will also protect workers from retaliation by their employers when employees discuss their pay with coworkers.

Earlier this year the House passed H.R. 2831, legislation reversing last year's Supreme Court decision in Ledbetter v. Goodyear Tire and Rubber Co., in which the court ruled, 5–4, that workers filing suit for pay discrimination must do so within 180 days of the actual decision to discriminate against them.

The Paycheck Protection Act is also needed to stop discriminatory pay practices by employers against our mothers, wives, daughters, and granddaughters that do the same job as their male counterparts.

The Paycheck Fairness Act, which currently has 230 cosponsors, will strengthen the Equal Pay Act—passed more than 45 years ago—and as a result improve the law's effectiveness, and help to address the persistent wage gap between men and women. The Paycheck Fairness Act would:

Clarify acceptable reasons for differences in pay by requiring employers to demonstrate that wage gaps between men and women doing the same work are truly a result of factors other than sex.

Deter wage discrimination by strengthening penalties for equal pay violations, and by prohibiting retaliation against workers who inquire about employers' wage practices or disclose their own wages. The bill's measured approach would ensure that women can obtain the same remedies as those subject to discrimination on the basis of race or national origin. AAUW would strongly oppose any efforts to add such caps.

Provide women with a fair option to proceed in a class action suit under the Equal Pay Act, and allow women to receive punitive and compensatory damages for pay discrimination.

Clarify the establishment provision under the Equal Pay Act, which would allow for reasonable comparisons between employees to determine fair wages.

Authorize additional training for Equal Employment Opportunity Commission staff to better identify and handle wage disputes.

It will aid in the efficient and effective enforcement of federal anti-pay discrimination laws by requiring the EEOC to develop regulations directing employers to collect wage data, reported by the race, sex, and national origin of employees.

It will require the U.S. Department of Labor to reinstate activities that promote equal pay, such as: Directing educational programs, providing technical assistance to employers, recognizing businesses that address the wage gap, collecting wage-related data, and conducting and promoting research about pay disparities between men and women.

More importantly for our young ladies going into the workforce, it will establish a competitive grant program to develop salary negotiation training for women and girls.

As a Member of the Women's Caucus and former President of the Black Women Lawyers Association of Houston, I have been fighting for pay equity for American women since before I arrived here as a Representative in 1995, and I believe that equal pay for equal work is a simple matter of justice. Wage disparities are not simply a result of women's education levels or life choices.

In fact, the pay gap between college educated men and women appears first after college—even when women are working full-time in the same fields with the same major as men—and continues to widen during the first ten years in the workforce.

Further, this persistent wage gap not only impacts the economic security of women and their families today, it also directly affects women's retirement security tomorrow. Now is the time for additional proactive measures to effectively address wage discrimination and eliminate loopholes that have hindered the Equal Pay Act's effectiveness.

I urge my colleagues, both men and women, to support equality in rights and pay for all Americans by supporting the Paycheck Fairness Act, and vote "no" on the motion to recommit.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Vermont (Mr. WELCH), a valued member of the Rules Committee.

Mr. WELCH of Vermont. Madam Chairman, I salute you for the work you have been doing on this issue and the issue of equality for women and the issue of equality for all people, and I salute Chairman MILLER for his work in Congress, for being on the verge of passing this legislation.

You know, it is truly shocking that we have a situation where there is a difference in pay depending on whether you are a man or a woman. You have heard the statistics. But what is even more shocking is we had a Supreme Court that probably when history is written, its most shameful decision will be denying relief to a woman on the basis of a claim that she did not know existed. The Supreme Court said that when this person had been discriminated against for years and didn't know about it, it was the burden on her to know about something that was actively being hidden from her by her employer. It is a shocking decision by our United States Supreme Court, and this Congress has an opportunity to overturn that.

H.R. 1338 is going to address that loophole. The wage gap that strikes women immediately upon entering the workforce is bad, and it gets worse. Ten years after college, women earn only 69 percent of what men do. The wage gap adds up quickly over the course of a career, $400,000 to $2 million over a lifetime. This discrimination can cost women security and retirement. Older women are less likely than older men to receive pension income, and when they do, they only receive about one-half the benefits that men

do. It can cost a woman half their pension that would be comparable for a man.

Because of the wage gap, more women than men experience poverty or teeter on the edge of poverty. Seventy percent of older Americans living in poverty are women, and that is directly as a result of wage discrimination.

The hope of the American Dream is that people who work hard will get ahead regardless of their gender, regardless of their race, regardless of their national origin, and it is the challenge of this Congress being met by the promise of this legislation to make that American dream of equality of opportunity available to all people and to absolutely prohibit discrimination in wages solely on the basis of the gender of the person doing the work.

H.R. 1338 has 230 cosponsors. It is also supported by major women's and workers' rights advocates, including the National Committee on Pay Equity and the National Women's Law Center. I ask for a ''yes'' vote and unanimous passage by the House of Representatives.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would ask the distinguished Chair how many speakers she has remaining.

Ms. SLAUGHTER. I would like to inform my colleague that I have no further speakers and would reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, first I would like to thank all of our distinguished colleagues who have come to the floor today to discuss this issue, the important issue of gender discrimination in the workplace and the fact that as a society we have to continue fighting discrimination.

The issue that I am constantly, constantly being contacted by my constituents about is an issue that affects our entire society, and that is the unacceptable price of gasoline, the continuous rise of energy prices. There is no subject, Mr. Speaker, again, that my constituents contact me and urge me to act on more than that issue, that subject, that crisis really. It affects men and women. It affects our entire society. The price of gasoline has become simply unacceptable.

For weeks, we in the minority have pushed efforts to debate comprehensive energy legislation, but the majority consistently blocks our efforts to address one of the clearly most important issues facing the United States today.

□ 1115

It is time for the House to debate ideas for lowering the skyrocketing cost of gasoline. So today, I urge my colleagues to vote with me to defeat the previous question so the House can finally consider real solutions to the rising energy costs facing Americans throughout our society each day.

If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 6566, the American Energy Act, which provides a comprehensive approach that will increase the supply of American-made energy, improve conservation and efficiency, and promote renewable and alternative energy technologies.

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

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. By voting no on the previous question, Members can take a stand against these unacceptable prices of gasoline, and we can finally begin a comprehensive energy debate. And I remind all of our colleagues that voting no on the previous question will not preclude consideration of the legislation, the underlying legislation, the Paycheck Fairness Act. And I remind them that the unacceptable price of gasoline affects all of our constituents, men and women. I encourage a ''no'' vote on the previous question.

I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I feel compelled to explain to the listening persons and those in our galley why we are here today.

The other side has consistently talked as though this is an energy bill, but let me remind all of us that this is an opportunity for the United States to bring into compliance with pay scales, in compliance with the law of 1963 for women who, as my colleague Ms. DELAURO pointed out, comprise 40 percent of the workforce.

This legislation cures a wrong that has cost many women between $400,000 and $2 million, not only in the lost wages they should have been paid had there been equality, but also indirectly their pensions and their Social Security in many cases. This hurts families, Mr. Speaker. This hurts single parents who are trying, oftentimes doing two jobs, to try to keep food on the table.

All the statistics show, which absolutely astonished me, that more women who are single heads of household than men are under the poverty line. One reason for that is they did not get equal pay. We have to right this wrong. We have to do it today. I can't express enough my gratitude for Congresswoman DELAURO and the Women's Caucus for all the work that they have done. But it has been since 1963, 45 years ago, when the law was passed demanding equal pay. And here we are in 2008, Mr. Speaker, and we still don't have it.

I urge all of my colleagues to vote yes on the previous question, yes on the rule, and, by all means, yes on the underlying bill.

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

AMENDMENT TO H. RES. 1388 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6566) to bring down energy prices by increasing safe, domestic production, encouraging the development of alternative and renewable energy, and promoting conservation. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the majority and minority leader, and (2) an amendment in the nature of a substitute if offered by the Majority Leader or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an Opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Democratic majority they will say ''the vote on the ''previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee

described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

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

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

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5843

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5843.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 4137, HIGHER EDUCATION OPPORTUNITY ACT

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1389 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1389

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my friend, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1389.

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

There was no objection.

Ms. MATSUI. Mr. Speaker, House Resolution 1389 provides for consideration of the conference report on H.R. 4137, the Higher Education Opportunity Act. The rule, which is a traditional conference report rule, waives all points of order against the conference report and against its consideration, and provides that the conference report shall be considered as read.

It should be noted that despite the blanket waiver, the conference report does not violate either clause 9 or 10 of rule XXI. The conference report fully complies with the earmark and PAYGO rules of the House.

Mr. Speaker, I want to congratulate Chairman MILLER on his dedication to bringing this bill before us. I also want to thank Ranking Member MCKEON and the rest of the Education and Labor Committee for their work on this bill. I also want to acknowledge Senator KENNEDY for his hard work and constant commitment to this important issue.

It has been 10 years since the Higher Education Act was authorized, and with this conference agreement Congress will continue the vision of Lyndon Johnson's great society where college is accessible and affordable to every American.

As our Nation continues to experience economic uncertainty, it is imperative that we make a college education more affordable. The unfortunate reality is that skyrocketing costs are putting a college education out of the reach for many middle-class families.

According to a recent College Board report, over the last 5 years tuition and fees at 4-year public institutions have increased 31 percent after inflation. At private universities, tuition has increased 17 percent.

In addition to rising tuition, students and their families face a cumbersome Federal student aid application process that is overly complex and difficult to manage. Mr. Speaker, the Higher Education Opportunity Act will resolve many of these issues, thereby continuing this Congress' efforts to make college more affordable and accessible.

Nearly one year ago, the President signed into law landmark changes to lender subsidies and student aid, followed shortly after by a law to ensure access to loans and increase loan limits. And now, we are reauthorizing legislation that will, for the first time in 10 years, reform our higher education system so that it operates in the best interest of students and families.

Specifically, the bill will require colleges to report reasons for any tuition hikes, and plans for lowering student costs. H.R. 4137 will reform and simplify the student loan system by requiring institutions and lenders to adopt strict codes of conduct, many of which were included in the Sunshine Act which passed the House last year.

In an effort to be consumer friendly and provide full disclosure of all options available for each student, the bill requires the Secretary to develop a Web-based calculator to allow families to compare the costs of different colleges. And it also requires lenders to provide students with complete disclosure of the borrowing options, giving them 30 days after the approval of loans to find better deals.

Equally important, the bill provides for an increase in Pell Grant funding from $5,800 to $8,000. This will give more of our youth the opportunity to attend a university. The bill will also expand college access and support for low-income and minority students by allowing students to receive Pell Grant scholarship aid year around.

H.R. 4137 will also expand college opportunities for disabled citizens by expanding eligibility for Pell Grant scholarships and establishing a national center to provide support services.

During times of war, it is extremely important to ensure that our military families and returning veterans have the support services they deserve. This bill will increase college aid and support for veterans and military families, create a new scholarship program for active duty military personnel and their family members, and ensure fairness in student and housing aid for veterans.

The bill also encourages students who graduate from college to enter into public service in high-need areas by granting loan forgiveness. It also provides up to $2,000 a year for 5 years for nurses, teachers, mental health professionals, and other low-paying but crucial professionals. I know this loan assistance and forgiveness will help my home of State of California that is suffering from a lack of nurses, teachers, and other vital support professionals who protect and assist our children and most reliant Americans.

Simply put, this conference report will not only advance the opportunity for every American to go to college,

but will also put us on track toward creating a better America.

As Lyndon Johnson said, ''We must open the doors of opportunity, but we must also equip our people to walk through those doors.'' Our Constitution creates those doors of opportunity, and today this bill will equip our constituents to walk through those doors.

I want to thank once again Chairman MILLER and Ranking Member MCKEON for coming together on this important legislation. I stand strongly in support of the Higher Education Opportunity Act. This is long overdue, and I encourage all of my colleagues to support the rule and the underlying legislation.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend the gentlewoman from California (Ms. MATSUI) for the time, and I yield myself such time as I may consume.

Increasing the affordability, accessibility, and reliability of our Nation's institutions of higher education is critical to our economic growth and the role of the United States in the global economy. Now more than ever we need to reassure our Nation's youth that we are willing to invest in their future. I believe that we must do all we can to make education more affordable so that more Americans can achieve the dream of graduating from college.

This year alone, over $90 billion in Federal financial aid is available to students. However, with tuition costs on the rise, students and their families continue to face really the question of how to pay for a college education.

This legislation, the Higher Education Opportunity Act, is a bipartisan effort that reauthorizes the Higher Education Act for 5 years and reforms America's higher education system, expanding college access.

Seeking to address the college cost dilemma, the conference report puts in place college affordability comparison tools that put college costs information in the hands of consumers. Students will be able to search, sort, and compare key cost indicators for every college in the country. I believe we must do everything possible to enhance our students' ability to obtain student loans and obtain the aid necessary to complete their college education.

This bill helps to do that by simplifying the financial aid application process, abbreviating the free Application for Federal Student Aid form, and making financial aid information available to students earlier in the college planning process.

I am especially pleased that the conference report will strengthen our Nation's Pell Grants programs by increasing the maximum authorized Pell Grant amount to $8,000, and by giving students access to Pell Grants year round, a measure that will undoubtedly help many students.

I think we as a nation have the responsibility to support those in every way possible who have served this country in the Armed Forces. That is why I am pleased that this legislation includes measures to specifically meet the unique needs of student soldiers.

□ 1130

I am also pleased that the conference report expands opportunities for minority students by providing increased funding for graduate student programs, by reauthorizing programs such as GEAR UP and TRIO. These programs serve our Nation's most under-represented groups and provide the necessary guidance, support and awareness to provide minority students the tools needed to succeed.

This conference report is a testament to the fact that Congress can work in a bipartisan manner to produce quality legislation. Since the Education Committee began working on the Higher Education Reauthorization legislation, both sides of the aisle have worked together to bridge their concerns and worked together to give students a quality education.

I think it is appropriate to thank both the chairman, Mr. MILLER, and the ranking member, Mr. MCKEON for their work on this important legislation.

I know that the ranking member of the Higher Education Subcommittee, Mr. KELLER, has done admirable work on this legislation, and I thank him as well, in addition to the subcommittee chairman.

I also wish to note the conference report has come to the floor for final approval through the normal legislative and conference process, allowing Members from both the minority and the majority to debate and consider the issues of contention in the legislation.

Unfortunately, the majority, Mr. Speaker, in the 110th Congress, has often used a procedure known as amendments between the two Houses to avoid conference and subvert the rights of the minority. So I am pleased that, in this instance, they have decided to use the regular order, the normal conference procedure, and I would urge them to use the conference procedure as well in the future. So while it is unique, what they have done with this legislation, it is commendable.

I reserve the balance of our time.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania, my friend, Mr. FATTAH.

Mr. FATTAH. Mr. Speaker, it is not so much the next election that will determine our Nation's future. It is the next generation. And this bill focuses on the needs of growing leadership in our country through providing a higher education to our citizens.

I want to commend Chairman MILLER and the chairman on the Senate side, Senator KENNEDY, and on the Republican side, my good friend, BUCK MCKEON and MARK SOUDER, and the ranking Republican on the Subcommittee on Higher Education, Mr. KELLER. They have done a magnificent job putting together a bill that addresses a whole range of issues that are supported in the higher education and broader business community in our country. It represents the real needs of moving our kids on to college.

I think cutting the FAFSA form from seven pages down to two, increasing the Pell Grant from $4,800 this year to $6,000 in 2009, up to $8,000 in 2014, in terms of authorization, are very important parts of this reauthorization.

But in 1998, when the reauthorization of Higher Ed was signed into law by President Clinton, we established the GEAR UP program. Now, I am credited with being the architect of that program, but the truth is all of us worked together. It was a bipartisan effort, and the House and Senate, Senator SPECTER and Senator KENNEDY, all of us working together.

Now some 2 million young people have been served over the last 10 years. 85 percent of them have graduated from high school, from the toughest schools in our country, and in the most difficult circumstances.

Featured on the front page of Philadelphia's newspaper is a young man, Nicholas Shanks, who, unfortunately, spent years in a homeless shelter, but has graduated at the head of his class, 3.9 average. He is a GEAR UP student, and there are millions of them across country who have done so well.

This is the most successful college awareness program in the country's history. It is reauthorized in this legislation. It is expanded. The appropriation or the authorizing level is doubled.

And I just want to thank the members of the conference committee for its support of GEAR UP. It has proven its worth in some 48 States and in all of our territories, in Guam and Puerto Rico, in terms of developing young people who are economically disadvantaged but academically have every ability to succeed. And we see that in the college-going rates, which exceed the national average for all students and exceed the high school graduation rates for all students.

So it is a great program, even if I am the author of it, and I want to thank the conferees for including it, expanding it, and having it reach more and more young people in important ways through reauthorization.

[From the philly.com, July 26, 2008]

FORMERLY HOMELESS TEEN ROLE MODEL

(By Ashwin Verghese)

Standing in a room full of homeless teenagers yesterday, Nicholas Shanks was hopeful that he could be a role model.

''I really do hope I can help them some way, by setting an example,'' said Shanks, a friendly, soft-spoken 18-year-old who overcame homelessness in his high school years to become his class valedictorian.

Shanks, who graduated from Martin Luther King High School this year with a 3.91 GPA, was at work yesterday as a counselor at the Traveler's Aid Society's summer program, a camp for teens who have experienced homelessness. ''It sounds like some of them really do appreciate what I've done,'' Shanks said of the 45 children in the program at the Kirkbride Center at 49th and Arch Streets in West Philadelphia.

What he has done has brought him national and local media attention in recent days. Just yesterday he was featured in a segment on Good Morning America.

Two days ago, Shanks got the best news of all: Foundation Inc., the nonprofit that manages King High, offered to bankroll his college tuition.

''It was a relief,'' he said of the money. ''I really never expected to see that happen so fast.''

For his mother, Sherri Newton, the news was the answer to her prayers.

''I've been praying for this for the longest time,'' she said recalling how she dropped to her knees in thanks when Nicholas told her. ''God is so good,'' she added. ''Thank everybody that's going to be helping Nicholas.''

Shanks plans to matriculate this fall at the Art Institute of Philadelphia, where he wants to major in animation and media arts. He hopes to become a video game designer.

Art was an escape for Shanks years ago when he was living in a crowded homeless shelter. He was 14 when his family could no longer afford the rent on its Northeast Philadelphia apartment. The family was forced to take refuge at the Mount Airy Stenton Family Manor in Germantown, said Newton.

For two years, Shanks, Newton and Newton's mother shared a cramped gymnasium with about 30 other families, Newton said. Drawing—''creating worlds,'' as Shanks put it—allowed him to escape the tiny confines.

''When I was in the shelter, it was boring a lot of times,'' Shanks said. ''I had a CD player, paper and a pencil, and that got me through most of the months.''

Shanks and Newton now live in transitional housing in Kensington. But the family still faces problems. The lease is up in October, and the family does not have a new place lined up yet.

Newton, who battled drug addiction and unemployment for years, said she has been clean for 17 months. She was recently laid off as a teaching assistant and is looking for employment.

''It's scary,'' Newton said. ''I just want to know where we're going to move.''

Her son is relying on the optimism that saw him through tough times before.

Shanks said he does not often think about his days in the shelter unless he is around people with a similar history.

''I would not necessarily say I'm reliving my past,'' he said, ''but if I ran into a situation where I hear something about a similar past, I might be like, 'Yeah, I know how that's like.' ''

Steven Golden, another teen in the summer program, has a very similar past. He's known Shanks for three years. The two are the same age, but, because of academic troubles, Golden is a year behind in school.

Seeing Shanks has motivated Golden to commit to his studies.

''He's showed me I need to do this to succeed,'' said Golden, a senior at Fitzsimons High School in North Philadelphia. ''Seeing where he's at now, from where we both were, he has inspired me.''

Mel Monk, director of the summer program, said that once teens become homeless, ''education is the first thing that takes a nosedive.'' The teens deal with embarrassment, he said. Sometimes losing their home means they have to travel across the city to get to school.

Shanks was able to persevere, Monk said, because of his internal drive and the support of the people around him, including his mother and teachers.

''They've got to have a person in their life telling them they can do it,'' he added.

Monk hopes Shanks can show the younger children that they can get into college, too.

''Nicholas is a model example,'' he said. ''He's been through a lot, but he's maintained.''

Spasoje Jovanovic, 17, a former camper and now the administrative assistant at the program, which is teaching the teens about marine biology, said Shanks is an inspiration to the others.

''He's proof that it's possible,'' said Jovanovic, who is enrolled at the Community College of Philadelphia for the fall.

Shanice Johnson, 15, has lived in four different homes with her family this year alone. She expects to be in yet another in a few months, she said.

Nonetheless, Johnson has been able to keep a 3.6 GPA. She said Shanks' story gives her courage to keep working hard at school through all of the tumult at home.

''He was in transitional housing, I was in transitional housing,'' said Johnson, who wants to become a surgeon. ''He's someone I look up to.''

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield so much time as he will consume to the ranking member of the Subcommittee on Higher Education, who has done tremendous work in this legislation, Mr. KELLER.

Mr. KELLER of Florida. Mr. Speaker, I thank my friend from Florida, Mr. DIAZ-BALART, for yielding time.

Mr. Speaker, as the ranking member on the House Higher Education Subcommittee, and a member of the conference committee, I rise today in strong support of this bipartisan Higher Education Opportunity Act, which is the first reauthorization of the Higher Education Act in 10 years.

I also appreciate the regular order we have followed with respect to the rule on this bill.

I support this important legislation for three key reasons. First, it allows year-round Pell Grants for students who wish to complete their education more quickly.

Second, it reduces burdensome red tape on students and families by providing a much shorter, simpler application for Federal student financial aid.

And third, it includes my legislation to curb wasteful spending by closing a loophole that had allowed convicted child predators to receive Federal financial aid to take college courses.

I am going to limit my remarks this morning to the wasteful spending issue. It is a national embarrassment that we are wasting taxpayer dollars for child molesters and rapists to take college courses, while hardworking young people from lower and middle income families are flipping hamburgers to pay for college.

I have been working to close this loophole for years. And today, the most insane, wasteful spending program in America comes to an end. This legislation ensures that taxpayer money for Pell Grants will go to low and middle income students, not dangerous sexual predators.

Let me give you a real life example. James Sturtz is one of the most violent sexual predators in America, and he is currently locked up in a Wisconsin facility. He was convicted and sent to prison for raping a 4-year-old girl. After being released from prison, he raped a woman at knife-point, and was sent to prison a second time. After being released, he met a college student waiting for a bus, persuaded her to get in his car and then raped her at knife-point. He was then sent back to prison for a third time, and after his sentence ended in 2006, he was locked up in a civil confinement center to be held there indefinitely.

Sturtz and several other locked up sexual predators decided to exploit the civil confinement loophole and obtain thousands of dollars in Federal Pell Grants to take college courses, like algebra, through the mail. Then, Sturtz and two-thirds of the other inmates dropped their classes and used our taxpayer money to buy blue jeans, music CDs, movie DVDs, radios, television sets and DVD players.

Of course, even if they hadn't dropped their classes, there is zero evidence that violent sexual predators who take algebra and calculus classes have lower recidivism rates.

Well, how could this loophole happen in the first place?

Prison inmates have been ineligible for Pell Grants since 1994. In 20 States, including Florida and Wisconsin, they wisely hold the most violent repeated sexual predators indefinitely in civil confinement centers after they serve their regular prison sentence because they are likely to repeat their crimes if released back into society.

For example, in my home State of Florida, 54 violent sexual predators obtained over $200,000 in Pell Grants at taxpayer expense in 1 year alone. Similar expenditures in the other 20 States with civil confinement means millions of dollars being wasted, until now.

This was a team effort. I would like to especially thank ranking member BUCK MCKEON, Chairman GEORGE MILLER, as well as the other members of the conference committee and our hardworking professional staff members for working in a bipartisan spirit to include this provision and so many other worthy provisions in this legislation.

I urge my colleagues on both sides of the aisle to reauthorize the Higher Education Act and vote yes on H.R. 4137.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from

Ohio, a fellow member of the Rules Committee, Ms. SUTTON.

Ms. SUTTON. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership on this issue.

I rise in support of House Resolution 1389 and the underlying bill, the College Opportunity and Affordability Act.

Our Nation is blessed to have the finest system of higher education in the world, and I am proud that my district is the home of the University of Akron and the Lorain County Community College. UA boasts one of the top science and engineering programs in the Nation, and Lorain County Community College is a leader in education and entrepreneurial and economic development across northeast Ohio.

Mr. Speaker, the Higher Education Act was first signed into law in 1965 to help students from low income families afford a college education. Unfortunately, in the 10 years since the Higher Education Act was last reauthorized, the dream of a college degree has moved further out of reach for far too many of our Nation's students.

Overall, the United States is third out of 30 industrialized nations in post-secondary degree attainment, but only ninth out of 30 when looking at younger workers. This is an ominous trend that we must act swiftly to address.

With the cost of tuition and textbooks skyrocketing, we have taken action to make college for affordable. Last year we passed legislation that increased college financial aid by $18 billion and cut student interest loan rates.

With this bill today, we are raising the bar even higher in fighting for access to higher education by increasing the maximum Pell Grant level from $5,800 per year to $8,000 by 2014.

This bill also provides for improved teacher training and development programs. It provides loan forgiveness for students who choose public sector careers, and creates a new scholarship program for active duty military personnel and their families.

Mr. Speaker, from coast to coast, and throughout the heartland, this great Nation is filled with bright and enthusiastic students seeking to take advantage of any opportunity we can give them for a more prosperous future. This bill makes critical investments in our students to strengthen our workforce for the future of our country.

I urge my colleagues to vote ''yes'' on the College Opportunity and Affordability Act.

I thank Chairman MILLER for his diligent work in making this happen.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 3 minutes to my good friend and classmate, the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I do want to thank the gentleman for yielding to me this morning. I also wanted to, in fact, thank Chairman MILLER and Ranking Member MCKEON for working together to bring a bill to the floor that makes certain that every student in the Nation has access and receives the highest quality college education.

Currently, college tuition, no surprise to most of us, continues to rise at a rate that prevents individuals from even attending college. Over the past 5 years, the cost of obtaining a college education has increased by 34 percent. The expense is staggering, but the financial burden of college should not prevent individuals from seeking and receiving an advanced education.

Furthermore, to remain an economic leader, America must ensure that we are leaders in the fields of math, science, engineering and health care. America has always been a leader in technology and innovation, and must continue to put a renewed focus on this type of education. Our kids must learn the skills necessary to compete for the high tech, high paying jobs of the future.

And that is why I am so pleased that this bill, the Henry Ford Scholarship Program Act, has been incorporated into the higher education bill. This program establishes scholarships for high achieving students who pursue undergraduate degrees in mathematics, in science, in engineering and health-related activities. These are the areas that will be critical for our future economic success. And I am pleased to stand here today knowing that the children of America have an extraordinary opportunity now to lead the world in these highly skilled fields.

In my home State of Michigan, for example, this is as important as anywhere as we work to transition to a new, high tech, cutting edge economy.

And once again, Mr. Speaker, I want to thank my colleagues on both sides of the aisle for coming together to benefit the students of this Nation. And I am personally very proud of this scholarship, one that I believe in strongly, and that I fought hard for to move it toward becoming law and helping our students succeed.

□ 1145

Ms. MATSUI. Mr. Speaker, I'm privileged to yield 2 minutes to my friend, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I rise today in strong support for the rule for the conference report on the Higher Education Opportunity Act, and I thank Chairwoman SLAUGHTER and Congresswoman MATSUI for bringing this rule to the floor. I want to offer my sincere congratulations to Chairman MILLER and Ranking Member MCKEON on this great achievement.

H.R. 4137 is a comprehensive bipartisan bill that will reauthorize the Higher Education Act while addressing concerns about the cost of education, restoring integrity and accountability to student loan programs, and expanding college access and support for low-income and minority students.

I greatly appreciate that H.R. 4137 includes a version of legislation which we've worked and I've worked on for about 6 years, the Campus Fire Safety Right To Know Act. I became involved in this issue of campus fire safety after experiencing the horrible aftermath of a catastrophic fire at Seton Hall University in South Orange, New Jersey, in 2000. That fire killed three young freshman and wounded 58 other students in a dorm on campus.

The campus fire safety reporting requirement in H.R. 4137 mandates that colleges and universities provide prospective and current students and parents with a report on the school's campus safety policies and records.

Educating students about fire safety during their time in school will have a strong impact on the choices they make in the future. If we can influence what they learn, we can create a more fire-safe generation for tomorrow and potentially save thousands of lives.

Mr. Speaker, I want to once again state my strong support for the rule and urge my colleagues to support H.R. 4131. As the first member of my family to attend college, I applaud the chairman and the ranking member for their dedication to making the dream of a college education a reality for so many Americans who otherwise would not have had that chance.

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

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlelady's courtesy in permitting me to speak in favor of this rule and the underlying bill.

It's exciting to see this landmark reauthorization come forward, and particularly given the range of advantages that are going to be given to young people around the country strengthening communities and opportunities for higher education.

Mr. Speaker, one of the major challenges we face at this point deals literally with the future of the planet dealing with global warming and sustainable development in a water-stressed, energy-short, carbon-constrained world. I have been pleased to look in my community at colleges and universities that are doing pioneering work with developments on campus for sustainability, training students, and doing research.

I am pleased that this legislation incorporates our Higher Education Sustainability Act of 2007, H.R. 3637, which provides provisions here that will help fund this research and training, sustainability practices on campus, to be

able to make sure that the best practices that are being developed across the country can be incorporated into the day-to-day operations, that we can do more research, more training of students, and that we will be able to incorporate them into how campus life itself operates.

Last but not least, I am pleased that the provision that would direct the secretary of education to convene a sustainability summit to have a national showcase of these best practices has been retained. This is an important element to make sure that our colleges and universities continue to be the change, the engine of innovation for the most vital challenge of our time dealing with global warming and sustainable development.

I strongly urge support of this legislation and that each and every one of my colleagues look at these sustainability provisions and look at how they can be applied to their colleges and universities back home.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we continue to reserve.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to my friend, the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I thank the Rules Committee for the time. I rise to support this rule and the conference report for the Higher Education Opportunity Act.

I had the honor to serve on the Education and Workforce Committee for my first 6 years in Congress, and it is a real pleasure to know that we will finally be able to reauthorize the Higher Education Act. I commend Chairman MILLER and Ranking Member MCKEON on this bipartisan bill.

This bill increases need-based aid and provides for more access to information on the costs of college. It restores sunshine to student loan programs and simplifies financial aid application processes. And it makes new investments to encourage science and technology careers.

This bill focuses on the needs of students who are the future of this country and the key to our global competitiveness. I'm particularly pleased that this conference report includes a provision I worked on with Congressman TIERNEY to hold States accountable for their investment in higher education.

I also want to thank Chairman MILLER and Congressman BISHOP for working to include a definition of ''diploma mills'' and for requiring the Secretary of Education to provide information on these fraudulent businesses that defraud students, their families, and employers.

Today we begin a Federal effort to prevent and prosecute diploma mills. Diploma mills sell worthless degrees. They threaten the reputation of America's colleges and universities by blatantly using similar names. Diploma mills cheat taxpayers when local school districts and even the Federal government hire one individual with a fraudulent degree. Phony medical degrees from diploma mills can have and have caused serious harm and even death. These fraudulent degrees can be used to obtain visas making the fact that they exist a national security issue.

The failure to shut down diploma mills has been noted in other countries, harming our reputation around the world. The increasing number of diploma mills has created, as you can see, serious problems. This legislation includes the first step in addressing the problem, and I urge my colleagues to support the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we continue to reserve.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the gentlelady for yielding.

I rise in strong support of the rule and the underlying conference report, and I urge my colleagues to vote both for the rule and for H.R. 4137.

Let me commend Chairman MILLER and Ranking Member MCKEON and Subcommittee Chair HINOJOSA and Ranking Member KELLER for presiding over such a collegial and bipartisan process. We entered into this process with the goal of enhancing access and affordability, and I truly believe that H.R. 4137 makes significant progress on achieving both of those very important goals.

Let me talk about some specific elements of the bill that I think are worthy of mention.

First, the bill very much strengthens the Perkins Loan program, the loan program that this administration has seemed determined to kill but has strong bipartisan support here in the Congress. The conference report increases the maximum awards that students may receive in any one year, it also increases the aggregate awards, and it also strengthens the revolving loan fund by ensuring that funds collected be returned to the revolving loan fund so that they may be reloaned to future needy students. And all of this helps to reduce the dependence on private loans for needy students, and that was one of our goals as well.

The conference report simplifies the financial aid delivery process by simplifying the completion of the so-called FAFSA form which is a very daunting form for many families, yet it is the gatekeeper to eligibility for all students' financial aid. It includes the provisions of the Student Loan Sunshine Act. This results from investigations conducted by the attorney general of my home State that revealed several abuses in the student loan program, and this legislation restores confidence and trust to the financial aid delivery system.

It also reestablishes a Federal role for supporting cooperative education which helps students gain valuable career information and also finance their education. It has many very valuable features in this bill.

I urge my colleagues to support it, and I thank my colleagues for working so hard on it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would inquire of my friend how many additional speakers she has.

Ms. MATSUI. Mr. Speaker, I would like to tell the gentleman I have two additional speakers.

Mr. LINCOLN DIAZ-BALART of Florida. We continue to reserve.

Ms. MATSUI. Mr. Speaker, it's my privilege to yield 2 minutes to my friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentlelady from California for her leadership. I thank the Education Committee and our leadership.

As many States in this great Nation, Texas is a college State; in my community in particular, the University of Houston, Texas Southern University, Houston Baptist, Saint Thomas, Houston Community College, and I'm sure many, many others. This is a relief. This is a hallelujah day to be able to help our young people reach their greatest promise.

This is an important initiative. It encourages colleges to reign in price increases and provides consumers with helpful information. Now, because of desperate times, many, many State legislatures are giving our colleges the ability to raise tuition. It is going up and up and up. Now there will have to be an accountability. You will have to explain what are you doing to mitigate the cost. We want our children educated. We don't want them broke.

This restores integrity and accountability to the student loan program. You'll have an option, you'll have information, your parents will have information. You will be able to work together so that you can invest in your education and still be able to survive once you graduate.

It simplifies the Federal Student Aid application access. It expands college access and support for low-income and minority students. It allows you to have your loans forgiven if you are police officers, teachers, scientists, and others that are helping this community. It strengthens our workforce and our competitiveness. It helps our veterans and military families. It is a day that recognizes that America is made great by those who educate and those who, with their own genius, will provide for the next intelligence, the next leadership of the 21st century.

All over the world they want to copy and emulate how we educate. They

want to come to the United States because of the principles of freedom. This higher education bill will allow us to pursue that freedom in the right way, and it assures equal college opportunities for students with disabilities. I applaud that. I celebrate that. I encourage that opportunity for those students whose minds are agile and who are ready to go to work, and it encourages colleges, the most important place, to adopt sustainable and energy-efficient practices. This is a valuable step in educating our community.

I do want to close by simply saying we have to be on the front lines of education, primary and secondary education. This is the bill that does it. I ask my colleagues to support the Higher Education Opportunity Act.

I rise today in strong support of H.R. 4137, To amend and extend the Higher Education Act of 1965, introduced by my distinguished colleague from California, Representative GEORGE MILLER. This significant piece of legislation provides greater access to colleges and universities, making higher education affordable for all Americans, not just the wealthy.

A quality education continues to be the best pathway to social and economic mobility in this country. As a member and senior whip of the Congressional Black Caucus, I have consistently advocated for the maintenance of Historically Black Colleges and Universities. This legislation will increase funding to Historically Black Colleges and Universities, as well as Hispanic and other minority-serving institutions, and it will expand college access and support for low-income and minority students.

This legislation contains provisions allowing students to receive Pell Grant scholarships year-round, and it increases the Pell Grant maximum to $8,000. In addition, it strengthens college readiness programs, namely the TRIO and GEAR UP college readiness and support programs for low-income and first-generation students. These increases will expand college access for low-income and minority students. The amendment offered by my colleagues Representative EDDIE BERNICE JOHNSON and Representative DON YOUNG expands upon current Pell Grant eligibility, allowing children who lost a mother or father to our wars in Iraq or Afghanistan to be eligible for the maximum amount of Pell Grant assistance. In this age of global war on terror, it is imperative that we ensure that those left behind by those who made the ultimate sacrifice for our great Nation are given the greatest opportunity our country can provide. As such, I encourage all my colleagues to join me in supporting this important amendment.

Mr. Speaker, this legislation contains important provisions opening up even wider opportunities for our veterans by increasing college aid and housing aid for not only veterans, but their families. This legislation creates a new scholarship program for active duty military personnel and family members, including children and spouses of active duty military service members or veterans. It establishes support centers to help veterans succeed in college and graduate. Finally, it ensures fairness in student aid and housing aid for veterans, making it easier for them to attend college while also fulfilling their military service duties.

Mr. Speaker, I would also like to express my strong support for an amendment introduced by my distinguished colleague Congressman DANNY DAVIS restoring safeguards to student loan borrowers. Mr. Speaker, students who take out loans borrow money as part of their pursuit to better themselves and contribute to the advancement of our Nation and economy. However, current bankruptcy laws apply the same severe standards to student borrowers that it applies to those trying to escape child support payments, alimony, overdue taxes, and criminal fines. Under Mr. DAVIS's amendment, Government student loans and loans made by nonprofit entities would remain non-dischargeable; other student loans, made by for-profit banks and other lenders, would continue to be non-dischargeable for the first 5 years after they come due, and after that time they would be treated like other unsecured consumer loans in bankruptcy. Mr. Speaker, I strongly urge my colleagues to support this amendment, and to work to restore bankruptcy protection to private student loans.

Understanding the federal application for Federal Student Aid can be challenging and complex even for the most knowledgeable parent. The College Opportunity and Affordability Act would streamline and simplify the application process, giving families the tools they need to properly plan for their college expenses. This legislation will reform our higher education system, ensuring students and their families have the information they need to understand their borrowing options when applying for Federal and private loans.

Mr. Speaker, as an active member of the Committee on Homeland Security, I am extremely supportive of the provisions in this legislation that boost campus safety and disaster readiness plans. Last year's tragedy at Virginia Tech has illustrated the horror to which students might be exposed, and natural disasters in recent years have underlined the necessity of having campus disaster plans.

This legislation helps all colleges develop and implement state-of-the-art emergency systems and campus safety plans, and it requires the Department of Education to develop and maintain a disaster plan in preparation for emergencies. In addition, this legislation creates a National Center for Campus Safety at the Department of Justice to work in collaboration with the COPS program. Finally, it establishes a disaster relief loan program, to help schools recover and rebuild in the event of a disaster.

This important piece of legislation gives our youth, our veterans, and our families the opportunity to not only dream of attending college but actually realize that dream. I urge my colleagues to join me in supporting H.R. 4137 and the conference report.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we continue to reserve.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in strong support of the rule and the conference report. This bill contains many excellent provisions that will help Oregon and, indeed, all American families better afford college.

For example, the legislation increases the Pell Grant from the current $5,800 per year ultimately to $9,000 per year, and it makes it available for year-round education. It streamlines the Federal student aid application process, restores integrity and accountability to the student loan industry, and encourages colleges to better manage tuition and price increases.

There are two provisions that I am particularly proud of and supportive of in the bill. One is a provision intended to make textbook prices more transparent and manageable. This is something that I have been working on for over 5 years. It provides students with advance information on textbook pricing so they can better plan for expenses before each term begins. It assists faculty by ensuring that they have complete information on textbook pricing before making purchase decisions, and it requires textbook publishers to provide combined or bundled educational products separately for purchase.

This bill also establishes a program for low-income Asian American students in title III of the bill. Through the new program, grants will be made available to eligible institutions where at least 10 percent of the student body is Asian American and low-income. And this will have a significant impact on the aspirations of all Americans, and this has been an aspiration of the Asian American community for a long time.

I strongly support this conference report and urge the other Members to support it.

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Mr. LINCOLN DIAZ-BALART of Florida. I would ask my friend if she has any additional speakers.

Ms. MATSUI. I have no additional speakers. I will reserve.

Mr. LINCOLN DIAZ-BALART of Florida. It's obvious, Mr. Speaker, that this legislation appropriately enjoys extraordinary bipartisan support, and really, I'm pleased to see an example of Congress working together across the aisle for the good of the Nation, in this instance, all of those who seek a higher education, which is such an important part of the American Dream. The dream of being able to acquire a higher education and to see one's children and one's grandchildren do so, to advance that dream as this legislation does is something that's admirable; and I wish to commend all who have worked to make this legislation possible.

Mr. Speaker, we will not fail to utilize every opportunity on this House floor, before leaving for a 5-week break to be with our constituents, to provide our constituents, before we leave a debate on this floor on the issue that I certainly am being contacted most about by my constituents, and I know that many of our colleagues are as well: the unacceptable price of gasoline, the energy crisis facing American

families, American workers, American businesses.

Part of the reason that we are seeing this situation and that we are seeking a debate to alleviate this crisis is that gas prices have continued to rise, one important reason being because more and more so we are dependent on foreign oil, while we avoid developing domestic energy sources. And so we think that we need to comprehensively debate this issue to alleviate the crisis. The crisis is affecting all American families and affecting countless millions of businesses.

One important source of domestic energy is the Arctic National Wildlife Refuge in Alaska. However, efforts to develop just a tiny portion of ANWR have been fought and blocked to the detriment of America's energy independence, even though the people of that great State overwhelmingly are in favor of searching for energy there.

With the price of gasoline at $4 a gallon, we should be looking to do all we can to lower that price, and that includes domestic exploration when the people of a State wish to permit it. I think it demonstrates arrogance on our part to say we know better than the people of a State and their Representatives. In the case of Alaska, all of their Representatives in Congress are clamoring for what the overwhelming majority of the people of that great State are also clamoring for: the ability to search for additional sources of energy within their borders.

Today I will be asking each of our colleagues to vote ''no'' on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider an amendment that would have the effect of lowering the price of gasoline and diesel by increasing the domestic supply of oil by permitting the extraction of oil in the Arctic National Wildlife Refuge, as the people of the great State of Alaska wish to do so and their Senators and Representatives wish to do so, in representation of the overwhelming majority of the people of that great State.

I remind the Members that defeating the previous question will not stop debate on the important underlying legislation. It enjoys bipartisan support. We wish, in addition to bringing forward an important piece of legislation like we are today, to offer the American people a debate on the issue that is on the minds of the overwhelming majority of American people, certainly of my constituents, the simply unacceptable price of gasoline.

We have to do everything we can to deal with the issue. And I think it's unfortunate, Mr. Speaker, that we're not and that we're not being allowed to.

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

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Again, by voting no on the previous question, Members can take a stand, can show that they want to do everything possible on this issue. Once again, I reiterate that this will not preclude taking action on the important piece of education legislation that we possibly, even unanimously, in this House, certainly in consensus fashion, support.

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

I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I want to thank Mr. DIAZ-BALART, and I yield myself the balance of my time.

I would like to say, first, that nearly 80 percent of offshore oil is in areas that are already open for exploration. In fact, 68 million acres, onshore and offshore, are already under lease by oil companies, but not being drilled.

Democrats have said ''use it or lose it'' to the oil companies: drill the oil or give up the lease to someone who will. And Democrats have called for mandatory leasing in the National Petroleum Reserve in Alaska, which has more oil than the Arctic Wildlife Refuge.

Oil companies have billions of barrels of American oil available to them right now, and the President's own Department of Energy says the impact of any new drilling will be insignificant, promising only pennies per gallon a decade or two down the road.

Under Democratic leadership, the Congress has enacted into law the first new vehicle fuel efficiency standards in 32 years, saving up to $1,000 in gas per car per year; a historic commitment to American-grown biofuels, which are keeping gas prices 15 percent lower now than they would otherwise be as a result of blended fuels; action to impact record gas prices by suspending oil purchasing for the Strategic Petroleum Reserve; recovery rebates that help Americans struggling with rising prices, including gas, with a check of $600 or more. And what we're doing today, making college more affordable, will help American working families.

Mr. Speaker, the rule before us today is a fair rule that allows us to highlight educational challenges and offers remedies for them in order to create a better tomorrow.

It is our responsibility to provide our constituents with greater access to a college education, especially at a time when the price of college is steadily increasing.

This bill will complete a year of important changes to higher education policy. Nearly 1 year ago, the Democratic Congress took the lead on landmark changes to lender subsidies and student aid, followed by a measure to ensure access to loans and increase loan limits. And now we will send the President yet another bill that makes college more affordable and address the student loan process.

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

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

AMENDMENT TO H. RES. 1389 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 2. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6107) to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Natural Resources, and (2) an amendment in the nature of a substitute if offered by Representative Rahall of West Virginia or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Democratic majority they will say ''the

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

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

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6599, MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1384 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1384

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated July 30, 2008, or earlier and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 6599 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1384.

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

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 1384 provides an open rule with a preprinting requirement. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI.

The rule waives points of order against provisions of the bill for failure to comply with clause 2 of rule XXI.

The rule provides that any amendment to the bill must be printed in the CONGRESSIONAL RECORD by July 30. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read.

The rule provides one motion to recommit, with or without instructions.

Finally, the rule provides that the Chair may postpone further consideration of the bill to a time designated by the Speaker.

Mr. Speaker, I am pleased to rise today to stand with my colleagues in support of H.R. 6599, the 2009 Military Construction and Veterans Affairs Appropriations Act and this rule.

Mr. Speaker, the New Direction Congress has made the lives of America's veterans one of our top priorities. Years from now, history will reflect that it was this Democratically led 110th Congress, in the middle of two wars, that renewed the country's commitment to veterans and their health.

Our commitment simply is a reflection of the pride and appreciation the American people have for the service of their brave men and women in uniform, who have served so greatly in recent conflicts and wars.

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Now, just weeks ago, after months of perseverance in the face of opposition from the White House, this Congress, in a bipartisan way, adopted the new 21st century GI Bill that provides a full 4-year college tuition to veterans of the Iraq and Afghanistan wars. The new GI Bill for our veterans was adopted by a vote here in the House of 256–156.

Last year, we adopted the largest reform and investment in veterans' health care in the history of the Veterans Administration. And just yesterday, Mr. Speaker, the Congress adopted additional reforms to the Veterans Administration process that will improve the lives of veterans across this country.

Congressman CAZAYOUX from Louisiana brought H.R. 6445, that prohibits the collection by the Department of Veterans Affairs of copayments or other fees for hospital or nursing home care when they are catastrophically disabled.

Congressman PAUL HODES of New Hampshire also brought H.R. 2192, that establishes in the Department of Veterans Affairs an Office of the Ombudsman to act as a liaison to veterans and their families with respect to VA health care and their benefits.

I also salute my colleague, Congressman JOHN HALL of New York. We adopted his bill yesterday, H.R. 5892, the Veterans Disability Benefits Claims Modernization Act, that directs the Department of Veterans Affairs to modernize the disability benefits claims processing system to ensure that our veterans are served in a timely and accurate way.

Now, in this appropriations bill that is before the House today, the American people, through the actions of this Congress, will provide the necessary resources for veterans and facilities and the infrastructure for the Armed Forces. This includes training facilities, housing, and equipment for our troops in their ongoing fight to defend our great Nation here and overseas.

While our brave servicemembers are overseas, most military families remain at home on bases, and we are committed to an excellent standard of living for them and quality of life. That includes convenient child care,

and a safe and affordable place to live. I know this because I have conversations with the men and women who serve on the MacDill Air Force Base in my hometown of Tampa, Florida. They tell me that they feel much more safe and secure knowing that their families are well taken care of and well served back home on the base.

So Members should be proud that we have gone above and beyond the White House's initial budget offering. We provide nearly $4 billion more than the President in additional resources, particularly for our veterans health care programs.

Just last week, a panel testified before the Congress that returning soldiers still are not receiving the health care they deserve at Walter Reed and across the country, and this is unacceptable. And that is why in this appropriations bill we fund the VA health care system to try to get it back on track because we've asked everything of these great men and women, the ultimate sacrifice, and the least we can do as their government is support them when they return and ensure that they have the health care they need. When our troops go off to fight valiantly for our country, we're going to ensure that they have the best health care when they return.

Now, the signature injuries of the wars in Iraq and Afghanistan are the traumatic brain injury and post-traumatic stress disorder. Oftentimes, these injuries will require a lifetime of continuing medical care. In fact, the Veterans Health Administration estimates that just next year, in 2009, they will treat more than 5.8 million patients. I'm very fortunate, Mr. Speaker, that in my hometown of Tampa, we have an outstanding VA hospital, the James Haley VA Center. It is known as the busiest VA hospital in the country. We are also fortunate to have one of only four polytrauma units there that serve the most critically wounded veterans from Iraq and Afghanistan.

So I've seen directly how oftentimes medical staff is overworked, they don't have the facilities that they need. That's why we provide above and beyond the President's request and reject his $38 million cut for medical and prosthetic research. We will continue to invest in medical military construction to improve the aging and outdated medical treatment facilities so they have access to the best medical care.

Now, to help the VA get a head start on helping those hundreds of thousands of new patients in the VA system, we're going to ask that they bring on additional VA claims processors because there is a terrible backlog in this country, and that's the last thing that our veterans should have to face after their service. Currently, in my State, there are over 25,000 pending cases, and nearly 19 percent of those have been in a holding pattern for over 180 days. We can and we must do better for our veterans.

We also oppose, through this appropriations bill, the Bush administration's squeeze on veterans' wallets. The Bush administration has proposed increases in enrollment fees and doubling of prescription drug copayments. How sensible is it to add to the already large number of uninsured in America by making it harder for those who have sacrificed in service to this Nation to get the care they need? Well, this New Direction Congress can and will do better for our veterans.

Mr. Speaker, I want to particularly applaud the leadership of Chairman CHET EDWARDS, who held numerous hearings in an open, bipartisan process that gave Members and the many military families and veterans groups an opportunity to review and weigh in, in a thoughtful and responsible way, to ensure that our current and past military troops and their families get the much-needed funding for various programs that they have earned by way of their service.

Mr. Speaker, I know the American people will appreciate that this is a bipartisan effort for our country's sons and daughters, who put their lives on the line for us every day. We will fulfill our promise to help them lead whole and healthy lives in honor of their sacrifice.

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

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

Mr. Speaker, I have to say that it is astonishing to me to what lengths this liberal Congress will go to shut down debate and close the legislative process.

This House, Mr. Speaker, has become far more dictatorial and far less deliberative in the last 19 months than ever before. In this Congress, there have been 59 closed rules, which is more than in any Congress in the history of our country.

Mr. Speaker, as you well know, a closed rule means Members are prohibited from coming to the House floor and offering an amendment to the bill that is being considered on the floor. An open rule allows Members to offer amendments to a bill that's being considered on the House floor. Mr. Speaker, it is simply as simple as that.

But Mr. Speaker, there hasn't been one single, solitary open rule this entire year in this body. For this entire Congress, going back to January of last year, there has been only one open rule on bills that were not appropriations bills. These facts present a stark picture of just how closed and restrictive this liberal Congress has become.

Yet the Speaker and Democrat-controlled Rules Committee aren't satisfied with having the worst, most closed record in history. They've decided to go even further to undermine the rules and traditions of the U.S. House of Representatives. With this rule, they've reached an absolute new low. They have chosen to breach the longstanding, bipartisan process of an open rule for the consideration of appropriations bills.

On what has been an open process on the House floor not just for years, not for decades, but dating back to the creation of the Appropriations Committee itself, this process is being closed down by this oppressive, liberal Congress.

This rule provides for consideration of the Military Construction and Veterans Affairs funding bill for the next fiscal year. It is a bill that has always, Mr. Speaker, had strong bipartisan support. For example, last year it passed by a recorded vote of 409 in favor and only two against. And during that debate last year, there were just 15 amendments that were offered. And the total debate on the House floor was just 5 hours, which is a short time for appropriations bills.

Mr. Speaker, there is no part of this record that justifies what is being proposed today to decimate this open process. There is simply no excuse for what is being done and proposed by this rule.

I can only conclude that this is a blatant political attempt to stifle debate on the House floor in order to hold onto political power. Sadly, Mr. Speaker, it is being done at the expense of the rules and traditions of the People's House, the U.S. House of Representatives.

Additionally, Mr. Speaker, the new fiscal year begins on October 1; that's just 62 days away. Yet this House hasn't passed one single appropriations bill. At the end of the week, it will probably have passed one. By comparison, Mr. Speaker, in 2006, the Republican House had passed every bill except one by this point of the year.

It is a troubling, disappointing, and dangerous situation when those who control this liberal Congress are punting on their duty to pass the 12 annual appropriations bills while simultaneously undermining the open consideration of these very same appropriations bills, an open process that has been a bipartisan hallmark of this House since the inception of the Appropriations Committee.

And why is this being done, Mr. Speaker? Again, I can only conclude that it is because this liberal Congress refuses to allow open debate and votes on producing more American-made energy. Those who control this Congress have refused to allow a vote on lifting the ban on offshore drilling, at ANWR in Alaska, and on other Federal lands.

NANCY PELOSI, HARRY REID and BARACK OBAMA oppose offshore drilling and in ANWR, but they refuse to let

Congress vote on this important issue while gas prices, Mr. Speaker, are at record levels and Americans are hurting.

Mr. Speaker, I will submit for the RECORD three articles, one from the New York Times regarding Speaker PELOSI, one from the McClatchy Washington Bureau regarding Speaker PELOSI's position on offshore drilling, one in the House of nearly 6 weeks ago from The Hill regarding Mr. OBAMA's opinion on drilling, and one from the Las Vegas Review Journal regarding Majority Leader REID's position on drilling in the Senate.

As you know, Speaker PELOSI has repeatedly insisted that this House won't ever vote, is not going to be permitted to vote, and that she will do everything possible to block a vote on lowering gas prices by producing more American-made energy by drilling for our own Nation's gas and oil. Americans can't afford this head-in-the-sand approach. Congress needs to stand up and vote on the Republicans' ''all of the above'' energy plan that simply says, let's do everything that we can to produce more American-made energy, including pursuing more clean alternatives like wind and solar, more nuclear power, more biodiesel, improving conservation, more investment in new technology research, and of course, immediately more drilling and refining of oil and gas from America's huge underground reserves.

Mr. Speaker, the choice is clear: we can continue with this ''drill nothing'' approach, or we can decide to act, to change course and to debate and vote on the Republicans ''all of the above'' plan to lower gas prices by producing more energy here in America and finding ways, at the same time, to use less.

Mr. Speaker, I believe our ''all of the above'' approach to lowering gas prices would pass. It would pass, I believe, Mr. Speaker, if it were permitted to have a vote on this House floor. I believe there is a majority that would vote for it in this U.S. House. But such a vote has yet to be allowed and is not being allowed today. And next week, we're going on a 5-week vacation. Mr. Speaker, I think that is intolerable.

The House is being shut down in new, bolder ways to block a vote on producing American-made energy. And as a matter of fact, Mr. Speaker, this rule is proof of it.

The long-standing, bipartisan practice of considering appropriations bills under an open process is being trampled on by this rule. The actions that are being taken to restrict and shut down Members' ability to offer amendments and debate spending bills—which I might add, Mr. Speaker, is the very job that the American people elected us to do—is being undermined by this appropriations process, and it creates a very dangerous and volatile situation in this House.

Mr. Speaker, the leaders and the chairmen who've made this decision may well rue the day that they chose to go down this path.

□ 1230

By their actions, bipartisanship is being diminished, but more importantly, Mr. Speaker, the traditions of this House are being diminished. One cannot trample on the rules and practices of traditions of this House with impunity and then expect no long-term damage to result.

This is a sad and shameful rule. So I urge my colleagues to oppose it and demand this House uphold open rules for consideration of appropriations bills, which is one of the best practices historically of this institution. If we do not correct the closed rule course that is being set by this rule, it will do a great deal of long-term harm to this House that will prove, in my opinion, more difficult to reverse in the future.

[From the New York Times, July 17, 2008]

FOR PELOSI, A FIGHT AGAINST OFFSHORE DRILLING

(By Carl Hulse)

WASHINGTON.—Upon entering Congress in 1987, Representative Nancy Pelosi quickly became part of the solid California front against oil drilling along much of the nation's coast.

The Santa Barbara oil spill in 1969 and the steady push to tap the potential reserves off the state's rugged coast had galvanized Californians and made opposition to offshore drilling part of the political DNA of up-and-coming figures like Ms. Pelosi.

She repeatedly resisted oil drilling in marine sanctuaries near her San Francisco district and, after joining the Appropriations Committee, was an advocate of reinstating the ban on coastal drilling through spending restrictions each year.

''We learned the hard way that oil and water do not mix on our coast,'' Ms. Pelosi told a crucial committee in 1996 as she argued for keeping the ban before a Congress then controlled by Republicans.

Now, with gasoline prices soaring, those drilling restrictions are facing their most severe test in years as calls intensify to pursue domestic oil more forcefully. Yet despite increasing pressure from President Bush, a full-bore assault by Congressional Republicans and some anxiety among her own rank-and-file Democrats, Ms. Pelosi is not budging.

''The president of the United States, with gas at $4 a gallon because of his failed energy policies, is now trying to say that is because I couldn't drill offshore,'' Ms. Pelosi said in an interview. ''That is not the cause, and I am not going to let him get away with it.''

Her voice carries considerable weight because Ms. Pelosi, who is now House speaker, can prevent a vote on expanded drilling from reaching the floor.

And she and Senator Harry Reid of Nevada, the majority leader, appear intent on holding the line against calls to approve drilling in areas now off limits. They argue that the oil and gas industry is not aggressively exploring large expanses it has already leased on land and offshore. They have also urged Mr. Bush to pour some fuel from national reserves into the commercial supply chain in an effort to lower prices.

Trying to demonstrate that Democrats are not opposed to drilling in acceptable locales, the House is scheduled to vote on Thursday on a proposal that would deny oil companies any new leases unless they can show they are diligently exploring existing holdings. The measure would also require annual lease sales from lands in Alaska set aside as a National Petroleum Reserve, and direct the Interior Department to make sure a pipeline is linked to the reserves. Democrats, not subtly, are calling the measure the Drill Responsibly in Leased Lands, or Drill, Act.

In the Senate, Democrats are pushing a measure to curb speculation in oil markets.

But Representative John A. Boehner of Ohio, the Republican leader, who is escorting a delegation to the Arctic National Wildlife Refuge in Alaska this weekend, said the Democrats' approach was woefully insufficient. Mr. Boehner said Ms. Pelosi, in insisting on preserving the drilling ban, was putting Democrats in the crosshairs of voters furious about gas prices.

''I think Speaker Pelosi is walking her Blue Dogs and other vulnerable Democrats off a cliff, and they know it,'' said Mr. Boehner, referring to the coalition of Democrats representing more conservative districts.

He accused the speaker of using procedural maneuvers to thwart votes on expanded drilling, a position that he said would prevail if the moment arrived. ''Harry Reid and Nancy Pelosi are standing in the way of what the American people want,'' Mr. Boehner said.

In both the House and Senate, small groups of Democrats have begun meeting informally with Republicans to try to reach a bipartisan response to higher oil prices, and opening up new areas to drilling is part of the mix. Leaders of the Blue Dog coalition are openly pressing for drilling in the Arctic refuge and elsewhere.

Backers of the drilling ban have pushed back furiously and appear to have bolstered some of their colleagues. Senator Barbara Boxer, a California Democrat who has been fighting offshore drilling since the 1970s, has been cornering fellow senators to impress upon them the importance of the ban to Californians, comparing it to a mainstay of farm-state senators.

''This is our ethanol,'' Mrs. Boxer said of protecting the coast from oil drilling.

Since taking over as speaker, Ms. Pelosi has asserted herself on energy policy, which she sees as an overarching cause that encompasses national security, climate change, the economy, health care and the environment.

''This captures everything,'' said Ms. Pelosi, who last year broke a deadlock that had lasted for decades over increasing automotive fuel economy standards.

In a private meeting last week, according to some in attendance, Ms. Pelosi told members of her leadership team that a decision to relent on the drilling ban would amount to capitulation to Republicans and the White House, and that she was having none of it. She attributes today's energy problems to a failure of the Bush administration to develop a comprehensive approach, to its ties to the oil industry and to a mishandling of the economy.

With the drilling restrictions under such scrutiny, backers of the ban say they are heartened that Ms. Pelosi wields the power she does.

''It is really important to have a Californian as speaker on this topic,'' said Representative Lois Capps, a Democrat who represents Santa Barbara.

Ms. Pelosi has shown a willingness on issues like terror surveillance and spending on the Iraq war to look past her personal views and allow legislation she opposes to move through the House. But on the drilling ban, it is clear she sees her position as the one that should carry the day. She said national policy had to move beyond the long dispute over the ban.

''This is part of the fight we are in,'' she said. ''We have to get to a place where one day my grandchildren will say, 'Do you believe our grandparents had to go with their car and fill up?' It will be like going with a barrel on our head to a well to get water. That will be the equivalent.''

[From TheHill.com, July 19, 2008]

WEBB SPLITS WITH OBAMA OVER DRILLING

(By J. Taylor Rushing)

By pushing a bill that distances himself from the Democratic Party and its presidential candidate on offshore drilling, Sen. Jim Webb of Virginia is picking a curious time to exercise his well-known independence.

Webb wants his home state to have the right to explore for energy off Virginia's coast. His staff insists his proposal pertains only to natural gas, and not oil, and that it is completely in line with the state's other two leading Democrats—Gov. Tim Kaine and former Gov. Mark Warner, who is running for Senate.

Yet by attaching his name to the bill, sponsored by Sen. John Warner (R-Va.), Webb is taking a step away from Barack Obama (D-Ill.), the party's presidential candidate, who opposes offshore drilling, and one closer to Sen. John McCain (Ariz.), the GOP standard-bearer who recently called for lifting the federal ban.

Webb's divergence from his party also comes as his name is being mentioned on Obama's short list for a running mate.

A key McCain ally, GOP Sen. Lindsey Graham of South Carolina, seized on the similarities between Webb and McCain on offshore drilling.

''It shows Sen. Webb is right sometimes,'' Graham said.

Webb rejected the suggestion that his position differs from other Democrats', saying that the bill calls for ''a very careful approach,'' state leaders would be a key part of the decision, and Virginia desperately needs the revenue stream for cash-starved transportation needs. Such decisions therefore should be made by Virginia, not Washington, he said.

''We can't just not act,'' he said. ''It's time we had some leadership to really grab the larger picture and solve these problems.''

Senate Majority Whip Dick Durbin (D) of Illinois and Sen. Charles Schumer (D) of New York dismissed any concerns about Webb's stance, saying they did not notice his proposal Wednesday. Durbin, however, pointedly rejected Webb's argument that states should have the right to make drilling decisions.

''There's national concerns here, too,'' Durbin said.

The Obama campaign would not directly address Webb's proposal, but instead pointed to a statement Obama released Wednesday on offshore drilling.

''Opening our coastlines to offshore drilling would take at least a decade to produce any oil at all, and the effect on gasoline prices would be negligible at best since America only has 3 percent of the world's oil,'' Obama said in a statement that did not explicitly distinguish between oil and gas drilling.

McCain on Tuesday reversed a long-held stance and called for states to have the right to explore for oil offshore. A pair of federal moratoriums have been in place since the 1980s—one controlled by the executive branch, one by Congress—that bar offshore drilling.

Webb's proposal, unveiled Wednesday with John Warner, would allow Virginia to request a federal waiver to drill for natural gas at least 50 miles from the coastline on an exploration-only basis. A second waiver would be needed if gas is found, and any revenues would be split between state and federal coffers.

The legislation ''offers a preliminary step toward exploration and development of one of our domestic energy sources,'' Webb said. ''In order to address our nation's energy crisis, all options need to be on the table.''

One of Virginia's most prominent environmental groups also opposes Webb's idea, saying there is no plausible environmental distinction between gas and oil drilling and that any environmental damage would spread far beyond Virginia's coast.

''This puts the camel's nose under the tent,'' said Glen Besa, director of the Virginia chapter of the Sierra Club, which has 17,000 members in the commonwealth. ''And the risk associated with this would affect not just Virginia. It would affect Maryland. It would affect North Carolina. You can't just do this on a one-state-only basis.''

Kaine has carefully distinguished between oil and gas drilling, saying that Virginia so far does not endorse oil exploration. Mark Warner, campaigning Wednesday in the state, advocated lifting the federal moratorium on oil drilling to allow Virginia to explore. He also distinguished between oil and gas, saying that natural gas presents fewer environmental risks.

[From McClatchy Newspapers, July 18, 2008]

PELOSI VOWS TO BLOCK OFFSHORE DRILLING VOTE

(By Rob Hotakainen)

WASHINGTON.—A plan to lift the ban on coastal drilling is stalled on Capitol Hill, for one simple reason: A Californian who opposes President Bush's proposal is calling the shots in the House of Representatives.

Despite growing public support for ending the ban, even in California, Democratic House Speaker Nancy Pelosi said she won't allow a vote.

''I have no plans to do so,'' Pelosi said Thursday.

It's an example of the vast power placed in the office of the speaker, who sets the agenda for the 435-member House. Members can force a vote if enough of them sign a petition, but that's a rarity because it requires rank-and-file Democrats to line up against their boss.

In this case, Pelosi is going against a rising tide of public opinion. Faced with rapidly increasing gasoline prices, 73 percent of Americans now favor offshore drilling, according to a poll conducted by CNN/Opinion Research Corp.

Support is even growing in California, where a majority of residents have long supported the ban. A new Field Poll survey shows that just 51 percent now favor the ban, compared with 56 percent in 2005.

Pelosi made her remarks in a wide-ranging interview with CNN, in which she grabbed headlines for saying Bush was ''a total failure'' who had lost credibility with Americans on his handling of the war, the economy and energy issues. She said Congress has been forced ''to sweep up after his mess over and over and over again.''

Pelosi's Democratic colleagues in California are happy that the president's drilling plan is going nowhere, at least for now.

''When Americans go to the pump and are faced with gas prices well over $4 a gallon, it may be tempting to believe that lifting the ban on offshore drilling would bring immediate relief,'' Rep. Doris Matsui, D–Calif., said Friday. But she said Congress ''cannot make rash decisions that will leave a legacy of irresponsible energy policy for our children and grandchildren to inherit.''

Pelosi and other Californians have long cited the 1969 oil spill off Santa Barbara as the main reason for their opposition to drilling. The president's plan is opposed by California's three top leaders: Republican Gov. Arnold Schwarzenegger and Democratic Sens. Barbara Boxer, who heads the Senate environment committee, and Dianne Feinstein.

''Californians have learned the hard way how much damage—environmental and economic—can be caused by a major oil spill,'' Feinstein said.

But Pelosi may be hard-pressed to stand firm against lifting the moratorium. She's under heavy pressure from House Republicans, who have been unrelenting in their political attacks against the speaker, blaming her for the record gasoline prices.

On Friday, House Minority Leader John Boehner of Ohio called on Pelosi to stop ''ignoring the calls of the American people.'' He said he would lead a delegation of 10 House Republicans on an ''American energy tour'' to Colorado and Alaska this weekend to put a spotlight on the refusal of Democratic leaders to allow drilling in Alaska and elsewhere.

The congressional ban on offshore drilling has been in effect since 1981, but Congress must renew it each year. The issue could come to a head again in September, though Pelosi could make it tougher for opponents to kill the ban if she includes it in an omnibus spending bill that may be required to keep the government operating.

Acknowledging her ability to influence decision-making, Pelosi said in the CNN interview that she gets to operate differently than her Senate counterpart, Majority Leader Harry Reid of Nevada. Reid must reach out to Republicans to muster 60 votes—enough to stop a filibuster—to get anything done.

''In the House, the power rests in the speaker, the power of recognition, of setting the agenda . . . Very different rules,'' Pelosi said.

[From the Las Vegas Review-Journal, July 14, 2008]

REID WON'T ALLOW OFFSHORE VOTE IN SENATE

WASHINGTON.—Sen. Harry Reid said today he will not allow a Senate vote on opening new offshore areas to oil drilling, prompting a Republican to charge the Senate majority leader was ''scared chicken'' to allow senators to decide on the matter.

Reid said a call by President Bush for Congress to repeal a law that prohibits new drilling was not realistic. Bush issued the challenge after announcing he was lifting a longstanding executive order that bans offshore energy exploration off the East and West coasts.

''The president is trying to make this a political gimmick, and we're trying to figure out a way to do something about these (gasoline) prices,'' Reid said. ''And we are interested in increasing domestic production but we want to be realistic as to what expectations should be.''

Reid told reporters he is more interested in solutions that would seek to curb oil price speculation, release oil from the Strategic Petroleum Reserve and call on energy companies to explain why they are not drilling on oil leases they already have been granted by the government.

In a sign of rising tensions over rising gasoline prices, Sen. Pete Domenici, R–N.M., shortly afterward charged Reid was afraid to allow votes on increasing energy production.

''Does it seem to you like it does to me that Harry Reid is either scared chicken to have a vote? Or has he decided he is going to dictate to the United States Senate,'' Domenici said at a news conference.

Domenici went on, adding Reid ''is saying 'I am frightened with the idea we are going to have a vote on a new plan for this huge reserve of gas and oil that belongs to none other than the people of the United States who are clamoring for us to produce more oil.' ''

In response, Reid spokesman Jon Summers said: ''This is the United States Senate. It is not a schoolyard. Name calling is not going to do anything to lower energy prices. We need Republicans to work with us on a policy that will protect consumers and lower gas prices.''

Talking to reporters, Reid said the United States cannot merely produce its way out of energy dependence. ''The math doesn't add up,'' he said.

''There is not a single Democrat that doesn't think we can do a better job with domestic production, but for this Johnny One Note of just drill, drill, drill, it is not going to do the trick.''

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

Ms. CASTOR. Mr. Speaker, I want to make sure that the RECORD reflects and that it is very clear that on this very important appropriations bill relating to veterans affairs and military construction, every Member out of 435 in this House had the opportunity to submit an amendment if they chose to do so.

Mr. HASTINGS of Washington. Will the gentlewoman yield?

Ms. CASTOR. I would be happy to yield.

Mr. HASTINGS of Washington. I appreciate the gentlewoman's yielding.

Let me ask this question: Would a Member be able to come down to the floor when this bill is being taken up and offer a second-degree amendment to an amendment that is being offered by another Member?

Ms. CASTOR. Reclaiming my time, Mr. Speaker, I am fairly new in this Congress. I was proud to be part of a class that ushered in the strongest ethics reform since Watergate, and it seems to me that it is entirely fair and proper for Members to be able to offer an amendment to this bill, this very important bill, but it's also important that it is done in a responsible way so that there are no ambushes.

And I would like to point out that the Republican member from the Appropriations Committee that came to the Rules Committee did state, and I took notes that afternoon, that Chairman EDWARDS did a great job. We've had 18 hearings. This has been an open and bipartisan process, a very open process. It has served as a model of bipartisanship.

With that, Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak.

Mr. Speaker, I rise in support of the rule and the underlying bill.

This is a critical piece of legislation that speaks to the quality of life of our men and women in uniform. One of the consequences of having the most effective, powerful military force in the world is that we have a great deal of activity that takes place training and operating military facilities across the country. And, sadly, Mr. Speaker, one of the areas that we have not been quite as good as we should is dealing with the consequences of those military operations. The American landscape are littered with the residue of past military operations, base operations, and training exercises. There are bombs, explosives, military toxins and environmental hazards in every State of the union, over 3,000 sites across America.

One of the things I have worked on since I came to Congress was to have the Department of Defense and, most important, we in Congress do a better job of helping the military clean up after itself. I have come to this floor repeatedly with examples where bombs have turned up in people's backyards. I see the former chairman of the committee from California on the floor and am reminded of the three young children in San Diego who discovered bombs in a subdivision, and two of them were killed. Over 60 more people have been killed according to my research here in the United States.

It is time for us to take responsibility to clean up that explosive and toxic legacy, in part because it's not going to get any cheaper. Over the years it's going to cost more and more. Failure to do this right puts innocent children's lives at risk. Remember when we came to the floor with a coloring book that told children what they should do when they found unexploded ordinances near their schools. The Pentagon had Larry the Lizard trying to tell them what to do, when they found a shell . . . rather than spending money to clean it up and remove that hazard.

I am pleased that this year we are fully funding the—the 2005 BRAC account. I am pleased with the leadership from Chairman EDWARDS, Ranking Member WAMP and my good friend Mr. FARR from California, who has been struggling with this issue for years in his district, they were able to put an additional $80 million to clean up the legacy of BRAC sites.

I appreciate that this is a difficult budget year but it's always a difficult budget year, and we never seem to quite have enough to deal with the environmental problems that face our Department of Defense. I hope that this is a start in the right direction for a renewed commitment to clean up this toxic legacy that risks American lives here in this country and will develop new technology that will actually save American lives overseas in places like Iraq and Afghanistan if we do it right. I hope it makes possible more progress in the future, and I urge support.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished ranking member of the Appropriations Committee and the former chairman of the Appropriations Committee, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I very much appreciate my colleague's yielding. It is really a most interesting commentary, your presentation, which summarizes in this rule what appears to be the dominant leadership of the liberal Democratic leadership in the House. That is, in the quest of power, the ends justify the means. Indeed, at this point in our history when the people's House finds itself dominated by leadership who will exercise the ends justifying the means to maintain power, indeed the public ought to be most concerned about their people's House.

Mr. Speaker, I in turn, though, want to congratulate, myself, both Chairman EDWARDS and Mr. WAMP for producing a truly bipartisan fiscal year 2009 Military Construction appropriations bill in the longstanding tradition of this committee. Their work is a demonstration to the House that the Democrats and Republicans can work together to create legislation the majority of our Members can support.

As we all know, the Appropriations Committee has steered off course this year because of one single issue which is critical to the American public and which has significant bipartisan support in the House. I do not fault my friend Chairman OBEY for the breakdown of the appropriations process this year. While we have had our share of disagreements over the years on overall funding levels and policy issues, he and I have historically worked well together to move our spending bills through the House in a timely fashion.

However, this year the largely bipartisan work of the Appropriations Committee has ground to a virtually standstill because of the energy issue. For reasons I do not fully understand, given present pressures on our economy and the increased worldwide demand for oil, the majority leadership has decided to put on the shelf most of the annual spending bills as well as any and all meaningful bipartisan efforts to

lower the price of oil and gas. I don't understand this decision nor do I agree with it. We have had an opportunity and we have an obligation to work on a bipartisan basis to develop and pass long-term energy solutions that involve a combination of conservation, alternative and renewable energy sources, and the development of proven resources both onshore and offshore in the United States.

This effort to bolster our energy resources would create thousands of well-paying union and nonunion jobs across the United States. The overwhelming majority of Americans favor increased domestic energy production. So what is the downside if we develop energy resources in a responsible, environmentally safe manner? Why is the Democratic leadership standing in the way?

Just yesterday a dedicated group of Members, led by our colleagues JOHN PETERSON and NEIL ABERCROMBIE, introduced sweeping bipartisan energy legislation in an attempt to break the current energy gridlock in the House. I applaud their efforts. We ought to debate their bill openly in the Appropriations Committee and on the House floor before we leave this town for an August break.

The mere message that Congress was actually debating energy policy, in meaningful, bipartisan debate, would send a signal to the markets and to the foreign suppliers of oil that the United States is serious about addressing its energy future. That powerful message would send oil prices down almost overnight. I believe that an honest energy debate on the floor of the House would be, in itself, a stimulus package that would have a tremendously positive ripple effect throughout our economy, touching every American business and consumer.

Let me respectfully remind my colleagues that it was our Speaker, then the minority leader, in 2006 who outlined the new Democrat majority's governing philosophy, and I quote: ''Bills should come to the floor under a procedure that allows open, full, and fair debate. Bills should be developed following full hearings and open subcommittee markups.'' Mr. Speaker, that's important enough. Let me repeat. The Speaker: ''Bills should come to the floor under a procedure that allows open, full, and fair debate. Bills should be developed following full hearings and open subcommittee markups.''

As the body knows, we have not had an open, full, and fair debate on energy policy in committee nor have we had any open amendment process on the House floor. In fact, the House Appropriations Committee has not moved any bills through the full committee since June 25 because of a pending energy production amendment supported by a bipartisan majority of the committee members but opposed by the majority leadership.

I would remind our colleagues that most of the challenges facing us today have little or nothing to do with partisan politics. At a time when our country is facing daunting challenges at home and abroad, my constituents and your constituents are looking for real leadership. Rather than providing the leadership our constituents deserve, the body is now in a state of paralysis.

Again, I remind my colleagues that it was then a minority leader, the gentlewoman from San Francisco, who wrote in an October 20, 2007, letter to Speaker Hastert: ''The voice of every American has a right to be heard. No Member of Congress should be silenced on this floor.''

I encourage each of my colleagues to remind the Speaker of these words so we can return to regular order in our committee work and restore civility and open debate to the legislative process in the House. It is time to set aside partisan politics and get to work. We can do better. We must do better. Let's support our veterans funding bill today and then move quickly to support our constituents by openly debating potentially energy solutions.

Again, the House should not leave town for the August recess until it votes to lower gas prices, increase the supply of American-made energy, and promote energy independence.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished ranking member of the subcommittee dealing with this issue, the gentleman from Tennessee (Mr. WAMP).

□ 1245

Mr. WAMP. I thank the gentleman from Washington for yielding. I will be back later today to manage the time during general debate and consideration of amendments as the ranking member of the Military Construction and Veterans Affairs Subcommittee of the Appropriations Committee. But I come today to speak briefly on the rule for my only negative comments today because it is ironic that on the same day, at the same time that the House joins in a bipartisan way with a record commitment to our veterans and our military construction and installation needs around the world, that we also are making history by the consideration of this rule, which is unfortunate.

I even know that there are members of the majority who think that it is unfortunate that we are here very late in July, basically clamping down on the process in order to achieve an objective. I understand why, but I regret it, and I know certain members of the majority regret it as well.

The main thing though is I come in opposition to the rule but in tremendous support of the bill. My hat is off to Chairman EDWARDS, my subcommittee chairman, who has been an excellent partner. I will come back to this later in the day. And Chairman OBEY and Ranking Member LEWIS, who have worked on this bill very, very well, because the House will sometime today or tomorrow make a historic commitment to every man and woman in uniform, those serving now and those that have served in the past. I think that is great for the United States of America at a time where we have a war on two fronts.

I just shook Holly Petraeus' hand here in the Capitol today, the spouse of General Petraeus, David Petraeus, perhaps the greatest military general in the modern era of the United States of America.

These threats are real, the enemy is vicious. Our challenges are many. And we do come together today on this bill. I am grateful for that. I wish it was being considered in another way because this rule is not in keeping with the traditions and the history of this committee and the House.

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

Mr. HASTINGS of Washington. Mr. Speaker, just for purposes of trying to plan the time, could I inquire of my distinguished colleague how many speakers she has left.

Ms. CASTOR. Mr. Speaker, I am prepared to close after the gentleman from Washington has made his closing statement.

Mr. HASTINGS of Washington. I thank her for that information, and am pleased to yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding. I rise today in support of this veterans funding bill. This is a great victory for 400,000 central Florida veterans because it provides $220 million for a new VA hospital in Orlando. What does this mean for our central Florida vets? As a result of this hospital, our Orlando area vets will no longer have to travel 2 hours to Tampa. They will no longer be living in the largest metropolitan area in the United States without a VA hospital. Instead, they will have a brand new state-of-the-art 134-bed hospital and access to world class physicians and researchers working in partnership with the new UCF Medical School. Our vets deserve it.

We didn't get here by accident. The critical turning point began on September 10, 2003. That is when the VA CARES Commission held their hearing in central Florida to determine what cities if any in America would get a new VA hospital, since one hadn't been built in 30 years. I testified at that committee and pleaded that a new one be built in Orlando because of the large number of veterans we had and their lack of access to care. The VA CARES

Commission agreed. This decision was ratified by the VA Secretary and then ratified by Congress.

Today, Congress takes the biggest step forward in funding this project. Although we have already provided $75 million toward this project, this new funding of $220 million is quite significant because it's $100 million more than the President asked for and is the largest single investment so far in this new project.

Where do we go from here? We ask our Senate colleagues to act, and we finish the job. We will work together on a bipartisan basis, Republicans and Democrats, to complete this worthwhile project.

I'd like to close just by saying that this has been very much a team effort. I would like to thank my Democratic and Republican colleagues on both sides of the aisle.

Ms. CASTOR. I would also like to join with my colleague from Florida (Mr. KELLER) in saluting Chairman OBEY and the other members of the Appropriations Committee and the Military Construction-Veterans Affairs Subcommittee because as that new VA hospital goes to Orlando, it will relieve a great deal of pressure in Tampa, in my hometown, at the Haley VA Center, the busiest VA Center in the country, and the Bay Pines Medical Center in St. Petersburg.

So I thank the gentleman for expressing his opinion on this, and I join with him.

With that, I will reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Mr. Speaker, I come to the floor today in support of H.R. 6566, the American Energy Act, an all-of-the-above plan that tackles the current energy crisis we are facing in this country. A well-known Oklahoman has recently alerted us to the fact that we spend $700 billion a year on foreign oil. That is $700 billion. That number is staggering and should be enough for any American to sit up and take notice and know that something has to change.

The American Energy Act paves the way to decrease our reliance on foreign oil by increasing the production of American-made energy. It not only allows for oil exploration both in the Arctic coastal plain and offshore, a move that 73 percent of Americans support, according to the latest CNN poll. It also eliminates the obstacle to the construction of new oil refineries and nuclear power plants.

Now, we all know that increased production of traditional forms of energy, such as oil and natural gas, is only the first step. The American Energy Act also addresses the future of American-made energy by promoting research and development of renewable and alternative energy sources.

One of the best components of this bill is the permanent extension of the tax credit for alternative energy production. Oklahoma is the ninth largest producer of wind energy, and we look forward to continued growth in that industry. I know that extending the production tax credit on wind energy will send the right message to wind producers that the American government is ready to work with them to expand upon this already successful alternative energy source.

The Speaker recently was quoted as saying that her refusal to bring legislation aimed at increasing American energy to the floor for a vote was an effort to ''save the planet.'' While I appreciate the gentlewoman from California's feelings that she has a moral obligation to promote conservation, what about her obligation to the American people, living here and now, who are forced to choose between driving to work and putting food on the dinner table?

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentleman 30 additional seconds.

Mr. LUCAS. It's irresponsible to adjourn for 5 weeks without passing a meaningful legislation to reduce the skyrocketing gas prices Americans are forced to pay. Now is the time for America to take its place in the forefront of energy development by utilizing the vast natural resources we have in this country.

I ask all of my colleagues today, stand up, demand a vote on the American Energy Act. Do something for our folks back home.

Ms. CASTOR. Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished Chair of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I simply want to respond to one theme that we have heard here in the last 20 minutes or so. We have heard complaints about the ''outrage'' that is being perpetrated by the passage of this rule because it is alleged that this rule closes up consideration of this bill and in fact prevents Members from offering legitimate amendments.

Let me point out this rule does one thing and one thing only. It simply says that if a Member wants to offer an amendment, that that Member should notice the House 1 day ahead of time in the CONGRESSIONAL RECORD so that we do not legislate by ambush. The only thing that is required for an amendment to be considered on this floor is that it be printed in the CONGRESSIONAL RECORD the day before it is considered so that no Member of the House is blind-sided by any amendment.

We believe that the bill managers on both sides of the aisle have a right to know in an orderly way which amendments are going to be offered to bills. We also believe that any individual Member who happens to have a project in his district which is going to be challenged by another Member, that that Member has the right to notice of that challenge. And we believe that every single Member of this House has a right to know ahead of time what they are going to be called upon to vote on by way of amendments. So this rule simply says any amendment is in order so long as it was printed the day before.

Now, the gentleman managing the bill on the other side of the aisle asked the question, ''Will secondary amendments be allowed?'' My understanding is yes. My understanding is that this rule provides—or that this rule does not in any way get in the way of the ability of Members to offer secondary amendments.

So, very simply, this bill is attempting to meet the military needs of the country. It's attempting to meet the needs of our veterans in terms of health care. It's meant to meet the needs of our communities in terms of construction on military bases all around the country.

This bill builds upon the fact that in the last 2 years we have provided the largest increase in veterans' health benefits in the history of the country. This bill continues in that tradition. It is a terrific bill for veterans. It is a terrific bill for the communities that host military facilities around the country. And instead of having a sham debate about legislation which is not before us today, I think we would do well to confine our comments to the bill at hand, which is the military construction bill.

It's a good bill, and I would predict it will be supported on a huge bipartisan basis. It was reported unanimously by the subcommittee. What we ought to do, instead of pretending that there's a procedural problem, when in fact there is none, we ought to get to the subject at hand.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentleman from Washington for yielding me time. In my short time during my service in Congress, I have been a member of the House Veterans' Affairs Committee and have chaired the Health Care Subcommittee, and I am here in the short amount of time I have been allotted to commend the Appropriations Committee for a couple of provisions included in this bill. One deals with travel.

This bill increases the travel reimbursement for our veterans going to a VA hospital or facility from 28.5 cents per mile to 41.5 cents per mile, while we have been discussing the cost of gasoline that has real effects upon our veterans.

As we work to boost VA health care funding, it's important to be reminded that the exceptional medical service that is offered by the VA can only be enjoyed if the veteran can afford to travel to that facility to see that physician.

For most of the time I have been in Congress, I have offered an amendment to the appropriations process to increase that mileage rate. For 30 years, it was 11 cents a mile. Last year, we were successful in increasing it to 28.5 cents and, today, 41.5 cents. I commend my colleagues for their support for that change.

Today's high gas prices mean that many veterans would not otherwise be able to see and be provided with the health care they need.

The second provision is fee-based care. I am pleased that this subcommittee and the committee has added $200 million in fee-based services to improve access to veterans care. Earlier this week on the suspension calendar we had legislation that I introduced that would allow a pilot project to access our veterans to health care providers outside the VA system for fee-based care. If you live such a long distance between where you live and the hospital, or where you live and the CBOC, the outpatient clinic, you would be entitled to receive that service through a private pay contract from the VA to that care provider. That bill is H.R. 1527. I am still hopeful it will be on the House floor this week. But this bill provides the funding to allow that service to happen.

So, again, as a Member of Congress who cares strongly about our veterans and who represents a district that is rural, this bill is important, and makes significant strides in taking care of our rural veterans.

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Ms. CASTOR. Mr. Speaker, I reserve the balance of my time until my colleague from Washington has made his closing statement.

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

Mr. Speaker, I listened very closely to what the distinguished chairman of the Appropriations Committee said, and if I infer by what he said, this may be the end of open rules in this House. There have been many people that have said on the floor today that this rule is in fact an open rule.

Mr. Speaker, this is not an open rule. It does not permit an open process that allows Members to come to the floor and offer amendments to this veterans funding bill. Instead, it restricts and closes down the ability, by limiting amendments to only those who preprinted their amendments in the CONGRESSIONAL RECORD. I didn't, Mr. Speaker, so I am prohibited later on today from offering an amendment if I chose to do so. This clearly violates the open process by which appropriations bills have long been considered in this House.

Mr. Speaker, don't take my word for it. I would like to quote several statements from my Democrat colleagues in the past Congress and in this Congress.

On September 15, 2005, this is in the last Congress, Mr. HASTINGS of Florida made the following statement on the House floor about a preprinting requirement for a Coast Guard authorization bill.

Mr. HASTINGS from Florida said, and I am quoting: "I am nevertheless disappointed that the preprinting of amendments was even required. Despite the majority's claims, this legislative process which they call 'open' is actually restricted. It is not an open rule because every Member is not permitted to offer any germane amendment." Mr. HASTINGS of Florida said that in the last Congress.

In a report prepared by Ms. SLAUGHTER before becoming chairman of the Rules Committee, in this report, which is entitled "Broken Promises: The Death of Deliberative Democracy," Ms. SLAUGHTER and her Democrat colleagues stated, and I quote from page 26 of this report, "Rules with preprinting requirements are not open rules."

Quoting further from the same page: "Further, there is a significant difference between an open rule and a rule with a preprinting requirement. A preprinting requirement forces Members to reveal their amendments in advance of floor consideration, something that may assist the floor managers, but can disadvantage the Member offering it. In addition, a preprinting requirement blocks any amendment proposal that might emerge during the course of debate." That comes from a Democrat publication.

The rule before the House today is not an open rule, by their own definition. The long-standing tradition has been deliberately violated. But don't take my word about the past.

Quoting again from the CONGRESSIONAL RECORD, this is Ms. MATSUI from last year, and she is a member of the Rules Committee, last year in the 110th Congress she states regarding the Energy and Water appropriations bill: "As I mentioned at the outset of this debate, this bill is made in order under an open rule, which is our tradition. I hope that all Members will give that tradition the respect it deserves."

Where is the respect, Mr. Speaker? Where is the respect?

Mr. Speaker, I would like to insert in the RECORD excerpts from "Broken Promises: The Death of Deliberative Democracy," printed by the then-minority party of the Rules Committee.

Finally, Mr. Speaker, this House has been blocked repeatedly for many months from being allowed to vote on lifting the ban on drilling. Congress needs to act now to produce more American-made energy. Congress needs to vote now on lifting the offshore drilling ban. By defeating the previous question on this rule, the House can vote on drilling offshore. When the previous question is defeated, I will move to amend the rule to make in order H.R. 6108, the Deep Ocean Energy Resources Act of 2008.

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

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I want to remind my colleagues this will not slow down the process of working on the MILCON bill. This is just an addition to it, an addition that I think is very, very important, since Congress is contemplating and probably will go on a 5-week break without taking up any energy legislation.

I urge my colleagues to defeat the previous question so that we can consider this vitally important issue for America.

BROKEN PROMISES: THE DEATH OF DELIBERATIVE DEMOCRACY

A CONGRESSIONAL REPORT ON THE UNPRECEDENTED EROSION OF THE DEMOCRATIC PROCESS IN THE 108TH CONGRESS

(Compiled by the House Rules Committee Minority Office—Hon. Louise M. Slaughter, Ranking Member)

4. Rules with Pre-Printing Requirements are not "Open Rules"

During the 108th Congress, the Rules Committee reported out four rules with a so-called "pre-printing" requirement. This provision requires Members to submit their amendments for publication in the Congressional Record, in accordance with clause 8 of Rule XVIII, on the day preceding floor debate of the legislation. While the majority optimistically calls such rules "modified open rules," we consider them "restrictive" rules and have scored them as such in the appendices attached to this report.

While we concede that considering a bill with a pre-printing requirement is less restrictive than the more common tactic of limiting amendments to those printed in the Rules Committee report, there is a significant difference between an open rule and a rule with a pre-printing requirement. A preprinting requirement forces Members to reveal their amendments in advance of floor consideration, something that may assist the floor managers, but can disadvantage the Member offering it. In addition, a pre-printing requirement blocks any amendment proposal that might emerge during the course of the debate. When Chairman Dreier was in the minority, he made the following statement about the preprinting requirement during debate on a rule on national service legislation:

"This rule also requires amendments to be printed in the Congressional Record. That might not sound like much, but it is another bad policy that belittles the traditions of

House debate. If amendments must be preprinted, then it is impossible to listen to the debate on the floor, come up with a new idea to improve the bill, and then offer an amendment to incorporate that idea. Why do we need this burdensome pre-printing process? Shouldn't the committees that report these bills have a grasp of the issues affecting the legislation under their jurisdiction? Again, Mr. Speaker, I think we can do better.''

We agree with Chairman Dreier's statement that the purpose of the amendment process on the floor is to give duly elected Members of Congress the opportunity to shape legislation in a manner that they believe is in the best interest of their constituents and the Nation as a whole. It is not to help the floor manager with his or her job. A majority interested in allowing ''the full and free airing of conflicting opinions'' would allow at least some House business to occur in an open format—in a procedural framework that allows Members to bring their amendments directly to the floor for discussion and debate under the five-minute rule.

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

Ms. CASTOR. Mr. Speaker, the American people will be pleased today that the House of Representatives will move and pass, hopefully on a bipartisan basis, like it was in the Appropriations Committee, a bipartisan bill that provides so much for the servicemen and -women and their families who are being asked to sacrifice so much after many years of war.

This bill is a fitting salute and tribute to the men and women who are on the front lines, who are on the battlefield and those in the military and VA hospitals across this country and the outpatient clinics fighting a different kind of war, to help those who return maintain a dignified quality of life for them and their families.

We will also assist veterans of wars past and demonstrate our appreciation for their service by ensuring that their claims will be processed in a timely fashion and that they have access to the range of health care options available to them and every American.

Mr. Speaker, this ''New Direction'' Congress has pledged to put our troops and veterans first. By restoring GI veterans education benefits, improving veterans health care, rebuilding our military and strengthening other benefits for our troops and military families, we are working to keep our promises to our courageous and faithful men and women in uniform. For too long, officials in Washington have neglected our troops and veterans in a time of war. On the battlefield, the military pledges to leave no soldier behind, and, as a nation, let it be our pledge that when they return home, we leave no veteran behind.

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

Mr. DREIER. Mr. Speaker, I rise in strong opposition to this disgraceful rule. To illustrate just how bad this rule is, and to provide some context, I'd like to discuss a few telling numbers. I'm just going to throw these numbers out there for consideration: 12, 7, 4 and 9. That's 12, 7, 4 and 9.

These numbers are significant, and let me tell you why. The first number is 12. The House has 12 appropriations bills that it must consider in order to fund the Federal budget; 12 bills to consider in order to responsibly exercise our constitutional power of the purse; 12 appropriations bills that cover the priorities that are first and foremost in Americans' minds.

We've now reached the final week of July and the Democratic majority has brought up its adjournment resolution. Traditionally, this is the week when the House wraps up its versions of these 12 appropriations bills, or at least a majority of them. The idea is to finalize or make significant progress in our most important duty as legislators before adjourning for a month of recess in August.

So now that we have arrived at the end of July, how many appropriations bills remain for the House to consider? Twelve. Every last one of them. Today we are considering our very first one of 12. The Democratic Majority thought, what the heck, why not squeeze one in before heading out of town. So, we're starting our job right about the time we've traditionally tried to finish it.

And speaking of tradition, one of the longest-held traditions in this body is the practice of considering all regular appropriations bills under a completely open process. This is one of the few opportunities in the House where all Members, majority and minority, have the unfettered ability to offer any amendments they see fit. These amendments are of course subject to points of order, and ultimately a vote. But Members have had the opportunity to offer them and make their case.

Which brings me to the second number on my list: the number 7. We would have to go back 7 years to find any example of restrictions on a general appropriations bill.

In 2001, the Rule providing for consideration of the Foreign Operations bill had a pre-printing requirement. This restriction was entirely unopposed. Not one voice of opposition was raised, and the Rule passed by voice vote.

And what was the reason for this restriction? We had a very busy week, in a very busy month, and we all agreed—Democrats and Republicans—agreed to expedite the procedures. Considering we passed 9 of 13 appropriations bills prior to departing for August recess that year, I suppose you could say the unopposed restrictions were justified. Seven years passed before any restrictions were again imposed.

Until today. Today the Democratic majority is apparently exhausted by their efforts to name post office buildings and avoid meaningful action to bring down energy costs. They are in such a rush to get out the door for a 5-week recess that they insist on bringing up their very first appropriations bill under a restricted Rule. They are denying Members the ability to freely bring their amendments to the floor and have their voices heard.

And to add an element of the absurd, they are actually calling this an open rule. With straight faces, no less.

What's the reason for this closed process? I don't doubt expediency plays a part. When you're rushing out the door, you prefer not to get bogged down by open, substantive debate. But the full explanation lies in what the Democratic majority hopes to avoid—any possibility that Republicans will seek to offer energy-related amendments to the underlying bill.

Which brings us to the third number on my list: the number 4. Americans are paying an average of $4 for a gallon of gas. The mutually reinforcing trends of high gas prices and high food prices have strained working Americans enormously. They know Government policies bear much of the blame, and they rightly expect this Congress to do something about it.

Republicans have tried every means possible to force this Democratic majority to consider real solutions to our energy crisis. But we have faced nothing but roadblocks.

And now, the Democratic majority is using every trick in the book to get out of town without ever scheduling a meaningful vote. And on their way out the door, they are trampling on the rights of Members to an open and fair appropriations process.

And this brings us to the fourth and final number: the number 9. The latest polls show Congress' approval rating at an abysmal 9 percent. All but 9 percent of the American population thinks we are failing at our job. Frankly, I'd like to know who this 9 percent is who supports what we're doing. Under the Democratic majority, we are failing in our duty to address Federal spending. We are failing in our duty to find a workable and effective solution to the energy crisis we face. We are failing in our duty to have open and honest debate on the challenges we face. And just this afternoon, we had a vote on a resolution to adjourn, despite all of these failures. Mr. Speaker, the numbers don't lie. I urge my colleagues to oppose this rule.

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

AMENDMENT TO H. RES. 1384 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6108) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the majority and minority leader, and (2) an amendment in the nature of a substitute if offered by Mr. Rahall of West Virginia or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

FURTHER MESSAGE FROM THE SENATE

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

S. 3370. An act to resolve pending claims against Libya by United States nationals, and for other purposes.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days for Members to revise and extend their remarks and insert extraneous material on the conference report to accompany H.R. 4137.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4137, HIGHER EDUCATION OPPORTUNITY ACT

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1389, I call up the conference report on the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1389, the conference report is considered read.

(For conference report and statement, see proceedings of the House of July 30, 2008, at page 17093.)

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the conference report on H.R. 4137, which strengthens and reauthorizes the Higher Education Act. In America, a college degree has always been the ticket to middle class. More and more, our future depends upon our ability to produce well-educated and skilled workers to take the jobs of the 21st century.

Over the past 2 years, this Congress has built a strong record of working in a bipartisan way to make college more affordable and accessible. Last year we enacted the College Cost Reduction and Access Act, which provides for the single largest increase in Federal student aid since the GI Bill.

But we also know that there is still work to do to ensure that the doors of college are truly open to all qualified students who want to attend. The last time the Higher Education Act was authorized was 1998. In those 10 years that have passed, our world and our country have changed, and so have the needs of college-going students.

Today's students face a number of challenges on their path to college, from skyrocketing college tuition prices, to needlessly complicated student aid and application processes, to the predatory tactics of student lenders. This conference report will remove these obstacles and reshape our higher education programs in the best interests of students and families.

To address soaring costs, this legislation will increase the transparency and the accountability of the tuition pricing system, shining a bright light on the prices set by colleges and universities. It requires the Department of Education to create new, user friendly Web sites with helpful information on college prices and the factors that are driving these tuition increases. Colleges with the largest increases in tuition will be required to report their reasons for raising those prices.

This bill will also ensure that States hold up their end of the bargain in funding higher education by establishing for the first time a maintenance-of-effort requirement on the States that receive Federal funds through the student loan program. This means while we are putting in money from the top from the Federal Government, the States will hopefully stop taking that money out of the bottom and leaving families and students who are borrowing loans to go to college no better off than they were before these actions. This is a dramatic change from the patterns of the past.

To better protect students while navigating the often murky world of college loans, this bill restores trust and accountability to the student loan programs by cleaning up the conflicts of interest between the lenders and the colleges. All Federal and private student lenders will be required to provide full and fair disclosure about the terms and conditions of the loans they offer. And to help borrowers' reliance on more expensive private loans, we will help ensure that students and families first exhaust the less expensive Federal loan and aid options before turning to private loans.

It will also help students manage their textbook costs. It provides students and faculties with complete pricing information before each semester so they can shop around for the most

affordable deals. For the first time, textbook publishers will be required to offer less expensive versions of each expensive bundled textbook they sell.

This bicameral compromise also simplifies the Federal student aid application process and provides families with early estimates of their expected financial aid packages to help them better plan for their expenses a year ahead of the time.

In addition, H.R. 4137 will make Pell Grant scholarships available year-round for the first time.

It strengthens the TRIO and the GEAR UP college readiness and support programs that are critical to helping so many students stay in school and graduate.

It expands funding for graduate programs at historically Black colleges and universities, Hispanic-serving institutions, and predominantly Black institutions.

It increases college aid and support programs for veterans and military families.

It ensures equal college opportunities and fair learning environments for students with disabilities.

It makes colleges safer for the entire campus community.

It encourages colleges and universities to adopt energy efficient and sustainable practices on their campuses.

I am confident that this legislation will improve the higher education system and make it more affordable, fairer and easier to navigate for students and families. Almost all of these students are borrowing money. Time is money, and time is effort, and we need to make this process more streamlined, fairer to families and fairer to students.

None of this, I want to say, would be possible without the leadership and the passion and the determination of Senator TED KENNEDY, and I would like to thank him for that.

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Also, Senator ENZI and Senator MIKULSKI. Senator MIKULSKI stepped in when Senator KENNEDY became ill and did a magnificent job of shepherding this bill and this conference report through the Senate.

I would also like to thank all the members of our committee for their hard work. And I would especially like to recognize Congressmen BUCK MCKEON, RUBÉN HINOJOSA, and RIC KELLER, and their staffs including Amy Raaf Jones, Moira Lenehan, and Ricardo Martinez.

And, finally, I would like to thank my staff for their tireless efforts on this reauthorization, including Mark Zuckerman, Alex Nock, Denise Forte, Stephanie Moore, Gaby Gomez, Julie Radocchia, Jeff Appel, Sharon Lewis, Margaret Young, Fred Jones, and Arman Rezaee.

I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I rise in support of the Higher Education Opportunity Act, and I yield myself such time as I may consume.

Mr. Speaker, it took us 5 long years to get here today on the cusp of the first comprehensive renewal of Federal higher education programs in a decade. I am here to tell you that sometimes what we say is true; good things do come to those who wait.

I want to begin by thanking Chairman MILLER, chairman of the full committee, and Representatives HINOJOSA and KELLER, the chairman and ranking member of the subcommittee, for their strong efforts on this product that we have here today.

The four of us have worked as equal partners in this endeavor, not always agreeing, but never losing sight of our shared commitment to making higher education in this country more accessible, affordable, and accountable. Representative CASTLE has also been a close partner of mine in the effort to reign in college costs, and I want to recognize him for his commitment.

Of course, the House did not do this alone. Senator KENNEDY and Senator ENZI have worked equally hard, and I want to thank them and recognize them for their efforts. Although Senator KENNEDY was not able to be here in Washington for our final conference meeting yesterday, he has had a profound impact on the legislation, and he remains in our thoughts. Senator MIKULSKI filled in for him and did a yeoman's job and we want to thank her for her efforts.

We know how important higher education is, both to individuals and to our Nation. A college degree can be a ticket to the middle class. It helps individuals prepare for good jobs, and allows them to pursue new skills in a changing economy. Higher education also has important societal benefits. College education citizens are healthier, more civically-minded, have lower unemployment rates, and use fewer government benefits. An educated citizenry is also vital to maintaining our competitive edge in a changing world.

Because higher education is so important, we have made it a priority to ensure all Americans have access to a quality, affordable college education. In addition to making close to $100 billion in financial aid available to students, the Federal Government also spends billions of dollars each year on aid to institutions, support for college access programs, investments in research and development, and many other avenues that support higher education.

Despite the considerable Federal investment, or perhaps, in part, because of it, colleges and universities have increased tuition and fees year in and year out. The increases have come in good economic times and in bad, whether enrollments are surging or holding steady. It seems the only thing consistent about college costs is that they are going up, and going up rapidly.

With this bill, we hope to change that. Our principles for reform are based on the idea that by giving good information to consumers, we can empower them to exert influence on the marketplace. Through the power of sunshine and transparency, we are lifting the veil on college costs and holding institutions of higher learning accountable for their role in the cost equation.

Those principles of sunshine and transparency are hallmarks of this bill, and not just in the area of college costs. We are also letting the sun shine in on college operations and quality through enhanced institutional disclosure and a more transparent accreditation process. There are numerous positive reforms in this bill, too many even for me to name.

Of course, it is not a perfect bill. No bill is. I am particularly concerned about the number of new programs created in the conference report. Rather than trying to micromanage from Washington by creating a brandnew program for every possible contingency, we should focus on less red tape and greater local flexibility.

However, on the whole, this bill is an achievement of persistence and commitment. It updates programs to meet the needs of students in the 21st century. It recognizes the value of for-profit institutions of higher education. It promotes distance education, a mode of delivery that becomes more important every day as gas prices force students to limit their commuting to and from school. And, it uses the power of sunshine and transparency to transform all aspects of our higher education system. Above all else, this bill offers real solutions to the college cost crisis.

I thank Members on both sides of the aisle for their commitment to this cause.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA), the Subcommittee on Higher Education Chair, who has done a magnificent job in shepherding this bill to the floor.

Mr. HINOJOSA. I thank the gentleman.

Mr. Speaker, I rise in strong support of the conference report for HR 4137, the Higher Education Opportunity Act.

We are near the end of our long journey to reauthorize the Higher Education Act. I would like to personally thank all of the members of the conference committee, especially our leaders, Chairman TED KENNEDY, Chairwoman MIKULSKI, Senator ENZI, Chairman GEORGE MILLER, Representative BUCK MCKEON, and Representative RIC

KELLER, for their commitment to producing a bipartisan, forward-looking bill that will update our existing higher education programs and address emerging needs.

I thank all the committee staff members in both the majority and minority who worked with great commitment to getting the job done. They had a mindset that told me that they didn't know it couldn't be done, ''and that is why we did it.''

In the Higher Education Opportunity Act, we are taking significant steps to improve our student aid delivery system, ensure the integrity of our student loan programs, and provide students and families with the tools that they need to make informed choices about which college to attend and how to finance it. These are complex issues, and on a bipartisan, bicameral basis we have come together to offer some practical solutions. We couldn't have done it if we had not worked together.

I am particularly proud of the provisions that will help our veterans and active duty military have full access to the education benefits that are due to them. The provision to establish veterans' centers and veteran student support teams on college campuses will help our veterans get the full benefit of the GI bill expansion that we just enacted.

Finally, I would like to highlight the great progress we have made in strengthening minority serving institutions. After 10 years of waiting, Hispanic serving institutions will have support for graduate programs leading to masters and doctoral degrees. We are addressing the urgent needs for teachers and college faculty with an emphasis on building the capacity of minority serving institutions to meet this need. We will leverage minority serving institutions to engage more youth in science and technology. The Higher Education Opportunity Act represents real progress for our communities.

In closing, I would like to thank all of my colleagues for helping us reach this point. I hope we can get this legislation, which measures over one foot, with over 1,100 pages, to the President's desk as soon as possible.

Mr. Speaker, I rise in strong support of the conference report for H.R. 4137, the Higher Education Opportunity Act.

We are near the end of our long journey to reauthorize the Higher Education Act. I would like to personally thank all of the members of the conference committee—especially our leaders Chairman KENNEDY, Chairwoman MIKULSKI, Senator ENZI, Chairman MILLER, Representative MCKEON, and Representative KELLER—for their commitment to producing a bipartisan, forward-looking bill that will update our existing higher education programs and address emerging needs.

This has been an enormous undertaking. The last reauthorization of the Higher Education act took place during my first term in Congress over 10 years ago.

We began this Congress with a series of hearings focused on the steps we needed to take to improve access and affordability in higher education and to position our Nation and our students too at the leading edge of the global economy. We asked the higher education community and all of our members to come forward with new ideas. This bill reflects the creativity and innovation that makes a U.S. college education sought after in all parts of the world.

Last fall, we enacted into law the largest increase in Federal student aid since the GI bill with the College Cost Reduction Act.

In the Higher Education Opportunity Act, we are taking significant steps to improve our student aid delivery system, ensure the integrity of our student loan programs, and provide students and families with the tools that they need to make informed choices about which college to attend and how to finance it. These are complex issues, and on a bipartisan, bicameral basis we have come together to offer some practical solutions.

I am particularly proud of the provisions that will help our veterans and active duty military have full access to the education benefits that are due to them. The provision to establish veterans' centers and veteran student support teams on college campuses will help our veterans get the full benefits of the GI bill expansion that we just enacted.

Finally, I would like to highlight the great progress we have made in strengthening minority-serving institutions. With over 40 percent of our public school children being racial or ethnic minorities and nearly half of all minority students attending minority-serving institutions, we are taking some very important steps in this legislation to build our capacity in this critical area. After 10 years of waiting, Hispanic-Serving Institutions will have support for graduate programs. We built on the foundation that we established in the College Cost Reduction and Access Act for Asian and Pacific Islander-serving institutions, predominantly Black Colleges and Universities, tribally-controlled colleges and universities, and Historically Black Colleges and Universities. We are addressing the urgent need for teachers and college faculty with an emphasis on building the capacity of minority-serving institutions to meet this need. We will leverage minority-serving institutions to engage more youth in the sciences and technology. The Higher Education Opportunity Act represents real progress for our communities

In closing, I would like to thank all of my colleagues for helping us reach this point. I hope that we can get this legislation to the President's desk as soon as possible.

Mr. MCKEON. I yield now to the subcommittee ranking member, the gentleman from Florida, Mr. RIC KELLER, 4 minutes.

Mr. KELLER of Florida. I thank the gentleman for yielding.

Mr. Speaker, as the ranking member on the House Higher Education Subcommittee and a member of the conference committee, I rise today in strong support of the bipartisan Higher Education Opportunity Act, which is the first reauthorization of the Higher Education Act in 10 years.

I support this legislation for three reasons.

First, it allows year-round Pell Grants for students who wish to complete their education more quickly.

Second, it reduces the burdensome red tape on students and families by providing a much shorter, simpler application for Federal student financial aid.

And, third, it includes my legislation to curb wasteful spending by closing a loophole that had allowed convicted child predators to receive Federal financial aid to take college courses. I am going to limit my remarks today to the wasteful spending issue.

It is a national embarrassment that we are wasting taxpayer dollars for child molesters and rapists to take college courses, while hard-working young people from lower and middle income families are flipping hamburgers to pay for college.

I have been working to close this loophole for years, and today, the most insane, wasteful spending program in America comes to an end. This legislation ensures that taxpayer money for Pell Grants will go to low and middle income students, not dangerous sexual predators. Let me give you a real-life example.

James Sturtz is one of the most violent sexual predators in America and he is currently locked up in a Wisconsin facility. He was convicted and sent to prison for raping a 4-year-old girl. After being released from prison, he raped a woman at knife-point and was sent to prison a second time. After being released, he met a college student waiting for a bus, persuaded her to get in his car, and then raped her at knife-point. He was then sent back to prison for a third time; and after his sentence ended in 2006 he was locked up in a civil confinement center, to be held there indefinitely.

Sturtz and several other locked-up sexual predators decided to exploit this civil confinement loophole and obtained thousands of dollars in Federal Pell Grants to take college courses like algebra through the mail. Then, Sturtz and two-thirds of the other inmates dropped their classes and used our taxpayer money to buy blue jeans, music CDs, movie DVDs, radios, television sets, and DVD players. Of course, even if they hadn't dropped their classes, there is zero evidence that violent sexual predators who take algebra and calculus classes have lower recidivism rates.

How did this loophole happen in the first place? Prison inmates have been ineligible for Pell Grants since 1994. In 20 States, including Florida and Wisconsin, they wisely hold the most violent repeated sexual predators indefinitely in civil confinement centers, after they have served their regular prison sentence, because they are likely to repeat their crimes if released back into society.

For example, in my home State of Florida, 54 violent sexual predators obtained over $200,000 in Pell Grants at taxpayer expense in 1 year alone. Similar expenditures in the other 20 States with civil confinement means millions of dollars being wasted. Until now.

This was a team effort. I would like to especially thank Ranking Member BUCK MCKEON, Chairman GEORGE MILLER, as well as the other members of the conference committee and our entire hard-working professional staff members for working in a bipartisan spirit to include this provision and so many other worthy provisions in this legislation.

I urge my colleagues on both sides of the aisle to reauthorize the Higher Education Act and vote ''yes'' on H.R. 4137.

Mr. GEORGE MILLER of California. I yield to the gentleman from Connecticut (Mr. SHAYS) for a unanimous consent request.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the conference report to H.R. 4137, the College Access and Affordability Act.

Higher education is not a luxury. It is a public good.

Today, we have an opportunity to expand college access, increase student aid, and make institutions and lenders more accountable to the students they serve.

I believe quality education is the foundation of our nation's ability to compete in a global economy.

Unfortunately, the skyrocketing cost of college has created a significant barrier for many students. It is unacceptable that in 2005, the price of college was equal to 71.3 percent of household income for the bottom fifth of the population.

I am especially pleased H.R. 4137 will incrementally increase the maximum Pell award for students to $8,000 in 2014.

Two-thirds of four-year undergraduate students graduate with debt, and the average student loan debt among graduating seniors is $19,237.

I am also grateful this conference report includes an amendment offered by Representative JIM MORAN and myself, to study how student debt levels impact a graduate's decision to enter into a public service career.

In the next ten years, 90 percent of our nation's federal executives will be over the age of 50 and nearing retirement.

The study will include: an assessment of current recruiting and retaining challenges; an evaluation of existing federal programs and whether additional programs could increase recruitment rates; recommendations for pilot programs that would increase recruitment rates.

The time to recognize and encourage an increased commitment to public service is now. According to the Higher Education Research Institute, two-thirds of the 2005 freshman class at institutions of higher education expressed a desire to serve others, the highest rate in a generation. Furthermore, applications to Teach for America and City Year have increased, and religious missions involving young Americans have increased dramatically.

Congressman MORAN and I have also introduced the Public Service Academy Act, modeled after our existing military academies, to create the first national civilian institution of higher education in the United States. The public service academy would provide students a competitive, federally subsidized, public service-driven undergraduate education. In return for a 4-year liberal arts education, students would be required to serve our country for 5 years in the public sector after graduation.

The Public Service Academy would strengthen and protect the United States by creating a corps of well-trained, highly-qualified civilian leaders willing to devote themselves to leadership through patriotic public service.

It is alarming to think, in this period of economic uncertainty, we would be willing to provide anything less than the highest quality education to citizens of our Nation.

Access to higher education is critical to maintaining our global competitiveness.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlelady from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I represent 100,000 college students and eight colleges and universities in the San Diego region, and obviously I am very interested in the provisions in the conference report for College Opportunity and Affordability Act. And I am proud of this agreement for many of the reasons that have been given, but I am proud of it for these reasons also:

It makes servicemembers eligible for more financial aid. It stops student loan interest from piling up when servicemembers are off serving our country. And, it guarantees our men and women in uniform will not use their academic standing when they return. And, also, because it allows students to receive work study payments when they are prevented from working by natural disasters such as we had with the wildfires in the San Diego region.

I want to thank Chairman MILLER, Ranking Member MCKEON, Chairman KENNEDY, and Ranking Member ENZI for their hard work. I urge the adoption of this conference report.

Mr. GEORGE MILLER of California. I would just like to thank the gentlewoman for all of her work on behalf of military families, making sure that they did not pay an additional price for being in the military and lose their eligibility, for her work on that amendment.

Mr. MCKEON. I yield now to the gentleman from Wisconsin, our senior member on the committee, Mr. PETRI, 2 minutes.

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Mr. PETRI. I am happy to support the provisions in this conference report that put in place a number of reforms that will improve access to higher education, increase transparency in college costs, and provide more accountability in the Federal student loan programs.

One of my top priorities over the years has been to ensure students access to Federal aid and to provide greater budget responsibility to taxpayers with regard to the management of Federal student aid funds. This legislation incorporates several provisions aimed at protecting students' financial interests.

Furthermore, I strongly support the sunshine measures that will provide greater transparency about relationships between lenders and schools. I am pleased that the conference report also retains the language that I offered to provide greater fiscal accountability at the Department of Education by requiring a Department of Justice review of any settlement with lenders that exceeds $1 million.

The conference report also contains a critical first step toward the implementation of my Income-Dependent Education Assistance Act which would create a new direct consolidated loan for student borrowers that would be pegged to their income after graduation and collected by the IRS.

It also includes several provisions that Representative GRIJALVA and I first proposed in the House that would establish a strong national effort to improve the accessibility of instructional materials for postsecondary students with visual impairments and other print disabilities.

Though there is that much is positive in this conference report, I am disappointed that we failed to adequately address the problems that currently exist in the accreditation system. For many years I have argued that accreditation fails to protect the public interest because it is costly and intrusive and does not ensure educational quality. I believe the reforms included in this bill will do little to improve the system and may, in fact, have made it even worse.

Again, I want to thank my colleagues for working so hard over the years to reauthorize these important higher education programs. I support today's conference report and look forward to making further improvements in the future.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY) who has been so helpful on this legislation, both in teacher education and in community service and the work study programs.

Mr. COURTNEY. Mr. Speaker, from 2001 to 2006, the cost of higher education exploded in this country. It went up 40 percent, destroying the dreams of too many young people and damaging our economy. During that time period, the Congress turned a deaf ear to that issue. The Pell Grant program had been basically frozen, and the

interest rates for the Stafford Student Loan Program incredibly was increased.

Last year, under Mr. MILLER's leadership, we passed the College Cost Reduction Act which addressed those two problems. This year we are finally addressing a piece of legislation that was 5 years overdue, the Higher Education Reauthorization Act which, as the prior speakers have said, will do many good things in terms of holding colleges and universities accountable for high costs, and also cleaning up unethical lending practices which had cropped up, and many students, so desperate to find access to money, fell victim to.

I urge support for this conference report which, again, has been long overdue for 5 years, and applaud the leadership of Mr. MILLER, Mr. KENNEDY and Mr. HINOJOSA in leading the Congress in a new direction.

Mr. MCKEON. Mr. Speaker, I am happy to yield now to the gentlelady from Washington, a member of the committee, CATHY MCMORRIS RODGERS, 5 minutes.

Mrs. MCMORRIS RODGERS. Mr. Speaker, as someone who is still paying off some student loans, I understand how difficult it is for parents and students as they face dramatic increases in college costs. And as the first in my family to the graduate from college, I know firsthand the value and the importance of a good education. It truly is the doorway to success, and is a critical piece to making America more competitive in the global economy.

I am pleased how this bill does aim to improve America's competitiveness. It seeks to make college more affordable, and it cracks down on the fraudulent practice of ''diploma mills'' where people manufacture fake diplomas.

Since being elected to Congress I have worked to improve America's competitiveness, and I believe it is important that we are focusing more on math and science education. And through the Mathematics and Science Scholars Program, this legislation will refocus the program to award graduate and postgraduate scholarships to U.S. students studying math, science, engineering or computer science.

In addition, this bill incorporates an adjunct content specialist program, which I think is very important to bringing the real world experience into the classroom, and it provides grants to school districts to recruit adjunct content specialists, these experts in math, science and critical foreign languages.

I believe our education can be improved if we allow smart and successful people like Bill Gates to spend time in the classroom. Wouldn't it be great to have someone like Bill Gates in the classroom helping inspire our high school students?

However, we are not simply seeing a shortage of engineers and scientists. We also need welders, plumbers, auto mechanics, lab technicians, doctors, nurses, pharmacy techs.

In my eastern Washington district, manufacturers turn away job applicants because prospective employees don't have the math skills needed for precision manufacturing. These are good paying jobs, on average, $42,000 a year. And most of them come with good medical and retirement benefits.

Along with increasing our competitiveness, the rising cost of college must be addressed. We must increase support for loan and grant programs that give students additional options and opportunities for post-high school education. College tuition continues to dramatically increase, clearly impacting students' ability to afford college.

Each year, approximately $9 million is disbursed to students in Eastern Washington colleges and universities through the Perkins Loan program, and I am pleased that the bill we are considering today increases funding for Perkins loan programs.

I am also pleased that this bill opens wider the door for students with intellectual disabilities. For the first time, these students will be eligible for Pell Grants, Supplemental Educational Opportunity Grants and the Federal Work Study Program.

Today businesses are increasing more opportunities to employ people with intellectual disabilities to become employed so that these employees can earn higher wages, allowing them to realize their dreams and become self-sufficient.

The conference report builds on the successful delivery of educational services to these students made possible through the Individuals With Disabilities Education Act.

Finally, I am pleased we are working to eradicate the practice of diploma mills. Provisions in this bill increase transparency to give consumers more information and require the Secretary to continue her efforts to further crack down on fraudulent diploma mills.

In Spokane, purchasers of these phony degrees from a local diploma mill included at least 135 Federal Government employees. We need to protect the integrity of our higher education system and the diplomas so many of us have worked hard to earn.

I thank the chairman and the ranking member for their efforts on this important bill. We must do all we can to prepare our kids for the opportunities life presents. If we equip them with a solid education and the workforce skills, America will continue to lead in innovation and excellence.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), who has been so helpful on this legislation with respect to Historically Black Colleges and Universities and the TRIO program.

Mr. DAVIS of Illinois. Mr. Speaker, it is with great pleasure that I support the passage of the conference report.

I commend full Committee Chairman MILLER, Subcommittee Chairman HINOJOSA, Ranking Members MCKEON and KELLER for their leadership on this bill. I extend my deepest thanks to the chairman for his commitment to enhancing minority education and for his steadfast support on multiple issues that were especially important to me and to institutions serving the black community.

I would be remiss if I did not thank the Education and Labor staff, who so skillfully worked to establish the many wonderful programs that will improve higher education for so many.

There are multiple provisions of this bill that will benefit Chicago and other places throughout the country. I am especially pleased that the bill strengthens minority-serving institutions, especially HBCUs and Predominantly Black Institutions, or PBIs. I am very glad that the bill strengthens the TRIO programs that serve first-generation low-income students, and the prohibition on the Department of Education's Absolute Priority within the Upward Bound program.

At this time I would like to engage in a colloquy with Chairman MILLER.

Mr. GEORGE MILLER of California. If the gentleman would yield, I would be happy to engage in a colloquy with the gentleman from Illinois about section 725.

Mr. DAVIS of Illinois. I yield.

Mr. GEORGE MILLER of California. I concur completely with the gentleman's understanding. The conferees intend that this reauthorization is to strengthen the ability of both the Historically Black Colleges and Universities and Predominantly Black Institutions to develop masters professionals. For this reason, the conferees intend that any appropriated funds be divided proportionately between the sections 723 and 724.

Mr. DAVIS of Illinois. I thank the chairman of the committee for his clarification and appreciate his and the conferees commitment to writing the statute to promote unity among the higher education community that serves mostly African American students.

It is an excellent bill. I urge its passage.

Mr. Speaker, it is with great pleasure that I support the passage of the conference report for H.R. 4137, which authorizes the Higher Education Opportunity Act. This bill reauthorizes the higher education act for the first time in 10 years. I commend full-Committee Chairman GEORGE MILLER and sub-Committee Chairman RUBÉN HINOJOSA for their leadership on this bill. I extend my deepest thanks to the Chairman for his commitment to enhancing minority education and for his steadfast support on multiple issues that were especially important to me and to institutions serving the

Black community. I would be remiss if I did not thank the Education and Labor staff who so skillfully advocated to establish so many wonderful programs that will improve higher education opportunities for so many.

There are multiple provisions of this bill that will benefit Chicago and Illinois. To begin, this bill greatly expands access to higher education for low-income and minority students. By increasing Pell grants to $8,000, extending the grants to year-round, and allowing part-time students to qualify for Pell grants, this bill will enable many more of my constituents to attend college.

I am especially pleased that the bill authorizes programs for both undergraduate and masters programs at Predominantly Black Institutions. PBIs represent a growing cadre of four-year and two-year institutions that serve as the access point for a growing number of urban and rural Black students whose family and financial situations limit their ability to gain access to college in many states. Many of these students come from low-income families and are also ''first generation'' college students, whose educational preparation for college and family finances present special challenges to educational success. PBIs are not eligible to receive funding under the HBCU capacity-building funds given that PBIs were not established prior to 1964. The undergraduate PBI program will provide federal support to strengthen the institutional capacity of schools to attract, retain, and graduate their students. Chicago has many PBIs that provide high quality education for many low-income, minority students, including: Chicago State University, Malcolm X College, Harold Washington College, Olive-Harvey College, Kennedy King College, East-West University, Robert Morris College, and South Suburban College. In addition, the new PBI masters program promotes the development of more Black masters-level professionals in the science and health fields by providing specific institutional support. For example, Chicago State University will qualify for valuable aid to strengthen its masters programs in the biological sciences and computer science as well as strengthen its first professional program in pharmaceutical science. Together, these new PBI programs will enhance the access for low-income African American students to higher education.

I also am pleased that the bill strengthens both HBCU undergraduate and graduate education. As a graduate of an HBCU, I am very familiar with the benefits these institutions provide to low-income students. The new masters program for HBCUs in Title VII fills a void in current law. Title III, Part B includes institutional support for undergraduate education at HBCUs, and Section 326 provides institutional support for doctoral and first professional programs at HBCUs. The new Section 723 completes this continuum by supporting HBCUs with masters programs in the fields of science and health as well as clarifies the congressional intent that the existing Section 326 pertains to doctoral and first professional programs.

Further, the bill strengthens the TRIO programs, which are key supports for low-income, first-generation college students to prepare and succeed in higher education. Importantly, the bill institutes an appeals process when applicants have evidence of errors in the handling or scoring of the applications. A number of Chicago institutions unfortunately have had difficulties in the last few years with denial of applications for suspect reasons and due to glitches with the Grants.gov system. Having a procedure in place to allow due process for these applicants is an important element to ensuring a fair application process. Further, the bill prohibits the implementation of the absolute priority that the Department imposed on the Upward Bound program, forcing programs to dramatically alter the nature of the services provided. I am happy that any future evaluations of Upward Bound will exclude the cohorts of students chosen under this well-intentioned but ill-conceived priority.

Chicago also has many for-profit institutions of higher education that serve an important role in educating students. I am glad that the Conference Report provides additional flexibility for these institutions in terms of the 90/10 rule, including flexibility in the types of revenue that count toward the 10 percent, the Departmental response to violations of the rule, and exceeding loan limits as a result of the enactment of the Ensuring Continued Access to Student Loans Act. Further, I support the increased monitoring and reporting requirements of for-profit institutions as a means to provide transparency and safeguards for students.

I am happy that the bill emphasizes the need to support populations that are underrepresented in higher education. One such population about which I am particularly concerned is African American men. The under-representation of minority males, especially African American men, is a matter of public record that is reinforced by high drop-out rates in urban and rural school districts, and lower participation/enrollment rates of these groups in colleges and universities. The American Council on Education's Minorities in Higher Education Annual Reports have consistently documented these factors for almost two decades. For example, although the enrollment of black men in higher education increased between 2000 to 2001, less than 3 percent of black men received a combination of associate's, bachelor's, or master's degrees. Clearly, ensuring success of students in higher education necessitates examining and promoting the success of minority males. To this end, the Conference Report includes a study of minority male access to and success in higher education that will provide key data to lawmakers so that we can better tailor our policies to promote minority men in higher education. The bill also encourages the involvement of individuals—such as African American men—who are from populations underrepresented in higher education in the TRIO programs, in teacher residency programs, in teacher preparation courses at minority serving institutions, and in loan forgiveness programs. These provisions will help ensure that the higher education community better reflects the diversity of our Nation.

Another population about which I am particularly concerned is individuals in prison. After Congress barred prisoners from receiving Pell grants in 1994, provision of postsecondary correctional education dropped greatly. Multiple empirical studies demonstrate that postsecondary correctional education improves the atmosphere in prisons, increases successful reentry, increases employment after release, and decreases criminal behavior. For example, studies show that such education helps improve communication among staff and inmates, develop positive peer role models, and reduce disciplinary infractions. Further, multiple studies show that postsecondary education saves taxpayers' money. In 2001, government analysts in Maryland calculated that such programs saved state taxpayers more than $24 million annually, more than two times what the state spent on such programs. Given that the average annual cost of incarceration is more than $22,000 per prisoner and that more than half of formerly-incarcerated people return to prison with 3 years, providing higher education within prisons promises to be a cost-effective investment of taxpayer dollars.

Currently, only approximately 5 percent of the total prison population is enrolled in postsecondary education. Current Federal postsecondary correctional grants target youth, resulting in a great need for such programs for adults. The Conference report expands higher education opportunities for older students by extending the qualifying age for such programs to 35 and by allowing up to 7 years to study while in prison. These provisions will allow greater flexibility to states to identify and serve individual inmates who are best able to benefit from postsecondary correctional education. In addition, the bill authorizes a study on the effectiveness of postsecondary correctional education. This study will greatly advance our understanding of what makes programs effective in educating individuals and reducing post release offending.

Further, I am pleased that the bill takes steps to ease the discrimination against low-income students with drug convictions. There are multiple problems with a one-size-fits-all penalty based on financial aid. It inappropriately uses the financial aid application process to apply a mandatory minimum sentence above and beyond what the judicial system has imposed for a restricted group of students. Also, given that the penalty applies only to students receiving Federal aid who must maintain a C average or higher, the current provision unfairly denies aid only to low-income, high-performing students. The Conference report makes it easier for students who lose aid to re-qualify for Federal aid after it is removed. The report also requires an important study of who is denied Federal aid so that lawmakers can better understand whether this policy penalizes particular categories of students compared to others. As the Committee on Education and Labor's Report indicated, the study will examine the demographic background of the students excluded from Federal aid by the drug prohibition as well as the nature of the offenses underlying the exclusion. The variables for study are clearly enumerated in the Committee Report.

In closing, there are many elements of this Conference report that will help many low-income students to access and succeed in higher education. I am proud to serve in the Congress that is making such a considerable investment in our students so that all youth—especially low-income, minority students—have access to quality postsecondary education.

Mr. MCKEON. I am happy to yield now to the gentleman from Delaware (Mr. CASTLE), subcommittee ranking member on the committee and champion of reducing college costs, 2 minutes.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding. I will see what I can do about college costs in 2 minutes.

I thank both the gentlemen from California for their tremendous work on this legislation. I will submit a statement for the RECORD.

I am one who watched college costs go up even in the time I have been in Congress at a rate that is higher than anything else in the country, maybe not gasoline in the last year or two, but health care and all the other things that we worry about so much.

And we have heard many Members come to the floor and speak about the need to educate our children. I think every one of us here understands that the future of our economy in this country depends upon these young individuals being able to get access to higher education. And I believe that this legislation, which I totally support, will at least help with this.

We are now going to have more transparency than we did before. We are going to have publication of lists of those schools which have had the highest rate of increases in recent years, for example.

But we have also spoken to some of the areas such as student loans, the Perkins Act and others, in which we are helping individuals get more funding, or were controlling funding better than we did before. I think that is extraordinarily important as well.

I hate to have borrowing. I love what some schools are doing now and using their funds to help with the tuition issues. But the bottom line is that some borrowing is going to be necessary.

I am very appreciative of some amendments that I was involved with, the Teach for America program, to allow very bright young students in this country that weren't necessarily going into education to be able to teach for a while and hopefully, in some cases, stay in education. I think that is an important step in terms of where we are going.

And I believe that the reauthorization, in general, is absolutely essential if we are going to be able to move forward with respect to education.

The transparency is significant. That alone won't change the cost of higher education. I don't think we have the authority here to tell private schools and even State public schools exactly how to do that. But we certainly have the authority to pass good legislation such as this in order for the public to be able to understand exactly what they are dealing with.

For all these reasons, I would encourage all of us to support this good legislation. Again, I thank all those staff individuals and, of course, the Members that had anything to do with putting this together.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY) who, again, was so helpful in the business partnership agreements.

Ms. WOOLSEY. Mr. Speaker, I am particularly pleased to have had an opportunity in this bill to honor my friend and mentor, the late Congresswoman Patsy Mink, who was a leader on guaranteeing equality for all by creating Patsy T. Mink Fellowships.

While we have made great strides in providing educational opportunities for women and minorities, far too few are becoming college professors. The Mink Fellowships will be used to encourage women and minorities to become professors in fields where they are underrepresented.

In addition to providing more diversity and opportunity in graduate programs, we recognize the need for more opportunities to attain certificates and degrees in high-wage, high-skilled jobs. This bill helps colleges partner with local businesses to create ''for-credit'' classes focused on the skills and certificates needed for high-wage jobs in the local community.

Also, many of our Nation's students enter college needing remedial education classes. Far too many get stuck taking those classes, never graduates. This bill fixes that. Let's pass it.

Mr. MCKEON. Might I inquire how much time both sides have.

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 13 minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 17 minutes remaining.

□ 1345

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY) who's been a champion on campus safety during this legislation.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of the conference report to the Higher Education Opportunity Act, H.R. 4137.

First, let me start out by thanking Chairman MILLER and Ranking Member MCKEON. I also want to thank the staff for their professionalism and their courtesy and their work for getting this bill to where it is, and my own staff, Kim Becknell and Phil Putter.

The passage of this bill will help millions of Americans make the dream of a college education a reality. In particular, I'm proud to see that many of my provisions are in the bill, including student loan forgiveness for nursing students; incentives for nurses to become instructors, helping to end our nursing shortage; tuition forgiveness for teachers working in New York's BOCES schools; making career and professional schools more affordable; expanding the availability of guaranteed student loans or Stafford loans to more nursing and professional schools; expanding the Graduate Assistance Areas of National Need Program, and expanding Project GRAD U.S.A.; also monitoring our Nation's most expensive schools' tuition rates and offering students and families a tool for an education.

Mr. Speaker, I rise in support of the conference report to the Higher Education Opportunity Act, H.R. 4137.

Let me first start out by thanking the Chairman, Ranking Member, and hardworking staff on the Committee on Education and Labor for their efforts and professionalism in passing one of the most comprehensive education bills in years.

The passage of this bill will help millions of Americans make the dream of a college education a reality.

In particular, I am proud to see that many of my provisions are in the bill including:

Student loan forgiveness for nursing students;

Incentives for nurses to become instructors, helping to end our Nation's nursing shortage;

Tuition forgiveness for teachers working in New York's BOCES schools;

Making career and professional schools more affordable;

Expanding the availability of Guaranteed Student Loans or Stafford Loans to more nursing and professional schools;

Ensuring that degrees earned from rabbinical schools will continue to be recognized as the equivalent of bachelor's degrees;

Expanding the Graduate Assistance in Areas of National Need program;

Expanding Project GRAD USA;

Monitoring our Nation's most expensive schools' tuition rates and offering students and families a tool to estimate increased costs over the course of a college education;

Studying the ability of teachers to meet the needs of students with dyslexia.

I am especially pleased that the bill addresses the need for colleges and universities to have policies in place to immediately warn their campus communities when a serious crime or other emergency threatens the safety of students or employees on campus.

These provisions are similar to those in my ''Virginia Tech Victims Campus Emergency Response Policy and Notification Act'' or VTV Act, H.R. 5735.

The tragic events of April 16, 2007, on the campus of Virginia Tech, reminded us that horrific incidents can happen anywhere and that we must be prepared.

The addition of an emergency notification provision to the Jeanne Clery Act will help ensure that students and employees are empowered with information about potential significant threats to their safety such as an unknown shooting suspect at large or an impending natural disaster.

Because emergencies can escalate or spread quickly it is vital that emergency notifications occur without any delay and these provisions appropriately provide that warnings must occur ''immediately . . . upon confirmation'' of a threat.

Minutes can mean the difference between life and death.

Using both high and low tech means, many institutions across the country, including Florida Atlantic University, Ferrum College and Northern Illinois University, have already adopted this approach and are issuing campuswide emergency notifications in less than 30 minutes after an incident has occurred.

These provisions will be a very fitting living memorial to the innocent victims of April 16, 2007 and I applaud their family members who have sought to have something positive come out of that dark day. The Virginia Tech Victims Family group members have been tireless advocates for safer campuses and their devotion has helped make these provisions a reality. I would ask that the victims' names be included at an appropriate place in the RECORD.

I would also like to thank Catherine Bath, Jonathan Kassa and S. Daniel Carter of the nonprofit organization Security On Campus, Inc., SOC, for their leadership on and help with these issues. Founded in 1987 by Connie Clery and her late husband Howard after their daughter Jeanne's murder in a campus residence hall, SOC continues to be the Nation's leading voice for safer campuses and victims' rights on campus.

To honor the memory of the lives that were lost as a result of the incident at Virginia Tech, I humbly submit the following names in the CONGRESSIONAL RECORD:

Ross Abdallah Alameddine, Christopher James Bishop, Brian Roy Bluhm, Ryan Christopher Clark, Austin Michelle Cloyd, Jocelyne Couture-Nowak, Kevin P. Granata, and Matthew Gregory Gwaltney.

Caitlin Millar Hammaren, Jeremy Michael Herbstritt, Rachael Elizabeth Hill, Emily Jane Hilscher, Jarrett Lee Lane, Matthew Joseph La Porte, Henry J. Lee, and Liviu Librescu.

G.V. Loganathan, Partahi Mamora Halomoan Lumbantoruan, Lauren Ashley McCain, Daniel Patrick O'Neil, Juan Ramon Ortiz-Ortiz, Minal Hiralal Panchal, Daniel Alejandro Perez, and Erin Nicole Peterson.

Michael Steven Pohle, Jr., Julia Kathleen Pryde, Mary Karen Read, Reema Joseph Samaha, Waleed Mohamed Shaalan, Leslie Geraldine Sherman, Maxine Shelly Turner, and Nicole Regina White.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY) who did groundbreaking work and made such an effort to make sure the States meet the responsibility for financing public higher education.

Mr. TIERNEY. Thank you, Mr. Chairman and Ranking Member MCKEON. This was a cooperative effort, a bipartisan effort for sure focusing on access and affordability.

There's a partnership in education, higher education in particular, between parents and children, entire families, levels of government at both the State and Federal level, and the institutions. The families for too long have seen their share of that partnership go up and up in tuition and fees.

This Congress dealt with the reconciliation bill last year, putting $20 billion additionally in for Pell Grants, reducing the cost of loans. We needed to ask these institutions to step up to the plate, and we've done that in this bill. They have incentives to keep their tuition low and the incentives go to more aid to the students. They're going to be held accountable by being required to report any reasons for tuition increases.

States are going to have to maintain their investment in higher education so they can't supplant their responsibilities with either the money from the Federal Government or by charging students more in tuition and fees. If they do, they won't get access to a program. So they have that incentive to move forward.

We restore the integrity and accountability to the student loan programs, we've provided loan forgiveness for people, and all of this focuses, Mr. Speaker, on families and makes that partnership work.

I support the bill and ask my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT) and thank him for all of his work on the foreign language partnerships and the creation of the deputy assistant secretary.

Mr. HOLT. Mr. Speaker, I would like to join the others in commending Chairman MILLER and Mr. MCKEON and allow me to point out some of the good provisions that are in this bill that I have worked on.

It allows Pell Grants to be used year round and by part-time students. It empowers community colleges to provide childcare programs so that working mothers can attend school. It has grants and loan forgiveness for math, science, and foreign language students who pledge to work in those areas after graduation.

As the chairman just said, it creates a deputy assistant secretary for international and foreign language education. It directs the Institute of Medicine to study the shortage of nursing faculty, which is one of the principal reasons for the shortage of nurses in America.

It provides funding to institutions of higher education that encourage science and engineering students to develop foreign language proficiency. It creates a scholarship database of financial assistance for post-secondary and graduate programs in science, technology, and engineering.

There are many other good features in this bill, and I, again, commend those who put it together. And I urge my colleagues to support it.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE) and thank him for his work on the business workforce partnerships and on the textbook rental program.

Mr. ALTMIRE. Mr. Speaker, this bill is the next step in our efforts to make college more affordable and accessible for American families. I would like to take a moment to highlight four of the provisions I included in this bill.

This bill encourages colleges and employers to join together to form business workforce partnerships that will help graduating students find jobs and provide local businesses the skilled workers they need. It also provides grants to minority-serving institutions to help them recruit and prepare the teachers of tomorrow and improve the diversity of our Nation's workforce.

Additionally, my language added to this bill forgives the student loans of veterans who are determined to be totally and permanently disabled by the VA.

And finally, the conference report includes an amendment that I offered along with Congressman TIM RYAN to establish textbook rental programs to help students save money.

This conference report is a significant improvement to our higher education system, and I am proud to have been a part of the conference committee that reported this bill.

Mr. MCKEON. Mr. Speaker, I am happy to yield now to the gentleman from Indiana (Mr. SOUDER), a member of the committee, for 3 minutes.

Mr. SOUDER. I thank Ranking Member MCKEON for his leadership and yielding the time, and I also want to thank Chairman MILLER for working with us to develop a bipartisan bill.

You hear a lot about the controversies between the parties and the partisanship, but here is a huge piece of legislation that we were able to work through in a basically unanimous way between the House and even the Senate.

I want to talk about a few amendments that I worked with. In fact, there was controversy on each one of these things, but we were able to come to reconciliation.

One is GEAR UP, which is widely supported, and my good friend, CHAKA FATTAH, developed this concept. I was an original cosponsor. We moved it with a Democratic President and a Republican Congress, then a Republican Congress with a Republican President sustained the program, and now a Democratic Congress with a Republican President. But in that we've made some significant changes that allow GEAR UP to put a 2–1 match for scholarship money because one of the intentions of this was to get actual cash to help students get to college who were low-income, and we wanted to give them a commitment in junior high that we will back them up. And this will help balance that back more to cash to those students.

It also allows them to work with the first year of college and to connect with TRIO and others and not just get them there.

In the Drug-Free Student Loan provision, which has been much aligned by pro-drug groups around the country, we've clarified the Department of Education's confusion on how best to implement this plus added a warning that the universities and colleges are to tell the students that they're at risk of losing their loan if they're convicted of a drug crime. They can get it back with a drug test. They can get it back the third time. You can go to college but not at taxpayer expense.

We also had an amendment dealing with for-profits' cohort default rates. One of the unintended consequences if you make it too difficult for how many students don't graduate, that for-profit schools would have stopped seeking minority, low-income students, or any subgroup that shows any risk of more defaults of student loans. And we would have had the unintended consequence if we didn't delay the implementation of the 3-year averaging, which we also worked to get, and I appreciate the chairman working with this because this is very important in many of these for-profit technical schools or others that are serving higher-need, less historically graduating percentages. Our goal with GEAR UP, with TRIO, and others is to increase those percentages, but you don't want to punish the colleges that reach out.

We also changed in distance education. We made it easier for basically Internet universities or colleges and universities that use that to get accreditation because if you choke the accreditation, you will cut off the expansion and the accessibility. And this is very important for many colleges and universities.

Lastly, I had an amendment in committee that was defeated, but Senator GREGG proposed it in the Senate, and this is the Academic Bill of Rights. I'm pleased that not only it passed the Senate but that the House in effect receded to the Senate. This is something that David Horowitz had advocated for many years, and I'm pleased this is in the bill, too.

I want to thank Chairman MILLER for his work and Ranking Member MCKEON.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. YARMUTH) and thank him for his work on the Teach to Reach grants and the students success grants for community college students.

Mr. YARMUTH. Mr. Speaker, I rise today in strong support of the College Opportunity and Affordability Act, and I want to thank you, Chairman MILLER, and the Senate committee chairs for drafting a bill that will help millions of Americans go to college and graduate without crippling debt.

I'm proud to have introduced a number of this bill's provisions that will help to ensure every American has a world-class education. Our Nation's teachers confront a multitude of challenges, and if we aren't providing them with the tools to succeed, we're failing them and their students.

This legislation authorizes grants to train general education teachers to work with students who have autism and other disabilities. A program to make sure educators learn the best techniques to help kids read at grade level and student success grants that will help students stay in college to complete their degrees and succeed in the workplace. The revolutionizing Education Through Digital Investment Act will better engage young students by greatly expanding the ways technology is utilized in the classroom.

There is no greater way to impact the future of our country than by ensuring that all of our children receive the highest quality education. I therefore urge my colleagues to join me in enacting this critically important legislation.

Mr. MCKEON. Mr. Speaker, could I inquire how much time we have left.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from California (Mr. MCKEON) has 10 minutes. The gentleman from California (Mr. MILLER) has 12 minutes remaining.

Mr. MCKEON. I would be happy to yield at this time to the gentleman from Pennsylvania (Mr. TIM MURPHY) for 3 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I thank the chairman and ranking member for the College Opportunity and Affordability Act, which I'm here to offer my strong support, and I thank Chairman MILLER and Congressman MCKEON for ensuring the language for my bill, H.R. 2220, the Mental Health Security for America's Families in Education Act, was included in the legislation.

This language directs the Secretary of Education to clarify how and when schools can communicate with the parent if a student demonstrates that they pose a significant risk of suicide, homicide, or assault. Schools acting in good faith by communicating with parents would also be protected from liability.

The current Family Education Rights and Privacy Act passed in 1974 was originally passed to protect the confidentiality of student records. However, it's a confusing array of regulations meant to notify parents but often stands in the way as schools are more prone to call an attorney to get clarification than they are to call parents.

As a child psychologist, I understand the importance of confidentiality, but there are times that it may be in the best interest of the student to inform those who can provide the necessary help to protect them and others. Parents are in the best position to help students suffering from mental illness by providing emotional support medical history, coordinating care with various mental health professionals, and long-term follow up. Parents will be around long after the school is gone.

Behind a law like this there are stories of beautiful lives tragically stopped in their youth. Children like Stephanie Cady from North Franklin Township who was a junior at Elizabethtown College until she withdrew for medical reasons. According to her parents, she was struggling with depression and paranoia during her sophomore year. Her friends persuaded her to get help, but her parents were never told that she was taking medication until just this past Christmas. Unfortunately, the right combination of help from her parents and therapists came too late and, sadly, she took her own life in April of 2008.

In 2002, Charles Mahoney from Burgettstown took his own life while in school at Allegheny College in Pennsylvania.

And since the passing of their children, the Mahoneys and the Cadys have advocated for change to existing laws so the parents can help before it is too late.

Families know the privacy laws that prevent schools from sharing information with parents have to be changed so the parents can get involved to help with the children that they love. Our shared hope is that through the important change of law, their actions will prevent other parents from suffering the same losses, and their children's lives can be remembered at least in saving the lives of others.

This bill we are dealing with today is taking an important step in saving those lives, and I want to thank Chairman MILLER and Ranking Member MCKEON for their support of this critically important and life-saving provision that will prevent other tragedies like this and Virginia Tech happening again in the future.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. GRIJALVA) and I want to thank him for his work on the cohort default rate and on the year-round Pell Grant.

Mr. GRIJALVA. Thank you, Chairman MILLER, for your work on this very, very important piece of legislation, the first time in a decade Congress is going to pass a Higher Education Act. I'm happy to support this long past-due improvement to higher education.

This legislation is about inclusion and not exclusion. The bill simplifies the means by which students and families can research colleges, apply for help, and gather information to aid in the important decisions we all must make.

□ 1400

It expands access and support for poor students and students of color

through changes to Pell Grants and improvements to TRIO and GEAR UP, additional support for students who have with disabilities, additional support for veterans and their families.

This piece of legislation is a hallmark of the work of this Congress and this session. I'm proud to be on the committee and proud to serve in the development of this legislation.

Mr. Speaker, today, for the first time in a decade, Congress will pass a higher education act, and I am happy to support the long past-due improvements to higher education that will be put into effect by the passage of this bill.

This Higher Education Opportunity Act demonstrates a commitment by this Congress to inclusion. The bill simplifies the means by which students and families can research colleges, apply for student aid and gather information to aid in the important decision making process.

It expands access and support for poor students and students of color through changes to Pell Grants and improvements to TRIO and GEAR UP, making college accessible to first-generation students and those who are most likely to be expensed out of college.

It offers expanded support for veterans and their families to honor their continued sacrifice by creating new scholarships and by establishing education support centers and other services to aid in access to education.

It establishes more opportunities for students with disabilities to gain equal access to college by offering national centers of support, aiding colleges in recruitment and retention of students with disabilities, and expands Pell Grant eligibility. Additionally, one of my priorities will create model demonstration programs to improve the access to quality materials for students with print disabilities. It will also create a commission to consider ways to better distribute these materials.

The rising cost of a college education means that students now more than ever must be informed about their decisions as they relate to living expenses and borrowing for education. This bill will add a number of mechanisms to aid students in making these choices, including a provision I worked hard to add that will improve the way cohort default rates are calculated. These changes, though more modest than I had hoped, will encourage schools and lenders to provide better financial literacy to guide students with post-college debt.

The Higher Education Opportunity Act marks a significant improvement in our national commitment to inclusive access to higher education and expresses our continued efforts to make college more affordable and accessible.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and thank her for all her work on the TRIO program. It is so important to get kids to college and to stay in college.

Ms. SHEA-PORTER. Thank you.

Mr. Speaker, I rise to express my strong support for the conference report on H.R. 4137, the Higher Education Opportunity Act. I am a proud cosponsor of this legislation; and I thank Chairman MILLER, Ranking Member MCKEON, and the conferees.

I want to highlight two achievements of particular importance to my constituents.

The first is a provision that broadens the discretion afforded to school financial aid administrators. It allows them to take into account expenses incurred by families who are caring for an adult dependent when calculating a student's financial aid package. This sounds like a minor technical change, but it is not.

A constituent of mine shared a very personal story about her family's struggle to make ends meet while caring for their eldest child, who is a disabled adult, and also trying to send their youngest to college. In determining whether this family qualified for financial aid, an administrator could not take this situation into consideration. With the provision included in this bill, they now can.

We have also taken great steps in this legislation to ensure the continued success of the Upward Bound Program. This program plays a very important role in my district helping first generation and low-income high school students achieve their dreams of a college education. These programs have faced challenges over the past year. I am proud we have been able to resolve these issues.

We have simplified the FAFSA form and done many other steps. I thank you for your efforts.

Mr. GEORGE MILLER of California. How much time is remaining, might I inquire of the Chair.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 10 minutes remaining. The gentleman from California (Mr. MCKEON) has 7½ minutes remaining.

Mr. MCKEON. Mr. Speaker, I would be happy to yield at this time to my good friend from across the aisle, a former member of the committee, the gentleman from Pennsylvania (Mr. FATTAH), 1 minute.

Mr. FATTAH. Thank you.

In 1997, when we created GEAR UP in this legislation, it was an idea. Today, after 10 years, some 2 million young people later, it stands as the largest early college awareness program in our country's history, operating in 48 States and in many of our territories. It has been an extraordinary success. Eighty-five percent of the young people graduated from high school, 64 percent going on to college.

I want to thank Chairman MILLER and the ranking member, BUCK MCKEON, RUBÉN HINOJOSA and MARK SOUDER and the committee for tweaking GEAR UP in a very positive way, taking the language from the GEAR UP and Go Act that I introduced, adding a seventh year to focus on that entry into college and retention issues and also allowing dual and concurrent enrollment, along with a number of anti-dropout prevention efforts at the community college and high school level.

I want to thank the committee. This is a great bill overall, and GEAR UP is wonderful. But the increase in Pell, the simplification of the FAFSA form, there is a lot that could be said. This is a historic piece of legislation, and I thank you for the time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HARE), and I want to thank him for his work on dislocated workers and on the rural communities.

Mr. HARE. I thank the Chairman.

Mr. Speaker, I rise today in strong support of the College Opportunity and Affordability Act conference report.

The conference report includes the College and University Rural Education Act, which I introduced with Representatives LOEBSACK and ZACK SPACE. This measure will stop the brain drain and create opportunities in rural America by increasing enrollment of rural high school graduates in institutions of higher education; creating employment pipelines; and providing training for professions of need in rural areas.

Today's bill also includes a provision I developed with Mr. LOEBSACK to prepare individuals to serve as administrators and principals in rural areas. School leadership is key to student achievement, and rural America experiences a huge deficit in this area.

I included a measure to help dislocated workers by informing them of their right to an alternative income calculation when applying for financial aid. This will ensure that workers who lost their jobs have access to retraining opportunities.

This conference report builds upon the work we started in the College Cost Reduction Act. I commend Ranking Member MCKEON and my chairman, Chairman MILLER, and urge all my colleagues to support the conference report.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT) and thank him for all of his work on the Historically Black Colleges and Universities and on the modeling and simulation program.

Mr. SCOTT of Virginia. Mr. Speaker, I would like to thank and commend Chairman MILLER, Ranking Member MCKEON, Chairman HINOJOSA, and Ranking Member KELLER for their hard work on this bill.

This bill contains many important provisions that will make college more affordable for our students, particularly the Pell Grant and loan forgiveness provisions.

It also has many provisions helpful to institutions of higher learning, especially Historically Black Colleges and Universities which have been funded

for new master's programs at Historically Black Colleges and Universities and Predominantly Black Institutions.

It also, as the Chairman has indicated, has a new program to help the rapidly growing field of modeling and simulation.

Mr. Speaker, there is new language in the bill dealing with the accreditation of colleges, and it is important to explicitly note that this new language does not adversely affect or change anti-discrimination provisions.

The bill also contains a direction to the Department of Education to reword the financial aid application to make it clear that students can get financial aid, even if they have a drug offense.

We have worked long and hard on this bill, and for the foregoing reasons, Mr. Speaker, I urge my colleagues to support the bill.

Mr. Speaker, it has been ten years since the Higher Education Act has been reauthorized and I am pleased that we will now make many needed updates to this law. I would like to commend Chairman MILLER, Ranking Member MCKEON, Chairman HINOJOSA, and Ranking Member KELLER for their work on this bill. I would also like to thank the Chairman and Ranking Member of the Senate's Health, Education, Labor & Pensions committee, Senators KENNEDY and ENZI. Additionally, I would like to express my gratitude to Senator MIKULSKI for all her efforts in Senator KENNEDY's absence. I would also like to thank the House and Senate Committees' staff; we could not have reached this point without your hard work and dedication.

This bill contains many important provisions that will help make a college education more affordable for student and their families. I am particularly pleased with the increase in the authorization of the Pell grant and the loan forgiveness provision that will aid students who give back to their community if they enter a profession in an area of national need, including mental health professionals and child welfare workers.

The legislation also specifically assists minority students in several ways. For example, it contains a provision to promote cultural diversity in the entertainment media industry. It will also require that a study be conducted on whether race, ethnicity, or gender biases exist in the design of standardized admission tests used by higher education institutions. The information collected for the study is intended to be made available to the public—except in cases where the entity providing the information shows good cause or in the case where the information is proprietary—so that if such biases are found we can work to correct them.

The bill requires the Department of Education to conform hate crime reporting requirements to FBI guidelines to more accurately report incidents of hate crimes on our campuses. This will result in consistent and accurate reporting of crimes against persons and crimes against property. In addition, improved data will give parents and students a more accurate sense of campus safety and education institutions a better picture of their campus climate.

The legislation also contains many provisions helpful to institutions of higher education. The Secretary will now be required to develop and maintain a plan to help schools cope with natural and man-made disasters. The bill also creates an Education Disaster and Emergency Relief Loan Program to provide emergency loan funds to schools after a federal declared major disaster or emergency, including those schools affected by the 2005 Gulf Hurricanes. Additionally, the bill includes a provision which significantly helps schools affected by Hurricanes Katrina and Rita by holding them harmless for purposes of Title III funding.

This bill also does a great deal to help the Historically Black Colleges and Universities. The authorization levels for HBCUs have been increased to $375 million dollars, which is almost three times the amount that is in the current Higher Education Act. The amount for the Historically Black Graduate Institutions program has significantly increased as well. The bill also provides funding for Masters programs at Historically Black Colleges and Universities and Predominantly Black Institutions that focus on science, technology, engineering, mathematics, health and other fields in which Blacks are underrepresented.

The legislation strengthens and develops college-level programs in the rapidly growing field of Modeling and Simulation. This is a field of study that refers to replicating a system on a smaller scale or on a computer for extensive examination. There is not a single field of study or profession that cannot benefit from this type of analysis including urban planning, medicine and national security.

This legislation includes several positive changes to the TRIO programs, which provide assistance to low-income and first generation college-going students. The bill eliminates the Absolute Priority conditions imposed on Upward Bound programs by the Department of Education without requiring a recompetition. In addition, the bill creates an appeals process for TRIO programs to ensure that the grantmaking process is as fair and transparent as possible.

Mr. Speaker, there is a clarification that I feel must be made with regard to new language added to an existing accreditation provision. Current law requires that accrediting agencies or associations apply and enforce their standards in a manner that respects the missions of institutions of higher education. This bill states that respecting missions of institutions of higher education includes religious missions. It is important to explicitly note what is and is not intended by the new language. Pursuant to the House Report filed by the House Committee on Education and Labor on December 19, 2007 (H. Rept. 110–500, Part I), it is important to make clear that this new language does not affect or change nondiscrimination provisions. The House Report states in relevant part:

"The new language requiring accrediting agencies or associations to apply and enforce their standards in a manner that respects the missions of institutions of higher education, including religious missions, reflects Congress' belief that accredited institutions should be allowed to choose their own missions rather than having them imposed or regulated by accrediting bodies. In response to concerns raised by Representatives ROBERT C. SCOTT (D–VA) and RUBEN HINOJOSA (D–TX) about whether the amendment would harm the ability of accreditors to enforce nondiscrimination provisions, the author of the amendment, Representative TIMOTHY WALBERG (R–MI), explained that the provision would not affect nondiscrimination provisions and instead would require accreditors to respect the missions of schools, including when the missions are religious.

"It is the intent of the Committee that this amendment does not change or alter current accreditation requirements, and the exemptions included in those requirements (such as those allowed by the American Bar Association and the American Psychological Association), for the enforcement of nondiscrimination provisions. The Committee also notes that this provision does not alter title VII of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972 or other federal anti-discrimination statutes, which remain applicable to institutions of higher education to the same extent as before. The Department of Education shall not promulgate any regulations that provide any new exceptions to current nondiscrimination provisions.

"It is also the intent of the Committee that this amendment does not change or alter current accreditation requirements, and the exemptions included in those requirements, for training professionals in the practice of medicine and other health care professions."

Similarly, the Senate report that accompanies S. 1642 (the companion bill to H.R. 4137) filed by the Senate Committee on Health, Education, Labor, and Pensions on November 15, 2007 (Report No. 110–231) confirms this position. The Senate report states in relevant part:

"Accrediting agencies or associations recognized by the Department of Education are invested with a public trust and perform an important public function. Congress expects that those receiving Department recognition will perform those functions with the same diligence and competence as would be provided by any public body and that their procedures will be conducted with the same level of transparency, due process, and accountability that would apply to the Department if it performed this function itself.

"The new language requiring accrediting agencies or associations to apply and enforce their standards in a manner that respects the missions of institutions of higher education, including religious missions, reflects these goals. It is not intended to allow an institution to deny a person participation in, the benefits of, or to subject a person to discrimination under any program or activity receiving Federal financial assistance under existing laws, including those with respect to race, color, religion, sex, national origin, age, or disability; or because the person has not complied with a standard of the institution that requires the person to discriminate on the basis of race, color, religion, sex, national origin, age, or disability."

Mr. Speaker, I would also like to highlight a provision included in the Statement of Managers to the Conference which I feel is extremely important. Currently, the Free Application for Federal Student Aid (FAFSA) is written in a way that misleads many students to believe that if they have been convicted of a

drug offense, they do not qualify for financial aid. In the Statement of Managers, Conferees encourage the Department to reword the FAFSA to more accurately reflect the ways in which students who have been convicted of drug offenses can obtain financial aid.

Mr. Speaker, we have worked long and hard for a comprehensive, bipartisan bill. While not perfect, I believe this bill goes a long way towards making college more affordable for students and their families and towards helping our institutions and higher education provide a quality education to our nation's youth. For the foregoing reasons, I support the bill and urge my colleagues to support it.

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

The Higher Education Opportunity Act is truly a bipartisan achievement, reflecting major priorities of both parties, as you can see from the debate. In recognition of that fact, I would like to take just a moment to touch on some of the reforms that Members on our side of the aisle were able to secure in this bill.

This bill includes meaningful steps to address the college cost crisis. I have been fighting this battle for years, and the steps in this bill are a victory for students and their families.

We have ensured that this bill increases accountability through the power of sunshine and transparency. H.R. 4137 will put quality information in the hands of students and parents to help them make more informed decisions when choosing their path for obtaining a higher education.

This conference report protects student privacy by prohibiting the development of a Federal unit record system. Republicans believe students should not be forced to relinquish their privacy just because they wish to pursue post-secondary education.

This bill includes numerous reforms to strengthen Pell Grants for low-income students. The bill now prohibits Pell Grants from being provided to sex offenders that remain involuntarily confined by closing a loophole that allowed these individuals, deemed so dangerous that they cannot be released after completing their incarceration, to receive taxpayer-funded Pell Grants to pursue higher education. The bill also includes a sensible funding limitation to protect taxpayers and ensure students are making progress toward completing their degrees.

This conference report also includes a proposal to make transfer of credit policies public so students can plan ahead and avoid wasting time and money. It encourages States to develop and improve articulation agreements to make credit transfer easier among institutions within a State and across State lines.

Republicans have worked with our colleagues on the other side of the aisle for years to make it easier to apply for financial aid. Thanks to that effort, this legislation will create a shorter EZ–FAFSA form and make financial aid information available to students earlier in the college planning process.

Several committee members championed new efforts to ensure our higher education system can help meet our growing international competitive challenges. Specifically, the bill includes provisions to help increase the number of math, science, and foreign language teachers and professionals.

Republicans believe students should not be discriminated against on college campuses because of their political or ideological views, and that's why we fought to ensure the college conference would include an Academic Bill of Rights.

The bill also protects local control and prevents Federal meddling in curricula in programs under the Higher Education Act, including teacher training programs and within academic competitiveness grants.

Finally, in a time of war, we all recognize that our higher education system must be flexible enough to meet the unique needs of student-soldiers. The bill includes numerous proposals to improve higher education opportunities for members of the Armed Forces, including changes to allow greater participation in TRIO college access programs and improvements to the way financial aid is calculated for military personnel.

The bill also creates a Web site to make it easier for veterans and members of the military to find information on financial aid opportunities available to them, and it requires States to provide in-state tuition rates to members of the military, their spouses, and their dependent children.

These are just a few of the many reforms that were important to members of the committee during this process. I want to thank Chairman MILLER again for working with me to ensure this bill is truly bipartisan, and I urge all of my colleagues to join me in voting yes on this bill that contains so many important provisions.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, families across America and students everywhere, it is a pleasure to yield 1 minute to the gentleman from Illinois, who revolutionized and changed and simplified the student loan application form for all of America's families and students from this day forward, Mr. EMANUEL.

Mr. EMANUEL. When I was campaigning, I met a firefighter, Pat Kehoe, who told me about the night before he and his wife were trying to fill out the form for their only child to go to college. He talked about it was 108 questions, how complicated it was.

So I went and personally checked it. Go to page 8 and complete the columns on the left of worksheets A, B, and C. Enter the student, and spouse, totals in questions 44, 45, and 46 respectively.

Worksheet B, first of 12 items: Payments to tax-deferred pension and savings plans, including, but not limited to, amounts reported on the W–2 form in boxes 12a through 12d, codes D, E, F, G, H, and S.

If you can fill this out, forget college; go to graduate school. This is the most complicated form out there, for kids just trying to go to college.

This new legislation is going to take that 108 questions, those eight pages, take it down to two pages, 44 questions, and take it from bureaucratize language down to consumer-friendly language.

It's high time that parents who were trying to make sure that their kids had a shot at the American Dream don't have the government stepping in the way and preventing that.

I want to thank the chairman.

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

Mr. GEORGE MILLER of California. I yield the gentleman an additional 30 seconds.

Mr. EMANUEL. This legislation goes from protecting colleges to empowering college students, and this Congress will be remembered because of the chairman being the most friendly to college students and those families, for going to $20 billion in additional aid to kids to go to college, for the GI Bill which is new, and now this legislation.

And I thank the chairman for his work, as well as the ranking member, for making sure that families across America who are trying to send their kids to college no longer have to jump through hoops every year filling out a form that was more friendly to the bureaucracy than it was to their family and their children.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER), and I want to thank him for his work on the sustainability program and creating a summit on sustainability in colleges and universities.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this measure and for the hard work that the chairman and the ranking member have done. This is truly a landmark reauthorization. We're all pleased to see it come forward.

The major challenge of this century is literally the future of the planet, global warming, sustainable development in a water-stressed, energy short, carbon-constrained world.

To help us cope, this higher education reauthorization incorporates the provision of our Higher Education Sustainability Act. Inspired by the late Debbie Murdock from Portland State University, it will fund programs in our colleges and universities for research, for training of students, for sustainability practices on campus.

It also does direct the Secretary of Education to convene a sustainability

summit to be able to showcase all these best practices.

One of the things that I am pleased about as I travel around the country, is looking at the environmental progress on our campuses. This legislation will help accelerate that vital process, and I deeply appreciate what the committee has done.

Mr. GEORGE MILLER of California. I yield 30 seconds to the gentleman from Wisconsin (Mr. KIND) and thank him for his work on the real-time writers program.

Mr. KIND. Mr. Speaker, as a 10-year member of the Education and Labor Committee, I'm very proud of the product that the chairman and the ranking member and members of the committee have produced in this Congress today. It's the most important investment that this country is going to make in the future of our Nation for many years to come, but I'm especially grateful for the inclusion of the real-time court reporter scholarship program.

The court reporters are the guardians of our public record, and not too many of my colleagues realize that with the Telecom Act, we mandated closed captioning for every television program in the United States. But because of the shortage of court reporters, we're having a hard time filling our courtrooms and meeting closed captioning services.

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So I'm glad they included it; I commend them for the job they've done; and I ask my colleagues to support this legislation.

Mr. GEORGE MILLER of California. May I inquire of the Speaker as to the time remaining.

The SPEAKER pro tempore. The gentleman from California (Mr. MILLER) has 5 minutes remaining. The gentleman from California (Mr. MCKEON) has 2 minutes remaining.

Mr. MCKEON. Mr. Speaker, I yield myself the balance of our time.

For years, Republicans have fought on behalf of students and families to make college more affordable. Now our cause is bipartisan, and our vision for reform is the centerpiece of a comprehensive Higher Education Act reauthorization.

For students and families grappling with rising college costs, this bill establishes college affordability comparison tools to help put cost increases into perspective. Students will be able to search, sort, and compare key cost indicators for every school in the country. We will identify institutions that are the most costly, the least costly, and those with the fastest rising costs. And for schools engaging in a pattern of extraordinarily high cost increases, we demand greater disclosure and concrete steps to identify inefficiencies and fix them.

This legislation reflects Republican principles for reform, including financial aid simplification, protection of student privacy, safeguards for taxpayer dollars, an emphasis on competitiveness, and many more positive reforms.

Before I close, I want to recognize the staff on both sides of the aisle for their hard work. I want to thank Amy Jones, in particular, for her tireless efforts. Amy has carried this bill now through two Congresses, and we couldn't have done it without her.

I also want to recognize Susan Ross and Rob Borden on my staff, along with my staff director, Sally Stroup.

I'd also like to recognize Chairman MILLER's staff—and I'm trying to learn their names—including Gaby Gomez, Julie Radocchia, and Jeff Appel; great people, and they've worked hard and worked well together.

Mr. Speaker, this bill isn't perfect, but it will make a real difference to students and families struggling to pay for college. I encourage all of my colleagues to join me in voting yes to send this bill to the President for his signature.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, and members of the committee, I'm very proud of this legislation. I'm very proud of the members of my committee on both sides of the aisle. This legislation doesn't just belong to this committee at this time or to the majority party just at this time, this legislation has been worked on by many people on both sides of the aisle.

When the Republicans were in the majority and Mr. MCKEON was the subcommittee chair, he pushed hard for this legislation. And Mr. KILDEE has spent many years on our committee working on behalf of higher education. And Mr. HINOJOSA authored legislation, along with Mr. MCKEON, that made it through the House in the last session.

Why has that been true? Why is this legislation so broadly supported? Because we all understand the importance of a well-educated American population, and we all understand the urgency of this moment. At no time in our history has America needed a better educated population than it needs today.

And we understand the importance of a college education and what it means to America's families, what it means to young people as they start out in their careers, as they start out their families, and their ability to provide for themselves and go to jobs that are interesting, that work for them, that make sense for them, and yet be able to have the skills so they can continue in the American economic system. This legislation does all of those things.

This legislation helps to make college more affordable. It certainly helps to make it more accessible. And it has done that because of the agreements that we have reached on both sides of the aisle. Mr. MCKEON has pushed long and hard for increases in the Pell Grants, long and hard for accountability in this system, and long and hard to make sure that the cost of college, that we have greater transparency, that we understand it better, that parents would be able to decipher, that students would be able to decipher and understand it. This legislation improves this act with respect to all of those provisions of the law.

I tried to recognize the contributions made by each Member on our side of the aisle and the programs that they worked on to increase access to college for so many populations that haven't been given the full opportunity in the past that will be able to take advantage of that opportunity.

And finally, this legislation makes it more affordable for many students. It's in combination with what we did in the reconciliation bill, where we provided $20 billion in new resources for students by cutting the interest rates, by providing forgiveness for loans, by increasing the Pell Grants, and providing real-time tuition assistance for those who want to go into teaching.

This is an important piece of legislation; it's important to the Congress, it's important to our Nation, it's important to families and students who struggle mightily to figure out how they can finance an education.

I think this is a big step in assuring that every qualified student should be able to afford college. They may have to borrow some money, but it's well worth that if they can achieve a college education. And I think it's going to make a major contribution to strengthening the American economy.

This is a moment in time legislation and authorization of the Higher Education Act. But for over 45 years, there has been a fixed star in increasing the opportunity for young people to go to college and increasing the wherewithal for families and students to afford a college education, and that was the Senator from Massachusetts, who, unfortunately, is not able to be with us as we pass this conference report today in the House and in the Senate, but he is with us in great spirit. He called the other day to congratulate us with great enthusiasm. He wasn't convinced we were actually going to get it done, and he said he was quite excited that we did. And he was looking forward to the passage of this legislation.

He has been a moving force for opportunity at all levels of society. But he, first and foremost, has understood the opportunity that education provides. Whether it's early childhood education, preschool education, elementary, secondary education, community colleges, 4-year colleges, graduate schools, Senator TED KENNEDY has been a champion

of making sure that those doors are open to everybody in this society. And this legislation, I think, honors that commitment that Senator KENNEDY has had for so many years as he has continued to sit on the Education Committee in the United States Senate and pound out this legislation that is so important to America's families, to America's students, and to America's economy.

I urge all of my colleagues to support this legislation. I thanked them earlier, but I want to thank all the members of the committee on both sides of the aisle. I want to thank Mr. MCKEON for his leadership on this issue, and certainly to all of the staff for their help. And happy birthday to Joe Novotny.

Mr. DINGELL. Mr. Speaker, today the House is voting on the conference report for H.R. 4137, the Higher Education Opportunity Act. I want to thank my dear friend Senator KENNEDY for all of his hard work on this bill.

Like our fuel and food, college tuition prices continue to rise, making a college degree unaffordable for many of our constituents. If Congress is serious about helping our country through this economic downturn, we must provide our young people with the tools and resources to be successful now and in an increasingly global economy.

Back home in Michigan, we are facing higher and higher unemployment rates. Many are forced to look to a new career field after a plant closes, and others are simply having a hard time transferring the skills they learned from their previous career to a new one. I want to do everything I can to help the citizens of Michigan's 15th Congressional District through this tough time and I believe that access to a college education is one way to do so.

Many of you have probably heard from constituents who have had trouble navigating the federal student aid program or difficulty filling out the extensive application forms. The last thing we want is to discourage anyone from attending college merely because they find the federal aid process confusing or overwhelming.

H.R. 4137 proposes to streamline the Free Application for Federal Student Aid (FAFSA) in order to make it easier for students and their families to navigate. This will be done by cutting the number of questions of the FAFSA form in half and allowing applicants to save their information rather than re-filing a new form each year. It will also allow students and their families to determine their Expected Family Contribution and their federal student aid package prior to college so that families can plan accordingly.

For those of us with children and grandchildren, we all know how expensive a college education can be. Back home in Michigan, over 143,000 students take out need-based loans each year. While this bill will not cover the cost of a college education, it will help to make the costs a little more manageable by increasing the value of the Pell grant. H.R. 4137 will increase the maximum Pell grant increase from the current level of $5,800 to $8,000 by the 2014 school year. More importantly, this bill will allow students access to Pell grants year round, ensuring that students who are going to school part-time will have access to this aid.

For those many students who do rely on student loans to pay for school, this legislation will ensure that lenders are serving the best interests of our students. This will be done by requiring higher education institutions and lenders to adopt strict codes of conduct and ban all gifts and revenue sharing agreements between institutions and lenders. Lenders will now also be required to provide students with full and fair information about their loans before they sign on the dotted line, as well as be informed by the lenders of all borrowing options available to them when taking out and repaying loans.

This legislation will increase aid to our veterans and military personnel. The veterans from Iraq and Afghanistan have served our country honorably and it is our duty to ensure that they have access to a college education should they desire to return to school. I know colleges across the country have seen increases in the enrollment of veterans; however, many do not have the resources to give the veterans the support they need. This is frankly unacceptable and this legislation will help correct this problem.

H.R. 4137 will create a scholarship program that could award up to $5,000 for veterans, their spouses, or their children enrolled in college. It will also create support centers on college campuses designed to coordinate services and assist veterans with enrollment and completion of their degrees. More importantly, H.R. 4137 will ensure that veterans are not penalized by their financial contributions to their GI benefits in the financial aid process.

This bill will reward students who enter public service fields in areas of high-need by establishing a $10,000 loan forgiveness program for individuals who study to become nurses; early childhood educators; librarians; teachers; school counselors; public sector employees; medical specialists; among other career fields.

Mr. Speaker, as the federal representative of a number of great universities and colleges in my district, I want to ensure that my constituents are able to take advantage of the education these fine institutions provide. However, with Michigan's economy struggling, many students are forced to forego college altogether in favor of working to support their families and pay their bills. Over the August district work period I look forward to going home to these constituents and telling them that a college education can still be an option. I want to tell them that Congress is willing to increase federal aid for students. I want to tell them that Congress is going to make the federal aid application process simpler and easier for them. And at the end of the day, I want to tell my constituents that H.R. 4137 was signed into law. I urge all of my colleagues to vote in favor of this legislation, let us all show our constituents that access to a college education is a top priority for Congress.

Mr. SPACE. Mr. Speaker, I rise today in support of the Conference Report accompanying H.R. 4137, the Higher Education Opportunity Act. This legislation will complete a long-overdue reauthorization of the Higher Education Act, bringing the promise of opportunity to countless young Americans. I commend Chairman MILLER and Ranking Member MCKEON for their work on this critical legislation.

In particular, I wish to thank Chairman MILLER and Ranking Member MCKEON for including in this conference report provisions from legislation I introduced, H.R. 4139, the College and University Rural Education Act. This legislation will help to foster new opportunities and a higher quality of life for residents of rural America.

The provisions that I mention authorize grants to rural serving institutions to improve access to higher education in rural America, and also to create employment pipelines that benefit the community. These grants can be used by rural-serving institutions to collaborate with regional school districts to improve access to higher education for high school graduates in rural America, where participation lags. Additionally, these grants can be used to create other outreach programs that will bring more nontraditional students back into the classroom.

These grants can also be used to create new employment pipelines for professions of need in the region. By providing support for the development of new training programs for high-need occupations, as well as opportunities for students to attain professional development in these occupations, this legislation goes a long way towards improving the quality of life in rural America.

Again, I wish to thank the Chairman and Ranking Member for all their hard work on this crucial legislation. I also want to thank Congressmen HARE and LOEBSACK for their original cosponsorship for the legislation and support throughout the process. Finally, I want to offer my thanks to all the staff on the Committee for their tireless efforts to improve opportunities for residents of rural areas.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of the Conference Report on H.R. 4137, the Higher Education Opportunity Act, which will reauthorize the Higher Education Act through Fiscal Year 2012. This is the first time in almost a decade that this bill has been reauthorized, and I am proud to be part of a Congress that has placed such a high priority on making college a reality for all of our Nation's students. This bill builds on legislation that passed last year to help lower college costs and boost federal loan support for our students. Given the state of our economy, it is imperative that we invest in our education system to promote new employment and ensure that today's students can adapt to the jobs of tomorrow.

Two of the main goals of the Higher Education Opportunity Act are to make a college education accessible to all students and to lower college costs for those students and their families. I am pleased that this bill increases the maximum amount of Pell Grants, which help 5.5 million low-income and minority students attend college, from $5,800 to $8,000 by the 2014 academic year. This meaure also boosts funding for the TRIO program and the Gaining Early Awareness and Readiness for Undergraduate Program (GEAR UP), which provide college readiness and support for low-income and first-generation students. H.R. 4137 ensures equal college opportunities for

students with disabilities by creating the National Center for Information and Technical Support to improve college recruitment, retention, and completion of students with disabilities, and would also expand eligibility for Pell Grants for students with intellectual disabilities.

H.R. 4137 also establishes a user-friendly website to provide students and families with helpful information about college pricing, and will streamline the cumbersome filing process for Free Application for Federal Student Aid (FAFSA). Families will now be able to receive estimates of their expected contribution and the amount of financial aid they may receive. H.R. 4137 requires higher education institutions and student loan providers to give borrowers fair and full information on their loan terms and repayment options, as well as promote financial literacy and education for students and families.

One of the goals of the 110th Congress is to create a new generation of innovators so that we continue to build an educated, skilled workforce in the vital areas of science, math, engineering and information technology. To maintain our international competitiveness and economic advantage in the coming years, our Nation must invest more in science, technology, engineering and mathematics (STEM) education. That is why I am pleased that H.R. 4137 includes many new initiatives and increases STEM funding. These new programs include grants for colleges and universities to provide incentives for students in STEM majors to teach in these academic areas; the YES Partnership Grant Program, which provides funding to eligible colleges to support minority youth engagement in STEM fields through outreach and hands-on experiential learning; and the Robert C. Byrd Mathematics and Science Honors Scholarship Program, which focuses on encouraging students to earn degrees in math and science.

H.R. 4137 increases college aid and support for our veterans and military families by requiring colleges and universities to treat students returning from military service as continuously enrolled students and preventing active duty servicemembers from accruing interest on student loans for the duration of their activation. The measure also encourages those students who commit to a job in high-need areas and public service for at least five years by establishing a $10,000 loan forgiveness program for nurses, early childhood educators, foreign language specialists, child welfare workers, school counselors, public sector employees, medical specialists, and mental health professionals. This measure further addresses the shortage of nursing faculty by establishing competitive grants to fund scholarships for nurses studying for advanced degrees with the intention of becoming faculty.

In recent years, our country's college and university campuses have seen terrible tragedies. H.R. 4137 will boost campus safety by helping all colleges develop and implement state of the art emergency systems and campus safety plans, and will also create a National Center for Campus Safety at the Department of Justice. Administrators and students on campuses across the country have also pushed for environmental, or "green," initiatives, and this measure supports these efforts by providing funding for environmental sustainability programs.

Mr. Speaker, H.R. 4137 shows that Congress is committed to the success of our students, and we will work to make sure that they can pursue their dreams without the burdens of unnecessary costs and debt. While we may find ourselves facing hard economic decisions, we must empower the next generation with the necessary tools and invest in their education. The College Opportunity and Affordability Act will set a blueprint for the future, and I encourage all my colleagues to vote for this bill.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of this conference agreement. This is the first time in ten years that we will reauthorize the Higher Education Act, landmark legislation that has strengthened our colleges and universities and made the dream of higher education possible for countless Americans. I commend the bipartisan, bicameral work of Education and Labor Chairman GEORGE MILLER and Ranking Member BUCK MCKEON, and Senators KENNEDY, MIKULSKI and ENZI who crafted this compromise, and I urge my colleagues to join me in support of it.

Our Nation's competitiveness depends on a vigorous college and university system and on ample opportunities for Americans to pursue their educational goals. As the first member of my family to graduate from college, I know firsthand that affordable access to higher education is the key to the American Dream for working families. H.R. 4137 is an important step to make sure our schools remain strong and that students from all walks of life can go to college.

H.R. 4137 keeps costs down for students and provides additional support through Pell Grants and education loans. It strengthens successful college-readiness initiatives and bolsters cooperation between school districts and teacher-preparation faculties. It improves access to emergency notification services for students. And it makes the process of applying to and planning for school easier: streamlining the federal student financial aid application; creating the "College Navigator" to provide cost and aid data to prospective students; and ensuring professors and students know the costs of course textbooks before the semester starts.

I am pleased that this bill includes support for Historically Black Colleges and Universities in my district and across North Carolina, recognizing schools that have added master's degree programs with a new source of grant funding. It also provides new funding for Predominately Black Institutions. These schools, which include Fayetteville State University, Shaw University and North Carolina Wesleyan in my Congressional district, have an important ongoing role in improving educational opportunities for African Americans. I am also pleased that the conference agreement recognizes the situation of military families, like so many families of soldiers at North Carolina's Fort Bragg, who move frequently or are deployed abroad. H.R. 4137 requires states to offer in-state tuition rates to soldiers and their dependents when the soldier is deployed for more than 30 days. We must not allow service to our country to prevent the education of a soldier or his or her family.

Mr. Speaker, education is the key to better lives and a brighter future for individuals and our Nation. H.R. 4137 improves educational opportunities for all Americans. I am pleased to support this legislation, and I urge my colleagues to join me in voting to pass it.

Mr. FATTAH. Mr. Speaker, I want to especially recognize the good work of GEAR UP students and staff in Philadelphia. Tens of thousands of Philadelphia high school students have been fortunate enough to benefit from GEAR UP, either directly as participants in the State or partnership grants we have been awarded, or indirectly as recipients of the CORE Philly scholarship program which was jump started by GEAR UP. I am proud that Philadelphia has received one of the greatest investments from this exemplary program.

Beyond just the direct benefits of GEAR UP, Philadelphia's students are being raised in communities that are increasingly focused on college and greater opportunities for the next generation. Although not surprising, it is encouraging to learn that when adults (whether teachers, support staff or parents) commit to preparing their students for college, high school graduation rates shoot through the roof. Our students are ready, willing and able to meet the challenges of this new century and the next, we need only prepare and support them.

In Philadelphia we are seeing renewed attention brought to the challenge of abysmal high school graduation rates. I have every confidence that as the educational leaders of our city contemplate strategies to reengage disconnected students and catch those at risk of falling through the cracks, they will look to the national and local successes of GEAR UP.

In the past 10 years, GEAR UP has served millions of students across the country. I look forward to advocating on behalf of the millions more who will benefit in the future and the opportunity to expand this program to even more communities.

Once again, I would like to express my gratitude to my colleagues and their staff who created this ambitious document. The Higher Education Opportunity Act paves the way for a renewed commitment to the future success of our children and the prosperity of our Nation.

Mr. VAN HOLLEN. Mr. Speaker, I rise to support the reauthorization of the Higher Education Act. I thank the Conferees for their work on this issue, and especially commend Chairmen MILLER and KENNEDY, Ranking Members MCKEON and ENZI, and Senator MIKULSKI for their efforts in bringing this bipartisan legislation to the Floor today.

Mr. Speaker, 60 percent of new jobs require some post-secondary education. But paying for college can be a real challenge for many students and their families. In order to maintain America's competitive advantage, spur economic development, and fulfill the potential of our Nation's students, we must make college affordability and accessibility a priority.

This Congress has responded to that challenge. Beginning last year with the largest increase in student assistance since the G.I. Bill, we have worked to open the door to college for our Nation's best and brightest. And today, we continue that commitment.

The bill increases the maximum Pell grant again to $6,000 for 2009 and $8,000 for 2014.

It also allows for year-round Pell grants to give students more options and allow them to complete their degrees earlier.

It furthers our ambitious Competitiveness Agenda by creating programs to recruit new science and technology teachers and collaborate with the business community to improve science, technology, engineering, math, and foreign language education. These important provisions will help ensure American innovation in the competitive global economy.

The Conference Report before us today aims to provide more transparency and clarity in the financial aid process by simplifying the Free Application for Federal Student Aid, creating a user-friendly website to centralize information about schools and costs, and ensuring that students and parents get easy-to-understand information about the terms and conditions of Federal and private loans. It also includes provisions to require schools and lenders to adopt strict codes of conduct to avoid conflicts of interest and protect students from aggressive lending practices.

Finally, the Conference Report includes provisions from the Teach for America Act, a bill I introduced with Mr. CASTLE, Ms. DELAURO, Mr. REGULA, and Mr. SARBANES. These provisions will allow Teach for America to expand its reach and put more qualified and enthusiastic teachers in our Nation's classrooms.

Mr. Speaker, today's bill will increase transparency, simplify the financial aid process, and make higher education more affordable. I urge my colleagues to join me in supporting it today.

Ms. HIRONO. Mr. Speaker, I rise in strong support of H.R. 4137, the Higher Education Opportunity Act. I want to thank my colleagues on the Education and Labor Committee and in the Senate for their commitment to this important piece of legislation. While this reauthorization is long overdue, I believe this compromise bill will provide millions of our nation's students with increased access to higher education.

This bipartisan bill will help provide families with critical information about the cost of college and student financial aid programs. By helping families better understand the true financial costs of higher education and how they can apply for student aid, families will be better able to make informed choices about their student's education.

The Higher Education Opportunity Act truly an investment in education at all levels. To provide all of our children with a high quality education that will better prepare them for success in school and in life we must ensure that there is a qualified, caring, competent teacher in every classroom, particularly in the early years. This bill makes great progress toward this goal by expanding student loan forgiveness and professional development programs that will help recruit, prepare, and retain teachers in the field of early education.

This bill will also provide more low-income and minority students with support to prepare for and successfully attend college. I am particularly pleased to see provisions in this reauthorization that provide much-needed resources to Native Hawaiian-serving institutions for programs to help Native Hawaiians meet the demands of careers in Science, Technology, Engineering, and Mathematics.

Again, I want to thank my colleagues from both chambers for their tireless efforts in advancing this significant legislation. In particular, I would like to recognize Senator TED KENNEDY for his leadership and for his years of dedication to improving access to high quality education for all of our students.

I strongly urge my colleagues to support the Higher Education Opportunity Act.

Mr. EHLERS. Mr. Speaker, I rise today to support the conference report on the Higher Education Opportunity Act. As a conferee on this bill, I am very pleased that we have a final bill before us. I want to thank Chairman MILLER and Ranking Member MCKEON for all their hard work on this bill, and I especially thank them for including provisions that are very important to people in Michigan.

Higher education is vitally important for students entering the workforce and for the global competitiveness of this country. This bill will ensure students have better access to higher education, and that they have received a high quality educational experience when they receive their degree. Now that a college degree is the bare minimum requirement for so many jobs, the need for better access is stronger than ever.

Let me comment on some specific provisions in the bill.

In 2007, Representative BLUMENAUER and I joined together to introduce the Higher Education Sustainability Act (H.R. 3637). I commend Representative BLUMENAUER for his leadership in ''greening'' colleges and universities, and I am grateful that he allowed me to partner with him on an issue that is so dear to my heart. I am very pleased that provisions of our bill have been included in the conference report, especially now when energy prices and shortages are on everyone's mind.

Simply put, sustainability is meeting the needs of the present generation without compromising the ability of future generations to meet their needs. As population growth, urban development and growing energy use place stress on our ecosystem, it is imperative that we develop innovative and successful sustainable operations and programs.

Colleges and universities are in a unique position to foster new knowledge, evaluate policies and discover new technologies to address sustainability. Sustainable operations and programs on university campuses include water and energy conservation, recycling, and academic programs such as engineering courses that encourage innovative product designs, e.g., alternative fuels for cars, other new energy sources, and new types of packaging that use fewer natural materials.

The conference report contains two key sustainability provisions. First, it convenes a Summit on Sustainability with higher education experts working in the area of sustainable operations and programs. The Federal Government and university and business leaders are encouraged to identify best practices in sustainability by promoting current efforts, enhancing research and identifying opportunities for partnerships to expand sustainable operations and academic programs. Also, it authorizes the Sustainability Grant Program. The Secretary of Education, in consultation with the Administrator of the Environmental Protection Agency, is authorized to award grants to colleges and universities to establish sustainability research programs, such as developing new alternative energy sources. It also allows schools to implement sustainability practices on campus.

The conference report also contains an important study of distance education. It requires the Secretary of Education to contract with the National Research Council of the National Academy of Sciences to conduct a scientifically valid study of the quality of distance education, as compared to traditional, campus-based education. With so many students using distance education and a huge Federal investment in helping students attend college, it is critical that we effectively evaluate new modes of instruction to ensure that our students are receiving a topnotch education.

Finally, the conference report contains an array of provisions related to science, technology, engineering and math, collectively ''STEM'', education. Notably, it includes the National STEM Database to allow students with an interest in the STEM fields to more easily find financial aid. Also, it authorizes important loan forgiveness for college graduates pursuing careers in the STEM fields, and it authorizes the Mathematics and Science Scholars Program to award scholarships to students pursuing STEM majors. Now, more than ever, we must increase the size of our STEM workforce to maintain our competitiveness and national security.

In closing, I support this conference report since it helps students and makes many overdue improvements to the Higher Education Act. I urge all Members to vote in support of it.

Mr. HOLT. Mr. Speaker, I would like to commend Chairman MILLER and Mr. MCKEON for producing a strong piece of legislation. The Higher Education Opportunity Act does what the name suggests. It expands affordability and access to college education for the broadest range of Americans. It expands Pell Grants, the basis of financial aid, and I'm pleased to say it allows Pell Grants to be used year round and for certificate programs and part-time students, something I have been working on for a long time.

This Act will help bring transparency and accountability to student loan programs by requiring institutions of higher education and lenders to adopt strict codes of conduct, and protects students from aggressive marketing practices by lenders. It will provide students with full information about their borrowing options when taking out loans, and help promote financial literacy for students and their parents.

This legislation will help streamline the Free Application for Federal Student Aid, FAFSA, and encourage the Department of Education to coordinate with the IRS to use information that the Government already has. It as well expands the access for low-income families to student aid with an easy to use two-page FAFSA-EZ form. Additionally, the bill strengthens the TRIO and GEAR UP college readiness programs for first-generation and low-income students.

One of the complaints I hear most from students and their parents is about the ever-increasing cost of college textbooks. This bill will help make textbook costs more manageable

by ensuring students know the price of textbooks in advance so they can plan for the expense. And it requires colleges and faculty members to have access to the textbook costs when making selections for their courses.

The bill also builds on our work to restore the full benefits of the GI Bill to our Nation's veterans, by creating a new scholarship program for active duty military personnel and family members. It also establishes support centers to help veterans succeed in college and ensures fairness for veterans in student aid decisions.

I am pleased that this bill will help colleges recruit, retain, and graduate students with disabilities. The legislation will also help colleges improve their facilities and educational materials for these students. Further, it will establish a national center to provide support services and best practices to colleges to best serve students with disabilities and their families.

The legislation also responds to the tragedy at Virginia Tech by helping colleges to develop and implement state-of-the-art emergency systems and campus safety plans. Following a recommendation from college campus safety directors, the bill creates a National Center for Campus Safety to work in collaboration with the COPS program.

The bill also contains provisions, which I wrote into the measure, to strengthen our workforce and our Nation's competitiveness.

The bill would implement my initiative to provide loan forgiveness for STEM (Science, Technology, Engineering, or Math) employees who work in those fields. My initiative also establishes a loan forgiveness program for foreign language specialists who work as teachers or Government employees.

The legislation creates a Deputy Assistant Secretary for International and Foreign Language Education in the Department of Education. Based on legislation that I wrote, the executive-level officer would provide leadership in directing efforts aimed at international and foreign language education.

The measure establishes a program that I championed, the Science and Technology Advanced Foreign Language Grants program, to award funding to institutions of higher education to create programs that encourage students to develop foreign language proficiency as well as science and technological knowledge.

Based on my work, the bill develops the Mathematics & Science Scholars Program to grants and loan forgiveness to math and science students who commit to 5 consecutive years of service in a math or science field after graduation.

Included in the bill is my legislation to establish a National STEM Database to provide students with information on financial assistance for postsecondary and graduate programs in science, technology, engineering and mathematics. This important database will help capable students who are interested in STEM careers find scholarships to support their studies.

I am pleased that the measure includes the "Preparing Teachers for Digital Age Learners" program to help teacher candidates effectively integrate technology in the classroom. The program, which I advocated for, would work with teaching candidates on how they can bring modern digital tools in the classroom.

Additionally, the bill incorporates my legislation, the Nursing School Capacity Act, which requires the Institute of Medicine to explore the constraints that the Nation's schools of nursing face and propose short and long term solutions to address the nursing crisis.

Finally, based on my efforts the bill improves The "Child Care Access Means Parents in Schools" Program to empower small and community colleges to provide child care to working mothers so they can attend school.

Each of these provisions and the many more contained in the final Act will have positive impacts on our Nation and I am pleased that they soon will be implemented into law.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting the conference report will be followed by 5-minute votes on approving the Journal, if ordered; ordering the previous question on H. Res. 1388; adopting H. Res. 1388, if ordered; ordering the previous question on H. Res. 1384; and adopting H. Res. 1384, if ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 49, not voting 5, as follows:

[Roll No. 544]

YEAS—380

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

NAYS—49

Akin
Barrett (SC)
Bartlett (MD)
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Deal (GA)
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Herger
Hoekstra
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McHenry
Miller (FL)
Moran (KS)
Paul
Pence
Poe
Price (GA)
Rohrabacher
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Tancredo
Weldon (FL)
Westmoreland

NOT VOTING—5

Brown-Waite, Ginny
Cubin
Hulshof
Lipinski
Young (AK)

□ 1452

Messrs. AKIN, LINDER and WESTMORELAND changed their vote from ''yea'' to ''nay.''

Mrs. MUSGRAVE, Messrs. BONNER, BACHUS, POMEROY and ROGERS of Alabama changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 223, noes 203, not voting 8, as follows:

[Roll No. 545]

AYES—223

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

NOES—203

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

NOT VOTING—8

Brown-Waite, Ginny
Cubin
Edwards (TX)
Honda
Hulshof
Lipinski
Smith (TX)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1502

So the Journal was approved.

The result of the vote was announced as above recorded.

QUESTION OF PERSONAL PRIVILEGE

Mr. RANGEL. Pursuant to clause 1 of rule IX, I rise to a point of personal privilege.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentleman's point of personal privilege.

The gentleman from New York is recognized for 1 hour.

Mr. RANGEL. Mr. Speaker, I promise you, this will not take anywhere near 1 hour.

I was advised last night and assured this morning that the minority intended to bring up a resolution recommending that I be censured or that my conduct as reported in The New York Times would be declared that I was a discredit to this House.

There is no one in this House that is more thick-skinned than I am in terms of playing politics, but playing with someone's reputation, especially someone that has felt so honored to serve in this House, I really think goes a step beyond that.

In reading the allegations as to where my campaign headquarters was located or what the rent should have been, I have never felt more secure that I violated no law and no spirit of the law. But in order to make certain, to make certain that there is no cloud

over my conduct in New York, I asked the Ethics Committee to look into it, to investigate, to do whatever is necessary to bring this to the House and to bring it to my family and friends.

In addition to that, the same newspaper reported that I was overly aggressive in trying to raise funds in order to encourage moneys to go to a local college that encouraged minorities and others to get involved in public service. And even though there was no request for money, the mere fact that there was a cloud involved in the accusation by the newspapers, even though there have been more newspaper articles correcting it than anything else, I referred that to the Ethics Committee.

Showing that I do want this to be sincerely investigated, I am asking the minority to allow me to join in with them in this resolution to say this matter should be cleared up. But there is no need, even for mean-spirited people in the minority, to say that I am a discredit to the United States Congress, based on a newspaper story, and, worse than that, there is no reason why Republicans or Democrats should do this to each other based on any newspaper story.

So, I don't know the parliamentary inquiry, and, as most of you suspected, most of my friends say, RANGEL, the less you say the better, get out of the headlines, and do all of these things. And this is normally what I recommend to newer Members: just leave it alone, it will go away. But my reputation won't, and I could not really appreciate if this body was to resolve that I bring dishonor to this wonderful House and this wonderful country, or that I be censured.

So I make an appeal to the minority; let me join in with you with the request. Let me say if there is any doubt about anything, I would feel better if it went to the Ethics Committee. I have requested that it go to the Ethics Committee. Let us join in. But with not one scintilla of any evidence, other than a newspaper story, I think fairness would say, for God's sake, don't make politics out of a person's reputation. Strike out ''discredit,'' strike out ''censure,'' and put in there whatever the heck the Ethics Committee recommends. I join with them. I ask you to consider that.

I yield back the balance of my time.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1396

Whereas the representative from New York, Charles B. Rangel, serves as chairman of the House Ways and Means Committee, a position of considerable power and influence within the House of Representatives;

Whereas clause 1 of rule XXIII of the Rules of the House of Representatives provides that ''A Member, Delegate, Resident Commission, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House.'';

Whereas the New York Times reported on July 11, 2008 that, ''While aggressive evictions are reducing the number of rent-stabilized apartments in New York, Representative Charles B. Rangel is enjoying four of them, including three adjacent units on the 16th floor overlooking Upper Manhattan in a building owned by one of New York's premier real estate developers.'';

Whereas the New York Times newspaper reported on July 11, 2008, that Rep. Rangel, ''paid a total rent of $3,894 monthly in 2007 for four apartments at Lennox Terrace, a 1,700-unit luxury development of six towers, with doormen, that is described in real estate publications as Harlem's most prestigious address.'';

Whereas the New York Times newspaper reported on July 11, 2008, that ''The current market-rate rent for similar apartments in Mr. Rangel's building would total $7,465 to $8,125 a month, according to the Web site of the owner, the Olnick Organization.'';

Whereas clause 5(a)(2)(A) of rule XXV of the Rules of the House defines a gift as, ''a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.'';

Whereas clause 5 of rule XXV provides that a Member, Delegate, or Resident Commissioner, officer, or employee of the House may not knowingly accept a gift in violation of that clause;

Whereas the New York Times newspaper reported on July 18, 2008, ''Mr. Rangel acknowledged that his use of one of the apartments as a campaign office 'presents an issue,' given that city and state guidelines require rentstabilized apartments to be used as a primary residence. ;

Whereas section 2520.11(k) of the Rent Stabilization Code of the State of New York prohibits the application of rent stabilization to ''housing accommodations which are not occupied by the tenant, not including subtenants or occupants, as his or her primary residence as determined by a court of competent jurisdiction.'';

Whereas in each of the years 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008, the campaign committee of the representative from New York, Representative Rangel, known as ''Rangel for Congress'' and by Federal Election Commission Identification Number C00302422, made disbursements to the Lennox Terrace Development Association for payment of office rent;

Whereas Olnick Organization, Inc. owns the Lennox Terrace Development;

Whereas according to the State of New York, Department of State, Division of Corporations, the Olnick Organization, Inc., owner of Representative Rangel's apartments, is an active domestic business corporation;

Whereas section 441b(a) of title 2, United States Code, states that ''it is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.'';

Whereas Federal Election Commission records confirm that in 2004 Representative Rangel received $2,000 in campaign contributions from Sylvia Olnick, an owner of Olnick Organization, Inc. the company that owns his apartment building, and that Representative Rangel's separate political action committee also received $2,500 donations from Ms. Olnick in 2004 and 2006;

Whereas the New York Times newspaper reported on July 11, 2008, ''City records show that in 2005, a lobbyist for the Olnick Organization met with Mr. Rangel and Mr. Paterson, who was then the State Senate minority leader, as the company set out to win government approvals of a plan to expand Lenox Terrace and build another apartment complex in the Bronx.'';

Whereas Representative Rangel's acceptance of more than one rent-controlled apartment for his personal use is a violation of the House gift ban;

Whereas Representative Rangel's failure to disclose the aforementioned gifts on his annual Personal Financial Disclosure statements is a violation of House rules;

Whereas the acceptance by Representative Rangel's campaign of illegal corporate contributions from the Olnick Organization, Inc. violates Federal law;

Whereas the failure by Representative Rangel's campaign to disclose certain contributions from the Olnick Organization, Inc. violates Federal law: Now, therefore, be it

Resolved, That——

(1) by the conduct giving rise to this resolution the representative from New York, Representative Charles B. Rangel, has dishonored himself and brought discredit to the House and merits the censure of the House for same; and,

(2) the representative from New York, Mr. Rangel, is hereby so censured.

The SPEAKER pro tempore. The resolution presents a question of privilege.

MOTION TO TABLE

Mr. HASTINGS of Florida. Mr. Speaker, I move to lay the resolution on the table.

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

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

RECORDED VOTE

Mr. BOEHNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on ordering the previous question on H.

Res. 1388; adopting H. Res. 1388, if ordered; ordering the previous question on H. Res. 1384; and adopting H. Res. 1384, if ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 138, answered ''present'' 34, not voting 9, as follows:

[Roll No. 546]

AYES—254

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

NOES—138

Bachmann
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Buyer
Calvert
Campbell (CA)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Everett
Fallin
Feeney
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Petri
Pitts
Platts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Reynolds
Rogers (MI)
Roskam
Royce
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)

ANSWERED ''PRESENT''—34

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bonner
Burton (IN)
Camp (MI)
Davis, Tom
Delahunt
Doyle
Emerson
Ferguson
Forbes
Fortenberry
Green, Gene
Hastings (WA)
Hunter
Jones (OH)
Kline (MN)
Lewis (KY)
McCaul (TX)
Pence
Peterson (PA)
Poe
Rogers (AL)
Rogers (KY)
Roybal-Allard
Smith (NJ)
Weldon (FL)
Weller
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—9

Brown-Waite, Ginny
Cannon
Cubin
Hulshof
Kilpatrick
Lewis (CA)
Lipinski
Saxton
Young (AK)

□ 1534

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

Messrs. POE, BURTON of Indiana, ROGERS of Kentucky, AKIN, ADERHOLT, WELDON of Florida, LEWIS of Kentucky, CAMP of Michigan and Mrs. EMERSON changed their vote from ''no'' to ''present.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1338, PAYCHECK FAIRNESS ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1388, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 191, not voting 11, as follows:

[Roll No. 547]

YEAS—232

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

Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—191

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

NOT VOTING—11

Brown-Waite, Ginny
Cannon
Cleaver
Cubin
Hulshof
Johnson, E. B.
Lipinski
Rush
Weldon (FL)
Wilson (NM)
Young (AK)

□ 1545

Messrs. SMITH of New Jersey and SAXTON changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 229, nays 194, not voting 11, as follows:

[Roll No. 548]

YEAS—229

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

NAYS—194

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

NOT VOTING—11

Brown-Waite, Ginny
Cannon
Childers
Cubin
Edwards (TX)
Hulshof
Lipinski
Rush
Thompson (MS)
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1553

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6599, MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1384, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 181, not voting 10, as follows:

[Roll No. 549]

YEAS—243

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

NAYS—181

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

NOT VOTING—10

Brown-Waite, Ginny
Cannon
Cubin
Hulshof
Johnson (IL)
Lipinski
Rush
Wilson (NM)
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1602

Messrs. DONNELLY and CHILDERS changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 230, nays 186, not voting 18, as follows:

[Roll No. 550]

YEAS—230

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

Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—186

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

NOT VOTING—18

Brown-Waite, Ginny
Cannon
Cleaver
Cramer
Cubin
Delahunt
Hulshof
Lewis (KY)
Lipinski
Moore (WI)
Payne
Royce
Rush
Scott (VA)
Speier
Weldon (FL)
Wilson (NM)
Young (AK)

□ 1609

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days for Members to revise and extend their remarks and insert extraneous materials on H.R. 1338.

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

There was no objection.

PAYCHECK FAIRNESS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1388 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1338.

□ 1610

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, with Mr. CAPUANO in the chair.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Members of the House, in 1963 this Nation passed the Equal Pay Act, and it was passed to end discriminatory practices in paying men and women differently for performing the same job. The law's principle is that men and women should be paid based upon their merits, not upon an employer's prejudices.

Before the Equal Pay Act, women in the workplace were paid 59 cents on the dollar compared to their male counterparts for performing the same jobs. Although the wage gap between men and women has narrowed since the Equal Pay Act was passed, gender-based pay wage discrimination remains a very significant problem for women.

According to the Census Bureau, women make 77 cents for every dollar earned by a man. Just as disturbing is that African American women only earn 60 cents on the dollar, and Hispanic women earn an astonishing 55 cents on the dollar compared to their male counterparts.

Those figures do not just tell us what they lose in their wages on a daily basis, on a weekly basis, and on a monthly basis. But we must also understand that this wage disparity costs a woman anywhere from $400,000 to $2 million over a lifetime in lost wages and will follow her into retirement with lower retirement benefits, and will follow her into the Social Security system with lower Social Security benefits.

These women pay a great price because the law still allows employers to pay these individuals on a discriminatory basis for the jobs that they produce. But today this House has an opportunity to take a critical step to ensure that the Equal Pay Act lives up to its promise: equal work for equal pay, equal pay for equal work.

The Paycheck Fairness Act will strengthen the Equal Pay Act and close many of the loopholes that have allowed employers to avoid responsibility of engaging in discriminatory pay practices. Currently, an employer can refute a pay discrimination claim if he proves that the difference in pay is based upon any factor other than sex. They can pull any defense out of the air that they want, even if the factors are not related to the job. What we say is that they must provide a real business justification for not paying that equal wage. It must be related to the work.

They will have to show that any gender-based wage differential is job-related, not based on or derived from sex-based differentials, and is consistent with the business necessity.

H.R. 1338 will also prohibit employers from retaliating against employees who discuss their pay. We all remember the Lilly Ledbetter case. She did not know that she was being discriminated on every pay period because her fellow employees were unable to discuss their paychecks with her because that's the way the corporation kept the discriminatory practice secret and hidden from Lilly Ledbetter. We would not allow that to continue to happen.

The bill would also put gender-based discrimination sanctions on equal footing with other forms of discrimination by allowing women to sue for punitive damages, in addition to compensatory damages, just as business and workers may do under section 1981 for race or national origin discrimination. If we are serious about closing the gender pay gap, we must get serious about punishing those who would otherwise scoff at the current weak sanctions under the current law.

□ 1615

The Paycheck Fairness Act will require the Department of Labor to continue collecting pay information based upon gender. It also creates a program designed to help strengthen the negotiating skills of girls and women.

Any wage gap based upon gender is unacceptable, especially in these tough economic times. For families living near or under the poverty line, equal

pay for women will make a significant difference in that family's well-being.

By allowing wage discrimination to continue, we hold down women, their families, and harm the American economy as a whole. Today, we have a chance to rectify those practices. Today, we have a chance to ensure that, in fact, women will receive equal pay for equal work as they do not now receive in the workplace because of the barriers that have been erected to their being able to prosecute those individuals who engage in a discriminatory practice.

Today, we are taking up this bill. And no one is more responsible for the House consideration of this legislation than Congresswoman ROSA DELAURO. I thank her for her tireless leadership on this bill, and the 230 cosponsors who are taking a strong stand against unequal pay. Congresswoman DELAURO has worked over a decade trying to get the Congress to pay attention to this problem that women face in the workplace, to this economic devastation that takes place against women in the workplace, the discriminatory practices that women face in the workplace, but there was no response in this body to her pleas. There was no response to the practices against these women in this body. Today there is. Today, this Congress, this House has an opportunity to finally enforce the Equal Pay Act and to make sure that women no longer have to suffer the discrimination of unequal pay.

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

Mr. MCKEON. Mr. Chairman, I rise in opposition to the bill and I yield myself such time as I may consume.

Discrimination in the workplace is wrong. Paying women lower wages for the same work is wrong. It's also illegal. Congress enacted protections to ensure equal pay for equal work in 1963 when the Equal Pay Act was added to the Fair Labor Standards Act. Congress acted again to protect women and all Americans from workplace discrimination with enactment of title VII of the Civil Rights Act. Together, these laws offer women protections against workplace discrimination, and strong remedies should they be subject to illegal employment practices.

Yet we're here today debating a bill that has been touted as necessary to protect women from being underpaid. Supporters of the bill would have you believe that unless this legislation is enacted, employers are free to pay women less money for doing the same job as their male counterparts. Nothing could be further from the truth.

H.R. 1338 isn't needed to protect women from wage discrimination; such protections are already included in the law. No, this bill is about something entirely different. Rather than addressing the real concerns of working families, issues like health care, a lack of workplace flexibility, and yes, the high price of gasoline, this bill invites more and costlier lawsuits.

The bill opens EPA claims to unlimited compensatory damages, even in cases where there was clearly no intentional discrimination. The majority will offer an amendment today that attempts to mask this trial lawyer boondoggle. But make no mistake about it, at the end of the day this bill will invite more lawyers to bring more law suits because it offers them the promise of a bigger payday. H.R. 1338 will breed litigation in other ways as well, from encouraging class action lawsuits to expanding liability.

I'm also concerned that this bill has been put forward using misleading claims to justify its dangerous consequences. Supporters will repeat over and over the statistic that women earn just 77 cents on the dollar. Mr. Chairman, if a woman earned 77 cents on the dollar doing the same job as a man, it would be a travesty—and it would be illegal.

What supporters of this bill won't tell you is that the 77 percent figure does not compare one man and one woman doing the same job. To argue that a woman only makes 70 cents on the dollar doing the same work as her male counterpart is to distort reality. The 77 percent figure is based on 2005 Census data looking at median earnings of all women and men who work at least 35 hours per week.

Interestingly, if you look at 2006 data from the U.S. Department of Labor comparing men and women who work 40 hours per week, women actually earn 88 cents on the dollar. The wage gap is much narrower, but the existence of a gap is still troubling.

However, last year the Education and Labor Committee heard testimony that cited an article published in The American Economic Review which found that when data on demographics, education, scores on the Armed Forces Qualification Test, and work experience are added, the wage ratio rises to 91.4 percent. The addition of variables measuring workplace and occupational characteristics, as well as child-related factors, causes the wage ratio to rise to 95.1 percent. When the percentage female in the occupation is added, the wage ratio becomes 97.5 percent, a far less significant difference.

In another study, researchers from the University of Chicago and Cornell University found almost no difference in the pay of male and female top corporate executives when accounting for size of firm, position in the company, age, seniority, and experience.

So before we use the 77 percent figure to justify new legal ''gotchas,'' I think we need a better understanding of the scope of any actual pay disparity and why such a disparity exists.

Luckily, there are steps we could take right now, right here, that would ease the strain on working women. Republicans have proposed a bill, the American Energy Act, that embraces our ''all of the above'' approach to the energy reform. It would unlock America's vast energy resources, increasing the production of American-made energy and reducing foreign nations' stranglehold on our economic and national security.

Republicans recognize that we need comprehensive solutions to solve our energy crisis and ease the strain on working families brought by high energy costs. Unfortunately, the majority has refused to allow a vote on commonsense energy reform. Now we're poised to go home for a month without voting on real energy reforms. We're about to pass a bill that will bring a major payday to trial lawyers, but will do nothing to ease the pocketbook concerns of hardworking American families.

Mr. Chairman, I am strongly opposed to H.R. 1338; it's the wrong bill at the wrong time. We shouldn't be here giving handouts to trial lawyers; we should be voting on energy solutions for American families.

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

Ms. LINDA T. SÁNCHEZ of California. At this time, I am pleased to yield 1 minute to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentlelady for yielding.

I must say to my friend on the other side of the aisle, I believe it's never the wrong time to do the right thing, and this is the right thing.

My friend mentions trial lawyers. Trial lawyers are in the business of redressing grievances. Juries and judges are in the business of deciding whether the grievance deserves redress, not trial lawyers. Trial lawyers raise the issue. Judgments are not given by trial lawyers, but by judges and juries.

Equal pay for equal work. When we put the principle as bluntly as that, I doubt that anyone in America would disagree. It's a basic ideal of fairness. Is there a woman on this floor that believes they ought to be paid less than the men that do exactly the same kind of work? And I would suggest the answer to that is no, whether they're staffers or Members. I hope there is not a female page who watches these proceedings that believes that they are less valuable than the male pages that serve this House. They are equally valued, irrespective of gender.

The value of work lies in a job well done, not in the gender of the worker; but within my lifetime, it was a radical notion. For decades, it was perfectly acceptable for women to earn less simply because they were women.

We celebrated the 60th anniversary of the integration of the Armed Forces just a few days ago. Colin Powell

spoke, and he indicated that he was too small to really remember the ramifications of that executive order, but he said to himself, how strange it would seem today to think that men and women would be segregated by unit and by housing because of the color of their skin. It is equally wrong to make distinctions of gender in payment for services.

Thanks to the hard work of generations of women advocates, we've closed that gap from 61 cents back in 1963 to 77 cents on the dollar today. Being 77 percent right is not enough, we need to be 100 percent right. We need to pay dollar for dollar for work performed.

In fact, it depends on staying hidden, it depends on keeping women in the dark. Because, of course, it's against the law not to pay equally, but if you don't know that you're being discriminated against, how can your grievances be redressed? In fact, the Constitution of the United States says, as all of us know, that Americans are guaranteed the right to petition the Congress of the United States for redress of grievances, and yet we keep people in the dark as to whether or not, in fact, they are aggrieved.

By now, we have all heard about the Lilly Ledbetter case. Ms. Ledbetter was a supervisor at a tire plant in Alabama, and for years she was paid less than her male coworker. I would be interested if any Member of this House is prepared to come to this well or stand at one of these microphones and say it was right to pay a supervisor that was a woman less than a supervisor who was a man. And if you do come to this well and say that, I look forward to debating you on that issue.

But Lilly Ledbetter had no way of knowing that she was being paid differently. She didn't know the truth. And by the time she found out, years after the discrimination began, the court said it was too late, time had run, statute of limitations gone, insurance run out. She didn't have the right to redress her justifiable grievance.

Her case is hardly unique. Justice Ginsburg has written that ''comparative pay information is often hidden from the employee's view.'' In many workplaces, merely asking a coworker about his or her pay is a firing offense. Far from protecting privacy, rules like that can protect an employer's power to discriminate.

And should we say, well, I know the employer discriminated, but we don't want to have a lawyer take that case because, after all, we don't like lawyers, they bring to our attention wrongdoing, they ask for redress of grievances, they petition the jury and the court; this is wrong. You know, a famous individual from my State, Justice Thurgood Marshall, did that. He was a trial lawyer. And he petitioned the court and said, it is wrong to segregate blacks and whites, it is wrong to give secondary education to African Americans, just as lawyers come and say it's wrong to discriminate on gender as opposed to quality of work.

In many workplaces, as I've said, merely asking a coworker about his or her pay is a firing offense. That's why this bill, the Paycheck Fairness Act, is so necessary. It is time to do the right thing. It may be too late for some, but it's the right time for many.

It amends the Equal Pay Act to bar retaliation against employees who share or inquire about pay information. It strengthens sanctions against discriminatory employers—which have not been adjusted for 17 years. It clarifies acceptable reasons for differences in pay related to factors other than gender. And it authorizes additional training for Equal Employment Opportunity Commission staff to better identify and handle wage disputes.

□ 1630

I want to recognize my colleague Congresswoman DELAURO for working so hard for so long and so passionately to bring this bill to the floor.

I urge all of my colleagues to support it. It's the right time. It's the right place. It's the right time.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

My good friend the majority leader mentioned trial lawyers. I'm not a lawyer. I know we have a lot of them here in the House, and I am not particularly against lawyers. I think they perform a good service.

One of the things that we did in subcommittee is we thought maybe we should be able to limit trial lawyers' pay when they take some of these claims, and we even had an amendment that we presented that we would limit the trial lawyers to $2,000 an hour. We thought maybe that would be reasonable. Every Democrat voted against that. And when we took it to the Rules Committee to bring it here to the floor, we were denied the opportunity of discussing that here on the floor. So maybe that's why the other side feels that we are against trial lawyers, because we wanted to limit their pay to $2,000 an hour. Anyway, we were not able to discuss that here and we won't be able to have that amendment here today.

Mr. Chairman, I am happy to yield 3 minutes at this time to the ranking member on the subcommittee over this issue, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, thank you for this opportunity to speak on H.R. 1338.

I want to thank the ranking member of the committee, Representative BUCK MCKEON of California, for his leadership here today.

I know we can all agree that discrimination in the workplace is unacceptable. That is why employment discrimination, including pay discrimination, based on gender is already prohibited by law. As an attorney myself, I believe there are already considerable legal ramifications for discrimination in our Federal laws, which makes the legislation we are considering here today unnecessary and redundant.

Additionally, it seems the premise for bringing this bill to the floor today is in response to potential wage gaps between men and women in the workforce. I would remind my colleagues that research into this issue, including a report by the Government Accountability Office, GAO, concluded that the ''wage gap'' was not simply derived from sex discrimination or pay discrimination. In fact, the reasons for such a gap can be numerous.

But to the bill itself, I am concerned that this legislation will not strengthen current laws or improve workplace protections but rather create additional and greater potential for individuals, well-meaning or otherwise, to abuse these protections in our courts.

This bill does two very damaging things to current law. It allows for unlimited compensatory and punitive damages for claims brought under the Equal Pay Act, and it does not require proof of intent to discriminate in those claims. These two components could have unintended consequences for employers and employees, and they make it more attractive for unsubstantiated claims before the courts.

I welcome a healthy debate on employee and employer protections in the workplace. In fact, I would hope that before going forward, the debate on these issues would be more open where both the minority and majority might have greater opportunity to offer amendments to strengthen legislation and address the real concern of America's hardworking families.

I want to thank Ranking Member BUCK MCKEON for his leadership, and I encourage my colleagues to oppose this legislation. American workers deserve reasonable protections that are enforced. This bill would undermine those efforts in America's workforce.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. WOOLSEY) having assumed the chair, Mr. CAPUANO, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS TODAY

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I ask unanimous consent that, during further proceedings today in the House and in a Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

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

There was no objection.

PAYCHECK FAIRNESS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1388 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1338.

□ 1636

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, with Mr. CAPUANO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, 43½ minutes remain in general debate. The gentlewoman from California (Ms. LINDA T. SÁNCHEZ) has 23 minutes remaining. And the gentleman from California (Mr. MCKEON) has 20½ minutes remaining.

The Chair recognizes the gentlewoman from California.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, at this time I would like to recognize a true champion of women in the House and the author of the Paycheck Fairness Act, the gentlewoman from Connecticut (Ms. ROSA DELAURO), for 6 minutes.

Ms. DELAURO. I thank the gentlewoman for yielding.

I want to thank Chairman GEORGE MILLER for his dedication to this cause. We never could have come this far without his tenacious leadership.

We are grateful, Chairman MILLER.

Mr. Chairman, the Paycheck Fairness Act is about valuing the work that women do in our society. One of our Nation's most enduring principles, one of our greatest aspirations, has been ensuring equality of opportunity for all. There is no more important American promise that allows us to be a country of dreams and of success, and today we can take another important step toward finally honoring that promise.

I want to thank Speaker PELOSI, whose leadership today continues to build on the legacy of those who preceded us, those pioneers at Seneca Falls as well as the women who blazed a path in the House of Representatives, Jeanette Rankin, Mary Norton. Even President Kennedy's Equal Pay Act grew out of the Commission on the Status of Women led by Eleanor Roosevelt. Forty-five years later our Speaker has celebrated that history by making this movement an absolute priority. Her message has been clear: It is time to stand up for working women and their families.

Well, Mr. Chairman, we can do that today by supporting the Paycheck Fairness Act, reasserting the principle that women and men should be paid the same when doing the same work and making it real by allowing female employees to sue for compensatory and punitive damages. It does so without imposing the arbitrary caps women face under title VII. It protects employees from retaliation for sharing information with their coworkers about their salary, with some exceptions. And it establishes a grant initiative to provide negotiation skills training programs for girls and women.

Some will have you believe that the wage gap for women is a myth, that we already have laws in place to make discrimination on the basis of gender illegal. But just because something is illegal does not mean that it does not continue to happen. According to the Department of Labor, women still earn only 77 percent of what men earn.

Opponents insist that this figure does not take into account education and experience. But the truth is the gap barely closes among women with college degrees. Recent research by the American Association of University Women found that just one year after college graduation, women earn only 80 percent of what their male counterparts earn. Ten years after college graduation, women fall further behind, earning only 69 percent of what men earn. So what is the message? No matter how advanced their degree or how hard they work, women will not be compensated fairly.

The marketplace alone will not correct this injustice. We need a solution in law, just as our country has done in the past to bring down discriminatory barriers. Others will insist that we cannot open the door for increased litigation, but in the light of day, it is clear that the current system is rife with loopholes that have allowed employers to avoid responsibility for discriminatory pay scales.

We all know Lilly Ledbetter's story. For so many years she was shortchanged by her employer. And years later she was shortchanged again by the Supreme Court ruling of 5–4 against her discrimination claim, drastically limiting women's access to seek justice for pay discrimination based on gender.

We have an obligation to ensure that this does not go on any longer, and we must begin today by toughening remedies in the Equal Pay Act to give America's working women the opportunity to fight against wage discrimination and receive the paycheck they have earned. No one should be forced to consider a trade-off between a full wage, a family life, and a good job.

My colleagues on both sides of the aisle, we are so fortunate to come to work every day in this extraordinary institution. We are blessed. Different regions of the country we come from, different backgrounds, and different experiences. We are men and we are women and we are paid equally. Every woman in this country deserves the same. Every family deserves to know that this institution will act today to make it real.

It is about ensuring that women who work hard and productively and carry a full range of family responsibilities are paid at a rate they are entitled.

I urge my colleagues to support the Paycheck Fairness Act. We should not underestimate the power of a big idea whose time has come.

So many employers and companies do the right thing as a matter of course, but passing this bill today says that this is now a matter of right and wrong, that discrimination is unacceptable anywhere, and we are all diminished when we fall short. But today we have a chance to make all men and women whole and contribute to the richness of America.

In 1963 President Kennedy signed the Equal Pay Act, saying that it would ''add to our laws another structure basic to democracy'' and ''affirm our determination that when women enter the labor force, they will find equality in their pay envelope.''

Today we have another opportunity to make good on that promise. Those days come only few times in our tenure in the United States Congress.

I have always been proud to serve in this institution, and I revere those lawmakers before us who on previous days took a stand for health care for the elderly or the Civil Rights Act or Family and Medical Leave and made such an impact on people's lives. They changed people's lives. That is the whole reason why we serve in this institution.

It is my hope today that the House of Representatives passes this law and makes history for our country.

□ 1645

Mr. MCKEON. I am pleased to yield such time as she may consume to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I want to thank Ranking Member MCKEON for his work on this

bill. I find it very interesting that our colleagues have such hubris that they think we are going to solve all of the problems of the world here in the Congress. I wish that it were so.

I worked all my life for equal rights for women, and I don't take a back seat to anyone on this floor or in this body for that. But I want to say that this bill is not going to solve the problem that we face in terms of equal pay for equal work.

My colleagues have reviewed very well the existing law. They have stated well why this bill is not needed. But I have to say that the Democrats have been very clever in the way that they have named bills here this year. The Free Choice Act, which takes away the choice of a secret ballot for voting for unions, does exactly the opposite.

This bill, the Paycheck Fairness Act, will not do what the Democrats purport that it will do. It will help trial lawyers. Those in charge of the House of Representatives, I believe, are being controlled by trial lawyers, union leaders, and radical environmentalists.

I think this bill will make it easier for trial lawyers to cash in. It includes several steps that will make it more lucrative for trial lawyers to pursue sex discrimination claims under the EPA. This may be good for lawyers, but it will be costly for businesses and their workers.

I agree, discrimination against anyone is wrong. No one who serves in this House or who lives in this country wants to see that. But I want to quote from an article by Carrie Lukas, and I will put the entire article in the RECORD. The subtitle is: The Paycheck Fairness Act, and the title is: Feminists Meddle with the Market. It's in National Review.

''Today is a rare moment when Congress has the potential to meaningfully address a real economic problem, rising energy prices, with sensible legislation to allow more drilling to increase energy supplies. So what has Congress slated for consideration this week? The Paycheck Fairness Act, a bill that is the equivalent of throwing sand into the wheels of our economic machine.''

She goes on to say, ''Of course, no congressional legislation would be complete without a healthy serving of waste, and the Paycheck Fairness Act doesn't disappoint. It would create a new grant program to instruct women on salary negotiation tactics and require the Department of Labor to train employers in strategies for eliminating pay disparities. It seems almost quaint to ask, but where in the Constitution is Congress granted the power to engage in this type of activity? Taxpayers should be outraged that their money is being put to such use.''

If we are really concerned about working women and wanting to see them treated fairly, the Democrats in charge would bring up the American Energy Act and let us vote to create more sources of energy, thereby bringing down the cost of oil and gas and other forms of energy. This would do a lot more to help working women than this bill is going to do.

[From NRO Contributor July 30, 2008]

FEMINISTS MEDDLE WITH THE MARKET—THE PAYCHECK FAIRNESS ACT

(By Carrie Lukas)

When an economic issue makes headlines, you can usually count on Congress to respond, more often than not with an overreach that creates more problems than it solves (think Sarbanes-Oxley or the recent housing bailout bill). Today is a rare moment when Congress has the potential to meaningfully address a real economic problem—rising energy prices—with sensible legislation to allow more drilling to increase energy supplies. So what has Congress slated for consideration this week? The Paycheck Fairness Act, a bill that is the equivalent of throwing sand into the wheels of our economic machine.

Underlying the bill are the assumptions that our workplace is systematically hostile to women and that existing laws don't provide enough protection for women. As committee chairman George Miller (D., Calif.) said when celebrating the passage of the bill out of his committee: ''This is a historic day in the fight for equal rights for women. If we are serious about closing the gender pay gap, we must get serious about punishing those who would otherwise scoff at the weak sanctions under current law.''

The committee's press release, like essentially every public statement supporting expanded ''equal pay'' laws, cites the statistic that women earn just 77 percent of men's earnings. This ''wage gap'' is considered proof that the work world's deck is still stacked against women and government needs to do more to make sure that everyone plays fair.

Yet a statistic that simply compares the wages of the median full-time working man and the full-time working woman tells us nothing about the existence (or lack thereof) of systematic wage discrimination. Many factors contribute to how much one earns, from occupation and area of specialty to education and years of experience. Not surprisingly, once those factors are taken into account, the wage gap shrinks.

Men tend to take jobs that are dirtier, more dangerous, and distasteful than those performed by women. Overwhelmingly, men are the ones working in our sewers, guarding our prisons, laying concrete in the scorching sun, and catching and gutting our fish. They work more graveyard shifts and longer hours, in fact, the Department of Labor estimates that even full-time working women spend about a half an hour less each day on the job than men do. Women disproportionately work indoors, in safe, climate controlled buildings, with regular, or even flexible, hours. More people are interested in working in libraries and school buildings than on the fishing boats featured in Deadliest Catch, which is why physically strenuous, dangerous jobs pay higher salaries.

Feminist activists tend to be frustrated with this analysis, and the explanation that the market (not nefarious men) is primarily responsible for women earning less. They don't think it's fair that jobs that require an education, like social work or teaching, are less valued in the marketplace than positions in trucking and sanitation work that require only characteristics like stamina and a high tolerance for filth.

They've long championed policies, dubbed as ''comparable worth,'' that would give government officials the power to supersede the market to make sure that women's contributions aren't undervalued. The Paycheck Fairness Act takes steps in that direction. The Department of Labor would issue ''guidelines'' that compare the wages of different jobs to give employers a sense of what is considered ''fair.'' The guidelines may not have the force of law (yet) but certainly would be a powerful specter hanging over employers seeking to avoid costly litigation.

And employers would have additional reason to fear that they would be targets for litigation if the Paycheck Fairness Act becomes law. This bill would subject employers to unlimited compensatory and punitive damages, even for unintentional pay disparities, creating potential paydays certain to inspire trial lawyers to action. The bill would also strip employers of the ability to defend differences in pay as based on factors other than sex, such as experience and performance, leaving courts to dictate what constitutes a legitimate pay structure.

Of course, no congressional legislation would be complete without a healthy serving of waste, and the Paycheck Fairness Act doesn't disappoint. It would create a new grant program to instruct women on salary negotiation tactics and require the Department of Labor to train employers in strategies for eliminating pay disparities. It seems almost quaint to ask, but where in the Constitution is Congress granted the power to engage in this type of activity? Taxpayers should be outraged that their money is being put to such use.

Federal law already outlaws sex discrimination. This legislation would afford women few new protections against actual sex discrimination, but would raise the cost of employment and discourage workplace flexibility. It is exactly what women—and the economy—don't need. If this is what we can expect from the rest of this Congress, Americans should hope for an early recess.

Ms. LINDA T. SÁNCHEZ of California. I would yield 2 minutes to a distinguished Member of this body, the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. As some of you may know, at one time I was a single mother raising three small children. I was working full time, but I still wasn't able to put food on the table, pay for doctors' visits, and care for the other needs of my children all on my own because my paycheck was for a 40-hour week but it did not cover our necessities. To make ends meet, I was forced to turn to public assistance.

That was more than 35 years ago, but today there are still millions of single mothers in our country who are struggling to provide for their families, many while balancing full-time jobs. In fact, single mothers are twice as likely as fathers to raise their children in poverty.

Unfortunately, so long as women continue to receive pennies on the dollar compared to their male counterparts, this statistic is unlikely to change any time soon.

I want to thank my friend, Congresswoman DELAURO, for her work on this issue, and I would like to remind all of

you that the Paycheck Fairness Act is about a lot more than fixing a couple of loopholes. It's about strengthening families, combating poverty, and finally recognizing that equal work deserves equal pay.

I am proud to be a cosponsor of this legislation, which will provide the additional tools that we need to stamp out gender-based wage discrimination once and for all.

Mr. MCKEON. I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. It gives me great pleasure to yield 2 minutes to a champion of the working class and the Chair of the Health, Employment, Labor, and Pension Subcommittee of Education and Labor, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I would like to thank my friend from California for yielding. This bill is for the woman who runs the office, who makes all the important decisions, without whom the place couldn't function; who one day comes in and discovers that a man, usually a man younger than her, has been brought in and given a higher title, a higher pay, and fewer responsibilities. And she goes to work and says, this isn't fair. I'm doing a job that is actually more important than this other person and getting paid less for it.

Now it's true that the statutes presently say you have to get equal pay for equal work. But it's also true that the remedies are so limited under existing law that many women can't get an attorney to represent them in their case so it never gets brought.

The best idea in this bill is for the first time it gives robust and full remedies to help that woman so that if she is able to prove her claim that she is underpaid relative to the work that she is doing, she will be fully and fairly compensated, and out of that compensation will come the funds to get her the competent representation that she deserves. The woman who's the office manager who doesn't make as much as the executive vice president for administration.

Well, I will tell you, in my life, Mr. Chairman, I benefited from a lot of women who are office managers that don't have fancy titles but without whom institutions could not run. This bill is for that woman and for her daughters so that they do not have the situation where they are devalued, debased, degraded, and disrespected in the workplace.

It is long overdue that we vote ''yes'' on this bill, and I would urge colleagues on both sides to do that.

Mr. MCKEON. I yield such time as she may consume to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Thank you, Mr. MCKEON. I want to continue with what I was saying before. Republicans are deeply concerned about working families. Every day we come to this Congress and we do everything that we can to help those working families. We believe that if any worker is subject to discrimination in the workplace because of their sex, or for any other reason, that that discrimination should be rooted out and punished accordingly. That is why current law protections are so important. Again, we have outlined why those laws are adequate currently.

We are also concerned about other workplace policies and proposals that threaten workers' wages, flexibility, and freedom. However, unfortunately, Democrats have once again stifled debate in the House and blocked the minority from offering amendments that address the real concerns of working women and families.

They have done the exact opposite of what they promised to do in 2006, make this the most open Congress ever, make this the most ethical Congress ever, make this the fairest Congress ever. It has been just the opposite of that.

Again, what we should be doing today is we should be debating how we can bring down the price of gasoline and heating oil and all of those things that are harming working Americans every day, but instead we are dealing with bills that are going to do nothing but line the pockets of trial lawyers and create what I call high-priced welfare, which are high-priced bureaucratic jobs which don't really do anything to help working men and women in this country, especially working women, increase their pay.

We will be stifling businesses. It seems as though they hate business and industry, and want to do everything that they can to shut it down in this country. This bill will certainly help do that.

So I say we vote ''no'' on this bill because this bill doesn't do what the title pretends it does, and in fact harms working women. What we need to do is be doing something to bring down the price of energy.

Mr. GEORGE MILLER of California. It's a pleasure to yield 2 minutes to a member of our committee, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. I rise today in strong support of the Paycheck Fairness Act, to protect the right of all Americans to equal pay for equal work. I want to begin by thanking my colleague, Representative DELAURO, for introducing this bill, and Chairman MILLER for steering it through committee and onto the floor. It is long overdue.

After years of neglect under the former majority, this House has boldly taken on the challenge of trying to solve longstanding economic problems so that hardworking families can really achieve the American Dream instead of just dreaming about the American Dream.

Women across America are still only paid 77 percent of what men are paid. Does this mean that women are only 77 percent as valuable as their male counterparts? Certainly not. It means there are, unfortunately, still lingering remnants of an earlier time in our history when women didn't have the same rights as men.

Though we have made great strides toward fair and equal treatment for women in the workplace, our work is still not done. This bill continues our progress by creating more opportunities for women and their families. Nearly 7½ million of America's poverty-stricken children live in female-headed households. This bill will help those families rise out of poverty by ensuring the hard work of female-headed households is rewarded equally and fairly.

Much has been said about this bill lining the pockets of trial lawyers. Let's not lose focus of what this bill is about. It is saying to women that if you have been wronged, if you have been discriminated against, you will have a fair day in court.

So, for yourselves, your wives, your sisters, your daughters, and the children of America, I urge my colleagues on both sides of the aisle to vote ''yes'' on this important piece of legislation.

Mr. MCKEON. How much time do we have left?

The CHAIRMAN. The gentleman from California (Mr. MCKEON) has 15 minutes. The gentleman from California (Mr. GEORGE MILLER) has 11½ minutes.

Mr. MCKEON. I reserve the balance of my time.

Mr. GEORGE MILLER of California. It's a pleasure to yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. I thank our chairman from the Labor Committee. I want to urge our Members here today to vote on this very important bill, H.R. 1338, the Paycheck Fairness Act. Our colleagues, ROSA DELAURO, and others, have championed this bill for many years. But ROSA has really dedicated herself to this movement. I am happy to be a cosponsor of this bill. She understands, as we know and many woman know, that we have to recognize that there are inequities that exist in our communities, and especially among women and women of color.

Some of you may know that while women overall only receive 77 cents on the dollar, Latinas only average 57 cents on that dollar, and African American women only get 68 cents on the dollar.

Indeed, there are disparities that exist and continue. We have an obligation here in this House to do the right thing.

Just today, this morning, Arnold Schwarzenegger, our Governor, cut the

payroll for many State employees. Many of them are women. They are the earners for their households. They have to put food on the table. Now they are going to be making Federal minimum wage, which is less than what the State of California's minimum wage is. What an atrocity.

I am not going off message, I am just trying to strike home a point that it's important to take care of all those that work in our society, but particularly women because they are the ones that are mostly discriminated against, and we have to cut that out.

Again, I want to wholeheartedly offer my support and have my colleagues know that I stand first and foremost for pay equity for all of us. I ask you to vote for H.R. 1338.

□ 1700

Mr. MCKEON. Mr. Chairman, let me yield myself such time as I may consume.

I want to put it on the record that I like women. I have been married almost 46 years, and we have three daughters and we have three sons, and I would not want the daughters to be discriminated against, I would not want my sons to be discriminated against.

I wish we could do something here that would end for all time all discrimination. Unfortunately, I guess when there are people involved in different things, some of them will tend to discriminate. That is why the law was passed in 1963, to level all pay. I want to just on the record make sure that everybody understands when we throw everybody into a pot and then add up all of their salaries, we are not talking about equal pay for equal jobs.

One of the things that we learned when we had the hearing last year, when we are talking about actual people and actual jobs, is that many women ended up going into, after graduating from college, many of them go into teaching, many of them go into social work. Many men go into jobs, some of them go into teaching. If they go into teaching, they are hired, they make the same exact wage. If the men go into social work and women go into social work, they make the same wage. But if a person goes into banking at a level that pays higher or into law at a level that pays higher, again, a woman going into law will make the same as a man. But when they throw all of these jobs into the same pile, that is where you get some differentiation in the pay.

Again, if we could just hold to equal pay, same job, same pay, I am totally supportive of that. That is what the law says, and that is what we should enforce. And the numbers that I quoted earlier, the pay is almost exactly the same. Where there is some discrimination, we should go after it, we should enforce the law. That is what I would encourage us to do.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the chairman for recognizing me.

First I want to pay tribute to a great, great Member of the House and someone that we are so, so proud and grateful to, and that is Congresswoman ROSA DELAURO. Your mother is proud, ROSA. We are all proud. You have really paid for your keep here by making such a contribution. And also to the great GEORGE MILLER, who saw this legislation through.

I want to make a couple of observations. My friend from California just went through a whole discussion that really is not a part of this bill, and it is all about comparable worth. That is not what is in this bill.

I also want to make another observation. There are very few on the other side that are coming to defend the case that is being made over there.

Mr. MCKEON. Will the gentlewoman yield?

Ms. ESHOO. No, because I don't have that much time.

Mr. MCKEON. I would yield you more time.

Ms. ESHOO. My other observation is that the case being made by our friends on the Republican side really states very fully that you are on the wrong side of history. What this bill does is to give women the tools that they need legally so that an employer can no longer discriminate against them.

Have any of you heard of Lilly Ledbetter, of that case and what happened to that woman?

Mr. MCKEON. Will the gentlewoman yield?

Ms. ESHOO. No, I am not yielding. I told you, I don't have enough time. I would like to be able to say everything that I want to say.

Mr. MCKEON. I said I would be happy to yield you more time.

Ms. ESHOO. What this bill does is it says to employers today that you cannot punish employees any longer who discuss or disclose salary information with their coworkers. I think that is a pretty important thing. This bill also says today that employers will have to give a satisfactory explanation for paying a man more than a woman for the same job, and that they are going to have to demonstrate that the disparity is not sex-based, but job related.

So, today we are trying to even out the playing field. I think if my mother were sitting up there, she would be applauding. I think that mothers and daughters and fathers and grandparents and legislators and people across the country today, the last day of the month, are saying that the last now are going to come first, and we know in our society that women have not come first. Today we are talking about the waitress. We are talking about what Mr. ANDREWS talked about, and that is the woman that heads up the office. We are talking about the Lilly Ledbetters.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. GEORGE MILLER of California. I yield the gentlewoman an additional 30 seconds.

Ms. ESHOO. So today I think that we are making the Union stronger and better by recognizing that there have been disparities and by recognizing the way we fix the disparities, and I salute those who have been on this effort for a long, long time.

America, it is a good day, July 31st, 2008, in the House of Representatives, thanks to ROSA DELAURO rewriting history, Chairman MILLER for pushing it the way he has, and thank God for the Speaker that makes all of this possible, NANCY PELOSI.

I rise today to express my strong support for H.R. 1338, the Paycheck Fairness Act and I salute Congresswoman DELAURO and Chairman MILLER for their important leadership to bring us to this day.

With the passage of the Paycheck Fairness Act the Congress will make the Equal Pay Act a more effective tool in combating gender-based pay discrimination.

Today, if an employer can name any factor that has determined an employee's pay other than gender, they can defend unequal pay in pay discrimination cases. The employer's reason doesn't even need to be related to the job in question. Under H.R. 1338 employers will have to give a satisfactory explanation for paying a man more than a woman for the same job and they will have to demonstrate that the disparity is not sex-based, but job related.

Employers will also now be barred from punishing employees who discuss or disclose salary information with their co-workers.

Under current law women who have been discriminated against may only recover back pay or in some cases double back pay. The Paycheck Fairness Act will finally put gender-based discrimination on the same level as other forms of wage discrimination by giving women the opportunity to sue for compensatory and punitive damages.

The wage gap between men and women has narrowed since the passage of the landmark Equal Pay Act in 1963, but according to the U.S. Census Bureau, women still only make 77 cents for every dollar earned by a man. it's time to close the gap and pass this law.

I'm very proud to support this bill and I urge a yes vote on the underlying legislation.

Mr. MCKEON. Mr. Chairman, I reserve my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Thank you, Mr. Chairman.

First let me thank Chairman MILLER for his leadership and for being such a strong supporter of pay equity and women's rights, not only today or last year, but throughout his life. Thank you, Chairman MILLER.

Also, I just have to say to my colleague, Congresswoman DELAURO, sometimes, oftentimes a lone voice in the wilderness, but today we pay tribute to the women of America, thanks to ROSA DELAURO. Thank you so much, Congresswoman DELAURO. You have been a champion for women and working families since before your career here in Congress began. So we salute you.

In 1963, and I know these statistics have been repeated earlier, but I have to say them again because it is so important to remember where we were, where we are and where we need to go, and that is what today is about. In 1963, women who worked full time made about 59 cents on average for every dollar earned by men. For every dollar earned by men in 2006, women earned about 77 cents. The wage gap has narrowed by less than half a cent per year. Clearly we have a long way to go.

The wage gap is most severe for women of color. It is absolutely inexcusable that women, and especially minority women, earn a fraction of what men earn from the same job. African American women earn just 63 cents on the dollar, and Latinos earn far worse at 57 cents. In my own State of California, black women working full time year-round earn only 61 percent and Latinos 42 percent of the wages of white men. This is outrageous.

The wide disparity begins at the start of a woman's work life and grows wider as women age. In the long term, combined with a decrease in pension income and Social Security benefits, which is what happens, many women are at risk of falling into poverty as they get older, because this disparity began when they first started working.

H.R. 1338 takes immediate steps to close the wage gap for all women by amending and strengthening the Equal Pay Act so that it will be a more effective tool in combating gender-based discrimination.

So let's help close that gap today. Let's stand up by making the Paycheck Fairness Act the law of the land. This should have been the law of the land many years ago. Many of us remember when we first started working and how that male counterpart in our job was making twice as much as we were making. I remember those days, and, as result of that, many women now will have less in their Social Security and their pensions.

Thank you, Congresswoman DELAURO; thank you, Chairman MILLER, for today.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlewoman that spoke earlier, a good friend of mine from California, said that I gave a long description of equal pay for equal job, and I thought that that is kind of what the debate was about. People keep talking about wanting equal pay for equal job. They want to have the same pay for the woman as for the man for the same job.

Now, if we are just talking about we want just women paid the same as men for whatever job, then that is kind of the figures being used. But I think most of us know, we fly a lot, the pilot usually makes more than the flight attendant. Whether the flight attendant is male or female, they are paid the same. The pilot, whether he is male or female, they are paid the same. But the pilot is not paid the same as the flight attendant. We understand that, and I think that is probably not what we are arguing about here, but it seems like that is the way the debate is going.

I support equal pay for the same job, men, women. With this bill, apparently the debate is equal pay for men and women, and I thought that is what we were talking about, because that is what the debate is. But as the gentlewoman said, that is not what this bill does.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS), a member of our committee.

Mrs. DAVIS of California. Mr. Chairman, I rise today in support of the Paycheck Fairness Act. I also want to applaud Congresswoman DELAURO and Chairman MILLER.

When I was growing up, women only had a few career options. You could either be a teacher, a nurse, a secretary or a social worker, all very noble and difficult professions, but which don't pay nearly enough, mostly because a disproportionate number of women still do these jobs. But when my granddaughter enters the workforce, she will be able to work in any field she wants. So we have come a long way. But we still have, as many have said, a long way to go.

The tragedy is that our daughters and granddaughters will do the same jobs as men on a number of occasions in a number of fields, but will only earn something like 77 percent of what their male colleagues earn for the same work. So despite the progress that we have made over the past four decades, many employers continue to overlook and occasionally even intentionally ignore the contributions of their female employees.

It is about transparency. That is what we are talking about today, to give women who traditionally have stood by and been hesitant about taking full credit for their hard work the tools that they need to be certain that they are recognized in the workforce for what they are actually accomplishing.

Employers must recognize all of their employees for this important work that they do and reward them with fair compensation. Unfortunately, despite what we are hearing, it is not happening on its own. Our daughters and our granddaughters need this legislation. I urge my colleagues to support it.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, it sounds like we are talking equal pay for equal work, and, again, I support that. I oppose discrimination. I support equal pay for equal job.

If we are saying that nurses should make the same as doctors, if the doctor is a female and the nurse is a male, should they make the some money? Or if the doctor is a male and the nurse is a female, should they make the same money? No. I think all nurses should make the same money. Doctors should make the same money if they are doing the same work. Not even all doctors make the same. Some surgeons make more than others, depending on their specialty, depending on what they do.

We understand that in our economy what the work does decides on what the pay is. I think if you take everybody working and divide up all of their pay, and you have more women that are serving in occupations that pay less, as my good friend just pointed out, women didn't have I guess the same opportunities in the past as they do now, and so if you took those figures and you had more women working in lower-paid fields, that is how you get the 77 percent discrepancy.

But if you took all of the same jobs, added up what they are paid, maybe 40 years ago, 50 years ago there was a lot more discrimination than now, but I think now if you look across the field and equal pay for equal job, you would find there is, if anything, very little difference.

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Should it be no difference? You bet. And I think you would probably find in some occupations you have women making more than men. And I guess men should probably claim discrimination in that case, but I don't think they should. I think the reason women are paid more is they are probably worth more.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Could the Chair apprise how much time I have remaining.

The CHAIRMAN. The gentleman from California has 3½ minutes.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the chairman for the priority consideration given this bill throughout, and ROSA DELAURO for her indefatigable perseverance on this bill.

This bill has not been updated for 45 years, and yet we have seen the transformation of the American workforce.

It needs a 21st century makeover. I wasn't there at the birth, but I was there when I chaired the EEOC and worked with President Carter to bring the Equal Pay Act to the EEOC. The whole point of doing that was to bring this, the first of the great civil rights statutes, into line with title VII, which was passed thereafter. We have never done that. This is the first time we have done that, Mr. Chairman. That makes this an historic bill.

Seventy-five percent of women in the work force today have small children. Women are backsliding now. They are stuck on 76 cents for every male dollar. With the economy in the worst condition in a generation, women need every tool, and it is not too much to ask that they have the tool of equal rights.

Mr. MCKEON. I am happy to yield at this time to the gentleman from Georgia (Mr. PRICE), a member of the committee, such time as he may consume.

Mr. PRICE of Georgia. I thank the gentleman.

Mr. Chairman, I have an amendment that I will offer to this piece of legislation. I was going to attempt to refrain from further comment on the legislation, but I think that some light needs to be shed on the discussion that has been going on here.

Equal pay for equal work is the law of the land. It is the law of the land. It has been for 45 years. What our friends on the other side want to do, and some of them have been very candid in coming down to the well and commenting about it, and that is to open up a huge opportunity for one of their grand friends, group of friends, the trial lawyers.

Now, let's be honest about this. I have here the bill that we are going to vote on, H.R. 1338, and you could go to any page but I will just pick a couple.

Page 10, lines 17 and 18. Be liable for such compensatory damages or punitive damages as may be appropriate.

Page 11, line 3. Except with respect to class actions.

Page 11, line 7. Any action brought to enforce.

Page 11, lines 13 and 14. In any action brought to recover the liability prescribed.

Page 11, line 17. Including expert fees.

Page 11, line 23. Additional compensatory or punitive damages.

Page 12, lines 2 and 3. Or such compensatory or punitive damages as appropriate.

Page 12, lines 6 and 7. Additional compensatory damages or punitive damages.

Page 12, lines 18 and 19. In the case of a class action suit brought to enforce section 60.

And it goes on and on and on.

Mr. Chairman, this issue isn't about equal pay for equal work. Equal pay for equal work is the law of the land. There isn't a single American Representative in this Chamber—I was going to say there probably isn't a single American, but I won't speak for them. But there is not a single Representative in this Chamber who believes that there ought to be unequal pay for equal work. Nobody. That is not what we are debating here.

We are debating whether this majority party, whether this Democrat majority party is once again going to bring a bill to the floor and reward their cronies in the trial bar. That is what it is. That is what it is. Take a peek at the bill. Line after line and line. That is what it is all about.

So for those of us who love our mothers and love our daughters and love our sisters, and have grandmothers and great-grandmothers who were remarkably successful in the work that they did, please don't be misunderstood; we believe strongly in equal pay for equal work. We believe strongly that this Nation stands on the principle of equal pay for equal work.

What we don't believe is that the trial bar ought to be the ones deciding what the pay ought to be in a private business. What we don't believe is that the Federal Government ought to insert itself into every single aspect of every single life of every single contract in this Nation. Should we do that, then we will destroy the greatest nation on the face of the earth.

Mr. Chairman, this bill isn't about equal pay for equal work. Equal pay for equal work is the law of the land. We all support equal pay for equal work.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, we talk about family values. And the most important way that we can show that we value families is to ensure that a woman earns a fair day's pay.

Most women work outside the home, including over 70 percent of all mothers. Yet among full-time workers, women earn only 77 percent compared to men. Unequal pay practices hurt not only women but their entire families. The typical wife brings home about one-third of her family's income.

The Paycheck Fairness Act will help prevent, regulate, and reduce discrimination against women. It will prohibit employers from retaliating against employees who share salary information with their coworkers, as we saw in the Lilly Ledbetter case.

Women's work should be valued equally. This bill is an important step towards gender equality. And I thank my colleagues, ROSA, GEORGE, and many others, for their hard work on it.

Most women are in the labor force, including over 70 percent of all mothers. Yet, women continue to earn less than men even if they have similar educational levels and work in similar kinds of jobs.

A 2003 Government Accountability Office (GAO) study that I commissioned showed that when occupation, marital status, job tenure, industry, and race are accounted for, women still earn 80 cents for every dollar men earn.

Research has found that women's choices cannot explain about 40 percent of the wage gap between men and women.

Pay discrimination hurts not only a working woman, but her entire family—especially in the face of rising prices for basics, like food and gasoline.

The typical wife brings home about a third of her family's total income. Over the past three decades, only those families who have a working wife have seen real increases in family income: Families without a working wife have real incomes today that are nearly identical to what they were over 35 years ago.

Congress passed the Equal Pay Act nearly half a century ago, yet women still experience pay discrimination.

According to the National Committee on Pay Equity, working women stand to lose $250,000 over the course of their career because of unequal pay practices.

The Paycheck Fairness Act will prevent, regulate and reduce pay discrimination for working women nationwide. It will help women become better negotiators, enforce equal pay laws for federal contractors, and require the Department of Labor to work with employers to eliminate pay disparities.

As we saw in the Lilly Ledbetter case, if a woman doesn't know how much her male colleagues earn, she cannot know that she is being discriminated against.

The Paycheck Fairness Act will prohibit employers from retaliating against employees who share salary information with their coworkers.

Women need to know the true value of the jobs that they do and this is an important step towards gender parity.

I strongly urge you to vote yes on this bill.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

Someone on the other side said this bill isn't about equal pay for equal work, but I know others have said it is about equal pay for equal work. I have Mr. HOYER's statement here, the majority leader, and he began his statement saying equal pay for equal work. That is the principle that we are talking about.

The Paycheck Fairness Act is a clever name. Who doesn't support paycheck fairness? Unfortunately, that is not what this bill is offering.

No, Mr. Chairman. If this bill becomes law, it will make the system fundamentally unfair by putting the interests of the trial lawyers above the interests of the workers.

As I mentioned earlier, we did try to offer an amendment. I don't think it was totally out of line to think that we should maybe limit the trial lawyers working on these cases to $2,000 an hour. But every Democrat voted against that. And then they didn't let that amendment be placed in order to discuss here on the floor. I am sorry that we weren't able to do that.

This bill will expose family businesses to unlimited liability even if

there is no intentional discrimination. The Democrats' fig leaf amendment doesn't change the fact that trial lawyers stand to receive a big payday by lowering the bar on costly jury awards.

This bill will encourage class-action lawsuits, treating the EPA as a litigation factory. This bill will make it harder for businesses to defend against legal challenges, inviting unscrupulous trial lawyers. I say unscrupulous; I have many good friends who are trial lawyers, and I exclude them from that definition. But the unscrupulous ones will pursue baseless claims.

Now we know what the bill would do. But what about what it fails to do? It doesn't prohibit discrimination under the law. We did that 45 years ago, as Mr. PRICE so eloquently explained. It doesn't offer working women new flexibility so that they can balance work and home.

Mrs. MCMORRIS RODGERS had a bill earlier that she wanted to present that she has never been given the chance to do so. But it would give women the opportunity to take compensatory time, the same as government workers can do now. If you work overtime, you can be paid time-and-a-half in cash; but if you want to take that time in compensatory time, we do not give people the opportunity to do that. We should do that.

It certainly doesn't do anything to bring down the price of gasoline, which is the number one issue many working families are struggling with today.

Mr. Chairman, this is a bad bill. I strongly urge my colleagues to oppose it.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield to the gentlewoman from California (Ms. ROYBAL-ALLARD) for a unanimous consent request.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Paycheck Fairness Act.

Forty-five years ago, Congress passed the Equal Pay Act to end wage discrimination against women, who on average earned only 60 cents to every dollar earned by men.

Since then, women have made extraordinary achievements, contributing to the illusion women have indeed reached parity in the workplace.

That illusion is created by such events as the historic election of the first woman Speaker of the House, and by increased numbers of women heading Fortune 500 companies.

The reality is, however, that in spite of these achievements women have not reached wage parity.

Pay inequality is perhaps the most glaring example of how women continue to be discriminated against.

Despite enactment of the Equal Pay Act in 1963, today women doing the same work earn only 77 cents to every dollar earned by their male counterparts.

This unfairness often has devastating economic consequences to a woman, especially upon retirement, when pensions and Social Security benefits are based on her life earnings.

This disparity often costs a woman anywhere from $400,000 to $2 million in lifetime earnings, contributing to the disturbing fact that today women make up 70 percent of older adults living in poverty.

I urge my colleagues to vote "yes" on the Paycheck Fairness Act because it will close loopholes that often destroy the economic security of women.

Mr. GEORGE MILLER of California. Mr. Chairman, we have come to the end of a long debate, but let's get something very clear. This is all about equal pay, and this is all about whether or not women are going to receive equal pay. What this legislation does is recognize the barriers that have been put up in front of women trying to enforce the existing law.

It is rather interesting that the Secretary of Labor sent us a letter, and in her random audits of businesses working with government contractors she found systematic discrimination and she collected $51 million, and this is a record year, and it is the third record year in a row because of systematic discrimination.

Now, everybody has come to the floor and said they are all against this discrimination. Yes, we all are against that. Nobody is suggesting that anybody isn't. But if you can't enforce your rights, then you suffer the discrimination. Random audits, $51 million was denied to these individuals. And these are just people working with government contractors. Think what it is nationwide, and the people don't get a random audit, they don't get the Secretary of Labor, they don't get the Department of Labor. What they get is discrimination in their pay. That is what they get.

Today, we are going to decide whether or not these women are going to be able to collect the pay that is owed them, whether they are going to be able to enforce the law that requires as a matter of national policy and law the equal pay for women. That is the issue here. It is not complicated. It is not complicated.

Study after study has determined that pay discrimination exists whether you are in the workforce 10 years, whether you are starting out in the workforce, no matter what your life experiences are. When they control for all of that, there still is discriminatory pay against women in the American workforce, and today this House is going to change that.

Mr. LEVIN. Mr. Chairman, I rise in strong support of H.R. 1338, the Paycheck Fairness Act.

In 1963, President Kennedy signed the Equal Pay Act into law in order to promote workplace equality for women. Since then, women have made great gains in workforce participation, compensation, and advancement, but a significant wage gap still exists between women and men. Women working full-time year-round earn on average 77 cents for every dollar earned by a man. The wage gap is even wider in Michigan: On average, women in Michigan are paid only 67 cents for every dollar earned by a man.

Wage discrimination is not just a women's issue—it is a family issue. With a majority of American households depending on two incomes to make ends meet, the wage gap is more relevant than ever. The current pay disparity may cost a woman anywhere from $400,000 to $2 million in lifetime earnings relative to a man performing equivalent work. The cost is often borne not just by an individual, but by all the members of the household who rely on that income. Congress must respond to this injustice.

The Paycheck Fairness Act updates and strengthens the Equal Pay Act in light of more than 45 years of real-world experience. Courts have interpreted the Equal Pay Act more narrowly than other employment discrimination laws, counter to the intent of Congress. The Paycheck Fairness Act clarifies that the factors used by employers to justify wage disparities must be related to the employee's work or to the business. The bill also redefines the standard for comparing employees' compensation, reducing a frequently prohibitive burden of proof for plaintiffs.

Data collection is key to tracking women's relative compensation in the workplace, but the federal agencies charged with enforcing employment discrimination laws have little information about wage disparities. The Bush administration, furthermore, has halted or tried to halt many efforts to collect data. The Paycheck Fairness Act ensures that the Bureau of Labor Statistics will collect data on wage disparities, and it requires the Equal Employment Opportunity Commission to offer guidance in order to enhance enforcement of federal law. These measures will help shed light on wage discrimination that would otherwise go unseen.

This legislation takes vital steps toward realizing the goals established 45 years ago in the Equal Pay Act. I urge my colleagues to join me in supporting the bill.

Mr. DAVIS of Illinois. Mr. Chairman, the House of Representatives passed H.R. 1338, the Paycheck Fairness Act, sponsored by Representative ROSA L. DELAURO (D–CT). H.R. 1338 amends the Equal Pay Act, one of the primary laws addressing pay discrimination. Since becoming law, loopholes and weak remedies have made the Equal Pay Act less effective in combating wage discrimination. The Paycheck Fairness Act, strengthens and improves the effectiveness of the Equal Pay Act.

There should be little doubt that such improvements are necessary. More than four decades after the enactment of the Equal Pay Act, women still make only 77 cents for every dollar made by their male counterparts, a wage disparity that cannot be explained by differences in qualifications, education, skills, training, responsibility, or life choices. Rather, in many cases, the pay differential has resulted from unlawful sex discrimination.

The consequences of this discrimination are severe and predictable. The pay disparity forces single-mother households and families dependent on two wage earners to live on

less than they rightfully deserve, while simultaneously reducing women's retirement earnings. In short, unfair pay disparities perpetuate women's economic dependence and deprive them of economic opportunity and equal protection of the laws.

The Paycheck Fairness Act provides for compensatory and punitive damages only ''as appropriate,'' with no further limitation or arbitrary cap being necessary. The modest provisions for compensatory and punitive damages in the Paycheck Fairness Act bring remedies for victims of sex-based wage discrimination in line with those available for victims of wage discrimination based on race and national origin.

I want to take this opportunity to thank Chairman MILLER, and Subcommittee Chairwoman WOOLSEY and Congresswoman DELAURO for championing this important wage discrimination legislation.

Mr. KUCINICH. Mr. Chairman, the Paycheck Fairness Act is an important step in eliminating the gap that exists between the compensation of men and women, a gap that has existed for decades and persists to this day despite the gains made by women.

Among other things, the bill will close a loophole that some employers exploit to avoid compensation discrimination lawsuits, and will put gender discrimination on a par with other types of discrimination.

Men and women are equally important to the health and vitality of the American economy, and it is high time that compensation reflect this fact.

Women who work full time continue to make roughly 25 percent less for equal work and with equal qualifications to their male counterparts.

This means that a woman makes significantly less money based on one single factor: Her sex. This is sexist, unconscionable and discriminatory.

This discrimination impacts women in their struggle for economic independence, and their ability to care for their families and themselves. It continues to promote the backward thinking that undervalues and devalues women in the United States and around the world.

I support H.R. 1338 because I believe it moves us in a direction that closes the discriminatory wage gap. It is long overdue.

I look forward to the day when everyone in the labor force is treated equally.

I urge my colleagues to support this important bill.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in strong support of H.R. 1338, the Paycheck Fairness Act. I am an original cosponsor of this bill because I believe it is time that we end gender discrimination in the workplace.

The Paycheck Fairness Act addresses one of the most evident and detrimental aspects of gender discrimination: Wage disparity. As we know from the U.S. Census Bureau, women across the country earn, on average, only 77 cents for every dollar a man receives for the same work. That 23-cent difference can add up to between $400,000 and $2 million over a working lifetime. In Illinois, where the average working woman earns 75 cents for every dollar earned by a man, the wage gap and the cost to women are even larger.

In today's economy, wage discrimination hits women particularly hard, whether they are the heads of households or the second or even third wage earner in a family. With higher food, energy, health care, transportation and housing costs, women are struggling to stretch every dollar in order to meet their family's needs. Wage discrimination unfairly shrinks those dollars, especially for women of color and self-employed women who suffer from a higher-than-average wage gap. It deprives women of dollars that they have earned but, because of the paycheck gap, do not get.

While there are many economic arguments for H.R. 1338, there are other considerations as well. I urge my colleagues to consider the views of the American Psychological Association, which argues that wage discrepancies create economic disadvantages that ''affect the psychological and physical health of women and their families.'' As the APA says, ''The link between depression and low-income women can be attributed to increased stress caused by living in poverty, as well as minimal social support. Additionally, low-income pregnant women receive less prenatal care, and are more likely to deliver low-birth weight babies.''

We should pass H.R. 1338 to ensure that women are fairly paid for their work, not economically disadvantaged because of their gender. We should pass H.R. 1338 because it will help families deal with the current economic crisis. We should pass H.R. 1338 because it will have positive health impacts for women and families. It is the right thing to do, and I urge my colleagues to support it.

Mr. STARK. Mr. Chairman, there is no excuse for the wage gap that still exists between men and women in today's workforce. Equalizing wages will provide women with equal pay for equal work and improve the standard of living for millions of American families. That is why I rise today in strong support of H.R. 1338, the Paycheck Fairness Act.

The need for the reform of the Equal Pay Act (EPA) is obvious. More than four decades after Congress enacted it, hard-working women still earn only 77 cents for every dollar made by men. This is certainly an improvement over the 58 cents women earned when the EPA was passed in 1963, but it is hardly enough. And it still will not be enough when the day comes that women earn 99 cents for every dollar that a man earns. ''Equal'' is not a word that allows room for negotiation, and nothing short of women being paid the same wages as men should be acceptable.

We are here today to vote for the Paycheck Fairness Act for the fourth time since it was first introduced in 2005. That is three times too many. We took jobs as Representatives of the House with the promise to represent our constituents to the best of our ability. I don't see how it is possible to do that when we neglect to ensure that something as basic and fundamentally important as fair pay is granted to the working women of our districts.

The Paycheck Fairness Act contains the tools necessary to achieve EPA's goal. It will increase penalties for employers who pay different wages to men and women for equal work, require employers to prove that payment disparities among men and women are job related and consistent with business necessity, and protect employees from retaliation after sharing salary information.

In a country that prides itself on equality for all, it is unconscionable that women who do the same work as men receive less pay. I urge my colleagues to bring the ''fairness'' back into the workplace by supporting the Paycheck Fairness Act.

Mr. CONYERS. Mr. Chairman, I rise today in support of H.R. 1338, ''The Paycheck Fairness Act.'' This legislation will help our Nation take the final steps in its long journey towards ensuring that men and women receive equal pay for equal work. The Congress first committed itself to remedying the scourge of pay discrimination in 1963, when it passed the Equal Pay Act. At that time, full-time working women were paid on average 59 cents on the dollar earned by their male counterparts. In the ensuring 43 years, the wage gap between men and women has narrowed. In 2008, women earn about 77 percent of what men earn. While this is a dramatic improvement, the 23 cent gap that exists still exemplifies that gender discrimination is a real and contemporary problem in our labor market.

H.R. 1338 would attack this problem in a comprehensive manner. It builds on many of the innovative policies found in the original EPA and adds provisions specifically crafted to address the realities of 21st century offices. H.R. 1338 will:

Strengthen the EPA by making it unlawful for an employer to pay unequal wages to men and women who have substantially similar jobs that are performed under similar working conditions within the same physical location of business. Under the original EPA, employers can justify unequal pay if it is based on: Seniority; merit; quality or quantity of production; or ''any factor other than sex.'' This legislation clarifies the ''any factor other than sex'' defense, so that an employer trying to justify paying a man more than a woman for the same job must show that the disparity is not sex-based, is job related, and is necessary for the business;

Prohibit employers from retaliating against employees who discuss or disclose salary information with their co-workers. However, employees such as HR personnel who have access to payroll information as part of their job would not be protected if they disclose the salaries of other workers;

Strengthen the remedies available to include punitive and compensatory damages. Under the EPA currently, plaintiffs can only recover back pay and in some cases double back pay. The damages would not be capped;

Require the Department of Labor to improve outreach and training efforts to work with employers in order to eliminate pay disparities;

Enhance the collection of information on women's and men's wages in order to more fully explore the reasons for gender-based wage gap and to assist employers in their efforts to rectify pay disparities; and

Create a new grant program to help strengthen the negotiation skills of girls and women.

Mr. Chairman, I was shocked when I heard last year about the case of Lilly Ledbetter, the Goodyear Tire plant employee who suffered from pay discrimination for nearly two decades. After learning that she had been victimized by her employer, she brought an Equal

Employment Opportunity Commission complaint against Goodyear. Unfortunately, a majority of our anti-worker, pro-corporate Supreme Court denied her claim, ruling that employees can only file a wage-discrimination complaint within 180 days of a discriminatory payroll decision. Ms. Ledbetter, a clear victim of discrimination, was left without recourse in a country founded on a respect for the rule of law. For this, we should be ashamed.

Mr. Chairman, I believe that our courts are our last line of defense when it comes to protecting the fundamental rights enshrined in our Constitution and in our civil rights laws. With our marketplace and court systems unwilling to correct obvious injustices, we need a legislative solution that will ensure that the universal values of fairness, respect, and decency continue to be a part of the American workplace. To this end, I urge my colleagues to step up for ''equal pay for equal work'' and pass H.R. 1388.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in strong support of H.R. 1338, the Paycheck Fairness Act.

It has been 45 years since the passage of the landmark Equal Pay Act of 1963, and while pay disparities have narrowed, a strong wage disparity still exists. In fact, according to the U.S. Census Bureau women still make only 77 cents on the dollar to their male counterparts.

We cannot deny that this gender disparity exists, and it is essential that we close the loopholes that allow it to continue. The Paycheck Fairness Act helps close these loopholes by increasing enforcement and accountability in cases of discrimination. This bill provides relief for women who face retaliation for standing up for equal pay, and it requires the Department of Labor to increase their effort to end pay disparities.

This is not only a bill for women, but a bill for children and families. For the millions of working mothers in America—many of whom are heads of households—it offers financial stability. This wage disparity is costing women between $400,000 and $2 million over a lifetime.

Lower wages factor into long-term financial planning. Retirement and Social Security is based on income. Retirement aged women today are far less likely to receive a pension, and rely on Social Security benefits to survive. The wage discrimination women are facing today will continue to follow them well into retirement.

We cannot continue to simply accept this disparity, and the Paycheck Fairness Act is a strong statement that this type of discrimination will not be tolerated. I would like to thank Congresswoman DELAURO for offering this important piece of legislation, and commend Chairman MILLER and the Democratic leadership for bringing this bill to the floor.

Mr. DINGELL. Mr. Chairman, I rise today in strong support of H.R. 1338, the Paycheck Fairness Act. My dear friend and colleague, Representative ROSA DELAURO, has worked for more than ten years on this legislation to close the disparate pay gap between men and women. I thank her for her tireless efforts.

President Kennedy signed the Equal Pay Act 45 years ago. I, like many others, am left scratching my head, wondering why the wage gap has narrowed by less than half a cent a year. Today, women earn only 77 cents for every dollar earned by men, compared with 59 cents on the dollar in 1963. At this rate, it would take another 50 years to reach parity between men and women. I am proud to be a cosponsor of H.R. 1338, which builds on the progress of the Equal Pay Act by improving legal recourses for women who are being discriminated against in the workplace, providing more effective remedies for claiming punitive and compensatory damages—bringing them in line with those for race or national origin discrimination, demanding from employers a business justification for a gender-based pay difference, and prohibiting employers from retaliating against employees who share salary information with their co-workers.

As a husband, father of daughters and grandfather of granddaughters, closing the pay gap is an issue I care deeply about. After cosponsoring the Paycheck Fairness Act for nearly a decade, I am pleased to be finally able to vote in favor of it here on the House Floor.

Over the years, I have studied the pay gap in depth. Representative CAROLYN MALONEY and I have commissioned two Government Accountability Office studies on the matter. The conclusion we have come to is sad and disappointing, that even when controlling for all factors, women simply lag behind men. This is most certainly not because women work less hard than men—we know nothing could be further from the truth. Yet, something is keeping women behind. This is why I am also a cosponsor of the Equal Rights Amendment, which is a long overdue amendment to the Constitution to finally give women the standing necessary to address their grievances.

The pay gap is too often seen as a ''women's issue.'' In fact, this is not a women's issue, it is a family issue. The simple fact of the matter is that it often takes two incomes to make it in this country. This is especially true during an economic downturn like we face today. When women are not paid fairly, our families suffer.

I am proud to be here today voting in favor of the Paycheck Fairness Act and sincerely hope this critically important legislation is signed into law this year.

Ms. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 1338, the Paycheck Fairness Act.

I would like to acknowledge our colleague, Representative ROSA DELAURO (D-CT), for her leadership on this issue and for bringing this bill to the Floor.

Kofi Anan once said ''When women thrive, all of society benefits, and succeeding generations are given a better start in life.'' In a period of tough economic times, this bill and this quote could not be timelier or more relevant. Despite the passage of the Equal Pay Act in 1963 women still earn only 77 cents for every dollar that men earn. In a society where women are increasingly the heads of households, pay inequity harms not only the individual woman but her children and other family members as well.

H.R. 1338 increases the penalties for gender discrimination, and puts gender discrimination sanctions on equal footing with other forms of wage discrimination, including those based on race, disability, or age. The bill prohibits employers from retaliating against employees who share salary information with their co-workers. The fact of the matter is that, for every woman who comes forward and speaks out against pay discrimination, there are scores of other woman who remain silent for fear of retaliation. This legislation sends a strong message to women that their elected officials recognize the discrepancy in pay and are doing everything in their power to remedy pay discrimination.

In closing, I would like to quote Betty Friedan, world renowned feminist and author of the book The Feminine Mystique: ''A girl should not expect special privileges because of her sex but neither should she adjust to prejudice and discrimination.'' There is no room in this society for gender discrimination, which harms the greater community because when we uplift one segment of society, we uplift our entire society.

For all the single mothers, working mothers, and young women entering the workforce, I lend my full support to H.R. 1338, the Paycheck Fairness Act.

This is a sound piece of legislation, a critical piece of legislation, and I encourage all of my colleagues to support H.R. 1338, the Paycheck Fairness Act.

Mr. VAN HOLLEN. Mr. Chairman, I rise in strong support of the Paycheck Fairness Act—for the basic promise of equality it upholds for America's women and the faith it keeps with the best of who we are as a nation.

The Equal Pay Act was passed in 1963 to enshrine into law the basic principle of equal pay for equal work.

Forty-five years later, we are here today because American women still only make $.77 cents for every dollar a male counterpart earns when performing equal work. Worse, African-American women earn only $.66 on the dollar, and Hispanic women a mere $.55.

This continued and persistent wage gap between men and women cannot be explained by differences in education, qualifications or experience. It is both unacceptable and un-American. And it must stop.

The Paycheck Fairness Act will move us towards our ultimate goal of eliminating wage disparity in the United States by clarifying that any employer's decision to pay a male employee more than a female employee must not be based on gender, must be job-related and must be consistent with business necessity. To avoid a repeat of the facts presented to the Supreme Court in the Ledbetter v. Goodyear Tire and Rubber case, this legislation also prohibits employers from retaliating against employees who discuss or disclose salary information with co-workers. And it strengthens the remedies made available to women who have been subjected to gender-based wage discrimination.

Mr. Chairman, in closing, I want to recognize my good friend and colleague ROSA DELAURO for her tireless leadership on this legislation. We owe it to our mothers, wives, sisters and daughters to pass it without delay.

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of H.R. 1338, the Paycheck Fairness Act, which would narrow the wage gap between men and women. As a cosponsor of this bill, as well as a cosponsor in previous Congressional sessions, I am pleased to

see this legislation finally debated on the House floor.

H.R. 1338 would strengthen the Equal Pay Act, which makes it unlawful for an employer to pay unequal wages to men and women that have similar jobs within the same establishment. The Paycheck Fairness Act would allow women to sue for punitive damages, as well as compensatory damages. Currently, women who seek compensation for unequal pay can only recover back pay, or in some cases, double back pay. While this bill would increase penalties for employers who pay different wages to men and women for equal work, it also provides incentives such as training programs for employers to eliminate pay disparities and grant programs to help strengthen the negotiation skills of girls and women.

Some may argue that these changes are not necessary, but the numbers speak for themselves. Despite greatly increased commitment to the labor force over the past 45 years, women working full time make 77 cents for every dollar earned by a man—less than a 20 percent increase since the Equal Pay Act was signed into law in 1963. Even more troublesome, African-American women earn 66 cents to the dollar and Latina women earn 55 cents to the dollar. According to a Census Bureau study, male high school graduates earned $13,000 more than female high school graduates in 2006. Women with a bachelor's degree employed year-round earned $53,201, while similarly educated men earned an average of $76,749. This same study also noted that the pay difference between men and women grows wider as they age.

Mr. Chairman, I urge my colleagues to support this bill so that women like Lilly Ledbetter do not have to argue their case for equal pay all the way to the Supreme Court, so that single mothers do not have to worry whether or not they are being treated fairly by their employers while they provide for their children, and so that daughters entering college can reach their full potential when they graduate.

Finally, I would like to thank my friend Congresswoman DELAURO for her many years of leadership on this issue, as well as inspiring women of all ages across our country.

Mr. HONDA. Mr. Chairman, I rise today to speak in very strong support of H.R. 1338, the Paycheck Fairness Act. The Equal Pay Act of 1963 was a critical step forward in the ongoing struggle for equal rights for women. The time has come to make common sense adjustments to the act in order to make it more effective in fighting gender-based employment and pay discrimination.

The American dream is undermined daily as women are denied equal pay for their work. Improvement has come too slowly over the past 45 years, with women's wages rising from 59 cents for every dollar earned by a man in 1963 to 77 cents per every dollar earned by a man in 2008. This gap is even worse for minority women, with Latinas earning 52 cents to every dollar—the least of all racial and ethnic minorities as compared to white men. The Paycheck Fairness Act will facilitate the achievement of equal pay between the sexes.

A 2003 study by the U.S. Government Accountability Office found that when all the key factors that influence earnings are controlled for—demographic factors such as marital status, race, number and age of children, and income, as well as work patterns such as years of work, hours worked, and job tenure—there is a 23 percent pay gap between women and men that cannot be explained or justified.

Women now comprise 59 percent of the work force, compared to about one-third when the Equal Pay Act was first passed. All working people deserve the same opportunities to succeed professionally and personally. The Paycheck Fairness Act will solidify our commitment to this equality and bring us closer to achieving the ideals put forth in so long ago in the Equal Pay Act of 1963 by closing loopholes in the law that have allowed employers to evade liability, providing tools to improve outreach and training efforts to work with employers, strengthening the negotiation skills of girls and women, and enhancing the collection of information on women's and men's wages.

It is simply unacceptable that in the past 40 years the wage gap has narrowed by less than 20 percent. We have the opportunity to aid millions of American workers to achieve the American Dream, and so I am proud to support H.R. 1338.

Mr. GENE GREEN of Texas. Mr. Chairman, as cosponsor of this legislation for multiple Congresses, I rise in strong support and urge my colleagues to join me in supporting the Paycheck Fairness Act.

This legislation would take meaningful steps to empower women to negotiate for equal pay, to create strong incentives for employers to follow the law, and to strengthen federal outreach and lenforcement efforts.

According to the 2006 Census Bureau, women still earned only about 77 percent as much as men did. Women of color were worse off—African American women made 66 cents on the dollar compared to the highest earners, white men, while Hispanic women made only 55 cents. As a result, according to the Institute of Women's Policy Research, working women stand to lose anywhere between $400,000 and $2 million dollars over the course of their career because of unequal pay practices. While women's wages and educational attainment hve been rising, there is still a sizeable gender wage gap. Only a portion of the difference in pay can be explained by experience, education, or qualifications.

Using data collected by the Bureau of Labor Statistics and the Census Bureau between 2004–2006, my own state of Texas ranked 7th in the nation in gender based wage equity, with women earning on average 80.7 percent of what their male counterparts earned. Although this is slightly better than the national average, it is obvious that there is still work to be done. At the current rate of wage growth for men and women in Texas, the National Committee on Pay Equity estimates that it will take another 38 years before this wage gap is closed.

It is well past time for something be done to close the gender wage gap so that men and women have the same opportunity to a decent working wage. The original Equal Pay Act signed by President Kennedy 45 years ago called for "equal pay for equal work". Although it has come a long way, the fight for equal pay and treatment is still an ongoing struggle.

The Paycheck Fairness Act would help address these conditions by amending and strengthening the EPA, so that it will be a more effective tool in combating gender-based pay discrimination. H.R. 1338 will close numerous loopholes in the 45-year-old law that has enabled employers to evade liability. It will also create a new grant program to help strengthen the negotiation skills of girls and women.

Congress must pass this legislation to help ensure that this goal becomes a reality, and I urge my colleagues to join me in supporting H.R. 1338.

Mr. HARE. Mr. Chairman, I rise today in strong support of H.R. 1338, the Paycheck Fairness Act of which I am a proud cosponsor.

Every April I participate in "Equal Pay Day" with my friend, Representative ROSA DELAURO, and other colleagues. This is the time of year when wages paid to American women "catch up" to the wages paid to men from the previous year. In other words, because the average woman earns less, she must work longer for the same amount of pay. The legislation before us today addresses this unacceptable reality.

According to the U.S. Census Bureau, women only make 77 cents for every dollar earned by a man. This wage disparity will end up costing women anywhere from $400,000 to $2 million over a lifetime in lost wages. Making matters worse, the wage gap grows wider as women age and move through their careers, creating serious economic security concerns.

The Paycheck Fairness Act will strengthen pay equity laws by closing the loopholes that have allowed employers to avoid responsibility for discriminatory pay, and help build economic and retirement security for women.

It is in the best interest of all Americans to ensure that every worker is treated fairly and I urge my colleagues to support this bill. I commend Ms. DELAURO for introducing the legislation and for her leadership on this issue over the past decade.

Ms. HIRONO. Mr. Chairman, I rise in strong support of H.R. 1338, the Paycheck Fairness Act. This legislation is needed to strengthen the Equal Pay Act of 1963. I thank Congresswoman ROSA DELAURO for sponsoring this bill and fighting for its passage year after year and Chairman GEORGE MILLER for championing this bill through the committee and on the House floor.

The Paycheck Fairness Act has garnered tremendous support from 230 cosponsors and over 200 national, state, and local organizations. While the Equal Pay Act was intended to prevent pay discrimination in the workplace, 45 years after it was signed by President Kennedy, women, and especially women of color, continue to take home significantly less pay than men for the same work. Single women and female heads of households fare the worst in the current system. These women earn less than their male colleagues during their careers, which in turn adversely affects their ability to save and accrue retirement benefits.

As a representative of the second Congressional district of Hawaii, I have the great honor and responsibility of continuing the important work of my predecessor, Patsy Takemoto Mink. Congresswoman Mink's personal struggles as a woman in a culture dominated by men inspired her to work tirelessly for equal

rights for women and girls. She faced obstacles in pursuing her education and career, but she was not deterred—instead, she broke down barriers, becoming the first Japanese-American woman admitted to the bar in Hawaii and the first woman of color elected to national office in this country when she was elected to the U.S. House of Representatives in 1964. Today, women continue to break down barriers in the workplace, but they still receive only a fraction of the pay men receive for the same work.

Although the Equal Pay Act of 1963 was passed to prevent pay discrimination based on sex, the law clearly has not had the intended result, even after 45 years. Women still make only 77 cents for every dollar earned by men for equal work. This bill will strengthen enforcement of the law, thereby fulfilling its intended purpose.

I strongly urge my colleagues to stand up for the right of women to receive equal pay and support the Paycheck Fairness Act.

Mr. BACA. Mr. Chairman, I rise in support of H.R. 1338 and I want to thank Congresswoman DELAURO for her leadership on this important bill.

She has fought for paycheck fairness for women during every Congress for the past decade and should be commended for her tenacity.

We are a nation with a constitution and bill of rights.

It is sad to admit that in a country as prosperous as ours, women only earn 77 cents to every dollar that men earn.

It's even worse for minority women: with African American women earning 66 cents to the dollar of Latinas earning 55 cents to the dollar.

This bill corrects this injustice by making it illegal for employers to pay unequal wages to men and women who perform equal work.

In 1923, women's suffragist Alice Paul, wrote the Equal Rights Amendment which would guarantee ''equal justice under law'' to all citizens. I was proud to sponsor a bill that would honor Alice Paul with a congressional Gold Medal for her heroic leadership in fighting for the ERA and in working to achieve women's right to vote. My bill, H.R. 406 passed the house with 406 cosponsors, a historic record of support! While the ERA was never ratified, the Paycheck Fairness Act brings us closer to achieving its intent.

Wage discrimination keeps women down and harms the overall economy. It also represents the worst of America. We must confront discrimination head on and ensure that all Americans, regardless of gender, receive equal pay for equal work.

Ms. KILPATRICK. Mr. Chairman, in 2008, a year in which women have made unprecedented gains in public and private leadership—Speaker of the U.S. House of Representatives; chairwomen of powerful committees and subcommittees; chief executive officers and chairwomen of Fortune 500 Companies, among many others—it is simply unforgivable and unacceptable that women, according to the U.S. Census Bureau, continue to make only 77 cents for every dollar earned by a man. Over a lifetime, this is anywhere from $400,000 to more than $2 million dollars that cannot be spent by a woman on food for her children, clothing for her grandparents, for decent housing for her and her family. In an era in heightened economic challenges, we should not, we cannot undervalue, underappreciate and marginalize the hard work that women do each and every day.

Mr. UDALL of Colorado. Mr. Chairman, I rise today in support of H.R. 1338, the Paycheck Fairness Act.

As its name suggests, this bill is about fairness. As a nation, we have made great strides in promoting fairness in the workplace since the Equal Pay Act was passed in 1963. Unfortunately, I do not think the language of that bill adequately addresses the problem of gender-based wage discrimination. In particular, the language of the Equal Pay Act offers little remedy for women who are not being paid equal wages for doing equal work.

The statistics describe precisely why this legislation is needed. Despite representing nearly half of the American workforce, and despite countless examples of professional women who have ascended to the highest levels of any given field, the U.S. Census Bureau estimates women still earn only 77 cents for every dollar earned by a man.

This bill would require that employers, in justifying unequal pay, provide evidence-based reasoning that such pay discrepancies are job-related and necessary for their business. It would help end the secret discrimination of unequal pay by prohibiting employers from retaliating against employees who share salary information with their coworkers. And this bill would dissuade employers from practicing gender-based pay discrimination by allowing women to sue for compensatory and punitive damages—the same sanctions that already apply to discrimination based on race, disability or age.

There are also some amendments that I think are important to prevent unscrupulous people from unfairly taking advantage of the provisions in this bill. As I said, this bill is about fairness, so I support the amendment from the gentle lady from Arizona, Ms. GIFFORDS, which would clarify that a plaintiff would have to show intent to recover any punitive damages. I also support the amendment of another good friend from Arizona and a fellow supporter of earmark reform, Mr. FLAKE, which would prohibit any funds authorized under this bill from being used for Congressional earmarks.

Women have long proven their equal measure of talent and capacity in every corner of the professional world. It's long overdue that they be compensated equally as well, so I urge my colleagues to support this legislation.

Mr. HOLT. Mr. Chairman, I rise today as a co-sponsor of H.R. 1338, the Paycheck Fairness Act.

Last week, I had the honor of participating in a portrait unveiling ceremony for former New Jersey Representative Mary Norton, who was the chair of the Labor Committee 70 years ago and a tireless advocate for equal pay. Under her leadership Congress passed 1938 Fair Labor Standards Act that established the 40-hour workweek, outlawed child labor and established a minimum wage of 25 cents per hour. I think of her today when I say that while we have made significant progress since the Equal Pay Act of 1963, the fight for equality in the workplace is far from over. According to the U.S. Census Bureau, women still earn only 77 percent as much as men on average. These statistics are worse for women of color; African-American women earn only 71.7 cents and Latinas only 58.5 cents for every dollar earned by their male counterparts.

Unfortunately, this wage gap only increases over time and has lasting effects on the lives of our working women. While women 1 year out of college earn 80 percent of what their male peers make, by the time women are 10 years out of college they are making only 69 percent of what men do. Furthermore, after a lifetime of receiving lower wages, older women are less likely than older men to receive pension income, and when they do they receive only half of the benefits that men receive. It is then sad, but unsurprising, that women represent 70 percent of older adults living in poverty.

Mary Norton understood that the wage gap is not just a women's issue—it is a family issue. When women earn less for equal work, families are forced to do more with less. Affording all of life's expenses is challenging enough—it shouldn't be made harder as a result of women being shortchanged on payday.

I believe that there is more that can and should be done to level the playing field and provide fair opportunities for women in education and the workplace. I would like to commend my colleague from Connecticut, Representative ROSA DELAURO, for introducing H.R. 1338, the Paycheck Fairness Act. This bill would strengthen the Equal Pay Act and close loopholes that allow employers to avoid responsibility for discriminatory pay and prohibit employers from retaliating against employees who discuss salary information with their co-workers. It would also create a training program to strengthen women's negotiation skills and establish additional avenues for women to seek equal pay in the workplace.

This legislation is long overdue and I urge my colleagues to support it.

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise today in strong support of the Paycheck Fairness Act (H.R. 1338). This is a historic day in the fight for equal rights for women, and I would like to thank Speaker PELOSI, Congresswoman DELAURO, and Chairman MILLER for their leadership in this issue.

Women have made great strides in the American workplace during the last quarter century. Women are now more likely to have advanced degrees, own businesses, and make up nearly half the workforce. When Congresswoman NANCY PELOSI was sworn in as Speaker of the House, women and young girls were inspired to know that there is no job a woman in this country cannot do. As we send our young female graduates into the workforce we must ensure that they receive equal pay for equal work.

Although the wage gap has narrowed since the passage of the landmark Equal Pay Act in 1963, gender-based wage discrimination remains a problem for women in the workforce. It is unacceptable that women continue to earn just 77 cents for every dollar earned by men, and pay disparity can be even worse for minority women. This wage disparity will cost women anywhere from $400,000 to $2 million over a lifetime in lost wages. Furthermore, the wage disparity grows wider as women age

and threatens their economic security, retirement, and quality of life.

The Paycheck Fairness Act will make commonsense reforms to strengthen the Equal Pay Act and close the loopholes that have allowed employers to avoid responsibility for discriminatory pay. It would require employers seeking to justify unequal pay to bear the burden of proving that their actions are justified, and allow women to sue for punitive damages. This bill would also prohibit employers from retaliating against employees who share salary information with their co-workers. Finally, it would create a training program to help women strengthen their negotiation skills, and require the Department of Labor to work with employers to eliminate pay disparities by enhancing outreach and training efforts.

The Paycheck Fairness Act recognizes that equal pay is not only an issue of fairness for women, but also one of fairness for working families. In these tough economic times, this bill could make all the difference for working families to make ends meet in their everyday lives. Through these efforts we can help give families the resources they need to give their children a better future. Pay equity should not be a benefit that needs to be bargained for, it is a promise that the Government must ensure.

I urge my colleagues to rise in support of this bill to ensure economic security for women and their families. Through this legislation we can ensure a better future for our daughters, granddaughters, and generations to come.

Ms. SHEA-PORTER. Mr. Chairman, I rise to express my enthusiastic support for H.R. 1338, the Paycheck Fairness Act, and thank Chairman MILLER of the Education and Labor Committee and Congresswoman DELAURO, the sponsor of this legislation for their tireless work and leadership on this Issue.

To paraphrase James Madison, "If men [and women] were angels, no government would be necessary." And in an ideal world, we wouldn't need legislation to reinforce the concept of equal pay for equal work. But even today in 2008, when women make on average only 77 cents for every one dollar made by their male counterparts, the importance of the Paycheck Fairness Act is clear.

Gender-based wage discrimination has been illegal in this country since the Equal Pay Act of 1963 was signed into law. Yet, the pay disparity between women and men that still persists today highlights the need to take another look at our wage discrimination laws. This disparity, by the way, is estimated to cost a working woman between $400,000 and $2 million over a lifetime.

I am a proud cosponsor of the Paycheck Fairness Act. It is about equal pay for equal work—and it is about time!

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1338

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Paycheck Fairness Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Women have entered the workforce in record numbers over the past 50 years.

(2) Despite the enactment of the Equal Pay Act in 1963, many women continue to earn significantly lower pay than men for equal work. These pay disparities exist in both the private and governmental sectors. In many instances, the pay disparities can only be due to continued intentional discrimination or the lingering effects of past discrimination.

(3) The existence of such pay disparities—

(A) depresses the wages of working families who rely on the wages of all members of the family to make ends meet;

(B) undermines women's retirement security, which is often based on earnings while in the workforce;

(C) prevents the optimum utilization of available labor resources;

(D) has been spread and perpetuated, through commerce and the channels and instrumentalities of commerce, among the workers of the several States;

(E) burdens commerce and the free flow of goods in commerce;

(F) constitutes an unfair method of competition in commerce;

(G) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce;

(H) interferes with the orderly and fair marketing of goods in commerce; and

(I) in many instances, may deprive workers of equal protection on the basis of sex in violation of the 5th and 14th amendments.

(4)(A) Artificial barriers to the elimination of discrimination in the payment of wages on the basis of sex continue to exist decades after the enactment of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.).

(B) These barriers have resulted, in significant part, because the Equal Pay Act has not worked as Congress originally intended. Improvements and modifications to the law are necessary to ensure that the Act provides effective protection to those subject to pay discrimination on the basis of their sex.

(C) Elimination of such barriers would have positive effects, including—

(i) providing a solution to problems in the economy created by unfair pay disparities;

(ii) substantially reducing the number of working women earning unfairly low wages, thereby reducing the dependence on public assistance;

(iii) promoting stable families by enabling all family members to earn a fair rate of pay;

(iv) remedying the effects of past discrimination on the basis of sex and ensuring that in the future workers are afforded equal protection on the basis of sex; and

(v) ensuring equal protection pursuant to Congress' power to enforce the 5th and 14th amendments.

(5) The Department of Labor and the Equal Employment Opportunity Commission have important and unique responsibilities to help ensure that women receive equal pay for equal work.

(6) The Department of Labor is responsible for—

(A) collecting and making publicly available information about women's pay;

(B) ensuring that companies receiving Federal contracts comply with anti-discrimination affirmative action requirements of Executive Order 11246 (relating to equal employment opportunity);

(C) disseminating information about women's rights in the workplace;

(D) helping women who have been victims of pay discrimination obtain a remedy; and

(E) being proactive in investigating and prosecuting equal pay violations, especially systemic violations, and in enforcing all of its mandates.

(7) The Equal Employment Opportunity Commission is the primary enforcement agency for claims made under the Equal Pay Act, and issues regulations and guidance on appropriate interpretations of the law.

(8) With a stronger commitment by the Department of Labor and the Equal Employment Opportunity Commission to their responsibilities, increased information about the provisions added by the Equal Pay Act of 1963, wage data, and more effective remedies, women will be better able to recognize and enforce their rights.

(9) Certain employers have already made great strides in eradicating unfair pay disparities in the workplace and their achievements should be recognized.

SEC. 3. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

(a) BONA-FIDE FACTOR DEFENSE AND MODIFICATION OF SAME ESTABLISHMENT REQUIREMENT.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is amended—

(1) by striking ''No employer having'' and inserting ''(A) No employer having'';

(2) by striking ''any other factor other than sex'' and inserting ''a bona fide factor other than sex, such as education, training, or experience''; and

(3) by inserting at the end the following:

''(B) The bona fide factor defense described in subparagraph (A)(v) shall apply only if the employer demonstrates that such factor (i) is not based upon or derived from a sex-based differential in compensation; (ii) is job-related with respect to the position in question; and (iii) is consistent with business necessity. Such defense shall not apply where the employee demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice.

''(C) For purposes of subparagraph (A), employees shall be deemed to work in the same establishment if the employees work for the same employer at workplaces located in the same county or similar political subdivision of a State. The preceding sentence shall not be construed as limiting broader applications of the term 'establishment' consistent with rules prescribed or guidance issued by the Equal Opportunity Employment Commission.''.

(b) APPLICATION OF PROVISIONS.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is further amended by adding at the end the following: ''The provisions of this subsection shall apply to applicants for employment if such applicants, upon employment by the employer, would be subject to any provisions of this section.''.

(c) NONRETALIATION PROVISION.—Section 15 of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(1) in subsection (a)(3), by striking ''employee has filed'' and all that follows and inserting ''employee—

''(A) has made a charge or filed any complaint or instituted or caused to be instituted any investigation, proceeding, hearing, or action under or related to this Act, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing or action or in an

investigation conducted by the employer, or has served or is planning to serve on an industry Committee; or

''(B) has inquired about, discussed or disclosed the wages of the employee or another employee.''; and

(2) by adding at the end the following:

''(c) Subsection (a)(3)(B) shall not apply to instances in which an employee who has access to the wage information of other employees as a part of such employee's essential job functions discloses the wages of such other employees to individuals who do not otherwise have access to such information, unless such disclosure is in response to a complaint or charge or in furtherance of an investigation, proceeding, hearing, or action under section 6(d) or an investigation conducted by the employer. Nothing in this subsection shall be construed to limit the rights of an employee provided under any other provision of law.''.

(d) ENHANCED PENALTIES.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended—

(1) by inserting after the first sentence the following: ''Any employer who violates section 6(d) shall additionally be liable for such compensatory damages or punitive damages as may be appropriate, except that the United States shall not be liable for punitive damages.'';

(2) in the sentence beginning ''An action to'', by striking ''either of the preceding sentences'' and inserting ''any of the preceding sentences of this subsection'';

(3) in the sentence beginning ''No employees shall'', by striking ''No employees'' and inserting ''Except with respect to class actions brought to enforce section 6(d), no employee'';

(4) by inserting after the sentence referred to in paragraph (3), the following: ''Notwithstanding any other provision of Federal law, any action brought to enforce section 6(d) may be maintained as a class action as provided by the Federal Rules of Civil Procedure.''; and

(5) in the sentence beginning ''The court in''—

(A) by striking ''in such action'' and inserting ''in any action brought to recover the liability prescribed in any of the preceding sentences of this subsection''; and

(B) by inserting before the period the following: '', including expert fees''.

(e) ACTION BY SECRETARY.—Section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is amended—

(1) in the first sentence—

(A) by inserting ''or, in the case of a violation of section 6(d), additional compensatory or punitive damages,'' before ''and the agreement''; and

(B) by inserting before the period the following: '', or such compensatory or punitive damages, as appropriate'';

(2) in the second sentence, by inserting before the period the following: ''and, in the case of a violation of section 6(d), additional compensatory or punitive damages'';

(3) in the third sentence, by striking ''the first sentence'' and inserting ''the first or second sentence''; and

(4) in the last sentence—

(A) by striking ''commenced in the case'' and inserting ''commenced—

''(1) in the case'';

(B) by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(2) in the case of a class action brought to enforce section 6(d), on the date on which the individual becomes a party plaintiff to the class action.''.

SEC. 4. TRAINING.

The Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs, subject to the availability of funds appropriated under section 11, shall provide training to Commission employees and affected individuals and entities on matters involving discrimination in the payment of wages.

SEC. 5. NEGOTIATION SKILLS TRAINING FOR GIRLS AND WOMEN.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Labor, after consultation with the Secretary of Education, is authorized to establish and carry out a grant program.

(2) GRANTS.—In carrying out the program, the Secretary of Labor may make grants on a competitive basis to eligible entities, to carry out negotiation skills training programs for girls and women.

(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be a public agency, such as a State, a local government in a metropolitan statistical area (as defined by the Office of Management and Budget), a State educational agency, or a local educational agency, a private nonprofit organization, or a community-based organization.

(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary of Labor may require.

(5) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out an effective negotiation skills training program that empowers girls and women. The training provided through the program shall help girls and women strengthen their negotiation skills to allow the girls and women to obtain higher salaries and rates of compensation that are equal to those paid to similarly-situated male employees.

(b) INCORPORATING TRAINING INTO EXISTING PROGRAMS.—The Secretary of Labor and the Secretary of Education shall issue regulations or policy guidance that provides for integrating the negotiation skills training, to the extent practicable, into programs authorized under—

(1) in the case of the Secretary of Education, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and other programs carried out by the Department of Education that the Secretary of Education determines to be appropriate; and

(2) in the case of the Secretary of Labor, the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), and other programs carried out by the Department of Labor that the Secretary of Labor determines to be appropriate.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Labor and the Secretary of Education shall prepare and submit to Congress a report describing the activities conducted under this section and evaluating the effectiveness of such activities in achieving the purposes of this Act.

SEC. 6. RESEARCH, EDUCATION, AND OUTREACH.

The Secretary of Labor shall conduct studies and provide information to employers, labor organizations, and the general public concerning the means available to eliminate pay disparities between men and women, including—

(1) conducting and promoting research to develop the means to correct expeditiously the conditions leading to the pay disparities;

(2) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the media, and the general public the findings resulting from studies and other materials, relating to eliminating the pay disparities;

(3) sponsoring and assisting State and community informational and educational programs;

(4) providing information to employers, labor organizations, professional associations, and other interested persons on the means of eliminating the pay disparities;

(5) recognizing and promoting the achievements of employers, labor organizations, and professional associations that have worked to eliminate the pay disparities; and

(6) convening a national summit to discuss, and consider approaches for rectifying, the pay disparities.

SEC. 7. ESTABLISHMENT OF THE NATIONAL AWARD FOR PAY EQUITY IN THE WORKPLACE.

(a) IN GENERAL.—There is established the Secretary of Labor's National Award for Pay Equity in the Workplace, which shall be awarded, as appropriate, to encourage proactive efforts to comply with this Act.

(b) CRITERIA FOR QUALIFICATION.—The Secretary of Labor shall set criteria for receipt of the award, including a requirement that an employer has made substantial effort to eliminate pay disparities between men and women, and deserves special recognition as a consequence of such effort. The secretary shall establish procedures for the application and presentation of the award.

(c) BUSINESS.—In this section, the term ''employer'' includes—

(1)(A) a corporation, including a nonprofit corporation;

(B) a partnership;

(C) a professional association;

(D) a labor organization; and

(E) a business entity similar to an entity described in any of subparagraphs (A) through (D);

(2) an entity carrying out an education referral program, a training program, such as an apprenticeship or management training program, or a similar program; and

(3) an entity carrying out a joint program, formed by a combination of any entities described in paragraph (1) or (2).

SEC. 8. COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–8) is amended by adding at the end the following:

''(f)(1) Not later than 18 months after the date of enactment of this subsection, the Commission shall—

''(A) complete a survey of the data that is currently available to the Federal Government relating to employee pay information for use in the enforcement of Federal laws prohibiting pay discrimination and, in consultation with other relevant Federal agencies, identify additional data collections that will enhance the enforcement of such laws; and

''(B) based on the results of the survey and consultations under subparagraph (A), issue regulations to provide for the collection of pay information data from employers as described by the sex, race, and national origin of employees.

''(2) In implementing paragraph (1), the Commission shall have as its primary consideration the most effective and efficient means for enhancing the enforcement of Federal laws prohibiting pay discrimination. For this purpose, the Commission shall consider factors including the imposition of burdens on employers, the frequency of required reports (including which employers should be required to prepare reports), appropriate protections for maintaining data confidentiality, and the most effective format for the data collection reports.''.

SEC. 9. REINSTATEMENT OF PAY EQUITY PROGRAMS AND PAY EQUITY DATA COLLECTION.

(a) BUREAU OF LABOR STATISTICS DATA COLLECTION.—The Commissioner of Labor Statistics

shall continue to collect data on women workers in the Current Employment Statistics survey.

(b) OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS INITIATIVES.—The Director of the Office of Federal Contract Compliance Programs shall ensure that employees of the Office—

(1)(A) shall use the full range of investigatory tools at the Office's disposal, including pay grade methodology;

(B) in considering evidence of possible compensation discrimination—

(i) shall not limit its consideration to a small number of types of evidence; and

(ii) shall not limit its evaluation of the evidence to a small number of methods of evaluating the evidence; and

(C) shall not require a multiple regression analysis or anecdotal evidence for a compensation discrimination case;

(2) for purposes of its investigative, compliance, and enforcement activities, shall define ''similarly situated employees'' in a way that is consistent with and not more stringent than the definition provided in item 1 of subsection A of section 10–III of the Equal Employment Opportunity Commission Compliance Manual (2000), and shall consider only factors that the Office's investigation reveals were used in making compensation decisions; and

(3) shall reinstate the Equal Opportunity Survey, as required by section 60–2.18 of title 41, Code of Federal Regulations, designating not less than half of all nonconstruction contractor establishments each year to prepare and file such survey, and shall review and utilize the responses to such survey to identify contractor establishments for further evaluation and for other enforcement purposes as appropriate.

(c) DEPARTMENT OF LABOR DISTRIBUTION OF WAGE DISCRIMINATION INFORMATION.—The Secretary of Labor shall make readily available (in print, on the Department of Labor website, and through any other forum that the Department may use to distribute compensation discrimination information), accurate information on compensation discrimination, including statistics, explanations of employee rights, historical analyses of such discrimination, instructions for employers on compliance, and any other information that will assist the public in understanding and addressing such discrimination.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 to carry out this Act.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–807. Each amendment shall be considered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. BEAN

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–807.

Ms. BEAN. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. BEAN:

Page 8, line 23, strike ''(b) APPLICATION OF PROVISIONS'' and all that follows through page 9, line 4.

Page 9, line 5, strike ''(c)'' and insert ''(b)''.

Page 10, line 12, strike ''(d)'' and insert ''(c)''.

Page 11, line 18, strike ''(e)'' and insert ''(d)''.

The CHAIRMAN. Pursuant to House Resolution 1388, the gentlewoman from Illinois (Ms. BEAN) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. BEAN. Mr. Chairman, I rise today to offer an amendment to H.R. 1338, the Paycheck Fairness Act.

First, I would like to acknowledge the leadership of Congresswoman ROSA DELAURO, Chairman MILLER, and so many others in our Congress who worked long and hard to address the issue of pay equity. Having worked 20 years in the private sector before coming to Congress, where I am now uniquely guaranteed equal pay, along with all Members who are Representatives, I understand the significance of this legislation before us today.

The amendment I am offering would strike section 3(b) titled Application of Provisions from the Underlying Bill. In doing so, this amendment would prevent the expansion of the Equal Pay Act to include job applicants.

□ 1730

Under the current Equal Pay Act, only employees can raise a claim on pay discrimination. However, the underlying bill, in its current form, would, for the first time, allow job applicants to file suit, even if they do not accept a position for pay discrimination under the act. This is a significant expansion of the act, especially in the context of a bill that is otherwise focused on strengthening existing rights already provided to employees under the Equal Pay Act.

While in principle I oppose expanding the Equal Pay Act rights to applicants, the very nature of extending these rights to applicants leads to several practical complications. The bill is unclear on how to deal with those complications.

For example, H.R. 1338 fails to clarify for employers how long they would be liable to an applicant who is offered lower wages than an individual subsequently hired. First, there is no certainty that that initial offer is representative of what a negotiated final offer might have been.

In addition, if an employer originally offers a job at, say, $10 an hour, but raises the offer to $12 a few months later because she was unable to find a qualified applicant, is the employer potentially liable to every prior applicant of the opposite sex? How far back would that liability extend?

Even more concerning is that without better defined rules for how applicants would be covered under this act, employers might be deterred, out of an abundance of caution, from raising the salary offered for a job opening when they are unable to initially fill a position.

For these reasons, and others, I believe this bill should be narrowed to provide protections to employees, not applicants, in keeping with the original structure of the Equal Pay Act.

It is important to note, if this provision is struck, applicants would continue to have protections under title VII, which also protects against discrimination. And if job applicants who are offered lower pay than a male counterpart were to accept a job, they would be protected by the underlying bill and eligible to file a claim for any pay discrimination as an employee.

Mr. Chairman, I urge my colleagues to support my amendment, and if my amendment is adopted, I urge them to support final passage of the underlying bill.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the Republican time to speak on the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

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

I will not oppose the gentlelady's amendment, but I wish to make clear, as with the other Democratic amendments to this bill that we are likely to debate today, this amendment makes the most minor of improvements to a fundamentally flawed bill. I will not oppose the amendment, but its adoption does not change my strong opposition to the underlying bill.

As I understand the gentlelady's amendment, it would strike from the underlying bill a provision which would extend the Equal Pay Act to cover not only employees, but even applicants for employment. I agree that striking this provision is the right thing to do.

Under current law, and since 1963, the Equal Pay Act has required that employers pay equal wages earned for equal work performed. It is hard to imagine how the law was ever meant to cover the payment of wages which have not yet been earned for work that has not yet been done. Frankly, the provision should not have been included in the bill in the first place, and I support its deletion.

That said, I stress again that this change is, at best, cosmetic and too little too late to address the fundamental flaws in the underlying bill. Put more simply, this amendment is the equivalent of putting lipstick on a pig. At the end of the day, it doesn't change things much.

You know where I got that from.

I will not oppose the amendment, but I remain opposed to the bill.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Ms. BEAN).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–807.

Mr. PRICE of Georgia. Mr. Chairman, I have an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PRICE of Georgia:

Page 12, after line 20, insert the following:

(f) CONDITIONAL IMPLEMENTATION.—

(1) CONDITIONAL EFFECTIVE DATE.—Subject to subparagraph (3), this section and the amendments made by this section shall become effective on the date that is 90 days after the Secretary transmits to Congress the report required under subparagraph (2).

(2) STUDY ON RECRUITMENT AND HIRING OF EMPLOYEES.—The Secretary shall conduct a study to determine the effect of the requirements of this section and the amendments made under this section on the ability of employers to recruit and hire employees irrespective of gender, and not later than 90 days after the date of enactment of this Act, shall transmit to Congress a report containing the findings of such study.

(3) DETERMINATION BY SECRETARY.—This section and the amendments made by this section shall not take effect if the Secretary finds that the requirements of this section may significantly hinder employers' recruitment and hiring of employees irrespective of gender.''

The CHAIRMAN. Pursuant to House Resolution 1388, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, this amendment makes implementation of the new wage discrimination provisions in this bill contingent upon a study that demonstrates that these provisions do not hinder recruiting and hiring.

Equal pay for equal work, as has been mentioned multiple times today, is the law of the land. It is now and it has been since the passage of the Equal Pay Act in 1963. And generally, businesses do a tremendous job paying employees fairly, regardless of gender.

But the plan before the House today treats wage discrimination as systemic. Consequently, the conclusion of the majority party is to take this measure and turn power over to bureaucrats and to trial lawyers to interject, distort and oversee how wages are determined through lawsuits and regulations. If this happens, employment opportunities may actually become more limited, and flexible job structures may become more scarce or a thing of the past. In short, the very real problem that this legislation attempts to correct may, in fact, exacerbate others, very real challenges, already facing American workers.

With these reforms, there would be less incentive for employers to offer a variety of working situations like flex time or more limited travel if doing so puts an employer at risk of being sued, and this bill would do that.

Such rigidity and limitations means increased expenses for employers. Current and prospective workers then suffer through lower wages and slower job creation, or simply fewer opportunities to meet individual workers needs. Overall, it may prove to be a drag on the economy by adding additional friction to labor markets.

This amendment calls on the Secretary of Labor to study the impact of these new wage discrimination provisions on the ability of employers to recruit and hire employees, regardless of gender.

A strong contention, I believe, can be made that these changes will have a detrimental effect on labor markets, increased lawsuits, unlimited damages may discourage hiring and perhaps further segregate employment preferences for one gender in favor of another.

In order to determine this, the Secretary should have time to quantify and evaluate the bill's impact on recruitment and hiring decisions. This is information that everyone should want, I believe, in this House, prior to voting on an implementation of this bill. If there is no harm to job creation, then these provisions would go forward.

All that this amendment is asking is 90 days for the Secretary to undertake an informed review. The impetus for this bill's passage shouldn't rest on faulty comparisons of male and female median annual earnings that do not take into account all sorts of things, such as education or experience or occupation.

Mr. Chairman, equal pay for equal work is already the law of the land. The revisions before us today are a departure from this standard, and may radically alter how labor markets work through increased litigation and regulation. If that happens, it is best for all of us to have a clear understanding of its impact beforehand.

I urge adoption of the amendment.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I am opposed to this amendment because I believe it gives veto power over this legislation to the Secretary of Labor.

The premise of this amendment is we need to study more and let the Secretary of Labor decide whether we need stronger legal protections for women to earn equal pay for equal work. I don't think we need to study it at all. I think the fact that women are earning 77 cents for every dollar that a man earns is evidence of why we need this law.

I think the fact that 10 years out of college, when you adjust for different family factors such as child rearing, that women are earning, on the average, 12 percent less than men in similar professions shows that we need this law.

I think the fact that studies have shown that women are shorted millions of dollars, anywhere from $400,000 to $2 million over a lifetime because of inadequate enforcement of the law for equal pay for equal work, I think it makes it crystal clear that the idea of subordinating our responsibility and giving the Secretary of Labor the opportunity to subvert what we are doing here today is unjustified and unwarranted.

So I would urge the defeat of this amendment because I believe it is unnecessary, and I think it substitutes the judgment of the Secretary of Labor for the judgment of the elected representatives of the people. We should defeat this amendment, support this bill.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the distinguished chairman for yielding and rise to oppose the amendment and in support of the Paycheck Fairness Act.

Today, this House moves America's working women into the 21st century. And, in so doing, I believe it is important to place on the record the story of our mother, Anastasia, who when she began work back in the middle of the last century as a counter waitress as Liberty Lunch on Broadway in Toledo, Ohio did not even earn the minimum wage. That was made possible only by the Fair Labor Standards Act passed in 1938. But even when that Act passed, her boss would then cash her check and deduct the increase from her, and pocket it himself.

I am privileged that I now, as a Congresswoman, came from a family that did not spare its children the story of hardship and struggle that still characterizes the lives of millions of women in our country today. In passing this act, I do so in memory of our mother and millions and millions of American women who ask only to be treated fairly in the workplace and earn equal pay for equal work and get that check.

It is a commentary on the struggle of working people everywhere that it takes a Nation centuries to enact into law what is decent and right on the merits. Today we do what is morally right and economically just. Today we give America's working women a real dose of liberty.

Mr. Chairman, I thank you for yielding me time today, oppose this amendment but strongly support this measure.

Mr. PRICE of Georgia. How much time remains, Mr. Chairman?

The CHAIRMAN. The gentleman from Georgia has 2 minutes. The gentleman from California has 2½ minutes.

Mr. PRICE of Georgia. I will reserve.

Mr. GEORGE MILLER of California. I would just join in what my colleagues have already said, that I don't think this needs further study. And I think, certainly, the idea of basing whether or not this law will be enacted on a single study by this Secretary of Labor within 90 days, when we have a decade of studies, very few that have been challenged for their accuracy, that continues to tell us that, while the situation has improved, we still have this huge disparity between the pay of men and women for the same jobs, for the same responsibilities.

And this legislation is designed to rid us of that disparity. It is designed to rid us of that discrimination, and it is designed to give women the tools that they need to go in and to enforce their rights. And I would hope that we would support this legislation, that we would reject this amendment.

I yield back the balance of my time.

Mr. PRICE of Georgia. I would just say to my friend from Ohio, who I see is off the floor, but the egregious example that she gave, all of us agree is wrong, and it is already illegal. It is not addressed with this act. Equal pay for equal work is already the law of the land.

This amendment asks for a 90-day study by the Secretary to determine whether there are adverse effects on hiring and recruitment of employees. It is a simple amendment, commonsense amendment.

With that, I am pleased to yield to my friend from California for such time as he may consume.

Mr. MCKEON. I thank the gentleman for yielding.

I think that we have heard in this debate today, 70 percent, 77 percent, over and over and over and over. And when we had a hearing last year, we had a lot of different figures that were given. It seems to me that it is important to have an outside source look at this, and I think the Secretary of Labor should do this study so that we don't do more harm than good.

I think this is a good amendment. I thank the gentleman for offering it, and I urge support of the amendment.

Mr. PRICE of Georgia. I thank the gentleman for his comments. I would just say in closing that, in fact, there is evidence that, in fact, 70 cents on the dollar may not be an accurate figure. I don't know what the accurate figure is. But I do know that there is disagreement about what it is.

I would like to put into the RECORD an article from Independent Women's forum talking about just that.

As such, I believe that a study is indeed appropriate. That is all that the amendment does, requests a study, 90-day study, and then report back and move forward if there is no evidence of difficulty in hiring and recruitment.

A BARGAIN AT 77 CENTS TO A DOLLAR

[From Independent Women's Forum, April 3, 2007]

(By Carrie L. Lukas)

Why are politicians again championing the Equal Rights Amendment—newly minted as the Women's Equality Amendment—when the speaker of the House, secretary of state and the Democratic presidential front-runner are women, and when women are making gains in education and the workforce? One reason is that many claim women are systematically discriminated against at work, as the existence of the so-called wage gap proves.

Talking about wage discrimination against women is a political mainstay. Last month, Sen. Hillary Clinton expressed consternation that women continue to make ''just 77 cents for every dollar that a man makes'' and reintroduced legislation, the Paycheck Fairness Act, that would give the government more power to make ''an equal paycheck for equal work'' a reality.

This statistic—probably the most frequently cited of the Labor Department's data—is also its most misused.

Yes, the Labor Department regularly issues new data comparing the median wage of women who work full time with the median wage of men who work full-time, and women's earnings bob at around three-quarters those of men. But this statistic says little about women's compensation and the influence of discrimination on men's and women's earnings. All the relevant factors that affect pay—occupation, experience, seniority, education and hours worked—are ignored. This sound-bite statistic fails to take into account the different roles that work tends to play in men's and women's lives.

In truth, I'm the cause of the wage gap—I and hundreds of thousands of women like me. I have a good education and have worked full time for 10 years. Yet throughout my career, I've made things other than money a priority. I chose to work in the nonprofit world because I find it fulfilling. I sought out a specialty and employer that seemed best suited to balancing my work and family life. When I had my daughter, I took time off and then opted to stay home full time and telecommute. I'm not making as much money as I could, but I'm compensated by having the best working arrangement I could hope for.

Women make similar trade-offs all the time. Surveys have shown for years that women tend to place a higher priority on flexibility and personal fulfillment than do men, who focus more on pay. Women tend to avoid jobs that require travel or relocation, and they take more time off and spend fewer hours in the office than men do. Men disproportionately take on the dirtiest, most dangerous and depressing jobs.

When these kinds of differences are taken into account and the comparison is truly between men and women in equivalent roles, the wage gap shrinks. In his book ''Why Men Earn More,'' Warren Farrell—a former board member of the National Organization for Women in New York—identifies more than three dozen professions in which women outearn men (including engineering management, aerospace engineering, radiation therapy and speech-language pathology). Farrell seeks to empower women with this information. Discrimination certainly plays a role in some workplaces, but individual preferences are the real root of the wage gap.

When women realize that it isn't systemic bias but the choices they make that determine their earnings, they can make better-informed decisions. Many women may not want to follow the path toward higher pay—which often requires more time on the road, more hours in the office or less comfortable and less interesting work—but they're better off not feeling like victims.

Government attempts to ''solve'' the problem of the wage gap may in fact exacerbate some of the challenges women face, particularly in balancing work and family. Clinton's legislation would give Washington bureaucrats more power to oversee how wages are determined, which might prompt businesses to make employment options more rigid. Flexible job structures such as the one I enjoy today would probably become scarcer. Why would companies offer employees a variety of work situations and compensation packages if doing so puts them at risk of being sued?

Women hearing Clinton's pledge to solve their problems and increase their pay should think hard about the choices they have made. They should think about the women they know and about their career paths. I bet they'll find that maximizing pay hasn't always been the top priority. Eliminating the wage gap may sound like a good campaign promise, but since the wage gap mostly reflects individual differences in priorities, it's a promise that we should hope a President Hillary Clinton wouldn't try to keep.

Carrie Lukas is vice president for policy and economics at the Independent Women's Forum and the author of ''The Politically Incorrect Guide to Women, Sex, and Feminism.''

This article was first published in The Washington Post.

I encourage adoption of the amendment and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. ALTMIRE

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–807.

Mr. ALTMIRE. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ALTMIRE:

Page 21, after line 3, insert the following:

SEC. 11. SMALL BUSINESS ASSISTANCE.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the date that is 6 months after the date of enactment of this Act

(b) TECHNICAL ASSISTANCE MATERIALS.—The Secretary of Labor and the Commissioner of the Equal Employment Opportunity Commission shall jointly develop technical assistance material to assist small

businesses in complying with the requirements of this Act and the amendments made by this Act.

(c) SMALL BUSINESSES.—A small business shall be exempt from the provisions of this Act to the same extent that such business is exempt from the requirements of the Fair Labor Standards Act pursuant to section 3(s)(1)(A)(i) and (ii) of such Act.

The CHAIRMAN. Pursuant to House Resolution, 1388, the gentleman from Pennsylvania (Mr. ALTMIRE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

My amendment serves to assist small businesses in implementing the changes made by this bill. Small businesses are the backbone of our economy, and we must ensure that this legislation does not place additional undue burdens on the very entrepreneurs who continue to be the main source of job growth in our communities.

□ 1745

My amendment provides an additional 6 months for the implementation of this Act for those small businesses, and the Department of Labor will be responsible for educating small businesses about the law and assisting them with compliance.

The goals of this bill are laudable, and my amendment only seeks to guarantee that small businesses are not put at an unfair disadvantage when complying with this law.

Through this amendment, we will give small businesses the time and resources they need to adjust to the changes brought on by this bill.

I urge adoption of this amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the Republican time to speak in opposition.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. I will not oppose the gentleman's amendment. As I understand it, the gentleman's amendment does two things: First, it provides a 6-month delay in the effective date of the bill; and second, it directs the Department of Labor and the Equal Employment Opportunity Commission to develop materials to assist small businesses in complying with the law's new requirements.

I do not object to either of these provisions. Indeed, I have always believed that we should do all we can, all that we should to assist small businesses which are the backbone of our economy and the leading source of job growth in our Nation.

Frankly, I would say that the gentleman's approach is a decidedly second-best option. As we just heard in debate on the prior amendment, I would support delaying implementation of the key provisions of this bill until we have a full understanding of its impact on jobs and on the recruiting and hiring of employees. If Members genuinely want to make sure the businesses, particularly small businesses, are not unfairly penalized by this legislation, they will, I hope, support the amendment previously offered by my colleague, Mr. PRICE, which will do just that.

I will also say there is a certain irony here. While the gentleman's amendment purports to help small businesses, what it fails to do is address fundamental flaws in the underlying bill, core issues which leave me to strongly oppose this legislation today. As I have said before and I expect I will say again before debate is concluded, the underlying bill offers little to benefit working women and families while threatening to wreck havoc on workers and employers by expanding liability and encouraging costly lawsuits. Nothing in the gentleman's amendment changes that simple fact.

I will not oppose the gentleman's amendment, but I would advise Members to not kid themselves into thinking that compliance assistance for small business in any real way addresses core failings in the underlying bill. Whether this amendment is adopted or not, I remain opposed to H.R. 1338 and urge my colleague to join me in voting ''no'' on final passage.

I yield back the balance of my time.

Mr. ALTIMRE. I yield the distinguished chairman of the committee as much time as he may consume.

Mr. GEORGE MILLER of California. I won't take that long.

I just want to thank the gentleman for offering this amendment. We've discussed it for some time, and your persistence has won out. And I think it's a good amendment, and I would hope that the committee would adopt it.

Mr. ALTIMRE. I thank the gentleman from California.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ALTIMRE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ALTIMRE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. GIFFORDS

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–807.

Ms. GIFFORDS. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. GIFFORDS:

Page 10, beginning on line 17, strike ''damages or'' and insert ''damages, or, where the employee demonstrates that the employer acted with malice or reckless indifference,''.

The CHAIRMAN. Pursuant to House Resolution 1388, the gentlewoman from Arizona (Ms. GIFFORDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Ms. GIFFORDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the President and CEO of my family's small tire business, I know the challenges that small businesses face in America, not just to thrive but truly to survive in a rapidly increasingly global economy. Small businesses are truly the backbone of a strong and vibrant community, and women are major economic contributors since we constitute over 45 percent of small business employees.

That is why I strongly support H.R. 1338, the Paycheck Fairness Act, because it recognizes women's valuable role in the workplace.

It is also important, though, to make sure this legislation is fair. So today I'm offering an amendment that will clarify the legal standard for punitive damages as requiring malice or reckless indifference. This commonsense amendment means that businesses will not be subject to punitive damages unless they act with malice or reckless intent. This standard mirrors the burden that applies in other civil rights laws.

Today, as we close loopholes in the Equal Pay Act that have allowed women to continue to be underpaid for equal work, we must do so fairly. It is unacceptable for society to undervalue the work that women do and underpay us for equal work. According to the United States Department of Labor, American women are earning 74 cents for every dollar earned by a man, taking women 16 months to earn what men earn in 1 calendar year. This disparity is not just unfair, but it is also a major economic concern for millions of hard-working American families.

Closing the wage gap will also have a long-term impact on women's economic security especially during their retirement years. Women, of course, are living longer. Men are living longer, too, but women longer than men. Over time, lower wages translate into less income that counts for calculating pension and Social Security benefits. Older women are less likely than older men to receive pension income. And when they do, they only receive one-half of the benefits that men do.

As a cosponsor of the Paycheck Fairness Act, I am proud to join with 229 of my colleagues in showing strong support for this legislation.

I urge the House to pass this amendment that has been endorsed by the

United States Chamber of Commerce. It is time that America, the land of equal opportunity, recognize equal pay between men and women. I am proud to be part of this historic effort.

I'm particularly proud that my mother is here in the gallery today to witness this historic act of Congress.

So thank you, Congresswoman DELAURO, for your tireless effort over so many years, and Chairman MILLER as well, for continuing to fight for the people that are truly underrepresented in so many ways.

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

Mr. MCKEON. Mr. Chairman, I claim the Republican time to speak on the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

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

I will not oppose this amendment. I do want to make clear that as the gentlelady spoke, the Chamber of Commerce supports her amendment, not the bill. They are opposed, as I am, to the underlying bill. I want to be clear that adoption or defeat will not change my position on the underlying bill. The so-called Paycheck Fairness Act, which we're debating today, has nothing to do with making paychecks fairer and everything to do with lining the pockets of trial lawyers.

The gentlelady's amendment tinkers at the margins of just one of the bill's fundamental flaws. Whether adopted or not, it does not change my strong opposition or the Chamber of Commerce's strong opposition to the underlying bill.

The gentlelady's amendment would appear to limit the circumstances in which a plaintiff can recover punitive damages under the bill to those situations where he or she can show that an employer acted with malice or reckless indifference. First, let me point out that nowhere in the Fair Labor Standards Act or Equal Pay Act is this standard of proof, malice, or reckless indifference used. It's an entirely new concept to this statute and one which will no doubt and to no one's great surprise encourage extended litigation to determine its meaning in the context of the Equal Pay Act.

Even more telling is what the gentlelady's amendment does not do. It does not limit compensatory or punitive damages but still puts employers at risk for unlimited punitive and compensatory damage awards, remedies far beyond those contained in title VII, nor does it require that the plaintiff show the employer engaged in intentional discrimination. Presumably now an employer can be slapped with a multimillion-dollar punitive fine if a jury finds that he or she was indifferent, whatever that means.

When all is said and done, the amendment does little, if anything, to address the radical expansion of liability and the payback to trial lawyers contained in the bill. I'm excited to see what lawyers will do with that in front of a judge discussing indifference and how that pertains to the law. The gentlelady's amendment provides the most modest limitations of the bill's dramatic expansion of liability that one could imagine.

Now some limitation may be better than none at all, but this fig leaf does not come close to addressing core problems in the bill.

I will not oppose the amendment, but I remain strongly opposed to the underlying bill.

I yield back the balance of my time.

Ms. GIFFORDS. Mr. Chairman, as I said earlier, I'm really proud that one of my experiences that I bring to the United States Congress is running a family tire and automotive company. There are not that many Members of Congress that know what it's like to make a payroll, to know what it's like to have laws imposed on them at the local, at the State, at the Federal levels, and I think that that background is really critical. That's one of the reasons that I am pleased that the United States Chamber of Commerce has endorsed this amendment.

With that, I urge my colleagues on both sides of the aisle to join with me in passing this amendment.

The Acting CHAIRMAN (Mr. BERRY). The question is on the amendment offered by the gentlewoman from Arizona (Ms. GIFFORDS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. GIFFORDS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Arizona will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. CAZAYOUX

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–807.

Mr. CAZAYOUX. Mr. Chairman, I have an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CAZAYOUX:

Page 21, after line 3, insert the following:

SEC. 11. RULE OF CONSTRUCTION.

Nothing in this Act, or in any amendments made by this Act, shall affect the obligation of employers and employees to fully comply with all applicable immigration laws, including any penalties, fines, or other sanctions.

The Acting CHAIRMAN. Pursuant to the House Resolution 1388, the gentleman from Louisiana (Mr. CAZAYOUX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CAZAYOUX. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank Congresswoman DELAURO for this thoughtful legislation that is long overdue. It is imperative that hardworking women be fairly compensated and that they are not being shortchanged by longstanding practices. Far too long in this country many American women have suffered pay inequities that have denied them the earnings they deserve. In America, this is unacceptable, and this bill aims to rectify those inequities.

However, as we seek to protect the legal rights of American workers, we must also protect their rights from being abused by those who work here illegally. The amendment I bring to the floor today serves to ensure that nothing in this legislation or in any amendments to this legislation will affect the obligations of employers and employees to comply with immigration laws. That means that anyone found to be in violation of our immigration laws, whether they are employers or employees, will be subject to all fines and penalties imposed by those laws regardless of the protections for all workers, male or female, contained within this Act.

Again, I thank Chairwoman DELAURO as well as Chairman MILLER for this meaningful legislation, and I urge my colleagues to support this amendment and the underlying bill.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the Republican time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

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

I will not oppose this amendment. I don't know that any Member of the House would or could. It is simply a restatement of current law. I strongly believe that every employer and every worker should comply with our Nation's immigration laws. Indeed, I have long argued that our immigration laws need to be strengthened, that we need to get serious about reasserting control of our borders, enforcing the laws that are on the books and enhancing those laws which are failing if we truly want to secure our borders.

□ 1800

No one is as committed to those goals as I am.

That said, that is a debate for another day, and not the issue presented to us in this bill. We are not debating the question of immigration reform, but rather, whether we should adopt a trial lawyer bonanza under the guise of ''paycheck fairness.'' As I have said before, this bill does nothing to promote fairness in pay, and everything to invite costly, and often frivolous, litigation.

Whether the gentleman's amendment is adopted today or not, that fact will not change. This is an ill-conceived bill, based on flawed and demonstrably false economic theories, and sure to lead to unintended consequences for workers and employers.

The gentleman's amendment is inoffensive, but it is not particularly meaningful. I will not oppose the amendment, but it does not change my strong opposition to the underlying bill, nor my intention to vote ''no'' on final passage.

I would like to address the gentlelady that spoke on the amendment just before. When she concluded her statement, she commented on her fact of having been a small businesswoman and running a family business. I had the same experience for many years before I came here to Congress. It's good to see other small businesspeople come to Congress, and I appreciate her amendment that she presented.

And I also want to restate again the fact that, even though the Chamber did support her amendment, that we're strongly opposed to the underlying bill.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. CAZAYOUX).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The Acting CHAIRMAN (Mr. POMEROY). It is now in order to consider amendment No. 6 printed in House Report 110–807.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FLAKE:

Page 21, line 2, strike ''There are'' and insert ''(a) AUTHORIZATION OF APPROPRIATIONS.—There are''.

Page 21, after line 3 insert the following:

(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) for purposes of the grant program in section 5 of this Act may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The SPEAKER pro tempore. Pursuant to House Resolution 1388, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment is noncontroversial. I assume it will be accepted by the other side. It's similar to an amendment that was offered earlier this year on an unrelated bill.

The amendment simply seeks to ensure that the competitive grant program established and authorized by this bill does not become a vehicle to be earmarked later. I am not alleging that there are any earmarks in this bill; there are not. There's simply a competitive grant program established.

My fear is that later on that this grant—that is a competitive grant and it was based on merit for those who apply—will be later earmarked, as has happened in other legislation.

My amendment to H.R. 1338, The Paycheck Fairness Act is a common sense amendment that would simply prohibit the earmarking of funds authorized by this bill for a new grant program.

In section five of the legislation, a new grant program is created to carry out programs to train girls and women in negotiating tactics.

This new grant program is explicitly authorized in the legislation to make grants on a competitive basis to eligible entities. I offer this amendment simply as a precaution in order to avoid future earmarking.

Earlier this year, a similar amendment was approved by the House of Representatives during consideration of the Beach Act of 2007 by a vote of 263 to 117.

When it comes to earmarking, the message is clear: just because Congress hasn't earmarked an account or a grant program before doesn't mean we won't in the future. My amendment makes no substantive change to the grant program included in the legislation and is simply offered as a safeguard against future earmarking.

Judging by the nearly four and a half billion dollars worth of earmarks that have been reported out of the Committee on Appropriations this summer, it appears that, even with all the talk of earmark reform this year, it's business as usual.

Unfortunately, when it comes to earmarking, business as usual means Congressional earmarks showing up in programs and accounts that never used to have them.

The worst example of this is the Department of Homeland Security appropriations bill.

Kept relatively earmark-free from its inception in order to keep politics out of spending decisions, the earmarking truce was broken when the 2008 omnibus spending bill contained 128 earmarks worth more than $400 million in Homeland Security funding.

Included were 95 earmarks for the Pre-Disaster Mitigation Program, a competitive grant program with a 70-page guidance document for grant applicants that had not previously been earmarked.

If the Fiscal Year 2009 Homeland Security appropriations bill approved by committee becomes law, then the earmarking of the Pre-Disaster Mitigation Program will continue with nearly 25 million dollars, or one third of the program funds, already having been spent by Members earmarking funds for their own districts.

Emergency Operations Centers funding is another example of earmarks encroaching into a previously non-earmarked program.

Created last year by Congress, fifteen million earmark-free dollars were appropriated, to be awarded through a formula-based grant program for the ''equipping, upgrading, and constructing of Emergency Operations Centers.''

This year's Homeland Security appropriations bill proposes increasing Emergency Operations Center funding to 35 million dollars—but also would earmark nearly sixty percent of this funding by including 34 earmarks worth more than 21 million dollars.

Unfortunately, these examples of earmarking competitive programs are not lone cases. Another example is a program funded through the Department of Housing and Urban Development called the Economic Development Initiative.

This program started in 1994 as a competitive program with strict selection-based criteria to assist with low-income housing and neighborhood development. Over time, the program became a prime target for earmarkers and, by 2000, the competitive program was not funded and the program was entirely made up of earmarks.

A similar story can be told about the Byrne Discretionary Grant program. This program was established in 2006 as a competitive grant program where awards are to be evaluated by a peer review system and other review processes. Allegedly, the program has remained that way, however, the agency that administers the program still calls it a competitive program but the account was heavily earmarked last year and it appears that earmarking has been adopted as the standard operating practice.

In fact, should the Commerce Justice and Science Committee Report approved by the Appropriations become law, there will be 280 earmarks for the Byrne Discretionary Grant account, alone.

The message is clear: just because we haven't earmarked an account or a grant program before doesn't mean we won't in the future.

With few opportunity this session to deal directly with the broken earmarking process, the least we can do is explicitly prohibit earmarks in programs or accounts that provide funding on a formula or competitive basis.

I urge my colleagues to support this commonsense amendment.

With that, I would like to ask if this amendment will be accepted by the other side and reserve the balance of my time.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. We have no problem with this amendment. We agree with the gentleman. We think that these grants to increase the negotiating skills of young women and girls, all women, are very important. We would hope and we expect that they would be given on merit by the Secretary under the provisions of the law. We don't expect that they would be earmarked.

Mr. FLAKE has offered this language so that hopefully it would not be earmarked, and that language hopefully

will be respected by other committees of the Congress, and we would accept the amendment.

I reserve the balance of my time.

Mr. FLAKE. Let me just comment and thank the majority for accepting this and also thank the Rules Committee for making this amendment in order. I've offered this same amendment on a number of authorization bills over the past couple of months, and it has not been made in order. So I appreciate the fact, and whatever influence the gentleman from California had on the Rules Committee to make this important amendment in order, I appreciate.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–807 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. PRICE of Georgia.

Amendment No. 3 by Mr. ALTMIRE of Pennsylvania.

Amendment No. 4 by Ms. GIFFORDS of Arizona.

Amendment No. 5 by Mr. CAZAYOUX of Louisiana.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 2-minute votes.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 240, not voting 11, as follows:

[Roll No. 551]

AYES—188

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

NOES—240

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

NOT VOTING—11

Brown-Waite, Ginny
Cannon
Cubin
Culberson
Diaz-Balart, L.
Fortuño
Hulshof
Rush
Turner
Wilson (NM)
Young (AK)

□ 1835

Messrs. JACKSON of Illinois, HALL of New York, LYNCH, Ms. MOORE of Wisconsin, Mrs. CAPPS, Mrs. JONES of Ohio, Mrs. McCARTHY of New York, Ms. HARMAN, Messrs. SIRES, FRANK of Massachusetts, Ms. CASTOR, Messrs. WATT, MARSHALL, Ms. SPEIER, Mr. KANJORSKI, Ms. RICHARDSON, Ms. SCHWARTZ, Messrs. SESTAK, PASTOR, ABERCROMBIE, Mrs. LOWEY, and Mr. MORAN of Virginia changed their vote from ''aye'' to ''no.''

Mr. WALBERG, Mrs. EMERSON, and Messrs. TIAHRT, SMITH of Texas, and TANCREDO changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. ALTMIRE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. ALTMIRE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 1, not voting 12, as follows:

[Roll No. 552]

AYES—426

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

NOES—1

Johnson (GA)

NOT VOTING—12

Brown-Waite, Ginny
Cannon
Cole (OK)
Cubin
Fortuño
Harman
Hulshof
Rangel
Rush
Turner
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

□ 1839

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MS. GIFFORDS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Arizona (Ms. GIFFORDS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 29, not voting 13, as follows:

[Roll No. 553]

AYES—397

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh

McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—29

Abercrombie
Clay
Clyburn
Cummings
Davis (IL)
Filner
Grijalva
Gutierrez
Honda
Jefferson
Johnson, E. B.
Kilpatrick
Kucinich
Lee
Lewis (GA)
McGovern
Moore (WI)
Napolitano
Norton
Pastor
Payne
Roybal-Allard
Serrano
Slaughter
Solis
Stark
Thompson (MS)
Velázquez
Waters

NOT VOTING—13

Brown-Waite, Ginny
Cannon
Castor
Cubin
Fattah
Fortuño
Hulshof
LaTourette
Rush
Turner
Wamp
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

□ 1844

Mr. CUMMINGS, Ms. WATERS and Ms. NORTON changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. CAZAYOUX

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. CAZAYOUX) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 16, answered ''present'' 1, not voting 12, as follows:

[Roll No. 554]

AYES—410

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

NOES—16

Baldwin
Clarke
Clyburn
Davis (IL)
Grijalva
Gutierrez
Hirono
Honda
Kucinich
Lee
McDermott
Moore (WI)
Napolitano
Serrano
Solis
Stark

ANSWERED ''PRESENT''—1

Edwards (MD)

NOT VOTING—12

Barrow
Brown-Waite, Ginny
Cannon
Castor
Cubin
Fortuño
Hulshof
Peterson (PA)
Rush
Turner
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is less than 1 minute remaining in this vote.

□ 1849

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, pursuant to House Resolution 1388, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. PRICE of Georgia. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PRICE of Georgia. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Price of Georgia moves to recommit the bill, H.R. 1338, to the Committee on Education and Labor with instructions to report the bill back to the House promptly with the following amendment:

Page 4, line 21, strike ''and''.

Page 4, line 24, strike the period and insert ''; and''.

Page 4, after line 24, insert the following:

(J) are exacerbated by the increase in the price of gasoline to unprecedented levels since January 3, 2007, and the failure of the Congress to enact meaningful reforms to lower the price of gasoline at the pump, which has a greater impact on the household budgets of those who earn less.

Page 11, line 15, strike ''and'';

Page 11, after line 15, insert the following:

(B) by inserting ''in an amount not to exceed $1,000 per hour'' after ''a reasonable attorney's fee''; and

Page 11, line 16, strike ''(B)'' and insert ''(C)''.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, equal pay for equal work is currently the law of the land, and it has been since the passage of the Equal Pay Act of 1963. Generally, businesses do a tremendous job paying employees fairly, regardless of gender. But the bill before the House today treats wage discrimination as systemic, and is a boon for trial lawyers. It also fails to address the very real challenges affecting Americans' wages and the purchasing power of their paychecks. That is why we Republicans are offering this motion to recommit, in order to expose the errors of this Democrat majority.

The first half of this motion points out the simple fact wages are being stretched thin by the price of gasoline, and this Democrat majority has repeatedly failed to take action. The high price of gasoline is squeezing family budgets, and no one is being hit harder than working women and families. Yet, this Congress has yet to cast a vote during this energy emergency to expand exploration and production of American-made energy.

Republicans have a plan to increase production and open up access, to provide tax credits to promote clean and reliable sources of energy, and encourage conservation to ease the demand for gasoline. With this productive plan, a positive plan to open up access, provide tax credits, to promote clean and reliable sources of energy, and encourage conservation to ease demand, roadblock after roadblock has been erected in this Congress.

Exploration and development of the Outer Continental Shelf, deep sea exploration. Rejected. New refining capacity on closed military bases. Denied. Facilitating clean coal-to-liquid technologies. Absolutely not. Reduce regulations in the number of boutique fuels. Not a chance. And producing oil and gas resources in ANWR. Forget about it.

Of course, this doesn't come as a surprise to the American people or this Congress. Most of our friends across the aisle have repeatedly rejected efforts to expand domestic energy capacity. All you have to do is take a look at the record, the facts.

Exploration and development of the Outer Continental Shelf, 83 percent of House Democrats have routinely opposed it. Facilitating coal-to-liquid technologies, 78 percent of them rejected it. And producing oil and gas resources in ANWR, 86 of percent of House Democrats have fought the proposal time and time again.

But maybe, just maybe, if we naively believe long enough that drilling it not necessary because all Americans need to do is inflate our tires and get a tune-up, all of these problems will go away. But they won't. And it's why the American people and Republicans are asking for one vote up or down to increase the supply of American-made energy. That is all our constituents ask and that is all we ask this Congress before we adjourn. A vote.

If the Congress is not being responsible by addressing rising energy prices, what are we doing today? Well, we are rewarding one of the majority's favorite special interests, trial lawyers.

Mr. Speaker how much time remains?

The SPEAKER pro tempore. The gentleman has 1¾ minutes remaining.

Mr. PRICE of Georgia. Thank you, Mr. Speaker.

As some have correctly described this bill, it's a boondoggle for trial lawyers. They will be able to collect unlimited, unlimited compensatory and punitive damages. This serves no legitimate purpose and turns the Equal Pay Act into a lottery.

It's why the second half of this motion is a simple, commonsense change that caps ''reasonable,'' as described in the bill, attorneys' fees at $1,000 an hour. With a cap on attorneys' fees, it's the intent that lawyers would take cases based on actual discrimination and prevent lawsuit abuse.

Today's litigation system, unfortunately, does little to restrain the filing of lawsuits. It's why lawsuits can result in millions of dollars in lawyers' fees, yet plaintiffs end up with pennies on the dollar. It's why tort costs consume approximately 2 percent, 2 percent of our entire gross domestic product, and why 10 cents of every single dollar spent on health care is attributed to the costs of liability and defensive medicine. Over $200 billion a year.

A cap on attorneys' fees can ensure that victims of discrimination are protected, yet not without financial gain. Without a cap, trial lawyers will be able to interject, distort, and oversee how wages are determined through litigation, and all this will end up doing is increasing expenses for employers and harm current and prospective workers through lower wages and slower job creation.

Let's adopt this motion to recommit. If it's not adopted, the record will reflect that while this Congress stood by and did nothing to address the price of gasoline at the pump, we had ample time to reward trial lawyers.

I yield back.

Mr. GEORGE MILLER of California. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. You gotta love these guys. They've argued all day that pay disparity doesn't exist in this country, in spite of all the studies by governmental agencies, by

their own governmental agencies, the Department of Labor, the EEOC, and all the rest, that a woman today can still make 77 cents on the dollar for every dollar that a man earns. They've argued all day.

Now they've introduced a motion to recommit that accepts the fact of the existence of these pay disparities. They want to argue that they're exacerbated by high energy costs. We grant you that argument.

But then what do they want to do in their last act as they leave for August break? They want to suggest that a woman who has been discriminated against intentionally, unintentionally, discriminated against in pay, paid 77 cents for every dollar, or 20 cents for every, we don't know, that woman is going to have a cap on her attorneys' fees.

They put it at $1,000 to get your blood rushing. But you know who doesn't have a cap? The employer who discriminated against that woman doesn't have a cap on their attorneys' fees. That employer doesn't have a cap of $1,000. Is it $1,000 if it's a complicated case and that woman needs two attorneys or three attorneys or four or five experts to prove this discrimination?

□ 1900

She has a cap on those. The employer needs five experts, no cap; five attorneys, no cap.

Your last act of discrimination in denying discrimination is to make sure that they can't recover the wages that are due them, and you ought not to be able to do this. You ought not to be able to do that on the floor of this House. You simply should not be able to do that.

This is about whether or not women will have the tools necessary to get rid of the wage discrimination that costs them money every hour, every week, every month and every year, and it follows them into their retirement. You've heard it here today. It can cost them as much as $2 million in lost Social Security, in lost retirement benefits, in lost wages. And now they want to suggest that those women who may lose $2 million have a cap on their ability to recover.

I hope Ms. Lilly Ledbetter is watching you guys, because now she understands what your problem was.

POINT OF ORDER

Mr. PRICE of Georgia. I have a point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. I know the gentleman is not interested in talking about the substance of the motion to recommit. Should not the comments be addressed——

Mr. GEORGE MILLER of California. Mr. Speaker, the subject of the amendment is discrimination against women.

The SPEAKER pro tempore. The gentleman from California will suspend.

The gentleman from Georgia, for what purpose do you rise?

Mr. PRICE of Georgia. A point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. The gentleman's comments should be addressed to the Chair.

The SPEAKER pro tempore. The gentleman is correct.

The gentleman from California is recognized.

Mr. GEORGE MILLER of California. I yield to the gentleman from New Jersey.

Mr. ANDREWS. The purpose of this amendment is to kill this bill. It says to the woman who makes 77 cents to drive a truck when a man makes a dollar, wait your turn. It says to a woman who shortly out of college makes 90 cents for every dollar a man who majored in the same thing makes, wait your turn. It says to women who have lost $2 million throughout the course of their working careers, wait your turn.

If you want our sisters and our mothers and our daughters to wait their turn, vote for this motion to recommit. But if you believe, as we do, that the time is now, vote down this motion to recommit, vote for this bill, and vote for justice for the working women of this country.

Mr. GEORGE MILLER of California. Mr. Speaker, there is no more time. Time has run out. We have seen this discrimination documented time and again in all different kinds of businesses, all different kinds of occupations. It doesn't matter your education or your experience, this discrimination exists, and we have the opportunity with this vote tonight to put an end to it, to allow these women to enforce existing law.

We don't change the law. We give them the right to enforce the law. And if they don't have that right, they have no justice and the law means nothing. That is why we continue to see tens of thousands of cases of wage discrimination where women can't afford to go in and recover the wages.

I ask my colleagues to vote down this motion to recommit and with great pride vote for final passage of this legislation to end wage discrimination, and with that vote to recognize the phenomenal work of ROSA DELAURO in seeking out justice for women all across this country.

I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Should this motion pass, it could be recommitted back to the committee from which it came and brought forth on the next legislative day?

The SPEAKER pro tempore. As the Chair has reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report back the bill to the House.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and the motion to suspend on H.R. 6633.

The vote was taken by electronic device, and there were—ayes 189, noes 236, not voting 9, as follows:

[Roll No. 555]

AYES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton

Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—236

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

NOT VOTING—9

Brown-Waite, Ginny
Cannon
Cubin
Hulshof
Kilpatrick
Rush
Turner
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that they have less than 2 minutes remaining on this vote.

□ 1922

Messrs. HOYER and COHEN changed their vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. HOYER. Ladies and gentlemen of the House, I know that all of you are concerned about the schedule. There was some hope that we would be able to get out late tonight. We have been unable to reach an accord on unanimous consent on the adjournment resolution. As you know, the Senate has not passed an adjournment resolution. As a result of that, we will be here tomorrow. So we are going to proceed in the following way: We will have no further votes tonight. I have discussed that with the minority, and they are not going to be asking for votes on amendments, and so we will be having no further votes tonight.

We will meet tomorrow at 9. We will be considering whatever amendments and the Military Construction and Veterans bill, we will vote on that. We will then have a rule on the adjournment resolution, and that will be the balance of our business.

It is my hope, again, not knowing what might transpire during the course of the day, that we would be able to complete the business that will be before us before 1 o'clock tomorrow, perhaps earlier, again, depending upon how many votes we have and what action is taken on the floor. I wanted all the Members to know that.

Mr. BLUNT. If the gentleman would yield.

Mr. HOYER. I yield to the Republican Whip.

Mr. BLUNT. If I heard the gentleman correctly; you said that there would be no more votes tonight. But there will be one more vote tonight.

Mr. HOYER. Exactly.

Mr. BLUNT. We will finish up this bill.

Mr. HOYER. There are two votes apparently left.

Mr. BLUNT. Two more votes tonight. And then we go to debate the Military Construction-Veterans Affairs bill and all the amendments, with no votes anticipated tonight.

Mr. HOYER. That is correct.

Mr. FRANK. Would the gentleman yield?

Mr. HOYER. I yield to my friend from Massachusetts.

Mr. FRANK. I have a minor correction to the leader. There will be no more votes on the floor, but there will be five more votes in the Committee of Financial Services so we can get it done. So please come back.

Mr. HOYER. I thank the gentleman, not only for his announcement, but for the hard work of he and his committee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will resume.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. ANDREWS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 247, noes 178, not voting 9, as follows:

[Roll No. 556]

AYES—247

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)

Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—178

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

NOT VOTING—9

Brown-Waite, Ginny
Cannon
Cubin
Hulshof
Kilpatrick
Rush
Turner
Wilson (NM)
Young (AK)

□ 1933

The SPEAKER pro tempore (Ms. SLAUGHTER). On this vote—we're making history here—the yeas are 247, the nays are 178. The bill is passed and without objection the motion to reconsider is laid on the table.

POINT OF ORDER

Mr. PRICE of Georgia. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. Madam Speaker, is the Speaker not supposed to be an impartial presiding officer in this body?

The SPEAKER pro tempore. You are right, Mr. PRICE. I was a bit exuberant. But after 30 years of working on this—

Mr. PRICE of Georgia. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Without objection, 5-minute voting will continue.

There was no objection.

EMPLOYEE VERIFICATION AMENDMENT ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6633, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 6633.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 2, answered ''present'' 4, not voting 21, as follows:

[Roll No. 557]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)

Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—2

Filner
Paul

ANSWERED ''PRESENT''—4

Grijalva
Pastor
Roybal-Allard
Velázquez

NOT VOTING—21

Bachus
Brown-Waite, Ginny
Cannon
Carter
Cubin
Dicks
Graves
Hulshof
Kilpatrick
LaTourette
Marshall
Miller, George
Mollohan
Murphy, Tim
Peterson (PA)
Rush
Sessions
Turner
Weldon (FL)
Wilson (NM)
Young (AK)

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal business in the 13th Congressional District of Michigan, I was unable to attend several rollcall votes. Had I been present, on rollcall number 555 I would have voted "no"; on rollcall number 556 I would have voted "aye" and on rollcall number 557 I would have voted "aye."

PERSONAL EXPLANATION

Mr. JOHNSON of Georgia. Mr. Speaker, I wish to let the RECORD reflect my intent when I voted on rollcall vote No. 552. On that vote I meant to vote ''yes'' and I voted ''no.'' The reason why was because I was out in the hallway speaking with an intern doing an exit interview and we were in the midst of 2-minute votes at that point.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1338, PAYCHECK FAIRNESS ACT

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1338, including corrections in spelling, punctuation, section and title, numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

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

There was no objection.

LIBYAN CLAIMS RESOLUTION ACT

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3370) to resolve pending claims against Libya by United States nationals, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 3370

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Libyan Claims Resolution Act''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives;

(2) the term ''claims agreement'' means an international agreement between the United States and Libya, binding under international law, that provides for the settlement of terrorism-related claims of nationals of the United States against Libya through fair compensation;

(3) the term ''national of the United States'' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(4) the term ''Secretary'' means the Secretary of State; and

(5) the term ''state sponsor of terrorism'' means a country the government of which the Secretary has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

SEC. 3. SENSE OF CONGRESS.

Congress supports the President in his efforts to provide fair compensation to all nationals of the United States who have terrorism-related claims against Libya through a comprehensive settlement of claims by such nationals against Libya pursuant to an international agreement between the United States and Libya as a part of the process of restoring normal relations between Libya and the United States.

SEC. 4. ENTITY TO ASSIST IN IMPLEMENTATION OF CLAIMS AGREEMENT.

(a) DESIGNATION OF ENTITY.—

(1) DESIGNATION.—The Secretary, by publication in the Federal Register, may, after consultation with the appropriate congressional committees, designate 1 or more entities to assist in providing compensation to nationals of the United States, pursuant to a claims agreement.

(2) AUTHORITY OF THE SECRETARY.—The designation of an entity under paragraph (1) is within the sole discretion of the Secretary, and may not be delegated. The designation shall not be subject to judicial review.

(b) IMMUNITY.—

(1) PROPERTY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary designates any entity under subsection (a)(1), any property described in subparagraph (B) of this paragraph shall be immune from attachment or any other judicial process. Such immunity shall be in addition to any other applicable immunity.

(B) PROPERTY DESCRIBED.—The property described in this subparagraph is any property that—

(i) relates to the claims agreement; and

(ii) for the purpose of implementing the claims agreement, is—

(I) held by an entity designated by the Secretary under subsection (a)(1);

(II) transferred to the entity; or

(III) transferred from the entity.

(2) OTHER ACTS.—An entity designated by the Secretary under subsection (a)(1), and any person acting through or on behalf of such entity, shall not be liable in any Federal or State court for any action taken to implement a claims agreement.

(c) NONAPPLICABILITY OF THE GOVERNMENT CORPORATION CONTROL ACT.—An entity designated by the Secretary under subsection (a)(1) shall not be subject to chapter 91 of title 31, United States Code (commonly known as the ''Government Corporation Control Act'').

SEC. 5. RECEIPT OF ADEQUATE FUNDS; IMMUNITIES OF LIBYA.

(a) IMMUNITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, upon submission of a certification described in paragraph (2)—

(A) Libya, an agency or instrumentality of Libya, and the property of Libya or an agency or instrumentality of Libya, shall not be subject to the exceptions to immunity from jurisdiction, liens, attachment, and execution contained in section 1605A, 1605(a)(7), or 1610 (insofar as section 1610 relates to a judgment under such section 1605A or 1605(a)(7)) of title 28, United States Code;

(B) section 1605A(c) of title 28, United States Code, section 1083(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 342; 28 U.S.C. 1605A note), section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (28 U.S.C. 1605 note), and any other private right of action relating to acts by a state sponsor of terrorism arising under Federal, State, or foreign law shall not apply with respect to claims against Libya, or any of its agencies, instrumentalities, officials, employees, or agents in any action in a Federal or State court; and

(C) any attachment, decree, lien, execution, garnishment, or other judicial process brought against property of Libya, or property of any agency, instrumentality, official, employee, or agent of Libya, in connection with an action that would be precluded by subparagraph (A) or (B) shall be void.

(2) CERTIFICATION.—A certification described in this paragraph is a certification—

(A) by the Secretary to the appropriate congressional committees; and

(B) stating that the United States Government has received funds pursuant to the claims agreement that are sufficient to ensure—

(i) payment of the settlements referred to in section 654(b) of division J of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2342); and

(ii) fair compensation of claims of nationals of the United States for wrongful death or physical injury in cases pending on the date of enactment of this Act against Libya arising under section 1605A of title 28, United States Code (including any action brought under section 1605(a)(7) of title 28, United States Code, or section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (28 U.S.C. 1605 note), that has been given effect as if the action had originally been filed under 1605A(c) of title 28, United States Code, pursuant to section 1083(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 342; 28 U.S.C. 1605A note)).

(b) TEMPORAL SCOPE.—Subsection (a) shall apply only with respect to any conduct or event occurring before June 30, 2006, regardless of whether, or the extent to which, application of that subsection affects any action filed before, on, or after that date.

(c) AUTHORITY OF THE SECRETARY.—The certification by the Secretary referred to in subsection (a)(2) may not be delegated, and shall not be subject to judicial review.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6599, and that I may include tabular material on the same.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H.R. 6309, H. Res. 1143, H.R. 6208, H.R. 6437, H. Res. 1357, H.R. 6083, S. 3295, H. Res. 1324, S. 3294, H.R. 4255, H.R. 6225, H.R. 6221, H.R. 674, H. Res. 1288, H. Res. 1151, H. Res. 1332, in each case de novo.

LEAD-SAFE HOUSING FOR KIDS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6309, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. ELLISON) that the House suspend the rules and pass the bill, H.R. 6309, as amended.

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

The title was amended so as to read: ''A bill to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level, and for other purposes.''.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF THE APPLE CRUNCH AND THE NATION'S DOMESTIC APPLE INDUSTRY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1143.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1143.

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

A motion to reconsider was laid on the table.

LANCE CORPORAL MATTHEW P. PATHENOS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6208.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6208.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CORPORAL ALFRED MAC WILSON POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6437.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6437.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE 20TH ANNIVERSARY OF THE CIVIL LIBERTIES ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1357, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1357, as amended.

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

The title of the resolution was amended so as to read: ''Recognizing the significance of the 20th anniversary of the signing of the Civil Liberties Act of 1988 and the greatness of America in her ability to admit and remedy past mistakes and to recognize that there are other communities who may have suffered the mistakes of our government but have not received an apology and reparations.''.

A motion to reconsider was laid on the table.

AUTHORIZING FUNDING FOR THE NATIONAL ADVOCACY CENTER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6083, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 6083, as amended.

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

The title was amended so as to read: ''A bill to authorize funding to conduct a national training program for State and local prosecutors.''

A motion to reconsider was laid on the table.

PROVIDING FOR PATENT AND TRADEMARK JUDICIAL APPOINTMENTS

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and passing the Senate bill, S. 3295.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the Senate bill, S. 3295.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL NIGHT OUT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1324.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1324.

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

A motion to reconsider was laid on the table.

UNITED STATES PAROLE COMMISSION EXTENSION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 3294.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the Senate bill, S. 3294.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

UNITED STATES OLYMPIC COMMITTEE PARALYMPIC PROGRAM ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 4255, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and pass the bill, H.R. 4255, as amended.

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

A motion to reconsider was laid on the table.

IMPROVING SCRA AND USERRA PROTECTIONS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6225, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6225, as amended.

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

The title was amended so as to read: ''A bill to amend title 38, United States Code, relating to equitable relief with respect to a State or private employer, and for other purposes.''.

A motion to reconsider was laid on the table.

IMPROVING VETERANS' OPPORTUNITY IN EDUCATION AND BUSINESS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6221, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6221, as amended.

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

A motion to reconsider was laid on the table.

EXTENDING ADVISORY COMMITTEE ON MINORITY VETERANS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 674.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 674.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CAMPUS SAFETY AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1288, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and agree to the resolution, H. Res. 1288, as amended.

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

A motion to reconsider was laid on the table.

CONGRATULATING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM FOR WINNING THE 2008 NCAA BASKETBALL CHAMPIONSHIP

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1151.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and agree to the resolution, H. Res. 1151.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF CONNECTING FOSTER YOUTH TO THE WORKFORCE THROUGH INTERNSHIP PROGRAMS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1332.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and agree to the resolution, H. Res. 1332.

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

A motion to reconsider was laid on the table.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1384 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 6599.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes, with Mr. POMEROY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. EDWARDS) and the gentleman from Tennessee (Mr. WAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. EDWARDS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this funding bill sends a clear message to America's veterans, servicemembers, and their families that Congress recognizes and appreciates their service to this country and the sacrifices they have made on its behalf.

Those are not my words. Those are the words of the Veterans of Foreign Wars stated just 6 days ago.

The Disabled American Veterans said this bill ''provides the means to serve and care for sick and disabled veterans, to provide housing facilities for military families, and to fund the activities of several other agencies that affect veterans, a most generous and necessary act.''

The American Legion said this bill effectively addresses every aspect of the VA budget. H.R. 6599 addresses improvement and increased funding for medical care, mental health care, medical research, long-term care, rural health care options, both construction, major and minor, nonrecurring maintenance, and claims adjudication.

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Mr. Chairman, the words expressed by these respected veterans organizations, which represent millions of men and women who have honorably served our Nation in uniform, are more important than any words I could express on this floor tonight. I want to salute the members of these organizations and the many other veterans and military family groups for the key role they have played in shaping this bill. Even more importantly, I want to salute our servicemen and -women, our veterans and their families for having defended our Nation in time of war and in time of peace and for ensuring that our Nation never forgets the sacrifices of those who have served past, present and future.

This bill, Mr. Chairman, is about a lot more than just programs and budgets. It's about respect, respect for those who have answered our Nation's call to duty—everyday fathers and mothers, brothers and sisters, sons and daughters from every generation, from every race and from every religion. Because of their service and sacrifice, we live in a safer, better world.

This bill is about the moral responsibility of keeping our promises to those who have kept their promises to serve. It's about honoring the unsung heroes and heroines in our Nation's defense and the spouses and children of our servicemen and -women. These great Americans might not ever put on a military uniform, but they serve our Nation every day through their personal sacrifice. When one's loved one has been deployed overseas, there are no makeup days for missed births, birthdays and graduation ceremonies. No price tag could measure the value of missed baseball games, school events and the simple, everyday joys of a family's being together.

This bill is about the young father I met just 2 weeks ago at Walter Reed Army Medical Center. He lost both of his legs in combat in Iraq. As he sat there, talking to me with his young son in his lap, I could not help but be overwhelmed by the lifelong sacrifice this father had made to try to make the world a safer place for my two young sons and for all children. This bill is about seeing that that loving father does not have to give up the dreams he has for his child.

The humility of this bill, Mr. Chairman, is our knowing that we could never fully repay the debt of gratitude we owe this soldier and all who have served our Nation in uniform. Yet we know it is the right thing to do to honor these great Americans, not just with our words on Veterans' Day but with our deeds every day—with better health care, housing, education, and daycare. That is what this bill is all about. Let me be specific.

Overall, this bill totals $72.7 billion in discretionary spending. That is $3.4 billion more than the President's request and $8.8 billion more than the last fiscal year in 2008. Especially given our Nation is at war, I believe our troops, our veterans and their families have earned every single dime of this funding. I'm disappointed that the administration has said that its lower budget request is adequate. It is not.

Just today, the DAV, the AMVETS, the Paralyzed Veterans of America, and the VFW have said this: ''We concluded the President's budget request for 2009 was about $3 billion short of the actual and equitable needs of veterans. We are shocked to learn the administration is insisting that the VA has been given sufficient funding for next year in its original budget submission.''

The bill provides $47.7 billion in discretionary funding to the Department of Veterans Affairs. This is $2.9 billion more than the President's request and $4.6 billion more than fiscal year 2008.

What does this mean to millions of veterans who need the VA health care system?

First, based on a Bush administration policy adopted in 2003, veterans have been told in some parts of the country that making $28,430 a year makes them too wealthy to qualify for VA health care. I think that policy is wrong and unfair to many veterans who cannot simply afford health insurance with an income level so far below the national average. That is why this bill raises the number priority 8 veterans eligible for VA care by 10 percent.

Second, with $4 a gallon gasoline, we increase the mileage reimbursement rate for veterans driving long distances to VA hospitals and clinics from 28½ cents to 41½ cents. Until this Congress acted last year, that rate had been locked in at 11½ cents since 1979 when gasoline prices were less than $1 a gallon.

Mr. Chairman, this increase in gas mileage reimbursement to our veterans may not seem like a big deal to some, but to many veterans, that is the difference between their being able to afford to drive to a VA hospital to get the care they desperately need or not being able to do so.

Third, for Iraq and Afghan war vets as well as for veterans from all past conflicts, this bill ensures that a minimum of $3.8 billion, $900 million more than last year, will be spent on mental health care services. The mental wounds of war often outlast the physical wounds of combat, and it is past time that we adequately fund mental health research and care so our veterans can rebuild their lives once they return home.

Fourth, to help veterans in rural areas and members of the Guard and Reserves living so far away from VA facilities, we provide $200 million to increase access to local health care providers.

I thank our ranking member, Mr. WAMP, for his strong leadership on this important provision, among many others.

Fifth, no soldier, no veteran—not one—should ever again have to live in the demeaning conditions that some saw at Walter Reed's annex 18 last year. They deserve better than that, and that is why we provide $300 million to address the backlog and nonrecurring maintenance at our VA hospitals. In addition, we fund $1.9 billion for much needed construction at VA hospitals and clinics.

Sixth, none of us should rest until there is not one homeless veteran anywhere in our country. That is why we

provide in this bill $40 million more in order to help these homeless veterans receive the medical services and job training that they need. We want them to have not only the dignity of a roof over their heads, but we want them to have real hope for rebuilding their shattered lives.

Seventh, the bill provides the Veterans Benefits Administration with enough funding to hire an additional 2,100 claims processors. It's not right. It's simply not right for veterans to have to wait on average nearly 6 months to have their claims processed. For many veterans, including combat wounded veterans, that wait means that they don't get the benefits that they earned through their military service and, for many of them, the benefits they desperately need to pay their monthly bills.

There is much more in this bill for veterans, from better prosthetics for amputees to research for post-traumatic stress disorder.

Two things are not in this bill—the administration's ill-advised proposals to increase prescription drug copays for veterans by 88 percent and the idea to charge a $250 VA health care enrollment fee for our vets. Making drugs less affordable would hurt veterans' health and would require many of them to seek more expensive hospital care. I believe, for one, that our veterans have already paid an enrollment fee for VA health care. They did it when they put on our Nation's uniform.

Mr. Chairman, in addition to keeping our promises to veterans, this bill supports important quality of life and training improvements for our servicemen and -women and their families. It provides $24.8 billion for military construction, family housing and the Base Realignment and Closing program, known as BRAC. This is $400 million above the President's request.

This will mean better housing and improved health care and modernized hospitals for our military families. For single moms and dads at home with their children while their spouses are in harm's way overseas, this bill will provide quality, affordable daycare for their children. For thousands of our single soldiers, sailors, airmen, and marines, it will mean the end of old, outdated barracks and a place they can be proud to call their home. We specifically added $200 million to the administration's budget request so they can begin to replace woefully inadequate training barracks. This will send a clear message that our Nation respects the decision of 18-, 19- and 20-year-old military recruits, their decision to sign up to serve our country.

Honoring our troops, our veterans and their families is a meaningful way that is not only the right thing to do; it is the smart thing to do. In an all-volunteer military force, the best in the world, we simply cannot expect to attract and to retain the best and brightest if we do not provide quality housing, health care and education for military troops and their families and if we do not keep the promises that we have made to our veterans.

The bottom line is this: This bill is about maintaining a strong national defense and military readiness and about respecting with word and deed those who defend us and our freedom.

Mr. Chairman, let me end by thanking those who made this bill possible. I would begin by thanking Speaker PELOSI, who has kept her promise that the new Congress would truly honor our veterans and our servicemen and -women in an historic way. Under her dedicated leadership, we have increased veterans' funding in less than 2 years by more than what Congress did in the previous 12 years, including a new 21st-century GI education bill that passed just a few weeks ago. In my 18 years in Congress, I've served with no Speaker of either party who has done as much for veterans as has Speaker PELOSI. Her legacy will benefit millions of veterans for generations to come.

I want to thank Congressman DAVE OBEY, the chairman of the House Appropriations Committee, and Congressman JOHN SPRATT, the chairman of the House Budget Committee. It was their strong personal leadership combined with the work of Speaker PELOSI that made it possible for us to pass last year the largest increase in VA health care benefits in the 77-year history of the VA.

As a Democrat, I'm proud that the budget resolutions passed last year and this year made a commitment to unprecedented increases in veterans' health care and benefits. Those resolutions authorized the funding for our subcommittee's work.

Let me be very clear. The 2009 Military Construction and Veterans Affairs Appropriations bill is a bipartisan accomplishment.

I want to pay special tribute to our subcommittee ranking member, Mr. WAMP of Tennessee. Through 19 hearings, his deep and genuine commitment to our troops and to our veterans was evident to every one of us privileged to serve with him. His ideas and input and commitment to always putting the interests of our troops and veterans above partisanship made this bipartisan bill possible. His leadership made this bill a much better bill, and for that I salute him.

Let me also express my gratitude to all of the members of our subcommittee, Republicans and Democrats alike. Each one of them made valuable contributions to this bill. Veterans and our troops are the beneficiaries of their hard work.

A special thanks is owed to Mr. LEWIS of California and to Mr. YOUNG of Florida. They didn't just help shape this bill. Their dedicated, lifelong leadership on behalf of all of those who have served in uniform is what public service should be all about.

I thank you, sir.

Finally, I want to pay tribute to a staff that is second to none anywhere in the Congress—to the majority staff led by subcommittee clerk Carol Murphy, Tim Peterson, Mary Arnold, Walter Hearne, and Donna Shahbaz and John Conger on my staff, and the minority staff led by Martin Delgado, Liz Dawson and Kelly Shea, and Amanda Schoch from Mr. WAMP's staff. Also, a special thanks to Mr. Rob Nabors, the clerk of the full Appropriations Committee.

I thank you all for the professionals you are, for the hard work you do and for reminding all of us that, when it comes to supporting our troops and veterans, we can and we must work on a bipartisan basis.

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2008 (H.R. 6599)
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE					
Military construction, Army	3,936,583	4,615,920	4,801,536	+864,953	+185,616
Rescission	-8,690	---	-51,320	-42,630	-51,320
Total	3,927,893	4,615,920	4,750,216	+822,323	+134,296
Military construction, Navy and Marine Corps	2,198,394	3,096,399	3,280,809	+1,082,415	+184,410
Rescission	-10,557	---	---	+10,557	---
Total	2,187,837	3,096,399	3,280,809	+1,092,972	+184,410
Military construction, Air Force	1,159,747	934,892	976,524	-183,223	+41,632
Rescission	-10,470	---	-17,681	-7,211	-17,681
Total	1,149,277	934,892	958,843	-190,434	+23,951
Military construction, Defense-Wide	1,609,596	1,783,998	1,614,450	+4,854	-169,548
Rescission	-10,192	---	-3,589	+6,603	-3,589
Total	1,599,404	1,783,998	1,610,861	+11,457	-173,137
Total, Active components	8,864,411	10,431,209	10,600,729	+1,736,318	+169,520
Military construction, Army National Guard	536,656	539,296	628,668	+92,012	+89,372
Military construction, Air National Guard	287,537	34,374	142,809	-144,728	+108,435
Military construction, Army Reserve	148,133	281,687	282,607	+134,474	+920
Military construction, Navy Reserve	64,430	57,045	57,045	-7,385	---
Military construction, Air Force Reserve	28,359	19,265	30,018	+1,659	+10,753
Rescission	-3,069	---	---	+3,069	---
Total	25,290	19,265	30,018	+4,728	+10,753
Total, Reserve components	1,062,046	931,667	1,141,147	+79,101	+209,480
Total, Military construction	9,926,457	11,362,876	11,741,876	+1,815,419	+379,000
Appropriations	(9,969,435)	(11,362,876)	(11,814,466)	(+1,845,031)	(+451,590)
Rescissions	(-42,978)	---	(-72,590)	(-29,612)	(-72,590)
North Atlantic Treaty Organization Security Investment Program	201,400	240,867	218,867	+17,467	-22,000
Family housing construction, Army	424,400	678,580	646,580	+222,180	-32,000
Rescission	-4,559	---	---	+4,559	---
Total	419,841	678,580	646,580	+226,739	-32,000
Family housing operation and maintenance, Army	731,920	716,110	716,110	-15,810	---
Family housing construction, Navy and Marine Corps	293,129	382,778	382,778	+89,649	---
Family housing operation and maintenance, Navy and Marine Corps	371,404	376,062	376,062	+4,658	---
Family housing construction, Air Force	327,747	395,879	395,879	+68,132	---
Rescission	-15,000	---	---	+15,000	---
Total	312,747	395,879	395,879	+83,132	---
Family housing operation and maintenance, Air Force	688,335	599,465	594,465	-93,870	-5,000
Family housing operation and maintenance, Defense-Wide	48,848	49,231	49,231	+383	---
Department of Defense Family Housing Improvement Fund	500	850	850	+350	---
Homeowners assistance fund	---	4,500	4,500	+4,500	---
Total, Family housing	2,866,724	3,203,455	3,166,455	+299,731	-37,000
Appropriations	(2,886,283)	(3,203,455)	(3,166,455)	(+280,172)	(-37,000)

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2008 (H.R. 6599)
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rescissions	(-19,559)	---	---	(+19,559)	---
Chemical demilitarization construction, Defense-Wide	104,176	134,278	134,278	+30,102	---
Base realignment and closure:					
Base-realignment and closure account, 1990	295,689	393,377	473,377	+177,688	+80,000
Base realignment and closure account, 2005	7,235,591	9,065,386	9,065,386	+1,829,795	---
Total, Base realignment and closure	7,531,280	9,458,763	9,538,763	+2,007,483	+80,000
Total, title I	20,630,037	24,400,239	24,800,239	+4,170,202	+400,000
Appropriations	(20,692,574)	(24,400,239)	(24,872,829)	(+4,180,255)	(+472,590)
Rescissions	(-62,537)	---	(-72,590)	(-10,053)	(-72,590)
TITLE II - DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions	41,236,322	43,111,681	43,111,681	+1,875,359	---
Readjustment benefits	3,300,289	3,086,944	3,086,944	-213,345	---
Veterans insurance and indemnities	41,250	42,300	42,300	+1,050	---
Veterans housing benefit program fund program account (indefinite)	17,389	2,000	2,000	-15,389	---
(Limitation on direct loans)	(500)	(500)	(500)	---	---
Credit subsidy	-108,000	-246,000	-246,000	-138,000	---
Administrative expenses	154,562	157,210	157,210	+2,648	---
Vocational rehabilitation loans program account	71	61	61	-10	---
(Limitation on direct loans)	(3,287)	(3,180)	(3,180)	(-107)	---
Administrative expenses	311	320	320	+9	---
Native American veteran housing loan program account	628	646	646	+18	---
Total, Veterans Benefits Administration	44,642,822	46,155,162	46,155,162	+1,512,340	---
Veterans Health Administration					
Medical services /1	27,167,671	34,075,503	30,854,270	+3,686,599	-3,221,233
Contingent emergency (P.L. 110-161)	1,936,549	---	---	-1,936,549	---
Subtotal	29,104,220	34,075,503	30,854,270	+1,750,050	-3,221,233
Medical support and compliance /1	3,442,000	---	4,400,000	+958,000	+4,400,000
Contingent emergency (P.L. 110-161)	75,000	---	---	-75,000	---
Subtotal	3,517,000	---	4,400,000	+883,000	+4,400,000
Medical facilities	3,592,000	4,661,000	5,029,000	+1,437,000	+368,000
Contingent emergency (P.L. 110-161)	508,000	---	---	-508,000	---
Subtotal	4,100,000	4,661,000	5,029,000	+929,000	+368,000
Medical and prosthetic research	411,000	442,000	500,000	+89,000	+58,000
Contingent emergency (P.L. 110-161)	69,000	---	---	-69,000	---
Subtotal	480,000	442,000	500,000	+20,000	+58,000

1/ The budget request proposes to combine funding for medical services and medical administration

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2008 (H.R. 6599)
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
Medical care cost recovery collections:					
Offsetting collections	-2,414,000	-1,879,000	-2,544,000	-130,000	-665,000
Appropriations (indefinite)	2,414,000	1,879,000	2,544,000	+130,000	+665,000
Total, Veterans Health Administration	37,201,220	39,178,503	40,783,270	+3,582,050	+1,604,767
Appropriations	(34,612,671)	(39,178,503)	(40,783,270)	(+6,170,599)	(+1,604,767)
Emergency appropriations	(2,588,549)	---	---	(-2,588,549)	---
National Cemetery Administration					
National Cemetery Administration	166,809	180,959	240,000	+73,191	+59,041
Contingent emergency (P.L. 110-161)	28,191	---	---	-28,191	---
Total, National Cemetery Administration	195,000	180,959	240,000	+45,000	+59,041
Departmental Administration					
General operating expenses	1,471,837	1,699,867	1,801,867	+330,030	+102,000
Contingent emergency (P.L. 110-161)	133,163	---	---	-133,163	---
Subtotal	1,605,000	1,699,867	1,801,867	+196,867	+102,000
Information technology systems	1,859,217	2,442,066	2,492,066	+632,849	+50,000
Contingent emergency (P.L. 110-161)	107,248	---	---	-107,248	---
Subtotal	1,966,465	2,442,066	2,492,066	+525,601	+50,000
Office of Inspector General	72,599	76,500	87,818	+15,219	+11,318
Contingent emergency (P.L. 110-161)	7,901	---	---	-7,901	---
Subtotal	80,500	76,500	87,818	+7,318	+11,318
Construction, major projects	727,400	581,582	923,382	+195,982	+341,800
Contingent emergency (P.L. 110-161)	341,700	---	---	-341,700	---
Subtotal	1,069,100	581,582	923,382	-145,718	+341,800
Construction, minor projects	233,396	329,418	991,492	+758,096	+662,074
Contingent emergency (P.L. 110-161)	397,139	---	---	-397,139	---
Subtotal	630,535	329,418	991,492	+360,957	+662,074
Grants for construction of State extended care facilities	85,000	85,000	165,000	+80,000	+80,000
Contingent emergency (P.L. 110-161)	80,000	---	---	-80,000	---
Subtotal	165,000	85,000	165,000	---	+80,000
Grants for the construction of State veterans cemeteries	32,000	32,000	45,000	+13,000	+13,000
Contingent emergency (P.L. 110-161)	7,500	---	---	-7,500	---
Subtotal	39,500	32,000	45,000	+5,500	+13,000
Total, Departmental Administration	5,556,100	5,246,433	6,506,625	+950,525	+1,260,192
Appropriations	(4,481,449)	(5,246,433)	(6,506,625)	(+2,025,176)	(+1,260,192)
Emergency appropriations	(1,074,651)	---	---	(-1,074,651)	---
Administrative Provisions					
Sec. 230 VA Medical Services (P.L. 110-28)	-66,000	---	---	+66,000	---
Sec. 230 Construction Major Projects (P.L. 110-28)	66,000	---	---	-66,000	---
Sec. 234 VA General Operating Expenses	-6,000	---	---	+6,000	---
Sec. 234 State Approving Agencies	6,000	---	---	-6,000	---
Total, title II	87,595,142	90,761,057	93,685,057	+6,089,915	+2,924,000
Appropriations	(83,903,751)	(90,761,057)	(93,685,057)	(+9,781,306)	(+2,924,000)
Emergency appropriations	(3,757,391)	---	---	(-3,757,391)	---
Rescissions (emergency appropriations)	(-66,000)	---	---	(+66,000)	---

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2008 (H.R. 6599)
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Bill	Bill vs. Enacted	Bill vs. Request
(Limitation on direct loans)	(3,787)	(3,680)	(3,680)	(-107)	---
Discretionary	(43,107,892)	(44,764,132)	(47,688,132)	(+4,580,240)	(+2,924,000)
Mandatory	(44,487,250)	(45,996,925)	(45,996,925)	(+1,509,675)	---
TITLE III - RELATED AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	44,600	64,570	55,470	+10,870	-9,100
Foreign currency fluctuations account	11,000	---	17,100	+6,100	+17,100
Total, American Battle Monuments Commission	55,600	64,570	72,570	+16,970	+8,000
U.S. Court of Appeals for Veterans Claims					
Salaries and expenses	22,717	23,975	73,975	+51,258	+50,000
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	31,230	31,230	31,230	---	---
Armed Forces Retirement Home					
Operation and maintenance	55,724	63,010	63,010	+7,286	---
General fund appropriation	800	---	---	-800	---
Total, Armed Forces Retirement Home	56,524	63,010	63,010	+6,486	---
Total, title III	166,071	182,785	240,785	+74,714	+58,000
Grand total	108,391,250	115,344,081	118,726,081	+10,334,831	+3,382,000
Appropriations	(104,762,396)	(115,344,081)	(118,798,671)	(+14,036,275)	(+3,454,590)
Rescissions	(-62,537)	---	(-72,590)	(-10,053)	(-72,590)
Emergency appropriations	(66,000)	---	---	(-66,000)	---
Contingent emergency appropriations	(3,691,391)	---	---	(-3,691,391)	---
Rescissions (emergency appropriations)	(-66,000)	---	---	(+66,000)	---

Mr. EDWARDS of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BISHOP of Georgia) having assumed the chair, Mr. POMEROY, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM AUGUST 1, 2008, THROUGH SEPTEMBER 4, 2008

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–816) on the resolution (H. Res. 1399) providing for proceedings during the period from August 1, 2008, through September 4, 2008, which was referred to the House Calendar and ordered to be printed.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1384 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 6599.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes, with Mr. POMEROY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the gentleman from Texas (Mr. EDWARDS) had 14½ minutes remaining and the gentleman from Tennessee (Mr. WAMP) had 30 minutes remaining.

The Chair recognizes the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, oftentimes in life it's more important what you do with your second chances than what you do the first time around. Neither Chairman EDWARDS, who spoke so eloquently in a comprehensive way about this bill and his commitment to our veterans, our men and women in harm's way and their families—neither he nor I took advantage in our younger years of serving in the uniform of our Armed Forces. However, fate has it that we would have a second opportunity to serve by serving those who are serving us, past and present, through this bill; making sure that those great American patriots, past and present, have what they need—and are entitled to and deserve because of their commitment to this great Nation.

It is the highest compliment of my professional life to serve as the ranking member of this subcommittee. I want to thank Chairman LEWIS—former Chairman LEWIS, now Ranking Member LEWIS—for this privilege because without him and his support I wouldn't be here. I want to thank Mr. WICKER, who was the ranking member of this subcommittee last year, and I want to thank whoever helped him become a Senator to open up this subcommittee opportunity for me, and for Chairman EDWARDS, who, as you just saw on the House floor, is a class act, with a true commitment to the men and women in uniform and a determination to do whatever is necessary to honor their commitment.

And I can report today, as I did at the full committee, that when I go home and people ask me in 2008, in my new position, are we honoring our Nation's veterans and the men and women in uniform serving in an asymmetrical war on two fronts in Iraq and Afghanistan, with head trauma and IED injuries and amputations—double, triple, extraordinary injuries—stress from unfair deployments, unsustainable deployments, stress on the family, are we honoring our commitment to them? And I don't think a few years ago, regardless of party, that the answer to that question was yes. We had problems at Walter Reed, we had problems at Fort Stewart, we had problems across the board.

We still have many challenges. The deployment ratios have got to continue to improve. But I can tell you in this bill there is a bipartisan commitment to honor their commitment. And I believe we are making great progress at ensuring our men and women in uniform and their families have what they need and deserve, and when they come home as veterans, that we take adequate care of them—not adequate, but responsible care of them. And I think we're making great progress.

I want to thank the majority for doing something that people in the hinterland wouldn't even understand, but they put the Military Construction bill back in with the Veterans bill where it belongs. When I served on the subcommittee 10 years ago, this was not the case.

But when the Military Construction bill funds quality of life needs and child care centers and polytrauma centers and housing needs, the veterans piece being in with it in the same bill allows the continuum of care to come together so that we can look at the whole picture from today's men and women in harm's way and what their quality of life needs are—which is number one for us—all the way through the end of their life as a veteran with our VA system. It needs to all be together.

That was an amazing success, bringing Military Construction and Veteran's Care back together—my hat's off to the Speaker for doing that, first and foremost, for Chairman EDWARDS for his leadership, and for Chairman OBEY for his commitment.

I do agree that over the 100 hearing hours Chairman EDWARDS and I had a hands-on with these amazing Americans, we produced a work product, this bill—at roughly $48 billion for the VA and $25 billion for the military construction needs around the world—that is very strong, and an encouragement to all those in harm's way today and those that have been in harm's way in the past.

I will say that the President's budget request for veterans was a record level. Now, the chairman said that it wasn't enough, and I agree with that. And we did increase it by $3 billion, but it was at a record level. So today there is an encouraging bipartisan proliferation to see who can do more for our Nation's veterans. And that's a good thing for our Nation's veterans, that we're in competition to see who can do more for the men and women coming home from Iraq and Afghanistan and those that have served in the past.

But I was blown away over the last few months with the quality of the servicemembers and veterans. First, we hear from the chiefs of the respective services, the top enlisted personnel, the commanders from around the world, like the Commander of CENTCOM, who is now General Petraeus, with two wars under his command in Iraq and Afghanistan, we hear from all these leaders about the needs on the ground and what investments they need the Congress to make for them to do their job successfully. And then from the military families, that talk about the stress felt when we had a 15-month in, 1 year out deployment, now it's back to 1–1, it's going to 2–1. We need to get to 3–1 to make it sustainable, meaning 1 year in theater fighting, 3 years back in a noncombat station. This is so important that we work towards these objectives and that we honor this commitment.

Now, on the subcommittee, we've got extraordinary support. Former chairman of the full committee, who will speak in a minute, BILL YOUNG from Florida, sits with us every hearing, hands on, fully engaged. ANDER CRENSHAW from Jacksonville, Florida, who will also speak, JOHN CARTER,

from Texas, KAY GRANGER from Texas on the Republican side. I want to compliment not just Chairman EDWARDS, but SAM FARR, the vice chairman; who was really engaged, and a man who understands the world; he does an outstanding job.

You mentioned all the staff, I won't repeat their names, but both sides of the aisle, just outstanding work. Members of the subcommittee—Mr. MOLLOHAN, Mr. BOYD, Mr. KENNEDY, Mr. BISHOP—everyone's engaged on your side; and contributed to great bipartisan cooperation. And the quality of these people that are serving in uniform and their families is just extraordinary.

What we heard this year is that the value of the dollar is really hurting us around the world. Our money that we're investing won't buy what it used to buy all over the world, and that's a big problem. And we've known that it was getting worse, but it's really causing a budget pinch for our military construction around the world.

We heard, as we've continued to hear—which has held up the appropriation process—that energy costs are unsustainable. That's a huge burden on this budget. We're trying to help with those needs.

Most importantly, though, we heard about the stress of the deployments from the families, that they're unsustainable, that they put a huge burden on the servicemembers and families. That's why these child care centers and these housing issues are so important and we have prioritized in this bill.

I want to say one word of caution, because whether it's a $3 billion increase in VA or $13 billion increase in VA, the Veterans Administration is a longstanding bureaucracy. It is very large. And I have traveled, I've been to the sites, I've worked with the VA for a number of years, and they're not as efficient as they can be or must be. Money is not the only issue. I'm grateful that we came together to give them more money, but I want to make sure, and so does Chairman EDWARDS, that each and every year we hold them more accountable, and the subcommittee takes a greater hands-on role at looking for efficiencies. We worked with Ranking Member BUYER this year on the Authorization Committee on ways for the VA to recapture more third-party payments that they're entitled to to help with their bottom line; things like that we must do because the VA has to be more efficient and more accountable because they are a government bureaucracy. So it's not just money, it's oversight. And I believe we share that commitment.

I think Secretary Peake is doing a very good job as the Secretary. Sometimes these positions are political; I don't think he is, I think he's hands on. He understands the VA system from a health care perspective, which is possibly the most important piece of it. I just want to thank everyone. Again, the staff has really produced a great bill.

Member projects in this bill mirror those included in the House Armed Services Committee's bill. The projects all are authorized. We married them up, so there's no Member-advanced initiatives here that don't meet all the tests of authorization. That's important. So that makes this bill special.

It is special, too; we're the only Appropriations bill that's going to move off the House floor before we go home. I wish they all would have. But we're closing on a positive note because this bill is positive for our men and women in uniform. And they're out there facing the threats that are out there. And it's like never before. It's asymmetrical.

I don't know what's next, but I hope and pray we can bring them all home very soon. But as long as they're in harm's way and as long as they're willing to volunteer to serve, Chairman EDWARDS, you and I are going to work together, in this second chance of ours, to serve those who serve us. And we're going to honor their commitment fully. That's what this bill is about.

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

Mr. EDWARDS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY), who has been a powerful voice on our subcommittee on behalf of our veterans, our troops and their families.

Mr. KENNEDY. I want to thank Chairman CHET EDWARDS and Ranking Member ZACH WAMP for their incredible leadership on this legislation. And I'd like to take a moment, Mr. Chairman, to particularly say what an honor it is to serve under Chairman EDWARDS. And his particular leadership is due a great deal of appreciation, especially for what he does to champion the cause of veterans in this country. And I want to say what an honor it is to serve under his leadership in this committee.

I want to say, as Mr. WAMP did, that it is an honor, for those of us who never served in uniform, to be here and serving in a different uniform, in coat and tie, to be there to serve those who did go out there and put their lives on the line to serve our country, in a sense that we owe it to them and can have an opportunity to serve those veterans who have served our country so proudly. I take great pride in that.

I feel that this is an historic place in the Congress of the United States. I mean, this floor of the House is where Franklin Roosevelt announced that we would be declaring war, World War II. And we all read about the history of this country, when the country came together to fight wars on two sides of the world. And we read about those times in American history when all of America was joined together and sacrificing.

And the only difference between those times and now is that there seems to be a battle that's being fought by our men and women in uniform, but the sacrifice seems to be borne principally by those who are wearing the uniform, but not by the rest of America. It seems as though there is a bubble going on here where the rest of America is supposed to go on with their lives and the military is supposed to do the job, and yet the two should never meet. And I don't think that's the way America is supposed to work. I think, as a country, we're supposed to be there every step of the way with our troops.

And what I think this bill does is it begins to acknowledge that the rest of America needs to step up to the plate and make sure when our troops come home, that we know that they aren't forgotten, and that we're going to remember them long after they've come home and make sure that they get the homecoming that they deserve.

Mr. Chairman, I rise in enthusiastic support of the Military Construction-Veterans Affairs Appropriation Bill. It has been my great privileged to serve under the leadership of Chairman CHET EDWARDS and Ranking Member ZACK WAMP as we have worked in a bipartisan way to support our military and honor America's commitment to our veterans.

I would like to take a moment, Mr. Chairman to honor the great service of the Chairman of the Military Construction Veterans Affairs Appropriations Subcommittee, CHET EDWARDS. There is no better champion for the veterans of our country and no better advocate for the needs of our service members than CHET EDWARDS. I applaud the Chairman for his earnest stewardship of our subcommittee.

Mr. Chairman, over the past year, I had the opportunity to travel the country to see with my own eyes the capabilities of our VA Hospitals, Medical Centers, Polytrauma Centers and Inpatient facilities and get a better perspective of the needs of patients, doctors, nurses, and hospital administrators. I met with many of our brave veterans who have made those enormous sacrifices for our nation. Needless to say, I was inspired by the courage of our wounded warriors.

The high degree of professionalism with which the Hospital staff conducted patient care was quite impressive and I have great confidence in the doctors and nurses who are doing their part in taking care of America's veterans.

Unfortunately, many of these great public servants are performing their jobs in antiquated facilities with substandard staffing requirements that make life difficult for doctors, but more importantly, diminish care for patients!

It was crystal clear to me that our VA Facilities need to do more to adapt to a new generation of American veterans who have come home from Iraq and Afghanistan. Specifically, the needs of our female veterans need immediate attention.

During my visit, I observed that our Veterans' Hospitals, many of which were built in

the 1950s and 60s, were not built to accommodate the large number of female vets expected to enter the system. They lack the most rudimentary amenities like adequate female restrooms and hospital rooms to meet privacy needs.

Sadly, the VA is always playing a big game of ''catchup'' with respect to female vets. Instead of implementing a long term strategy designed to meet the needs of these service members, the VA would rather wait for another Walter Reed before changing the status-quo.

In mental health services, I was alarmed by the lack of full-time mental health professional at VA Hospitals.

For example, my visit to the Hines VA in Chicago last fall revealed that all of its psychiatrists were part-time employees. Frankly, I find that unacceptable.

In this subcommittee, we have taken steps to bolster funding for mental health services in the VA and built upon our great success in last year's MILCON/VA appropriations bill which saw the greatest increase in veterans health funding in the 77-year history of the VA.

We have also dedicated $24.8 billion for Military Construction to fully fund BRAC and increase the size of the Army and Marine Corps.

In Military Construction, this bill also includes:

—$336 million, which was not in the President's request, will go towards quality of life initiatives.

—$200 million for the Army and Marine Corps to improve their barracks so that our service members have decent places to call home.

The Veterans Health Administration estimates that in 2009 more than 5.8 million patients, including 333,275 veterans of the Iraq and Afghanistan wars. This is why we have funded the VHA at $40.8 billion, $1.6 billion over the request of President Bush and a 9 percent increase over 2008 levels.

According to a study by the Rand Corporation, more than 1 in 5 service men and women coming home from Iraq and Afghanistan suffer from a stress related mental illness. Post Traumatic Stress Disorder is the signature wound of this war and I applaud my colleagues on this subcommittee for recognizing the seriousness of this issue and for their willingness to devote significant funding towards mental health care and research.

$3.8 billion in this bill is dedicated to specialty mental health services and $584 million to substance abuse programs in this bill.

In a time of great need for our veterans, this subcommittee came together to write a bipartisan bill. We solicited views from the other side of the aisle to put together a responsible, non-partisan bill that has only one objective: to most effectively meet the needs of our veterans and military families.

This is why I was appalled yesterday when I heard that President Bush announced that he would veto this legislation. The administration says we must spare no expense for our soldiers and Marines in the field, but when those servicemembers come home, this same President tells them that $3 billion for health care, family housing and medical research is too much.

To shortchange our veterans and military families, in a time of war, is morally wrong. We have no right to put fiscal responsibility on the backs of our Nation's veterans.

I would hope that we can quickly pass the Military Construction Veterans Affairs Appropriations Bill so that the veterans I met across America can rest assured knowing the help is on the way.

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Mr. WAMP. Mr. Chairman, I yield 2 minutes to the ranking member of the Defense Appropriations Subcommittee, the gentleman from Florida, who has a tremendous record with our Nation's veterans.

Mr. YOUNG of Florida. I thank the gentleman for yielding the time.

Mr. Chairman, as a member of the subcommittee presenting this appropriations bill tonight, I rise to strongly support the bill and to compliment and pay a special tribute to Chairman EDWARDS and Ranking Member ZACH WAMP, who have done such a great job in leading this good subcommittee to present this exceptional bill.

I am particularly pleased that the Department of Veterans Affairs Hospital at Bay Pines, which is in my district that serves the veterans of Florida, will be able to expand the type and quality of care that it can provide through this bill. Work will begin next year on a major $17.4 million expansion of the Bay Pines Hospital that will provide enhanced mental health and posttraumatic stress syndrome services with funds included in this bill. The new facility responds to an urgent need for additional space and resources to provide mental health and posttraumatic stress counseling and services which are so badly needed.

So, Mr. Chairman, I do rise in support of this bill. There are so many other parts of the bill that have already been discussed and that will be reported in the written legislation, but I just want to say that I believe that it meets the needs of today's military, the members of our military. It meets many of the needs of yesterday's military, and it meets many of the needs of tomorrow's military. It's a good bill. I hope we can expedite its passage and get it to the President, get this bill signed so that the money can start to flow to care for our veterans and to provide necessary facilities for the members of today's military.

Mr. Chairman, this is a good bill and it is needed now. While conducting a foreign war, our military continues to realign to meet current requirements around the globe and continues to aggressively work the base realignment and closure plan. I am glad that it has finally been brought to the floor of the House.

In total, this bill authorizes a total appropriation of $24.8 billion for needed military construction efforts around the world. This total is $400 million over the President's requested budget.

In addition, the bill appropriates a total of $3.2 billion for military and family housing projects for the families of our service members who are bearing the bulk of the sacrifices of this Nation's ongoing military actions around the world. This is an increase of $300 million over the fiscal year 2008 level.

The bill authorizes $336 million to continue a quality of life initiative that was begun in the 2008 Supplemental. This sum includes $200 million for new trainee and recruit housing, and $136 million for medical military construction and upgrades to certain medical treatment facilities. The President did not request this funding in his budget.

Equally as important are the funds supplied in this bill for our continually increasing veterans population. This bill includes a total funding level of $47.7 billion for the Department of Veterans Affairs. This total is $2.9 billion over the President's request. We owe our past, our present and our future veterans the finest care possible.

BAY PINES

I am particularly pleased that the Department of Veterans Affairs Hospital at Bay Pines which serves veterans in Florida will be able to expand the type and quality of care that it can provide through this bill.

Work will begin next year on a major $17.4 million expansion of the Bay Pines hospital that will provide enhanced mental health and Post Traumatic Syndrome Disorder, PTSD, services with funds included in this bill. This new facility responds to an urgent need for additional space and resources to provide mental health and post traumatic stress counseling and services.

The three story, 156,00 square foot addition to the main hospital building will include an Outpatient Mental Health Center of Excellence and a Post Traumatic Center of Excellence on the main level and replacement Inpatient Psychiatric and Geriatric Psychiatric bed wings on the 2nd and 3rd levels.

The addition of new space will allow for the renovation of 189,000 square feet of existing patient care space in out years, which will be used for medical and surgical nursing wards and a modern psychiatric domiciliary.

The bill also includes $4.5 million for the hiring of an additional 20 inspectors for the VA Office of Inspector General, 10 of which will go to the newly established Inspector General facility at Bay Pines. Each dollar spent on the IG will be returned many times over as fraud, waste and abuse are uncovered.

It was through an initiative that I sponsored that the VA opened a major new VA IG office at Bay Pines in May 2007 to expand oversight and investigation operations in Florida to ensure that veterans receive the finest in care and the best use of limited tax dollars. Three years ago I learned that the VA Inspector General had only five personnel to monitor VA operations throughout the entire state of Florida. Soon thereafter I provided funding to enable the Inspector General to expand its operations in Florida to more than 50 investigators, auditors and agents to ferret out waste, fraud and abuse within the VA system, monitor the quality of care veterans receive, and apprehend those who seek to violate the public trust by stealing federal funds or abusing the trust of veterans. The Inspector General has said that the operation at Bay Pines is a flagship for the entire VA system.

TAMPA

The legislation also includes $21 million for a new headquarters for the special operations element of United States Central Command at MacDill Air Force Base. The new 66,000 square foot building will provide a secure facility for command and control, to train an increasing number of personnel, and store operational equipment. The unit currently operates out of a Cold War era alert bombing facility that is too small to accommodate existing and future manpower requirements and equipment storage.

Another $10.5 million is included in the bill for construction of a headquarters for the United States Special Operations Command's Global Network Control Center. The unit is currently scattered about MacDill in trailers and temporary facilities. Construction of this 32,000 square foot building would begin in February 2009 with completion in May 2010.

These two projects are part of a major base-wide construction program at MacDill that I have championed since 2006.

Our men and women who serve in uniform deserve the finest possible facilities to train and prepare for missions throughout the world. It is time that we move these special operations units out of trailers and 50-year-old make-shift facilities and into state-of-the-art buildings.

Mr. EDWARDS of Texas. Mr. Chairman, now it's my privilege to yield for 2 minutes to the gentleman from Florida (Mr. BOYD), a decorated Vietnam veteran and a valued member of this subcommittee.

Mr. BOYD of Florida. Let me thank my chairman, Mr. EDWARDS, for yielding.

Ladies and gentlemen, when our men and women are committed into combat, that has very long and costly consequences. Sometimes I think people in this town don't recognize this. But I can tell you there are some people in this Chamber, particularly Chairman CHET EDWARDS, Ranking Member ZACH WAMP, who do understand that commitment into combat has very long and costly consequences.

Mr. Chairman, I see a lot of ''Support Our Troops'' slogans around. I see a lot of yellow bumper stickers and those great things. I see people going to churches and preparing care boxes to send overseas.

But that's not enough. That's not enough. We must make a commitment to take care of the families of those who put on the uniform when those in uniform are deployed. We must make a solemn commitment to provide for the health care and education benefits for those who come home after wearing the uniform. Many of them come home injured.

Mr. Chairman, there are some folks in this Chamber that understand that. Congressman DAVE OBEY clearly understands that. Congressman BILL YOUNG, whom you just heard from. I saw Congressman STEVE BUYER earlier, BOB FILNER from California. Those are the folks who were involved in the writing of this legislation which provides the benefits and the commitment that we have made to our men and women.

We have got a whole new generation of veterans who need our support. Those are veterans of the war in Iraq and Afghanistan. And, obviously, it's our moral duty to provide them with the care and benefits that they need.

You've heard in detail about the details of what's in this bill. Mr. WAMP and Mr. EDWARDS have explained that. But it's important that we do this, ladies and gentlemen. This is a promise we've made, and it's simply the right thing to do.

If not for those who answered the call of duty, we would not be the great Nation we are today. For their service and sacrifice, we as Americans are eternally grateful, and I encourage this Congress to honor them by supporting this bill.

And, again, I want to thank the bipartisan work of Chairman CHET EDWARDS and Ranking Member ZACH WAMP, our committee leaders, for what they have done.

Mr. WAMP. Mr. Chairman, I recognize for 2 minutes the gentleman from Jacksonville, Florida, an extremely active member of the subcommittee, ANDER CRENSHAW.

Mr. CRENSHAW. Thank you, Mr. WAMP, for yielding the time and thank you for your leadership on the subcommittee. And I certainly want to commend Chairman EDWARDS for all the hard work that he puts in.

Mr. Chairman, I have served on this subcommittee for as long as I have been on the Appropriations Committee, and I can tell you that there is never a time that I am more proud than when I am working with the young men and women in uniform.

I think we ought to note tonight that this is the first appropriations bill that we're taking up, and I think that speaks volumes about the priority and the commitment that we have in this Chamber to the men and women that wear the uniform. And this bill touches literally everyone, whether they are active duty today, as we provide money for new barracks, new training facilities, new hangars and airfields, and we improve our port facilities for the ships and the planes. It touches those that have served us in the past as veterans, building new facilities, veterans clinics, hospitals, even providing a suicide prevention line to help those troubled veterans as they come back and save, literally save, their lives.

And it also touches the people that are no longer with us because we have money in this bill to maintain and construct national cemeteries to give a final resting place for those who have served us, provide money for the monuments around the world to pay tribute to our fallen heroes.

But it also touches the lives of the family members of our men and women in uniform, day care centers we have talked about, quality of life issues.

So I would say this is a very important bill. It's a good bill. It serves those who serve us the most, and it deserves our support. So I urge my colleagues to join us in passing this legislation.

Mr. EDWARDS of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. BISHOP), who has been a strong member not only of this committee but the Defense appropriations committee.

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I am very pleased to rise in full support of the fiscal year 2009 Military Construction and Veterans Affairs and related agencies appropriations bill. I am extremely proud of the work of the subcommittee, on both sides of the aisle, as we have crafted a bill that truly supports America's servicemen and -women as well as their families.

Today I am especially pleased that we are ensuring better housing, health care, and day care facilities for our servicemen and -women by providing $24.8 billion for military construction, family housing, and fully funding BRAC.

Military facilities such as Fort Benning, located in my district, need this funding as they experience significant numbers of new personnel as a result of BRAC and the global repositioning of our forces around the world. In the Columbus area, we still have concerns with respect to the impact that BRAC may have on our local school system. But I'm encouraged by the interest and support shown by my colleagues on the subcommittee, in particular Mr. EDWARDS, our chairman; and our ranking member, Mr. WAMP.

But that's not all. Our bill includes nearly $200 million in additional housing for Army and Marine Corps trainees, an additional $136 million for medical facilities, $1.6 billion for Veterans Health Administration, and $3.8 billion for specialty mental health services, and $584 million for substance abuse programs.

But I don't think listing figures does justice to saying how important this bill is because with those resources, we are filling some gaping holes in veterans services and upgrading military facilities that are currently underfunded and overextended.

We are fully meeting and addressing the very same kinds of needs that arose at the barracks at Fort Bragg and the hospital at Walter Reed. We're keeping our commitment to veterans and giving the VA the funds they need to hire caseworkers to process the current backlog of claims. We are making sure that our veterans traveling long distances for medical care don't have to empty their wallets in order to get there. And we are upping funding for

medical technology and giving our veterans access to a new generation of prosthetics so they may live as normal a life as possible.

Mr. Chairman, in short, this is a good bill.

The Acting CHAIRMAN (Mr. LYNCH). The time of the gentleman has expired.

Mr. EDWARDS of Texas. Mr. Chairman, I yield an additional 15 seconds to the gentleman.

Mr. BISHOP of Georgia. Thank you.

I would like to recognize and thank the staff of the subcommittee: Carol Murphy, Mary Arnold, Walter Hearne, Tim Bishop, and Donna Shabaz of the majority staff; and Martin Delgado and Liz Dawson of the minority staff; and, of course, Michael Reed and Ed Larkin of my staff.

Mr. WAMP. Mr. Chairman, I yield 5 minutes to the ranking member of the Legislative Branch appropriations subcommittee, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank Mr. WAMP for the time.

Mr. Chairman, I rise today to voice my support for this important measure, and I want to commend Chairman EDWARDS and Ranking Member WAMP for their good work on this most important bill. I urge the Members to support the bill. It is so important to all of our veterans of this country.

I only talk about this to express real frustration that I have. I want to note that in my hand I have an amendment which I had hoped to offer today, but because of the nature of the rule, I can't. And I wanted to offer this amendment in the interest of people from Iowa and throughout the Midwest who are struggling to put their lives together in the wake of the 500-year Midwest floods.

This amendment would have provided emergency money for economic development assistance for restoration of infrastructure, Army Corps of Engineers money to repair levies, SBA disaster loan assistance, Community Planning and Development funds for infrastructure, and additional FEMA disaster relief moneys. Unfortunately, we can't, and I don't want to delay this process. But this bill should be passed before we leave for break.

Mr. Chairman, last week I wrote a letter to the Speaker of the House and asked that we finally address, after 7 weeks, the flood disaster throughout the Midwest. I have not heard a response; so obviously we're being ignored.

I asked some folks at home to tell me some of their stories, and they have e-mailed me and sent me their messages, and I would like to read a couple of those.

The first one actually is a copy I received of an e-mail to Speaker PELOSI, and it reads:

''I cannot believe that you will not bring flood relief legislation to a vote. Now you are going on vacation. Twenty-five thousand homes were lost in the June floods in Iowa alone, and Congress votes to recognize the National Day of the Cowboy instead of passing legislation to help Iowans.

''After Hurricanes Katrina and Rita, Congress passed emergency supplemental bills nearly immediately, and here we are 7 weeks after the Iowa floods and no additional help! It is no wonder Congress's approval rating is at an all-time low.

''While you're on vacation, please remember the thousands of Iowans who have no homes.''

An e-mail received from a resident of Cedar Rapids. She said:

''My husband volunteers on the weekends and 1 day a week (bless his employer for letting him work 4 10-hour days so he can do flood relief) as a flood site coordinator, which means he moves around from team to team and are sent by our church to help the residents 'muck' out their basements, and tear out the walls, insulation, trim, carpet, and get rid of the furnaces and water heaters (and, unfortunately, throw out their life with every personal item that goes on the curbs) . . .

''What are the elected officials in Washington going to do to help? I must be the most naive U.S. citizen who can hardly believe that it takes an act of Congress to have a National Cowboy Day but can go on a recess with clear consciences before coming up with some plan of action for this area and the people . . .

''The Red Cross has moved on and the Salvation Army has come off the streets. FEMA sent trailers, people settled into them, and then they were displaced again when mold was found in the trailers . . .

''These people are not asking for more than what they had, just help putting their lives, families, and homes back together. They need help and support from those they have put their trust in.''

And another e-mail from a lady in Mason City. It says:

''Please continue your fight to have Congress address the disaster needs of the Midwest! The rest of the world seems to have forgotten about our disaster. However, for those of us still fighting it, it's as painful today as it was the day our houses were filled with water.

''My family is just one of many here in Mason City who are homeless . . .

''Our house is significantly damaged; so we can't move back into it. We thought we could, and then 2 weeks ago we discovered the amount of damage was too much.

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''We have to elevate it, move it, or destroy it. Our house is a trilevel house where the floors are not on top of each other. The cost of elevating or moving would be more than the value of our home. The only option is to destroy it.

''The house we are currently renting is a house for sale. On any given day, we are 30 to 45 days away from being homeless again. The house has been shown to prospective buyers at least six times since the flood. We are trying to find a house we can rent for a year. It's almost impossible to find something we can afford that's in a safe area and somewhat decent.''

I would hope that the House tomorrow, since we are going to be in session, will finally pass disaster relief for people who are really hurting.

Mr. EDWARDS of Texas. Mr. Chairman, may I first inquire as to how much time we have remaining on our side.

The Acting CHAIRMAN. The gentleman from Texas has 7¼ minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I now yield 3 minutes to the chairman of the full House Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I had not intended to speak in general debate on this bill, but in light of some of the comments made by the previous speaker, I feel obligated to.

The gentleman said that it was the nature of the rule under which this bill is being considered that prevented him from offering an amendment. The fact is that the only thing this rule did was to require that people publish their amendments 1 day ahead of time so that we were not legislating by ambush. The rules of the House always provide for germaneness. And, as the gentleman knows, his amendment is not germane to this bill.

Secondly, I would point out that we put $2.65 billion in the supplemental for Midwest disaster funding and for other disasters around the country. And I would point out that we did that even though the White House never sent to this Congress an official budget request to deal with the disasters not just in Iowa, but Wisconsin as well, my own State.

Thirdly, I would point out that the Speaker met today with a number of Members from the Iowa delegation and we made clear that as soon as we get official numbers from the administration that are at all coherent, we will act, and that this Congress will not adjourn for the year without providing needed disaster relief.

I just want to make clear there was nothing done in the rule.

Mr. LATHAM. Would the gentleman yield?

Mr. OBEY. Yes. I'd be happy to.

Mr. LATHAM. I appreciate the chairman's work. I sincerely do. We all know that it would not be germane in this bill. That is not the issue.

I would ask, would the gentleman entertain a unanimous consent to have this amendment considered today?

Mr. OBEY. As the gentleman knows, we have been criticized up and down the river by your own leadership for trying to add what they described as nongermane or unrelated items to these bills. As you well know, this bill is probably not going to become law before any supplemental that is passed in September, as the gentleman knows. So there is no rational reason for me to accede to that request.

We have dealt with the gentleman above the table, honorably, and fairly. You offered an amendment in the full committee to the energy and water bill, adding money for disaster funding. We accepted the amendment. I would suggest that the gentleman owes the Speaker of the House an apology.

Mr. LATHAM. Would the gentleman yield?

Mr. OBEY. Not further at this time.

Mr. WAMP. Mr. Chairman, I will reserve the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, at this time I'd like to yield 2 minutes to a member of the Armed Services Committee who has worked day and night for the troops and veterans in her district and this country, the gentlelady from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Thank you very much to my good friend from Texas, Mr. CHET EDWARDS, for yielding. We have worked quite diligently on many of the issues going on right in Kansas at the military bases, Fort Leavenworth and Fort Riley, that I have the honor to represent.

I would just like to say that as a new Member of Congress, when I came, I had heard many, many promises made to veterans, and I had to wonder if they were going to be met. Many people said, Yes. Trust us. They will be met. And you can imagine as a new Member of Congress, and as a freshman, to have those promises to our veterans actually met meant so much to me, for somebody who came to Washington to try to make a difference and, in fact, for the second year in a row we are really righting some of the real problems that we have seen with our Veterans Administration and we are proposing record funding for the second year in a row, and I am deeply proud and honored to be part of this Congress.

I understand that this is a bipartisan bill, and for that I am very grateful. We have plenty of floods in Kansas as well. There's a right time and a wrong time to bring that up. I believe that the Members on this side of the aisle have been very, very diligent to make sure that that is taken care of. I would like to see this committee particularly keep that same bipartisan air that has served this country so well.

Some of the things that are highlighting that are so important to the good people of Kansas and our veterans across the United States, an initial $4 billion for mental health, for TBI, for PTSD, for the drug abuse that we see way too often, for the suicides that are hitting our soldiers. That $4 billion of extra funding will make a huge difference in these soldiers' lives.

Mileage reimbursement. I come from the State of Kansas. It's a huge issue. The 41.5 cents a mile is a significant increase. I still would love to see it come up to be the full standard, but this is a significant increase that will mean a great deal to veterans from Kansas who have to travel a great deal.

Thank you, and congratulations on this wonderful and bipartisan bill.

Mr. WAMP. Mr. Chairman, I yield 3 minutes to a great patriot, the gentleman from the State of Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentlemen very much for yielding.

Mr. Chairman, I will vote ''yes'' on this bill, but I am really astonished that the Democrats have gutted the European Missile Defense site. We don't seem to understand that the coincidence of jihadist terrorism and nuclear proliferation represents the greatest existential threat to human peace in the world today. Unfortunately, they seem to think that if they kill it for this year and put it in the next administration, somehow it will be of some political benefit to them. BARACK OBAMA has said that he will cut missile defense spending, and he simply does not understand the gravity of a nuclear Iran, Mr. Chairman.

Every day we are in this body, Iran enriches more uranium. They come closer and closer to having a nuclear capability. When they gain that, Mr. Chairman, it won't be long before al Qaeda will have that capability as well.

It may not be long that Iran will be able to actually field a weapon that could create an electromagnetic pulse across this country that would be the ultimate asymmetric weapon for terrorists in the world today. And I find it astonishing that when our first purpose in this body is to protect the lives and constitutional rights of the American people, that for some ridiculous political motivation that we would strip the ability for us to be able to intercept missiles coming from Iran that would either hit our allies in Europe or our forward-deployed troops or people here at home, that somehow we think that we have done our job.

I would remind us all that Osama bin Laden said these words. He said, It is our religious duty to gain nuclear weapons.

Mr. Chairman, if they succeed, if Iran succeeds, al Qaeda will succeed in gaining those nuclear weapons. If that happens, we will revisit this subject on a day in the future and we will have to explain to our children why we let such a profound threat to human peace exist when it was in our power to change it.

Mr. EDWARDS of Texas. Mr. Chairman, may I ask how much time I have remaining.

The Acting CHAIRMAN. The gentleman has 2¼ minutes.

Mr. EDWARDS of Texas. Let me first yield myself 15 seconds, if I could respond.

Mr. Chairman, the last speaker was simply wrong. He suggested this bill kills the European Missile Defense plan. It does not do that. He suggested there were political motivations. That is not correct. I hate to see that partisanship injected in a bill that has been put together on a bipartisan basis. We fund $140 million for that project. The project hasn't even been authorized by the parliaments in the Czech Republic or Poland. We allow the program to continue despite that fact.

With that, I would like to yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the gentleman. I could not be more proud of this bill that we are debating here today and that we are going to pass tonight.

Last year, we provided $12 billion in increased funding for the VA health care system, the largest single year increase in the 77-year history of the VA. Today, we follow up with a $4.6 billion funding increase, representing an 11 percent increase over that high bar that we set last year.

We are proving once again tonight in this Congress no group will stand ahead of our Nation's veterans when it comes time to make funding decisions.

The increased funding allows for enrollment of Priority 8 veterans. Priority 8 veterans have not been enrolled since 2003, as part of the Bush administration's cost-cutting efforts, and approximately 50 percent of all uninsured veterans today are Priority 8 veterans.

This bill will allow us to hire over 2,000 more claims processors to decrease that backlog that we have, which is now almost 400,000 cases, with 2,000 new claims processors.

In western Pennsylvania, where I'm from, there's a 6,000-case backlog. Those claims remain unanswered. So we are going to clear that up with this funding today.

In February, I testified before the House Budget Committee about the importance of increasing funding for our veterans' programs. I was pleased to vote on the floor of this House this year and last in favor of a budget resolution that met and exceeded the commitment that we have made to our Nation's veterans.

I urge all of my colleagues to support this bill. I congratulate Chairman EDWARDS on his work on this. It's a bipartisan bill. We are all on this together.

Mr. WAMP. Mr. Chairman, I yield myself such time as I may consume for the purpose to close briefly by saying that Chairman OBEY said something at the full committee that I want to paraphrase and restate in the context that we all know that those who do not

learn from history, are destined to repeat it.

One of the lessons of Vietnam is that regardless of how you feel, especially as a policymaker, but even as a citizen, about the war in Iraq or the war in Afghanistan, or any war, it's so important to appreciate fully the men and women who are engaged in that war on our behalf. Regardless of how you feel about the mission, it is so important for our Nation to appreciate and support and fund and resource the needs of our men and women in uniform and our veterans.

I want to say tonight I grew up a Democrat. I am a Republican today. But we should, and are, meeting at the water's edge on this issue of resourcing the men and women in harm's way and supporting the veterans when they come home for the balance of their life.

This is a lesson of history, of modern history. We saw it and we are making that right. So even though many of them do not support what we are doing in Iraq, or maybe even Afghanistan, this bill supports those who are fighting, and their families. And that is important.

In closing, I do want to recognize by name again the extraordinary staff. They call these people the front office staff. Rob Nabors and Jeff Shockey at the highest level. This committee staff is bipartisan. There happens to be a majority staff, Carol Murphy, Donna Shahbaz, Walter Hearne; the minority staff, Martin Delgado, Liz Dawson, and Kelly Shea. Mr. EDWARDS has John Conger, I have Amanda Schoch. They have done a remarkable job day in day in day out to bring us to this today because this is a great work product. Not all bills that come to this floor are, but this is. And it's right. I urge its passage.

I thank you for the time on the general debate. We have got 37 amendments. The hour is getting late. Let's get on with it.

I yield back the balance of our time.

Mr. VAN HOLLEN. Mr. Chairman, I rise in support of H.R. 6599, a bill to fund U.S. military construction and maintenance and the operations of the Department of Veterans Affairs.

The Military Construction and Veterans Affairs bill appropriates a total of $118.7 billion for military construction and veterans' programs, $10.3 billion more than the current level and $3.4 billion more than the President's request. This funding will provide compensation payments to millions of veterans and their survivors, pension payments and financial assistance to their widows and children, and is the primary support for their military related medical care.

The Veterans Department oversees the largest Federal medical care delivery system in the country, with 153 hospitals, 50 residential rehabilitation treatment centers, 135 nursing homes, and 1,089 outpatient clinics. The almost $94 billion set aside in this bill is a significant increase over the Administration's request and will help fund medical administration, operations and maintenance of medical facilities such as Walter Reed, and important medical, trauma and mental health research. This bill also provides the funding for the BRAC.

We all know there is a massive military base closure and realignment underway in this country. The potential for increased traffic congestion at these new military facilities, such as the one being constructed in my district in Bethesda, MD, can be disruptive for the citizens who currently live in these communities. I want to thank the Committee for working with me to insert language in this bill directing the Department of Defense to aggressively plan and budget for the Defense Access Roads programs that should help alleviate some of the pressure on the communities that are dealing with BRAC.

This nation has 23,500,000 veterans and 35,900,000 family members of living veterans and survivors of deceased veterans. That means close to 20 percent of this county's total population are potential recipients of veterans benefits. We have a responsibility to support the past and present servicemembers and their families who have served and sacrificed for us. Providing quality healthcare and decent living conditions for them and their families is the least we can do for these brave men and women. I hope my colleagues will join me in supporting this important piece of legislation.

Mr. SOUDER. Mr. Chairman, pursuant to the Republican Leadership standards on earmarks, I, MARK SOUDER, am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 6599—The Military Construction and Veterans Affairs FY09 Appropriations bill.

Included in H.R. 6599 is a $5,600,000 earmark that I submitted for the construction of Aircraft Ready Shelters and Fuel Fill Stands for the 122nd Fighter Wing located at 3005 Ferguson Road, Fort Wayne International Airport, IN 46809.

The funding will be used to construct a two aircraft bay parking shelter addition to the existing two aircraft bay parking shelter providing a total of four parking spots under shelter as required for a base A/C Readiness Shelter. Project consists of the following: Construct reinforced concrete foundation and painted floor slab with grounding points; masonry and metal siding walls; steel frame; and standing seam metal roof; include a high expansion fire suppression system and overhead infrared heating; provide hangar style doors for drive through capability; remove existing asphalt and provide new concrete taxiway entry and exit; provide asphalt transition to the south apron area; construct stainless steel underground piping, reinforced concrete for curbed access pavement, and refueler fill stands. The base requires adequately sized, appropriately configured, and functional aircraft readiness shelters with supporting taxiway system to support four-ship F–16 aircraft mission requirements. Due to previous funding restraints the current shelter facility was constructed with two parking spots with a plan to add two more at a later date. Readiness shelters are necessary for mission support, operations safety, and protection of aircraft and flightline personnel from inclement weather. The project will also provide a refueler vehicle fill stand on the operational side of the railroad tracks to support the flying mission.

Mrs. BLACKBURN. Mr. Chairman, Fort Campbell, one of the Army's largest posts and home to the 101st Airborne Division, is in the seventh district of Tennessee, which I am honored to represent.

Currently, over 700 Tennessee National Guardsmen and the bulk of the 101st Airborne are deployed to Iraq or Afghanistan.

With this in mind, I'm particularly gratified that this House is finally discussing an appropriations bill today. Funding for Military Construction and Veterans Affairs certainly warrants our attention.

The brave members of our military, and the families that support them at home, are fulfilling the commitment they made to our Nation by fighting and serving to help protect it.

The federal government must in turn fulfill its commitment to provide top-quality equipment, facilities, and training for these heroes, and the best possible care upon their return.

On behalf of the men and women in uniform, veterans, and military families in Tennessee's 7th district, I urge my colleagues to support today's measure for MILCON–VA appropriations.

□ 2100

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment to the bill may be offered except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated July 30, 2008, or earlier, and pro forma amendments for the purpose of debate. Each amendment may be offered only by the Member who caused it to be printed, or his designee, and shall be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 6599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $4,801,536,000, to remain available until September 30, 2013: *Provided*, That of this amount, not to exceed $175,823,000 shall be available for study, planning, design, architect and engineer services, and host nation

support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings ''Army'' in the table entitled ''Military Construction'' in the report of the Committee on Appropriations of the House of Representatives to accompany this bill: *Provided further*, That of the funds appropriated for ''Military Construction, Army'' under Public Law 110–5, $34,720,000 are hereby rescinded: *Provided further*, That of the funds appropriated for ''Military Construction, Army'' under Public Law 110–161, $16,600,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $3,280,809,000, to remain available until September 30, 2013: *Provided*, That of this amount, not to exceed $247,128,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings ''Navy'' in the table entitled ''Military Construction'' in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

Mr. THOMPSON of California. Mr. Chairman, I move to strike the last word and engage in a colloquy with Chairman EDWARDS, Congressman REHBERG and myself.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of California. Mr. Chairman, I would like to yield to the gentleman from Montana.

Mr. REHBERG. Thank you, and I would like to thank the gentleman from Texas for all his hard work in drafting this important piece of legislation.

Beginning in 1962, the Department of Defense commenced a number of chemical and biological tests involving nearly 6,000 American military personnel. These tests, known as Project 112 and Project SHAD, exposed servicemembers to toxic agents such as Vx nerve gas, sarin nerve gas and E. Coli.

Not surprising, many of the veterans unknowingly exposed to deadly agents are suffering from serious medical conditions. Yet for over 40 years the Department of Defense denied the existence of these tests. All the while, these veterans continued to suffer. Finally, in 2001, DOD admitted to conducting Project 112 and Project SHAD, but they still refused to take responsibility for their care.

Enough is enough. As we approach the end of this Congress, we can do our part to care for these veterans by extending an expiring provision which allows for Project 112 and Project SHAD veterans to receive care at VA facilities without proving service connection.

My constituent, John Olson, a veteran of Project SHAD, spent all day Tuesday undergoing tests for a possible aneurysm. This is the latest in a long line of medical problems since leaving the service. Yet, as my friend from California will state, the VA is approving claims at an embarrassingly low rate. We can and should do everything we can to care for these veterans.

I want to thank Mr. THOMPSON of California for keeping this issue in front of the press, keeping this issue in front of the Congress, and keeping this issue in front of the American people.

Mr. THOMPSON of California. Thank you, Mr. Chairman, for all your work on this bill and all that you have done over the years for both veterans and those currently serving in the military. I value greatly all the work that you have done. But as Mr. REHBERG said, 45 years ago, the Department of Defense began more than 50 chemical and biological weapons tests on U.S. servicemen without their knowledge. The government called these top secret tests Project SHAD. For the next 40 years, the Department of Defense denied Project SHAD even took place.

Ten years ago, I was able to prove that in fact they did take place, and the DOD said they only used simulants and at no time were these veterans exposed to anything harmful. Finally, after 3 more years of work, the DOD admitted they used live and extremely dangerous agents, such as Vx nerve gas and sarin.

More alarming than the lies and the coverup, we are not giving these veterans the care they need and deserve today. A recent Associated Press article revealed that only 6 percent of claims made by Project SHAD veterans and other veterans involved in these secret government tests have been accepted by the VA. That is only 39 out of 641 claims. These brave men served our country and they served it with distinction, and in return they were unknowingly used as human guinea pigs by their own government. Now they are denied care.

The extension of treatment authority would go a long way towards increasing the VA's dismal record in helping our veterans exposed to these harmful agents, a record that the veterans service associations in this country have called shocking, disgraceful and disappointing.

I hope that the chairman can assure me that he will work together with us to find the appropriate vehicle to extend this important provision.

Mr. EDWARDS of Texas. Let me thank Mr. REHBERG of Montana and Mr. THOMPSON, a distinguished Vietnam veteran, for raising this important issue. I am glad the House has taken action on this issue in another measure. I am disappointed the other body has not. Given that fact, we could not add this provision to this bill under the rules of the House, but I will make a good faith effort to work with both of the gentleman to address what is a serious problem.

These great Americans should be honored by our actions. I hope at the end of the day we can look them in the eye and say we have served them, just as they have served our country so honorably.

Mr. REHBERG. We thank the gentleman from Texas.

Mr. THOMPSON of California. I thank the gentleman, Mr. EDWARDS. I would just remind everybody that these veterans are sick today, they are dying, they need the medical care that they deserve and the medical care that they earned. I appreciate your willingness to work with us on this.

I yield back the remainder of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I rise to engage the gentleman from Texas, my good friend Chairman EDWARDS, in a colloquy, and I would like to thank the chairman for agreeing to engage in this. I also want to thank Mr. STUPAK for his continued support and dedication on the issue of steel safety, and look forward to working with both gentlemen on requiring that all iron and steel purchased by the Federal Government be made in the United States. This will keep Americans safe and help our country prosper.

Mr. Chairman, I understand that there is a provision in this measure that requires American steel producers, fabricators and manufacturers to have the opportunity to compete for steel funded through the Department of Defense under this act. While I am encouraged and grateful for this provision and believe that it is a critically important aspect for all government procurements, frankly, I do not believe it is enough.

China disobeys international trading rules, for example, and the playing field is not level. Therefore, it is not possible for our steel producers to compete fairly.

This last April, the Congressional Steel Caucus held a hearing on substandard steel from China. We learned from U.S. Customs and Border Protection about how our government does not have an established process to monitor the safety of steel imports. We also heard from representatives of the

domestic steel industry about how some Chinese steel companies do not adhere to international standards and guidelines when they manufacture steel, and that the steel may be used in our military barracks, veterans hospitals, and other vital infrastructure.

I also would mention that this last October it was reported that substandard Chinese steel was used in the construction of a gymnasium at San Pedro High School in California, prompting the California Department of General Services to post an alert on defective Chinese steel tubing fabricated for school construction projects.

Last year, China had a major earthquake and we saw pictures of how their schools and hospitals survived. We cannot wait to take action on this issue until a hospital or school collapses in the United States. Does it cost too much to require the use of American steel if it saves lives? The government that we fund must set an example and make sure that the buildings we build use American steel that can stand the test of time.

When considering the construction of facilities that hospitalize, house and take care of our veterans, we owe them every possibility to ensure their health and safety. We owe them the requirement that safe American steel is used, and that is why Representative STUPAK and I have raised this issue.

Again, I thank the chairman for engaging in this colloquy and for his good work on this bill.

Mr. EDWARDS of Texas. I would like to thank Chairman VISCLOSKY for his leadership on this issue and Mr. STUPAK as well. We all know that a healthy steel industry in the United States is not only terribly important for our economy, but it is critical to our Nation's defense. It is an industry we must have.

So I look forward to working with the gentleman in good faith to see if we can take the language in this bill that already is supportive of the use of U.S. steel and see if we can't improve that language as we go forward.

Mr. VISCLOSKY. I thank the gentleman very much, and would yield back my time.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. FILNER) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4040) entitled ''An Act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.''.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4137) entitled ''An Act to amend and extend the Higher Education Act of 1965, and for other purposes.''.

The SPEAKER pro tempore. The committee will resume its sitting.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

The committee resumed its sitting.

Mr. MCCARTHY of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MCCARTHY of California. I rise today to enter into a colloquy with my colleagues, the chairman of the Military Construction Subcommittee, Mr. EDWARDS, and Ranking Member WAMP, about an issue of significant importance to my constituents in Ridgecrest, California.

China Lake, the large naval installation in Ridgecrest, was slated to become the Navy's Center of Excellence for weapons development as part of the 2005 round of Base Realignment and Closure. This news confirmed what those of us familiar with China Lake have always known; China Lake's location, access to airspace, 350 days of flying a year and exceptional personnel make it an excellent place for the military to develop the tools for the men and women serving on the front line.

Unfortunately, since the recommendation was made, I have had concerns that it is not being implemented as consistently with the original recommendation as it should be. I am concerned that the number of jobs slated to move and overall construction plan has decreased more than would be expected.

For these reasons, I come to the floor today to ask the chairman that he work with me to ensure that Congress continues its oversight of the BRAC implementation process.

I would yield to the subcommittee chairman.

Mr. EDWARDS of Texas. I want to thank Mr. MCCARTHY for mentioning this issue. I was one of those several years ago who raised serious questions about whether BRAC was adequately funded or not. We were told it was. It turns out construction costs have skyrocketed in fact above original estimates.

I would look forward to working with the gentleman to see that our subcommittee, working with Mr. WAMP in good faith, exercises the oversight that we have a responsibility to carry out to see that BRAC dollars are spent, spent wisely, spent efficiently, and that we do everything humanly possible to keep the BRAC process on time.

Mr. WAMP. If the gentleman will yield, I thank the gentleman from California for raising this issue before the House tonight. As the gentleman has seen firsthand, dealing with this multiyear, multibillion-dollar BRAC process, some of the business plans that were initially adopted have changed. He is doing everything he can to make sure that the Department of Defense sticks as close as possible to those plans. I join Chairman EDWARDS and commit to working to ensure that we conduct proper oversight of the BRAC process.

I want to thank the chairman for this commitment to fully fund the BRAC process, which was a major point of discussion throughout our 100 hours and 19 hearings this year, to make sure BRAC is fully funded on time.

I am grateful the gentleman from California has taken this initiative tonight.

Mr. MCCARTHY of California. I want to thank Chairman EDWARDS and Ranking Member WAMP for their leadership on this issue, and I yield back the balance of my time.

AMENDMENT NO. 24 OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Chairman, I would ask unanimous consent to offer the amendment of Mr. BOEHNER, the minority leader, at this point in the reading.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Utah?

Mr. OBEY. Reserving the right to object, Mr. Chairman, it is 9:15 at night. We don't know how long it is going to take us to complete this bill tonight. And what we are being asked to do, as I understand it, is to give unanimous consent so that the gentleman may be able to offer an amendment which he otherwise would not be able to offer because we have already moved past that point in the bill. That is my understanding.

Mr. BISHOP of Utah. Would the gentleman yield to a question?

Mr. OBEY. Go ahead.

Mr. BISHOP of Utah. It was our understanding as I was waiting for the proper time to offer this amendment that the body would take the two colloquies first, and then we would have the opportunity of presenting this in this form. So I think actually going through this form in the long run was probably more timesaving than doing other kinds of actions if this was not allowed.

Mr. OBEY. Mr. Chairman, continuing under my reservation, I am not interested in the reason why the gentleman's request is tardy. I simply want to repeat, it is my understanding that what the gentleman is asking us to do

is to allow him to offer an amendment which we have already passed in the reading of the bill.

I will not object to that request, provided we have certain understandings about how long we are going to drone on on these issues. Since this is already a non-germane amendment, I want to make sure I understand what the full request is going to be.

My understanding is that Mr. BURGESS also has an amendment which he wants to offer which has also been passed in the reading; is that correct?

□ 2115

Mr. BISHOP of Utah. I don't know that one.

The Acting CHAIRMAN. I believe the gentleman is correct.

Mr. OBEY. If that is the correct understanding, then I simply want to make certain that if we grant this request, that there will be only one speaker on that side on the subject of the amendment that the gentleman from Utah wants to offer and one speaker on that side of the aisle on the amendment that Mr. BURGESS desires to offer.

Mr. BISHOP of Utah. If the gentleman will yield on that issue? That was always our intent. I think I am enough.

Mr. OBEY. But is that the understanding?

Mr. BISHOP of Utah. That is my understanding.

Mr. WAMP. If the chairman would yield.

Mr. OBEY. I will be happy to yield.

Mr. WAMP. I just want to say, in all fairness, Mr. Chairman, the Chair allowed the reader to read past this point with people on their feet for the colloquy, with an understanding on both sides that the colloquy would go first and then we would start this point in the bill.

The reading was an accidental reading, not that someone wasn't here ready to offer the amendments. Mr. BURGESS was sitting right here. And points of order are going to be raised against both. So, with all due respect, Mr. Chairman, if we can get on with it, we will dispose of it quickly.

Mr. OBEY. If I can take back the time. I know Mr. BURGESS was here. I saw him sitting here for a considerable length of time, and I am not trying to pin a tail on anybody. My point is simply that this has not been a day noted for its courtesy across the aisle. And I am perfectly willing to grant courtesy, provided that we have a clear understanding that the House is not going to be abused, in terms of its time, in the process.

With that, Mr. Chairman, I withdraw my reservation.

The Acting CHAIRMAN. Without objection, the gentleman from Utah is the designee of the gentleman from Ohio and may offer his amendment at this time.

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. BISHOP of Utah:

Before title I, insert the following:

DIVISION A

At the end of the bill, before the short title, insert the following:

DIVISION B

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''American Energy Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—AMERICAN ENERGY

Subtitle A—OCS

Sec. 101. Short title.
Sec. 102. Policy.
Sec. 103. Definitions under the Submerged Lands Act.
Sec. 104. Seaward boundaries of States.
Sec. 105. Exceptions from confirmation and establishment of States' title, power, and rights.
Sec. 106. Definitions under the Outer Continental Shelf Lands Act.
Sec. 107. Determination of adjacent zones and planning areas.
Sec. 108. Administration of leasing.
Sec. 109. Grant of leases by Secretary.
Sec. 110. Disposition of receipts.
Sec. 111. Reservation of lands and rights.
Sec. 112. Outer Continental Shelf leasing program.
Sec. 113. Coordination with adjacent States.
Sec. 114. Environmental studies.
Sec. 115. Termination of effect of laws prohibiting the spending of appropriated funds for certain purposes.
Sec. 116. Outer Continental Shelf incompatible use.
Sec. 117. Repurchase of certain leases.
Sec. 118. Offsite environmental mitigation.
Sec. 119. OCS regional headquarters.
Sec. 120. Leases for areas located within 100 miles of California or Florida.
Sec. 121. Coastal impact assistance.
Sec. 122. Repeal of the Gulf of Mexico Energy Security Act of 2006.

Subtitle B—ANWR

Sec. 141. Short title.
Sec. 142. Definitions.
Sec. 143. Leasing program for lands within the Coastal Plain.
Sec. 144. Lease sales.
Sec. 145. Grant of leases by the Secretary.
Sec. 146. Lease terms and conditions.
Sec. 147. Coastal Plain environmental protection.
Sec. 148. Expedited judicial review.
Sec. 149. Federal and State distribution of revenues.
Sec. 150. Rights-of-way across the Coastal Plain.
Sec. 151. Conveyance.
Sec. 152. Local government impact aid and community service assistance.

Subtitle C—Oil Shale

Sec. 161. Repeal.

TITLE II—CONSERVATION AND EFFICIENCY

Subtitle A—Tax Incentives for Fuel Efficiency

Sec. 201. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 202. Extension of credit for alternative fuel vehicles.
Sec. 203. Extension of alternative fuel vehicle refueling property credit.

Subtitle B—Tapping America's Ingenuity and Creativity

Sec. 211. Definitions.
Sec. 212. Statement of policy.
Sec. 213. Prize authority.
Sec. 214. Eligibility.
Sec. 215. Intellectual property.
Sec. 216. Waiver of liability.
Sec. 217. Authorization of appropriations.
Sec. 218. Next generation automobile prize program.
Sec. 219. Advanced battery manufacturing incentive program.

Subtitle C—Home and Business Tax Incentives

Sec. 221. Extension of credit for energy efficient appliances.
Sec. 222. Extension of credit for nonbusiness energy property.
Sec. 223. Extension of credit for residential energy efficient property.
Sec. 224. Extension of new energy efficient home credit.
Sec. 225. Extension of energy efficient commercial buildings deduction.
Sec. 226. Extension of special rule to implement FERC and State electric restructuring policy.
Sec. 227. Home energy audits.
Sec. 228. Accelerated recovery period for depreciation of smart meters.

Subtitle D—Refinery Permit Process Schedule

Sec. 231. Short title.
Sec. 232. Definitions.
Sec. 233. State assistance.
Sec. 234. Refinery process coordination and procedures.
Sec. 235. Designation of closed military bases.
Sec. 236. Savings clause.
Sec. 237. Refinery revitalization repeal.

TITLE III—NEW AND EXPANDING TECHNOLOGIES

Subtitle A—Alternative Fuels

Sec. 301. Repeal.
Sec. 302. Government auction of long term put option contracts on coal-to-liquid fuel produced by qualified coal-to-liquid facilities.
Sec. 303. Standby loans for qualifying coal-to-liquids projects.

Subtitle B—Tax Provisions

Sec. 311. Extension of renewable electricity, refined coal, and Indian coal production credit.
Sec. 312. Extension of energy credit.
Sec. 313. Extension and modification of credit for clean renewable energy bonds.
Sec. 314. Extension of credits for biodiesel and renewable diesel.

Subtitle C—Nuclear

Sec. 321. Use of funds for recycling.
Sec. 322. Rulemaking for licensing of spent nuclear fuel recycling facilities.
Sec. 323. Nuclear waste fund budget status.
Sec. 324. Waste Confidence.
Sec. 325. ASME Nuclear Certification credit.

Subtitle D—American Renewable and Alternative Energy Trust Fund

Sec. 331. American Renewable and Alternative Energy Trust Fund.

TITLE I—AMERICAN ENERGY

Subtitle A—OCS

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''Deep Ocean Energy Resources Act of 2008''.

SEC. 102. POLICY.

It is the policy of the United States that—

(1) the United States is blessed with abundant energy resources on the outer Continental Shelf and has developed a comprehensive framework of environmental laws and regulations and fostered the development of state-of-the-art technology that allows for the responsible development of these resources for the benefit of its citizenry;

(2) Adjacent States are required by the circumstances to commit significant resources in support of exploration, development, and production activities for mineral resources on the outer Continental Shelf, and it is fair and proper for a portion of the receipts from such activities to be shared with Adjacent States and their local coastal governments;

(3) the existing laws governing the leasing and production of the mineral resources of the outer Continental Shelf have reduced the production of mineral resources, have preempted Adjacent States from being sufficiently involved in the decisions regarding the allowance of mineral resource development, and have been harmful to the national interest;

(4) the national interest is served by granting the Adjacent States more options related to whether or not mineral leasing should occur in the outer Continental Shelf within their Adjacent Zones;

(5) it is not reasonably foreseeable that exploration of a leased tract located more than 25 miles seaward of the coastline, development and production of a natural gas discovery located more than 25 miles seaward of the coastline, or development and production of an oil discovery located more than 50 miles seaward of the coastline will adversely affect resources near the coastline;

(6) transportation of oil from a leased tract might reasonably be foreseen, under limited circumstances, to have the potential to adversely affect resources near the coastline if the oil is within 50 miles of the coastline, but such potential to adversely affect such resources is likely no greater, and probably less, than the potential impacts from tanker transportation because tanker spills usually involve large releases of oil over a brief period of time; and

(7) among other bodies of inland waters, the Great Lakes, Long Island Sound, Delaware Bay, Chesapeake Bay, Albemarle Sound, San Francisco Bay, and Puget Sound are not part of the outer Continental Shelf, and are not subject to leasing by the Federal Government for the exploration, development, and production of any mineral resources that might lie beneath them.

SEC. 103. DEFINITIONS UNDER THE SUBMERGED LANDS ACT.

Section 2 of the Submerged Lands Act (43 U.S.C. 1301) is amended—

(1) in subparagraph (2) of paragraph (a) by striking all after ''seaward to a line'' and inserting ''twelve nautical miles distant from the coast line of such State;'';

(2) by striking out paragraph (b) and redesignating the subsequent paragraphs in order as paragraphs (b) through (g);

(3) by striking the period at the end of paragraph (g) (as so redesignated) and inserting ''; and'';

(4) by adding the following: ''(i) The term 'Secretary' means the Secretary of the Interior.''; and

(5) by defining ''State'' as it is defined in section 2(r) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(r)).

SEC. 104. SEAWARD BOUNDARIES OF STATES.

Section 4 of the Submerged Lands Act (43 U.S.C. 1312) is amended—

(1) in the first sentence by striking ''original'', and in the same sentence by striking ''three geographical'' and inserting ''twelve nautical''; and

(2) by striking all after the first sentence and inserting the following: ''Extension and delineation of lateral offshore State boundaries under the provisions of this Act shall follow the lines used to determine the Adjacent Zones of coastal States under the Outer Continental Shelf Lands Act to the extent such lines extend twelve nautical miles for the nearest coastline.''

SEC. 105. EXCEPTIONS FROM CONFIRMATION AND ESTABLISHMENT OF STATES' TITLE, POWER, AND RIGHTS.

Section 5 of the Submerged Lands Act (43 U.S.C. 1313) is amended—

(1) by redesignating paragraphs (a) through (c) in order as paragraphs (1) through (3);

(2) by inserting ''(a)'' before ''There is excepted''; and

(3) by inserting at the end the following:

''(b) EXCEPTION OF OIL AND GAS MINERAL RIGHTS.—There is excepted from the operation of sections 3 and 4 all of the oil and gas mineral rights for lands beneath the navigable waters that are located within the expanded offshore State seaward boundaries established under this Act. These oil and gas mineral rights shall remain Federal property and shall be considered to be part of the Federal outer Continental Shelf for purposes of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and subject to leasing under the authority of that Act and to laws applicable to the leasing of the oil and gas resources of the Federal outer Continental Shelf. All existing Federal oil and gas leases within the expanded offshore State seaward boundaries shall continue unchanged by the provisions of this Act, except as otherwise provided herein. However, a State may exercise all of its sovereign powers of taxation within the entire extent of its expanded offshore State boundaries.''.

SEC. 106. DEFINITIONS UNDER THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—

(1) by amending paragraph (f) to read as follows:

''(f) The term 'affected State' means the 'Adjacent State'.'';

(2) by striking the semicolon at the end of each of paragraphs (a) through (o) and inserting a period;

(3) by striking ''; and'' at the end of paragraph (p) and inserting a period;

(4) by adding at the end the following:

''(r) The term 'Adjacent State' means, with respect to any program, plan, lease sale, leased tract or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, any State the laws of which are declared, pursuant to section 4(a)(2), to be the law of the United States for the portion of the outer Continental Shelf on which such program, plan, lease sale, leased tract or activity appertains or is, or is proposed to be, conducted. For purposes of this paragraph, the term 'State' includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, and the other Territories of the United States.

''(s) The term 'Adjacent Zone' means, with respect to any program, plan, lease sale, leased tract, or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, the portion of the outer Continental Shelf for which the laws of a particular Adjacent State are declared, pursuant to section 4(a)(2), to be the law of the United States.

''(t) The term 'miles' means statute miles.

''(u) The term 'coastline' has the same meaning as the term 'coast line' as defined in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

''(v) The term 'Neighboring State' means a coastal State having a common boundary at the coastline with the Adjacent State.''; and

(5) in paragraph (a), by inserting after ''control'' the following: ''or lying within the United States exclusive economic zone adjacent to the Territories of the United States''.

SEC. 107. DETERMINATION OF ADJACENT ZONES AND PLANNING AREAS.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended in the first sentence by striking '', and the President'' and all that follows through the end of the sentence and inserting the following: ''. The lines extending seaward and defining each State's Adjacent Zone, and each OCS Planning Area, are as indicated on the maps for each outer Continental Shelf region entitled 'Alaska OCS Region State Adjacent Zone and OCS Planning Areas', 'Pacific OCS Region State Adjacent Zones and OCS Planning Areas', 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas', and 'Atlantic OCS Region State Adjacent Zones and OCS Planning Areas', all of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service.''.

SEC. 108. ADMINISTRATION OF LEASING.

Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following:

''(k) VOLUNTARY PARTIAL RELINQUISHMENT OF A LEASE.—Any lessee of a producing lease may relinquish to the Secretary any portion of a lease that the lessee has no interest in producing and that the Secretary finds is geologically prospective. In return for any such relinquishment, the Secretary shall provide to the lessee a royalty incentive for the portion of the lease retained by the lessee, in accordance with regulations promulgated by the Secretary to carry out this subsection. The Secretary shall publish final regulations implementing this subsection within 365 days after the date of the enactment of the Deep Ocean Energy Resources Act of 2008.

''(l) NATURAL GAS LEASE REGULATIONS.—Not later than July 1, 2010, the Secretary shall publish a final regulation that shall—

''(1) establish procedures for entering into natural gas leases;

''(2) ensure that natural gas leases are only available for tracts on the outer Continental Shelf that are wholly within 100 miles of the coastline within an area withdrawn from disposition by leasing on the day after the date of enactment of the Deep Ocean Energy Resources Act of 2008;

''(3) provide that natural gas leases shall contain the same rights and obligations established for oil and gas leases, except as otherwise provided in the Deep Ocean Energy Resources Act of 2008;

''(4) provide that, in reviewing the adequacy of bids for natural gas leases, the value of any crude oil estimated to be contained within any tract shall be excluded;

''(5) provide that any crude oil produced from a well and reinjected into the leased tract shall not be subject to payment of royalty, and that the Secretary shall consider, in setting the royalty rates for a natural gas lease, the additional cost to the lessee of not producing any crude oil; and

''(6) provide that any Federal law that applies to an oil and gas lease on the outer Continental Shelf shall apply to a natural

gas lease unless otherwise clearly inapplicable.''.

SEC. 109. GRANT OF LEASES BY SECRETARY.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended—

(1) in subsection (a)(1) by inserting after the first sentence the following: ''Further, the Secretary may grant natural gas leases in a manner similar to the granting of oil and gas leases and under the various bidding systems available for oil and gas leases.'';

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

''The Secretary may issue more than one lease for a given tract if each lease applies to a separate and distinct range of vertical depths, horizontal surface area, or a combination of the two. The Secretary may issue regulations that the Secretary determines are necessary to manage such leases consistent with the purposes of this Act.'';

(3) by amending subsection (p)(2)(B) to read as follows:

''(B) The Secretary shall provide for the payment to coastal States, and their local coastal governments, of 75 percent of Federal receipts from projects authorized under this section located partially or completely within the area extending seaward of State submerged lands out to 4 marine leagues from the coastline, and the payment to coastal States of 50 percent of the receipts from projects completely located in the area more than 4 marine leagues from the coastline. Payments shall be based on a formula established by the Secretary by rulemaking no later than 180 days after the date of the enactment of the Deep Ocean Energy Resources Act of 2008 that provides for equitable distribution, based on proximity to the project, among coastal States that have coastline that is located within 200 miles of the geographic center of the project.''.

(4) by adding at the end the following:

''(q) NATURAL GAS LEASES.—

''(1) RIGHT TO PRODUCE NATURAL GAS.—A lessee of a natural gas lease shall have the right to produce the natural gas from a field on a natural gas leased tract if the Secretary estimates that the discovered field has at least 40 percent of the economically recoverable Btu content of the field contained within natural gas and such natural gas is economical to produce.

''(2) CRUDE OIL.—A lessee of a natural gas lease may not produce crude oil from the lease unless the Governor of the Adjacent State agrees to such production.

''(3) ESTIMATES OF BTU CONTENT.—The Secretary shall make estimates of the natural gas Btu content of discovered fields on a natural gas lease only after the completion of at least one exploration well, the data from which has been tied to the results of a three-dimensional seismic survey of the field. The Secretary may not require the lessee to further delineate any discovered field prior to making such estimates.

''(4) DEFINITION OF NATURAL GAS.—For purposes of a natural gas lease, natural gas means natural gas and all substances produced in association with gas, including, but not limited to, hydrocarbon liquids (other than crude oil) that are obtained by the condensation of hydrocarbon vapors and separate out in liquid form from the produced gas stream.

''(r) REMOVAL OF RESTRICTIONS ON JOINT BIDDING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—Restrictions on joint bidders shall no longer apply to tracts located in the Alaska OCS Region. Such restrictions shall not apply to tracts in other OCS regions determined to be 'frontier tracts' or otherwise 'high cost tracts' under final regulations that shall be published by the Secretary by not later than 365 days after the date of the enactment of the Deep Ocean Energy Resources Act of 2008.

''(s) ROYALTY SUSPENSION PROVISIONS.—After the date of the enactment of the Deep Ocean Energy Resources Act of 2008, price thresholds shall apply to any royalty suspension volumes granted by the Secretary. Unless otherwise set by Secretary by regulation or for a particular lease sale, the price thresholds shall be $40.50 for oil (January 1, 2006 dollars) and $6.75 for natural gas (January 1, 2006 dollars).

''(t) CONSERVATION OF RESOURCES FEES.—Not later than one year after the date of the enactment of the Deep Ocean Energy Resources Act of 2008, the Secretary by regulation shall establish a conservation of resources fee for nonproducing leases that will apply to new and existing leases which shall be set at $3.75 per acre per year. This fee shall apply from and after October 1, 2008, and shall be treated as offsetting receipts.'';

(5) by striking subsection (a)(3)(A) and redesignating the subsequent subparagraphs as subparagraphs (A) and (B), respectively;

(6) in subsection (a)(3)(A) (as so redesignated) by striking ''In the Western'' and all that follows through ''the Secretary'' the first place it appears and inserting ''The Secretary''; and

(7) effective October 1, 2008, in subsection (g)—

(A) by striking all after ''(g)'', except paragraph (3);

(B) by striking the last sentence of paragraph (3); and

(C) by striking ''(3)''.

SEC. 110. DISPOSITION OF RECEIPTS.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended—

(1) by designating the existing text as subsection (a);

(2) in subsection (a) (as so designated) by inserting '', if not paid as otherwise provided in this title'' after ''receipts''; and

(3) by adding the following:

''(b) TREATMENT OF OCS RECEIPTS FROM TRACTS COMPLETELY WITHIN 100 MILES OF THE COASTLINE.—

''(1) DEPOSIT.—The Secretary shall deposit into a separate account in the Treasury the portion of OCS Receipts for each fiscal year that will be shared under paragraphs (2), (3), and (4).

''(2) PHASED-IN RECEIPTS SHARING.—

''(A) Beginning October 1, 2008, the Secretary shall share OCS Receipts derived from the following areas:

''(i) Lease tracts located on portions of the Gulf of Mexico OCS Region completely beyond 4 marine leagues from any coastline and completely within 100 miles of any coastline that were available for leasing under the 2002–2007 5-Year OCS Oil and Gas Leasing Program.

''(ii) Lease tracts in production prior to October 1, 2008, completely beyond 4 marine leagues from any coastline and completely within 100 miles of any coastline located on portions of the OCS that were not available for leasing under the 2002–2007 5-Year OCS Oil and Gas Leasing Program.

''(iii) Lease tracts for which leases are issued prior to October 1, 2008, located in the Alaska OCS Region completely beyond 4 marine leagues from any coastline and completely within 100 miles of the coastline.

''(B) The Secretary shall share the following percentages of OCS Receipts from the leases described in subparagraph (A) derived during the fiscal year indicated:

''(i) For fiscal year 2009, 5 percent.

''(ii) For fiscal year 2010, 8 percent.

''(iii) For fiscal year 2011, 11 percent.

''(iv) For fiscal year 2012, 14 percent.

''(v) For fiscal year 2013, 17 percent.

''(vi) For fiscal year 2014, 20 percent.

''(vii) For fiscal year 2015, 23 percent.

''(viii) For fiscal year 2016, 26 percent.

''(ix) For fiscal year 2017, 29 percent.

''(x) For fiscal year 2018, 32 percent.

''(xi) For fiscal year 2019, 35 percent.

''(xii) For fiscal year 2020 and each subsequent fiscal year, 37.5 percent.

''(C) The provisions of this paragraph shall not apply to leases that could not have been issued but for section 5(k) of this Act or section 6(2) of the Deep Ocean Energy Resources Act of 2008.

''(3) IMMEDIATE RECEIPTS SHARING.—Beginning October 1, 2008, the Secretary shall share 37.50 percent of OCS Receipts derived from all leases located completely beyond 4 marine leagues from any coastline and completely within 100 miles of any coastline not included within the provisions of paragraph (2), and 90 percent of the balance of such OCS Receipts shall be deposited into the American Renewable and Alternative Energy Trust Fund established by section 331 of the American Energy Act.

''(4) RECEIPTS SHARING FROM TRACTS WITHIN 4 MARINE LEAGUES OF ANY COASTLINE.—

''(A) AREAS DESCRIBED IN PARAGRAPH (2).—Beginning October 1, 2008, and continuing through September 30, 2010, the Secretary shall share 25 percent of OCS Receipts derived from all leases located within 4 marine leagues from any coastline within areas described in paragraph (2). For each fiscal year after September 30, 2010, the Secretary shall increase the percent shared in 5 percent increments each fiscal year until the sharing rate for all leases located within 4 marine leagues from any coastline within areas described in paragraph (2) becomes 75 percent.

''(B) AREAS NOT DESCRIBED IN PARAGRAPH (2).—Beginning October 1, 2008, the Secretary shall share 75 percent of OCS receipts derived from all leases located completely or partially within 4 marine leagues from any coastline within areas not described paragraph (2).

''(5) ALLOCATIONS.—The Secretary shall allocate the OCS Receipts deposited into the separate account established by paragraph (1) that are shared under paragraphs (2), (3), and (4) as follows:

''(A) BONUS BIDS.—Deposits derived from bonus bids from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year to the Adjacent State.

''(B) ROYALTIES.—Deposits derived from royalties from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year to the Adjacent State and any other producing State or States with a leased tract within its Adjacent Zone within 100 miles of its coastline that generated royalties during the fiscal year, if the other producing or States have a coastline point within 300 miles of any portion of the leased tract, in which case the amount allocated for the leased tract shall be—

''(i) one-third to the Adjacent State; and

''(ii) two-thirds to each producing State, including the Adjacent State, inversely proportional to the distance between the nearest point on the coastline of the producing State and the geographic center of the leased tract.

''(c) TREATMENT OF OCS RECEIPTS FROM TRACTS PARTIALLY OR COMPLETELY BEYOND 100 MILES OF THE COASTLINE.—

''(1) DEPOSIT.—The Secretary shall deposit into a separate account in the Treasury the

portion of OCS Receipts for each fiscal year that will be shared under paragraphs (2) and (3).

''(2) PHASED-IN RECEIPTS SHARING.—

''(A) Beginning October 1, 2008, the Secretary shall share OCS Receipts derived from the following areas:

''(i) Lease tracts located on portions of the Gulf of Mexico OCS Region partially or completely beyond 100 miles of any coastline that were available for leasing under the 2002–2007 5-Year OCS Oil and Gas Leasing Program.

''(ii) Lease tracts in production prior to October 1, 2008, partially or completely beyond 100 miles of any coastline located on portions of the OCS that were not available for leasing under the 2002–2007 5-Year OCS Oil and Gas Leasing Program.

''(iii) Lease tracts for which leases are issued prior to October 1, 2008, located in the Alaska OCS Region partially or completely beyond 100 miles of the coastline.

''(B) The Secretary shall share the following percentages of OCS Receipts from the leases described in subparagraph (A) derived during the fiscal year indicated:

''(i) For fiscal year 2009, 5 percent.

''(ii) For fiscal year 2010, 8 percent.

''(iii) For fiscal year 2011, 11 percent.

''(iv) For fiscal year 2012, 14 percent.

''(v) For fiscal year 2013, 17 percent.

''(vi) For fiscal year 2014, 20 percent.

''(vii) For fiscal year 2015, 23 percent.

''(viii) For fiscal year 2016, 26 percent.

''(ix) For fiscal year 2017, 29 percent.

''(x) For fiscal year 2018, 32 percent.

''(xi) For fiscal year 2019, 35 percent.

''(xii) For fiscal year 2020 and each subsequent fiscal year, 37.5 percent.

''(C) The provisions of this paragraph shall not apply to leases that could not have been issued but for section 5(k) of this Act or section 106(2) of the Deep Ocean Energy Resources Act of 2008.

''(3) IMMEDIATE RECEIPTS SHARING.—Beginning October 1, 2008, the Secretary shall share 37.5 percent of OCS Receipts derived on and after October 1, 2008, from all leases located partially or completely beyond 100 miles of any coastline not included within the provisions of paragraph (2), except that the Secretary shall only share 25 percent of such OCS Receipts derived from all such leases within a State's Adjacent Zone if no leasing is allowed within any portion of that State's Adjacent Zone located completely within 100 miles of any coastline.

''(4) ALLOCATIONS.—The Secretary shall allocate the OCS Receipts deposited into the separate account established by paragraph (1) that are shared under paragraphs (2) and (3) as follows:

''(A) BONUS BIDS.—Deposits derived from bonus bids from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year to the Adjacent State.

''(B) ROYALTIES.—Deposits derived from royalties from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year to the Adjacent State and any other producing State or States with a leased tract within its Adjacent Zone partially or completely beyond 100 miles of its coastline that generated royalties during the fiscal year, if the other producing State or States have a coastline point within 300 miles of any portion of the leased tract, in which case the amount allocated for the leased tract shall be—

''(i) one-third to the Adjacent State; and

''(ii) two-thirds to each producing State, including the Adjacent State, inversely proportional to the distance between the nearest point on the coastline of the producing State and the geographic center of the leased tract.

''(d) TRANSMISSION OF ALLOCATIONS.—

''(1) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Secretary shall transmit—

''(A) to each State 60 percent of such State's allocations under subsections (b)(5)(A), (b)(5)(B), (c)(4)(A), and (c)(4)(B) for the immediate prior fiscal year;

''(B) to each coastal county-equivalent and municipal political subdivisions of such State a total of 40 percent of such State's allocations under subsections (b)(5)(A), (b)(5)(B), (c)(4)(A), and (c)(4)(B), together with all accrued interest thereon; and

''(C) the remaining allocations under subsections (b)(5) and (c)(4), together with all accrued interest thereon.

''(2) ALLOCATIONS TO COASTAL COUNTY-EQUIVALENT POLITICAL SUBDIVISIONS.—The Secretary shall make an initial allocation of the OCS Receipts to be shared under paragraph (1)(B) as follows:

''(A) 25 percent shall be allocated to coastal county-equivalent political subdivisions that are completely more than 25 miles landward of the coastline and at least a part of which lies not more than 75 miles landward from the coastline, with the allocation among such coastal county-equivalent political subdivisions based on population.

''(B) 75 percent shall be allocated to coastal county-equivalent political subdivisions that are completely or partially less than 25 miles landward of the coastline, with the allocation among such coastal county-equivalent political subdivisions to be further allocated as follows:

''(i) 25 percent shall be allocated based on the ratio of such coastal county-equivalent political subdivision's population to the coastal population of all coastal county-equivalent political subdivisions in the State.

''(ii) 25 percent shall be allocated based on the ratio of such coastal county-equivalent political subdivision's coastline miles to the coastline miles of all coastal county-equivalent political subdivisions in the State as calculated by the Secretary. In such calculations, coastal county-equivalent political subdivisions without a coastline shall be considered to have 50 percent of the average coastline miles of the coastal county-equivalent political subdivisions that do have coastlines.

''(iii) 25 percent shall be allocated to all coastal county-equivalent political subdivisions having a coastline point within 300 miles of the leased tract for which OCS Receipts are being shared based on a formula that allocates the funds based on such coastal county-equivalent political subdivision's relative distance from the leased tract.

''(iv) 25 percent shall be allocated to all coastal county-equivalent political subdivisions having a coastline point within 300 miles of the leased tract for which OCS Receipts are being shared based on the relative level of outer Continental Shelf oil and gas activities in a coastal political subdivision compared to the level of outer Continental Shelf activities in all coastal political subdivisions in the State. The Secretary shall define the term 'outer Continental Shelf oil and gas activities' for purposes of this subparagraph to include, but not be limited to, construction of vessels, drillships, and platforms involved in exploration, production, and development on the outer Continental Shelf; support and supply bases, ports, and related activities; offices of geologists, geophysicists, engineers, and other professionals involved in support of exploration, production, and development of oil and gas on the outer Continental Shelf; pipelines and other means of transporting oil and gas production from the outer Continental Shelf; and processing and refining of oil and gas production from the outer Continental Shelf. For purposes of this subparagraph, if a coastal county-equivalent political subdivision does not have a coastline, its coastal point shall be the point on the coastline closest to it.

''(3) ALLOCATIONS TO COASTAL MUNICIPAL POLITICAL SUBDIVISIONS.—The initial allocation to each coastal county-equivalent political subdivision under paragraph (2) shall be further allocated to the coastal county-equivalent political subdivision and any coastal municipal political subdivisions located partially or wholly within the boundaries of the coastal county-equivalent political subdivision as follows:

''(A) One-third shall be allocated to the coastal county-equivalent political subdivision.

''(B) Two-thirds shall be allocated on a per capita basis to the municipal political subdivisions and the county-equivalent political subdivision, with the allocation to the latter based upon its population not included within the boundaries of a municipal political subdivision.

''(e) INVESTMENT OF DEPOSITS.—Amounts deposited under this section shall be invested by the Secretary of the Treasury in securities backed by the full faith and credit of the United States having maturities suitable to the needs of the account in which they are deposited and yielding the highest reasonably available interest rates as determined by the Secretary of the Treasury.

''(f) USE OF FUNDS.—A recipient of funds under this section may use the funds for one or more of the following:

''(1) To reduce in-State college tuition at public institutions of higher learning and otherwise support public education, including career technical education.

''(2) To make transportation infrastructure improvements.

''(3) To reduce taxes.

''(4) To promote, fund, and provide for—

''(A) coastal or environmental restoration;

''(B) fish, wildlife, and marine life habitat enhancement;

''(C) waterways construction and maintenance;

''(D) levee construction and maintenance and shore protection; and

''(E) marine and oceanographic education and research.

''(5) To promote, fund, and provide for—

''(A) infrastructure associated with energy production activities conducted on the outer Continental Shelf;

''(B) energy demonstration projects;

''(C) supporting infrastructure for shore-based energy projects;

''(D) State geologic programs, including geologic mapping and data storage programs, and State geophysical data acquisition;

''(E) State seismic monitoring programs, including operation of monitoring stations;

''(F) development of oil and gas resources through enhanced recovery techniques;

''(G) alternative energy development, including bio fuels, coal-to-liquids, oil shale, tar sands, geothermal, geopressure, wind, waves, currents, hydro, and other renewable energy;

''(H) energy efficiency and conservation programs; and

''(I) front-end engineering and design for facilities that produce liquid fuels from hydrocarbons and other biological matter.

''(6) To promote, fund, and provide for—

''(A) historic preservation programs and projects;

''(B) natural disaster planning and response; and

''(C) hurricane and natural disaster insurance programs.

''(7) For any other purpose as determined by State law.

''(g) NO ACCOUNTING REQUIRED.—No recipient of funds under this section shall be required to account to the Federal Government for the expenditure of such funds, except as otherwise may be required by law. However, States may enact legislation providing for accounting for and auditing of such expenditures. Further, funds allocated under this section to States and political subdivisions may be used as matching funds for other Federal programs.

''(h) EFFECT OF FUTURE LAWS.—Enactment of any future Federal statute that has the effect, as determined by the Secretary, of restricting any Federal agency from spending appropriated funds, or otherwise preventing it from fulfilling its pre-existing responsibilities as of the date of enactment of the statute, unless such responsibilities have been reassigned to another Federal agency by the statute with no prevention of performance, to issue any permit or other approval impacting on the OCS oil and gas leasing program, or any lease issued thereunder, or to implement any provision of this Act shall automatically prohibit any sharing of OCS Receipts under this section directly with the States, and their coastal political subdivisions, for the duration of the restriction. The Secretary shall make the determination of the existence of such restricting effects within 30 days of a petition by any outer Continental Shelf lessee or producing State.

''(i) DEFINITIONS.—In this section:

''(1) COASTAL COUNTY-EQUIVALENT POLITICAL SUBDIVISION.—The term 'coastal county-equivalent political subdivision' means a political jurisdiction immediately below the level of State government, including a county, parish, borough in Alaska, independent municipality not part of a county, parish, or borough in Alaska, or other equivalent subdivision of a coastal State, that lies within the coastal zone.

''(2) COASTAL MUNICIPAL POLITICAL SUBDIVISION.—The term 'coastal municipal political subdivision' means a municipality located within and part of a county, parish, borough in Alaska, or other equivalent subdivision of a State, all or part of which coastal municipal political subdivision lies within the coastal zone.

''(3) COASTAL POPULATION.—The term 'coastal population' means the population of all coastal county-equivalent political subdivisions, as determined by the most recent official data of the Census Bureau.

''(4) COASTAL ZONE.—The term 'coastal zone' means that portion of a coastal State, including the entire territory of any coastal county-equivalent political subdivision at least a part of which lies, within 75 miles landward from the coastline, or a greater distance as determined by State law enacted to implement this section.

''(5) BONUS BIDS.—The term 'bonus bids' means all funds received by the Secretary to issue an outer Continental Shelf minerals lease.

''(6) ROYALTIES.—The term 'royalties' means all funds received by the Secretary from production of oil or natural gas, or the sale of production taken in-kind, from an outer Continental Shelf minerals lease.

''(7) PRODUCING STATE.—The term 'producing State' means an Adjacent State having an Adjacent Zone containing leased tracts from which OCS Receipts were derived.

''(8) OCS RECEIPTS.—The term 'OCS Receipts' means bonus bids, royalties, and conservation of resources fees.''.

SEC. 111. RESERVATION OF LANDS AND RIGHTS.

Section 12 of the Outer Continental Shelf Lands Act (43 U.S.C. 1341) is amended—

(1) in subsection (a) by adding at the end the following: ''The President may partially or completely revise or revoke any prior withdrawal made by the President under the authority of this section. The President may not revise or revoke a withdrawal that is extended by a State under subsection (h), nor may the President withdraw from leasing any area for which a State failed to prohibit, or petition to prohibit, leasing under subsection (g). Further, in the area of the outer Continental Shelf more than 100 miles from any coastline, not more than 25 percent of the acreage of any OCS Planning Area may be withdrawn from leasing under this section at any point in time. A withdrawal by the President may be for a term not to exceed 10 years. When considering potential uses of the outer Continental Shelf, to the maximum extent possible, the President shall accommodate competing interests and potential uses.'';

(2) by adding at the end the following:

''(g) AVAILABILITY FOR LEASING WITHIN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—

''(1) PROHIBITION AGAINST LEASING.—

''(A) UNAVAILABLE FOR LEASING WITHOUT STATE REQUEST.—Except as otherwise provided in this subsection, from and after enactment of the Deep Ocean Energy Resources Act of 2008, the Secretary shall not offer for leasing for oil and gas, or natural gas, any area within 50 miles of the coastline that was withdrawn from disposition by leasing in the Atlantic OCS Region or the Pacific OCS Region, or the Gulf of Mexico OCS Region Eastern Planning Area, as depicted on the maps referred to in this subparagraph, under the 'Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition', 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998, or any area within 50 miles of the coastline not withdrawn under that Memorandum that is included within the Gulf of Mexico OCS Region Eastern Planning Area as indicated on the map entitled 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas' or the Florida Straits Planning Area as indicated on the map entitled 'Atlantic OCS Region State Adjacent Zones and OCS Planning Areas', both of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service.

''(B) AREAS BETWEEN 50 AND 100 MILES FROM THE COASTLINE.—Unless an Adjacent State petitions under subsection (h) within one year after the date of the enactment of the Deep Ocean Energy Resources Act of 2008 for natural gas leasing or by June 30, 2010, for oil and gas leasing, the Secretary shall offer for leasing any area more than 50 miles but less than 100 miles from the coastline that was withdrawn from disposition by leasing in the Atlantic OCS Region, the Pacific OCS Region, or the Gulf of Mexico OCS Region Eastern Planning Area, as depicted on the maps referred to in this subparagraph, under the 'Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition', 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998, or any area more than 50 miles but less than 100 miles of the coastline not withdrawn under that Memorandum that is included within the Gulf of Mexico OCS Region Eastern Planning Area as indicated on the map entitled 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas' or within the Florida Straits Planning Area as indicated on the map entitled 'Atlantic OCS Region State Adjacent Zones and OCS Planning Areas', both of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service.

''(2) PETITION FOR LEASING.—

''(A) IN GENERAL.—The Governor of the State, upon concurrence of its legislature, may submit to the Secretary a petition requesting that the Secretary make available any area that is within the State's Adjacent Zone, included within the provisions of paragraph (1), and that (i) is greater than 25 miles from any point on the coastline of a Neighboring State for the conduct of offshore leasing, pre-leasing, and related activities with respect to natural gas leasing; or (ii) is greater than 50 miles from any point on the coastline of a Neighboring State for the conduct of offshore leasing, pre-leasing, and related activities with respect to oil and gas leasing. The Adjacent State may also petition for leasing any other area within its Adjacent Zone if leasing is allowed in the similar area of the Adjacent Zone of the applicable Neighboring State, or if not allowed, if the Neighboring State, acting through its Governor, expresses its concurrence with the petition. The Secretary shall only consider such a petition upon making a finding that leasing is allowed in the similar area of the Adjacent Zone of the applicable Neighboring State or upon receipt of the concurrence of the Neighboring State. The date of receipt by the Secretary of such concurrence by the Neighboring State shall constitute the date of receipt of the petition for that area for which the concurrence applies.

''(B) LIMITATIONS ON LEASING.—In its petition, a State with an Adjacent Zone that contains leased tracts may condition new leasing for oil and gas, or natural gas for tracts within 25 miles of the coastline by—

''(i) requiring a net reduction in the number of production platforms;

''(ii) requiring a net increase in the average distance of production platforms from the coastline;

''(iii) limiting permanent surface occupancy on new leases to areas that are more than 10 miles from the coastline;

''(iv) limiting some tracts to being produced from shore or from platforms located on other tracts; or

''(v) other conditions that the Adjacent State may deem appropriate as long as the Secretary does not determine that production is made economically or technically impracticable or otherwise impossible.

''(C) ACTION BY SECRETARY.—Not later than 90 days after receipt of a petition under subparagraph (A), the Secretary shall approve the petition, unless the Secretary determines that leasing the area would probably cause serious harm or damage to the marine resources of the State's Adjacent Zone. Prior to approving the petition, the Secretary shall complete an environmental assessment that documents the anticipated environmental effects of leasing in the area included within the scope of the petition.

''(D) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with subparagraph (C) the petition shall be considered to be approved 90 days after receipt of the petition.

''(E) AMENDMENT OF THE 5-YEAR LEASING PROGRAM.—Notwithstanding section 18, within 180 days of the approval of a petition under subparagraph (C) or (D), after the expiration of the time limits in paragraph (1)(B), the Secretary shall amend the current 5-Year Outer Continental Shelf Oil and Gas Leasing Program to include a lease sale or sales for at least 75 percent of the associated areas, unless there are, from the date of approval, expiration of such time limits, as applicable, fewer than 12 months remaining in the current 5-Year Leasing Program in which case the Secretary shall include the associated areas within lease sales under the next 5-Year Leasing Program. For purposes of amending the 5-Year Program in accordance with this section, further consultations with States shall not be required. For purposes of this section, an environmental assessment performed under the provisions of the National Environmental Policy Act of 1969 to assess the effects of approving the petition shall be sufficient to amend the 5-Year Leasing Program.

''(h) OPTION TO EXTEND WITHDRAWAL FROM LEASING WITHIN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—A State, through its Governor and upon the concurrence of its legislature, may extend for a period of time of up to 5 years for each extension the withdrawal from leasing for all or part of any area within the State's Adjacent Zone located more than 50 miles, but less than 100 miles, from the coastline that is subject to subsection (g)(1)(B). A State may extend multiple times for any particular area but not more than once per calendar year for any particular area. A State must prepare separate extensions, with separate votes by its legislature, for oil and gas leasing and for natural gas leasing. An extension by a State may affect some areas to be withdrawn from all leasing and some areas to be withdrawn only from one type of leasing.

''(i) EFFECT OF OTHER LAWS.—Adoption by any Adjacent State of any constitutional provision, or enactment of any State statute, that has the effect, as determined by the Secretary, of restricting either the Governor or the Legislature, or both, from exercising full discretion related to subsection (g) or (h), or both, shall automatically (1) prohibit any sharing of OCS Receipts under this Act with the Adjacent State, and its coastal political subdivisions, and (2) prohibit the Adjacent State from exercising any authority under subsection (h), for the duration of the restriction. The Secretary shall make the determination of the existence of such restricting constitutional provision or State statute within 30 days of a petition by any outer Continental Shelf lessee or coastal State.

''(j) PROHIBITION ON LEASING EAST OF THE MILITARY MISSION LINE.—

''(1) Notwithstanding any other provision of law, from and after the enactment of the Deep Ocean Energy Resources Act of 2008, prior to January 1, 2022, no area of the outer Continental Shelf located in the Gulf of Mexico east of the military mission line may be offered for leasing for oil and gas or natural gas unless a waiver is issued by the Secretary of Defense. If such a waiver is granted, 62.5 percent of the OCS Receipts from a lease within such area issued because of such waiver shall be paid annually to the National Guards of all States having a point within 1000 miles of such a lease, allocated among the States on a per capita basis using the entire population of such States.

''(2) In this subsection, the term 'military mission line' means a line located at 86 degrees, 41 minutes West Longitude, and extending south from the coast of Florida to the outer boundary of United States territorial waters in the Gulf of Mexico.''.

SEC. 112. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a), by adding at the end of paragraph (3) the following: ''The Secretary shall, in each 5-Year Program, include lease sales that when viewed as a whole propose to offer for oil and gas or natural gas leasing at least 75 percent of the available unleased acreage within each OCS Planning Area. Available unleased acreage is that portion of the outer Continental Shelf that is not under lease at the time of the proposed lease sale, and has not otherwise been made unavailable for leasing by law.'';

(2) in subsection (c), by striking so much as precedes paragraph (3) and inserting the following:

''(c)(1) During the preparation of any proposed leasing program under this section, the Secretary shall consider and analyze leasing throughout the entire outer Continental Shelf without regard to any other law affecting such leasing. During this preparation the Secretary shall invite and consider suggestions from any interested Federal agency, including the Attorney General, in consultation with the Federal Trade Commission, and from the Governor of any coastal State. The Secretary may also invite or consider any suggestions from the executive of any local government in a coastal State that have been previously submitted to the Governor of such State, and from any other person. Further, the Secretary shall consult with the Secretary of Defense regarding military operational needs in the outer Continental Shelf. The Secretary shall work with the Secretary of Defense to resolve any conflicts that might arise regarding offering any area of the outer Continental Shelf for oil and gas or natural gas leasing. If the Secretaries are not able to resolve all such conflicts, any unresolved issues shall be elevated to the President for resolution.

''(2) After the consideration and analysis required by paragraph (1), including the consideration of the suggestions received from any interested Federal agency, the Federal Trade Commission, the Governor of any coastal State, any local government of a coastal State, and any other person, the Secretary shall publish in the Federal Register a proposed leasing program accompanied by a draft environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. After the publishing of the proposed leasing program and during the comment period provided for on the draft environmental impact statement, the Secretary shall submit a copy of the proposed program to the Governor of each affected State for review and comment. The Governor may solicit comments from those executives of local governments in the Governor's State that the Governor, in the discretion of the Governor, determines will be affected by the proposed program. If any comment by such Governor is received by the Secretary at least 15 days prior to submission to the Congress pursuant to paragraph (3) and includes a request for any modification of such proposed program, the Secretary shall reply in writing, granting or denying such request in whole or in part, or granting such request in such modified form as the Secretary considers appropriate, and stating the Secretary's reasons therefor. All such correspondence between the Secretary and the Governor of any affected State, together with any additional information and data relating thereto, shall accompany such proposed program when it is submitted to the Congress.''; and

(3) by adding at the end the following:

''(i) PROJECTION OF STATE ADJACENT ZONE RESOURCES AND STATE AND LOCAL GOVERNMENT SHARES OF OCS RECEIPTS.—Concurrent with the publication of the scoping notice at the beginning of the development of each 5-Year Outer Continental Shelf Oil and Gas Leasing Program, or as soon thereafter as possible, the Secretary shall—

''(1) provide to each Adjacent State a current estimate of proven and potential oil and gas resources located within the State's Adjacent Zone; and

''(2) provide to each Adjacent State, and coastal political subdivisions thereof, a best-efforts projection of the OCS Receipts that the Secretary expects will be shared with each Adjacent State, and its coastal political subdivisions, using the assumption that the unleased tracts within the State's Adjacent Zone are fully made available for leasing, including long-term projected OCS Receipts. In addition, the Secretary shall include a macroeconomic estimate of the impact of such leasing on the national economy and each State's economy, including investment, jobs, revenues, personal income, and other categories.''.

SEC. 113. COORDINATION WITH ADJACENT STATES.

Section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345) is amended—

(1) in subsection (a) in the first sentence by inserting '', for any tract located within the Adjacent State's Adjacent Zone,'' after ''government''; and

(2) by adding the following:

''(f)(1) No Federal agency may permit or otherwise approve, without the concurrence of the Adjacent State, the construction of a crude oil or petroleum products (or both) pipeline within the part of the Adjacent State's Adjacent Zone that is withdrawn from oil and gas or natural gas leasing, except that such a pipeline may be approved, without such Adjacent State's concurrence, to pass through such Adjacent Zone if at least 50 percent of the production projected to be carried by the pipeline within its first 10 years of operation is from areas of the Adjacent State's Adjacent Zone.

''(2) No State may prohibit the construction within its Adjacent Zone or its State waters of a natural gas pipeline that will transport natural gas produced from the outer Continental Shelf. However, an Adjacent State may prevent a proposed natural gas pipeline landing location if it proposes two alternate landing locations in the Adjacent State, acceptable to the Adjacent State, located within 50 miles on either side of the proposed landing location.''.

SEC. 114. ENVIRONMENTAL STUDIES.

Section 20(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end the following:

''(2) For all programs, lease sales, leases, and actions under this Act, the following shall apply regarding the application of the National Environmental Policy Act of 1969:

''(A) Granting or directing lease suspensions and the conduct of all preliminary activities on outer Continental Shelf tracts, including seismic activities, are categorically excluded from the need to prepare either an environmental assessment or an environmental impact statement, and the Secretary shall not be required to analyze whether any exceptions to a categorical exclusion apply

for activities conducted under the authority of this Act.

''(B) The environmental impact statement developed in support of each 5-Year Oil and Gas Leasing Program provides the environmental analysis for all lease sales to be conducted under the program and such sales shall not be subject to further environmental analysis.

''(C) Exploration plans shall not be subject to any requirement to prepare an environmental impact statement, and the Secretary may find that exploration plans are eligible for categorical exclusion due to the impacts already being considered within an environmental impact statement or due to mitigation measures included within the plan.

''(D) Within each OCS Planning Area, after the preparation of the first development and production plan environmental impact statement for a leased tract within the Area, future development and production plans for leased tracts within the Area shall only require the preparation of an environmental assessment unless the most recent development and production plan environmental impact statement within the Area was finalized more than 10 years prior to the date of the approval of the plan, in which case an environmental impact statement shall be required.''.

SEC. 115. TERMINATION OF EFFECT OF LAWS PROHIBITING THE SPENDING OF APPROPRIATED FUNDS FOR CERTAIN PURPOSES.

All provisions of existing Federal law prohibiting the spending of appropriated funds to conduct oil and natural gas leasing and preleasing activities, or to issue a lease to any person, for any area of the outer Continental Shelf shall have no force or effect.

SEC. 116. OUTER CONTINENTAL SHELF INCOMPATIBLE USE.

(a) IN GENERAL.—No Federal agency may permit construction or operation (or both) of any facility, or designate or maintain a restricted transportation corridor or operating area on the Federal outer Continental Shelf or in State waters, that will be incompatible with, as determined by the Secretary of the Interior, oil and gas or natural gas leasing and substantially full exploration and production of tracts that are geologically prospective for oil or natural gas (or both).

(b) EXCEPTIONS.—Subsection (a) shall not apply to any facility, transportation corridor, or operating area the construction, operation, designation, or maintenance of which is or will be—

(1) located in an area of the outer Continental Shelf that is unavailable for oil and gas or natural gas leasing by operation of law;

(2) used for a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note); or

(3) required in the national interest, as determined by the President.

SEC. 117. REPURCHASE OF CERTAIN LEASES.

(a) AUTHORITY TO REPURCHASE AND CANCEL CERTAIN LEASES.—The Secretary of the Interior shall repurchase and cancel any Federal oil and gas, geothermal, coal, oil shale, tar sands, or other mineral lease, whether onshore or offshore, but not including any outer Continental Shelf oil and gas leases that were subject to litigation in the Court of Federal Claims on January 1, 2006, if the Secretary finds that such lease qualifies for repurchase and cancellation under the regulations authorized by this section.

(b) REGULATIONS.—Not later than 365 days after the date of the enactment of this Act, the Secretary shall publish a final regulation stating the conditions under which a lease referred to in subsection (a) would qualify for repurchase and cancellation, and the process to be followed regarding repurchase and cancellation. Such regulation shall include, but not be limited to, the following:

(1) The Secretary shall repurchase and cancel a lease after written request by the lessee upon a finding by the Secretary that—

(A) a request by the lessee for a required permit or other approval complied with applicable law, except the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), and terms of the lease and such permit or other approval was denied;

(B) a Federal agency failed to act on a request by the lessee for a required permit, other approval, or administrative appeal within a regulatory or statutory time-frame associated with the requested action, whether advisory or mandatory, or if none, within 180 days; or

(C) a Federal agency attached a condition of approval, without agreement by the lessee, to a required permit or other approval if such condition of approval was not mandated by Federal statute or regulation in effect on the date of lease issuance, or was not specifically allowed under the terms of the lease.

(2) A lessee shall not be required to exhaust administrative remedies regarding a permit request, administrative appeal, or other required request for approval for the purposes of this section.

(3) The Secretary shall make a final agency decision on a request by a lessee under this section within 180 days of request.

(4) Compensation to a lessee to repurchase and cancel a lease under this section shall be the amount that a lessee would receive in a restitution case for a material breach of contract.

(5) Compensation shall be in the form of a check or electronic transfer from the Department of the Treasury from funds deposited into miscellaneous receipts under the authority of the same Act that authorized the issuance of the lease being repurchased.

(6) Failure of the Secretary to make a final agency decision on a request by a lessee under this section within 180 days of request shall result in a 10 percent increase in the compensation due to the lessee if the lease is ultimately repurchased.

(c) NO PREJUDICE.—This section shall not be interpreted to prejudice any other rights that the lessee would have in the absence of this section.

SEC. 118. OFFSITE ENVIRONMENTAL MITIGATION.

Notwithstanding any other provision of law, any person conducting activities under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Geothermal Steam Act (30 U.S.C. 1001 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), the Weeks Act (16 U.S.C. 552 et seq.), the General Mining Act of 1872 (30 U.S.C. 22 et seq.), the Materials Act of 1947 (30 U.S.C. 601 et seq.), or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), may in satisfying any mitigation requirements associated with such activities propose mitigation measures on a site away from the area impacted and the Secretary of the Interior shall accept these proposed measures if the Secretary finds that they generally achieve the purposes for which mitigation measures appertained.

SEC. 119. OCS REGIONAL HEADQUARTERS.

Not later than July 1, 2010, the Secretary of the Interior shall establish the headquarters for the Atlantic OCS Region, the headquarters for the Gulf of Mexico OCS Region, and the headquarters for the Pacific OCS Region within a State bordering the Atlantic OCS Region, a State bordering the Gulf of Mexico OCS Region, and a State bordering the Pacific OCS Region, respectively, from among the States bordering those Regions, that petitions by no later than January 1, 2010, for leasing, for oil and gas or natural gas, covering at least 40 percent of the area of its Adjacent Zone within 100 miles of the coastline. Such Atlantic and Pacific OCS Regions headquarters shall be located within 25 miles of the coastline and each MMS OCS regional headquarters shall be the permanent duty station for all Minerals Management Service personnel that on a daily basis spend on average 60 percent or more of their time in performance of duties in support of the activities of the respective Region, except that the Minerals Management Service may house regional inspection staff in other locations. Each OCS Region shall each be led by a Regional Director who shall be an employee within the Senior Executive Service.

SEC. 120. LEASES FOR AREAS LOCATED WITHIN 100 MILES OF CALIFORNIA OR FLORIDA.

(a) AUTHORIZATION TO CANCEL AND EXCHANGE CERTAIN EXISTING OIL AND GAS LEASES; PROHIBITION ON SUBMITTAL OF EXPLORATION PLANS FOR CERTAIN LEASES PRIOR TO JUNE 30, 2012.—

(1) AUTHORITY.—Within 2 years after the date of enactment of this Act, the lessee of an existing oil and gas lease for an area located completely within 100 miles of the coastline within the California or Florida Adjacent Zones shall have the option, without compensation, of exchanging such lease for a new oil and gas lease having a primary term of 5 years. For the area subject to the new lease, the lessee may select any unleased tract on the outer Continental Shelf that is in an area available for leasing. Further, with the permission of the relevant Governor, such a lessee may convert its existing oil and gas lease into a natural gas lease having a primary term of 5 years and covering the same area as the existing lease or another area within the same State's Adjacent Zone within 100 miles of the coastline.

(2) ADMINISTRATIVE PROCESS.—The Secretary of the Interior shall establish a reasonable administrative process to implement paragraph (1). Exchanges and conversions under subsection (a), including the issuance of new leases, shall not be considered to be major Federal actions for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Further, such actions conducted in accordance with this section are deemed to be in compliance all provisions of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) OPERATING RESTRICTIONS.—A new lease issued in exchange for an existing lease under this section shall be subject to such national defense operating stipulations on the OCS tract covered by the new lease as may be applicable upon issuance.

(4) PRIORITY.—The Secretary shall give priority in the lease exchange process based on the amount of the original bonus bid paid for the issuance of each lease to be exchanged. The Secretary shall allow leases covering partial tracts to be exchanged for leases covering full tracts conditioned upon payment of additional bonus bids on a per-acre basis as determined by the average per acre of the original bonus bid per acre for the partial tract being exchanged.

(5) EXPLORATION PLANS.—Any exploration plan submitted to the Secretary of the Interior after the date of the enactment of this

Act and before July 1, 2012, for an oil and gas lease for an area wholly within 100 miles of the coastline within the California Adjacent Zone or Florida Adjacent Zone shall not be treated as received by the Secretary until the earlier of July 1, 2012, or the date on which a petition by the Adjacent State for oil and gas leasing covering the area within which is located the area subject to the oil and gas lease was approved.

(b) FURTHER LEASE CANCELLATION AND EXCHANGE PROVISIONS.—

(1) CANCELLATION OF LEASE.—As part of the lease exchange process under this section, the Secretary shall cancel a lease that is exchanged under this section.

(2) CONSENT OF LESSEES.—All lessees holding an interest in a lease must consent to cancellation of their leasehold interests in order for the lease to be cancelled and exchanged under this section.

(3) WAIVER OF RIGHTS.—As a prerequisite to the exchange of a lease under this section, the lessee must waive any rights to bring any litigation against the United States related to the transaction.

(4) PLUGGING AND ABANDONMENT.—The plugging and abandonment requirements for any wells located on any lease to be cancelled and exchanged under this section must be complied with by the lessees prior to the cancellation and exchange.

(c) AREA PARTIALLY WITHIN 100 MILES OF FLORIDA.—An existing oil and gas lease for an area located partially within 100 miles of the coastline within the Florida Adjacent Zone may only be developed and produced using wells drilled from well-head locations at least 100 miles from the coastline to any bottom-hole location on the area of the lease. This subsection shall not apply if Florida has petitioned for leasing closer to the coastline than 100 miles.

(d) EXISTING OIL AND GAS LEASE DEFINED.—In this section the term ''existing oil and gas lease'' means an oil and gas lease in effect on the date of the enactment of this Act.

SEC. 121. COASTAL IMPACT ASSISTANCE.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is repealed.

SEC. 122. REPEAL OF THE GULF OF MEXICO ENERGY SECURITY ACT OF 2006.

The Gulf of Mexico Energy Security Act of 2006 is repealed effective October 1, 2008.

Subtitle B—ANWR

SEC. 141. SHORT TITLE.

This subtitle may be cited as the ''American Energy Independence and Price Reduction Act''.

SEC. 142. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) SECRETARY.—The term ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 143. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this subtitle and acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this subtitle that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this subtitle shall be completed within 18 months after the date of enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the Special Area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. 144. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons,

taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this subtitle within 22 months after the date of the enactment of this Act;

(2) evaluate the bids in such sale and issue leases resulting from such sale, within 90 days after the date of the completion of such sale; and

(3) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 145. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 144 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 146. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this subtitle shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, subsistence resources, and the environment as required pursuant to section 143(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this subtitle and the regulations issued under this subtitle.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this subtitle and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 147. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 143, administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, subsistence resources, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require compliance with all applicable provisions of Federal and State environmental law, and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on general public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this subtitle, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LANDS.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 148. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this subtitle, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this subtitle and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this subtitle shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 149. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this subtitle—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 152(d), 90 percent of the balance shall be deposited into the American Renewable and Alternative Energy Trust Fund established by section 331.

(b) PAYMENTS TO ALASKA.—Payments to the State of Alaska under this section shall be made semiannually.

SEC. 150. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170 and 3171).

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 143(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 151. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 152. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this subtitle.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, the City of Kaktovik, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, as determined by the Secretary, shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects;

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including fire-fighting, police, water, waste treatment, medivac, and medical services; and

(4) establishment of a coordination office, by the North Slope Borough, in the City of Kaktovik, which shall—

(A) coordinate with and advise developers on local conditions, impact, and history of the areas utilized for development; and

(B) provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report on the status of coordination between developers and the communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties from Federal leases and lease sales authorized under this subtitle.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

Subtitle C—Oil Shale

SEC. 161. REPEAL.

Section 433 of the Consolidated Appropriations Act, 2008 is repealed.

TITLE II—CONSERVATION AND EFFICIENCY

Subtitle A—Tax Incentives for Fuel Efficiency

SEC. 201. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE DOLLAR LIMITATION.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

''(2) BASE AMOUNT.—The amount determined under this paragraph is $3,000.

''(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

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

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

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle (as defined in section 30(c)(2))—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use or lease by the taxpayer and not for resale,

''(C) which is made by a manufacturer,

''(D) which has a gross vehicle weight rating of less than 14,000 pounds,

''(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity.

''(2) EXCEPTION.—The term 'new qualified plug-in electric drive motor vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

''(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent for the first 2 calendar quarters of the phaseout period,

''(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(C) 0 percent for each calendar quarter thereafter.

''(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(f) SPECIAL RULES.—

''(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

''(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) of such Code is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code is amended—

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

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

(3) by striking the period at the end of paragraph (31) and inserting '', plus'', and

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

''(32) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B) of such Code is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2) of such Code is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1) of such Code is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) of such Code is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(f)(1).''.

(3) Section 6501(m) of such Code is amended by inserting ''30D(f)(4),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 30D. New qualified plug-in electric drive motor vehicles.''.

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) of such Code is amended to read as follows:

''(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) of such Code is amended by striking ''sections 27, 30, and 30B'' and inserting ''sections 27 and 30''.

(B) Paragraph (3) of section 55(c) of such Code is amended by striking ''30B(g)(2),''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 202. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLES.

Paragraph (4) of section 30B(j) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

SEC. 203. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

Paragraph (1) of section 30C(g) of the Internal Revenue Code of 1986 is amended by striking ''hydrogen,'' inserting ''hydrogen or alternative fuels (as defined in section 30B(e)(4)(B)),''.

Subtitle B—Tapping America's Ingenuity and Creativity

SEC. 211. DEFINITIONS.

In this subtitle:

(1) ADMINISTERING ENTITY.—The term ''administering entity'' means the entity with which the Secretary enters into an agreement under section 214(c).

(2) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 212. STATEMENT OF POLICY.

It is the policy of the United States to provide incentives to encourage the development and implementation of innovative energy technologies and new energy sources that will reduce our reliance on foreign energy.

SEC. 213. PRIZE AUTHORITY.

(a) IN GENERAL.—The Secretary shall carry out a program to competitively award cash prizes in conformity with this subtitle to advance the research, development, demonstration, and commercial application of innovative energy technologies and new energy sources.

(b) ADVERTISING AND SOLICITATION OF COMPETITORS.—

(1) ADVERTISING.—The Secretary shall widely advertise prize competitions to encourage broad participation in the program carried out under subsection (a), including individuals, universities, communities, and large and small businesses.

(2) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize.

(c) ADMINISTERING THE COMPETITION.—The Secretary may enter into an agreement with a private, nonprofit entity to administer the prize competitions, subject to the provisions of this subtitle. The administering entity shall perform the following functions:

(1) Advertise the competition and its results.

(2) Raise funds from private entities and individuals to pay for administrative costs and cash prizes.

(3) Develop, in consultation with and subject to the final approval of the Secretary, criteria to select winners based upon the goal of safely and adequately storing nuclear used fuel.

(4) Determine, in consultation with and subject to the final approval of the Secretary, the appropriate amount of the awards.

(5) Protect against the administering entity's unauthorized use or disclosure of a registered participant's intellectual property, trade secrets, and confidential business information. Any information properly identified as trade secrets or confidential business information that is submitted by a participant as part of a competitive program under this subtitle may be withheld from public disclosure.

(6) Develop and promulgate sufficient rules to define the parameters of designing and proposing innovative energy technologies and new energy sources with input from industry, citizens, and corporations familiar with such activities.

(d) FUNDING SOURCES.—Prizes under this subtitle may consist of Federal appropriated funds, funds provided by the administering entity, or funds raised through grants or donations. The Secretary may accept funds from other Federal agencies for such cash prizes and, notwithstanding section 3302(b) of title 31, United States Code, may use such funds for the cash prize program. Other than publication of the names of prize sponsors, the Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the Secretary or administering entity.

(e) ANNOUNCEMENT OF PRIZES.—The Secretary may not publish a notice required by subsection (b)(2) until all the funds needed to pay out the announced amount of the prize have been appropriated to the Department or the Department has received from the administering entity a written commitment to provide all necessary funds.

SEC. 214. ELIGIBILITY.

To be eligible to win a prize under this subtitle, an individual or entity—

(1) shall notify the administering entity of intent to submit ideas and intent to collect the prize upon selection;

(2) shall comply with all the requirements stated in the Federal Register notice required under section 213(b)(2);

(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of the United States;

(4) shall not be a Federal entity, a Federal employee acting within the scope of his or her employment, or an employee of a national laboratory acting within the scope of employment;

(5) shall not use Federal funding or other Federal resources to compete for the prize; and

(6) shall not be an entity acting on behalf of any foreign government or agent.

SEC. 215. INTELLECTUAL PROPERTY.

The Federal Government shall not, by virtue of offering or awarding a prize under this subtitle, be entitled to any intellectual property rights derived as a consequence of, or in direct relation to, the participation by a registered participant in a competition authorized by this subtitle. This section shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this subtitle. The Federal Government may seek assurances that technologies for which prizes are awarded under this subtitle are offered for commercialization in the event an award recipient does not take, or is not expected to take within a reasonable time, effective steps to achieve practical application of the technology.

SEC. 216. WAIVER OF LIABILITY.

The Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants' participation in a competition under this subtitle. The Secretary shall give notice of any waiver required under this section in the notice required by section 213(b)(2). The Secretary may not require a registered participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the administering entity of the registered participant's intellectual property, trade secrets, or confidential business information.

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

(a) AWARDS.—40 percent of amounts in the American Energy Trust Fund shall be available without further appropriation to carry out specified provisions of this section.

(b) TREATMENT OF AWARDS.—Amounts received pursuant to an award under this subtitle may not be taxed by any Federal, State, or local authority.

(c) ADMINISTRATION.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary for each of fiscal years 2009 through 2020 $2,000,000 for the administrative costs of carrying out this subtitle.

(d) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this subtitle shall remain available until expended and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 11 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this subtitle permits obligation or payment of funds in violation of section 1341 of title 31, United States Code.

SEC. 218. NEXT GENERATION AUTOMOBILE PRIZE PROGRAM.

The Secretary of Energy shall establish a program to award a prize in the amount of $500,000,000 to the first automobile manufacturer incorporated in the United States to manufacture and sell in the United States 50,000 midsized sedan automobiles which operate on gasoline and can travel 100 miles per gallon.

SEC. 219. ADVANCED BATTERY MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term ''advanced battery'' means an electrical storage device suitable for vehicle applications.

(2) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) incorporation of qualifying components into the design of advanced batteries; and

(B) design of tooling and equipment and developing manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced batteries.

(b) ADVANCED BATTERY MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to advanced battery manufacturers to pay not more than 30 percent of the cost of reequipping, expanding, or establishing a manufacturing facility in the United States to produce advanced batteries.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than $100,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) FEES.—The cost of administering a loan made under this section shall not exceed $100,000.

(f) SET ASIDE FOR SMALL MANUFACTURERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term ''covered firm'' means a firm that—

(A) employs fewer than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the American Energy Trust Fund such sums as are necessary to carry out this section for each of fiscal years 2009 through 2013.

Subtitle C—Home and Business Tax Incentives

SEC. 221. EXTENSION OF CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M of the Internal Revenue Code of 1986 (relating to applicable amount) is amended by striking ''calendar year 2006 or 2007'' each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting ''calendar year 2006, 2007, 2008, 2009, 2010, 2011, 2012, or 2013''.

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) of such Code (relating to aggregate credit amount allowed) is amended by inserting ''beginning after December 31, 2007'' after ''for all prior taxable years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 222. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 223. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Section 25D(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 224. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 225. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 226. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) IN GENERAL.—Paragraph (3) of section 451(i) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) of such Code is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

SEC. 227. HOME ENERGY AUDITS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

''SEC. 25E. HOME ENERGY AUDITS.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the amount of qualified energy audit paid or incurred by the taxpayer during the taxable year.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—The amount allowed as a credit under subsection (a) with respect to a residence of the taxpayer for a taxable year shall not exceed $400.

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

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

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

''(c) QUALIFIED ENERGY AUDIT.—For purposes of this section, the term 'qualified energy audit' means an energy audit of the principal residence of the taxpayer performed by a qualified energy auditor through a comprehensive site visit. Such audit may include a blower door test, an infra-red camera test, and a furnace combustion efficiency test. In addition, such audit shall include such substitute tests for the tests specified in the preceding sentence, and such additional tests, as the Secretary may by regulation require. A principal residence shall not be taken into consideration under this subparagraph unless such residence is located in the United States.

''(d) PRINCIPAL RESIDENCE.—For purposes of this section, the term 'principal residence' has the same meaning as when used in section 121.

''(e) QUALIFIED ENERGY AUDITOR.—

''(1) IN GENERAL.—The Secretary shall specify by regulations the qualifications required to be a qualified energy auditor for purposes of this section. Such regulations shall include rules prohibiting conflicts-of-interest, including the disallowance of commissions or other payments based on goods or non-audit services purchased by the taxpayer from the auditor.

''(2) CERTIFICATION.—The Secretary shall prescribe the procedures and methods for certifying that an auditor is a qualified energy auditor. To the maximum extent practicable, such procedures and methods shall provide for a variety of sources to obtain certifications.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 23(b)(4)(B) of the Internal Revenue Code of 1986 is amended by inserting ''and section 25E'' after ''this section''.

(2) Section 23(c)(1) of such Code is amended by inserting '', 25E,'' after ''25D''.

(3) Section 24(b)(3)(B) of such Code is amended by striking ''and 25B'' and inserting '', 25B, and 25E''.

(4) Clauses (i) and (ii) of section 25(e)(1)(C) of such Code are each amended by inserting ''25E,'' after ''25D,''.

(5) Section 25B(g)(2) of such Code is amended by striking ''section 23'' and inserting ''sections 23 and 25E''.

(6) Section 25D(c)(1) of such Code is amended by inserting ''and section 25E'' after ''this section''.

(7) Section 25D(c)(2) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.

(8) The table of sections for subpart A of part IV of subchapter A chapter 1 of such Code is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Home energy audits.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by paragraphs (1) and (3) of subsection (b) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 228. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS.

(a) IN GENERAL.—Section 168(e)(3)(B) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any qualified smart electric meter.''.

(b) DEFINITION.—Section 168(i) of such Code is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) of such Code is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

Subtitle D—Refinery Permit Process Schedule

SEC. 231. SHORT TITLE.

This subtitle may be cited as the ''Refinery Permit Process Schedule Act''.

SEC. 232. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''Administrator'' means the Administrator of the Environmental Protection Agency;

(2) the term ''applicant'' means a person who (with the approval of the governor of the State, or in the case of Native American tribes or tribal territories the designated leader of the tribe or tribal community, where the proposed refinery would be located) is seeking a Federal refinery authorization;

(3) the term ''biomass'' has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005;

(4) the term ''Federal refinery authorization''—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, licenses, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery;

(5) the term ''refinery'' means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or distillate;

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline or diesel as its primary output; or

(C) a facility designed and operated to receive, load, unload, store, transport, process (including biochemical, photochemical, and biotechnology processes), and refine biomass in order to produce biofuel; and

(6) the term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 233. STATE ASSISTANCE.

(a) STATE ASSISTANCE.—At the request of a governor of a State, or in the case of Native American tribes or tribal territories the designated leader of the tribe or tribal community, the Administrator is authorized to provide financial assistance to that State or tribe or tribal community to facilitate the hiring of additional personnel to assist the State or tribe or tribal community with expertise in fields relevant to consideration of Federal refinery authorizations.

(b) OTHER ASSISTANCE.—At the request of a governor of a State, or in the case of Native American tribes or tribal territories the designated leader of the tribe or tribal community, a Federal agency responsible for a Federal refinery authorization shall provide technical, legal, or other nonfinancial assistance to that State or tribe or tribal community to facilitate its consideration of Federal refinery authorizations.

SEC. 234. REFINERY PROCESS COORDINATION AND PROCEDURES.

(a) APPOINTMENT OF FEDERAL COORDINATOR.—

(1) IN GENERAL.—The President shall appoint a Federal coordinator to perform the responsibilities assigned to the Federal coordinator under this subtitle.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Federal coordinator.

(b) FEDERAL REFINERY AUTHORIZATIONS.—

(1) MEETING PARTICIPANTS.—Not later than 30 days after receiving a notification from an applicant that the applicant is seeking a Federal refinery authorization pursuant to Federal law, the Federal coordinator appointed under subsection (a) shall convene a meeting of representatives from all Federal and State agencies responsible for a Federal refinery authorization with respect to the refinery. The governor of a State shall identify each agency of that State that is responsible for a Federal refinery authorization with respect to that refinery.

(2) MEMORANDUM OF AGREEMENT.—(A) Not later than 90 days after receipt of a notification described in paragraph (1), the Federal coordinator and the other participants at a meeting convened under paragraph (1) shall establish a memorandum of agreement setting forth the most expeditious coordinated schedule possible for completion of all Federal refinery authorizations with respect to the refinery, consistent with the full substantive and procedural review required by Federal law. If a Federal or State agency responsible for a Federal refinery authorization with respect to the refinery is not represented at such meeting, the Federal coordinator shall ensure that the schedule accommodates those Federal refinery authorizations, consistent with Federal law. In the event of conflict among Federal refinery authorization scheduling requirements, the requirements of the Environmental Protection Agency shall be given priority.

(B) Not later than 15 days after completing the memorandum of agreement, the Federal coordinator shall publish the memorandum of agreement in the Federal Register.

(C) The Federal coordinator shall ensure that all parties to the memorandum of agreement are working in good faith to carry out the memorandum of agreement, and shall facilitate the maintenance of the schedule established therein.

(c) CONSOLIDATED RECORD.—The Federal coordinator shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Federal coordinator or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (d) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Federal coordinator for further development of the consolidated record.

(d) REMEDIES.—

(1) IN GENERAL.—The United States District Court for the district in which the proposed refinery is located shall have exclusive jurisdiction over any civil action for the review of the failure of an agency or official to act on a Federal refinery authorization in accordance with the schedule established pursuant to the memorandum of agreement.

(2) STANDING.—If an applicant or a party to a memorandum of agreement alleges that a

failure to act described in paragraph (1) has occurred and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, such applicant or other party may bring a cause of action under this subsection.

(3) COURT ACTION.—If an action is brought under paragraph (2), the Court shall review whether the parties to the memorandum of agreement have been acting in good faith, whether the applicant has been cooperating fully with the agencies that are responsible for issuing a Federal refinery authorization, and any other relevant materials in the consolidated record. Taking into consideration those factors, if the Court finds that a failure to act described in paragraph (1) has occurred, and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, the Court shall establish a new schedule that is the most expeditious coordinated schedule possible for completion of proceedings, consistent with the full substantive and procedural review required by Federal law. The court may issue orders to enforce any schedule it establishes under this paragraph.

(4) FEDERAL COORDINATOR'S ACTION.—When any civil action is brought under this subsection, the Federal coordinator shall immediately file with the Court the consolidated record compiled by the Federal coordinator pursuant to subsection (c).

(5) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

SEC. 235. DESIGNATION OF CLOSED MILITARY BASES.

(a) DESIGNATION REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate no less than 3 closed military installations, or portions thereof, as potentially suitable for the construction of a refinery. At least 1 such site shall be designated as potentially suitable for construction of a refinery to refine biomass in order to produce biofuel.

(b) REDEVELOPMENT AUTHORITY.—The redevelopment authority for each installation designated under subsection (a), in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation.

(c) MANAGEMENT AND DISPOSAL OF REAL PROPERTY.—The Secretary of Defense, in managing and disposing of real property at an installation designated under subsection (a) pursuant to the base closure law applicable to the installation, shall give substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation. The management and disposal of real property at a closed military installation or portion thereof found to be suitable for the siting of a refinery under subsection (a) shall be carried out in the manner provided by the base closure law applicable to the installation.

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

(1) the term ''base closure law'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note); and

(2) the term ''closed military installation'' means a military installation closed or approved for closure pursuant to a base closure law.

SEC. 236. SAVINGS CLAUSE.

Nothing in this subtitle shall be construed to affect the application of any environmental or other law, or to prevent any party from bringing a cause of action under any environmental or other law, including citizen suits.

SEC. 237. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

TITLE III—NEW AND EXPANDING TECHNOLOGIES

Subtitle A—Alternative Fuels

SEC. 301. REPEAL.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

SEC. 302. GOVERNMENT AUCTION OF LONG TERM PUT OPTION CONTRACTS ON COAL-TO-LIQUID FUEL PRODUCED BY QUALIFIED COAL-TO-LIQUID FACILITIES.

(a) IN GENERAL.—The Secretary shall, from time to time, auction to the public coal-to-liquid fuel put option contracts having expiration dates of 5 years, 10 years, 15 years, or 20 years.

(b) CONSULTATION WITH SECRETARY OF ENERGY.—The Secretary shall consult with the Secretary of Energy regarding—

(1) the frequency of the auctions;

(2) the strike prices specified in the contracts;

(3) the number of contracts to be auctioned with a given strike price and expiration date; and

(4) the capacity of existing or planned facilities to produce coal-to-liquid fuel.

(c) DEFINITIONS.—In this section:

(1) COAL-TO-LIQUID FUEL.—The term ''coal-to-liquid fuel'' means any transportation-grade liquid fuel derived primarily from coal (including peat) and produced at a qualified coal-to-liquid facility.

(2) COAL-TO-LIQUID PUT OPTION CONTRACT.—The term ''coal-to-liquid put option contract'' means a contract, written by the Secretary, which—

(A) gives the holder the right (but not the obligation) to sell to the Government of the United States a certain quantity of a specific type of coal-to-liquid fuel produced by a qualified coal-to-liquid facility specified in the contract, at a strike price specified in the contract, on or before an expiration date specified in the contract; and

(B) is transferable by the holder to any other entity.

(3) QUALIFIED COAL-TO-LIQUID FACILITY.—The term ''qualified coal-to-liquid facility'' means a manufacturing facility that has the capacity to produce at least 10,000 barrels per day of transportation grade liquid fuels from a feedstock that is primarily domestic coal (including peat and any property which allows for the capture, transportation, or sequestration of by-products resulting from such process, including carbon emissions).

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

(5) STRIKE PRICE.—The term ''strike price'' means, with respect to a put option contract, the price at which the holder of the contract has the right to sell the fuel which is the subject of the contract.

(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section.

(e) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.

SEC. 303. STANDBY LOANS FOR QUALIFYING COAL-TO-LIQUIDS PROJECTS.

Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following new subsection:

''(k) STANDBY LOANS FOR QUALIFYING CTL PROJECTS.—

''(1) DEFINITIONS.—For purposes of this subsection:

''(A) CAP PRICE.—The term 'cap price' means a market price specified in the standby loan agreement above which the project is required to make payments to the United States.

''(B) FULL TERM.—The term 'full term' means the full term of a standby loan agreement, as specified in the agreement, which shall not exceed the lesser of 30 years or 90 percent of the projected useful life of the project (as determined by the Secretary).

''(C) MARKET PRICE.—The term 'market price' means the average quarterly price of a petroleum price index specified in the standby loan agreement.

''(D) MINIMUM PRICE.—The term 'minimum price' means a market price specified in the standby loan agreement below which the United States is obligated to make disbursements to the project.

''(E) OUTPUT.—The term 'output' means some or all of the liquid or gaseous transportation fuels produced from the project, as specified in the loan agreement.

''(F) PRIMARY TERM.—The term 'primary term' means the initial term of a standby loan agreement, as specified in the agreement, which shall not exceed the lesser of 20 years or 75 percent of the projected useful life of the project (as determined by the Secretary).

''(G) QUALIFYING CTL PROJECT.—The term 'qualifying CTL project' means—

''(i) a commercial-scale project that converts coal to one or more liquid or gaseous transportation fuels; or

''(ii) not more than one project at a facility that converts petroleum refinery waste products, including petroleum coke, into one or more liquids or gaseous transportation fuels,

that demonstrates the capture, and sequestration or disposal or use of, the carbon dioxide produced in the conversion process, and that, on the basis of a carbon dioxide sequestration plan prepared by the applicant, is certified by the Administrator of the Environmental Protection Agency, in consultation with the Secretary, as producing fuel with life cycle carbon dioxide emissions at or below the average life cycle carbon dioxide emissions for the same type of fuel produced at traditional petroleum based facilities with similar annual capacities.

''(H) STANDBY LOAN AGREEMENT.—The term 'standby loan agreement' means a loan agreement entered into under paragraph (2).

''(2) STANDBY LOANS.—

''(A) LOAN AUTHORITY.—The Secretary may enter into standby loan agreements with not more than six qualifying CTL projects, at least one of which shall be a project jointly or in part owned by two or more small coal producers. Such an agreement—

''(i) shall provide that the Secretary will make a direct loan (within the meaning of section 502(1) of the Federal Credit Reform Act of 1990) to the qualifying CTL project; and

''(ii) shall set a cap price and a minimum price for the primary term of the agreement.

''(B) LOAN DISBURSEMENTS.—Such a loan shall be disbursed during the primary term of such agreement whenever the market price falls below the minimum price. The

amount of such disbursements in any calendar quarter shall be equal to the excess of the minimum price over the market price, times the output of the project (but not more than a total level of disbursements specified in the agreement).

''(C) LOAN REPAYMENTS.—The Secretary shall establish terms and conditions, including interest rates and amortization schedules, for the repayment of such loan within the full term of the agreement, subject to the following limitations:

''(i) If in any calendar quarter during the primary term of the agreement the market price is less than the cap price, the project may elect to defer some or all of its repayment obligations due in that quarter. Any unpaid obligations will continue to accrue interest.

''(ii) If in any calendar quarter during the primary term of the agreement the market price is greater than the cap price, the project shall meet its scheduled repayment obligation plus deferred repayment obligations, but shall not be required to pay in that quarter an amount that is more than the excess of the market price over the cap price, times the output of the project.

''(iii) At the end of the primary term of the agreement, the cumulative amount of any deferred repayment obligations, together with accrued interest, shall be amortized (with interest) over the remainder of the full term of the agreement.

''(3) PROFIT-SHARING.—The Secretary is authorized to enter into a profit-sharing agreement with the project at the time the standby loan agreement is executed. Under such an agreement, if the market price exceeds the cap price in a calendar quarter, a profit-sharing payment shall be made for that quarter, in an amount equal to—

''(A) the excess of the market price over the cap price, times the output of the project; less

''(B) any loan repayments made for the calendar quarter.

''(4) COMPLIANCE WITH FEDERAL CREDIT REFORM ACT.—

''(A) UPFRONT PAYMENT OF COST OF LOAN.—No standby loan agreement may be entered into under this subsection unless the project makes a payment to the United States that the Office of Management and Budget determines is equal to the cost of such loan (determined under 502(5)(B) of the Federal Credit Reform Act of 1990). Such payment shall be made at the time the standby loan agreement is executed.

''(B) MINIMIZATION OF RISK TO THE GOVERNMENT.—In making the determination of the cost of the loan for purposes of setting the payment for a standby loan under subparagraph (A), the Secretary and the Office of Management and Budget shall take into consideration the extent to which the minimum price and the cap price reflect historical patterns of volatility in actual oil prices relative to projections of future oil prices, based upon publicly available data from the Energy Information Administration, and employing statistical methods and analyses that are appropriate for the analysis of volatility in energy prices.

''(C) TREATMENT OF PAYMENTS.—The value to the United States of a payment under subparagraph (A) and any profit-sharing payments under paragraph (3) shall be taken into account for purposes of section 502(5)(B)(iii) of the Federal Credit Reform Act of 1990 in determining the cost to the Federal Government of a standby loan made under this subsection. If a standby loan has no cost to the Federal Government, the requirements of section 504(b) of such Act shall be deemed to be satisfied.

''(5) OTHER PROVISIONS.—

''(A) NO DOUBLE BENEFIT.—A project receiving a loan under this subsection may not, during the primary term of the loan agreement, receive a Federal loan guarantee under subsection (a) of this section, or under other laws.

''(B) SUBROGATION, ETC.—Subsections (g)(2) (relating to subrogation), (h) (relating to fees), and (j) (relating to full faith and credit) shall apply to standby loans under this subsection to the same extent they apply to loan guarantees.''.

Subtitle B—Tax Provisions

SEC. 311. EXTENSION OF RENEWABLE ELECTRICITY, REFINED COAL, AND INDIAN COAL PRODUCTION CREDIT.

(a) CREDIT MADE PERMANENT.—

(1) IN GENERAL.—Subsection (d) of section 45 of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended—

(A) by striking ''and before January 1, 2009'' each place it occurs,

(B) by striking '', and before January 1, 2009'' in paragraphs (1) and (2)(A)(i), and

(C) by striking ''before January 1, 2009'' in paragraph (10).

(2) OPEN-LOOP BIOMASS FACILITIES.—Subparagraph (A) of section 45(d)(3) of such Code is amended to read as follows:

''(A) IN GENERAL.—In the case of a facility using open-loop biomass to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after October 22, 2004.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to electricity produced and sold after December 31, 2008, in taxable years ending after such date.

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

(c) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Clause (ii) of section 38(c)(4)(B) of such Code (relating to specified credits) is amended by striking ''produced—'' and all that follows and inserting ''produced at a facility which is originally placed in service after the date of the enactment of this paragraph.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 312. EXTENSION OF ENERGY CREDIT.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) of the Internal Revenue Code of 1986 (relating to energy credit) are each amended by striking ''but only with respect to periods ending before January 1, 2009''.

(b) FUEL CELL PROPERTY.—Section 48(c)(1) of such Code (relating to qualified fuel cell property) is amended by striking subparagraph (E).

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) of the Internal Revenue Code of 1986 (relating to qualified microturbine property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(d) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (B) of section 38(c)(4) of such Code (relating to specified credits) is amended by striking ''and'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) the credit determined under section 48, and''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 313. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) of such Code (relating to limitation on amount of bonds designated) is amended—

(1) by striking ''$1,200,000,000'' in paragraph (1) and inserting ''$1,600,000,000'', and

(2) by striking ''$750,000,000'' in paragraph (2) and inserting ''$1,000,000,000''.

(c) MODIFICATION OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—

(1) IN GENERAL.—Paragraph (5) of section 54(l) of such Code is amended to read as follows:

''(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).''.

(2) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) of such Code is amended by striking ''subsection (l)(6)'' and inserting ''subsection (l)(5)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 314. EXTENSION OF CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

Subtitle C—Nuclear

SEC. 321. USE OF FUNDS FOR RECYCLING.

Section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) is amended—

(1) in subsection (d), by striking ''The Secretary may'' and inserting ''Except as provided in subsection (f), the Secretary may''; and

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

''(f) RECYCLING.—

''(1) IN GENERAL.—Amounts in the Waste Fund may be used by the Secretary of Energy to make grants to or enter into long-term contracts with private sector entities for the recycling of spent nuclear fuel.

''(2) COMPETITIVE SELECTION.—Grants and contracts authorized under paragraph (1) shall be awarded on the basis of a competitive bidding process that—

''(A) maximizes the competitive efficiency of the projects funded;

''(B) best serves the goal of reducing the amount of waste requiring disposal under this Act; and

''(C) ensures adequate protection against the proliferation of nuclear materials that

could be used in the manufacture of nuclear weapons.''.

SEC. 322. RULEMAKING FOR LICENSING OF SPENT NUCLEAR FUEL RECYCLING FACILITIES.

(a) REQUIREMENT.—The Nuclear Regulatory Commission shall, as expeditiously as possible, but in no event later than 2 years after the date of enactment of this Act, complete a rulemaking establishing a process for the licensing by the Nuclear Regulatory Commission, under the Atomic Energy Act of 1954, of facilities for the recycling of spent nuclear fuel.

(b) FUNDING.—Amounts in the Nuclear Waste Fund established under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) shall be made available to the Nuclear Regulatory Commission to cover the costs of carrying out subsection (a) of this section.

SEC. 323. NUCLEAR WASTE FUND BUDGET STATUS.

Section 302(e) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)) is amended by adding at the end the following new paragraph:

''(7) The receipts and disbursements of the Waste Fund shall not be counted as new budget authority, outlays, receipts, or deficits or surplus for purposes of—

''(A) the budget of the United States Government as submitted by the President;

''(B) the congressional budget; or

''(C) the Balanced Budget and Emergency Deficit Control Act of 1985.''.

SEC. 324. WASTE CONFIDENCE.

The Nuclear Regulatory Commission may not deny an application for a license, permit, or other authorization under the Atomic Energy Act of 1954 on the grounds that sufficient capacity does not exist, or will not become available on a timely basis, for disposal of spent nuclear fuel or high-level radioactive waste from the facility for which the license, permit, or other authorization is sought.

SEC. 325. ASME NUCLEAR CERTIFICATION CREDIT.

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

''SEC. 45O. ASME NUCLEAR CERTIFICATION CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the ASME Nuclear Certification credit determined under this section for any taxable year is an amount equal to 15 percent of the qualified nuclear expenditures paid or incurred by the taxpayer.

''(b) QUALIFIED NUCLEAR EXPENDITURES.—For purposes of this section, the term 'qualified nuclear expenditures' means any expenditure related to—

''(1) obtaining a certification under the American Society of Mechanical Engineers Nuclear Component Certification program, or

''(2) increasing the taxpayer's capacity to construct, fabricate, assemble, or install components—

''(A) for any facility which uses nuclear energy to produce electricity, and

''(B) with respect to the construction, fabrication, assembly, or installation of which the taxpayer is certified under such program.

''(c) TIMING OF CREDIT.—The credit allowed under subsection (a) for any expenditures shall be allowed—

''(1) in the case of a qualified nuclear expenditure described in subsection (b)(1), for the taxable year of such certification, and

''(2) in the case of any other qualified nuclear expenditure, for the taxable year in which such expenditure is paid or incurred.

''(d) SPECIAL RULES.—

''(1) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for an expenditure, the increase in basis which would result (but for this subsection) for such expenditure shall be reduced by the amount of the credit allowed under this section.

''(2) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any amount taken into account in determining the credit under this section.

''(e) TERMINATION.—This section shall not apply to any expenditures paid or incurred in taxable years beginning after December 31, 2019.''.

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of section 38 is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following new paragraph:

''(32) the ASME Nuclear Certification credit determined under section 45O(a).''.

(2) Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 45O(e)(1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2007.

Subtitle D—American Renewable and Alternative Energy Trust Fund

SEC. 331. AMERICAN RENEWABLE AND ALTERNATIVE ENERGY TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ''American Renewable and Alternative Energy Trust Fund'', consisting of such amounts as may be transferred to the American Renewable and Alternative Energy Trust Fund as provided in section 149 and the amendments made by section 110 of this Act.

(b) EXPENDITURES FROM AMERICAN RENEWABLE AND ALTERNATIVE ENERGY TRUST FUND.—

(1) IN GENERAL.—Amounts in the American Renewable and Alternative Energy Trust Fund shall be available without further appropriation to carry out specified provisions of the Energy Policy Act of 2005 (Public Law 109–58; in this section referred to as ''EPAct2005'') and the Energy Independence and Security Act of 2007 (Public Law 110–140; in this section referred to as ''EISAct2007''), as follows:

(A) Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and other commercial purposes, section 210 of EPAct2005, 3 percent

(B) Hydroelectric production incentives, section 242 of EPAct2005, 2 percent.

(C) Oil shale, tar sands, and other strategic unconventional fuels, section 369 of EPAct2005, 3 percent.

(D) Clean Coal Power Initiative, section 401 of EPAct2005, 7 percent.

(E) Solar and wind technologies, section 812 of EPAct2005, 7 percent.

(F) Renewable Energy, section 931of EPAct2005, 20 percent.

(G) Production incentives for cellulosic biofuels, section 942 of EPAct2005, 2.5 percent.

(H) Coal and related technologies program, section 962 of EPAct2005, 4 percent.

(I) Methane hydrate research, section 968 of EPAct2005, 2.5 percent.

(J) Incentives for Innovative Technologies, section 1704 of EPAct2005, 7 percent.

(K) Grants for production of advanced biofuels, section 207 of EISAct2007, 16 percent.

(L) Photovoltaic demonstration program, section 607 EISAct2007, 2.5 percent.

(M) Geothermal Energy, title VI, subtitle B of EISAct2007, 4 percent.

(N) Marine and Hydrokinetic Renewable Energy Technologies, title VI, subtitle C of EISAct2007, 2.5 percent.

(O) Energy storage competitiveness, section 641 of EISAct2007, 10 percent.

(P) Smart grid technology research, development, and demonstration, section 1304 of EISAct2007, 7 percent.

(2) APPORTIONMENT OF EXCESS AMOUNT.—Notwithstanding paragraph (1), any amounts allocated under paragraph (1) that are in excess of the amounts authorized in the applicable cited section or subtitle of EPAct2005 and EISAct2007 shall be reallocated to the remaining sections and subtitles cited in paragraph (1), up to the amounts otherwise authorized by law to carry out such sections and subtitles, in proportion to the amounts authorized by law to be appropriated for such other sections and subtitles.

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

The gentleman from Utah is recognized for 5 minutes.

Mr. BISHOP of Utah. Thank you, Mr. Chairman. I appreciate the courtesies, real or unreal, that have been granted to this point so far.

If you go back to the movie The Natural, there is a wonderful scene where this mythical team, the New York Knights, are on a losing tradition, so they bring a sports psychologist down to try and talk to the team. And as the sports psychologist is droning on to them, he says, ''You know, men, the mind is a strange thing. What is losing? Losing is a disease as contagious as the bubonic plague, attacking one but infecting all. And consider yourself, if you are on a ship at sea gently rocking, gently rocking.''

And at that point, Roy Hobbs can't take it anymore, so he bolts out of there because he realizes that if you are in a losing situation, talking about it doesn't help, only action on the field of play will help.

And when given the chance to go on the field and play, he pounded the ball and led them to victory after victory after victory.

And what we are talking about simply here tonight is what Americans want, which is for us to do something here on this playing field on the issue of energy and energy security.

We are fighting for the people of my district who will be faced with a 30 percent increase in heating costs this winter. We are fighting for the 1,100 people who lost their jobs with an airline because 100 planes were not able to be provided the fuel to fly. We are flying for an Ethiopian-born cab driver here in Washington, D.C. who, for the first

time in his life since coming here, he cannot meet his kids at home because he has to drive two extra hours every night just to make up what he loses in these fees. We are fighting for a father in Virginia who can no longer go to his father-and-son outings because he can't afford the gasoline to drive there. We are talking about the Clark County School District which had an unexpected 62 percent of its budget all related to energy costs, and that all comes out of future salaries of the teachers of those poor areas.

If you are rich, this problem is simply an annoyance. Only 11 cents out of $1 goes to energy. But if you are on the poverty line, 50 cents of every dollar goes to energy. And that 50 cents that comes out of the pocket of a poor person or somebody on a fixed income is money that cannot be spent on luxuries like tuna casseroles or Hamburger Helper.

We are a country that has the technology and the ability to solve this problem. We are a country with a proud history of solving our problems with technology. Since 1784 when we invented the bifocals, to 1867 when we changed the world by inventing the typewriter and changed the West by inventing barbed wire and changed our lives by inventing toilet paper in the same year, to 1945 with the microwave, to even soft contacts today. We have had the technology to be able to solve this energy problem. And before us is an amendment which will reward Americans for their efforts of conservation in a way that we have not done in a long time. It will increase production of our energy sources by recognizing that not only do we have to have the fossil fuels increased, but all the royalties that we will now make by increased production in oil and gas and oil shale and coal will be used to fund the improvements and the innovations and the research for alternative energy so that we can look forward to the future.

We recognize that we have to do something with our infrastructure. We do not have the refinery capacity that we need. We recognize that Washington is not the seat of all wisdom, that bringing an expert into a room here is not going to solve our problems; but what we need to do is unlock the brilliance within Americans and within what they have to offer to the American people. By offering prizes, we can find solutions that have been plaguing and missing us for years.

In 1714, the British didn't have a way of mapping their waters in the navigation, so they offered a $20,000 prize and a clock maker came up with the system of longitude and latitude that we still use today.

In 1810, Napoleon needed a way to feed his troops. He gave a 12,000 franc prize to find somebody to use the vacuum-packed processes we still use today.

Lindbergh flew across the ocean to get a prize from a newspaper, and it spawned a $32 billion industry.

We have that capability today. We have the Roy Hobbs who realizes that the only way you solve the problem is get on the playing field and do it.

We have the ability to solve our problem today if we just come to this playing field and do it, and to require a vote on this amendment so that we can fulfill the words of Daniel Webster that are looking at us every day we come here to inspire us, to tell us to take our resources and to build from that, and to do something that is worthy to be remembered.

This amendment would be worthy to be remembered, and I urge that we accept this amendment and I urge that we have a vote on this amendment. This may be the only chance we actually have to have an up or down vote on this particular amendment, which impacts the lives of everybody but especially the most vulnerable in our society.

Mr. Chairman, may I ask how much time remains?

The Acting CHAIRMAN. The gentleman has 15 seconds.

Mr. BISHOP of Utah. Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, this is a bill to provide health care and benefits for America's veterans and their families, America's service men and women and their families. This is not an energy bill. The speaker that just spoke knows it, I know it, and the veterans of America know it.

Let me read to you from the VFW Action Alert from 3 days ago.

''Some Members of Congress may try to attach nonrelated items to the bill which would hold up or even defeat final passage. We ask you to contact your representatives today and urge them to pass a clean VA-MilCon Appropriations bill. Tell them that further delay hurts our veterans and our troops on the ground. Let them know that we expect them to reaffirm their priorities by doing the right thing and passing the funding bill quickly.''

Mr. BISHOP of Utah. Mr. Chairman, I apologize for interrupting; I just want to be clear. Is the gentleman speaking to a point of order, or is he speaking to the amendment itself? I would make the point of order the gentleman is not speaking——

Mr. EDWARDS of Texas. I am speaking in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized on the amendment.

The gentleman will continue.

Mr. EDWARDS of Texas. Mr. Chairman, let me say to this body what the Disabled American Veterans said about amendments such as this. ''It is our strongest recommendation that this bill be unfettered with nongermane amendments. We observe in media accounts that some Members of the body may wish to offer such amendments, and we fear that if these amendments are ruled in order for floor debate, they may bring down the bill. Accordingly, we ask that you work with the majority leader and minority leader to ensure this key bill, one that impacts one in every four Americans and is a vital priority for DAV and our membership, is passed in the most orderly manner without the distractions attendant to the political season or party differences on unrelated national priorities.''

Mr. Chairman, let me tell you what the Veterans of Foreign Wars have said about this type of amendment, and I quote from their newsletter from 6 days ago. ''We believe attaching them (nongermane amendments) to this critical veterans' bill could jeopardize its passage by unnecessarily delaying it or even grinding debate completely to a halt. This is unacceptable.''

Mr. Chairman, I have to make a choice on this amendment to stand with the gentleman and Mr. BOEHNER, or stand with millions of America's veterans. For me, that is an easy choice. I will stand with our veterans, fight for a clean VA military construction bill that was put in good faith together on a bipartisan basis. The energy debate should be left for another day. Let's take care of our veterans. Let's honor our veterans, our troops, and their families. They deserve no less.

The Acting CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. EDWARDS of Texas. Yes, I do.

Mr. OBEY. Mr. Chairman. I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, one month ago when we were trying to add funding to provide the largest expansion of the GI bill in the history of the bill since it was first approved in 1945, the House Minority Leader issued the following statement. He said, ''House Republicans believe that loading up the troop funding bill with billions upon billions of unrelated Washington spending is reckless and dangerous.''

Now, it was difficult for me at the time to understand how adding education benefits for our troops was unrelated to funding the troops, but today we are now being asked to consider a nongermane amendment which would bring a divisive energy debate into legislation which is trying to provide for the needs of our military families around the country and which is trying to provide the needs in the health care area for our veterans.

If I were to debate energy in the middle of this bill, I would point out that one of the reasons that we have $4 gas today is that we have an administration which has pursued fiscal policies that have borrowed almost $2 trillion to finance tax cuts and to finance the war in Iraq, and that has contributed to driving down the value of the dollar, which has in turn raised the cost of purchasing a gallon of gasoline by 30 percent.

If I were to debate energy on this bill, I would point out that, since Jimmy Carter left office, we have had a succession of administrations running from Reagan to Bush that systemically presided over the gutting of energy research done by the government on alternative energy sources.

I would also point out that over the last 8 years we have had an energy policy run by an administration dominated by two oil men in the President and the Vice President.

I would point out that their national security advisor, Secretary Rice, served on Chevron's board of directors for 10 years and even had an oil tanker named after her; that Interior Secretary Gale Norton started her career at a think tank funded by energy companies; commerce Secretary Don Evans was former president and CEO of a Texas oil company; Deputy Interior Secretary Griles was a former lobbyist for the oil, chemical, and mining industry, et cetera, et cetera, et cetera,

I would also point out that we on this side of the aisle have worked to pass increased fuel economy standards for automobiles; we have voted to eliminate $14 billion in special tax breaks for oil and gas companies; we voted to crack down on speculation which has driven up the cost of oil and gas at the expense of the American people. I would have pointed out that we have voted to get more oil from the National Petroleum Reserve in Alaska. And, I would be pointing out that we have also asked the President to release oil from the Strategic Petroleum Reserve.

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I would also point out that we support drilling on the 68 million acres of public lands that are already leased and not being developed. That is what I would point out if I were in a debate on energy. But, in fact, this is supposed to be a discussion about the needs of our military families for housing, for education, and the needs of our veterans for health care. And I think we would best serve the country in this Chamber tonight if we would focus our remarks on that issue. And that is what I will continue to do.

POINT OF ORDER

Mr. EDWARDS of Texas. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states, in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment changes the application of existing law.

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does anyone wish to be heard on the point of order?

Mr. BISHOP of Utah. Mr. Chairman, I do.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, I appreciate the fact that the gentleman from Wisconsin chose not to extend our time by debating energy here tonight.

I wish to speak specifically to this point of order. The issue on a point of order is the nexus between the amendment to the underlying bill, and it would be my contention there are multiple in which one can look. This particular bill on MILCON has at least eight references to runways and roads which are to be produced, all of which will be made by asphalt, which is a petroleum-based substance. With costs increasing, it would be a difficult price to try and do that.

We will have people coming in here talking about VA benefits to people, falling all over themselves stumbling to be good about it. That is great. But if, indeed, those VA hospitals are going to have a 30 percent increase in heating costs which have to be paid first, many of the benefits that we are looking at in this bill will be unable to be provided. It is almost like taking medicine off their trays when we require people to get those benefits to pay 4 and $5 a gallon to get there.

The couple in West Virginia that drove 80 miles every week and were reimbursed 11 cents a mile. For 8 bucks they could not fund their ability to get those benefits.

We will increase our benefits and, at the same time, tell veterans they are going to have to pay at a higher price out of their pocket to get those benefits. What we give with one hand will be taken back simply with another because of our inaction.

There is precedent for what I am attempting to do. In 1999, there was an amendment that was made in order even though it was in violation of the germaneness rule by Spence and Ortiz. In 2000 there were two more that were part of the Department of Transportation bill, bipartisan amendment.

There was another one that was made in 1990, and those are the original ones we were able to look at, let alone the concept of all sorts of legislation that we routinely put into appropriations types of measures. There is precedent for what I am trying to talk about.

Mr. Chairman, this is one of those situations where a ruling by the Chair will make a decision on whether we deny discussion on energy in this body or not. A ruling by the Chair will decide whether we talk about conservation and production and infrastructure needs; will deny or not a vote by the representatives of the people on an issue the people are asking for us to take a vote.

Benjamin Franklin, when talking about the Revolution once said that ''revolutions come into this world like illegitimate children.'' He didn't use the word illegitimate, but illegitimate children, ''half improvised and half compromised.''

We have provided the improvisation for this issue. We are looking to the gentleman at the Chair to provide the compromise; to simply say that we can go forward with the debate that is significant, it is timely, it is important and does have significant nexus to this particular piece of legislation for, indeed, what we are appropriating cannot be accomplished if the energy prices continue to soar and make it an impossibility to do that.

This is a chance, Mr. Chairman, that the fate of the American economy and maybe our military intelligence will rest in the hands of your decision. It is my hope that you will decide in the favor of people on this particular point of order.

Mr. OBEY. Mr. Chairman, on the point of order, I would simply observe that the ruling of the Chair will do one thing and one thing only: it will determine what the rules of the House are and whether this amendment is in compliance with those rules. And I would ask for a ruling.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule. The amendment offered by the gentleman from Utah proposes directly to amend existing law. As such, it constitutes legislation in violation of clause 2(c) of rule XXI. Therefore, the point of order is sustained and the amendment is not in order.

AMENDMENT NO. 35 OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I ask unanimous consent that I be permitted to offer my amendment at this point in the reading.

The Acting CHAIRMAN. Is there objection to consideration of the amendment at this point?

Mr. OBEY. Reserving the right to object, Mr. Chairman, so long as the understanding that was expressed earlier stands and that there will be only one speaker on that side of the aisle on this nongermane amendment, I would not have an objection.

Mr. BURGESS. Will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. BURGESS. Other than myself, the gentleman from Texas and the gentleman from Wisconsin, I see no other speakers to speak on my amendment.

Mr. OBEY. Well, the gentleman from Wisconsin does not intend to participate on this one, so it will just be two of you.

Mr. BURGESS. Thank you, Mr. Chairman.

Mr. OBEY. I withdraw my reservation.

The Acting CHAIRMAN. Without objection, the gentleman may offer his amendment at this point.

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. BURGESS:

Page 2, line 14, insert after the dollar amount ''(increased by $100,000,000)''.

Page 3, line 8, insert before the period the following: ''*Provided further*, That of the amount appropriated in this paragraph, $100,000,000 shall be available for the design and construction of one petroleum refinery for the Army''.

Page 3, line 16, insert after the dollar amount ''(increased by $200,000,000)''.

Page 4, line 4, insert before the period the following: ''*Provided further*, That of the amount appropriated in this paragraph, $200,000,000 shall be available for the design and construction of one petroleum refinery each for the Navy and Marine Corps''.

Page 4, line 10, insert after the dollar amount ''(increased by $100,000,000)''.

Page 5, line 7, insert before the period the following: ''*Provided further*, That of the amount appropriated in this paragraph, $100,000,000 shall be available for the design and construction of one petroleum refinery for the Air Force''.

Page 15, line 17, insert after the dollar amount ''(reduced by $400,000,000)''.

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. Mr. Chairman, the amendment I am offering tonight provides $400 million towards new construction projects. This money will be used to put American workers, pipe fitters, engineers, construction workers to work and build refineries that produce the specialized types and grades of fuel used by each branch of the service for their equipment. The refineries will be located on existing or former bases under the purview of the Department of Defense, and will represent the first refineries built in the United States since 1976. And the time to do it is now.

The Air Force isn't going to have a fleet of plug-in hybrid fighter jets, and the Navy isn't going to have a solar battleship in the near future. They need fuel, plain and simple.

Investing in critical infrastructure and protecting the Nation are our top responsibilities in the Federal Government. Today I am offering an amendment that provides Federal funds for the construction and design of one refinery for each branch of the military to produce the petroleum products required by that branch, combining these two critical roles for the public good.

Prices are high. So is demand. Let's address both sides of the energy equation, and let's put our Americans back to work to help the military protect the Nation.

We have heard a lot about exploring and drilling for American sources of energy. Hands down, Americans agree on this point. It is an 80 percent issue across the country and, indeed, it is even higher in my district and other districts of north and central Texas. Polls show the vast majority of Americans favor drilling offshore in the ANWR.

The United States Department of Defense is straining under record high prices. In 2007, with operations in Iraq and Afghanistan, the United States armed service consumed 16 gallons of fuel per soldier per day, or about $3 million worth of fuel every day. That is a lot of fuel, and that is a lot of opportunity for American energy and American jobs.

But this is not regular gasoline. All military planes, vehicles, generators and heavy equipment in areas of foreign operation use jet petroleum to avoid transporting and carrying different fuel grades and accidentally putting the wrong type of fuel in their equipment.

Right now global refineries are operating at a very tight capacity. This, in turn, limits the quantity of gasoline and other products that they can produce. This squeeze impacts the consumers, domestic refiners and the military as the cost of refining comprises between 10 and 20 percent of the price at the pump. It means the taxpayers are getting hit with higher costs twice, and it also leaves military fuel supplies vulnerable to disruptions from terrorist attacks and natural disasters.

And then there's the question of importing refined products. We already heard under the colloquy about how important it is to use an American product, American-made steel. Well, how about we use American-made gasoline? Use the gasoline that is produced here in America.

Domestic refinery production has declined as industry operates with tight profit margins and lower inventories of crude oil to cut gasoline costs, and these constraints mean a greater proportion of gasoline demand has to be met with imported products. We know what that means. We buy it from people who don't like us. We are funding both sides in the war on terror.

Four of five of the top suppliers of military fuel are foreign companies or foreign state-owned entities. This poses a serious threat to our national and our economic security and must be addressed.

Let me stress that this is a win/win for America. These military specific refineries could produce and protect specialized military fuels from capacity limitations that squeeze supply and increase prices for everyone; would free up commercial refining capacity and ensure that we are not forced to outsource a significant portion of our defense when we buy from foreign refineries.

Military commanders say you can't kick behind without tanker gas, or something like that. The Air Force isn't going to have a fleet of plug-in hybrids, as I already said. Our national defense and our national economic security are too important to risk on shortages of refinery capacities when we are faced with natural disasters.

We have a Strategic Petroleum Reserve. What good is it if there is no strategic way to refine it?

And this amendment would provide the beginning of that strategic way to put the refineries in areas that are already cleared environmentally, already have the security in place, and it makes sense.

We have also heard tonight that we need to pass a clean bill. It is important to get this bill done because our veterans and our military need the monies that will be appropriated in this bill, and I agree with that very much. It is my understanding this bill has been ready to go for 4 or 5 weeks.

I don't know why we have not seen fit to bring it up before tonight. I don't know why we had to bring it up under a modified closed rule. But those are the rules the majority has set. Those are the rules under which we will play.

So I thank the chairman for hearing this amendment. I think it is an important concept that needs to be furthered.

I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I rise in opposition.

The Acting CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. EDWARDS of Texas. Yes, I do.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I won't repeat the statements by the Veterans of Foreign Wars, the Disabled American Veterans, and the American Legion and others who have spoken out against non-germane amendments on this bill whose purpose is to support our veterans, their families, our troops, and their families.

I know the gentleman from Texas. He is a friend of mine. I think he is genuine in his efforts to accomplish what he would like to accomplish, but this is not the bill. This is not the time. This is not the place in which to do it.

Furthermore, despite the gentleman's good intentions, there is a serious flaw in this amendment for which I would strongly oppose it, and that is, it would take $400 million out of the President's budget request for the Base

Realignment and Closing process. That would be a terrible mistake because its result would be that thousands of America's veterans returning home from their second and even third tours of duty in Iraq and Afghanistan would come home to find that the barracks that were supposed to have been built with that BRAC money were not built.

They would come home, and then those troops, as they began to train to go back to Iraq and Afghanistan, would find the training ranges that they needed that were to have been built with this $400 million in BRAC funding were not built; the very training ranges that are a vital part of not only allowing those troops to carry out their mission in our Nation's behalf, but help them come home safely to their families.

So, for those reasons, as well as a number of others, Mr. Chairman, I would like to make a point of order against the amendment because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of rule XXI. Clause 2 of rule XXI states, in pertinent part, ''An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.''

Mr. Chairman, the amendment proposes to appropriate funds that are not authorized. The amendment therefore violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

Mr. BURGESS. Mr. Chairman, I will not dispute the point of order. I believe that the amendment is germane because it is a military construction bill. But I understand the concept of authorizing. I would point out Congressional Budget Office does score this as a savings, so as the old saying goes, it doesn't cost, it pays. And I was willing to offer this money in the spirit of bipartisanship. But also in the spirit of bipartisanship I will, at this time, ask unanimous consent to withdraw the amendment.

Mr. EDWARDS. I thank the gentleman.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Ms. BERKLEY. I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from Nevada is recognized for 5 minutes.

Ms. BERKLEY. Mr. Chairman, I rise tonight in support of this bill. I want to thank Chairman EDWARDS and Ranking Member WAMP for their extraordinary efforts on behalf of this Nation's veterans, and for including report language on veterans burial benefits.

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I'm deeply concerned about the eroding value of plot allowance and burial benefits provided to our Nation's veterans. Because the benefits are not indexed to inflation, their value continues to diminish each year. As a result, families and State veteran cemeteries have been left to cover the increasing costs of burying their loved ones. The VA simply must assess the need to increase the plot allowance of burial benefits to cover the same percentage of burial benefit costs that were covered in 1973 when these benefits were first initiated.

I appreciate the fact that the chairman has included the report language in the report the need for increasing burial benefits for our veterans.

I'm also pleased that the committee recognizes the importance of veterans' mental health and substance abuse services. This is an issue of great importance to me. I had a constituent by the name of Justin Bailey. He volunteered to serve this Nation, he was sent to Iraq, he served with honor and distinction. And when he returned, he developed a substance abuse problem. At the suggestion of his parents, he checked himself into a VA facility, and even though he was suffering from a substance abuse problem due to PTSD and other mental health issues, he was given more medication while he was in the VA facility. And he ultimately ended up overdosing while he was in the care of the VA.

Unfortunately, Justin is not an isolated incident. There are thousands of young men and women returning from service overseas that come back with a mental health problem or substance abuse problem or PTSD. I'm very delighted that this committee and Chairman EDWARDS have recognized that this is a crisis and this bill increases funding for mental health and substance abuse services for our veterans.

Again, I want to thank Chairman EDWARDS and Ranking Member WAMP for recognizing the importance of these issues, and I would like to urge my colleagues to support this legislation without reservation and without continuing to add on things that do not belong in this bill and are not germane.

Let's stand up for our veterans, and let's stand up for them this evening.

I yield back.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $976,524,000, to remain available until September 30, 2013: *Provided*, That of this amount, not to exceed $77,314,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings ''Air Force'' in the table entitled ''Military Construction'' in the report of the Committee on Appropriations of the House of Representatives to accompany this bill: *Provided further*, That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 109–114, $1,359,000 are hereby rescinded: *Provided further*, That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 110–5, $3,581,000 are hereby rescinded: *Provided further*, That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 110–161, $12,741,000 are hereby rescinded.

Mr. PERLMUTTER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Colorado is recognized for 5 minutes.

Mr. PERLMUTTER. Mr. Chairman, I would like to inquire whether the gentleman from Texas would be willing to engage in a colloquy with me.

Mr. EDWARDS of Texas. I would be honored to do so.

Mr. PERLMUTTER. I thank the gentleman.

Simply put, dirt needs to be turned on the replacement Veterans Medical Center in Aurora, Colorado. This facility is the centerpiece of the VA's capital construction plan under the Capital Asset Realignment for Enhanced Services, the CARES project, which began in 1999.

Eight years are gone, millions of dollars in additional costs have been incurred, and three VA secretaries later, it is safe to say the time for action for Colorado and the Rocky Mountain veterans is now. They've waited far too long, and our taxpayers will pay far more the longer this project is dragged out. We have to get this project done.

It is for these reasons I understand and identify with the frustration many in our veterans' community feel in being shut out of the design process as they continue to see the construction of this important undertaking pushed back year after year.

Achieving consensus and moving forward with the construction of this facility has and will continue to be one of my top priorities in Congress. Simply put, it is not fair or right to punish our veterans by the repeated delays resulting each time a new Secretary of Veterans Affairs is appointed.

I believe our veterans deserve better than they've been treated through this process, and to quote the Denver Post, ''Changing plans midstream without bringing in the people who would use the facility or those who put their political capital to work to get money for the project is an affront.'' And the editorial concludes with, ''We hope the VA reconsiders its decision and honors the commitment made to veterans in the Colorado region. The long-anticipated standalone facility is sorely needed and further delay is unacceptable.'' And I couldn't agree more.

That is why I feel it is vital to provide the funding necessary for the Veterans Administration to move forward with the construction of the central utility substation, the parking garage, and the surface parking lots of the proposed facility. These are all projects for which money has already been appropriated and is in the bank, and they're ready to go. In all likelihood, this is going to take more than the $20 million that the administration is currently calling for.

But with that, I would like to yield to the gentleman to ask if he's willing to continue to work with me to secure the funding required to build a facility our veterans can be proud of as soon as possible.

Mr. EDWARDS of Texas. The answer to the gentleman's question is absolutely yes, and I want to salute the gentleman from Colorado for his tireless devotion for seeing that the veterans in the Denver area in Colorado have a VA medical center that is worthy of their service to our country.

It is simply not right that this process has been like a ping pong game going back and forth. The veterans of Colorado are told one year one thing's going to happen, the next year another thing is going to happen. The gentleman is right in saying that if plans are changing, there should be input from the veterans in the local communities.

So I look forward to working with the gentleman not only in this House but in meetings with the VA officials so that we see we move this important project forward expeditiously.

Mr. PERLMUTTER. I thank the gentleman, and I look forward to his visit to Aurora, Colorado, at the end of August.

I yield back.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,614,450,000, to remain available until September 30, 2013: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $211,606,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings ''Defense-Wide'' in the table entitled ''Military Construction'' in the report of the Committee on Appropriations of the House of Representatives to accompany this bill: *Provided further*, That of the funds appropriated for ''Military Construction, Defense-Wide'' under Public Law 108–324, $3,589,000 are hereby rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $628,668,000, to remain available until September 30, 2013: *Provided*, That of the amount appropriated, not to exceed $50,563,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings ''Army National Guard'' in the table entitled ''Military Construction'' in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $142,809,000, to remain available until September 30, 2013: *Provided*, That of the amount appropriated, not to exceed $10,209,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings ''Air National Guard'' in the table entitled ''Military Construction'' in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

Ms. SHEA-PORTER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from New Hampshire is recognized for 5 minutes.

Ms. SHEA-PORTER. Mr. Chairman, I rise for the purpose of engaging in a colloquy with the chairman.

Mr. Chairman, I would like to thank you for your leadership in supporting our veterans and particularly on this bill. The 110th Congress has made great strides in fulfilling the promises made to our veterans.

Mr. Chairman, there are more than 130,000 veterans in New Hampshire. Those veterans have gone without a full service VA hospital for the past 7 years. Last year, over 700 veterans who visited our VA facility in Manchester for acute care were transported to Boston VA facilities or to the White River Junction in Vermont. For some of our more rural northern residents, this can be an arduous ordeal. Hours can be spent in a car or bus traveling for medical care.

To address this inequity, I introduced legislation this week that would require the VA to either provide full-service hospital care or comparable services to veterans in every State.

Mr. Chairman, the legislation before us also includes an increase of $200 million in fee-based care funding, care that our veterans can receive in local non-VA medical facilities. This program can provide much-needed assistance to veterans in New Hampshire, and I wanted to receive your assurances that we would continue to work together to ensure that New Hampshire veterans have adequate access to in-State health care.

At this time, I would like to yield to my friend and colleague from the Second District of New Hampshire.

Mr. HODES. I thank the gentlewoman for yielding.

I want to thank the chairman for his extraordinary leadership on this important issue and for standing up for veterans around the country.

I rise today to echo the concern of my colleague, Congresswoman CAROL SHEA-PORTER. New Hampshire remains the only State in the Nation without a full service VA hospital, forcing many veterans to drive long distances to get the care and treatment they desperately need and that they've earned. With record high gas prices, New Hampshire veterans are simply paying more to get critical medical care, and that's plain wrong.

I would like to echo the concerns of my colleague and also ask the chairman to clarify that the increases in fee-based care contained in the underlying bill are meant to address issues like those we have in New Hampshire.

And I look forward to continuing to work with the chairman and members of his committee on this important issue for Granite State veterans.

Mr. EDWARDS of Texas. I would like to answer the gentleman's question by saying that the answer is ''yes.''

And I want to thank Mr. HODES and Ms. SHEA-PORTER for fighting on behalf of improved medical care for the veterans of New Hampshire. You have not only done that by your election to Congress, you have been key players in making it possible for us to pass the largest increase in VA health care funding in the VA 77-year history. It wouldn't have happened without your election to Congress and your leadership.

I look forward to working with both of you in our subcommittee to see that we can ensure that the veterans of New Hampshire who have served our country receive the medical care that they deserve.

Ms. SHEA-PORTER. Thank you. I yield back.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $282,607,000, to remain available until September 30, 2013: *Provided*, That of the amount appropriated, not to exceed $14,883,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings ''Army Reserve'' in the table entitled ''Military Construction'' in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $57,045,000, to remain available until September 30, 2013: *Provided*, That of the amount appropriated, not to exceed $2,045,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings ''Navy Reserve'' in the table entitled ''Military Construction'' in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $30,018,000, to remain available until September 30, 2013: *Provided*, That of the amount appropriated, not to exceed $5,675,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings ''Air Force Reserve'' in the table entitled ''Military Construction'' in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $218,867,000, to remain available until expended.

Mr. EDWARDS of Texas. Mr. Chairman, I ask unanimous consent that the remainder of the bill through title II, page 35, line 18, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of that portion of the bill is as follows:

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $646,580,000, to remain available until September 30, 2013: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Family Housing Construction, Army'' in the table entitled ''Military Construction'' in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $716,110,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $382,778,000, to remain available until September 30, 2013: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Family Housing Construction, Navy and Marine Corps'' in the table entitled ''Military Construction'' in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $376,062,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $395,879,000, to remain available until September 30, 2013: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Family Housing Construction, Air Force'' in the table entitled ''Military Construction'' in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $594,465,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $49,231,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $850,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $4,500,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $134,278,000, to remain available until September 30, 2013: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified in the table entitled ''Chemical Demilitarization Construction'' in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C.

2687 note), $473,377,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $9,065,386,000, to remain available until expended: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: *Provided further*, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under 10 U.S.C. 2805.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report, in unclassified and, if necessary classified form, on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term ''host country'' means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883, of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code,

pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: *Provided*, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 126. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 127. None of the funds appropriated or otherwise made available in this title may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $43,111,681,000, to remain available until expended: *Provided*, That not to exceed $26,798,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'', ''Medical support and compliance'', and ''Information technology systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $3,086,944,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, $42,300,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2009, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $157,210,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $61,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,180,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $320,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $646,000.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical support and compliance'' may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $30,854,270,000, plus reimbursements, of which not less than $3,800,000,000 shall be expended for specialty mental health care: *Provided*, That of the funds made available under this heading, not to exceed $1,350,000,000 shall be available until September 30, 2010: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.): $4,400,000,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2010.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $5,029,000,000, plus reimbursements, of which $350,000,000 shall be available until September 30, 2010: *Provided*, That $300,000,000 for non-recurring maintenance provided under this heading shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $500,000,000, plus reimbursements, to remain available until September 30, 2010.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the Department, $240,000,000, of which not to exceed $20,000,000 shall be available until September 30, 2010.

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. PERLMUTTER) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

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

H. Con. Res. 398. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The SPEAKER pro tempore. The Committee will resume its sitting.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

The Committee resumed its sitting.

□ 2200

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,801,867,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than $1,473,753,000: *Provided further*, That of the funds made available under this heading, not to exceed $75,000,000 shall be available for obligation until September 30, 2010: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; including pay and associated cost; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $2,492,066,000, plus reimbursements, to be available until September 30, 2010: *Provided*, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: *Provided further*, That within 30 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

AMENDMENT NO. 11 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. Is there objection to returning to that point in the reading?

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. GARRETT of New Jersey:

Page 36, line 5, after the dollar amount, insert ''(reduced by $18,018,000)''.

Page 41, line 22, after the dollar amount, insert ''(increased by $18,018,000)''.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, I often come to the floor, and I often preface my remarks when I have an amendment, saying that I come to the floor tonight with a commonsense amendment. Quite candidly, I think that is more than apropos when I speak about what I'm here to speak about tonight.

My amendment simply does this: It seeks to increase the funds for State veterans homes, and it does so in the amount of $18 million. From where does it get the money? Well, it does so by reducing the administrative expenses by a mere less than 1 percent, and that's a critical number, less than 1 percent. We believe that within that over billion dollar line that there is more than enough aptitude for going in and for finding less than 1 percent of additional funds that we could take out and put to a worthy cause such as toward our State veterans homes.

Today, there are 126 State extended care facilities. They're extended across all 50 States and in Puerto Rico as well. These veterans homes care for nearly 30,000 of our Nation's heroes. The number of veterans requiring care will continue to increase as servicemembers return from Iraq and Afghanistan.

Currently, there is a backlog, a huge, extensive backlog of projects waiting for funds. Now, many of these projects on this waiting list are critical for providing veterans with a healthy and secure environment. In fact, of the almost 200 projects waiting for Federal funds, nearly half of them are classified as priority 1.

I believe it is our duty to see that these facilities are able to provide the highest quality of care for the lives of those who have made the sacrifices for our Nation. After all, you can't really just call these things ''institutions'' anymore. These really are the homes where our veterans will spend out the days of their lives.

The staffs of these homes work hard to honor our veterans and to ensure that their last years are spent in comfort. I've had the pleasure now of working with folks back at the Paramus Veterans Home in my district in Bergen County, New Jersey. I've frequently visited with them and with their relatives who would come and visit, and local veterans organizations around the area would also come in, and they would work with them. These service organizations have worked hard to raise matching funds for these types of essential projects at these facilities. Likewise, they do across the Nation and, I'm sure, in each of your districts as well.

I would also like to make one other point. That is, in the Senate bill, in the Senate MilCon-VA Appropriations bill, they designate $1.779 billion for general operating expenses while the House version designates $1.801 billion. So we appropriate a little bit more than the Senate does. So that 1 percent cut from the appropriations line for the general operating expenses would still leave more money in the final version of the bill than the Senate version currently has. We know we have different numbers here so that, when it gets to conference, those numbers have to come into an equilibrium of some sense. We're up here. The Senate is over here. This will bring us closer to that equilibrium.

In addition, our colleagues over on the Senate Appropriations Committee have approved $250 million for the State veterans homes while the House budget only puts in $165 million. So my amendment would simply reduce this discrepancy by increasing the funding for State veterans homes by $18 million. In other words, we're in the House at $165 million. The Senate is at $250 million. We're just trying to bring the House number up a little bit closer to where the Senate is, which probably will happen once it gets into conference committee, because those numbers have to work together.

So I'm just suggesting that a tiny, less than 1 percent cut in the administrative operations would allow us to provide our country's heroes with a better quality of life, and I think that's what we owe all of them. I hope that we can find a way to work together across the aisle to honor our vets and to make sure that they receive excellent care in all of their facilities.

I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Let me begin by saying to my colleague from New Jersey (Mr. GARRETT) that I salute his focus on the importance of increasing the funding for State extended care facilities, long-term care for America's veterans. That is exactly why, as the chairman of this subcommittee, I have worked on a bipartisan basis with our other subcommittee members and with Mr. WAMP, the ranking member, to increase by 94 percent above President Bush's request of funding for this program, 94 percent above the President's request. So I have no problem with the intent of what he is trying to accomplish, because we've been working on this very issue for months this year, and the bill product is proof of the success of that effort.

The reason I strongly oppose the gentleman's amendment is that it would take funding out of the very account that is needed to address one of our veterans' and veterans service organizations' highest priorities in the entire VA budget, and that is to reduce the unconscionable backlog of veterans who are waiting to have their claims processed, including a backlog for combat wounded veterans to have their benefit cases considered.

Right now, there are nearly 400,000 veterans waiting to get their claims processed. What this amendment would do is take enough money out of that budget that would require the VA to cut 250 claims processors. Maybe that sounds like a rounding error to some, but to America's veterans, to 390,000 of them to be exact who are waiting for the processing of their benefits they earned by service and even by their sacrifice to our country, that's a significant cut, and it would do great harm to one of the highest priorities of our veterans service organizations.

Mr. GARRETT of New Jersey. Would the gentleman yield at this point?

Mr. EDWARDS of Texas. I'd like to finish first.

So I wish the gentleman would withdraw the amendment and that we would continue to work in good faith as we already have this year, and that's evidenced by the 94 percent increase above the President's request for these.

I cannot go along with cutting funding that could lead to the loss of 250 claims processors that would link them to an already 6-month delay. For 6 months our veterans are having to wait to get their claims considered.

Our servicemen and -women, Mr. Chairman, didn't delay when Uncle Sam sent them to combat. They went to all parts of the Earth and into harm's way when our country asked them to do so. They didn't ask for a 6-month delay. For the National Guardsmen, the 500 I met last Sunday afternoon in my hometown of Waco, many of whom are going back to Iraq for their second and third tours of duty, they didn't wait 6 months when their country called on them to duty, and I don't think it's right to ask 390,000 veterans to wait 6 months.

We desperately need to get that waiting time down, and I think, though well intended and for a good cause—and it is well intended and it is a good cause—that this amendment that I have strongly supported could do harm to 390,000 veterans. That's why I rise in strong opposition to this amendment.

If I have some time remaining, I'd be glad to yield to the gentleman.

Mr. GARRETT of New Jersey. I thank the gentleman for yielding.

It appears that we're on the same page on this, but let me just make this one suggestion:

While the 250 positions are out there and while there's a waiting list out there for that group, there's also, as I've suggested, around 200-some-odd projects or more, actually, over half of which are on a critical category 1 list.

So we have two important lists that have long waiting lists that have to be addressed.

My suggestion is that, if this were to pass and if we were to reduce the funds by $18 million, there's nothing in the amendment that says to the administration take the $18 million out of this over $1.4 billion line and take it from the 250. You and I would have to agree that they must be able to find some other area to take it from than these 250.

Mr. EDWARDS of Texas. I would point out, Mr. Chairman, the gentleman never identified where he would cut the money from specifically, and this is the account that funds our claims processors that are desperately needed. I'd be happy to continue to work with the gentleman in a good faith, bipartisan effort to look for every dollar we can find for extended care facilities, but let's not take that out of the hide of nearly 400,000 veterans who have been waiting 6 months to get their benefits started.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $87,818,000, of which $5,000,000 shall be available until September 30, 2010.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $923,382,000, to remain available until expended, of which $10,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2009, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2009; and (2) by the awarding of a construction contract by September 30, 2010: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That none of the funds appropriated in this or any other Act may be used to reduce the mission, services, or infrastructure, including land, of the 18 facilities on the Capital Asset Realignment for Enhanced Services (CARES) list requiring further study, as specified by the Secretary of Veterans Affairs, without prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That of the amount appropriated in this paragraph, $798,852,000 shall be for the site specific projects, and in the amounts, specified under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $991,492,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

AMENDMENT NO. 28 OFFERED BY MR. BUYER

Mr. BUYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. BUYER:

Page 41, line 14, before the period insert ": *Provided further:* That $7,000,000 of the amount appropriated in this paragraph shall be for the installation of alternative fueling stations at 35 medical facility campuses".

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. BUYER. Mr. Chairman, I have an amendment that would provide $7 million of the amount appropriated in the Department of Veterans Affairs' VA Minor Construction account. These moneys shall be used for the VA to install alternative fueling stations at 35 of its medical facility campuses across the country. This is one of many measures that can be taken to address the impact of the rising energy prices and to alleviate our Nation's dependence on foreign oil.

We have an energy crisis in this country, and unfortunately, some are not taking action before we leave on this August break. The House will recess, and we'll go 5 weeks, and we'll not be taking up meaningful energy legislation, but we have an opportunity tonight.

It was in 2007 that President Bush issued executive order 13423, "strengthening Federal environment, energy and transportation management," mandating a reduction of the amount of petroleum consumption for Federal transportation.

In compliance with the President's order, the VA has taken steps to install E–85, ethanol fueling stations, at six VA medical centers—in Altoona, Pennsylvania, in Augusta, Georgia, in Cleveland, Ohio, in Danville, Illinois, in Little Rock, Arkansas, and most recently in San Francisco, California.

I would think that Speaker PELOSI would want other VA facilities in other States and members' districts to have the very same fueling stations that are available at the San Francisco VA medical center in her own congressional district.

According to the VA, it has nearly 11,000 vehicles that collectively travel more than 100 million miles a year. The VA acquired over 1,000 Alternative Fuel Vehicles in FY 2007, and 99 percent of these are flexible fuel vehicles that can use E–85. The installation of alternative fuel stations at more VA sites would have a huge impact on the reduction of greenhouse gases and in the amount of petroleum consumed. Based on recent discussions with the Department, I am confident that, if funding is provided, the VA could install alternative fueling stations at the 35 additional sites.

Mr. EDWARDS knows full well that he is about $662 million above the President's request and nearly $361 million more than in FY 2008.

So, again, in facing the tremendous energy challenge in this Nation, we must act collectively in a bipartisan fashion to reduce our dependence on bad actors around the world that control our energy supplies. There are more than a dozen alternative and advanced fuels in production and that used today, one of which is E–85, an 85 percent ethanol mixture, which in the United States is based primarily on corn. Investing in the use of alternative transportation fuel services is one way to help increase the supply of American-made fuel.

I think Mr. EDWARDS and I would agree we're anxious to get to nonedible fiber—cellulosic ethanol.

This use of renewable domestic energy sources will contribute to an enhancement of energy security, and it will reduce the reliance on foreign oil. The installation of alternative fueling stations on VA campuses will reduce greenhouse emissions and the VA's gasoline costs, and it will provide funds for direct health care services for the men and women who have taken the oath to defend the freedoms and our way of life.

I urge my colleagues to support the amendment.

I yield to the gentleman.

Mr. EDWARDS of Texas. Let me just commend Mr. BUYER for not only his leadership on veterans affairs over the years but for this amendment. I think this is a reasonable, responsible amendment, and I'll be glad to support it.

Mr. BUYER. I thank the gentleman.

I yield back the balance of my time.

□ 2215

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

The amendment was agreed to.

Mr. WAMP. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Tennessee is recognized for 5 minutes.

Mr. WAMP. I do want to point out, in follow-up support to the gentleman's amendment, about how important it is for us to advance alternative sources just across the board throughout the military. The Military Construction bill is kind of a small piece, frankly, of the energy utilization across the entire Department of Defense, but it is something that we clearly should come together on.

The military is a tremendous user of energy, we all know that. There is no question that we can do better there. And this was an excellent amendment offered by a gentleman who's got just tremendous history here with the Veterans Committee and a great patriot. So I think we want to encourage all of those type uses as we move forward.

We're coming together here on the bill tonight, I think we're making great progress. Over the next 2 to 3 hours I think we can get through the rest of the sections of this bill. Certain Members are working out agreements as I speak right now, and so we're trying to draft this language. And I'm kind of keeping the ball rolling now, as you can tell, so that we can get this language drafted. I think we're making the progress that we need tonight.

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

Mr. BUYER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. BUYER. I would like to thank Chairman CHET EDWARDS. I would like to thank ZACH WAMP. And to my good friend from Texas that I've worked with for many years, we have a challenge in front of us with regard to an amendment. And the challenge is that I've prepared an amendment that $150 million, Mr. Chairman, would be dedicated under the minor construction account—for which there's a lot of dollars here—for the installation of appropriate solar electric energy roof applications.

Now, we had several meetings, Chairman EDWARDS, with a lot of lawyers, and the lawyers were looking at the applications of the rules and the processes. The interesting thing is, when we drafted the amendment—we're having the conversation that you said we didn't have time to do in private, so we're having to do it in public. So I have to do it now before we actually get into the details of the amendment.

So when I did the amendment, we put it at the end, on page 41 here, line 14. Now, when I put it there on the applications of solar, my assumption is that when you then look at all the general authorities, section 316, that's about colocation authority; section 2404, that's administration; 2406 is acquisition; 8102 is also acquisition—one is acquisition of land, 2406; 8102 is acquisition of medical facilities; 8103, that's minor construction. All these other sections have nothing to do with solar.

So my assumption, Mr. Chairman, when I put this in here, I did not put at the end of the amendment ''at VA medical facilities.'' My assumption is that, well, we're not going to put it on tombstones, we're not going to put it in a parking lot, and it doesn't apply anywhere else.

But when I talked with the lawyers, they're like, you know, STEVE, you just can't do it like that. And you need to actually have at the end the words ''at VA medical facilities.'' So now I've got myself in a bit of a jam.

Now, Mr. EDWARDS, we can do this several ways: I could offer the amendment. I could then present all the arguments of solar and what the VA is presently doing in the 16 sites that they're proceeding with. And if you say, well, but I don't like the amount, I could do a UC, we could agree to a particular amount, we could add the language. We go to conference. If you say, nope, we're not going to have anything, okay. Well, what could I do? I could look at your language—which is general language—and say, well, that's fine; whatever you do at conference, that's fine with me. I'll just go down and I'll work with the Secretary. I'll negotiate with the Secretary and I'll take whatever those monies are and we'll do it that way.

But what I want to do with you, Chairman EDWARDS, is that you and I have worked together a lot over the years. And you and I are in agreement when it comes to alternative sources of energy. So let's be practical. If you want to say to me, STEVE, don't do $150 million; lower the amount, add the language, we'll work this out in conference and we'll work with the Secretary, that's how we work these things out.

I yield to the gentleman from Tennessee.

Mr. WAMP. Well, I was prepared to perfect your amendment, if it's ruled in order, with the words ''at VA medical facilities'' to make sure that it complied with the letter of the law. But I think it's an outstanding amendment. And I would like to see it see the light of day, but I understand there may be a point of order reserved.

Mr. BUYER. I would like to reclaim my time and now have a conversation with the chairman. You said you wanted to have one.

I'm going to give great deference here, which way do you want me to go?

Mr. EDWARDS of Texas. Well, the gentleman talked a few minutes ago about how we've worked together; and I think 10 minutes ago was an example of that where I accepted the gentleman's $7 million amendment.

On this one, I think the gentleman's explanation about all the problems that have occurred are the perfect reason why I have real concerns about an amendment that already has technical problems in it, an amendment that could deal with up to $150 million coming out of minor construction projects, which are so important for our VA hospitals and clinics, I think this just isn't the right way to handle an amendment of that magnitude.

I think the gentleman knows me well; and I will work with him and Mr. WAMP in all good faith and see, as we go to conference, if there are places we can find reasonable funding sources for solar applications. But taking $150 million, for example, would be 15 percent of the VA's minor construction project. And the very intent of that funding is to prevent in the VA system what Americans were outraged at in the Army hospital system at Walter Reed.

Mr. BUYER. Reclaiming my time, when I make the UC to add ''at VA

medical facilities,'' what amount do you feel is reasonable?

The Acting CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. BUYER was allowed to proceed for 1 additional minute.)

Mr. BUYER. I yield to the chairman.

Mr. EDWARDS of Texas. And the gentleman's question is what amount is reasonable?

Mr. BUYER. What amount do you think is reasonable?

Mr. EDWARDS of Texas. Well, what's not reasonable, I would say to the gentleman, is trying to decide at 10:25 at night an amendment that has already had technical difficulties, an amendment we haven't had a hearing on in our subcommittee—we had 20 hearings over 100 hours, this issue never came up.

So my intention is to object to the unanimous consent request, but in good faith, just as I showed a few minutes ago on the $7 million amendment, let's continue to work together and see if we can find a way. I think having solar panels at VA facilities is something that can be an excellent idea, but this isn't the way to bring about that policy.

Mr. BUYER. I reclaim my time. I will offer the amendment, we'll go through the procedures, we'll talk about solar, and we'll work with you as we go to conference. If it's not there, I'll just go right down Pennsylvania Avenue and I'll work with the administration and we'll get the number necessary to fund the 16 sites. That's how the town works.

The Acting CHAIRMAN. The time of the gentleman has expired.

AMENDMENT NO. 29 OFFERED BY MR. BUYER

Mr. BUYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. BUYER:

Page 41, line 14, before the period insert '': *Provided further*: That $150,000,000 of the amount appropriated in this paragraph shall be for the installation of appropriate solar electric energy roof applications''.

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

The gentleman from Indiana is recognized for 5 minutes.

Mr. BUYER. Mr. Chairman, my amendment would provide $150 million of the amount appropriated in the Department of Veterans Affairs minor construction account for the installation of solar electronic roof applications.

Qualified solar technologies to be considered included, but not limited to, distributed thin-film solar, amorphous crystalline, nano photovoltaic, and technology systems. What we're trying to do is harness the energy of the sun.

Alternative and renewable sources, such as solar power—whether it's wind, geothermal, hydrogen, biomass—all of these are extremely important. They play an important role in addressing rising energy prices and alleviate our Nation's dependence on foreign oil.

We have an energy crisis in this country. Peak oil is approaching year 2037. We need to rebalance the Nation's portfolio. And in order to do that, we increase our Nation's energy supply to bridge ourselves beyond the alternative energy future in which we seek. We must begin to act and to take decisive measures to address the impact of high energy costs on the Department of Veterans Affairs.

VA medical centers consume large amounts of energy, especially for advanced technologies such as CAT scans, MRIs, that are necessary to provide state-of-the-art medical technologies.

Between 2005 and 2007, VA's energy costs increased by 20 percent. Last year, the VA identified 16 potential sites for solar projects. It's in Calverton, New York; Gustine, California; Phoenix, Arizona; Fresno, California; West Los Angeles, California; Loma Linda, California; Long Beach, California; Dallas, Texas; Palo Alto, California; Sheridan, Wyoming; Reno, Nevada; Tucson, Arizona; Syracuse, New York; Buffalo, New York; West Haven, Connecticut; and Albany, New York. Yes, I am on the floor asking that we fund 11 Democrat districts and five Republican.

Last year, when they identified these, they did feasibility studies with regard to these 16 sites. This summer, the VA plans to move forward to install rooftop solar systems at two sites, Loma Linda and Dallas.

Solar technologies, they diversify our energy supply, they reduce our dependence on imported fuels, improve our air quality, and offset greenhouse gases.

And I'm also interested that, as we move toward American-made energy solutions, that we buy solar systems that are made in America, not ones that are made in China or in Germany or in other places. We should do it here.

At this point, I would like to clarify the amendment. I ask unanimous consent that at the end of my amendment, after the word ''applications,'' insert the following: ''At VA medical facilities.''

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. EDWARDS of Texas. Mr. Chairman, I object.

The Acting CHAIRMAN. Objection is heard.

Mr. BUYER. Mr. Chairman, I ask unanimous consent to strike the amount of $150 million and insert the amount of $75 million.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. EDWARDS of Texas. Yes, I object.

The Acting CHAIRMAN. Objection is heard.

Mr. BUYER. Mr. Chairman, it is important that we continue to invest now to reduce the energy costs into the future. The opportunity to employ this technology at the VA, the second largest department within the Federal Government, is now.

Now, I had hoped that we could have done this tonight. I'll continue to work with you, Mr. Chairman.

To the country, this isn't a good message to send. I will speak with the Secretary in the morning. I will work with him. I will let him know that you're sending down $662 million above the President's request, $361 million more than FY08. And because he has, right now, these 16 projects, I believe there's more than sufficient funds here to move on solar applications.

I would have hoped that we could have done this in a bipartisan fashion; that is really unfortunate. And I will work with the Secretary to ensure that alternative sources of energy are used in the VA.

With that, I yield back my time.

□ 2230

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. EDWARDS of Texas. Yes, I do.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I think anyone who has listened to this debate over the last few minutes at 10:30 at night understands this isn't about partisanship at all. But I think what the American people would object to is going from $150 million to $75 million to whatever other number that we might pull out of our hat this late in the evening on a measure that wasn't considered for 1 minute in the 19 hearings we held covering over 100 hours.

I salute the gentleman, my friend and colleague. I salute the gentleman for his goal of trying to encourage the VA, and I want to encourage the Department of Defense as well, to use solar energy, to lessen our energy costs and our dependence upon foreign energy supplies. That is a worthwhile goal.

But, Mr. Chairman, appropriation bills are about setting priorities. And let me tell you my priority, and I'm proud to defend this priority. My priority is that I never want one American veteran to ever have to live in the unconscionable conditions that Army soldiers had to live in at Walter Reed Annex 18 last year. The American people were deeply offended by what they saw.

So our committee has worked on a bipartisan basis in good faith to see that we plus-up the minor construction accounts in the VA to provide the kind of renovation so that we don't see that kind of nightmare occurring in the VA system that occurred in the Army medical system. And despite the worthiness of the gentleman's goals, even though it's so late at night and talking about sums such as $150 million, the fact is that loss of money for minor construction could cause the VA to have to cancel 25 to 30 significant construction projects to help provide better care, more modernized facilities for our veterans. So that is why I object to this amendment.

And I do look forward to working with the gentleman. If he wants to work in good faith, that will be my commitment to him. But it ought to be on a carefully thought-out process, weighing not only the pluses of his laudable goals but the minuses of where he would take that money from. That's the right way to handle the American taxpayers' dollars.

Mr. WAMP. Will the chairman yield?

Mr. EDWARDS of Texas. I yield.

Mr. WAMP. Thank you, Mr. Chairman. I want to compliment you on your statement. And, again, we are bipartisan partners here. But I would point out that had we not had the preprinting requirement that was talked about earlier that we're living under, the fluidity of modifying amendments or amounts on the floor is part of the way that the appropriations process works.

We do have a great bill. But the neat thing about appropriations is when you bring a great bill to the floor, the Members of the House, all of them, do have the ability to make changes or make improvements or make suggestions, and, frankly, that is what the gentleman is trying to do. So I want to make that point, and to say that it's not late. We can start talking about how late it is, but this bill has been ready for the floor for 35 days. So as far as I'm concerned, we are not late tonight. We have got plenty of time to debate these things. So I don't want to—especially these gentlemen, the chairman and ranking member from the Veterans Affairs Committee who want to bring these ideas to the floor on an appropriation bill, that's kind of the nature of an appropriations process. It is an open process. We do have a great bill. I don't think it's a perfect bill not subject to amendment by the Members of the House.

Mr. EDWARDS of Texas. Mr. Chairman, let me just point out that the Rules Committee allowed any Member to offer any amendment to this bill with the only request that it be preprinted in the CONGRESSIONAL RECORD so the public and veterans organizations could see what those amendments would be. And this kind of confusion at this time of night is probably a good example of why that was a smart rule to require that kind of preprinting.

With that, I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman. Let me simply say I would never apologize for having a rule which requires all Members of the House to be aware ahead of time what amendments they will be asked to consider. It seems to me that the proper time to raise the questions raised by the gentleman who seeks to offer the amendment is before the bill ever hits the floor. It seems to me that if the authorizing committee or any member thereof has some ideas that they would like to see included in the appropriation bill that the best way to work in the legislative body is to talk to people ahead of time about it so that we don't have to make these horseback, half-baked judgments at 10:30 in the evening.

Mr. BUYER. Will the gentleman yield?

Mr. EDWARDS of Texas. Surely.

The Acting CHAIRMAN. The time of the gentleman has expired.

POINT OF ORDER

Mr. EDWARDS of Texas. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part:

''An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.''

Mr. Chairman, the amendment proposes to appropriate funds for a program that is not authorized. The amendment therefore violates clause 2 of rule XXI, and I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does anyone wish to be heard on the point of order?

Mr. BUYER. I would like to speak on the point of order.

The Acting CHAIRMAN. The gentleman is recognized.

Mr. BUYER. First, it's very unfortunate that solar would be kicked out on an attempt of a technicality. Let me go right to the point of order.

The amendment refers to title 38, U.S. Code, Section 8103. It provides VA the authority to ''construct'' and ''alter.'' So you can see that in the very first line; so 8103(a)(1) ''may construct or alter any medical facility.'' Now, it's any medical facility as the Secretary considers necessary for use of the site. Section 8101 of title 38, United States Code, defines the term ''alter'' with respect to medical facility means to repair, remodel, improve, or extend. So this section 8103 is general authority. Specific authority would come under—and this is minor construction. So under general authority, the Secretary has great discretion. With regard to specific authority, it would come under Section 8104. That would be designations of CBOCs, anything above $10 million comes under Section 8104.

What I refer to, and this is what the Parliamentarians make sure everybody has, it's the House Practice guide, the Guide to the Rules, Precedents, and Procedures of the House. So when I go to page 84, the authorization from specific statutes in this paragraph, Mr. Chairman, so this was page 84, and it's entitled under Authorization From Specific Statutes Or General Existing Law; so what I have done is refer to the general law, not the specific. This is the general law. ''Authorization for a program may be derived from a specific law providing authority for that particular program or from a more general existing law,'' which means organic law, or ''authorizing appropriations for such programs.''

So what's happened over the years, it's not like the Armed Services Committee, Chairman EDWARDS.

Mr. Chairman, we don't bring that annual VA authorization bill. So what has happened over the decades, Mr. Chairman, is that we have always relied on the 8103 as the general authority provision.

Now, if you say, well, STEVE, when you look at this amendment, when you look at the amendment, because you don't put ''VA facility'' at the end, well, then we might interpret that as applications to all other sections. Mr. Chairman, that's why I said the mistake that was made was, was that all of these other sections don't even apply to solar. There's only one of these sections that would apply to solar, and that is the medical facilities section, and that is the 8103.

So my appeal to you is that by putting this solar amendment here at the end of the paragraph, there is only one section here in which it applies to, and that's section 8103.

So when the chairman said you don't have the authorization, I would appeal to the Chair that general authority exists within the minor construction statute for us to do this, and that would be my argument on the point of order.

The Acting CHAIRMAN. Does any other Member wish to be heard?

Mr. EDWARDS of Texas. Mr. Chairman, I would just say briefly I think the Chair has received plenty of advice on this point of order, and now I would like to ask for a ruling from the Chair.

The Acting CHAIRMAN. The Chair is prepared to rule.

The proponent of an item of appropriation carries the burden of persuasion on the question of whether it is supported by an authorization in law.

Having reviewed the amendment and entertained argument from both parties on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in

law. Specifically, the amendment is not confined to medical facilities.

The Chair is therefore constrained to sustain the point of order raised by the gentleman from Texas under clause 2(a) of rule XXI.

Mr. BUYER. I move to appeal the ruling of the Chair.

Mr. Chairman, I will withdraw my motion to appeal the ruling.

The Acting CHAIRMAN. The appeal is withdrawn.

The Clerk will read.

The Clerk read as follows:

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $165,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2009 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for fiscal year 2009, in this Act or any other Act, under the ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'' accounts may be transferred among the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2008.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2009, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' and ''Information technology systems'' account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2009 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2009 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $34,158,000 for the Office of Resolution Management and $3,278,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to ''General operating expenses'' and ''Information technology systems'' for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 214. Amounts made available under ''Medical services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of that account.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans who are eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 219. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 220. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available under the ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''General operating expenses'', and ''National Cemetery Administration'' accounts for fiscal year 2009, may be transferred to or from the ''Information technology systems'' account: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 222. Amounts made available for the ''Information technology systems'' account may be transferred between projects: *Provided*, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Any balances in prior year accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors shall be transferred to and merged with amounts available under the ''Compensation and pensions'' account, and, hereinafter, receipts that would otherwise be credited to the accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors program shall be credited to amounts available under the ''Compensation and pensions'' account.

SEC. 224. Section 1710(f)(2)(B) of title 38, United States Code, is amended by striking ''September 30, 2008,'' and inserting ''September 30, 2009,''.

SEC. 225. Section 1729(a)(2)(E) of title 38, United States Code, is amended by striking ''October 1, 2008,'' and inserting ''October 1, 2009,''.

Mr. EDWARDS of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WAMP. Mr. Chairman, point of parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his point of inquiry.

Mr. WAMP. Will you restate how far you've read?

The Acting CHAIRMAN. Page 51, line 11.

Mr. WAMP. No objection.

The Acting CHAIRMAN. Are there any amendments?

AMENDMENT NO. 9 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. JACKSON-LEE of Texas:

At the end of title II (page 51, after line 11), insert the following new section:

SEC. 226. (a) The Secretary of Veterans Affairs shall increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas, which shall include using the services of existing health care entities, pursuant to the authority in section 1703 of title 38, United States Code.

(b) At least one of the existing health care institutions used by the Secretary pursuant to subsection (a) shall be—

(1) located in an area defined as a HUBzone (as that term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)) on the basis of one or more qualified census tracts;

(2) located within a State that has sustained more than five percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom; and

(3) have at least 7 years experience and significant expertise in providing treatment and counseling services with respect to substance abuse, alcohol addiction, and psychiatric or stress-related disorders to populations with special needs, including veterans and members of the Armed Forces serving on active duty.

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to offer and withdraw an amendment on this particular bill.

The amendment has to do with the Secretary of Veterans Affairs, calling upon them to increase the number of medical centers specializing in posttraumatic stress disorder in underserved urban areas, which shall include using the services of existing health care entities pursuant to the authority in section 1703.

This particular amendment has to do with ensuring the cooperation with existing health care institutions used by the Secretary pursuant to subsection (a).

I would like to see these facilities located in an area defined as a HUBZone and as well in an area that covers rural areas. I would like to see, according to my amendment, that these facilities would be located within a State that has sustained more than 5 percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom.

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I am very pleased that, under the leadership of Chairman EDWARDS, longstanding leadership, that the legislation that we have before us includes more dollars for mental health and substance abuse, and as well some $3.8 billion, and also it includes $200 million to address the question of fee-based services in the Veterans' Affairs medical system. It also has additional money, $5 billion, for medical facilities and $165 million for extended care.

My amendment was to recognize the plain facts of combat, as we have seen more and more soldiers coming back from Iraq and Afghanistan wounded not only physically but mentally. Most of these soldiers have seen—94 percent of the soldiers in Iraq have reported receiving small arms fire, 86 percent of soldiers in Iraq reported knowing someone who was seriously injured. Some similar numbers we are finding in Afghanistan because we have seen an increased amount of combat in Afghanistan.

And so, Mr. Chairman, my concern is to ensure that we have the right kind of facilities for our soldiers that are returning. So I offer this amendment because I thought it was very important to include hospitals like Riverside General Hospital, the only historically black hospital I believe remaining in the United States, founded and organized by a World War II veteran, or family of a World War II soldier.

I would hope that as we move toward the conference, since this amendment is now being withdrawn as I conclude my remarks, I am hoping that we will be able to work with the committee and ensure that we have the opportunity to make this work.

I'd like to yield to the chairman, if I could. I'd like to yield to the gentleman about the amendment that I have that has to do with providing post-traumatic stress disorder facilities in collaboration with existing facilities.

I think this is a good amendment. I am offering and withdrawing it in cooperation with the committee. I won't go down to 1600 Pennsylvania and work with the White House, but I would like to work with this committee and this chairman, and thank him for his leadership, as well as Chairman FILNER, who has been more than powerful, if you will, on the issues of veterans.

This has to do with putting these facilities in historically underserved

areas and, as I indicated to you, Riverside Hospital has an initial grant. We are having some difficulty in making sure they get their moneys from the last time. But I think we need more of these facilities.

I yield to the gentleman.

Mr. EDWARDS of Texas. I want to thank the gentlewoman from Texas, my colleague. She has been a champion for fighting for more funding in the VA for mental health care services for our veterans. Because of that, and the support of others in this House, which she has been a real leader in this effort, we will have added $900 million above the last year funding level for specialty mental health care services for our veterans.

The VA will have a great deal of discretion in how to spend that money. I would imagine the importance of the VA health care center in Houston and the number of veterans there, that it should be one of the beneficiaries of this funding.

I know because of this being an appropriation bill, there were technical reasons why there was a point of order that potentially lodged against this amendment. But that point of order will not keep us from working closely together to fulfill your goal of seeing that we have first-class quality mental health care services for veterans in underserved areas and urban areas across our country.

Ms. JACKSON-LEE of Texas. If I could reclaim my time and say that the underpinnings of this amendment has to do with existing satellite facilities such as Riverside Hospital that could be in collaboration. I would be very grateful if I could work with the chairman and full committee, and I want to acknowledge the chairman of the full committee in looking at that as we go into conference, as to whether or not we can at least ensure that those facilities will be looked at.

Mr. EDWARDS of Texas. We look forward to that.

Ms. JACKSON-LEE of Texas. Thank you very much.

Mr. Chairman, I rise to speak in support of the bill and in favor of my amendment. I also rise to express my sincere appreciation to Mr. EDWARDS, the chairman of the Appropriations Subcommittee on Veterans Affairs and Military Construction, and the Chairman of the Veterans Affairs Committee, Mr. FILNER, for all they have done and continue to do to make real President Lincoln's admonition that ''we care for him who has borne the battle, and for his widow and orphan.''

In particular, I wish to commend Chairman EDWARDS, for the leadership, commitment, and foresight he has demonstrated on the issue of PTSD and the overall mental health of our nation's veterans. Like Mr. EDWARDS and Mr. FILNER, I am committed to improving the lives of thousands of veterans who have risked their lives for our nation, and I believe my amendment plays a crucial role in ensuring that veterans suffering from PTSD receive the medical treatment they desperately need.

Mr. Chairman, thank you for this opportunity to explain my amendment to H.R. 6599, the ''Veterans Affairs and Military Construction Appropriations Act for Fiscal Year of 2009.'' As a Member of Congress from Texas, a state which has sustained more casualties in the ongoing conflicts in Afghanistan and Iraq than all but one other, I am pleased to offer this amendment. This amendment is intended to address the urgent need for more post-traumatic stress disorder (PTSD) treatment and counseling facilities servicing veterans living in some of the more distressed areas of our country.

Mr. Chairman, according to Webster's, dignity is ''the quality or condition of being esteemed, honored or worthy.'' We can never do enough to honor our wounded veterans. Studies have shown that 30 percent of troops deployed to Iraq suffer from depression, anxiety, or post-traumatic stress disorder (PTSD). However, when wounded troops return home, the treatment they receive is more befitting a second class citizen than a hero. This is a shame and a great stain on our nation.

How these problems could be overlooked or neglected by this Administration is unfathomable. The very leaders that these brave young men and women rely let them down. The message that incidents like Walter Reed Medical Center sends to our troops is that we do not care enough. But that is not the message we wish to send. The Veterans Administration and Military Construction Appropriations Act of 2009, H.R. 6599, will go a long away toward correcting this misapprehension. All Members of the House are indebted to our colleague, Mr. EDWARDS of Texas, for his masterful leadership in shepherding this landmark legislation to the House floor. For the more than 29,000 brave men and women who have been wounded in Iraq and Afghanistan, help is on the way. And the over 4,000 heroes who have given the last full measure of devotion will always be in our hearts and prayers.

Mr. Chairman, my amendment requires the Secretary of Veterans Affairs to increase the number of medical facilities specializing in post-traumatic stress disorder located in underserved urban areas. Access to post-traumatic stress disorder treatment is especially important since veterans living in such areas are less likely to be diagnosed and treated for post-traumatic stress disorder.

Mr. Chairman, PTSD is one of the most prevalent and devastating psychological wounds suffered by the brave men and women fighting in far off lands to defend the values and freedom we hold dear.

For those of us whose daily existence is not lived in harm's way, it is difficult to imagine the horrific images that American servicemen and women deployed in Iraq, Afghanistan, and other theaters of war see on a daily basis. In an instant a suicide bomber, an IED, or an insurgent can obliterate your best friend and right in front of your face. Yet, you are trained and expected to continue on with the mission, and you do, even though you may not even have reached your 20th birthday.

But there always comes a reckoning. And it usually comes after the stress and trauma of battle is over and you are alone with your thoughts and memories. And the horror of those desperate and dangerous encounters with the enemy and your own mortality come flooding back.

PTSD was first brought to public attention in relation to war veterans, but it can result from a variety of traumatic incidents, such as mugging, rape, torture, being kidnapped or held captive, child abuse, car accidents, train wrecks, plane crashes, bombings, or natural disasters such as floods or earthquakes.

People with PTSD may startle easily, become emotionally numb (especially in relation to people with whom they used to be close), lose interest in things they used to enjoy, have trouble feeling affectionate, be irritable, become more aggressive, or even become violent. They avoid situations that remind them of the original incident, and anniversaries of the incident are often very difficult. PTSD symptoms seem to be worse if the event that triggered them was deliberately initiated by another person, as in a mugging or a kidnapping. Most people with PTSD repeatedly relive the trauma in their thoughts during the day and in nightmares when they sleep. These are called flashbacks. Flashbacks may consist of images, sounds, smells, or feelings, and are often triggered by ordinary occurrences, such as a door slamming or a car backfiring on the street. A person having a flashback may lose touch with reality and believe that the traumatic incident is happening all over again.

Mr. Chairman, the fact of the matter is that most veterans with PTSD also have other psychiatric disorders, which are a consequence of PTSD. These veterans have co-occurring disorders, which include depression, alcohol and/or drug abuse problems, panic, and/or other anxiety disorders.

The current conflicts in Afghanistan and Iraq are the most continuous combat operations since Vietnam. Soldiers in Iraq are at risk for being killed or wounded themselves, are likely to have witnessed the suffering of others, and may have participated in killing or wounding others as part of combat operations. All of these activities have a demonstrated association with the development of PTSD. One study indicated that 94 percent of soldiers in Iraq reported receiving small-arms fire. In addition, 86 percent of soldiers in Iraq reported knowing someone who was seriously injured or killed, 68 percent reported seeing dead or seriously injured Americans, and 51 percent reported handling or uncovering human remains. The majority, 77 percent of soldiers deployed to Iraq reported shooting or directing fire at the enemy, 48 percent reported being responsible for the death of an enemy combatant, and 28 percent reported being responsible for the death of a noncombatant.

My amendment recognizes that these soldiers are first and foremost, human. They carry their experiences with them. Ask a Vietnam Veteran about the frequency of nightmares they experience, and one will realize that serving in the Armed Forces leaves a lasting impression, whether good or bad. My amendment ensures that ''no soldier is left behind.'' By directing the Secretary of Veterans Affairs to increase the number of medical facilities specializing in PTSD that are located in underserved urban areas, and conducting a concurrent study on increasing access to PTSD treatment at these facilities those soldiers will never feel forgotten or taken for

granted. These soldiers can be certain that Members of Congress will ensure that they receive the necessary treatment to guarantee that their adjustment back into society is a successful one.

As the war in Iraq continues to drag on, and with our country continuing to send military personnel to Afghanistan, the military has been overwhelmed with returning soldiers suffering from mental health problems. Earlier this month, Col. Elspeth Ritchie, psychiatry consultant to the Army surgeon general, stated "as the war has gone on, PTSD and other psychological effects of war have increased. The number of (mental health workers) that was adequate for a peacetime military is not adequate for a nation that's been at war."

Mr. Chairman, according to surveys conducted of troops in Iraq, 15–20 percent of Army soldiers have demonstrated signs of post-traumatic stress. Symptoms of this serious disorder include nightmares, flashbacks, emotional detachment, dissociation, insomnia, loss of appetite, memory loss, clinical depression, and anxiety. One year after returning from combat, approximately 35 percent of soldiers are seeking some kind of mental health treatment. Among soldiers still stationed in Iraq and Afghanistan, many incidents of abuse, including killings and rapes by U.S. soldiers, have been attributed to ethics lapses caused by the strain of combat.

Mr. Chairman, last Thursday, the Department of Defense released a report that stated "current efforts fall significantly short" in providing help for troops. Further, this report found that "[t]he psychological health needs of America's military service members, their families and their survivors pose a daunting and growing challenge to the Department of Defense."

I urge adoption of my amendment. And I thank the Chairman for his fine work in bringing this exceptional legislation to the House floor where it should receive an overwhelmingly favorable vote.

I ask again, Mr. Chairman, unanimous consent at this time to withdraw the amendment, but keeping in mind that veterans and returning soldiers need service and they need to have the kind of service for PTSD. And I hope that we will be able to accomplish that.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENTS NO. 18 AND 19 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I ask unanimous consent to consider my amendments 18 and 19 en bloc for the purpose of debate.

The Acting CHAIRMAN. Without objection, the Clerk will designate the amendments.

There was no objection.

The text of the amendments is as follows:

Amendment No. 18 offered by Mr. FILNER:

At the end of title II of the bill, (page 51, after line 11), add the following new section:

SEC. 226. Appropriations made available in this title for ''Medical services'' shall be used by the Secretary of Veterans Affairs, in an amount not to exceed $250,000,000, to establish a community grant program to provide rehabilitative services to veterans and servicemembers with post-traumatic stress disorder or traumatic brain injury. The Secretary of Veterans Affairs may enter into cooperative agreements with States and localities in order to inform veterans and servicemembers of programs and benefits under this grant program.

Amendment No. 19 offered by Mr. FILNER:

At the end of title II of the bill (page 51, after line 11), add the following new section:

SEC. 226. Appropriations made available in this title for ''Medical services'' shall be used by the Secretary of Veterans Affairs, in an amount not to exceed $10,000,000, to establish, in cooperation with the Secretary of Defense, a heroes' homecoming pilot program to evaluate the effectiveness of offering compulsory screening, evaluation, and when indicated, treatment for mental health conditions such as post-traumatic stress disorder, and traumatic brain injury, to servicemembers (and immediate family members) returning from deployment and those recently discharged.

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The point of order is reserved.

The gentlemen from California is recognized for 5 minutes.

Mr. FILNER. Mr. Chairman, as the chairman of the Authorizing Committee, the House Veterans' Affairs Committee, I want to thank Chairman EDWARDS, Chairman OBEY, and his ranking members, for giving us this bill and a whole series of bills that preceded this since our party has taken over the majority of this body.

Not only have we for the first time with fiscal years 2008 and 2009 exceeded the budget requests in the so-called independent budget, which is put together by veterans' groups for veterans, and for the first time we exceeded them 2 years in a row. Not only that, but with the fiscal year 2007, which we had to pick up, and several supplemental bills which we had to pass, we have added, in my calculation, over $17 million worth of new money for the health care of our veterans, which is an unprecedented 40 percent increase since Chairman EDWARDS and Chairman OBEY have been chairmen of those committees. That is incredible.

We have put resources in place to do the job for our veterans, but the Veterans Administration doesn't always do what we intend, or do it with the efficiency that we would like. Many of you have heard the horror stories of young people going to medical centers, asking for PTSD help, post-traumatic stress disorder, being told that they can't get an appointment for 5 or 6 weeks, going home and committing suicide.

We have had the Secretary of the VA tell me, when I said, Aren't a thousand suicide attempts per month by our veterans a concern? He said, No. It's consistent with the literature. We have had a Secretary, Under Secretary of Defense say that 300,000 PTSD victims of our forces in Iraq and 320,000 victims of brain injury were not a problem because those were just symptoms of those injuries. They didn't really exhibit full-blown PTSD or full-blown traumatic brain injury and therefore they weren't concerned about it. So their concern, Mr. Chairman, has not always equaled our commitment here.

My two amendments would try to have dealt with that in a way that I hope and I know the chairman will work with me in the future.

Do you know that tens of thousands of our young people leave Iraq and Afghanistan, whether they are in the active duty or the Reserves or the National Guard, without any evaluation by medical personnel for either PTSD or brain injury?

We have to do something about that, Mr. Chairman. I have proposed, and we will work with you as we authorize what I am calling a Hero's Homecoming camp, to say that every soldier with his or her company, with his or her family, will be evaluated by medical personnel for brain injury and PTSD, and before they are discharged from the service. I had asked for $10 million to cooperate with the DOD to do that.

In addition, one of the chief weaknesses of the Veterans Administration is they don't like outside help. They don't ask for community support. All over this country, people want to help our troops. So I have asked at some point for $250 million for community grants to help our soldiers in their own communities who have mental health and other injuries for their treatment and rehabilitation.

This is something I think we have to do, Mr. Chairman. I know you agree with me in principle. I know this is not the time and place to debate that or put that in the bill. Your commitment to our soldiers, sailors airmen, and marines is well known. Just putting that out there, that we have to do this community support, mandatory evaluations, that I know that we can work together.

I will withdraw the amendment.

Mr. EDWARDS of Texas. Will the gentleman yield first?

Mr. FILNER. I will yield to you first.

Mr. EDWARDS of Texas. Let me just take this opportunity, Mr. Chairman, to thank Mr. FILNER. While I chair the appropriations subcommittee for veterans, he is the chairman of the full Committee on Veterans' Affairs. He has been a leading voice in fighting for mental health care services for our veterans and a broad range of services and benefits for our veterans. Without his leadership, we would not have $3.8 billion in specialty mental health care mandated in this bill, a $900 million increase over the year before.

I certainly look forward to working with the chairman of the authorizing committee in the months ahead on the

programs that he has fought so hard for.

Mr. FILNER. Mr. Chairman, I would ask unanimous consent to withdraw the amendments en bloc.

The Acting CHAIRMAN. Without objection, the gentleman's amendments en bloc are withdrawn.

There was no objection.

AMENDMENT NO. 22 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. FILNER:

At the end of title II (page 51, after line 11), add the following new section:

SEC. 226. (a) PAYMENTS TO VETERANS WHO SERVED IN PHILIPPINES DURING WORLD WAR II.—During the one-year period beginning on the date of the enactment of this Act, the Secretary of Veterans Affairs (in this section referred to as the ''Secretary'') shall make a payment to a person described in subsection (e) who, during such period, submits to the Secretary an application containing such information and assurances as the Secretary may require.

(b) PAYMENT AMOUNTS.—Each payment under this section shall be—

(1) in the case of a person described in subsection (e) who is not a citizen of the United States, in the amount of $9,000; and

(2) in the case of a person described in subsection (e) who is a citizen of the United States, in the amount of $15,000.

(c) LIMITATION.—The Secretary may not make more than one payment under this section for each person described in subsection (d).

(d) ELIGIBILITY OF INDIVIDUALS LIVING OUTSIDE THE UNITED STATES ENTITLED TO CERTAIN SOCIAL SECURITY BENEFITS.—Receipt of a payment under this section shall not affect the eligibility of an individual residing outside the United States to receive benefits under title VIII of the Social Security Act (42 U.S.C. 1001 et seq.) or the amount of such benefits.

(e) ELIGIBLE PERSONS.—A person covered by this section is any person who served—

(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

(f) OFFSETTING REDUCTION.—The amount otherwise provided by this title for ''INFORMATION TECHNOLOGY SYSTEMS'' is revised by reducing the amount by $198,000,000.

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Mr. FILNER. Mr. Chairman, I thank the chairman for allowing me to take a few minutes on this amendment. As we are very much concerned with our Iraqi and Afghanistan young men and women who are returning with grave injuries, we cannot forget our older veterans and the justices that we have to make up for.

We can go back to World War II where we have atomic veterans who have not yet received compensation for being in testing areas without being told. We have merchant mariners who never got benefits of our GI Bill, who are in their eighties and we need to say thank you to.

We have a group of veterans who were drafted into the Army in 1941, all the Filipinos who were in the Filipino army and various units and various irregular areas defending that territory. That was a territory of ours. And we drafted all the soldiers into our Army with the promise that they would have benefits later.

Those Filipino soldiers, over a quarter million of them, held up the Japanese advance for weeks and weeks and weeks beyond their scheduled advance. It allowed us back home to prepare better and for MacArthur to return. And though the Japanese overran the Philippines in the terrible battles of Corregidor and the famous death march of Bataan, the surviving soldiers were able to harass the Japanese through guerilla work, and they were not strong enough to resist MacArthur when he returned. In fact, it was the Filipinos, bravely alongside their American counterparts, who helped to win the war in the Pacific.

After the war was over, after we had won in both the Atlantic and Pacific, the Philippines were granted their independence, and the Congress of 1946 said, You got your independence. You take care of your veterans. Yes, you saved America, but that is your problem, not ours anymore.

Although President Truman signed the legislation which embodied that in law, he said, We must repair this important travesty. We promised those veterans full benefits. We have taken them away. We have to go and give them back. That was 62 years ago, Mr. Chairman, and that travesty still burns in the hearts of the Filipinos who are alive, and their family members.

The amendment I have in front of the body says that, basically, We are sorry, but thank you.

□ 2300

It provides a pension for those brave Filipino veterans. This is a moral necessity for America to close the chapter on World War II. This is a moral necessity for this Congress to make up for a mistake that was made 62 years ago.

I know many Members of this body agree with remedying this moral disaster, and yet we have had problems of how we pay for that and how we somehow use the budget to make sure that we are helping these deserving veterans, while not taking away from our brave young men and women from either World War II, Vietnam, Korea, the Persian Gulf war 1 or the present conflicts.

So, Mr. Chairman, I am trying to figure out a way to do that. I know the vast majority of this body agrees with me, and I look forward to working with you to find a way to do that.

I know there are other speakers on this amendment. I would hope that we have a colloquy with the chairman on his time in a few minutes.

I yield back the balance of my time.

The Acting CHAIRMAN. Does the gentleman from Texas continue to reserve his point of order?

Mr. EDWARDS of Texas. Yes, I do, Mr. Chairman.

Mr. HONDA. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HONDA. Mr. Chairman, before I start, I want to thank the chairmen of the Appropriations Committee and the subcommittee, the ranking members on the other side, and Chairman FILNER for the underlying bill that we are looking at, and also I want to commend Chairman FILNER for his unceasing advocacy on behalf of the Filipino-American veterans.

Mr. Chairman, I am glad to have the opportunity today to speak about this important issue and to draw attention to the plight of the World War II Filipino veterans. I rise today to strongly urge my colleagues to support the Filipino veterans.

These brave men fought alongside American soldiers under our flag throughout the Pacific Theater in World War II, and the United States made a promise to grant them veterans benefits as they were drafted into the U.S. service under President Roosevelt. Subsequently, after the war, Congress shamefully and unjustly legislated this promise away in two Rescissions Acts of 1946.

Nearly 1 million Filipinos who were conscripted into service by President Roosevelt were killed in action in defense of our country, and many of them died as they protected the POWs, who were our soldiers, against the Japanese brutality during the Bataan Death March.

I support legislation, S. 1315, which will expand benefits, such as life insurance, education and disability assistance for tens of thousands of current veterans and hundreds of thousands in the coming years. Senate 1315 also restores the promise in our words we made in 1942 to the Filipino World War II veterans who bled and died for our country. Today there are only 18,000 World War II Filipino veterans living, most of them in their eighties, and

they are dying every day, and this cannot wait.

The Senate has already passed S. 1315 by a vote of 96–1 on April 24, 2008, and I urge my colleagues to follow in the Senate's footsteps. This is the right thing to do.

There has been some controversy and confusion about the offset to pay for the benefits in S. 1315. I would like to set the record straight today. This bill will close a loophole created by a case known as Hartness v. Nicholson which gave some veterans double benefits that Congress never intended for them to receive. The bill will return the law to what it was originally intended for all future veterans. It will not take any benefits away from veterans who are already receiving them under Hartness-Nicholson.

This all seems a bit technical. I know some Members are having a hard time supporting S. 1315. But what it boils down to is that this is the right thing to do, and we need to do it very quickly.

Each year I meet with the Filipino community, and each year I read the roll call of those who have passed away. These are men who are courageous and still loyal to the United States and to the flag, and they hold this wonderful spirit and expectation that we will finally keep our word. You know in your hearts that these veteran soldiers who fought under our flag deserve the promise we made them six decades ago.

America's greatness is in her strength of character. When Congress makes a mistake, we have the courage to correct that mistake. We have the guts to apologize and make it right. Let's do the right thing and give the Filipino veterans their due. Let's have a vote on this when we come back from recess this September.

I yield back my time.

The Acting CHAIRMAN. Does the gentleman from Texas continue to reserve his point of order?

Mr. EDWARDS of Texas. Yes, I do. I would also like to move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, my father was a naval aviator in World War II. My father passed away 4 months ago. Had it not been for the courage of Filipino veterans, my father might have been killed, because instead of the war ending before he was deployed, had it not been for their heroism in the Pacific, my father might have been deployed, and like so many other Americans in that war, he might have ended up giving his life to the country.

I have been deeply moved by Mr. HONDA and Mr. FILNER's passionate dedication on behalf of these great citizens of the world who sacrificed, many of them giving the ultimate sacrifice, on behalf of our country and our victory in World War II. Because of the legislative process, there are times when we simply, despite all of our intentions, cannot solve every problem on an appropriations bill, because the rules of this Congress require an authorization process as well.

We can't solve this problem tonight, but because of Mr. FILNER and because of Mr. HONDA, I think we are a giant step closer to addressing this injustice that has existed for so long.

My commitment to Mr. FILNER and Mr. HONDA is to work as the chairman of the appropriations subcommittee with the chairman of the authorizing committee and on a bipartisan basis to find appropriations available so that if we can get an authorization for those appropriations, we can finally bring about justice for these people who did so much for our country and for the world.

With that, I would like to yield, Mr. Chairman, to Chairman FILNER.

Mr. FILNER. I see our Speaker on the floor. The only one I think who knows more about this issue than me is Speaker PELOSI, who has dealt with this in the 20 years that she has been in the Congress. I would ask the chairman to yield to her.

Mr. EDWARDS of Texas. I will be honored to yield to the Speaker, who has been such an eloquent voice on this issue.

Ms. PELOSI. I thank the gentleman.

I have watched with interest the debate this evening, and I am so proud of the work that you, Mr. EDWARDS, are doing on this issue to honor America's vets and, Congressman WAMP, you as well.

I thank the chairman of the Veterans' Committee for bringing up this important issue of our Filipino vets. For years we have been pleading our case. Mr. OBEY has listened patiently and tried to find a way for us to meet the needs of these people who served our country so well, who helped achieve the victory.

Promises were made; promises were not kept. And I know it is not possible to do something this evening, but I wanted to come to the floor to associate myself with the remarks of our distinguished chairman, BOB FILNER, who has worked relentlessly, as we all know, persistently, on this important issue.

We recently had a visit from the President of the Philippines, where she was very interested in the progress of this issue.

So, again, I associate myself with Mr. FILNER's impassioned plea on this subject. Thank you for your leadership for our veterans on an ongoing basis. I am very proud of the leadership of this subcommittee. Under the chairman's leadership, we have been able to give the biggest increase in veterans' health funding in the 77-year history of the Veterans Administration, and just recently in the supplemental we were able to have the GI Bill for our veterans, thank you to our veterans, and when they come home we send them to college. Now this bill goes even further.

So I thank you and Mr. WAMP, both of you, for your leadership on this subject, and yield back the time to the distinguished chairman of the Veterans' Affairs Committee, and thank him for his leadership on behalf of our veterans, all of our veterans, and in this case at this moment our Filipino vets.

Mr. EDWARDS of Texas. If I could reclaim my time, let me just say, Mr. Chairman, in the presence of Speaker PELOSI, what I said earlier this evening. While she has been gracious in commending others for working for veterans over the last 2 years, she made a commitment to America's veterans 4 years ago and said if she became Speaker, we would have unprecedented increases in funding for veterans health care and veterans benefits. $16.8 billion later and a 21st century bill of rights, we can all stand, and I say gratefully, Speaker PELOSI has kept her promise to those great Americans who have kept their promise to serve, and I thank her deeply for that.

With that, I yield to Mr. FILNER.

Mr. FILNER. I, too, want to thank the Speaker for her commitment over a long period of time to not only the Filipino veterans, but all veterans.

Your comments tonight, Mr. EDWARDS, were very moving. They show complete understanding of the issue. I have confidence that, working together and with the support of the Speaker, we will be able to deal with this issue.

Ms. HIRONO. Mr. Chairman, I rise today in support of amendment number 22, offered by Veterans' Affairs Committee Chairman BOB FILNER, which would provide a one time payment to the courageous Filipino veterans of World War II.

Filipino veterans are those that honorably answered the call of President Franklin D. Roosevelt and served alongside our armed forces during World War II. They fought shoulder to shoulder with American servicemen; they sacrificed for the same just cause. We made a promise to provide full veterans' benefits to those who served with our troops. And while we have made appreciable progress toward fulfilling that promise, we have not yet achieved the full equity that the Filipino veterans deserve.

I am proud to be an original cosponsor of H.R. 760, The Filipino Veterans Equity Act of 2007, which was introduced by the Chairman to provide the necessary reclassification of the service of Filipino veterans to make them eligible for all the veterans' benefits programs administered by the U.S. Department of Veterans' Affairs. In essence, H.R. 760 makes good on the promise our government made to these brave men over sixty years ago.

Today, out of the 250,000 Filipino World War II veterans, only 18,000 are left. Of that number some 2,000 reside in my home state

of Hawaii. As Filipino veterans are entering the sunset years of their lives, Congress is running out of time to fulfill our obligations to them.

While there is no question in my mind that the appropriate action for Congress is to provide full veterans' benefits to the Filipino World War II veterans, this one time payment of $15,000 to those veterans who are now American citizens and a $9,000 payment to those veterans that remain Philippine nationals is a gesture that is a step forward in the little time we have left to thank and respect the promises made to these brave soldiers for their service to our country.

Mr. FILNER. Mr. Chairman, I would ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. ALTMIRE). Without objection, the amendment is withdrawn.

There was no objection.

Mr. BUYER. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BUYER. Part of the challenges that we have been dealing with, some have to do with fiction. The Speaker was just on the floor and referred to promises. If the Speaker would not leave the floor—Madam Speaker?

How fascinating. You see, the Speaker was just on the floor, Mr. Chairman, and spoke fiction. While there had been anecdotal accounts of such promises which she has referred to, there have been no official written accounts of these promises. CRS has done an extensive research of the papers and writings of both President Roosevelt and General MacArthur and have not found any written proof that these promises were made.

It is very unfortunate that the Speaker would not have stuck around to listen to that. Several requests for her to stay on the floor, she turns and just walked on out. Now, why would she do that? She doesn't want to hear the truth. It is better to stand on the floor and just say this.

Mr. OBEY. I ask that the gentleman's words be taken down.

The Acting CHAIRMAN. The gentleman will suspend.

The Clerk will report the words.

Mr. OBEY. Mr. Chairman, in the interest of the House finishing its work tonight, I withdraw my request that the gentleman's words be taken down.

The Acting CHAIRMAN. The request is withdrawn. The gentleman from Indiana is recognized.

Mr. BUYER. I appreciate the chairman having withdrawn the amendment since the Parliamentarians were about to rule in my favor, so I appreciate that, that the comments were parliamentary and permissible on the floor.

Let me say, the challenge that we have had here in the committee is that when Mr. FILNER brought his bill he needed an offset, and the offset is that in order to come up with $1 billion, he used the Hartness decision. And that would take $1 billion from American veterans. Now, that is what got us all into this.

Now, the gentleman brings an amendment and tries to say, oh, no, I don't want to use the Hartness decision. The Hartness decision is extremely important, Mr. Chairman, and I want to address it here for a moment. Because in the committee itself, when I tried to strike the offset, I was defeated on a party-line vote. And there would be a tough vote here on the floor if we were going to vote to repeal Hartness.

The Hartness decision is that we give a pension to individuals who served during a period of war, are elderly, severely disabled, and indigent. It is bothersome to me that we would deny these individuals that pension to then give to someone else. Therein lies the challenge.

Chairman EDWARDS and I had a good conversation, and it is the offset with which many of us are uncomfortable about, and we are trying to figure out how best to navigate our way through this issue. And in the same spirit in which we are going to work on solar, we are going to work on this issue. But we are not going to repeal Hartness.

Hartness comes from a 2006 United States Court of Appeals veterans claims decision that overturned the Department of Veterans Affairs decision that denied an 86-year-old legally blind World War II veteran, Robert A. Hartness, a VA benefit called a special monthly pension. That is what they wanted to overturn.

The court reversed the VA's denial of benefits to Mr. Hartness, and required the VA to begin making those payments. The court held that the U.S. law requires an award of the special monthly pension to a veteran eligible for VA nonservice-connected disability pension if, in addition to being at least 65 years of age, he or she has a minimum disability rating of 60 percent or more, or is considered permanently housebound.

The VA determined Mr. Hartness to be 70 percent disabled due to loss of vision, and the VA has also determined that this offset would affect about 20,000 who would file for this type of decision.

So I am most hopeful, I know there is some agreement among myself and other members on both sides of the aisle that if we want to address the issue regarding the Filipino War Veterans of World War II issue, that should be addressed as a standalone. Let's do not repeal or overturn the Hartness decision because you need $1 billion and so we are going to take it from World War II elderly, disabled, housebound veterans. That is a little bizarre and disturbing to me.

I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I have just one observation to make about the remarks of the previous speaker when he indicated that the Speaker did not want to hear the truth.

I would simply observe that when the VA several years ago was insisting that the administration's budget for veterans' health care was insufficient to meet the needs, the Speaker heard the truth and acted on it. And as a result, even in the teeth of fierce opposition from the administration, she insisted that we provide another $1 billion to the veterans' health care budget. And eventually, even the VA came to admit that that money was needed.

When veterans' organizations after our party took control of the Congress 1.5 years ago, when those veterans' organizations told us that we needed to provide at least $3.5 billion more than the President's budget had provided for veterans' health care, she heard the truth and she acted on it.

The Speaker need never take a back seat to the gentleman from Indiana or anyone else in this chamber when it comes to hearing the truth and acting on it when it concerns America's veterans. She made quite clear that the welfare of American veterans was going to be her number one budget priority when she became Speaker, because she was objecting to the fact that the only families in America who ever had to make any sacrifice because of the Iraq war were military families. That was indeed a truth which she not only heard but saw and acted upon, and this House can be proud of that on both sides of the aisle.

I yield back the balance of my time.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $55,470,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $73,975,000, of which $1,700,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $31,230,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally-owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $63,010,000, of which $8,025,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2009 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

AMENDMENT NO. 33 OFFERED BY MR. TERRY

Mr. TERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. TERRY:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to carry out the construction of any new national veterans' cemetery, unless the Secretary of Veterans Affairs provides to Congress, within 180 days after the date of the enactment of this Act, a list of the six new locations for establishment of national cemeteries that includes Omaha, Nebraska, notwithstanding the current veteran population threshold for the appropriate service area standard of the Department of Veterans Affairs

Mr. EDWARDS of Texas. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. Mr. Chairman, in 2002, over 6 years ago, the U.S. Department of Veterans Affairs completed an independent study recommending that the Omaha, Nebraska general area of Eastern Nebraska be selected as the site for a new national veterans' cemetery. That cemetery was to be built no later than 2005. As we stand here today, there has been no decision or authorization for a national veterans' cemetery in Eastern Nebraska.

The State of Nebraska, the Governor and the legislature has determined a site in Sarpy County right next to Offutt Air Force Base as the site for this national veterans' cemetery. One of the issues supposedly that is delaying this cemetery is that, pursuant to the last census, we are a few thousand short of the requisite 170,000 that reside in a 75-mile radius, although Nebraska statistics differ with that census agreement, showing that we more than amply exceed that 170,000 within a 75-mile radius.

What this amendment does is allows us to include some contiguous counties, because what you have is a mass populace within a small area around Offutt Air Force Base. But then, as you spread out, the population becomes far less dense.

So in order here to comply, this amendment includes contiguous counties to get within the U.S. Census that the Veterans Administration is using to block the building of this national cemetery. So I am here tonight to make sure that the promise is kept to the veterans of the Eastern Nebraska, Western Iowa, Northwest Missouri area.

As we know, our veterans population is aging. They are passing away. And I hear from their families quite often that they would prefer to be buried in a veterans' cemetery without having to travel 6 hours to the nearest Nebraska State veterans' cemetery.

So that is the purpose of this amendment, is to keep a promise by the VA and, frankly, the entire delegation, that we are going to fight for a veterans' cemetery that has been promised them. This has been the way that has been recommended. I think it is probably the best way, recognizing the geography of Nebraska.

□ 2330

At this point, I will ask unanimous consent to withdraw my amendment. But I would like to work with the people, the appropriations and the veterans' committee to make sure that this promise is kept.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I will be very brief. But let me just salute the gentleman for his focus on the importance of providing cemeteries of honor, hallowed ground for our servicemen and women who served in uniform.

For the record, let me say that for that very reason, in this bill we provided $83 million for the expansion of existing national cemeteries. We increased by 41 percent funding for our State veterans cemetery program, from $32 million to $45 million, and based on appropriations from our subcommittee in recent years, the Arlington National Cemetery, the most hallowed of hallowed grounds is being expanded as well.

I thank the gentleman for withdrawing his amendment. I think the proper way to make these decisions is careful analysis, looking at the numbers of veterans, how far they have to go to various national and State cemeteries, and I look forward to working with him and other Members of this House in the months ahead to see how we can do this in a proper way so that we can honor our veterans.

I yield back the balance of my time.

AMENDMENT NO. 5 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HENSARLING:

At the end of the bill (before the short title), add the following new section:

SEC. 408. None of the funds provided by this Act shall be available to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, the amendment is a simple one. Earlier this year, in one of the occasionally non-energy energy bills that we see in the House, we had a section 526 added to something called the Energy Independence and Security Act of 2007. In part, this section of the bill says that no Federal agencies shall enter into a contract for procurement of an alternative fuel if the ''life cycle greenhouse gas emissions,'' a phrase that has yet to be legally defined, that they must be less or equal to such emissions from an equivalent conventional fuel produced from conventional petroleum sources.

Mr. Chairman, that is very problematic language to our Defense Department. It is very problematic language to our veterans. And in specific, the author of that provision, the distinguished gentleman from California, who is the Chairman of the House Oversight and Government Reform Committee, told us what his purpose was by putting this section into the bill. And I have in my hand, Mr. Chairman, correspondence dated March 17 from the distinguished gentleman from California to the Chairman of the Senate Committee on Energy and Natural Resources.

It reads, in part, ''It was developed,'' it, referring to section 526, ''it was included in the legislation in response to proposals under consideration by the Air Force to develop coal-to-liquid fuels.''

That was the purpose of this section. And so, Mr. Chairman, what we have is a portion of a bill that makes it more difficult for our Defense Department to become more energy independent, to rely more on North American and specifically, American fuels than Middle Eastern fuels. This is very problematic for our Defense Department.

I also, Mr. Chairman, have in my hand correspondence dated July 9 from the Defense Department, written to the Honorable JAMES INHOFE, ranking member of the Committee on Environment and Public Works.

In part, the letter reads, ''it,'' referring to 526, ''creates uncertainty about what fuels DOD can procure and will discourage the development of new sources, particularly reliable domestic sources of energy supplies for the Armed Forces.''

This is the Pentagon, Mr. Chairman.

It also goes on to say, ''As written, section 526 could apply to alternative and synthetic fuels, including E85, fuel that is 85 percent ethanol, and B20, diesel fuel that contains 20 percent bio fuels, that the department is encouraged or required to use under other statutes.''

The letter from the Pentagon continues to say, ''The provision opens the Department up to court or administrative challenges to every fuel purchase it makes.'' And this is a very important provision of this letter, Mr. Chairman.

''It could cause significant harm to the readiness of the Armed Forces because these fuels may be widely used and particularly important in certain geographic areas.''

Now, Mr. Chairman, we have got an opportunity in this legislation, and my amendment is a very simple one. It simply says that none of the funds provided in this act that we are debating tonight, shall be available to enforce section 526, this problematic language that the Pentagon says can have an adverse effect on the readiness of our Armed Forces.

So, I would hope, Mr. Chairman, that we would pay very careful attention when we are dealing with a bill dealing with our Army, our veterans, our Nation's veterans, with military construction. I would hope that we would pay very, very careful attention and do everything we can to get rid of this section of this law that is hampering our national defense at this time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, March 17, 2008.

Hon. JEFF BINGAMAN,

Chairman, Senate Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I am writing regarding questions that have arisen with respect to the interpretation of section 526 of the Energy Independence and Security Act of 2007. Section 526 addresses government contracts to purchase alternative fuels. As the author of this provision and Chairman of the committee of jurisdiction in the House, I would like to share my views as to how the language should be interpreted.

Section 526 provides:

''No Federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources, for any mobility-related use, other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources.''

This provision ensures that Federal agencies are not spending taxpayer dollars on new fuel sources that will exacerbate global warming. It was included in the legislation in response to proposals under consideration by the Air Force to develop coal-to-liquid fuels. As you may know, coal-to-liquid fuels are estimated to produce almost double the greenhouse gas emissions of the comparable conventional fuel. The provision is also applicable to fuels derived from tar sands, which produce significantly higher greenhouse gas emissions than are produced by comparable fuel from conventional petroleum sources.

The development and expanded use of these fuels could significantly exacerbate global warming, with highly dangerous effects. Thus, it is important to ensure that the Federal government does not subsidize or otherwise support the expanded use of these fuels through government purchasing decisions.

Section 526 applies specifically to contracts to purchase fuels, and it must be interpreted in a manner that makes sense in light of Federal contracting practices. The purpose of the provision is to bar federal agencies from spending taxpayer dollars to support the development and expansion of alternative fuels and fuels from unconventional sources, if those fuels have higher lifecycle greenhouse gas emissions than the comparable conventional fuels. It was not intended to bar federal agencies from entering into contracts to purchase fuels that are generally available in the market, such as diesel or jet fuel, that may contain incidental amounts of fuel produced from nonconventional petroleum sources.

Thus, section 526 would clearly apply to a contract that specifically requires the contractor to provide an alternative fuel, such as coal-to-liquids fuel, or a fuel produced from a nonconventional petroleum source, such as fuel from tar sands. The provision also would apply to such a contract where the purpose of the contract is to obtain such an alternative fuel or fuel from a nonconventional petroleum source, even if the source of the fuel is not explicitly identified in the contract. Similarly, a contract that supports or provides incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of tar sands oils would also be subject to section 526. This provision would not apply to contracts to purchase a generally available fuel, such as a specific diesel or jet fuel blend, if that fuel is not an alternative fuel or predominantly produced from an unconventional fuel source.

Questions have also been raised as to whether the implementation of this provision must await the development of specific lifecycle greenhouse gas emissions profiles for each fuel type. The language of section 526 requires only a determination of whether a fuel has higher lifecycle greenhouse gas emissions than the comparable conventional fuel, not a precise estimate of each fuel's specific greenhouse gas emissions. While there is a range of numeric estimates of the lifecycle greenhouse gas emissions of coal-to-liquids fuels produced without carbon capture and sequestration and fuels derived from tar sands, there is no debate over the fact that both of these fuels have substantially higher lifecycle greenhouse gas emissions than the comparable conventional fuels. There is no barrier to the immediate implementation of section 526 with respect to these fuels.

I hope this clarification of my understanding of section 526 is helpful as your

Committee oversees federal agencies' implementation of the Energy Independence and Security Act of 2007.

Sincerely,

HENRY A. WAXMAN,
Chairman.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, DC, July 9, 2008.

Hon. JAMES M. INHOFE,
Ranking Member, Committee on Environment & Public Works, U.S. Senate, Washington, DC.

DEAR SENATOR INHOFE: The Department of Defense (DoD) supports S. 2827, a bill ''to repeal a requirement with respect to the procurement and acquisition of alternative fuels.'' The bill would repeal section 526 of the Energy Independence and Security Act of 2007. Section 526 has the potential to generate significant problems for DoD in its procurement of fuels for the national defense. It creates uncertainty about what fuels DoD can procure and will discourage the development of new sources, particularly reliable domestic sources, of energy supplies for the Armed Forces. The following is representative of the Department's concerns.

The Department believes section 526 is overly broad both in design and application. The law's terms are not defined and some may argue that it covers a very broad range of fuels commonly purchased by DoD. As written, section 526 could apply to alternative and synthetic fuels, including E85 (fuel that is 85 percent ethanol) and B20 (diesel fuel that contains 20 percent biofuels), that the Department is encouraged or required to use under other statutes.

Section 526 applies to ''an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources.'' The provision opens the Department up to court or administrative challenges to every fuel purchase it makes, with the inherent potential for an adverse decision that would cover fuels the military already relies on as well as potential reliable sources of fuel that could be developed in the future. Such a decision could cause significant harm to the readiness of the Armed Forces because these fuels may be widely used and particularly important in certain geographic areas.

Section 526 applies worldwide, not just to purchases within the United States. There are no means to accurately and authoritatively determine the lifecycle greenhouse gas emissions from non-domestically produced fuels because we do not track all of the fuel inputs in other countries and many producing countries lack the infrastructure or institutional control necessary to reliably track these inputs. For example, our military aircraft used over 6 million gallons of Canadian jet fuel in 2007 while exercising with the Canadian Armed Forces, conducting joint operations along the Distant Early Warning Line, and refueling at Canadian commercial airports. Canadian fuels include a mix of fuels including those produced from tar sands crude at various percentages. If these fuels were subject to section 526, and fuel suppliers were unable to authoritatively certify the lifecycle greenhouse gas emissions associated with the fuel, our military aircraft may be required to stop refueling in Canada, potentially affecting our national security.

Section 526 requires an analysis that may never be possible. The source of a fuel informs the greenhouse gas emissions footprint. Fuels, including conventional petroleum, are produced from numerous sources and often mixed together. Current standards for determining emissions of fuels from various origins are determined on averages. However, section 526 could be interpreted to require an analysis of individual fuel purchases for lifecycle greenhouse gas emissions, even though determining the emissions footprint for any individual batch of fuel may be impossible. For example, conventional fuel derived from oil produced in Venezuela or Nigeria is more likely to have a larger footprint than domestic oil because of the energy used transporting the oil to the United States. Foreign and domestic oil may be mixed together at a refinery. Once foreign and domestic oils are mixed together, the oils cannot be differentiated from one another. Therefore, the footprint of the resulting fuel cannot be determined accurately or authoritatively.

Finally, even a narrow interpretation of section 526 in an effort to reduce the uncertainty and the scope of section 526 still could limit the Department's flexibility in making emergency fuel purchases, overseas fuel purchases, and purchases at commercial stations and airports. Currently, there is no method for determining whether fuel purchased at these locations meets the requirements of section 526.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

(for Daniel J. Dell'Orto, Acting).

With whatever time I have remaining, I would be happy to yield to my friend from Texas, the chairman of the committee.

Mr. EDWARDS of Texas. I thank my colleague from Texas. I will not object to this amendment.

Mr. HENSARLING. I thank the chairman for agreeing to the amendment. I know how to take yes for an answer.

I am happy to yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment was agreed to.

AMENDMENT NO. 30 OFFERED BY MR. TAYLOR

Mr. TAYLOR. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. TAYLOR:

At the end of title IV of the bill, before the short title, insert the following:

SEC. 408. None of the funds made available in this Act may be used to implement section 2703 of Public Law 109–234.

The Acting CHAIRMAN. The gentleman from Mississippi is recognized for 5 minutes.

Mr. TAYLOR. Mr. Chairman, in the immediate aftermath of Hurricane Katrina, the Congress of the United States showed incredible generosity to the people of south Mississippi. One of those acts of generosity was the transfer of approximately 100 acres of very valuable waterfront property along Highway 90 in Gulfport, Mississippi, that had, and is still owned by the Veterans Administration to the City of Gulfport. We are very grateful for that. It had been my desire that that remain a veterans hospital, but because of the decision by the CARES Commission, the initial plan was for the Nation to sell that property and plow the proceeds of that sale into other Veterans Administration facilities in south Mississippi for upgrades.

In the aftermath of the storm, our very capable Senators drafted some legislation that allowed the city of Gulfport to receive this property free from our Nation. And again we are grateful for that.

What I regret is that there were no safeguards to ensure that this transfer, that this property continues to serve a public purpose. And this piece of property has been a public asset for over 80 years. For 80 years veterans with psychological, traumatic mental illnesses have been treated there. And I think it would serve our Nation well to delay this process, go to conference and make sure that there are adequate safeguards so that the funds received from the lease of this property, any future use of this property, serves a public purpose.

And so I have brought this to the attention of Mr. FILNER. I brought this to the attention of Mr. EDWARDS.

I would hope that, given, again, we respect the fact that Congress acted very quickly in the aftermath of Katrina to do something to help the people of south Mississippi in their efforts to act quickly. I regret that I don't think there were adequate safeguards to protect the public. This is an effort to slow this down just long enough to put those safeguards in there. I believe I have the support of Chairman FILNER. I would hope I have the support of Chairman EDWARDS. I would hope Ranking Member WAMP would agree to this.

I yield back the remainder of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL OF TEXAS

Mr. MCCAUL of Texas. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MCCAUL of Texas:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used for a project or program named for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. McCAUL of Texas. Mr. Chairman, my amendment is a simple one. It would prohibit any funds appropriated in this bill from going to any projects named after a sitting Member of Congress. The amendment is based on my bill, H.R. 5771, which I introduced earlier this year, and has been cosponsored by 27 other Members.

One of the most egregious examples of pure vanity and arrogance that we see in Washington is the practice of naming projects after current Members of Congress, or, as I call them, monuments to me.

According to the latest polls, only 12 percent of the American public approves of the job we are doing in the Congress, and that sentiment is due, in no small measure, to the fact that the American public thinks that we care less about them than we do ourselves. That is really what is wrong with Washington today.

And a few examples I think illustrate this problem that we have with ethics today in the Congress. The Robert Byrd Center for Hospitality and Tourism, the Robert Byrd Lodge, office complex, the Ted Stevens International Airport, the Harkin Grants, the Harkin Wellness Grant Program, the Harkin Global Communication Center, the Arlen Specter Headquarters and Emergency Operations Center, the John Dingell Drive, the Cynthia McKinney Parkway, the Jack Murtha Highway, the James Clyburn Golf Center, the James Clyburn Pedestrian Overpass, the James Clyburn Intermodal Transportation Center, and the Charlie Rangel Center For Public Service.

I submit to you, Mr. Chairman, that this bill is not about us. This bill is about our military and our veterans, as it should be.

I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I won't take 5 minutes. Let me just clarify for the record, we have no projects or programs in this bill, the VA and military construction bill, named after anyone currently serving in Congress. And so for that reason, I am glad to accept the gentleman's amendment.

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The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. McCAUL).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. McCAUL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. STUPAK:

At the end of the bill (before the short title), insert the following:

SEC. 408. None of the funds made available in this Act may be used to carry out section 111(c)(5) of title 38, United States Code, during fiscal year 2009.

THE Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. STUPAK. Thank you, Mr. Chairman.

Mr. Chairman, the Stupak/Barrow amendment No. 16 would prevent any funds appropriated or made available under this Act from being used to increase the deductible veterans must pay to receive their mileage reimbursement.

Currently, veterans driving to a Veterans Affairs facility for an examination, treatment, or other medical care receive a mileage reimbursement rate of 28.5 cents per mile. However, the 28.5 cents per mile benefit is subject to a $7.77 deductible for each one-way trip and $15.54 for a round trip with a maximum deductible of $46.62 per calendar month.

Now, in a vast rural area where I live, many of my veterans drive more than 100 miles for an examination or treatment. So if a veteran lives 70 miles round trip from a VA facility, they would file a request for reimbursement for $19.95 minus the $15.54 deductible. This would mean a veteran would receive a mere $4.41. Even today's most efficient vehicles cannot make a 17-mile round trip on $4.41 when the national average price for a gallon of gasoline is $3.96.

The Military Construction and Veterans Affairs bill, as it is currently written, would increase the mileage, and I'm appreciative of that. It would increase the reimbursement rate from 28.5 cents up to 41.5 cents per mile. And I support this increase, but the Act does not address the subsequent required increase in the deductible.

Under law, each time the mileage reimbursement rate is increased, the Secretary of Veterans Affairs is required to proportionately increase the deductible veterans must pay to receive this benefit. The amendment offered by myself and the gentleman from Georgia would freeze the deductible and prevent the secretary from increasing it when mileage reimbursement is increased.

In these times of rising gas prices, it's hard to justify an increase in the deductible veterans are required to pay for mileage reimbursement they receive. While I support the mileage reimbursement included in the bill, we need to make sure that the required increase in the deductible doesn't eliminate the benefit the veteran would receive from this policy.

Mr. Chairman, I would like to give the balance of my time to the gentleman from Georgia (Mr. BARROW), the co-author of this amendment.

Mr. BARROW. I thank the gentleman for yielding.

Mr. Chairman, first of all, I want to commend Mr. STUPAK for his work on this issue over the years. Like Mr. STUPAK, I have been working to restore the full veteran mileage reimbursement benefits since I got to Congress, and the deductible is a big part of the problem. I won't be satisfied until we get rid of the deductible altogether, and this is a big step in the right direction.

Last year the House adopted my bill, the Disabled Veterans Fairness Act, as an amendment to the Wounded Warriors Assistance Act. My bill would completely eliminate the deductible and fully restore the reimbursement rate to the level paid to Federal civil servants. But the other body wouldn't go along. As a result, the reimbursement rate was raised from 11 cents per mile to 28.5 cents per mile, the first increase in 30 years. However, the secretary of the VA increased the deductible from $6 a round trip to $15 a round trip.

Under this bill, all veterans who currently get a travel expense reimbursement will get an increase from 28.5 cents per mile to 41.5 cents per mile. This amendment will prevent the secretary of the VA from taking any of that back by increasing the deductible. We ought to do a better job taking care of those who gave us the best years of their lives taking care of us.

This change won't completely close the gap between what has been promised and what has been delivered, but it will definitely help. That's what our amendment will do, that's why it's a good idea, and that's why I urge all of my colleagues to vote for it.

Mr. STUPAK. With that, I would yield back the balance of our time.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I want to thank Mr. STUPAK and Mr. BARROW. This is a glitch in the writing of the law done in years past that causes a problem when we increase the miles reimbursement rate for veterans who need to travel, in some cases, hundreds of miles to get to a VA hospital. It actually increases the deductible. That is not the intention of the VA. That is not the intention of the Congress. This amendment corrects that.

I hope we can take this principle and talk about it as we go into conference

committee, and I have even had some brief conversations with the VA. My hope is that we could actually address this issue, fix it, so that we don't have veterans who, in effect, even though we have a 41.5 cent reimbursement rate, after deductible is considered, some of them might have a 10 cent-per-mile rate or a 20 cent-per-mile rate.

The reason we need to fix that completely is that for many veterans—while this may not sound like a lot of money to others, for veterans this is a difference truly between being able to afford to drive to a clinic or drive to a hospital and get the health care they desperately need and deserve.

So I know Mr. WAMP, who takes a back seat to no one in his caring for veterans, and anyone who's heard him speak tonight on the floor knows why I have such great respect for his commitment to our veterans, I know that he and I can work closely together with Mr. STUPAK, with Mr. BARROW, with the VA and see if we can't take the principle embodied in this amendment and move it even further.

The gentlemen have done a great benefit for hundreds of thousands of veterans out there.

Mr. WAMP. Will the gentleman yield?

Mr. EDWARDS of Texas. I'd be glad to.

Mr. WAMP. I, too, want to commend Mr. STUPAK and Mr. BARROW, two of the finest Members in this House, outstanding, a perfect example of how Members that aren't on our committee can bring improvements to the floor for the bill. Certainly we'll work with you the whole way. We'll support your amendment subject to the chairman and his call tonight. But we will work together with you either way.

Mr. EDWARDS of Texas. Thank you, Mr. STUPAK. Thank you, Mr. BARROW.

I yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT 36 OFFERED BY MR. WAMP

Mr. WAMP. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment 36 offered by Mr. WAMP:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to modify the standards applicable to the determination of the entitlement of veterans to special monthly pensions under sections 1513(a) and 1521(e) of title 38, United States Code, as in effect pursuant to the opinion of the United States Court of Appeals for Veterans Claims in the case of *Hartness v. Nicholson* (No. 04-0888, July 21, 2006).

The Acting CHAIRMAN. The gentleman from Tennessee is recognized for 5 minutes.

Mr. WAMP. Mr. Chairman, I will be very brief.

My amendment is very simple. It says that the VA can not modify current standards that are used to make special monthly benefit payments and therefore protects that benefit payment for U.S. veterans who are eligible for it.

Earlier tonight the chairman of the House Veterans' Affairs Committee offered and withdrew two amendments that would have decimated the information technology budget at the VA to fund a new entitlement program for Filipino veterans. Had those amendments passed, it would have stopped key VA initiatives dead in their tracks.

We're trying to get the VA to streamline operations, reduce the time it takes to process claims, and increase interoperability between VA and DOD medical records, not to mention that the VA is going to need all of the $2.4 billion that the President requested to help it roll out or new GI Bill.

Earlier in the year the chairman of the authorizing committee tried to pay for this bill by proposing to cut special monthly pension benefits to U.S. veterans currently receiving these benefits. Now, let's be clear here. We support those Filipino veterans who fell alongside U.S. forces in World War II. But to provide them with a new benefit to be paid for out of an account that our veterans will immediately feel the impact of is wrong.

An ''aye'' vote on my amendment will tell our veterans that their benefits will not be cut and let them know we are trying to do everything we can to get their claims processed as quickly as possible.

I yield back.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS of Texas. I'm glad to support this amendment and thank Mr. WAMP for bringing it to the floor.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. WAMP).

The amendment was agreed to.

AMENDMENT NO. 37 OFFERED BY MR. MURPHY OF CONNECTICUT

Mr. MURPHY of Connecticut. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment 37 offered by Mr. MURPHY of Connecticut:

Add at the end of the bill (before the short title) the following:

SEC. ____. None of the funds made available in this Act may be used to enforce section 3, Policy of VHA Directive 2008–25.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Thank you, Mr. Chairman.

I rise to offer this amendment along with my good friend from Pennsylvania (Mr. MURPHY) that will help restore access to voter registration for America's veterans.

You see, Mr. Chairman, on April 25, 2008, the Veterans Health Administration issued a directive stating the VA's clear policy to assist veterans, patients of VA facilities who seek to exercise their right to register and vote. And I believe all of us would agree here that such a policy is extraordinarily appropriate given that these men and women served by the VA are the very people who put their lives on the line to protect that right to vote.

Inexplicably though, on May 5, 2008, the VA withdrew this directive and issued a contrary directive. This new instruction made a similar commitment regarding voter assistance but it included a policy statement which prohibits nonpartisan voter registration drives on VA property.

Mr. Chairman, the mission of the VA is, in its own words, to ''care for him who shall have borne the battle and for his widow and orphan'' by functioning ''as a single, comprehensive provider of seamless service to the men and women who have served our nation.''

It's disappointing that the VA would not consider assistance with voter registration as one of the fundamental components of offering this seamless service to veterans. Many of these soldiers have been wounded in combat and have disabilities that make traditional voting difficult. The VA should be ready to provide these men and women with any and all assistance that they might need to make their voices heard in this democracy, whether that be delivering an absentee ballot to an amputee or filling out a ballot for a soldier who has lost his sight.

Secretaries of States and election officials all over the country will tell you that the registration drives that historically have been a critical portion of this outreach for veterans in these facilities has done a great service for our veterans. Over 20 bipartisan secretaries of State have joined us in expressing their disappointment over this policy.

We're not here today, of course, to restrict the VA's ability to manage their facilities and the care of their patients. On the contrary, they need that ability, and nothing in this amendment would diminish it. However, we believe it's the duty of the VA to work closely with nonpartisan veterans groups and elections officials to ensure that veterans have the ability to exercise that basic fundamental right to vote.

So our amendment is simple. It would not allow the VA to use any funds appropriated through this legislation to carry out that policy section of the May Directive. And while we hope the VA will still reverse this decision on its own, with this congressional

action today we are sending a clear signal that this House believes that all veterans should have access to and the right the vote.

Mr. Chairman, I would like to thank the chairman for his assistance in putting this amendment before the House. I would also like to thank ROBERT BRADY and Congresswoman WATSON for their persistence and advocacy on this issue which has brought it to the floor today.

Mr. Chairman, I urge the amendment's adoption, and I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS of Texas. Thank you, Mr. Chairman.

I want to express gratitude to Mr. MURPHY and also to Mr. MURPHY of Pennsylvania.

I think what he just said was so important. Our veterans have given their lives to protect our right to vote as citizens of this country. Many others have made sacrifices, have physical and mental wounds that they will pay for to the last days of their lives. And I just don't think it is right or proper for the VA to be making it more difficult for veterans who've done so much to protect our right to vote to make it more difficult for them to vote.

Many of our veterans in our VA hospitals are long-term patients there with significant disabilities. Our country ought to be doing outreach to make it possible for them to cast the vote that they fought for in combat.

So for all of those reasons, I salute the gentleman for this amendment. I strongly support it.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MURPHY).

The amendment was agreed to.

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AMENDMENT NO. 4 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) ELIMINATION OF MILITARY CONSTRUCTION CONGRESSIONAL EARMARKS.—None of the funds provided in this Act shall be available from the following Department of Defense military construction accounts for the following projects, and the amount otherwise provided in this Act for each such account is hereby reduced by the sum of the amounts specified for such projects from such account:

Account	State	Location	Project Title	Amount (in thousands)
Army	Alabama	Anniston Army Depot	Lake Yard Railroad Interchange.	$1,400
Army	Alabama	Fort Rucker	Chapel Center	$6,800
Air Force	Arizona	Luke AFB	Repair Runway Pavement	$1,755
Army	Arizona	Fort Huachuca	ATC Radar Operations Building.	$2,000
Army NG	Arkansas	Cabot	Readiness Center	$10,868
Air NG	Arkansas	Little Rock AFB	Replace Engine Shop	$4,000
Navy	California	Monterey	Education Facility	$9,990
Air Force	California	Edwards AFB	Main Base Runway Ph 4	$6,000
Navy	California	North Island	Training Pool Replacement	$6,890
Navy	California	Twentynine Palms	Lifelong Learning Center Ph 1	$9,760
Air NG	Connecticut	Bradley IAP	TFI Upgrade Engine Shop	$7,200
Air Force	Florida	Tyndall AFB	325 ACS Ops Training Complex	$11,600
Army NG	Florida	Camp Blanding	Regional Training Institute Ph 4.	$20,907
Air Force	Florida	MacDill AFB	Combat Training Facility	$5,000
Navy	Florida	Mayport	Aircraft Refueling	$3,380
Air NG	Georgia	Savannah CRTC	Troop Training Quarters	$7,500
Navy	Georgia	Kings Bay	Add to Limited Area Reaction Force Facility.	$6,130
Air Force	Georgia	Robins AFB	Avionics Facility	$5,250
Army	Hawaii	Pohakuloa TA	Access Road, Ph 1	$9,000
Air NG	Illinois	Greater Peoria RAP	C-130 Squadron Operations Center.	$400
Army NG	Indiana	Muscatatuck	Combined Arms Collective Training Facility Ph 1.	$6,000
Air NG	Indiana	Fort Wayne IAP	Aircraft Ready Shelters/Fuel Fill Stands.	$5,600
Army NG	Iowa	Camp Dodge	MOUT Site Add/Alt	$1,500
Army NG	Iowa	Davenport	Readiness Center Add/Alt	$1,550
Air NG	Iowa	Fort Dodge	Vehicle Maintenance & Comm. Training Complex.	$5,600
Army NG	Iowa	Mount Pleasant	Readiness Center Add/Alt	$1,500
Army	Kansas	Fort Leavenworth	Chapel Complex Ph 2	$4,200
Army	Kansas	Fort Riley	Fire Station	$3,000
Air Force	Kansas	McConnell AFB	MXG Consolidation & Forward Logistics Center Ph 2.	$6,800
Army NG	Kentucky	London	Aviation Operations Facility Ph III.	$7,191
Navy	Maine	Portsmouth NSY	Dry Dock 3 Waterfront Support Facility.	$1,450
Navy	Maine	Portsmouth NSY	Consolidated Global Sub Component Ph 1.	$9,980
Navy	Maryland	Carderock	RDTE Support Facility Ph 1	$6,980
Army NG	Maryland	Dundalk	Readiness Center	$579
Navy	Maryland	Indian Head	Energetics Systems & Tech Lab Complex Ph 1.	$12,050
Air NG	Maryland	Martin State Airport	Replace Fire Station	$7,900
Air NG	Massachusetts	Otis ANGB	TFI Digital Ground Station FOC Beddown.	$1,700

Account	State	Location	Project Title	Amount (in thousands)
Air Reserve	Massachusetts	Westover ARB	Joint Service Lodging Facility.	$943
Army NG	Michigan	Camp Grayling	Live Fire Shoot House	$2,000
Army NG	Michigan	Camp Grayling	Urban Assault Course	$2,000
Army NG	Minnesota	Arden Hills	Infrastructure Improvements	$1,005
Air NG	Minnesota	Duluth	Replace Fuel Cell Hangar	$4,500
Air NG	Minnesota	Minneapolis-St. Paul IAP	Aircraft Deicing Apron	$1,500
Navy	Mississippi	Gulfport	Battalion Maintenance Facility.	$5,870
Army	Missouri	Fort Leonard Wood	Vehicle Maintenance Shop	$9,500
Air Force	Missouri	Whiteman AFB	Security Forces Animal Clinic	$4,200
Army	Missouri	Fort Leonard Wood	Chapel Complex	$3,500
Air NG	New Jersey	Atlantic City IAP	Operations and Training Facility.	$8,400
Air Force	New Jersey	McGuire AFB	Security Forces Operations Facility Ph 1.	$7,200
Army	New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility Ph 1.	$9,900
Air Force	New Mexico	Cannon AFB	CV-22 Flight Simulator Facility.	$8,300
Air NG	New York	Gabreski Airport	Replace Pararescue Ops Facility Ph 2.	$7,500
Army	New York	Fort Drum	Replace Fire Station	$6,900
Air Reserve	New York	Niagara Falls ARS	Dining Facility/Community Center.	$9,000
Air NG	New York	Hancock Field	Upgrade ASOS Facilities	$5,400
Army	North Carolina	Fort Bragg	Access Roads Ph 1 (Additional Funds).	$8,600
Army NG	North Carolina	Camp Butner	Training Complex	$1,376
Army	North Carolina	Fort Bragg	Mass Casualty Facility	$1,300
Army	North Carolina	Fort Bragg	Chapel	$11,600
Army NG	Ohio	Camp Perry	Barracks	$2,000
Army NG	Ohio	Ravenna	Barracks	$2,000
Air NG	Ohio	Springfield ANGB	Combat Communications Training Complex.	$12,800
Air Force	Ohio	Wright-Patterson AFB	Security Forces Operations Facility.	$14,000
Army	Oklahoma	McAlester AAP	AP3 Connecting Rail	$5,800
Air Force	Oklahoma	Tinker AFB	Realign Air Depot Street	$5,400
Army NG	Pennsylvania	Honesdale	Readiness Center Add/Alt	$6,117
Army NG	Pennsylvania	Honesdale	Readiness Center Add/Alt	$504
Army NG	Pennsylvania	Pittsburgh	Combined Support Maintenance Shop.	$3,250
Army	Pennsylvania	Letterkenny Depot	Upgrade Munition Igloos Phase 2.	$7,500
Navy	Rhode Island	Newport	Unmanned ASW Support Facility.	$9,900
Air NG	Rhode Island	Quonset State Airport	Replace Control Tower	$600
Army NG	South Carolina	Hemingway	Field Maintenance Shop Ph 1	$4,600
Army NG	South Carolina	Sumter	Readiness Center	$382
Air Force	South Carolina	Shaw AFB	Physical Fitness Center	$9,900
Air NG	South Dakota	Joe Foss Field	Aircraft Ready Shelters/AMU	$4,500
Army NG	Tennessee	Tullahoma	Readiness Center	$10,372
Army Reserve	Texas	Bryan	Army Reserve Center	$920
Army	Texas	Camp Bullis	Live Fire Shoot House	$4,200
Air NG	Texas	Ellington Field	ASOS Facility	$7,600
Army	Texas	Fort Hood	Chapel with Education Center	$17,500
Air Force	Texas	Lackland AFB	Security Forces Building Ph 1	$900
Air Force	Texas	Laughlin AFB	Student Officer Quarters Ph 2	$1,440
Air Force	Texas	Randolph AFB	Fire and Rescue Station	$972
Navy	Texas	Corpus Christi	Parking Apron Recapitalization Ph 1.	$3,500
Army	Texas	Fort Bliss	Medical Parking Garage Ph 1	$12,500
Air NG	Texas	Fort Worth NAS JRB	Security Forces Training Facility.	$5,000
Navy	Texas	Kingsville	Fitness Center	$11,580
Air Force	Utah	Hill AFB	Three-Bay Fire Station	$5,400
Army NG	Vermont	Ethan Allen Range	Readiness Center	$323
Army NG	Virginia	Fort Belvoir	Readiness Center and NGB Conference Center.	$1,085
Army	Virginia	Fort Myer	Hatfield Gate Expansion	$300
Army	Virginia	Fort Eustis	Vehicle Paint Facility	$3,900
Navy	Virginia	Norfolk NS	Fire and Emergency Services Station.	$9,960
Navy	Virginia	Norfolk NSY	Industrial Access Improvements, Main Gate 15.	$9,990
Navy	Virginia	Quantico	OCS Headquarters Facility	$5,980
Navy	Washington	Kitsap NB	Saltwater Cooling & Fire Protection Improvements.	$5,110
Air NG	Washington	McChord AFB	262 Info Warfare Aggressor Squadron Facility.	$8,600

Account	State	Location	Project Title	Amount (in thousands)
Navy	Washington	Whidbey Island	Firefighting Facility	$6,160
Army NG	West Virginia	Camp Dawson	Shoot House	$2,000
Army NG	West Virginia	Camp Dawson	Access Control Point	$2,000
Army NG	West Virginia	Camp Dawson	Multi-Purpose Building Ph 2	$5,000
Air Force	Guam	Andersen AFB	ISR/STF Realign Arc Light Boulevard.	$5,400

(b) ELIMINATION OF VA CONGRESSIONAL EARMARK.—None of the funds provided in this Act shall be available from the following Department of Veterans Affairs account for the following project, and the amount otherwise provided in this Act for such account is hereby reduced by the amount specified for such project from such account:

Account	State	Location	Project Title	Amount (in thousands)
Major Construction	Kentucky	Louisville	Site Acquisition and Prep	$45,000

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, this is really a simple amendment. It simply says that all earmarks in this bill will be taken out. This is consistent with the Republican budget that was passed. So I'd remind my colleagues on this side of the aisle that you have already voted, in essence, for this amendment. We passed a budget which said that we should have a moratorium on earmarks this year. That's what this amendment would do with regard to this bill. It would simply say that there would be no earmarks, Republican or Democratic, for this legislation. Now, supporters of earmarks will often say that this will lead to a more Democratic allocation of Federal resources and funds, but I'd like to draw your attention to a chart here.

This is the MilCon bill that we're looking at right here. If you took the dollar amount of the earmarks in this legislation, which is just north of $600 million, and spread it evenly across all House districts, it would mean about $1.4 million across each district in this country, but that, obviously, is not what we have in this legislation.

If you'll look, the majority leadership is associated with an average of $6.2 million in earmarks in this legislation. That's about four times the average of rank-and-file Members in the House. Vulnerable Members, so-called vulnerables, identified by each party receive $7.7 million, or associated with that much, in earmarks. That is, I think, four or five times more than the rank-and-file Member. If you're on the Appropriations Committee, you get about $10.5 million. Now, that's about, I think, seven times as much as a rank-and-file Member in this body will get.

So I guess you could make the argument or try to make the argument that those military installations or those facilities across this country that happen to be in districts represented by an appropriator are more needy or are somehow in greater need of Federal funds than those facilities located in rank-and-file Members' districts. I don't think you could make that argument with a straight face. You simply can't. This is consistent with bill after bill after bill.

Unfortunately, this is likely to be the only appropriations bill that we have this session. We're not likely to get to the others, so this is our only chance to actually speak up and say that we know that this process isn't working very well and that we have to fix it.

There has been a lot of talk about earmark reform over the last couple of years, as well there should have been, both when we have controlled this body and when those across the aisle have controlled it, but very little has changed, and this chart shows it. Very little has changed. It is very much a spoil system. It's not a system where—I'm sure we'll be told in just a few minutes—these earmarks were vetted by the Pentagon and that this is a different process than we have for other bills, but let me tell you:

Did the Pentagon vet this process and say, ''You know, we think that those who are in appropriators' districts deserve seven times more than those who are in a rank-and-file district''? I don't think the Pentagon went through that vetting process.

Now, if we don't like the way that the administration and the Pentagon award Federal grants—and I agree there may be problems with it—let's exercise the oversight that we're supposed to exercise in this body. Under article I, we have the power of the purse, and we should conduct oversight, but simply saying ''we don't like the way the administration allocates funds, so we're going to pile on 130 earmarks in this bill, as skewed as the allocation will be, and somehow we'll fix it'' is not an appropriate way to do it, and we know it. We know that this process is broken. Yet we're continuing this year, just like in other years, and we can't continue to go on.

Let me just bring that chart out again. Again, what we have is, if the money were to be spread out among districts, it would be about an allocation of $1.4 million. Instead, we have up here those facilities in appropriators' districts that receive seven times more than others. That's simply not right. There is no way you can make with a straight face an argument that those districts, that those facilities in those districts, somehow need more Federal funds. There is no way with a straight face you can make the argument that this hasn't become a spoil system where we're doling out by favor to just those who are in a powerful position. That's what this process has become, and we should stand up today and say, by golly, we're going to fix it, that we're going to do something different for a change, that we're going to vote until we can fix this process, until we can say we have a sound process where these earmarks are vetted either in the Appropriations Committee or elsewhere, and that we're just not going to continue with this anymore.

Let me tell you that this institution has had as its hallmark over the centuries the process of authorization, appropriation and oversight. We have short-circuited that process with earmarking, the contemporary practice of earmarking in particular. So we do too little authorizing, very little oversight and simply too much appropriating. When you deal with, as the Appropriations Committee did last year, I think, 36,000 earmark requests, there is absolutely no way that this body can adequately vet those earmark requests, let alone exercise oversight over the rest of the Federal budget as is our purview and as we should be doing.

So I would appeal to the Members both on this side and on the other side of the aisle. Let's fix this system before we go on. A great way to do it is to say let's adopt this amendment and say we'll have no earmarks in this bill this year until we can come up with a better process.

With that, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I rise to oppose the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, the gentleman said that projects in this bill are allocated on the basis of one's power and influence. Well, I think, when it comes to the appropriations process and since I'm the chairman of the committee—and I'm a fairly powerful or influential person except when I'm at home with my wife—I would, nonetheless, say that I have no projects whatsoever in this bill—none, zip. I would also say that, whether you like the reforms that have been instituted in the last 2 years or not, just about the only reforms that have been instituted on the earmarking process have been sponsored by me, and I think the House knows what they are. We wouldn't even be on the floor tonight, dealing with these in this way, had it not been for those reforms.

I want to make a point: Regardless of what individual Members think about earmarking, there are certain appropriations which by their very nature require earmarking. There are other bills that by their very nature do not. This is one of the three that does. You've got the Military Construction bill; you've got the energy and water bill, and you've got the interior bill. Large portions, if not all of those bills, are simply construction accounts. When it comes to construction accounts, those projects are in the main, requested and defined by the administration. The overwhelming majority of projects in this bill are selected by the executive branch.

This bill includes 518 total earmarks: 408 earmarks, 79 percent of them, were included at the request of the administration. Of the 110 other earmarks, on its own initiative, the committee added seven earmarks to improve better training barracks and medical facilities for soldiers, marines and their families. They were not added at the request of particular Members, but they are in this bill, nonetheless, and the committee makes no apology for them.

I would also point out that 103 of these projects were added at the request of a Member. One hundred two of them are military construction projects, and one is a VA project. All of the military construction earmarks, including the quality of life projects, were also included in the authorization bill, and the VA earmark is included subject to authorization.

There is no difference between what the Congress does in earmarking military construction and what the White House does when it requests earmarks for military construction. For example, five different Members, Democrats and Republicans alike, asked the committee to provide the second phase of a facility, $7.5 million, to support a facility for a pararescue unit at the Gabreski Air National Guard base in New York. Now, the sponsors of this amendment, evidently, are going to crow about cutting 103 earmarks. Let's look at what they will actually be cutting.

They will be cutting Air Force runways, aircraft refueling stations, training facilities, maintenance facilities, fire stations, chapels, barracks, control towers, firing ranges, and so on. You would be hard-pressed to find a substantive difference between these projects and the other 408 contained in the bill. The only difference is that they have not been blessed by the White House.

Now, apparently, the sponsors of this amendment believe that the only spending that is legitimate is that which is blessed by the executive branch. Well, this document, the Constitution, reads as follows: ''No money shall be drawn from the Treasury but in consequence of appropriations made by law.'' It doesn't say, ''only in consequence of funds requested by the executive.'' It doesn't say, ''Only spending by the executive is sacrosanct.'' It says that Congress has the responsibility of making these decisions.

Now, Congress may make some wise choices. It may make some bad choices. So may the executive branch. I would submit that, regardless of your attitude about earmarks in general, it is ludicrous to say that you cannot have the Congress using its judgment on occasion to decide where money ought to go in the development of facilities on military bases, just as it would be ludicrous to say that, for the Army Corps of Engineers in the energy and water bill, the only projects that are worthwhile proceeding with are those which are requested by the executive branch.

I invite you to take a look at the way a number of accounts in the executive branch have been turned into political slush funds. Take the Reading First program. Look at the major job training program in the Department of Labor. There are ample examples of abuse of the earmarking process in the executive branch and in the legislative branch. Our obligation, in my view, is not within the process of trying to dig those out to throw the baby out with the bath water.

I think this committee has done a responsible job in making its judgments about what those projects ought to be. If the gentleman is concerned about members of the Appropriations Committee who he feels have an inordinate number of earmarks, well, I have none. Yet I stand here tonight, defending this process, because at least, on this bill, I think there is very little to be said for the idea that only the executive branch may make choices about whether barracks or hospitals or daycare centers are built to facilitate the convenience of military families. This bill is an example of Congress' meeting its responsibilities and controlling the power of the purse.

□ 0015

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, I strongly oppose this amendment for one fundamental reason, it would do harm to America's service men and women and our military families during a time of war.

I would not, at any time, question the motives of the gentleman from Arizona. He is a person of integrity, he has been consistent in his principled position on the issue of earmarks, but the best of intentions can't stop the worst of results. And the worst of the worst would be to undermine our military readiness and the quality of life for our troops and their families at any time, but especially so during a time of war.

Let me list some of the harm that would be done. And this isn't a full list, but just some:

Nine quality of life facilities, such as chapels and community centers in our military bases, bases from which forces are being deployed for the second and third time to Iraq and Afghanistan, those would be eliminated.

Fifteen Guard and Reserve training facilities would be eliminated.

Seven active duty training facilities would be eliminated. These are facilities that, on a bipartisan basis, after careful thought, this subcommittee worked with the Department of Defense to say that, you know what, we have been dishonoring our 18- and 19-year-old military recruits. Because when they come in, instead of thanking them, we put them in barracks that we would be ashamed to have our sons and daughters living in. This amendment would stop those new barracks from being built.

Seven fire stations would be eliminated. Isn't it enough that our men and women have to be in harm's way in Iraq and Afghanistan? Must they and their families also be put in greater harm's way back at home because we can't build fire stations that are desperately needed?

And I know something about this because at one time I represented the largest Army installation in the world, Fort Hood, Texas. It has had one division continually in Iraq since this war began. And their base commander came to me and said, you know what, the bureaucratic process at the Pentagon and OMB killed our desperate need for a new fire station. I'm glad Congress, in that case, exercised its constitutional authority to do what was right to protect those great Americans and their families.

Let me give you some more specifics of what harm this amendment would do.

It would kill a new communications facility at a naval base for a security force unit that is in charge of safeguarding nuclear weapons.

It would kill funds to expand and upgrade a readiness center for a National Guard engineer battalion that has deployed soldiers to Iraq to disarm IEDs.

It would kill new housing for an Air and National Guard unit. The current housing has mold, leaking roofs, poor ventilation, and numerous code violations.

I reject the notion outright that some unelected, unaccountable bureaucrat sitting in an office in the basement of the White House Budget Office has a monopoly on wisdom because they do not. And many times, even despite their good efforts, the fact is administration budgets, Mr. Chairman, are often started and put together a year or year and a half before we come to this floor. I think it would be wrong to deny us, this Congress, with our constitutional duty to fund appropriations bills, to say that we can't benefit from the judgment of time and changing needs during a time of war to provide for training facilities and quality of life facilities for our troops.

This is a bad amendment. But worse than that, it is an amendment that would do great harm to our service men and women, the quality of their housing, the quality of their training. And for that reason, I ask my colleagues on both sides of the aisle—in all due respect to the author of this amendment, who is a decent and honorable man who cares about our military and our armed forces—I ask Members on both sides of the aisle to soundly reject this ill-advised, dangerous amendment.

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

Mr. CAMPBELL of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. CAMPBELL of California. Mr. Chairman, I've heard the distinguished chairman of the Appropriations Committee talk about that the appropriations process is about allocation of resources. Because resources, even in the United States Federal Government, are not unlimited, and so we always have to make choices of where money goes and where money doesn't go. And that's what this discussion and that's what this particular amendment are about.

There are, in the United States, excluding the territories, excluding overseas, there are 4,402 military sites, 4,402. Here we have, in this bill, Member earmarks that picked 103 of these sites—excluding the other, roughly, 4,300—and send those $622 million of taxpayers' money. And the question before us really is, why those 103? Why not the other 4,300?

Now, as much as the speakers before me have criticized the executive branch or the Department of Defense or, in fact, military leaders, Department of Defense and the Department of the Army, Department of the Navy, Department of the Air Force have a responsibility for their share of all of these. Department of the Army has 1,768 sites. So they have responsibility for all of those.

When left the construction budget for them, they will, we presume, try and put the money where they believe it is most needed, where they believe it is the greatest warranted use. You might disagree with that, but they have a perspective over the entire country.

We are each elected to represent our individual districts. And although all of us are here and care about the entire country, clearly, our first responsibility is often to our individual districts.

So I would argue that those who have a perspective of the entire country are perhaps in a better position to look at the proper allocation than this. And if these 103 were fairly allocated, then I would ask, why does Mr. FLAKE's chart come out the way it is? Is that simply coincidence that the greatest need of these facilities happens to be in districts that are represented by appropriators? Is that purely coincidence? I think not.

And when we examine how and where all this money will go, the other thing is, what does the Defense Department think? Well, we didn't call all 103, but we did call a few. We called up the Defense Department and asked them about a few of these; did you request this? Did you think this was a need? Did you think this was important for the military to spend this on this particular site, this particular facility, this particular area? And the answer we got was no in all the cases in which we asked.

So I think, Mr. Chairman, what we have before us is a process that does not work, that is not fair, that is not the best allocation of what are always limited resources. And that is why, Mr. Chairman—I am a cosponsor with Mr. FLAKE of this amendment—and that is why I hope our colleagues will look at this and remember, as he said, this is likely the only chance anyone in this Chamber is going to have to express their opinion on earmarks. And if you think the earmark process is broken, if you think there are problems with it, if you think there are abuses, if you think we need to reform it, this is your opportunity; this is the opportunity for Members to send a message and vote for this amendment.

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

Mr. FARR. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I want to yield some time to my chair, Mr. EDWARDS. But I just want to say how bothered I am by the attacks on this particular bill.

This is about military construction. And there are construction projects in here—and not many—but when you're dealing with a lot of construction, there's a lot of slippage. And what happens, if you have an opportunity to move one project ahead of another, it makes a lot of sense. And these aren't projects that are invented by Members of Congress that come here and know the specifics, these are projects that come from the military itself.

For example, Mr. FLAKE's amendment would cut out, in Arizona, the State that he comes from, in Fort Huachuca, the Air Tactical Command Radar Operations Building. Now, I don't think a Member of Congress thought that we have to go and add this in here. What happens is the opportunity, Fort Huachuca that's seeking this, comes and says if there is an opportunity buy, let's be able to use it. That's what strikes me, that there's some kind of devious action going on here, and it's just not true.

And the other gentleman's discussion in California alone, Edwards Air Force Base near his district, to strike out a main base runway repair that's in this bill. And that wasn't some legislator coming along and thinking about, we've got to add this in as an earmark. No, this came out of the Air Force saying, we need this; if it's possible, can we put it in the bill? That's how we discuss these things in committee.

These are priority opportunity buys. And I resent the fact that this amendment is a reckless amendment and just strikes it across the board, regardless of the impact.

And so as Mr. EDWARDS so eloquently said, it does a lot of havoc to the men and women who are serving our country in uniform and to the bases that they operate out of.

I would like to yield the remainder of my time to my chairman, Mr. EDWARDS.

Mr. EDWARDS of Texas. I thank the gentleman.

I heard a few minutes ago a description of an ideal world where every decision made by the executive branch is perfectly motivated. I wish that were the real world, but I certainly wouldn't want to bet the family nest egg on it.

Let me explain, Mr. Chairman, some of my colleagues, how the real world works. And I did represent the largest Army installation for 14 years; I worked closely with them. And what would happen is some bureaucrat at OMB would turn down a high-priority project requested by the top military commander—at Fort Hood, that was a Three Star General. So when I would meet with that Three Star General at Fort Hood, I would say, what are your greatest unmet needs? One year it was a fire station. This year it was a chapel that Congressman CARTER and I

worked on. We responded to the highest priority needs of the military commanders with their boots on the ground. I put a lot more faith in that commander's judgment than in some unaccountable, unnamed bureaucrat. I would like to hear the names of these bureaucrats at OMB that are so perfect in their knowledge, in their wisdom, in their homework.

Let me give you a specific real world example where this committee, on a bipartisan basis, took an initiative. We hear in our hearings each year from the top noncommissioned officers. We ask, what are your top quality of life needs? For 3 years in a row our top noncommissioned officers testified before Mr. WAMP and me and said, it is day care centers. We have spouses who are deployed one, two, three times to Iraq and Afghanistan. The remaining spouse is left at home with small children and desperately needs affordable, accessible day care for their kids.

But you know what? There weren't a lot of lobbyists over there at OMB fighting for young mothers that are, in effect, single mothers while their husbands are in Iraq, or young, single dads while their wives were serving in Afghanistan. And our committee exercised its authority under the Constitution to say that that's not right, we're going to support these military families.

I reject this amendment, again, as I said, as being harmful to our military families. In this case, you know what happened on day care centers? After we added $134 million in a congressional initiative in the FY08 supplemental bill, the Pentagon came back and said, you're right, we made a mistake, we want to add to that.

We should reject this amendment and support our troops.

Mr. WAMP. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Tennessee is recognized for 5 minutes.

Mr. WAMP. I, too, rise in opposition to this amendment. And Mr. Chairman, now it is late. It's 12:30, we've got two more amendments. I will speak, and then I assume Mr. HENSARLING will speak.

But let me say briefly why three senior members of the Appropriations Committee from our side—Mr. WOLF, Mr. KINGSTON and myself, people I believe have very high integrity—offered a proposal to have a 6-month moratorium, no earmarks from either side, while we establish a select committee to reform the way that earmarks are carried out because the earmark system is broken, and there have been abuses on both sides. And I do think that job one is to define what is an earmark. Because under article I, section 9 of the United States Constitution, the Congress does have the authority and the responsibility to direct the funding on behalf of the taxpayers, not the unelected bureaucrats in the executive branch. And this is now way out of kilter, but there have been abuses and it needs to be cleaned up. So we said we should have a time out, let's redo this.

I'm hopeful that this still happens because both major Presidential candidates have indicated they would like to see sweeping reforms in this process. But you've got to define what is it and then go from there, and then change the rules for everybody—authorization committee, tax, trade, earmarks from the executive branch, anywhere would all come under the same rules, both bodies, bicameral, sweeping reforms. Let's start over and define what is a congressional direction that's acceptable.

□ 0030

But I think these gentlemen tonight have picked the wrong bill to come and attack on earmarks. Let me tell you why. One of the problems with earmarks out there is there's a cottage industry of lobbyists bringing requests to the Congress on behalf of clients. Are there lobbyists on MilCon earmarks? There is no lobbyist for a National Guard or a Reserve or a military base asking for money from the Congress. Are there campaign contributions flowing based on earmark requests from the National Guard, the Reserve, or military bases? No.

Now, I don't know where you get your numbers, but let me tell you that there's not a request in this bill in my district, but there's one in my State, and it's in a Democratic Member's district, Mr. DAVIS. He may be on that vulnerable list, but he ain't vulnerable. I would say at 9 percent approval we are all vulnerable. What kind of a rating is that, vulnerable?

Now, my name was also on that request because it was my State and protocol is we put our names on it. But it's not in my district. So facts are whatever you present them to be, but the military construction bill is a perfect example of where the Congress has the right and the responsibility to say this needs to be done.

We are the ones who had the 19 hearings about quality of life in child care centers, not the executive branch. They don't have any hearings. Why do we even exist to have hearings if we're not going to say these need to be funded?

Let me tell you I was born at Fort Benning. My dad was on active duty. They needed a new hospital. Mr. BISHOP is going to get nailed for getting an earmark because he represents Fort Benning, and he probably went to this subcommittee of Appropriations because he represented Fort Benning, Mr. FLAKE. Duh. That's how the numbers work that way. Good gracious.

Defeat this, but then reform the process. Clean up the mess. But coming through here with a chainsaw on everything, treating them all like they're the same thing is no way to run a train.

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

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I have listened very carefully to all the speakers on both sides of the aisle, and I have no doubt that those who may still be viewing this at 12:30 a.m. east coast time may be a little bit confused.

We have heard a couple of speakers say that bureaucrats have no monopoly on wisdom and that we as Members ought to be exercising our prerogatives, and, certainly, Mr. Chairman, we have that right.

But at the same time, we have heard other speakers say, well, Members of that same bureaucracy are actually requesting these particular earmarks. So I could see how some might be confused. On the one hand, if they're requesting it, I am kind of curious why it wasn't in their budget in the first place.

So I am not really sure who has the monopoly on wisdom. My assumption is that each and every one of these earmarks is probably a very good expenditure of the taxpayers' money. I don't necessarily know if it's the best expenditure of the taxpayers' money. But I know the Members who serve. They're very serious. They're very diligent. I have no doubt that they have done very good work.

I also heard my friend the gentleman from Texas say that this particular amendment would harm our troops or military readiness, harm our veterans, families, and a very long laundry list of others who might be harmed. The underlying assumption is that I believe that this money would somehow disappear. Well, I find that interesting because usually when we debate somebody on the point of earmarks, they tell us don't you realize you're not saving any money? That money stays in the bill, and it's going to get used for some other purpose. So, again, I could see, Mr. Chairman, how people who are watching this debate might be a little bit confused. Which is it? Does the money disappear or does the money stay and maybe fund other readiness centers, other barracks, other military projects? Which is it? We seemingly hear speakers on both sides or several sides on that issue.

But if the money does disappear, I would say to my friends on the other side of the aisle you had an opportunity to support the Republican budget on which, last I looked, had a billion extra dollars more to help our veterans than the Democrat budget did. I know that in the Budget Committee there

were amendments to strike earmarks and add to the veterans funding. So if you spent less money, maybe the gentlemen on the other side of the aisle harmed our veterans or their families or their military readiness.

I think at some point, Mr. Chairman, you have to lead by example. And although I have no doubt, again, that these earmarks are good expenditures of the taxpayers' funds, the system is broken. It's not just that there are a few bad apples in the barrel. The barrel is full of rotten apples. And all too often—and maybe not in this bill, and I certainly accept the passion with which the gentleman from Tennessee spoke, and I know his sincerity in wanting to reform this process, and I regret the fact that under the Democrat majority this appears to be the only bill that we can debate earmarks. But what I know about the system and what the American people know about the system is that it's broken and that all too often it represents the triumph of secrecy over transparency. All too often it represents a triumph of the special interests over the national interests. All too often it represents the triumph of seniority and privilege over merit.

Mr. Chairman, when my party was in the majority, there were a lot of abuses in earmarks. But when the Democrats took over, they said they would do it different. They said they would cut the earmarks in half, and yet last year we had the second highest number of earmarks we've ever had. They claimed there would be no more secrecy in the process, but if we look to the New York Times recently, if I can quote from an August, 2007, news clip: ''Despite promises by Congress to end the secrecy of earmarks and other pet projects, the House of Representatives has quietly funneled hundreds of millions of dollars to specific hospitals and health care providers.''

The Democrats said that there would be across-the-board reform, and yet we had bills initially come to the floor that we were expected to vote on and the earmarks were to come later. The Speaker of the House said she would just as soon do without them, and yet she is on the top 20 list of those who request them.

The American people want something different. It is time to join the Republican proposal that the gentleman from Tennessee spoke about and have a moratorium on earmarks, reform this process, start it tonight.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, in deference to the passion and conviction that the gentleman from Arizona brings to the floor, I would yield to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the words that have been spoken. I appreciate the passion of those who are defending the bill as it is.

And let me just say this is not my favorite bill to come and propose earmark amendments to. Not at all. But this is the only chance we have got. I'd love to come here with Labor-HHS. I'm glad that the chairman of the Appropriations Committee mentioned that there are a couple of bills where earmarks are legitimate, but maybe for the rest they're not. I have heard him say before that when he left as chairman in 1994, there were no earmarks in the Labor-HHS bill; yet today I think last year there were close to 2,000. There were a couple of years, I know, and we are not breaking that trend very much. And we are likely to see that again later this year, but we won't have an opportunity to come to the floor and debate that. It's likely to be stuffed into an omnibus bill and we take it or leave it with no vetting whatsoever. At least here we have a chance on one bill to point out the flaws in the system, and the flaws I pointed out.

The gentleman from Texas made a great point. He said that not all wisdom resides with the executive, that somebody in a basement somewhere in some Federal office hasn't had some epiphany about how to spend money. I accept that completely. But it stands to reason as well that some lowly rank-and-file Member who is getting an average of $1.4 million in this bill doesn't have any less knowledge than a vulnerable Member, a Member who is in a swing district, in a tough district, in a tough race. Does that somehow imbue you with some knowledge about how much money would be spent in the MilCon bill or if you're on the Appropriations Committee? And it may not be. These numbers may be off a little. I accept that. It's not perfect. But how in the world with a straight face can you say this is not a spoils system, this has not become a spoils system?

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman.

Mr. EDWARDS of Texas. Does the gentleman know that less than one-half of 1 percent of this bill is made up of earmarks, less than one-half of 1 percent of the funding in this bill is made up of earmarks?

Mr. FLAKE. I am so glad he mentioned that. That may be the case. I'm not sure. That may well be.

Mr. EDWARDS of Texas. For the record, that is correct.

Mr. FLAKE. My largest complaint with the earmark process is not what we spent in the waste in some bills, maybe not in this one, maybe in others, a lot in others. My biggest complaint has always been with the earmark process; that we, as Members of Congress, give up our authority under article I because we ignore, with our zeal to earmark 2 percent or 1 percent of the Federal budget, we have basically called a truce with the administration saying we will ignore your willy-nilly spending if you ignore ours.

So we let bills like the Department of Homeland Security bill, $32 billion, very little of it earmarked, but so much of it wasted because we are so intent on earmarking our little portion that we just don't do the oversight that we're supposed to do under article I, and you can look at empirically, anecdotally, any way you look at it.

I commissioned the GAO awhile ago to look at the Appropriations Committee, since 1994, since the contemporary practice of earmarking really got started, under Republicans. I concede that. And if you look at the number of witnesses called, the number of hearings held, any way you slice it or dice it, we aren't doing the oversight that we once did, since the contemporary practice of earmarking started. And I would submit that that's true across the board. But if you look specifically at this bill, there is no way that you can say that this isn't a spoils system.

When facilities residing in appropriators' districts get about seven times as much. Maybe it's six. Maybe it's five. Maybe it's eight. But with that kind of average, something is wrong. And that's what we are saying here. We have got to fix this system. We should fix it before we move on.

I appreciate the gentleman from California (Mr. CAMPBELL) for the work that he has done and for cosponsoring this amendment and for those who have spoken on it. And I would just say again this is our only chance. This looks like this is it for the year to actually have a voice on earmarks and to say enough is enough, it's time to change the process.

So I urge my colleagues to accept the amendment, and I appreciate the gentleman for yielding.

Mr. KING of Iowa. I thank the gentleman for his commitment to fiscal responsibility of this Congress.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. GINGREY

Mr. GINGREY. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. GINGREY:

At the end of the bill (before the short title), add the following new section:

SEC. 408. None of the funds appropriated or otherwise made available in this Act may be used to take private property for public use without just compensation.

The Acting CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. GINGREY. Mr. Chairman, I rise tonight to offer an amendment to H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for fiscal year 2009, and to ask my colleagues to support the amendment.

A little over a month ago, property rights advocates across the country spoke out on the third anniversary of the now infamous Kelo decision by the Supreme Court.

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I, along with Representative MAXINE WATERS of California, JIM SENSENBRENNER of Wisconsin, mark the date by introducing a resolution that expresses congressional support for the private property rights protections guaranteed by the fifth amendment to the Constitution.

Today, we in the Congress have an opportunity to demonstrate our commitment to the preservation of these rights. My amendment would ensure that none of the Federal funds appropriated by this act can be used in the taking of private property without just compensation.

Ideally, Mr. Chairman, eminent domain should never have to be used, but even the Constitution provides for its application in instances involving public use, such as construction of a road or a public school. Public use also includes the common defense, which is a central focus of the Military Construction and Veterans' Affairs Appropriations bill. Accordingly, from time to time the needs of our military may require the use of eminent domain. However, even when the Federal Government exercises the power of eminent domain on behalf of the military, private property owners must always receive just compensation.

The taking of private property is among the toughest decisions a government should ever have to make. A government should only make that decision when it is absolutely necessary and only after working with property owners to try to reach a mutual agreement.

The sanctity of private property rights and the security they afford are among the greatest blessings this country offers its citizens. Individual liberty and freedom are at the very root of our property rights and therefore we must ensure that these rights are never abused and they are always protected.

Unfortunately, Mr. Chairman, it seems the protections of the fifth amendment do not apply to the wallets of hardworking Americans who are now struggling at the gas pump. The inaction of this Congress to address in a real way these historically high gas prices, I believe, also constitutes unjustified taking, but it seems that this Congress has little interest in justly compensating the American consumer by increasing domestic energy production, creating new American jobs, and lowering the price of gasoline. In fact, it seems to me the fear of even a vote on domestic energy production has led the Democratic majority to essentially shut down the appropriations process, the process with which we fund the entirety of our Federal Government, from the Pentagon to the schoolhouses across the country.

With only 17 legislative days left until the next fiscal year, seven of the 12 appropriations bills have not even been considered by the full Appropriations Committee, and this is the first appropriations bill considered on the House floor. So while Speaker PELOSI and the Democratic leadership continue to refuse pleas for at least a vote on increasing domestic supply and lowering the price of gasoline, House Republicans will continue to fight to open up American energy and to prevent the unjust taking occurring every day at the gas pump.

From wallets to homesteads to family businesses, this Congress has an obligation to protect the property rights of all Americans. So I again call upon my colleagues to support this amendment.

Mr. Chairman, I yield back my time.

Mr. EDWARDS of Texas. I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, let me just say I support this amendment. It does state the obvious: We should not take private property for private use without just compensation.

Also, Mr. Chairman, because we had no other Members on our side to finish our discussion on the previous debate, let me just say briefly in response to my colleague from Texas (Mr. HENSARLING), his comments, there was no confusion about that amendment. It was very clear that the direct impact of that amendment would have been to hurt our troops. It would have killed fire stations designed to protect our soldiers, our sailors, our airmen, and marines and their families.

It would have cut out training facilities, it would have cut out daycare centers, it would have cut out all sorts of important facilities to help our troops have a better quality of life and to train effectively during a time of war, and it's because of that and because of the responsible process that our subcommittee has gone through to vet these projects carefully, that I am confident that later this morning when the House votes on that amendment, that that amendment will be soundly defeated for all the right reasons.

This process in this subcommittee has been a good one, a solid one, and I think the protest to the contrary will be made clear tomorrow when Republicans and Democrats alike join to overwhelmingly reject the Flake amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. KING of Iowa:

Insert after section 407 the following:

SEC. 408. None of the funds made available in this Act may be used to enforce subchapter IV of Chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, my amendment is an amendment that has come to this floor in different fashions in the past, and it deals with the Davis-Bacon federally mandated wage scale. The amendment simply says none of the funds made available in this act may be used to enforce the Davis-Bacon Act.

Davis-Bacon is a federally mandated wage scale that was established in about 1932, and the motivation for it was New York contractors that wanted to keep black American workers out of the trade unions as they began to bid projects such as Federal buildings in New York and reach down to places like Alabama to get cheaper labor, bring that labor in, and undercut the trade unions in New York. Congressman Davis and I believe it was Senator Bacon, or vice versa, came forward with this legislation.

It is, Mr. Chairman, the last vestige of the Jim Crow laws we have had in this country designed to keep African Americans out of this work. That is the legacy of it. The fact of it is that it's a federally mandated union wage scale. It is not prevailing wage. I worked under it all of my life, and the people that report these wage scales to the survey are people that report union scale. Merit shop employers do not report those wage scales very often because they know that the union will show up to organize them, and there is a penalty for filing those report that

has to do with fight off union organizations.

The effect of it is a high cost to taxpayers, Mr. Chairman. A high cost to the taxpayers, by my calculations of being 28 years in construction business and dealing with these wage scales on a regular basis, that ranges, depending on how much of your project is labor versus how much is material, my own calculations range between 8 percent on the low side of inflated price, to 35 percent on the higher side.

It inflates wages by about the 22 percent, according to a Beacon Hill study of 2008. Their studies shows a 9.91 percent increase in the overall cost of the projects that is anchored to this federally mandated union scale.

It raises public constructions costs by about $8.6 billion a year. According to a CBO estimate, the Federal Government could save $10.5 billion in construction costs if Davis-Bacon were repealed. I am committed to the overall repeal of Davis-Bacon, and taking a bite at it every chance I get.

The small business burden is another component. Small employers avoid Davis-Bacon wage scale jobs, and I know and those of us in the business know that if there are federally mandated wage scales on projects, there are fewer bidders. Larger contractors that are union contractors bid those jobs without much competition from smaller contractors because the bureaucracy is so heavy, the reporting is so heavy. In fact, I myself have sat in there hours and hours, way into the night, filling out minute paperwork so that it can go gather dust in some bureaucrat's desk until something comes wrong and then they come back and bring charges against you. I put it all on an Excel spreadsheet and track every motion of every man, every machine that operates or maintain or moves the machine so that we can file a report that will be full and complete. In fact, that strategy was adopted by the regulators.

The small business burden is too great, the taxpayer burden is too great. This is a union-mandated scale. We don't need to be building less projects or less work on our bases for military. We need to build more. We don't needless bang for the taxpayers' buck, we need more, Mr. Chairman.

So imposing a Davis-Bacon wage scale in the MilCon appropriations bill here moves us backwards from a progress standpoint. It will make sure that we produce fewer projects and it will mean that it will inflate the cost of the projects that we do some place between 8 and 35 percent. My number that I use is 20 percent, to pick an average. The number that Beacon Hill uses 9.91 percent increase in prices. Why would anybody buy into that?

By the way, their measurements measure a calculation compared to today's merit shop employers, but today's merit shop employers, and the union scale employers, but those wages do not reflect the actual supply and demand, like labor is a commodity like any other commodity. They reflect already the impact of federally imposed wage scales in the neighborhood. So there is no real measure of those wages from a competitive standpoint.

I want to get back to free market. I want the merit shop employees, who do a great job, to receive their reward for the work they do. It also is an impediment to an employer, like I have been for most of my adult life, because under the scale that you pay in the merit shop, you can put people on payroll for all 12 months of the year, and I put them in the shop when I need them, hand them a shovel, or put them on a crane or excavator when I need them there and I don't have to dance through all this paperwork. It's an impediment to bring people in that are low skilled because you can't afford to pay them those imposed wage scales it.

It keeps us from bringing people up through the process. It is inflationary. It's unjust, it's un-American, and it's the last vestige of Jim Crow.

I urge adoption of my amendment and I yield back the balance of my time.

Mr. EDWARDS of Texas. Mr. Chairman, I'd like to move to strike the last word.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS of Texas. I rise in opposition to this amendment. In my opinion, the gentleman's amendment would weaken the protections that the Davis-Bacon Act provides to American workers. For myself, I'd like to ensure that construction workers who are building barracks for our troops or hospitals for our veterans are there because they are motivated and skilled at their trade, not because think were the cheapest workers that a contractor could find somewhere.

I heard the gentleman offer some estimates that he came up with. I don't know the source of all of those. I am sure there are differences of opinion, but I do know the Economic Policy Institute has done a study that found a growing body of evidence suggesting that ending Davis-Bacon will not reduce costs on government contracts.

I guess one could make the argument that if we could mandate—this is government money—we mandate that these jobs all be paying minimum wage, perhaps we could save some money. I don't think that would be very good policy for our Veterans Administration, for our Department of Defense, or for our country.

Finally, on I think a broader point, there may be some that think that our country's present day economic problems are that the middle class is just making too much money. I couldn't disagree more. The problem with our economy today is that men and women who are willing to get up and go work hard every single day are struggling to just make enough money to help educate their children, buy clothes for their family, and put food on the family table.

I don't see an amendment that would take money out of the pockets of a lot of these hardworking middle class families that are the backbone and heart and soul of our American economy and our private market system. I don't see taking money out of their pockets helping them or our economy.

So, with great respect for the gentleman, who has been consistent in this arena, I must strongly oppose this amendment.

Mr. KING of Iowa. Would the gentleman yield?

Mr. EDWARDS of Texas. Briefly.

Mr. KING of Iowa. Just one point, and not to belabor this at all. But a thought occurred on the study, the Economic Policy Institute. If Davis-Bacon didn't increase the cost of projects, then what would be the point in Davis-Bacon?

Mr. EDWARDS of Texas. Well, the point of Davis-Bacon, reclaiming my time, is to see that the workers, American workers, who build our VA hospitals, renovate our Department of Defense facilities, build new barracks and housing for our troops that are serving in Iraq and Afghanistan today, that they are paid a fair wage, a livable wage.

We can have honest differences on this. I tend to believe from my vantage point that providing that kind of honest wage brings in better workers and more quality work.

□ 0100

The gentleman might disagree with that, but we will agree to disagree on that.

The bottom line is I think the middle class is the strength of our Nation's economy, and the sooner we put dollars back into the pockets of those families willing to work hard for that living, the sooner we will get this economy off the wrong track and back on the right track.

For all of those reasons, I again oppose this amendment.

I yield back the balance of my time.

Mr. FARR. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FARR. I rise in opposition to this amendment. I am not going to take the 5 minutes, but I just want to point out that Davis-Bacon has been part of Federal law for almost 80 years, and what that law has done is every public project, all the roads in America, schools, courthouses, buildings, harbors, airports, train stations, libraries, Smithsonian buildings, you look

around America, the entire infrastructure in this country built in the last 80 years has been built under the provisions of a prevailing wage paid to the employees, prevailing for the area in which the buildings are being constructed.

What is wrong? What is broken that needs fixing? I have never had a constituent in the 32 years that I have been in elective office come up and say, you know what? This library or this road or this school was built wrong because it was built under Davis-Bacon.

This is an annual thing, people coming up and complaining about it, because the prevailing wage oftentimes is what the unions pay, and that can get the union contract. And what is wrong with union labor? This effort to amend this is essentially just another strike against organized labor in America, against a fair, decent wage, at a time when the cost of living is almost at an all-time high. It is always tried, it always fails, because there is no need to fix it, because it ain't broken.

Reject this amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

Mr. EDWARDS of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Chairman, it is late at night, now early in the morning actually, so I am going to be brief. But I want to end as I began, by thanking Mr. WAMP, the ranking member of this VA Appropriations and Military Construction Subcommittee.

There are a lot of people in Washington and a lot of people in America who think that bipartisanship is not only an endangered species, but an extinct species in Washington. I think this process, over 100 hours of hearings, 19 different hearings, the product tonight, a good product, is perfect proof that bipartisanship for the most important of causes is still alive and well in Washington, D.C.

I want to again salute Speaker PELOSI and Mr. OBEY and Mr. SPRATT, as well as the second ranking Democrat on our subcommittee, Mr. FARR of California, who has been there every step of the way for our veterans, our troops and their families. He has made a great contribution to this bill.

Finally, I would just finish by saying my hope and prayer is that what we have before this House is a bill that is worthy of the sacrifice of our service men and women and their families.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FARR) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes, had come to no resolution thereon.

REAPPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 USC 6431 note), amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 USC 2651 note), and the order of the House of January 4, 2007, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Commission on International Religious Freedom for a 2-year term ending May 14, 2010:

Ms. Elizabeth H. Prodromou of Boston, Massachusetts, to succeed herself.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 8, 2008

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

WASHINGTON, DC,
July 31, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 8, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON EDUCATION AND LABOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, under section 208 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2008 and 2009 and the period of fiscal years 2009 through 2013. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of the conference report to accompany the bill H.R. 4137 (Higher Education Opportunity Act). Corresponding tables are attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal years—		
	2008 [1]	2009 [1 2]	2009–2013
Current Aggregates:			
Budget Authority	2,456,198	2,462,553	(3)
Outlays	2,437,784	2,497,436	(3)
Revenues	1,875,401	2,029,653	11,780,263
Change in the Higher Education Opportunity Act (H.R. 4137):			
Budget Authority	−10	−9	(3)
Outlays	0	−114	(3)
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	2,456,188	2,462,544	(3)
Outlays	2,437,784	2,497,322	(3)
Revenues	1,875,401	2,029,653	11,780,263

[1] Current aggregates do not include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriation action.
[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, that will not be included in current level due to its emergency designation (section 301(b)(2)).
[3] Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

House Committee	2008		2009		2009–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Education and Labor	0	0	0	0	0	0
Change in the Higher Education Opportunity Act (H.R. 4137):						
Education and Labor	−10	0	−9	−114	36	−60
Revised allocation:						
Education and Labor	−10	0	−9	−114	36	−60

REQUESTING THAT THE PRESIDENT FOCUS APPROPRIATE ATTENTION ON NEIGHBORHOOD CRIME PREVENTION AND COMMUNITY POLICING, AND COORDINATE CERTAIN FEDERAL EFFORTS TO PARTICIPATE IN NATIONAL NIGHT OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentlelady from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security. This important resolution will work to make America a safer place by recognizing the importance of community policing and crime prevention.

National Night Out, ''America's Night Out Against Crime,'' is a program designed to heighten crime prevention and drug prevention awareness; generate support for, and participation in, anti-crime programs; strengthen neighborhood spirit and police community relations; and send a message to criminals that neighborhoods are organized and fighting back. This is an opportunity to bring citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials together to fight crime where we live. Last year, over 35 million people celebrated the National Night Out with activities such as traditional ''lights on'' and front porch vigils, block parties, cookouts, parades, contests, youth programs, and visits from local police and sheriff departments. This event is celebrating its 25th anniversary on Tuesday, August 5, 2008.

National Night Out supports the Department of Homeland Security's Ready campaign by handing out materials and educating and empowering the public on how to prepare for, and respond to, potential terrorist attacks or other emergencies. Additionally, this event supports the National Child Identification Program, a joint partnership between the American Football Coaches Association and the Federal Bureau of Investigation, to provide identification kits to parents to help locate missing children. The National Sheriffs Association, the United States Conference of Mayors, and the National League of Cities have all officially expressed support for National Night Out.

Neighborhood crime watch groups, such as National Night Out, contribute to the Nation's war on drugs by helping to prevent communities from becoming markets for drug dealers. They play an integral role in combating domestic terrorism by increasing vigilance and awareness and encouraging citizen participation in community safety and homeland security. Additionally, community-based programs involving law enforcement, school administrators, teachers, parents, and local communities work effectively to reduce school violence and crime and promote the safety of children.

The neighborhoods we once knew as places of peace and harmony are now engaged in the fight against the rising tide of crime and violence. One of the saddest results of this increasing crime is that neighbors fear for their safety and become alienated from one another. Through this National Night Out celebration, people in the neighborhood are brought closer together, overcoming the atmosphere of fear and mistrust that comes with changing times. National Night Out gives people a sense of neighborhood pride and positive community spirit.

This is why I strongly support the goals and ideals of National Night Out and request that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for National Night Out; focus appropriate attention on neighborhood crime prevention, community policing, and reduction of school crime by delivering speeches, convening meetings, and directing the Administration to make crime reduction an important priority; and coordinate the efforts of the Federal Emergency Management Agency, the USA Freedom Corps, the Citizen Corps, the National Senior Service Corps, and AmeriCorps to participate in National Night Out by supporting local efforts and neighborhood watches and by supporting local officials, including law enforcement personnel, to provide homeland security and combat terrorism in the United States. I urge my colleagues to support the National Night Out, which effectively works to protect Americans from crime across the nation.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is July 31, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,974 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.'' The phrase in the 14th Amendment capsulizes our entire Constitution. It says, ''No State shall deprive any person of life, liberty or property without due process of law.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps

someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,974 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same American that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is July 31, 2008, 12,974 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, JULY 30, 2008 AT PAGE 17263

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. GEORGE MILLER of California. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 398

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Thursday, July 31, 2008, Friday, August 1, 2008, or Saturday, August 2, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, September 8, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, August 1, 2008, through Friday, September 5, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, September 8, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on House Concurrent Resolution 398 will be followed by 5-minute votes on motions to suspend the rules on H.R. 5892 and on House Resolution 1370.

The vote was taken by electronic device, and there were—yeas 213, nays 212, not voting 10, as follows:

[Roll No. 537]

YEAS—213

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

NAYS—212

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

NOT VOTING—10

Barrow	Cubin	Rush
Blunt	Hulshof	Udall (CO)
Brown-Waite, Ginny	Levin	Waters
	Meeks (NY)	

□ 1304

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

Messrs. FOSTER, HARE, PASTOR and SHULER and Ms. HOOLEY changed their vote from ''nay'' to ''yes.''

So the concurrent resolution was agreed to. The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK (at the request of Mr. HOYER) for today after 7 p.m. on account of personal business.

Mr. YOUNG of Alaska (at the request of Mr. BOEHNER) for today and the balance of the week on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EDWARDS of Texas) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. PERLMUTTER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

A JOINT RESOLUTION AND BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on July 28, 2008 she presented to the President of the United States, for his approval, the following joint resolution.

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

Lorraine C. Miller, Clerk of the House reports that on July 29, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 3221. To provide needed housing reform and for other purposes.

ADJOURNMENT

Mr. EDWARDS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 8 minutes a.m.), the House adjourned until today, Friday, August 1, 2008, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7891. A letter from the Executive Director, Commodities Futures Trading Commission, transmitting the Commission's final rule — Amendments Pertinent to Registered Entities and Exempt Commercial Markets (RIN: 3038-AC39) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7892. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation to amend the Argicultural Marketing Act of 1946 to require the Department of Agriculture (USDA) to collect and retain user fees for enforcement activities related to mandatory country of origin labeling (COOL); to the Committee on Agriculture.

7893. A letter from the Secretary, Department of Agriculture, transmitting a copy of a daft bill entitled, ''to remove the prohibition against the rescission of certain unadvanced telecommunications loan balances''; to the Committee on Agriculture.

7894. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Altrazine; Pesticide Tolerance [EPA-HQ-OPP-2006-0192; FRL-8364-1] received July 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7895. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flumioxazin; Pesticide Tolerance [EPA-HQ-OPP-2007-0871; FRL-8370-2] received July 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7896. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Methylcyclopropene; Pesticide Tolerance; Technical Correction [EPA-HQ-OPP-2008-0511; FRL-8372-9] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7897. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyfluthrin; Pesticide Tolerance [EPA-HQ-OPP-2006-0857; FRL-8370-7] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7898. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Gentamicin; Pesticide Tolerance for Emergency Exemptions [EPA-HQ-OPP-2006-0234; FRL-8370-8] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7899. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients; Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment [EPA-HQ-OPP-2006-0230; FRL-837207] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7900. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerances [EPA-HQ-OPP-2007-0214; FRL-8373-2] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7901. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ammonium Soap Salts of Higher Fatty Acids (C8-C18 saturated; C8-C12) unsaturated; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0571;FRL-8372-2] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7902. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2007-0416; FRL-8371-9] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7903. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Gamma-cyhalothrin; Pesticide Tolerances [EPA-HQ-OPP-2007-0096; FRL-8372-6] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7904. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sethoxydim; Pesticide Tolerances [EPA-HQ-OPP-2007-0893; FRL-8370-9] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7905. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirotetramat; Pesticide Tolerances [EPA-HQ-OPP-2007-0475; FRL-8367-1] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7906. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus thuringiensis Modified Cry1Ab Protein; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-1204; FRL-8371-6] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7907. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oxirane, 2-methyl-, polymer with oxirane, mono [2-[2-(2-butoxymethylethoxy) methylethoxy]methylethyl] ehter; Tolerance Exemption [EPA-HQ-OPP-2008-0254; FRL-8371-7] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7908. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dichlorvos (DDVP); Order Denying NRDC's Objections and Requests for Hearing [EPA-HQ-OPP-2002-0302; FRL-8372-5] received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7909. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus thuringiensis Cry2Ab2 protein; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0346; FRL-8369-4] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7910. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Residues of Quanternany Ammonium Compunds, Didecyl Dimethyl Ammonium Carbonate and Didecyl Dimethyl Ammonium Bicarbonate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-1024; FRL-8368-1] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7911. A letter from the Secretary of the Navy, Department of Defense, transmitting the Secretary's determination and findings that it is in the public interest to use other than competitive procedures for a specific procurement, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

7912. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John F. Goodman, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7913. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral John G. Cotton, United States Navy Reserve, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

7914. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Charles E. Croom, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7915. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John W. Bergman, United States Marine Corps Reserve, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7916. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral (lower half) Garland P. Wright, Jr., United States Navy Reserve, to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7917. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, Department of Defense, transmitting Notice of the decision to conduct a single function standard competition of the Civil Engineer Function at Buckley Air Force Base, Colorado, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

7918. A letter from the Deputy Under Secretary for Logistics and Material Readiness, Department of Defense, transmitting the National Defense Stockpile (NDS) Annual Materials Plan for Fiscal Year 2009, along with proposed plans for FY 2010 through 2013, pursuant to 50 U.S.C. 98h-2(b); to the Committee on Armed Services.

7919. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7920. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8031] received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7921. A letter from the Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, transmitting the Department's third annual Homeless Assessment Report for 2007; to the Committee on Financial Services.

7922. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Ghana pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7923. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Rehabilitation Engineering Research Centers (RERCs) — Technologies for Successful Aging With Disabilities — received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7924. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 202 Base-Year Inventory for the Susquehanna County Area [EPA-R03-OAR-2008-0182; FRL-8687-1] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7925. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnaces and Boilers [Docket No. EE-RM/STD-01-350] (RIN: 1904-AA78) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7926. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2007 annual performance report to Congress required by the Medical Device User Fee and Modernization Act of 2002; to the Committee on Energy and Commerce.

7927. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — New Animal Drugs; Cephalosporin Drugs; Extralabel Animal Drug Use; Order of Prohibition [Docket No. FDA-2008-N-0326] received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7928. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Revisions to Emission Reducation Market System [EPA-R05-OAR-2007-0183; FRL-8575-3] received July 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7929. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Direct Final Approval of Revised Municipal Waste Combustor State Plan for Designated Facilities and Pollutants: Indiana [EPA-R05-OAR-2008-0952; FRL-8688] received July 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7930. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — US Filter Recovery Services, Inc. Under Project XL [FRL-8687-6] (RIN: 2090-AA15) received July 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7931. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana — Air Quality, Incinerators [EPA-R08-OAR-2006-0806, FRL-8683-5] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7932. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [RPA-R09-OAR-2008-0237; FRL-8695-7] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7933. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Petroleum Refineries [EPA-HQ-OAR-2007-0011; FRL-8698-3] (RIN: 2060-AN72) received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7934. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Virginia: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R03-RCRA-2008-0256: FR-8698-9] received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7935. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Northern Sierra Air Quality Management District, Including Nevada County Air Pollution Control District Portion, Plumas County Air Pollution Control District Portion, and Sierra County Air Pollution Control District Portion [EPA-R09-OAR-2006-0186, FRL-8569-6] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7936. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Air Pollution from Volatile Organic Compunds [EPA-R06-OAR-2006-1029; FRL-8689-7] received, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7937. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Colorado; Affirmative Defense Provisions for Malfunctions; Common Provisions Regulation [EPA-R08-OAR-2007-1030; FRL-8573-5] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7938. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation

of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology Requirements for Marine Vessel and Barge Loading [EPA-R03-OAR-2007-1120; FRL-8693-5] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7939. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Juniata County Area [EPA-R03-OAR-2008-0184; FRL-8693-4] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7940. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Lawrence County Area [EPA-R03-OAR-2008-0185; FRL-8693-1] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7941. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Northumberland County Area [EPA-R03-OAR-2008-0186; FRL-8693-3] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7942. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Snyder County Area [EPA-R03-OAR-2008-0188; FRL-8692-9] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7943. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [EPA-HQ-OAR-2003-0138; FRL-8693-9] (RIN: 2060-AO99) received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7944. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-House Ozone Maintenance Plan and 2002 Bae-Year Inventory for the Pike County Area [EPA-R03-OAR-2008-0187; FRL-8694-7] received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7945. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment for the Ozone National Ambient Air Quality Standards for Nonattainment Areas in Delaware, District of Columbia, Maryland, Pennsylvania, and Virginia [EPA-R03-OAR-2008-0109; FRL-8694-8] received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7946. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan; Pesticide Element; Ventura County [EPA-R09-OAR-2008-0313, FRL-8694-1] received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7947. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 2007 Superfund Five-Year Review Report to Congress, in accordance with the requirements in Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Energy and Commerce.

7948. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 202 Base-Year Inventory for the Somerset County Area [EPA-R03-OAR-2008-0181; FRL-8686-9] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7949. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 202 Base-Year Inventory for the Warren County Area [EPA-R03-OAR-2008-0183; FRL-8685-5] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7950. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans: Washington; Vancouver Air Quality Maintenance Area Second 10-Year Carbon Monoxide Maintenance Plan [EPA-R10-OAR-2007-0998; FRL-8684-1] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7951. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Nevada; Wintertime Oxygenated Gasoline Rule; Vehicle Inspection and Maintenance Program; Redesignation of Truckee Meadows to Attainment for the Carbon Monoxide Standard [EPA-R09-OAR-2007-0561; FRL-8555-1] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7952. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quaity Management District [EPA-R09-OAR-2008-0337; FRL-8565-2] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7953. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Crawford County Area [EPA-R03-OAR-2008-0180; FRL-8687-3] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7954. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Columbia County Area [EPA-R03-OAR-2008-0178; FRL-8687-2] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7955. A letter from the Deputy Division Chief, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of The Commercial Mobile Alert System [PS Docket No. 07-287] received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7956. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 8, 2007, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7957. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7958. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7959. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

7960. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

7961. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-67 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Kingdom Saudi Arabia for defense articles and services; to the Committee on Foreign Affairs.

7962. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-98 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

7963. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-35 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to

Iraq for defense articles and services; to the Committee on Foreign Affairs.

7964. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-37 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Morocco for defense articles and services; to the Committee on Foreign Affairs.

7965. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-76 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services; to the Committee on Foreign Affairs.

7966. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-91 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

7967. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-95 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

7968. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding a proposed license agreement for the manufacture of military equipment abroad and the export of defense services, and defense articles to the Government of Turkey (Transmittal No. DDTC 016-08); to the Committee on Foreign Affairs.

7969. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Canada (Transmittal No. RSAT-03-08); to the Committee on Foreign Affairs.

7970. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the sale of major defense equipment to the Government of Singapore (Transmittal No. DDTC 050-08); to the Committee on Foreign Affairs.

7971. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of an application for a license for the export of defense articles and services to the Government of Germany (Transmittal No. DDTC 036-08); to the Committee on Foreign Affairs.

7972. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed manufacturing license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 031-08); to the Committee on Foreign Affairs.

7973. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding a proposed technical assistance agreement for the export of defense services, technical data, and defense articles to the Government of the United Kingdom (Transmittal No. DDTC 078-08); to the Committee on Foreign Affairs.

7974. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles or defense services to the Government of Romania (Transmittal No. DDTC 084-08); to the Committee on Foreign Affairs.

7975. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the 2007 Annual Report on United Nations voting practices, pursuant to Public Law 101-246, section 406; to the Committee on Foreign Affairs.

7976. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Inspector General's semiannual report for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7977. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Sufficiency Certification for the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2009,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7978. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports/Financial Statements for the Third Quarter of FY 2008 ended June 30, 2008, as prepared by the U.S. General Services Administration; to the Committee on Oversight and Government Reform.

7979. A letter from the Director, Office of Civil Rights, Department of Commerce, transmitting the Department's annual report for FY 2008 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7980. A letter from the Acting Director, Grants Management Division, Department of Commerce, transmitting the Department's final rule — Department of Commerce Implementation of OMB Guidance on Nonprocurement Debarment and Suspension [Docket No. 060830228-6311-02] (RIN: 0605-AA23) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7981. A letter from the Assistant Inspector General, Communications and Congressional Liaison, Department of Defense, transmitting the Department's 2007 inventory of activities that are not inherently governmental functions as required by Section 2 of the Federal Activities Inventory Reform (FAIR) Act of 1998, Public Law 105-270; to the Committee on Oversight and Government Reform.

7982. A letter from the Assistant Inspector General, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7983. A letter from the Director, Office of Management, Department of Energy, transmitting the Department's Year 2007 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1997, Pub. L. 105-270; to the Committee on Oversight and Government Reform.

7984. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7985. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7986. A letter from the Director, Holocaust Memorial Museum, transmitting the Museum's 2006 through 2007 Annual Report; to the Committee on Oversight and Government Reform.

7987. A letter from the Deputy General Counsel, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7988. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS) (RIN: 3206-AL67) received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7989. A letter from the Secretary and Director, Postal Regulatory Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7990. A letter from the Chief, Division of Management Authority, Department of the Interior, transmitting the Department's final rule — Revisions of Regulations Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Import and Export of Sturgeon Caviar [[FWS-R9-IA-2008-0003][96000-1671-0000-P5]] (RIN: 1018-AV70) received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7991. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Addresses for Applications for Eagle and Migratory Bird Permit Applications (RIN: 1018-AV63) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7992. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Adjustment to the Total Allowable Catch of Georges Bank Yellowtail Flounder from the United States/Canada Management Area for Fishing Year 2008 [Docket No. 071004577-8124-02] (RIN: 0648-XI64) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7993. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XI93) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7994. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Suspension of the Primary Pacific Whiting Season for the Shore-based Sector South of 42 degrees North Latitude [Docket No. 080408542-8615-01] (RIN: 0648-XI87) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7995. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 19; Announcing OMB Approval of Information Collection [Docket No. 070817467-8744-03] (RIN: 0648-AV90) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7996. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 071011590-7591-01] (RIN: 0648-XD38) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7997. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 030221039-7043-42; I.D. 022707B] received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7998. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 030221039-7044-43; I.D. 022707C] received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7999. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 071220869-7871-01] (RIN: 0648-XE62) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8000. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 0612242865-7168-01; I.D. 092506A] (RIN: 0648-AU90) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8001. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 0612242977-7216-01; I.D. 120304D] (RIN: 0648-AS01) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8002. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 071221883-7885-01] (RIN: 0648-XE66) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8003. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 071018614-7615-01] (RIN: 0648-XD56) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8004. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 071030629-7630-01] (RIN: 0648-XD72) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8005. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 030221039-7038-41; I.D. 021407E] received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8006. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 070703251-7261-01] (RIN: 0648-XB28) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8007. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Observer Requirement for Fisheries [Docket No. 070712318-7318-01; I.D. 110306A] (RIN: 0648-AU81) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8008. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Allowance of New Gear (Haddock Rope Trawl, Previously Referred to as the Eliminator Trawl) in Specific Special Management Programs [Docket No. 080306389-8810-02] (RIN: 0648-AW53) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8009. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XJ02) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8010. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ07) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8011. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ09) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8012. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ10) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8013. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Trimester II Fishery for Loligo Squid [Docket No. 070717340-8451-02] (RIN: 0648-XJ06) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8014. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish; Permit and Reporting Requirements in the Main Hawaiian Islands [Docket No. 071211828-8826-03] (RIN: 0648-AU22) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8015. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Sandia National Laboratory, Livermore, California to be added to the Special

Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8016. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule — Intensive Confinement Center Program [BOP-1141-F] (RIN: 1120-AB39) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8017. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule — Inmate Work and Performance Pay Program: Reduction in Pay for Drug- and Alcohol-Related Disciplinary Offenses [BOP Docket No. BOP 1132-F] (RIN: 1120-AB33) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8018. A letter from the Pricipal Deputy Assistant Attorney General, Department of Justice, transmitting two legislative proposals relating to the implementation of treaties concerning maritime terrorism and the maritime transportation of weapons of mass destruction; to the Committee on the Judiciary.

8019. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3287-EM in the State of California, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

8020. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility study undertaken to evaluate hurricane and storm damage reduction opportunities for Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey; to the Committee on Transportation and Infrastructure.

8021. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, Oxon Hill, MD and Alexandria, VA [USCG-2008-0207] (RIN: 1625-AA09) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8022. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area and Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No. USCG-2008-0470] (RIN: 1625-AA11) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8023. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Stonington Maine, Deer Island Thorofare, Penobscot Bay, ME [Docket No. USCG-2007-0198] (RIN: 1625-AA01) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8024. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Weymouth, Massachusetts, Weymouth Fore River [Docket No. USCG-2007-0199] (RIN: 1625-AA01) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8025. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 100th Anniversary Chicago to Mackinac Race Fireworks, Lake Huron, Mackinac Island, MI. [Docket No. USCG-2008-0631] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8026. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mackinac Bridge Birthday Fireworks, Lake Huron, St. Ignace, MI. [Docket No. USCG-2008-0630] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8027. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks Displays within the Sector Delaware Bay Captain of the Port Zone [Docket No. USCG-2008-0590] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8028. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tahoe CIty Fourth of July Fireworks Display, Tahoe City, CA. [Docket No. USCG-2008-0516] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8029. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red, White, and Blue Fireworks, Incline Village, NV. [Docket No. USCG-2008-0511] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8030. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pittsburg Chamber of Commerce Fourth of July Fireworks Display, Pittsburg, CA. [Docket No. USCG-2008-0509] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8031. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Peninsula Celebration Association Annual Fireworks Spectacular, Redwood City, CA. [Docket No. USCG-2008-0504] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8032. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Martinez Fourth of July Fireworks Display, Martinez, CA [Docket No. USCG-2008-0502] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8033. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Berkeley Fourth of July Fireworks Display, Berkeley, CA. [Docket No. USCG-2008-0494] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8034. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Northeast Gateway Deepwater Port, Atlantic Ocean, MA and Security Zone; Liquified Natural Gas Carriers, Massachusetts Bay, MA [Docket Nos. USCG-2008-0372 and USCG-2008-0301] (RIN: 1625-AA00 and RIN: 1625-AA87) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8035. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regattas and Marine Parades; Great Lake annual marine events. [Docket No. USCG-2008-0031] (RIN: 1625-AA08) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8036. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regattas and Marine Parades; Great Lakes Annual Marine Events. [USCG-2008-0220] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8037. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; USCGC EAGLE, Elliott Bay, Seattle, Washington [Docket No. USCG-2008-0558] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8038. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Thea Foss Waterway, Tacoma, Washington [Docket No. USCG-2008-0539] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8039. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted Vessels, Savannah, Georgia, Captain of the Port Zone [Docket No. USCG-2007-0157] (RIN: 1625-AA87) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8040. A letter from the Secretary, Department of Transportation, transmitting the Department's report on the National Tribal Transportation Facility Inventory, pursuant to Public Law 109-59, section 1119(f); to the Committee on Transportation and Infrastructure.

8041. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Safety Zone; Olcott, NY Fireworks, Lake Ontario, Olcott, NY. [Docket No. USCG-2008-0589] (RIN: 1625-AA00) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8042. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Amendment to the Guidelines for the Award of Monitoring Initiative Funds under Section 106 Grants to States, Interstate Agencies, and Tribes [FRL-8693-8] received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8043. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — UNITED STATES-BAHRAIN FREE TRADE AGREEMENT [Docket No. USCBP-2007-0063 CBP Dec. 08-28] (RIN: 1505-AB81) received July 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

8044. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Supplemental Statement of the Case (RIN: 2900-AM49) received July 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8045. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

8046. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Child Support Enforcement Program; Medical Support (RIN: 0970-AC22) received July 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8047. A letter from the Acting SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Technical Changes to the Title II Regulations [Docket No. SSA-206-0086] (RIN: 0960-AG43) received July 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8048. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the 2007 annual report on the operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act; jointly to the Committees on Agriculture and Foreign Affairs.

8049. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and State Health Care Programs: Fraud and Abuse; Issuance of Advisory Opinions by the OIG — received July 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8050. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2009 [CMS-1554-F] (RIN: 0938-AP19) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8051. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the July 2008 Quarterly Report pursuant to Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106) as amended by Pub. L. 108-375, Pub. L. 109-102, Pub. L. 109-364, Pub. L. 109-440, Pub. L. 110-28, and Pub. L. 110-181; jointly to the Committees on Foreign Affairs and Appropriations.

8052. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's 2008 report for the fiscal year ended September 30, 2007, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(l) of the Railroad Unemployment Insurance Act; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

8053. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of a draft bill entitled, the ''Multilateral Child Support Convention Implementation Act of 2008''; jointly to the Committees on Ways and Means and the Judiciary.

8054. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Hospice Wage Index for Fiscal Year 2009 [CMS-1548-F] (RIN: 0938-AP14) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

8055. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the annual report on the National Security Education Program (NESP) for 2007, pursuant to 50 U.S.C. 1906; jointly to the Committees on Intelligence (Permanent Select) and Education and Labor.

8056. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; jointly to the Committees on Oversight and Government Reform, Education and Labor, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 or rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 1907. A bill to authorize the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities, and for other purposes; with an amendment (Rept. 110–811). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2535. A bill to direct the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes (Rept. 110–812). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3437. A bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; with an amendment (Rept. 110–813). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 6041. A bill to redesignate the Rio Grande American Canal in El Paso, Texas, as the ''Travis C. Johnson Canal'' (Rept. 110–814). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5293. A bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes; with an amendment (Rept. 110–815). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 1399. A resolution providing for proceedings during the period from August 1, 2008, through September 4, 2008 (Rept. 110–816). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ELLSWORTH:

H.R. 6684. A bill to amend part D of title XVIII of the Social Security Act to apply the exceptions process for tiered formulary drugs to specialty tier drugs and to limit to 25 percent the Medicare cost-sharing for specialty tier drugs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 6685. A bill to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans; to the Committee on Natural Resources.

By Mr. MCNERNEY (for himself, Mr. BRADY of Pennsylvania, Mr. HALL of New York, and Mr. BISHOP of New York):

H.R. 6686. A bill to amend title 37, United States Code, to increase the maximum monthly rate for the military special pay known as hostile fire pay, imminent danger pay, or hazardous duty pay, to increase the maximum monthly rate for the family separation allowance paid to deployed members of the Armed Forces, and to increase other special and incentive pays to recognize the service of members of the Armed Forces and encourage recruitment and retention; to the Committee on Armed Services.

By Mr. MITCHELL (for himself, Mr. SHULER, and Mr. SHAYS):

H.R. 6687. A bill to require the Secretary of Homeland Security to calculate the cost of fuel expenses for vehicles of United States Immigration and Customs Enforcement according to gasoline prices reported by the Energy Information Administration Gasoline and Diesel Fuel Update; to the Committee on Homeland Security.

By Mr. FOSTER (for himself, Mr. FRANK of Massachusetts, and Mr. MOORE of Kansas):

H.R. 6688. A bill to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes; to the Committee on Financial Services.

By Mr. BAIRD:

H.R. 6689. A bill to restore Federal recognition to the Chinook Nation, and for other purposes; to the Committee on Natural Resources.

By Mr. POE:

H.R. 6690. A bill to stimulate the economy and provide for a sound United States dollar by defining a value for the dollar, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHILDERS (for himself, Mr. ALTMIRE, Mr. CAZAYOUX, Mr. DINGELL, Mr. ROSS, Mr. TANNER, Mr. STUPAK, Ms. HERSETH SANDLIN, Mr. ELLSWORTH, Mr. MELANCON, Mr. CHANDLER, Mr. LINCOLN DAVIS of Tennessee, Mr. BOYD of Florida, Mr. MATHESON, Mr. CARDOZA, Mr. CARNEY, Mr. KAGEN, Mr. HOLDEN, Mr. SHULER, Mr. LAMPSON, Mr. HILL, Mr. CRAMER, Mr. SPACE, Mr. BARROW, Mr. MCINTYRE, Mr. BISHOP of Georgia, Mr. GENE GREEN of Texas, Mr. GORDON, Mr. PETERSON of Minnesota, Mr. BOREN, Mr. DONNELLY, Mr. WALZ of Minnesota, Mrs. BOYDA of Kansas, Mrs. GILLIBRAND, Mr. SOUDER, Mr. HAYES, Mr. SALI, Mr. WALBERG, Mr. PATRICK MURPHY of Pennsylvania, Mr. COOPER, Mr. BOUCHER, Mr. MURTHA, Mr. BOSWELL, Mr. BERRY, Mr. DAVIS of Alabama, Mr. KANJORSKI, Mr. SALAZAR, Mr. MAHONEY of Florida, Mr. MARSHALL, Mr. MCNERNEY, Mr. HODES, Mr. SESSIONS, and Ms. SHEA-PORTER):

H.R. 6691. A bill to restore Second Amendment rights in the District of Columbia; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself and Mr. TERRY):

H.R. 6692. A bill to amend the Energy Policy Act of 2005 to provide loan guarantees for projects to construct renewable fuel pipelines, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCURI (for himself, Ms. EDWARDS of Maryland, and Mr. VAN HOLLEN):

H.R. 6693. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Natural Resources.

By Mr. AL GREEN of Texas (for himself, Mr. GARY G. MILLER of California, Ms. WATERS, and Mr. SHAYS):

H.R. 6694. A bill to revise the requirements for seller-financed downpayments for mortgages for single-family housing insured by the Secretary of Housing and Urban Development under title II of the National Housing Act and to authorize risk-based insurance premiums for certain mortgagors under such mortgages; to the Committee on Financial Services.

By Mr. WALZ of Minnesota (for himself, Mr. COURTNEY, Ms. BORDALLO, Mr. HALL of New York, Mr. HAYES, Mr. HILL, Mr. KAGEN, Mr. KLINE of Minnesota, Mr. KUHL of New York, Mr. LOBIONDO, Mr. RODRIGUEZ, Mr. SPACE, Ms. SUTTON, and Mr. PETERSON of Minnesota):

H.R. 6695. A bill to amend title 38, United States Code, to conform the mileage reimbursement rates used under the beneficiary travel program administered by the Secretary of Veterans Affairs to the mileage reimbursement rates for Government employees on official business who use privately owned vehicles, to eliminate all deductibles under the beneficiary travel program, to ensure that all veterans can participate in the beneficiary travel program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. POE:

H.R. 6696. A bill to authorize the American Battle Monuments Commission to establish a memorial, in the District of Columbia or its environs, to honor members of the Armed Forces who served in World War I, and for other purposes; to the Committee on Natural Resources.

By Mr. BOREN (for himself and Mr. CONAWAY):

H.R. 6697. A bill to provide for marginal well production preservation and enhancement; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD:

H.R. 6698. A bill to provide for nondiscrimination by eligible lenders in the Robert T. Stafford Federal Student Loan Program; to the Committee on Education and Labor.

By Mr. LATHAM:

H.R. 6699. A bill to amend title XVIII of the Social Security Act to reform Medicare payments to physicians and certain other providers and improve Medicare benefits, to encourage the offering of health coverage by small businesses, to provide tax incentives for the purchase of health insurance by individuals, to increase access to health care for veterans, to address the nursing shortage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, Veterans' Affairs, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of Texas (for himself and Mr. SAM JOHNSON of Texas):

H.R. 6700. A bill to recognize those astronauts who participated in missions to the moon in the Apollo program of the National Aeronautics and Space Administration by authorizing their appointment to the grade of major general or rear admiral on the retired list, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATT (for himself, Mr. GUTIERREZ, Mr. FRANK of Massachusetts, Mr. HONDA, and Ms. WATERS):

H.R. 6701. A bill to provide for a program for circulating quarter dollar coins that are emblematic of prominent civil rights leaders and important events that have advanced civil rights in America; to the Committee on Financial Services.

By Mr. ENGEL (for himself and Mr. PAUL):

H.R. 6702. A bill to impose requirements with regard to border searches of digital electronic devices and digital storage media, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT:

H.R. 6703. A bill to assist in the establishment of an interpretive center and museum in Bethlehem, Pennsylvania, to protect and interpret the history of the industrialization of the United States; to the Committee on Natural Resources.

By Ms. SCHAKOWSKY (for herself and Mr. LATOURETTE):

H.R. 6704. A bill to amend the National Voter Registration Act of 1993 to provide for the treatment of institutions of higher education as voter registration agencies; to the Committee on House Administration, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. BOEHNER, Mr. BLUNT, and Mr. HUNTER):

H.R. 6705. A bill to provide for habeas corpus review for terror suspects held at Guantanamo Bay, Cuba, and for other purposes; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself, Mr. SHAYS, Mr. GORDON, Mr. GOODE, Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. ANDREWS, Mr. HASTINGS of Florida, Mr. BUTTERFIELD, and Mr. CUMMINGS):

H.R. 6706. A bill to provide for enhanced retirement benefits for administrative law judges; to the Committee on Oversight and Government Reform.

By Mr. OBERSTAR (for himself, Ms. BEAN, Mrs. BIGGERT, Mr. VISCLOSKY, Mr. FOSTER, Mr. MANZULLO, Mr. ROSKAM, Mr. HOBSON, Mr. NEAL of Massachusetts, Mr. THOMPSON of California, Mr. KAGEN, Mr. KIND, Ms. WASSERMAN SCHULTZ, Ms. CASTOR, Ms. BERKLEY, Ms. HOOLEY, Mr. BRALEY of Iowa, Ms. PRYCE of Ohio, Mr. GILCHREST, Mr. LAHOOD, and Mr. CRAMER):

H.R. 6707. A bill to require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FOSTER (for himself and Mr. POMEROY):

H.R. 6708. A bill to amend the Internal Revenue Code of 1986 to provide that no loan may be made from a qualified employer plan using revolving credit arrangements and to limit the number of loans that may be made from a qualified employer plan to a participant or beneficiary; to the Committee on Ways and Means.

By Mr. PETERSON of Pennsylvania (for himself, Mr. ABERCROMBIE, Mr. COSTA, Mr. BURTON of Indiana, Mr. GENE GREEN of Texas, Mr. BROWN of South Carolina, Mr. LAMPSON, Mr. BISHOP of Utah, Mr. WALZ of Minnesota, Mr. HAYES, Mr. FOSTER, Mrs.

CAPITO, Mr. BOREN, Mrs. DRAKE, Mr. CUELLAR, Mr. TIM MURPHY of Pennsylvania, Mr. ALTMIRE, Mr. SMITH of Nebraska, Mr. MCINTYRE, Mr. SALI, Mrs. BOYDA of Kansas, Mr. LAMBORN, Mr. ORTIZ, Mr. ROGERS of Kentucky, Ms. HERSETH SANDLIN, Mr. KINGSTON, Mr. HOLDEN, Mr. MILLER of Florida, Mr. CAZAYOUX, Mr. LEWIS of California, Mr. BARROW, Mr. WILSON of South Carolina, Mr. KANJORSKI, Mr. KLINE of Minnesota, Mr. MARSHALL, Mr. MICA, Mr. DONNELLY, Mr. MCCARTHY of California, Mr. LINCOLN DAVIS of Tennessee, Mr. TERRY, Mr. PATRICK MURPHY of Pennsylvania, Mr. SOUDER, Mr. BISHOP of Georgia, Mr. PENCE, Mr. MELANCON, Mr. BROUN of Georgia, Mr. BARTLETT of Maryland, and Mr. TAYLOR):

H.R. 6709. A bill to greatly enhance the Nation's path toward energy independence and environmental, energy, economic, and national security, by amending Federal policy to increase the production of domestic energy sources, to dedicate fixed percentages of the royalties received for conservation programs, environmental restoration projects, renewable energy research and development, clean energy technology research and development, increased development of existing energy sources, and energy assistance for those in need, and to share a portion of such royalties with producing States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Ways and Means, Science and Technology, Education and Labor, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Ms. LEE, and Ms. WOOLSEY):

H.R. 6710. A bill to prohibit certain activities relating to the petroleum resources of Iraq, and for other purposes; to the Committee on the Judiciary.

By Mr. HENSARLING:

H.R. 6711. A bill to provide for increased funding for veterans health care for fiscal year 2009 by transferring amounts from the National Endowment for the Humanities and the National Endowment for the Arts, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING:

H.R. 6712. A bill to provide for increased funding for veterans health care for fiscal year 2009 by transferring funds from the Legal Services Corporation and certain title X family planning funds, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself and Mr. DAVIS of Alabama):

H.R. 6713. A bill to amend title 18, United States Code, to provide for more effective enforcement of the Federal prohibition on the interstate shipment of stolen property, and for other purposes; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 6714. A bill to establish the National Commission on State Workers' Compensation Laws; to the Committee on Education and Labor.

By Mrs. BACHMANN:

H.R. 6715. A bill to open Federal Bureau of Land Management and National Forest lands to leasing for exploration, development, and production of oil shale resources, and for other purposes; to the Committee on Natural Resources.

By Mrs. BACHMANN (for herself, Mr. BARTLETT of Maryland, Mr. PITTS, Mr. PENCE, Mrs. SCHMIDT, Mr. MANZULLO, Mr. PAUL, and Mr. ISSA):

H.R. 6716. A bill to amend the Internal Revenue Code of 1986 to reduce the recovery periods for certain energy production and distribution facilities; to the Committee on Ways and Means.

By Mrs. BACHMANN (for herself, Mr. AKIN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. FRANKS of Arizona, Mr. KINGSTON, Mr. LAMBORN, Mr. LATTA, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mrs. MUSGRAVE, Mr. PITTS, Mrs. SCHMIDT, Mr. SHIMKUS, and Mr. WESTMORELAND):

H.R. 6717. A bill to terminate or provide for suspension of the application of Federal laws that restrict exploration, development, or production of oil, gas, or oil shale, to facilitate the construction of new crude oil refineries, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN:

H.R. 6718. A bill to amend the Internal Revenue Code of 1986 to provide accelerated depreciation for computer equipment placed in service by small businesses; to the Committee on Ways and Means.

By Ms. BEAN:

H.R. 6719. A bill to amend the Internal Revenue Code of 1986 to allow hardship distributions from 401(k) plans to prevent the insolvency of a trade or business of the employee; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself, Mr. CUMMINGS, Mr. HARE, Mr. HILL, Mr. ISRAEL, Mr. MURPHY of Connecticut, Mr. MCGOVERN, Mr. RUPPERSBERGER, Mr. BAIRD, Mr. INSLEE, and Mr. FRANK of Massachusetts):

H.R. 6720. A bill to establish the Commission on Comprehensive Strategies for the Placement of Natural Gas Infrastructure, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BISHOP of New York:

H.R. 6721. A bill to amend the Internal Revenue Code of 1986 to allow an unlimited exclusion from transfer taxes for certain farmland and land of conservation value, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. MURTHA, Mr. SAM JOHNSON of Texas, and Ms. WATERS):

H.R. 6722. A bill to amend the Internal Revenue Code of 1986 to limit the application of tax exempt bond financing relating to newly included counties in the Gulf Opportunity Zone to property, neither the acquisition of which occurred, nor the construction, reconstruction, or renovations began, prior to the enactment of the Housing Assistance Tax Act of 2008; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. KLINE of Minnesota, Mr. BOSWELL, Mr. LOEBSACK, Mr. LATHAM, Mr. KING of Iowa, Mr. OBERSTAR, Ms. MCCOLLUM of Minnesota, Mr. WALZ of Minnesota, Mr. PETERSON of Minnesota, Mr. ELLISON, Mr. RAMSTAD, and Mrs. BACHMANN):

H.R. 6723. A bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program; to the Committee on Armed Services.

By Mr. CANTOR (for himself, Mrs. DRAKE, and Mr. WITTMAN of Virginia):

H.R. 6724. A bill to terminate prohibitions on expenditures for, and withdrawals from, offshore oil and gas leasing off the coast of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY (for himself, Mr. ROGERS of Michigan, Mr. ENGLISH of Pennsylvania, Mrs. CAPPS, Mr. KENNEDY, Mr. THOMPSON of California, Ms. SCHWARTZ, and Ms. BERKLEY):

H.R. 6725. A bill to establish budget neutral demonstration projects to study and improve the quality and cost effectiveness of cancer care services provided to Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO:

H.R. 6726. A bill to amend the Wild and Scenic Rivers Act to make technical corrections to the segment designations for the Chetco River, Oregon; to the Committee on Natural Resources.

By Mr. DELAHUNT:

H.R. 6727. A bill to amend the Internal Revenue Code of 1986 to promote charitable donations of qualified vehicles; to the Committee on Ways and Means.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 6728. A bill to provide for the resolution of several land ownership and related issues with respect to parcels of land located within the Everglades National Park; to the Committee on Natural Resources.

By Mr. DINGELL (for himself and Mr. BOUCHER):

H.R. 6729. A bill to encourage greater energy efficiency in building codes; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. ALTMIRE, Mr. PETERSON of Pennsylvania, Mr. GERLACH, Mr. SESTAK, Mr. PATRICK MURPHY of Pennsylvania, Mr. SHUSTER, Mr. CARNEY, Mr. KANJORSKI, Mr. MURTHA, Ms. SCHWARTZ, Mr. DOYLE, Mr. DENT, Mr. PITTS, Mr. HOLDEN, Mr. TIM MURPHY of Pennsylvania, Mr. PLATTS, and Mr. WALSH of New York):

H.R. 6730. A bill to establish the Fort Presque Isle National Historic Site in the Commonwealth of Pennsylvania; to the Committee on Natural Resources.

By Mr. FILNER (for himself, Mr. BUYER, Ms. HERSETH SANDLIN, and Mr. BOOZMAN):

H.R. 6731. A bill to amend title 38, United States Code, to extend certain home loan guaranty demonstration programs administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HALL of New York (for himself, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. FILNER, Mr. ELLISON, Mr. HARE, Mr. COURTNEY, Ms. ZOE LOFGREN of California, Mr. ALLEN, Mr. VAN HOLLEN, Mr. DONNELLY, and Mr. RODRIGUEZ):

H.R. 6732. A bill to amend title 38, United States Code, to clarify the meaning of ''combat with the enemy'' for purposes of service-connection of disabilities; to the Committee on Veterans' Affairs.

By Mr. HARE (for himself, Mr. LOEBSACK, Mr. DAVIS of Illinois, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. LATHAM, Mr. JACKSON of Illinois, Mr. SHIMKUS, and Ms. SCHAKOWSKY):

H.R. 6733. A bill to provide assistance to local educational agencies in areas of the Midwest adversely affected by storms and severe flooding that occurred in May and June, 2008, and for other purposes; to the Committee on Education and Labor.

By Ms. HERSETH SANDLIN (for herself and Mr. SHIMKUS):

H.R. 6734. A bill to amend the Internal Revenue Code of 1986 to encourage increased access to alternative fuels; to the Committee on Ways and Means.

By Mr. HOBSON:

H.R. 6735. A bill to terminate the application of restrictions on exploration, development, and production of oil and gas in areas of the outer Continental Shelf adjacent to Cuba; to the Committee on Natural Resources.

By Mr. HOEKSTRA:

H.R. 6736. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the installation of residential wind systems; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. MILLER of Florida, Mr. WALBERG, Mr. TIBERI, Mr. FEENEY, and Mr. SHADEGG):

H.R. 6737. A bill to amend the Internal Revenue Code of 1986 to allow individuals with children attending an elementary or secondary school a deduction for each child attending a public school equal to 25 percent of the State's average per pupil public education spending and, for each child attending a private or home school, a deduction equal to 100 percent of such average; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. WHITFIELD of Kentucky, Mr. DELAHUNT, Mr. SCOTT of Georgia, Mr. CARNAHAN, Mr. SMITH of Washington, Mr. BAIRD, Mrs. MCMORRIS RODGERS, Mr. LARSEN of Washington, Mr. BISHOP of New York, and Mr. PERLMUTTER):

H.R. 6738. A bill to establish a National Bioenergy Partnership; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. BISHOP of New York, Mr. HINCHEY, Ms. BALDWIN, and Mr. WELCH of Vermont):

H.R. 6739. A bill to encourage stronger building energy efficiency codes, promote renewable energy technology deployment, and protect the United States from the effects of climate change, and for other purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. DICKS, Mr. LARSEN of Washington, Mr. MCDERMOTT, and Mr. SMITH of Washington):

H.R. 6740. A bill to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; to the Committee on Natural Resources.

By Mr. ISRAEL:

H.R. 6741. A bill to amend the Internal Revenue Code of 1986 to modify and extend certain energy-related tax credits; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. WATSON, and Ms. LEE):

H.R. 6742. A bill to amend the Foreign Service Act of 1980 to prescribe certain qualifications to be eligible to serve as an ambassador; to the Committee on Foreign Affairs.

By Mr. JONES of North Carolina:

H.R. 6743. A bill to require the Secretary of Defense to establish a pilot program under which the Secretary may furnish a service dog to any member of the Armed Forces with a qualifying disability; to the Committee on Armed Services.

By Mr. KAGEN (for himself and Mr. PETRI):

H.R. 6744. A bill to amend the Tariff Act of 1930 to require that certain laminated woven bags be marked with the country of origin; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. RYAN of Wisconsin, and Mr. PETRI):

H.R. 6745. A bill to amend title II of the Social Security Act reestablish the Social Security Administration's experiment and demonstration project authority regarding the Social Security Disability Insurance Program, and for other purposes; to the Committee on Ways and Means.

By Mr. LARSEN of Washington (for himself, Mr. DICKS, and Mr. INSLEE):

H.R. 6746. A bill to reauthorize and expand the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes; to the Committee on Natural Resources.

By Mr. LEWIS of Georgia:

H.R. 6747. A bill to improve the safety of motorcoaches, to allow a credit against income tax for the cost of motorcoaches complying with Federal safety requirements, for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. SERRANO, Mr. UDALL of Colorado, Ms. CORRINE BROWN of Florida, Mr. ENGEL, and Mr. SMITH of New Jersey):

H.R. 6748. A bill to amend the Homeland Security Act of 2002 to limit the number of Urban Area Security Initiative grants awarded and to clarify the risk assessment formula to be used when making such grants, and for other purposes; to the Committee on Homeland Security.

By Mrs. LOWEY:

H.R. 6749. A bill to amend the Internal Revenue Code of 1986 to allow retail businesses a credit against income tax for a portion of the cost of recycling plastic carry-out bags and certain other types of plastic; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 6750. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MELANCON (for himself, Mr. TAYLOR, and Mr. JEFFERSON):

H.R. 6751. A bill to provide additional funds for affordable housing for low-income seniors, disabled persons, and others who lost their homes as a result of Hurricanes Katrina and Rita; to the Committee on Financial Services.

By Mr. PALLONE (for himself and Mr. WAXMAN):

H.R. 6752. A bill to amend the Public Health Service Act to provide grants or contracts for prescription drug education and outreach for healthcare providers and their patients; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 6753. A bill to provide for the issuance of a commemorative postage stamp on the subject of inflammatory bowel disease; to the Committee on Oversight and Government Reform.

By Mr. PASTOR:

H.R. 6754. A bill to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project; to the Committee on Natural Resources.

By Mr. POMEROY (for himself and Mr. RYAN of Wisconsin):

H.R. 6755. A bill to amend the Internal Revenue Code of 1986 to increase the alternative tax liability limitation for small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. POMEROY (for himself and Mr. LEWIS of Kentucky):

H.R. 6756. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for clean coal technology, and for other purposes; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. SHUSTER, and Ms. CORRINE BROWN of Florida):

H.R. 6757. A bill to direct the Secretary of Transportation to carry out programs and activities to improve highway safety; to the Committee on Transportation and Infrastructure.

By Mr. ROGERS of Alabama (for himself, Mr. BONNER, Mr. EVERETT, Mr. ADERHOLT, Mr. BACHUS, Mr. MARSHALL, Mr. HAYES, Mr. KNOLLENBERG, Mr. WAMP, Mr. WESTMORELAND, Mrs. SCHMIDT, Mr. MCCRERY, Mr. REHBERG, Mr. ALEXANDER, Mr. SHADEGG, Mr. BOUSTANY, Mr. PRICE of Georgia, Mr. BISHOP of Utah, Mr. PEARCE, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. CONAWAY, Mrs. MUSGRAVE, Mr. GOODE, Mr. NUNES, Mr. TURNER, Mr. RADANOVICH, Mr. DENT, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 6758. A bill to direct the Secretary of the Interior to promptly commence an oil and gas leasing program for public lands within the Coastal Plain of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE:

H.R. 6759. A bill to amend the Internal Revenue Code of 1986 to extend the renewable electricity production credit and to require

the Secretary of Labor to establish a program to provide for workforce training and education, at institutions of higher education, in the fields of renewable energy and efficiency, green technology, and sustainable environmental practices; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 6760. A bill to pay a one-time bonus to members of the Armed Forces who serve in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. BURGESS):

H.R. 6761. A bill to require the Secretary of Health and Human Services to enter into negotiated rulemaking to modernize the Medicare part B fee schedule for clinical diagnostic laboratory tests; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 6762. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for increased homeowners insurance premiums suffered by certain coastal homeowners subject to increased risk from hurricane events, and for homeowner mitigation expenditures for natural catastrophic events; to the Committee on Ways and Means.

By Mr. TIBERI (for himself, Mr. SHAYS, Mr. COSTELLO, and Mr. EHLERS):

H.R. 6763. A bill to amend the Digital Television Transition and Public Safety Act of 2005 to extend the expiration date of digital-to-analog converter box coupons from 3 months to 6 months; to the Committee on Energy and Commerce.

By Ms. TSONGAS (for herself, Mr. MICHAUD, and Mr. MILLER of Florida):

H.R. 6764. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to submit to Congress quarterly reports on vacancies in mental health professional positions in Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Ms. TSONGAS (for herself, Mr. MICHAUD, and Mr. MILLER of Florida):

H.R. 6765. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide outreach and training to certain college and university mental health centers relating to the mental health of veterans of Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado (for himself and Mr. PERLMUTTER):

H.R. 6766. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 6767. A bill to facilitate the establishment of additional or expanded public target ranges in certain States; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 6768. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos; to the Committee on Natural Resources.

By Mr. WEINER:

H.R. 6769. A bill to amend title XIX of the Social Security Act to strengthen State and local government efforts to investigate and prosecute fraud and abuse in the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. WEINER (for himself, Mrs. MALONEY of New York, and Mr. KING of New York):

H.R. 6770. A bill to amend title 31, United States Code, to provide Federal aid and economic stimulus through a one-time revenue grant to the States and their local governments; to the Committee on Oversight and Government Reform.

By Mr. WITTMAN of Virginia (for himself and Mrs. DRAKE):

H.R. 6771. A bill to require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. HODES, Mrs. JONES of Ohio, Mrs. CAPPS, Ms. SCHWARTZ, Ms. LINDA T. SÁNCHEZ of California, Mr. WAXMAN, Ms. DELAURO, Ms. SOLIS, Mr. ROTHMAN, Mrs. CHRISTENSEN, Ms. NORTON, Ms. CASTOR, Ms. MCCOLLUM of Minnesota, Ms. SLAUGHTER, Mr. HINCHEY, Ms. BORDALLO, Ms. EDWARDS of Maryland, Ms. SHEA-PORTER, Ms. SUTTON, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. BISHOP of Georgia, Ms. BALDWIN, and Mr. STARK):

H. Con. Res. 400. Concurrent resolution expressing the support of the Congress regarding the need to ensure health care for women and health care for all in national health care reform; to the Committee on Energy and Commerce.

By Mr. ADERHOLT (for himself, Mr. CANTOR, Mr. THORNBERRY, Mr. PENCE, and Mr. PITTS):

H. Con. Res. 401. Concurrent resolution expressing the support of Congress for enhancing energy independence through the usage of existing resources and technology; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Pennsylvania:

H. Con. Res. 402. Concurrent resolution recognizing the historical significance of the discovery of oil and the birth of the petroleum and natural gas industries on the banks of Oil Creek, Venango County, near Titusville, Pennsylvania on August 27, 1859, and designating the year 2009 as the ''Sesquicentennial of Oil''; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself, Mrs. CHRISTENSEN, Ms. LEE, Ms. CLARKE, Ms. EDWARDS of Maryland, Mr. AL GREEN of Texas, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mrs. JONES of Ohio, Mr. HASTINGS of Florida, Mr. CARSON, Ms. RICHARDSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. CLEAVER, Ms. KILPATRICK, Mr. WATT, Mr. SCOTT of Virginia, Mr. ELLISON, Mr. CLAY, Mr. PAYNE, Mr. CLYBURN, Ms. WATERS, Ms. MOORE of Wisconsin, Mr. CUMMINGS, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Mr. DAVIS of Alabama, Mr. CONYERS, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. RUSH, Mr. MEEKS of New York, Mr. COHEN, Mr. MEEK of Florida, Ms. WATSON, Mr. FATTAH, Mr. PALLONE, Mr. JACKSON of Illinois, Mr. SCOTT of Georgia, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. MCGOVERN, Mr. SNYDER, Ms. DELAURO, Ms. SOLIS, Mr. GRIJALVA, Ms. HOOLEY, Mr. BRADY of Pennsylvania, Mr. WEINER, Ms. ESHOO, Mrs. CAPPS, Mr. STARK, Mr. MORAN of Virginia, Mr. KENNEDY, Ms. BALDWIN, Mr. HONDA, Mr. MILLER of North Carolina, Mr. GENE GREEN of Texas, Ms. NORTON, Mr. SPRATT, Mr. RANGEL, Mr. WAMP, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. MELANCON, Mr. CAPUANO, Ms. CORRINE BROWN of Florida, Mr. WAXMAN, Ms. BERKLEY, and Ms. DEGETTE):

H. Con. Res. 403. Concurrent resolution recognizing the important contributions of African-American doctors on the event of the apology of the American Medical Association to the National Medical Association, an association of African-American doctors, for over a century of racial prejudices and wrongdoings, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRAVES:

H. Con. Res. 404. Concurrent resolution supporting the goals and ideals of Complaint Free Wednesday; to the Committee on Oversight and Government Reform.

By Ms. HERSETH SANDLIN (for herself and Mr. BOUSTANY):

H. Con. Res. 405. Concurrent resolution recognizing the first full week of April as ''National Workplace Wellness Week''; to the Committee on Education and Labor.

By Mr. LANGEVIN:

H. Con. Res. 406. Concurrent resolution expressing the sense of Congress that any effort to reengineer the health care system in the United States should incorporate sustainable wellness programs that address the underlying causal factors associated with chronic disease; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr. MICA, Mr. COBLE, Mr. PLATTS, Mr.

SAXTON, Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. HARE, Mr. LYNCH, Mr. ROTHMAN, Mr. ARCURI, Mr. RYAN of Ohio, Mr. ALTMIRE, Mr. DOYLE, Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Mr. PATRICK MURPHY of Pennsylvania, Mr. SHUSTER, Mr. CAPUANO, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Mr. COSTELLO, Mr. GUTIERREZ, Mr. HOLT, Mrs. MALONEY of New York, and Ms. DELAURO):

H. Con. Res. 407. Concurrent resolution commemorating the 500th anniversary of the birth of Italian architect Andrea Palladio; to the Committee on Foreign Affairs.

By Mr. SMITH of Nebraska (for himself, Mr. BONNER, Mr. MORAN of Kansas, Mr. CRENSHAW, Mr. PICKERING, Mr. MCCARTHY of California, Mr. ROSKAM, Mr. MELANCON, Mr. LINCOLN DAVIS of Tennessee, Mr. ROSS, Mr. MARCHANT, Mr. SHUSTER, Mr. PRICE of Georgia, Mr. NEUGEBAUER, Ms. GRANGER, Mr. THORNBERRY, Mr. MICA, Mr. FORTENBERRY, Mr. TERRY, Mrs. MCMORRIS RODGERS, Ms. FOXX, Mr. WALZ of Minnesota, Ms. FALLIN, Mr. EHLERS, Mr. KNOLLENBERG, Mr. BAIRD, Mr. WALDEN of Oregon, Mrs. MUSGRAVE, Mr. MCHENRY, and Mr. SESSIONS):

H. Con. Res. 408. Concurrent resolution recognizing North Platte, Nebraska, as ''Rail Town USA''; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS (for himself, Mr. MEEKS of New York, Ms. CLARKE, Mr. WEINER, Mrs. MALONEY of New York, Mr. NADLER, Ms. VELÁZQUEZ, and Ms. SOLIS):

H. Res. 1394. A resolution applauding organizations that engage in the prevention of domestic violence and provide outreach and support services for victims; to the Committee on Education and Labor.

By Mr. GENE GREEN of Texas (for himself, Mr. THOMPSON of California, Mr. HONDA, and Mr. BUTTERFIELD):

H. Res. 1395. A resolution expressing concern over the current Federal policy that allows the exportation of toxic electronic waste to developing Nations, and expressing the sense of the House of Representatives that the United States should join other developed Nations and ban the exportation of toxic electronic waste to developing Nations; to the Committee on Energy and Commerce.

By Mr. BOEHNER:

H. Res. 1396. A resolution raising a question of the privileges of the House; which was laid on the table.

By Mr. POE (for himself and Mr. COSTA):

H. Res. 1397. A resolution commending the important achievements of the National Coalition Against Domestic Violence as it celebrates 30 years of service to local domestic violence shelter and service programs and the victims of domestic violence; to the Committee on Education and Labor.

By Mr. ACKERMAN:

H. Res. 1398. A resolution expressing the grave concern of Congress regarding the continued gross violations of political, civil, and human rights of the Syrian people by the Government of the Syrian Arab Republic, calling on the Government of Syria to immediately and unconditionally release prisoners of conscience and other political prisoners, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ISSA (for himself, Mr. FILNER, and Mr. WILSON of South Carolina):

H. Res. 1400. A resolution expressing the Nation's sincerest appreciation for the service of the World War II Filipino veterans who fought in the Armed Forces on the 67th anniversary of President Franklin D. Roosevelt's military order; to the Committee on Foreign Affairs.

By Mr. COSTA (for himself, Mr. NUNES, Mr. CARDOZA, Mr. KENNEDY, Mr. FRANK of Massachusetts, and Mr. MCGOVERN):

H. Res. 1401. A resolution commemorating the 50th anniversary of the Azorean Refugee Act of 1958 and celebrating the extensive contributions of Portuguese-American communities to the United States; to the Committee on the Judiciary.

By Mr. CROWLEY (for himself, Mr. KING of New York, Mr. WEINER, Mr. MEEKS of New York, Mr. PAYNE, Ms. WATSON, Mr. SMITH of Washington, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. WALZ of Minnesota, Mr. SERRANO, Mr. MILLER of North Carolina, Mr. HODES, Mr. CHANDLER, Mr. NADLER, Mr. ENGEL, Mr. ROHRABACHER, Mr. GORDON, Mr. DELAHUNT, Mr. INSLEE, Mr. TOWNS, Mr. HINCHEY, Mr. MCNULTY, Mr. HONDA, Mr. CARNEY, Mr. TANNER, Mr. SHULER, Ms. CLARKE, Mr. SIRES, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. ROS-LEHTINEN, Mrs. BOYDA of Kansas, Ms. BORDALLO, Mr. BERMAN, Mr. DAVIS of Illinois, Mr. SCOTT of Georgia, and Mr. BLUMENAUER):

H. Res. 1402. A resolution supporting a transition to democracy through free, fair, credible, peaceful, and transparent elections in Bangladesh; to the Committee on Foreign Affairs.

By Mr. LATOURETTE (for himself, Mrs. JONES of Ohio, Mr. REGULA, Mrs. LOWEY, and Mr. HOBSON):

H. Res. 1403. A resolution recognizing the 65th anniversary of the Bolton Act of 1943, creating the Cadet Nurse Corps; to the Committee on Energy and Commerce.

By Mr. POE:

H. Res. 1404. A resolution recognizing the 50th Anniversary of the Country Music Association and its contributions to music, culture, history, and patriotism; to the Committee on Education and Labor.

By Mr. SHIMKUS (for himself, Mr. KUCINICH, Mr. GALLEGLY, and Mr. WEXLER):

H. Res. 1405. A resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence; to the Committee on Foreign Affairs.

By Ms. SOLIS (for herself, Mr. GRIJALVA, Mr. REYES, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Ms. BORDALLO, Ms. MATSUI, Ms. SCHAKOWSKY, Mr. WAXMAN, Ms. ROS-LEHTINEN, Mr. DOGGETT, Mr. MCGOVERN, Ms. SCHWARTZ, Ms. WASSERMAN SCHULTZ, and Mr. TOWNS):

H. Res. 1406. A resolution recognizing and supporting the work of Community Health Workers; to the Committee on Energy and Commerce.

By Mr. TERRY (for himself and Mr. INSLEE):

H. Res. 1407. A resolution recognizing the importance of increasing renewable and alternative fuel use in reducing imports of foreign oil; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado:

H. Res. 1408. A resolution recognizing the benefits of bus rapid transit and the transportation improvements along the United States Route 36 Corridor to communities, individuals, and businesses in Colorado; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

358. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Resolution No. 181 memorializing the Congress of the United States to take such actions as are necessary to recognize the need for support of the spouses of deceased veterans and the need for housing for homeless veterans; to the Committee on Appropriations.

359. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 08-014 concerning the state implementation plan credits for remote vehicle emissions testing programs; to the Committee on Energy and Commerce.

360. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 08-005 memorializing the Congress of the United States to enact legislation preventing the Centers for Medicare and Medicaid Services from enforcing rules that would adversely affect Colorado's health care safety net; to the Committee on Energy and Commerce.

361. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 08-020 supporting the membership of the Republic of China in the United Nations; to the Committee on Foreign Affairs.

362. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Resolution No. 1046 supporting the designation of a ''National Day of the Cowboy''; to the Committee on Oversight and Government Reform.

363. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial No. 1454 urging the Congress of the United States to make forms for the United States Decennial Census of 2010 available in the Creole language for the Haitian population of Florida; to the Committee on Oversight and Government Reform.

364. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 08-001 memorializing the Congress of the United States to restore funding for the Federal Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

365. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 97 requesting that the federal government establish funding program for local communities establishing ''quiet zones'' along certain light rail lines; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. PITTS.

H.R. 197: Mr. INGLIS of South Carolina.

H.R. 219: Mr. WELDON of Florida and Mr. POE.

H.R. 333: Mr. HINCHEY.

H.R. 539: Mr. PITTS.
H.R. 688: Mrs. BACHMANN and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 840: Mr. PALLONE.
H.R. 962: Ms. BORDALLO.
H.R. 1153: Mr. LATTA.
H.R. 1157: Mr. TURNER.
H.R. 1229: Mr. MCCOTTER.
H.R. 1331: Mr. PITTS.
H.R. 1419: Mr. WALZ of Minnesota.
H.R. 1527: Mr. SHUSTER.
H.R. 1540: Mr. LARSEN of Washington.
H.R. 1552: Ms. DELAURO.
H.R. 1606: Mr. BOSWELL.
H.R. 1665: Mr. BLUMENAUER and Mr. AL GREEN of Texas.
H.R. 1671: Mrs. BOYDA of Kansas and Mr. ABERCROMBIE.
H.R. 1673: Mr. BOREN.
H.R. 1688: Mr. WEXLER.
H.R. 1783: Ms. ROYBAL-ALLARD.
H.R. 1820: Mr. UDALL of Colorado, Ms. WOOLSEY, Mr. TOWNS, and Ms. ROYBAL-ALLARD.
H.R. 1927: Mr. HINCHEY.
H.R. 1929: Mr. RODRIGUEZ.
H.R. 1940: Mr. WALBERG.
H.R. 1956: Mr. KAGEN.
H.R. 2032: Mr. GOODE.
H.R. 2066: Ms. ROYBAL-ALLARD.
H.R. 2074: Mr. SMITH of New Jersey.
H.R. 2092: Ms. ROYBAL-ALLARD.
H.R. 2123: Ms. ESHOO, Ms. WOOLSEY, and Mr. CONYERS.
H.R. 2188: Mr. MEEK of Florida.
H.R. 2216: Mr. ELLISON and Ms. ROS-LEHTINEN.
H.R. 2279: Mr. MICA and Mr. FLAKE.
H.R. 2289: Mr. BISHOP of Georgia.
H.R. 2332: Mr. BARROW, Mr. JEFFERSON, Mr. BOSWELL, Mr. RADANOVICH, and Mrs. CUBIN.
H.R. 2371: Mr. COURTNEY.
H.R. 2380: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2533: Mr. GORDON of Tennessee.
H.R. 2694: Mr. ALTMIRE.
H.R. 2702: Mrs. EMERSON.
H.R. 2905: Mr. MCINTYRE.
H.R. 2915: Mr. DAVIS of Illinois.
H.R. 2941: Mr. SMITH of New Jersey.
H.R. 2993: Mr. WEXLER and Mr. JONES of North Carolina.
H.R. 3008: Mr. HOLDEN and Mr. ROSS.
H.R. 3045: Mr. JOHNSON of Georgia.
H.R. 3089: Mr. KELLER.
H.R. 3175: Ms. KAPTUR and Mr. MCNERNEY.
H.R. 3212: Mr. WEXLER.
H.R. 3232: Mr. CAZAYOUX, Mr. GUTIERREZ, and Mr. ROGERS of Michigan.
H.R. 3334: Mr. CARNEY.
H.R. 3484: Mr. SERRANO.
H.R. 3485: Mr. HINCHEY.
H.R. 3544: Mr. ISRAEL and Ms. WASSERMAN SCHULTZ.
H.R. 3663: Mr. FRELINGHUYSEN.
H.R. 3666: Ms. NORTON.
H.R. 3689: Mr. POE.
H.R. 3697: Ms. BORDALLO.
H.R. 3749: Mr. WU and Mr. HILL.
H.R. 3834: Ms. SUTTON and Mr. GUTIERREZ.
H.R. 3926: Mr. CUELLAR.
H.R. 3934: Mr. FEENEY.
H.R. 3944: Mr. MCDERMOTT.
H.R. 3990: Mr. CUMMINGS and Mr. JOHNSON of Georgia.
H.R. 4054: Ms. VELÁZQUEZ and Ms. SPEIER.
H.R. 4059: Mr. UPTON.
H.R. 4131: Mr. WALZ of Minnesota, Ms. MATSUI, and Mrs. NAPOLITANO.
H.R. 4236: Mr. SERRANO, Mrs. CAPPS, and Mr. HINCHEY.
H.R. 4280: Mr. HASTINGS of Florida, Mr. GRIJALVA, and Mr. SALAZAR.
H.R. 4304: Mr. BONNER and Mr. EVERETT.
H.R. 4318: Mr. GOODLATTE.
H.R. 4450: Mrs. EMERSON.
H.R. 4544: Ms. GRANGER, Mr. SHUSTER, Mr. SALI, Ms. BALDWIN, Mr. CARTER, Mr. CAMPBELL of California, Mr. LEVIN, Mr. PRICE of Georgia, Mr. KINGSTON, Mr. FATTAH, Mr. HUNTER, Mr. LATHAM, and Mr. LIPINSKI.
H.R. 5032: Mr. POE and Mr. PUTNAM.
H.R. 5435: Mr. GENE GREEN of Texas.
H.R. 5454: Mr. WEXLER.
H.R. 5463: Mr. SAM JOHNSON of Texas.
H.R. 5513: Mr. CARTER and Mr. PENCE.
H.R. 5536: Mr. KUCINICH.
H.R. 5564: Mr. TURNER.
H.R. 5573: Ms. MCCOLLUM of Minnesota.
H.R. 5577: Mr. FRANK of Massachusetts and Mr. MCGOVERN.
H.R. 5591: Mr. WITTMAN of Virginia.
H.R. 5605: Mr. BLUMENAUER.
H.R. 5608: Ms. RICHARDSON, Mr. STUPAK, and Mr. BOREN.
H.R. 5629: Mr. PETRI.
H.R. 5632: Mr. LIPINSKI, Mr. CONYERS, Mr. WEINER, and Mr. PITTS.
H.R. 5636: Mr. BLUMENAUER.
H.R. 5646: Mr. HALL of Texas and Mr. PLATTS.
H.R. 5656: Mr. KELLER.
H.R. 5734: Mr. GENE GREEN of Texas.
H.R. 5793: Mr. LATTA.
H.R. 5808: Ms. WOOLSEY.
H.R. 5809: Ms. WOOLSEY.
H.R. 5823: Mr. RUPPERSBERGER, Ms. KAPTUR, and Mr. DELAHUNT.
H.R. 5825: Mrs. BIGGERT.
H.R. 5842: Mr. CLAY.
H.R. 5854: Mr. PRICE of Georgia.
H.R. 5884: Mr. BOUCHER.
H.R. 5887: Mr. CALVERT, Mr. ISSA, Mr. DREIER, Mr. RADANOVICH, Mr. MCCARTHY of California, Mr. NUNES, Mr. ROHRABACHER, Mr. GARY G. MILLER of California, and Mr. SHERMAN.
H.R. 5924: Mr. COOPER.
H.R. 5951: Mr. GRIJALVA.
H.R. 5954: Mr. WEXLER.
H.R. 5977: Mr. HINCHEY and Mr. CAPUANO.
H.R. 6029: Ms. MCCOLLUM of Minnesota and Ms. SUTTON.
H.R. 6032: Mr. WEXLER.
H.R. 6045: Mr. KLEIN of Florida, Mr. MARSHALL, Mr. FEENEY, Mr. KENNEDY, Mr. ROSS, and Mr. SHIMKUS.
H.R. 6066: Mr. ROTHMAN.
H.R. 6078: Mrs. BIGGERT.
H.R. 6100: Mr. ROTHMAN.
H.R. 6108: Mr. AKIN.
H.R. 6127: Mr. WEXLER.
H.R. 6138: Mrs. CUBIN.
H.R. 6156: Mr. SHERMAN and Mr. BERMAN.
H.R. 6163: Ms. SHEA-PORTER, Mr. BISHOP of Georgia, and Mr. PRICE of North Carolina.
H.R. 6178: Mr. CRENSHAW.
H.R. 6180: Mr. WALZ of Minnesota and Mr. WELCH of Vermont.
H.R. 6185: Mr. CARNEY.
H.R. 6210: Ms. SCHWARTZ and Mr. TIM MURPHY of Pennsylvania.
H.R. 6234: Ms. SUTTON and Mr. ARCURI.
H.R. 6268: Mrs. EMERSON.
H.R. 6282: Mrs. EMERSON.
H.R. 6283: Mr. PAUL.
H.R. 6297: Mr. MCDERMOTT.
H.R. 6311: Mr. GRIJALVA.
H.R. 6313: Mrs. CUBIN.
H.R. 6330: Mr. DICKS.
H.R. 6337: Mr. KLEIN of Florida and Ms. WATERS.
H.R. 6367: Mr. BONNER.
H.R. 6379: Mr. POE, Mr. GOODLATTE, Mr. CANTOR, and Mr. COLE of Oklahoma.
H.R. 6411: Mr. DEFAZIO.
H.R. 6453: Mr. SCALISE.
H.R. 6460: Mr. WILSON of Ohio.
H.R. 6461: Mr. MCHUGH.
H.R. 6479: Mr. MCNERNEY.
H.R. 6483: Mr. HINCHEY.
H.R. 6485: Mr. SKELTON, Mr. WEXLER, Mrs. MALONEY of New York, Mr. BISHOP of New York, Mr. COURTNEY, Mr. ENGLISH of Pennsylvania, Mr. FARR, and Mr. JEFFERSON.
H.R. 6491: Mr. JOHNSON of Georgia.
H.R. 6503: Mr. BISHOP of Georgia.
H.R. 6508: Mr. JOHNSON of Georgia and Mr. WEXLER.
H.R. 6530: Mr. ALTMIRE, Mr. BECERRA, Ms. BERKLEY, Mr. DAVIS of Alabama, Mr. TIM MURPHY of Pennsylvania, and Ms. SCHWARTZ.
H.R. 6534: Mr. KINGSTON.
H.R. 6537: Mr. GRIJALVA.
H.R. 6539: Mr. POE and Mr. SMITH of New Jersey.
H.R. 6549: Mr. SMITH of New Jersey.
H.R. 6559: Mr. BISHOP of Georgia.
H.R. 6561: Mrs. CHRISTENSEN.
H.R. 6563: Mr. MCCOTTER.
H.R. 6566: Mr. HERGER.
H.R. 6567: Mr. WEXLER.
H.R. 6568: Mr. MCGOVERN, Mr. INSLEE, and Mr. SHAYS.
H.R. 6570: Mr. SIRES, Mr. LARSON of Connecticut, Mr. MCCRERY, Mr. CLEAVER, Mr. SULLIVAN, Mr. KAGEN, Mr. RYAN of Ohio, and Mr. AL GREEN of Texas.
H.R. 6573: Mr. CARNAHAN, Mr. MILLER of North Carolina, and Mr. KUCINICH.
H.R. 6577: Mr. MCHUGH, Mr. DONNELLY, Mr. RYAN of Wisconsin, Mr. WALSH of New York, Mr. HINCHEY, Mr. ARCURI, and Mr. WALBERG.
H.R. 6579: Mr. REHBERG and Mr. PEARCE.
H.R. 6581: Mr. MARIO DIAZ-BALART of Florida and Mr. BARROW.
H.R. 6594: Mr. BISHOP of New York, Mr. LARSON of Connecticut, Mr. GENE GREEN of Texas, Mr. FORTUÑO, and Ms. SHEA-PORTER.
H.R. 6596: Ms. GIFFORDS and Mr. MAHONEY of Florida.
H.R. 6597: Ms. LEE, Mrs. DAVIS of California, Ms. SUTTON, Ms. SCHAKOWSKY, Mr. DELAHUNT, and Mr. MCGOVERN.
H.R. 6598: Mr. GALLEGLY, Mr. ENGEL, Mr. PATRICK MURPHY of Pennsylvania, Mr. DELAHUNT, Mr. GEORGE MILLER of California, Mr. MCGOVERN, Ms. WOOLSEY, Mr. KLEIN of Florida, Mrs. MALONEY of New York, and Ms. GIFFORDS.
H.R. 6600: Ms. WOOLSEY.
H.R. 6605: Mr. GRIJALVA and Ms. SUTTON.
H.R. 6616: Mrs. SCHMIDT, Ms. KAPTUR, and Mr. SPACE.
H.R. 6617: Ms. SOLIS and Mr. STARK.
H.R. 6622: Mr. UDALL of Colorado.
H.R. 6630: Mr. RAHALL, Mr. GILCHREST, Mr. FILNER, Mr. LOBIONDO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Kansas, Mr. CUMMINGS, Mr. GARY G. MILLER of California, Mrs. TAUSCHER, Mr. HAYES, Mr. BOSWELL, Mr. BROWN of South Carolina, Mr. HOLDEN, Mrs. CAPITO, Mr. CAPUANO, Mr. POE, Mr. HIGGINS, Mrs. MILLER of Michigan, Mrs. NAPOLITANO, Mr. SPACE, Mr. MITCHELL, Mr. CARNEY, Mr. KAGEN, Mr. COHEN, Ms. RICHARDSON, Mr. SIRES, Ms. EDWARDS of Maryland, Mr. HULSHOF, Mrs. BOYDA of Kansas, Mr. DAVID DAVIS of Tennessee, Mr. MOLLOHAN, and Mr. BACA.
H.R. 6632: Mr. PETRI.
H.R. 6638: Mr. BROUN of Georgia, Mr. FEENEY, Mr. CANTOR, Mr. LAMBORN, Mr. WALBERG, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mr. BURTON of Indiana, Mr. DAVIS of Kentucky, Mr. GOODE, Mr. SHADEGG, Mr. WILSON of South Carolina, Mr. PENCE, Mr. PITTS, Mr. BARTLETT of Maryland, Mrs. BACHMANN, and Ms. FOXX.
H.R. 6652: Mr. SHUSTER and Mr. BISHOP of Georgia.
H.R. 6664: Mr. SHAYS, Mr. RANGEL, Mr. CASTLE, and Mr. MORAN of Virginia.

H.R. 6666: Mr. BROUN of Georgia, Mr. HENSARLING, Mr. SHADEGG, and Mr. SENSENBRENNER.

H.R. 6670: Mr. ROSS.

H.R. 6680: Mr. ELLISON, Mr. CUMMINGS, Mr. GRIJALVA, Ms. SCHAKOWSKY, and Mrs. JONES of Ohio.

H. J. Res. 89: Mr. ROHRABACHER.

H. Con. Res. 70: Mr. FOSTER.

H. Con. Res. 81: Mr. BISHOP of Georgia.

H. Con. Res. 137: Ms. WASSERMAN SCHULTZ.

H. Con. Res. 223: Mrs. MILLER of Michigan.

H. Con. Res. 244: Mr. UPTON.

H. Con. Res. 276: Mr. PITTS.

H. Con. Res. 284: Mr. BISHOP of Georgia.

H. Con. Res. 341: Mr. DAVIS of Alabama and Mrs. CUBIN.

H. Con. Res. 342: Mrs. BIGGERT, Mr. POE, and Mr. SMITH of Texas.

H. Con. Res. 345: Ms. BORDALLO and Mr. PENCE.

H. Con. Res. 357: Mr. MCCOTTER and Mr. UPTON.

H. Con. Res. 360: Ms. JACKSON-LEE of Texas, Mr. ETHERIDGE, Ms. NORTON, Mr. WU, Mr. OBEY, Mr. WATT, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 362: Mr. BLUNT and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 383: Ms. SUTTON and Mr. SIRES.

H. Con. Res. 388: Mr. DENT.

H. Con. Res. 393: Mr. GENE GREEN of Texas, Mr. PAYNE, Mr. PAUL, Mr. HONDA, Mr. BISHOP of Georgia, Mr. GRIJALVA, and Mr. JEFFERSON.

H. Res. 671: Mr. BISHOP of Georgia.

H. Res. 672: Mr. ADERHOLT.

H. Res. 758: Mr. SHUSTER.

H. Res. 988: Mr. BOUCHER.

H. Res. 995: Mr. BACA.

H. Res. 1042: Mr. POE and Mr. GENE GREEN of Texas.

H. Res. 1056: Mr. LEWIS of Georgia, Mr. KENNEDY, Ms. SCHAKOWSKY, and Mr. CONYERS.

H. Res. 1179: Mr. WOLF, Mr. SMITH of Washington, and Mr. MARCHANT.

H. Res. 1200: Mr. DONNELLY.

H. Res. 1227: Mr. MCNERNEY.

H. Res. 1244: Ms. LEE, Mr. SCOTT of Virginia, Ms. SCHAKOWSKY, and Ms. WATSON.

H. Res. 1255: Mr. BRADY of Pennsylvania, Mr. BOOZMAN, and Mr. CARNEY.

H. Res. 1268: Mr. PRICE of North Carolina, Ms. JACKSON-LEE of Texas, Mr. SMITH of Washington, Mr. FILNER, Mr. SNYDER, and Mr. BRADY of Pennsylvania.

H. Res. 1273: Mr. MORAN of Virginia.

H. Res. 1290: Ms. BERKLEY and Ms. CORRINE BROWN of Florida.

H. Res. 1302: Mr. PITTS.

H. Res. 1303: Ms. LINDA T. SÁNCHEZ of California and Mr. GALLEGLY.

H. Res. 1314: Mr. PENCE.

H. Res. 1326: Mr. CAPUANO, Mr. MCDERMOTT, Ms. LINDA T. SÁNCHEZ of California, Mr. FATTAH, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Ms. HIRONO, and Mr. KUCINICH.

H. Res. 1329: Mr. KUCINICH.

H. Res. 1333: Mr. BAIRD.

H. Res. 1336: Mr. WOLF.

H. Res. 1338: Ms. ZOE LOFGREN of California.

H. Res. 1346: Ms. SCHWARTZ.

H. Res. 1352: Mr. HOEKSTRA, Mr. POMEROY, and Mr. SOUDER.

H. Res. 1364: Mr. BACHUS, Mr. WHITFIELD of Kentucky, Mr. SMITH of Washington, Mr. YOUNG of Alaska, Mrs. BLACKBURN, and Mr. HAYES.

H. Res. 1369: Mr. MORAN of Virginia and Mr. BLUMENAUER.

H. Res. 1377: Ms. BERKLEY, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. VISCLOSKY, Mrs. CHRISTENSEN, and Mr. ROTHMAN.

H. Res. 1379: Ms. MOORE of Wisconsin, Mr. RANGEL, Mr. PAYNE, Mr. FARR, and Ms. BORDALLO.

H. Res. 1383: Mr. WOLF and Mr. FRANKS of Arizona.

H. Res. 1390: Mr. ENGLISH of Pennsylvania.

H. Res. 1391: Mr. HALL of Texas, Mr. PLATTS, Mr. BURGESS, Ms. FALLIN, Mrs. BACHMANN, Mr. PICKERING, Mr. SULLIVAN, Ms. FOXX, Mr. KNOLLENBERG, Mr. WALDEN of Oregon, Mr. KUHL of New York, Mr. KING of Iowa, Mr. RADANOVICH, Mr. MORAN of Kansas, Mrs. MUSGRAVE, Mr. BURTON of Indiana, and Mr. ISSA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5843: Ms. ZOE LOFGREN of California.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

301. The SPEAKER presented a petition of the United States Federation of Korea Veterns Organizations, relative to a Resolution urging the Congress of the United States to support the Korea-U.S. Free Trade Agreement (KORUS FTA); to the Committee on Ways and Means.

302. Also, a petition of the California State Lands Commission, relative to a Resolution supporting the enactment of the Ocean Conservation, Education, and National Strategy for the 21st Century Act, H.R. 21; jointly to the Committees on Natural Resources and Science and Technology.

SENATE—*Thursday, July 31, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Loving God, our mighty rock and fortress, we have no secrets from You. You know us far better than we know ourselves. Help the Members of this body to humble themselves before You and find in Your love a very present help in times of trouble. Touch every person in the Senate with grace and love and healing. Forgive and restore wherever there is need in heart and office and home. Help us to see that it is our weakness that qualifies us for Your strength.

Lord, we commit this day to live and work for You, inviting the indwelling power of Your spirit to control our minds and give us discernment. We pray in the Name of Him who never fails to supply our needs. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 31, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, there will be a period of morning business until 10:30, for 1 hour, with Senators permitted to speak for up to 10 minutes each. The majority will control the first half, the Republicans the second half. Following morning business, the Senate will resume consideration of the motion to proceed to S. 3001, the Department of Defense authorization bill. The time from 10:30 until 12:30 will be controlled in alternating 30-minute blocks of time between the majority and Republican sides, with the Republicans controlling the first 30 minutes. We hope to be able, later today, to turn to the Consumer Product Safety Commission conference report and the higher education conference report. We assume there could be votes throughout the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 10:30 a.m., with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half of the time and the Republicans controlling the second half.

The Senator from Wisconsin.

SOMALIA

Mr. FEINGOLD. Mr. President, I rise to express my deep concern about the continued crisis in Somalia and my dismay at the failure of the United States and also the international community to give this situation the attention and resources it deserves.

Time and again, I have called for a comprehensive, coordinated U.S. strategy to bring security and stability to Somalia. Yet despite Somalia's continued collapse, the administration has clung to a clumsy set of tactics that have done little to quell the relentless violence or to enhance our own national security.

According to the U.N. High Commissioner on Refugees and the U.N.'s Under Secretary General for Humanitarian Affairs, the crisis in Somalia has become the world's worst humanitarian crisis. Yes, let me repeat that: the world's worst humanitarian crisis. Ongoing violence, a poor harvest, drought, rising food prices, and skyrocketing inflation have created a perfect storm. Over 2.6 million or 35 percent of Somalis are currently in need of aid, with that number likely to increase to 3.5 million or nearly 50 percent of the population by the end of the year. Simultaneously, the fighting has forced an estimated 1 million Somalis from their homes into overcrowded and squalid camps both within the country and in northern Kenya and Ethiopia.

In the midst of this disaster, those individuals working courageously to provide aid to the battered population have themselves become targets. I have been deeply troubled by the recent killings of aid workers, including the head of the U.N. Development Program in Mogadishu and three Somali elders who were shot while they were distributing food to displaced communities. According to the New York Times, at least 20 aid workers have been killed and 17 kidnapped since January. This is unacceptable. The international community, with the U.S. leading the way, must make clear that attacks on humanitarian workers will not be tolerated. Moreover, we must make sure that aid agencies, including the World Food Program, have sufficient resources to respond to the escalating needs on the ground.

Humanitarian assistance, however, only stops the bleeding temporarily. Transforming the underlying causes of Somalia's instability requires a political solution leading to a national government that is both representative and reconciliatory. As I said shortly after it was brokered last month, the Djibouti agreement—between the Transitional Federal Government and a moderate faction of the opposition group for the Alliance for the Re-Liberation of Somalia, ARS—was a positive step forward. I applaud the U.N. Representative of the Secretary General for taking a lead role and the U.S. Special Envoy for Somalia, Ambassador John Yates, for ensuring the U.S. was actively involved—but now it is time to get down to business.

I am concerned by the slow progress of implementation. Rather than moving quickly to shore up that agreement and injecting the necessary diplomatic resources, the international community has remained in a wait-and-see posture. This has allowed al-Shabaab and other spoilers to undermine the legitimacy of the agreement and divide the opposition party, rather than the other way around.

I have repeatedly called on the administration to develop a long-term comprehensive regional strategy toward Somalia backed by sufficient resources and political commitment. Our current approach is clearly not working. Relying on reactive and short-term tactics has limited our ability to change the security dynamics on the ground and in the wider region. An effective strategy begins with refocusing on the bigger picture and committing to our long-term goals, namely, helping Somalis to build robust democratic institutions that can provide security and undercut violent extremism—which poses a direct threat to the U.S.

It is not too late to salvage the opportunity presented by the Djibouti agreement. To do so, the United States and our international partners must move quickly with a coordinated diplomatic push to bring more Somalis into the process as well as put forth the necessary resources for implementation. An inclusive and vigorous political process can marginalize the appeal of al-Shabaab and other violent extremists, but only if we act now. Simultaneously, there must be a more active effort to hold accountable all those who perpetrate violence and violate human rights. This includes strengthening the existing arms embargo and pressuring regional actors who undermine a sustainable political solution. It won't be easy, but it is critical to begin laying the groundwork for long-term peace and security.

The need to bring stability to Somalia is imperative not only to avert humanitarian catastrophe, but also for our national security. Next week, on August 7, we will commemorate the 10-year anniversary of the terrorist attacks on the U.S. Embassies in Nairobi and Dar-es-Salaam, which left 224 people dead, including 12 U.S. citizens and dozens of other Embassy employees. That was a tragic day in American history. While some of those responsible have been brought to justice, there is still work to be done to ensure that the remaining suspects are held to account for their involvement in these heinous acts and that victims receive fair and just compensation.

Meanwhile, Somalia remains a safe haven for terrorists, as we know from the recent designation of the al-Shabaab and periodic Defense Department strikes against terrorist targets. But neither these strikes, nor other ad hoc or fragmented actions, can substitute for a sustained, comprehensive strategy. We must act aggressively against terrorists who pose a threat to our country, but it will take more than just military options alone to solve Somalia's problems. Instead of helping to build a society committed to the development of legitimate democratic institutions, we are effectively allowing Somalia to serve as a recruitment tool for insurgents and extremists as they further isolate various groups from the current political process. This is what the State Department itself said this past April about safe havens in places like Somalia:

> Defeating the terrorist enemy requires a comprehensive effort executed locally, nationally, regionally, and globally. Working with partner nations, we must eliminate terrorist leadership, but incarcerating or killing terrorists will not achieve an end to terrorism. We must simultaneously eliminate terrorist safe havens, tailoring regional strategies to disaggregate terrorist networks and break terrorist financial, travel, communications, and intelligence links. Finally, and most challenging, we must address the underlying conditions that terrorists exploit at the national and local levels to induce alienated or aggrieved populations to become sympathizers, supporters, and ultimately members of terrorist networks. We can marginalize violent extremists by addressing people's needs and grievances, by giving people a stake in their own political future, and by providing alternatives to what terrorists offer.

The problem is not so much that the administration doesn't recognize what needs to be done, but that it doesn't have the will or the commitment to do it. Basically, our bark is bigger than our bite. Ten years after those attacks in Kenya and Tanzania, it appears we have missed the larger lesson of that tragic day, and our front-line diplomats continue to pay the price as they scramble to respond to the problems of weak states caught up in a vicious and turbulent cycle of collapse. They aren't the only ones paying the price, however, as those failed states breed insecurity and conditions favorable for terrorism. Ten years on, the United States still does not have a long-term strategy to bring peace and stability to the Horn of Africa. We have tremendous diplomatic, military, intelligence, and foreign assistance resources at our disposal, but they are ineffective in the absence of a coordinated and balanced strategy that incorporates both the short- and long-term goals. This is no more evident than in Somalia.

It is not too late to chart a new path and prevent future suffering, but we must act decisively. As we remember those who lost their lives 10 years ago, many doing diplomatic work in some of the most demanding postings in the world, let us commit to honor their legacy by ensuring that our country is no longer vulnerable to the terrorists who attacked us a decade ago.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HONORING OUR ARMED FORCES

SPECIALIST JASON E. AMES

Mr. MCCONNELL. Mr. President, my home State of Kentucky is mourning the loss of a brave young soldier. On August 31, 2005, SPC Jason E. Ames was killed while serving his country in Mosul, Iraq. Hailing from Cerulean, KY, Specialist Ames was 21 years old.

For his valor in uniform, Specialist Ames received several medals, decorations, and awards, including the Army Commendation Medal, the Good Conduct Medal, the National Defense Service Medal, and the Combat Infantryman Badge.

Jason was taken from his loved ones much too soon. But those closest to him know he packed his 21 years with all he could. ''Jason was always a happy-go-lucky person,'' says his mom Susan Foust. ''Whatever he encountered . . . he did it with a lot of life and a lot of laughter.''

Born in Illinois to a military family, Jason moved around a lot as a kid and saw many parts of the world. Wherever he went, he made his own fun.

Susan recalls:

> Jason loved to play Army as a child and played it often with kids in the neighborhood. He made a suit out of camouflage netting, sticks, and leaves. Using the military acronym for Battle Dress Uniform—

She says—

> he would also wear his mother's BDUs.

Susan also says:

> Another favorite of Jason's was riding in his mother's Dodge convertible with the top down, no matter the weather, and listening to ''Danger Zone'' from ''Top Gun.''

Young Jason could also rely on the companionship of man's best friend. As Susan explains it:

> Jason would often play in the woods for hours while trying to hide from the family dog named Moocher. I would tell Moocher to find Jason, and no matter how well hidden Jason thought he was, Moocher would find him.

Jason eventually settled in Cerulean, a town in Trigg County, in the southwestern part of my State. He attended Trigg County High School in Cadiz and graduated in 2003.

Even before reaching high school graduation, however, Jason felt strongly that he wanted to serve his country. Perhaps he was influenced by the respect for duty and service that ran deep in his family. At the age of 17, while still in high school, he asked his mother to grant her permission for him to enlist. Susan wanted Jason to wait until he turned 18, but Jason was so eager he convinced his mom to let him go ahead and sign up.

''We supported him with whatever decision he made,'' Susan says.

Jason enlisted and became an infantryman. By the time he was deployed to Iraq in October 2004, he was assigned to the 3rd Battalion, 21st Infantry Regiment, 1st Brigade, 25th Infantry Division, based in Fort Lewis, WA.

Sadly, Jason's life was taken just a few weeks shy of when he was due to return home and shortly before his 21st birthday.

The Reverend Ron Hicks, a close friend of the Ames family, officiated at the services, and Jason was buried with full military honors at the Kentucky Veterans Cemetery West in Hopkinsville, the Commonwealth's first State veterans cemetery.

Many beloved family members and friends across the country mourn Jason's loss, including his mother, Susan Arlene Ames Foust, and his sister Krystal Dawn Knight. Our thoughts turn to them as they are confronted with this great loss.

Jason's mom Susan says:

> Jason had just turned 21 years old when he was taken. For the 21 years that he was with us, those years are priceless.

Susan and all of Jason's family are certainly right to treasure those 21 precious years. It is my hope they are also comforted by the knowledge that this country and this Senate honors SPC Jason E. Ames as a patriot and as a hero. He left his Nation stronger by his service and his sacrifice.

STAFF SERGEANT NICHOLAS R. CARNES

Additionally, Mr. President, I rise because another Kentucky family is missing a husband, son, and brother, and our great State is missing a patriot who loved his country. SSG Nicholas R. Carnes was tragically killed on October 26, 2007, in Afghanistan while in combat with the enemy. A native of Dayton, KY, he was 25 years old.

Staff Sergeant Carnes had volunteered for the mission that would be his last, stepping in for another soldier on leave. For his bravery and service, he received several medals, awards, and decorations, including the Combat Action Badge, the Army Good Conduct Medal, the Kentucky Distinguished Service Medal, the Purple Heart, and the Bronze Star Medal.

Because of a letter he sent to his wife Terri, we know why Nick chose to serve and place himself in harm's way. This is what he wrote in November 2006, a few weeks after he deployed to Afghanistan. He said:

> Dear Terri . . . If the other soldiers who came before me did not stand up for freedom, then we would not have freedom. So I feel that I am obliged to stand up for freedom to ensure that everyone else after me has the same freedoms we do today.

Nick's family and friends remain inspired to this day by that young man's courage. His mother, WrayJean, puts it simply:

> My son has been a hero from the second he was born. He became a bigger hero when he did the job he did over there.

Nick grew up in Dayton, and WrayJean and his father, Gove, recall he had a fun-filled and active childhood. He loved to hunt and he loved to fish. Gove taught him how to shoot. He played football in high school and practiced martial arts.

Nick loved country music, especially Johnny Cash, George Jones, and Hank Williams, Jr. ''I have a country band and Nicholas would sing with us,'' Gove remembers.

His sister, Amanda Manasra, remembers: ''We went four-wheeling often and got a little muddy.''

She also remembers the time she and Nick built a treehouse, a treehouse Amanda was too scared to climb. ''I never went up there,'' she says.

> Nick helped me overcome my fear. He always pushed me over my limits. He always had a can-do attitude. He said: ''can't'' isn't in your vocabulary.

Gove and Gove's uncle were both in the Kentucky National Guard, and Nick grew up climbing on Army trucks. In 1999, when he was 17, he entered a Guard training program and by his senior year at Dayton High School, Nick was in the Guard. ''It was in his blood,'' WrayJean said.

> There was no stopping the desire. He would say, ''Who would keep us free if I don't do this?''

Nick graduated from high school in 2000 and went to work for BB Riverboats, a company that runs riverboat cruises along the Ohio River. It was there he met Terri, the woman he would ask to become his wife. ''We ran off to Las Vegas for my 30th birthday,'' Terri says.

> When we were there, we went to Lake Mead . . . he got on his knee and asked me to marry him. I said, ''Sure! Let's go!'' It was meant to be.

With a happy life and friends and family who loved him, Nick still felt the call to duty. WrayJean remembers what Nick said to her on the day of the worst terrorist attack in this Nation's history.

''When 9/11 happened, Nicholas and I sat side by side on the couch,'' she says.

> We both sat there with tears rolling down our face. He said, ''This is what I want to do.''

Terri also remembers how her husband was eager to serve. ''He could not wait to go overseas,'' she says.

> He would say, ''Can you imagine preparing for your whole life and never getting to fight for your country?'' He loved what he was doing over there . . . I know he would do it again.

Nick's Guard unit was activated and he was eventually deployed to Afghanistan with Battery A, 2nd Battalion, 138th Field Artillery, based out of Carrollton, KY. His friend, Brian Sawyer, who served alongside him, remembers Nick's dedication to his training and to his mission.

''Nick was by the rulebook,'' Brian says.

> When he graded my physical training test, if it wasn't a push-up by the books, he didn't count it. . . . With everybody, he was by the book. Not mean, but fair. Fair and firm. . . . He knew pushing me to do the push-up the right way was better for me.

Nick believed he had been sent to Afghanistan to make people's lives better, and he did it even in his downtime. He asked Terri to send him toys and gifts he could distribute to the kids there.

''Everything he did was sweet,'' Terri says.

> It was rare, because mainly guys typically aren't caring and understanding. He was different than all the rest.

Nick's work ethic also impressed everyone. His commanding officer, MAJ Walt Leaumont, had this to say:

> When Nick came into the National Guard originally, I was his battery commander. He was this little chubby 18-year-old who had a spirit that wouldn't quit. He had a positive attitude. He was a dream to command.

Sadly, Major Leaumont was also the officer charged with the sad task of telling Nick's family he would not be coming home. ''The night I notified his family was probably the toughest time I have ever worn this uniform,'' the major recalls.

Our prayers are with the Carnes family after their terrible loss. We are thinking of his wife Terri Bernstein-Carnes; his mother WrayJean; his father Gove; his sisters, Amanda Manasra and Sarah Carnes; his brother Brian Carnes; his grandmother, Frankie Glascock; his grandfather, Gove Carnes, Jr.; his stepmother Charlotte Carnes, and many other beloved family members and friends.

Nick was predeceased by his grandfather, Earl Glascock, and his grandmother, Hazel Carnes.

Before Nick shipped out, he and his family threw a birthday party for his wife Terri. Nick's sister, Amanda, jokingly told him:

> You don't have to go. I can break your legs.

But Nick would have none of it. He told his little sister:

> Just always know that I did it for us and I did it for them. This was my destiny given by God and I have to fulfill it.

SSG Nicholas R. Carnes represented the very best his town, his State, and his Nation have to offer. His service and his sacrifice prove it. The Senate is proud to honor men like him who see that America needs defending and bravely step forward to defend it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

ACCOMPLISHMENTS OF THE COMMITTEE ON VETERANS' AFFAIRS IN THE 110TH CONGRESS

Mr. AKAKA. Mr. President, as we prepare to return to our home States, I believe it is important to remind our colleagues about the work we have done for the veterans of this Nation. As Chairman of the Committee on Veterans' Affairs, I have had the privilege of working with almost every entity

and level of Government, veterans and military service organizations across the Nation, and every branch of the military, in an ongoing effort to better serve those who have served us.

In the past 19 months, the committee has held over 50 hearings, taking testimony from over 320 witnesses. The committee staff has carried out over 140 days of investigations and visits across the country. I commend the hard-working members of our committee, on both sides of the aisle, for their work this session.

After years of underfunding veterans programs, I wish to remind everyone that this Congress appropriated the largest increase in the history of the Department of Veterans Affairs. These funds are helping to provide better health care to veterans and enabling the Veterans Benefits Administration to hire thousands of new employees. It is my profound hope this investment will produce marked improvements in care and in reduced backlog of veterans' disability claims. Last year, in connection with the disclosures about Walter Reed, America learned of the disgraceful treatment of some of our disabled servicemembers and veterans. Congress responded promptly and the Armed Services and Veterans' Affairs Committees collaborated in an unprecedented manner to address the issues at Walter Reed and elsewhere. One result of this cooperation was the wounded warrior provisions included in last year's National Defense Authorization Act.

I take special pride in one particular wounded warrior provision which more than doubled the period of automatic VA health care eligibility for returning troops. Servicemembers returning from Iraq and Afghanistan are now eligible for 5 years of VA health care upon separation from service.

I am also pleased with the work we have done in seeking an expanded outreach to veterans of the National Guard and Reserve. It is vital that the growing role they play in our all-volunteer military be recognized and that those who have been deployed in Iraq and Afghanistan be recognized and helped.

Congress also enacted the 21st Century GI bill of rights. Like others who served in World War II, I personally know how that GI bill changed our country for the better. I hope this improved benefit will provide similar help for today's and tomorrow's troops.

But for all we have done, much remains unfinished in these waning weeks. Important legislation is pending in both the House and the Senate. To name two bills, we are still waiting for action on S. 1315 and S. 2162.

S. 1315, the Veterans' Benefits Enhancement Act of 2007, would provide needed assistance to veterans young and old, including the Filipino veterans of World War II who served under U.S. command but were denied veterans status for over 60 years.

S. 2162 is the Veterans' Mental Health and Other Care Improvements Act of 2008. This bill responds to the growing need among veterans for high quality mental health care. Many veterans return from war suffering from invisible wounds. If left untreated, these wounds can infect a veteran's life and livelihood, with dire consequences. The bill represents a tribute to Justin Bailey, a young Iraq veteran who overdosed while under VA care. We must not let other veterans suffer a similar tragedy.

Both of these bills passed the Senate with unanimous or nearly unanimous support, and both count strong supporters in the House. I hope that before this session ends, we will see both become law.

I do not report today that our work for veterans is anywhere near done, but I do say it is work in progress. I thank my colleagues in both Chambers and both parties for their support and cooperation.

TRIBUTE TO WILLIAM BREW

Mr. AKAKA. Mr. President, as chairman of the Veterans' Affairs Committee, I normally come to the Senate floor and speak on various veterans issues—I advocate for increased screening and treatment and mental health issues for our veterans; I remind my fellow Senators that veterans of their home States must file income taxes for 2008 in order to receive their tax rebates; I argue for increased funding for VA's vital mission; and I urge the Senate to approve a new GI bill. Today, however, I come to the Senate floor to speak about one particular veteran—a Vietnam veteran who has dedicated his long career, enormous talents, and tireless efforts to better the treatment and the lives of all who have served our Nation in uniform. Today, I will speak of my staff director, William Brew.

Bill has just completed 20 years of service to the Senate. His entire tenure in the Senate has been at the Committee on Veterans' Affairs. Bill started in the Senate on April 3, 1978. At that time, his desk was in what is now the committee's hearing room. The chairman was Alan Cranston of California. The major issues were Agent Orange, judicial review, and the emerging medical condition that had newly been labeled post-traumatic stress disorder. As a former naval officer, and a lawyer, Bill was thrown right into these issues, and his presence made a huge difference.

An immediate and pressing need was to provide psychological counseling to Vietnam veterans at a time when the war and, sadly, even those who fought in it, remained a divisive issue for our Nation. Men and women who had served during that conflict did not return to heroes' welcomes, yellow ribbons, and joyous neighborhood celebrations we so often see today. In 1980, in Van Nuys, CA, one of the very first vet centers opened and offered a means of providing community-based counseling and outreach services to those who were returning from Southeast Asia. Now, there are 232 scattered around the country.

Millions of veterans and their families from all wars have received counseling and support through these centers. Bill was instrumental in developing the legislation that established these facilities and was present at the creation of vet centers.

Bill was deeply involved in the debates surrounding Agent Orange and quickly became an expert on an issue whose vocabulary resolved around dioxin, defoliation, Ranch Hand, and a variety of health problems and concerns. His efforts contributed to the development of wide-ranging initiatives designed to address the needs of those who believe their exposure has adversely affected their health.

Bill was instrumental in the passage of legislation in 1996, which fundamentally changed the law with regard to eligibility for VA health care. Eligibility Reform, as this law is known, eradicated the line between inpatient and outpatient care. VA, for the first time, was authorized to provide a standard benefits package of services in the most appropriate care setting. This seemingly simple change enabled VA to open up community-based clinics all across this country. Veterans care has been dramatically improved because of the increased access to the now 700 clinics dotting the landscape.

Assisting disabled veterans to reenter civilian life has always been a high priority for the committee. Bill worked on legislation to revamp federally assisted State vocational rehabilitation programs, giving priority to the most seriously disabled.

Bill was instrumental in the establishment of the Court of Veterans Claims, which gave judicial review to veterans' benefit determinations, and the committee recently approved legislation to expand the Court.

It is little known that Bill has served on both sides of the aisle, working not only for Chairmen Cranston and Rockefeller, and now myself, but also working for Chairman Alan Simpson, my Republican colleague from Wyoming. In 1980, when the Democrats entered the minority, Bill remained a majority staff member under Chairman Simpson for 9 months before returning to Ranking Member Cranston's staff.

I congratulate Bill for his service and tell him that I am grateful for that, and to thank him for his 20 years of dedicated and faithful service to the Senate and to our Nation's veterans.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

ENDING THE GAS PRICE CRISIS

Mr. BOND. Mr. President, I am here today to point out what I believe everybody in this body knows, certainly everybody back in the heartland, where the occupant of the chair and I live: America is suffering a gas price crisis. I regret to tell the people back home that the Senate is in a crisis of its own.

It appears that Democrats are desperate to deny real gas price relief. They are apparently united behind the misguided policy of the presumptive Democratic nominee for President who says: Don't provide any new sources of supply. They are doing anything they can to block the one real solution to this gas price.

Opening new offshore drilling will bring suffering American families 18 billion barrels of new oil supplies. News of America's commitment to new supplies will drive prices down immediately. We saw with the suggestion that we would be opening offshore when the President lifted the Executive moratorium on offshore drilling, that the prices came down immediately $10 and then came down roughly $20 because the price of oil today is influenced by the long-term judgment of what the price will be in the future.

Airlines, trucking companies, and others have to go out in the futures market to buy the oil they need in the future. Those who bought futures contracts at $90 turned out to be prescient. They saved money from the $145 a barrel oil we see today. But right now there are too many hedgers, too many investors, and, yes, even some speculators, too many investors, including the Public Employee Retirement Systems of California, and of local governments that are saying: Hey, if we don't open oil supplies, we are going to see that $145 a barrel oil go to $175 and $200 and $250.

Regrettably, if the policy of the Democrats being acted on in the Senate today holds, we will see those oil prices going above $200 a barrel and over $5 at the gas pump. The Democrats, in lockstep with their Presidential nominee, are doing anything they can to block the one real solution: News of America's commitment to new supplies and oil will drive down the prices immediately. New supplies, 10 years' worth in the case of offshore reserves, will drive prices lower for years to come.

Some may say it will take a long time to bring it on line. That is what President Clinton said in 1995 when he vetoed the authorization to open ANWR, which could have been producing a million barrels of oil a day. He said it wouldn't happen for 10 years. Well, it is now 13 years past that veto. We surely could use that additional million barrels of oil a day.

The Democratic leader, when it comes to lowering gas prices with new offshore supplies, says: ''No, we can't.'' Actually, in the case of the Senate Democrats, it is ''No, we won't,'' reflecting the views of their Presidential nominee.

Earlier this month, I tried to join with my colleagues to repeal the legislative moratorium preventing new offshore drilling off our Atlantic and Pacific coasts. With the high gas prices facing our families, it is time to end the offshore drilling ban included each year on the annual appropriations bill for the Department of the Interior.

Much to my surprise and regret, the Democratic leadership canceled the planned business meeting to consider and write the Interior appropriations bill. We thought we would succeed. We thought people would understand that bringing gas price relief to America's families by reversing the current ban on offshore drilling could meet the cry from our people back home to do something about the price of gas. But the Democratic leadership canceled the meeting to prevent the will of the people through their Senators from being heard.

Now we have confirmation. We have seen a statement from the Appropriations Committee that the Democrats thought they would lose the vote and fail in their attempt to keep new oil supplies from the American people. It came from the Appropriations Committee itself saying they did not want to see the offshore opened for drilling. That is not the way this body is supposed to work.

We disagree with a lot of things, but we at least ought to come to the floor and have a vote. Those who are for it and those who are against it, let them take their stand in public and let the people judge.

Now we are on the floor of the Senate trying to move to a bill supposedly on energy. We have asked for a debate and a vote on measures in addition to their measure on speculation, because speculation is a small part. What we need to do is get more supplies.

The plan of Republican Senators and our presumptive nominee for President, the Senator from Arizona, is to enact additional measures that will lower gas prices through additional supplies from offshore oil reserves, tap billions of barrels of oil in Rocky Mountain oil shale deposits, provide clean nuclear-powered electricity that can drive our next generation of hybrid cars and trucks, and give financial help to jump-start our U.S. manufacturing supply base for hybrid car batteries to bring their prices down and put people in America to work.

But now the Democratic leadership has gone back on this offer. They have reneged on this offer. It is like Lucy with the football. The American people, we feel like Charlie Brown and the football is lowering gas prices. They are offering to let Charlie Brown kick the football to get a vote on opening offshore oil reserves and see if he can score a goal for lower gas prices. But, wait, the leadership of the Democratic Party on this floor has yanked the oil supply football away, only to let the American people swing and miss. The Democratic leadership apparently instead wants to move the goalposts back to pay for new wind and solar incentives.

I support wind and solar incentives. The whole Senate voted for wind and solar incentives earlier this year, adopting an amendment by over 80 votes. How many times do you have to do that? But the Democrats yanked the football away as well. They added new taxes to that measure. I guess they figured something so popular would be a good opportunity to raise taxes. That seems to be the policy of their nominee for President.

I can tell you that the people of Missouri do not want higher taxes. They do not want us to make it harder to find and produce oil. More wind and solar power is not going to get gas prices down now or anytime in the future. Not a single trucker in Missouri will pay less for diesel because we pass a bill for wind power. Not a single Missouri family will suffer less pain at the pump because we pass a bill for solar power. Not a single farmer will pay less to run his tractors or less to send his produce to market.

The only real thing that will work to get gas prices down is fundamental—more oil supplies to scare away the speculators and meet the demand.

Missouri does not need more hot air from the Democrats. Energy summits where Washington politicians talk about how much they claim they care about families will not get the gas prices down. And yet, the Senator from Illinois, the Democratic presumptive nominee for President, was in Missouri, and he had a solution for the gas price crisis. He said we need to keep our tires fully inflated.

I agree with keeping our tires fully inflated. I am told by the studies of the Department of Transportation that can save 6 to 12 gallons of gasoline a year. So please keep your tires inflated. But suggestions to inflate our tires fully are not going to make a significant difference in the gas price.

America deserves more than Democratic hot air. Here it is hot air to inflate our tires. On the floor of the Senate, it is hot air to tell us everything else but increasing supplies may have an impact.

America deserves real action with real solutions. We should not abandon the American people to this gas price crisis. We need to move back to the bill on speculation and include amendments that will bring real gas price relief.

I have an amendment, No. 5121, to open 18 million barrels of oil reserves off our Atlantic and Pacific coasts—10

years of new oil supplies for the American people.

My amendment would also authorize more than $1 billion a year to jump-start a U.S. manufacturing supply base for hybrid car and truck batteries. Funding would go to hybrid battery research and development, battery manufacturing equipment and capabilities, and re-equipping, expanding, and establishing U.S. domestic manufacturing facilities or hybrid vehicle batteries.

Why do we need it? We need it to get the supply of batteries. I have visited factories in Missouri where they are producing battery-powered cars, hybrid cars, such as the Ford Escape, the Claycomo plant. General Motors is working on these products. These are tremendous gas savers. We need to move to more plug-in vehicles.

In my hometown of New Mexico, MO, my good friend who sells modified golf carts is selling street-ready vehicles now, and they are popular. We can have full-size vehicles if we have the batteries to power them. But most of those batteries are being made in Asia, and American car manufacturers get second call. We need to have those batteries manufactured in America to supply our automobile industry.

This amendment would force gas prices down, find more oil and use less. The amendment would provide new oil supplies and new sources of oil conservation. But the Democratic leadership doing the will of the Senator from Illinois, the presumptive Democratic nominee, is blocking consideration of this amendment and all amendments.

As I said before, this is very disappointing to me, to the people of Missouri, and to the people of America. Missouri and America deserve more than half measures that will only produce a few days or months more of oil supplies. We deserve more than the Senate attempting to abandon them in the gas price crisis by moving on to other issues.

Missouri and America deserve real action now to lower gas prices. That means new offshore supplies to get prices down. That is the position the Republican Senators and the Republican Senator from Arizona, our nominee for President, are pushing for: new offshore oil supplies for American families, new offshore supplies for our farmers, new offshore supplies for our truckers. That is the only real hope for gas price relief.

I beg the Senate leadership to let us move now. Failure to do so will assure the American people that they will go another month while we are out of session and have done nothing but talk hot air and suggest putting hot air into car tires.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that Senator MARTINEZ, the Senator from Florida, Senator GREGG, the Senator from New Hampshire, and I be allowed to engage in a colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

The ACTING PRESIDENT pro tempore. Let me interrupt the Senator from Texas for a moment. There are less than 8 minutes remaining in morning business.

Mr. CORNYN. Mr. President, I was under the impression there was a longer period of time. May I ask what the order of business is following the expiration of morning business?

The ACTING PRESIDENT pro tempore. Thirty minutes of debate controlled by the minority on the motion to proceed to the Defense bill.

Mr. CORNYN. I thank the Chair.

Mr. President, we are going to have a vote on the motion to proceed to the Defense authorization bill. The distinguished occupant of the chair, myself, and Senator MARTINEZ all sit on the Armed Services Committee. We know how important this legislation is. I have every confidence that we will ultimately—at least I sure hope—get to and pass a Defense authorization bill.

I will point out that for the last 2 weeks, we have had a series of attempts by the majority to get us off the single most important issue facing the country today, and that is high energy prices, particularly high gasoline prices. My expectation is that this attempt, which will now make this No. 7 instead of 6, will fail as well because on this side of the aisle we believe we should not leave here, we should not adjourn for the August recess without addressing this pressing issue.

It touches everybody in the country, rich or poor, regardless of circumstances in life. It is also driving up the price of food and threatening inflation which is going to threaten our economy regardless of what we do on housing and the subprime mortgage crisis.

I ask the distinguished Senator from New Hampshire if he has some thoughts about what we ought to be doing between now and the time we adjourn for the August recess.

Mr. GREGG. Mr. President, I thank the Senator from Texas. I wanted to join with him today in addressing this issue because at least in New Hampshire—and I suspect it is true in Texas, too, even though maybe in a different way—the No. 1 issue on the minds of the people is the cost of energy. They are concerned about it when they fill up their car with gasoline, but they are even more concerned about it heading into the winter.

People in New Hampshire anticipate winters. We know it is coming. There is not much we can do about it. It is coming. We also know that 60 to 70 percent of the homes in New Hampshire—maybe more—are heated by oil. The price of oil that has to be put in the tanks in order to heat homes has doubled or tripled. A lot of families in New Hampshire, low-income families, but also moderate income families, are going to be extraordinarily stressed to try to meet that energy need and the price of that energy.

There are a lot of things that you can maybe do to change your lifestyle. You can maybe drive a little less. Maybe you can take a bus; not so much in New Hampshire because there are not a lot of city areas that have bus districts, although we do have some. But you can adjust your driving. You can downsize your car so you use less gasoline. But if you have a home and you have a family, there is nothing you can do about it. You have to heat that home. You have to stay warm in the winter when the temperature is at zero or even minus degrees and the wind chill is certainly at minus degrees. To do that takes a lot of energy and takes oil. So people are scared. They are scared about how they are going to heat their homes.

I believe my No. 1 responsibility as their representative in Washington is try to do something about bringing down the price of that energy. How do we do that? In my opinion, we do it by at least voting in the Senate on the issue of expanding our supply in the United States, with American energy, while also conserving more. Yet we have been blocked now. As the Senator from Texas points out, this will be the seventh time the Democratic Party and the Democratic leadership has tried to move the Congress and the Senate off the issue of trying to bring down oil prices, bring down gasoline prices by expanding American sources and American production by allowing us to drill offshore, by allowing us to use oil shale, by allowing us to expand nuclear power, by allowing us to put an effort into the development of electric cars, by doing a whole series of things.

Seven times now the Democratic leadership here has said, no, they do not want to hear about this. They want to talk about issues that are important, but they are nowhere near the importance, at least to my constituents, of what it costs them to fill up their gasoline tanks and what it is going to cost them to fill up their oil tanks this winter.

I cannot think of a higher priority as a Congress than to take up this Energy bill and have some votes on these very important issues of whether we open more drilling offshore, whether we use more oil shale, whether we expand our efforts to try to bring online nuclear powerplants, whether we continue our efforts to try to expand electric cars.

The Senator from Texas hit the nail on the head. We need to act on these issues, and we should stop this obfuscation which is occurring on the other

side of the aisle on this issue. We should get to the essence of the issue, which is produce more American energy.

Mr. CORNYN. I appreciate the Senator from New Hampshire addressing that issue. I have always been amazed that those who say we ought to do something to help poor people who need help with their heating oil are the same folks who seem to be the most resistant to opening America's reserves of natural resources which would have the effect of bringing down oil prices for everybody. It seems to me that would be one of the most commonsense things we could do.

Mr. GREGG. The Senator makes a truly excellent point. If we want to address the fear low-income people have about the cost of their energy to heat their home, bring down the cost of energy. Address the systematic problem.

LIHEAP is an important program. It is a critical program for us in New England. But it is the bandaid. It is not going to the symptom. The symptom is the price of the energy, so that is why we need to vote on it.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. If the Senator will suspend, morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3001, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 732, S. 3001, a bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:30 shall be divided in alternating 30-minute blocks of time, with Republicans controlling the first block.

ENERGY

Mr. CORNYN. Mr. President, I ask if you would please notify us when 10 minutes remain in our time so the Senator from Georgia can take the floor. We would like to continue with the colloquy.

I know the Senator from Florida, Senator MARTINEZ, is here. I know offshore drilling has been somewhat controversial in his State. I would like him to address that. But I would also like him to help us understand the bigger picture, and that is why the majority leader, who controls the agenda on the floor of the Senate, a Member of the other party, refuses to allow us to vote. I know Senator OBAMA has adamantly opposed any additional offshore exploration and production. One conclusion I guess you might draw is that the majority leader, by refusing an opportunity for Senators to vote, is somehow protecting the Presidential nominee, the presumptive Presidential nominee, from perhaps an embarrassing split in his own political party.

I wonder if the Senator has any comments.

Mr. MARTINEZ. I am happy to comment on the situation in Florida and also what I think is an observation you made accurately in the larger political climate. They are related. The State of Florida has jealously guarded its offshore resources because we have a tremendous tourism economy, as does Texas in some parts of the State. However, $4 for a gallon of gas has caused a transformation in thinking. It has allowed us to see more clearly what is occurring. What is occurring to our Nation is not just that the people, the families, American families, are hurting at the pump when they go pump gas. Fortunately in Florida our winters are mild, but I understand the situation in New Hampshire and other cold States that is going to be coming up. This is hurting families. This is a problem to the American family, particularly those on fixed income, many of whom live in Florida.

The problem becomes more acute because this also merges into our national defense, into our security as a nation. When the Persian Gulf war took place, Alaska increased its production of oil, and at that time they were producing at a capacity of 2.1 million barrels a day. Today they are only producing 700,000 barrels a day because the supply of oil in Alaska is dwindling because we are not allowed to develop additional resources there.

What is occurring, essentially, is that the domestic supply of oil is ever decreasing, our percentage of dependence on foreign sources is ever increasing, while at the same time the price is going through the roof. It is a supply-and-demand problem that cries out for a solution.

What has occurred? My own transformation has been that while I was adamantly opposed to any form of drilling, my own Governor took a forward-thinking position and decided maybe the time had come for us to reconsider and think a little differently about it. We still want to protect our coastline. We still want to protect our beaches. But at the same time, we have to recognize a new reality. That new reality requires us to adapt to the current circumstances. We are transferring wealth to the extent of $700 billion a year to foreign sources. It is unsustainable over a long period of time. America will be squandering its wealth purely to satisfy our demand for oil.

Surely we have to do other things about renewables. We have to do all that. But at the end of the day, we have to do more on our own resources to produce more oil from America's soil.

What has occurred is, in fact, the presumptive nominee of the Democratic Party and the presumptive nominee of the Republican Party have taken divergent points of view. Senator MCCAIN, changing his position much as I have, has said: Times have changed. We have to drill in the offshore. Senator OBAMA remains stuck in the past. He is not for change. He is against change when it comes to taking care of America's oil resources. I believe what we are following is the dictates of higher powers. At the same time, the business of the Senate has ground to a halt. We have not been able to accomplish much because we have not been allowed to have the thorough debate we need to have on this very important issue.

When I hear from Floridians today, they want us to move the business of Government, but they most of all want us to solve this problem. They do not want us to put it aside. They know they are hurting.

They also realize, by the way, this is no panacea. We have no magic wand we can wave and lower prices tomorrow, but we can begin a trend that is going to trend in the downward direction if we begin to do something about opening America's resources to more drilling.

Mr. CORNYN. I appreciate the comments of the Senator from Florida. In the real world, when the facts change, people are free to change their mind.

Mr. MARTINEZ. That is right.

Mr. CORNYN. I think $4 gasoline and $140-plus for a barrel of oil have caused a lot of people to rethink their prior positions. Gasoline was $2.33 when the Democrats took control of Congress in early 2007 but now is hovering around $4 a gallon, and I think it is only reasonable that people will reassess their decisionmaking. Indeed, I think we have seen that happen with the American people, if you look at public opinion polls, shifting to overwhelming support for exploration and production from the Outer Continental Shelf.

I say to the Senator from New Hampshire, I know, as the Senator from Florida said, more oil is going to be a transitional step on our part because production globally is declining. Yet demand, especially from huge economies such as China and India, is going up. I know the Senator from New Hampshire is a big proponent of clean nuclear power. I wonder if he can comment on what he sees this transition looking like, in terms of starting with more American production but with

conservation, with renewable energy, and developing nuclear power.

Mr. GREGG. The Senator from Texas has been one of the best advocates on the floor for balance, which is what we need. The American people understand the basic common sense of an issue, which is we need to use all the different options we have at hand. We are a nation with great creativity, great ability to be innovative. We are also willing to push the envelope, to try to use technology to improve our situation.

Not only do we need to find more, we need to use less. We need also to use our great strength in technology to advance our cause of delivering more American energy.

Nuclear power is a classic example of that. We basically created nuclear power, the concept of it, and how to use it in a positive way. Yet for the last 27 years, because of the adamant and, in my opinion, inappropriate opposition of the most activist environmentalist groups in this country, we have not had a new nuclear powerplant application approved.

New Hampshire, ironically, was the last State to bring online a nuclear powerplant. That occurred in the late 1980s. That nuclear powerplant was resisted by the Democratic leadership in the State and by the activist environmentalists in the State at a level which was basically civil disobedience. Thousands of people were arrested at the site where the plant was being built. It was delayed for almost 15 years. The cost of it quadrupled—it went up by a factor of 10, I think.

What happened in the end was the plant came online. What has happened since the plant has been online? It has produced safe, clean, reliable energy—not only for the people of New Hampshire but for the people of all the Northeast because it is producing so much energy it actually exceeds New Hampshire's needs. As a result, we have had an energy source which has saved us from having to buy thousands and thousands—millions of barrels of oil. We should be doing that across the country.

Mr. MARTINEZ. May I ask the Senator a question. This nuclear plant, does it produce greenhouse gases? Does it, in any way, harm the quality of air or produce the kinds of problems associated with global warming?

Mr. GREGG. That is a good question and it is very important. Nuclear power is clean. It addresses the issue of global warming. It is the most effective energy we have for that. It has no emissions which basically go into the atmosphere and aggravate the issue of global warming, so it is the type of power we want. It is safe and it is ours. We do not have to buy it from some other country. It is very logical we should be aggressively pursuing nuclear power. Again, you have to appreciate the fact that the other side of the aisle and the leadership of the other side of the aisle, especially Senator OBAMA, are opposed to expanding the nuclear option for our Nation which, in my opinion, is cutting off your nose to spite your face. This is a very safe and usable form of energy which addresses the issue of global climate change in a positive way by still giving Americans American-purchased energy.

Mr. CORNYN. I would say to the Senator from New Hampshire, it does not make sense to me. The U.S. Navy, of course, as we know, has been using nuclear power for its aircraft carriers and submarines for, I think, 50 years and is able to do so safely and without incident.

France generates 80 percent of its electricity using nuclear power. In France, the environmental activists have actually cut a deal, as I understand it, with the nuclear power producers because they understand. They get the point the Senator from Florida makes, and the Senator from New Hampshire, that nuclear power is clean power. For those who are concerned about climate change, that would be one of the best things we could do to alleviate the pressure on the environment.

I wish to get back, if I can for a second, because there has been a lot of talk, particularly the Senator from Tennessee, Mr. ALEXANDER, is talking about the need to develop new technology, to develop plug-in hybrid cars, battery-operated cars. I know there is a little confusion because right now we need transportation energy, which is basically oil and gasoline—aviation fuel to fly our airplanes. People wonder how does nuclear power or using coal in a clean way to generate electricity figure into that? The point we are trying to make is we need all of the above. We need to generate the electricity cleanly so we can use the new technology that we think will bring us into a clean energy future.

I wish to ask both my colleagues to comment on a couple things. One of my constituents, T. Boone Pickens, is in town. He is a remarkable man. He has been very successful in the oil and gas business. He says we need a different way of looking at our energy future. He is advocating increased use of wind energy to generate electricity. He is advocating more use of natural gas because he says we have found ways to develop more of that here in America so we have to buy less—the point of the Senator from Florida. That is less money we have to send than the $700 billion we send overseas each year.

Mr. GREGG. He also said, did he not, that we need to use everything. He didn't say don't use drilling; he said we have to drill everywhere we can in the United States, we have to use wind, we have to use solar, we have to use nuclear, we have to use everything, because we have to stop sending $700 billion, as the Senator from Florida mentioned, to people who do not like us—Venezuela and Iran. Let's keep it here, where we can use it to build our economy.

Mr. MARTINEZ. I remember him being asked: What do you feel about drilling? He said: I want to drill everywhere.

Now, I am not there, because I don't want to drill everywhere. I want some beaches to be protected. But he was saying we need to drill, drill, drill. That is part of the answer. It is not going to get us out of the problem, but it is part of the solution.

Mr. CORNYN. I have two points, and I would like to hear from both Senators. One is we hear from folks opposed to offshore drilling say we can't drill our way out of this.

Other opponents of offshore exploration and production said: It is going to take too long.

I wonder if the Senator from Florida and the Senator from New Hampshire have some thoughts about those. I happen to believe those are pulled out of context, particularly when it comes to Boone Pickens, because, as you said, we need it all. What is the best answer to that?

Mr. MARTINEZ. I would say that, no, we cannot drill our way out of the problem, but we can improve on the problem. Today, we use about 21 million barrels of oil, and 5 million of those come from overseas. That is what turns into that $700 billion bill.

What if we could add another million barrels to that production domestically? We will have ameliorated the problem by a significant percentage. What if we did 2 million barrels? All of a sudden, the equation is different and we can be more sustainable within our own resources.

The second part of this is, it is not all about oil. It is about other things, such as oil shale. The Democrats oppose looking into that possibility. We have not been allowed to have a full discussion. Colorado, Utah, and Wyoming should be allowed to develop this resource. I understand that we have an estimated 2 trillion barrels of oil that can be produced from oil shale. So maybe we can drill our way out of this with enough creativity, enough technology, and enough resources being employed.

So it is not going to just be about nuclear, although it ought to be nuclear. Florida has three nuclear powerplants built in the 1970s and 1980s, and thank goodness for those because in Florida we cannot produce any oil, we do not have any hydro, and we depend on those nuclear powerplants to power ourselves. So thank goodness we have that.

We also need to look at more production offshore. We need to do more oil shale, and the new technologies of wind

and solar and new battery technology—all of the above.

My point is, we cannot drill our way out of this, but part of the solution is drilling. So it is not about suggesting that we should forget everything else and just drill, but it is to say that drilling as a component part of a comprehensive energy policy can move this country ahead, can move us forward.

Mr. GREGG. Well, the point the Senator makes is extraordinarily valid. But there is an ancillary issue here, which is, not only do we need the energy to try to increase supplies and reduce the price, but it seems incomprehensible that we would not want to put in place programs which would relieve us from sending Americans' hard-earned dollars, you know, folks who are working every day, sending those dollars to Venezuela and Iran and other countries which hate us and want to do us harm. It seems that common sense would want us to produce American energy if we have American energy available to us and we can produce it in an environmentally sound way rather than send the money overseas.

Mr. CORNYN. I want to ask the Senator from New Hampshire, the bill that was on the floor about 2 weeks ago was a bill to deal with speculation and the commodity futures market. Our point was, we should not just deal with part of it, part of the problem, we ought to deal with the whole problem. That is why we have insisted—in fact, we have demanded and we said we should not leave here until we have had an opportunity to vote on offshore production and those other good ideas.

But I wonder if the Senator would address why the speculation component alone would be an insufficient response—may be part of the answer but certainly not the complete answer to the problems we face today?

Mr. GREGG. The simple answer is that it does not produce any more energy. Yes, there is probably speculation in the market. Yes, we should have more transparency and more enforcement to make sure the market is not being abused. But that is not going to produce any more energy.

We know there are 2.5 billion people between India and China, and they are starting to have much more high-quality lives, and so they are starting to buy cars, they are starting to buy motor scooters, they are starting to use energy. As a result, the demand for energy is accelerating dramatically. That is 2.2 billion more people than we have in the United States. So the simple math of it shows us we have to find more energy and we have to use less energy.

That is why amendments brought to the floor which are directed at finding more energy—such as oil shale, drilling offshore, and nuclear—need to be addressed. We need to discuss them. I cannot understand why the other side of the aisle refuses to do that.

I asked my staff to put together a chart which would summarize this in the most simple and stark way. Here is the chart. It is a big zero. It is a zero. Zero amendments are being allowed here. Zero new oil is being produced as a result of that. Zero new gas, zero new nuclear plants. Until we have some amendments on this floor which allow us to address these issues, we are still going to have zero as being the answer of the other party to how you produce more oil and more energy. It is not right. We should be getting down to the issue of what the American people want, which is to get the price of energy down by producing more and using less and producing more American energy rather than buying it from other countries that do not like us.

The ACTING PRESIDENT pro tempore. There is 10 minutes remaining.

Mr. MARTINEZ. The International Energy Agency painted a grim picture about the future. The report estimated that over 3.5 million barrels a day of new production will be needed each year just to hold the total production steady. So as India, China, and these other countries are rising in their demand, we need 3.5 million barrels a day of new oil just to keep the current standards of what we have. That is not just a U.S. problem, it is a global problem.

Mr. CORNYN. I thank my colleagues.

We are going to relinquish the floor to the Senator from Georgia for the final comments.

I would say in closing that I can anticipate what the argument is going to be when the majority leader comes out, and the whip—they are going to say it is all about Republican obstruction.

But the problem is, we have insisted we are not going home, we are not going to quit, we are not going to change the topic until we get an opportunity to vote on what we believe will have the most direct impact on reducing gas prices: increasing supply and offering all of the above that we have discussed during this colloquy this morning. That is our position, and we believe that should be a bipartisan position. We invite our friends on the other side of the aisle to join us in being part of the solution instead of being part of the problem.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I associate myself with the Senators from New Hampshire, Florida, and Texas, and would like to report an interesting occurrence that took place yesterday that kind of verifies exactly what Senator CORNYN said.

After the vote on the media shield motion to proceed, I went back to my office and placed two phone calls, one to the president of the Georgia Press Association, the other one to the president of the Georgia Broadcasters Association. I told both of them: We have had conversations about the importance of media shield, and I know both of you are very interested in it. But I want to explain why a few minutes ago I cast a ''no'' vote on a motion to proceed to media shield.

I said: The reason I did it, quite simply, is that for everybody in my State—and I would submit most everybody in the United States of America—the No. 1 issue is the high cost of energy and particularly the high cost of gasoline.

Both men, both professional journalists, both presidents of their associations, said: We understand.

The broadcasters said: Our talk shows are not calling in about media shield; they are calling in about the gas.

The president of the press association said: Listen, I understand. Read our letters to the editor. I listen at the coffee shop. I know what Georgians are concerned about. It is the high price of energy and the high price of gas.

So that is why I have remained committed to staying on the Energy bill until we find some way to bring Republicans and Democrats together. Both of us can give. I said in a speech the other day: We ought to put our donkeys and elephants in the barn and sit down and talk about ways to really meaningfully change the lives of the American people, not 20 years from now but today.

The country is hungry for a Congress and for leadership that will say yes to more production, yes to more conservation, yes to a better environment, yes to a productive economy, all of which would be the result of a comprehensive, balanced approach toward energy. But a singular slingshot approach or a rifle approach, like just speculation or just drilling or just something else—we have to do it all. We have to do it comprehensively. We have it within our capabilities to do it right.

As the Senators before me have stated, we have all kinds of resources. Many of these resources are not only abundant but they are cleaner than gasoline and they are cleaner than oil—nuclear energy, for example. In America, 19 percent of our electric energy is produced with nuclear; in France, it is 87 percent. Think about the difference that makes not only in the reliability and the cost of energy but the carbon-free emissions that come from nuclear versus the heavy carbons that come from the burning of oil or gas or coal or other sources.

Ingenuity and innovation. The American people are a remarkable people. When confronted with whatever challenge, we have almost always come up with a solution. But sometimes those solutions either take inspiration or they take encouragement. When we needed to go to the Moon and win the space race, we had the inspiration of a great President, John Kennedy, to declare a goal to land a man on the Moon

and bring him back again before the end of the decade. We did not know how to do it, but we did it. We need a Congress that is just as bold today to say that $4 a gallon is too much for gasoline, carbon is too bad for our atmosphere, and fossil fuels are geopolitically not in our interest.

It is time that we as America find ways through engineering and ingenuity to invent and to develop and to process those sources of energy that are clean, renewable, reliable, and less expensive. And we can do it. But you cannot do it if you stand in gridlock on the floor of the Senate and the House of Representatives, unwilling to talk about all the issues.

We all have our biases and we all have our prejudices, but all of us take an oath of office to represent the people of our State and to uphold the Constitution of the United States of America and defend the domestic tranquility of our people. When your economy is tanking, when your debt is going up because of your addiction to foreign oil, and Congress sits here for 2 weeks and debates only one sliver of the solution without everything, then we are not living up to our responsibility.

So if the Georgia Press Association understands, if the Association of Broadcasters understands, if the 17,488 people who communicated last week with my office about one issue—and that was cost of energy—understand, why can't we in the Senate understand? We are all in this together. We are 100 coequals. We all have the same responsibility. And we ought to all have the same goal; that is, to find a way to thread the needle so we sit down and we develop a comprehensive energy program for the people of the United States of America.

I did a talk show yesterday—actually, it was a television program where I was asked about this energy question. I was asked about the Arab oil embargo of the 1970s. I said that the Arab oil embargo of the 1970s was an early warning. It gave us a second chance to address the energy question. But when prices went down in the 1980s and 1990s and the price of gasoline was not that high, we did not take that chance. Well, now prices have spiked to an all-time high.

This is not a second chance for us in America, this is a last chance for us in America. A sustained cost of gas at $4 a gallon, oil at $120 to $150 a barrel will break the U.S. economy. It will destroy the value of the U.S. dollar, and it will hurt the people of the United States of America.

So it is time for us to put these prejudices aside, put them aside and sit down and be willing to agree. I will be the first person to lay on a table—I am willing to sit down and talk to anybody, anyplace, anywhere, about any singular facet of the energy crisis if they are willing to talk about the other facets of the energy crisis.

As Boone Pickens said, drilling will not solve it, but it will help. Solar will not solve it, but it will help. Wind will not solve it, but it will help. Renewables will not solve it, but they will help. What we have to do is put together the pieces of the puzzle that are within our grasp and make sure the people of the United States have abundant energy at affordable prices. We are sitting on a ham sandwich, starving to death. We are not developing the resources we have at our disposal, and because of that, our citizens are paying a dramatic price.

Anytime, anyplace, anywhere, let's start talking about solutions rather than continuing to perpetuate the problem.

I yield back any time we have remaining, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that I have the floor at 2 o'clock for the purpose of a colloquy between Senators DURBIN, MURRAY, SCHUMER, DORGAN, and Senator REID.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I don't think it will—we will have that happen at the half hour. I don't think we will use all the time. That is the Democratic time. We will just work the Republican time at 2:30 or 3 o'clock and thereafter.

Is there an order in effect now as to what will happen after lunches as to the allocation of time?

The PRESIDING OFFICER. The current order provides allocation of time until 12:30 p.m.

Mr. REID. I ask unanimous consent—if I could have the attention of the distinguished Republican leader, the time has been allocated until 12:30 today. So 11:30 is Republican time, from 12:30 to 1:00 would be the Republican time again; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. So I ask that the time be allocated every half hour until 5 o'clock tonight, and that I be recognized at 2 o'clock for the half hour of Democratic time under the conditions I mentioned.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I would also say that if we have any conference reports that we can agree on, whoever's time it is, we will interrupt and try to do that—if, in fact, we get an agreement.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. If we are in a quorum call——

The PRESIDING OFFICER. We are not in a quorum call.

Mr. COBURN. I think I have until 11:45, I believe.

The PRESIDING OFFICER. There is no order as to time.

Mr. COBURN. I thank the Chair.

The PRESIDING OFFICER. The Republicans control the time until noon.

Mr. COBURN. Mr. President, our side of the aisle has allowed me until 11:45 to speak.

KATY FRENCH

Mr. President, I am on the Senate floor for a lot of reasons at a lot of different times, but today is extremely unusual. I wish to spend the time talking about how important staff is in Washington. We are only capable of doing and accomplishing what we accomplish because we have staff here to help us.

I have had the great fortune over the last 3½ years to have someone on my staff who has displayed character virtues like none other I have seen in my career. She will be leaving my staff. Her name is Katy French. She has a master's in public health from Harvard. She has been on the front lines of HIV/AIDS since the epidemic came about. She worked for both Senator GREGG and Senator BROWNBACK. The characteristics about her that make her great—in Oklahoma we would say her ''plow runs deep.'' She is well-rooted in the principles of liberty.

What she has done with that principle is recognize that if you are free, and you have liberty and yet you don't spend your life helping other people, the liberty is for naught. So she has been a great example to me and my staff over the last 3½ years for her tireless dedication—which all on our staff have—and for bringing with that well-rootedness, that deep-rootedness, the ability to challenge a Senator, to tell us what she thinks even though we may not like it, to bring forth ideas that aren't in the conservative realm yet are humanitarian, great ideas, the ideas to help people. The people who know Katy French know she means business, but that business has always involved taking care of people.

One of the first things she did as my staff director on the Federal Financial Management Subcommittee was set up a hearing on malaria. What we know is millions of people today in Africa are being cured of malaria because we, in fact, changed that program. The oversight hearings we held changed the direction. I know the Presiding Officer of the Senate now, the Senator from Ohio, is very much interested in that topic. Through her work, millions of Africans are alive today who would not otherwise be alive because the program was changed where we actually made a difference.

I can't think of any greater tribute to an individual who comes to work to

help us in the Senate than to measure the value of what they have done in terms of the lives that have been made better, made healthier, and have forgone a serious disease and dread. She also conducted more hearings in our subcommittee than any other committee or subcommittee in the entire Senate in the 109th Congress. Most staff directors of committees know—and subcommittees know—how hard it is to put together and hold hearings.

Probably the greatest tribute to Katy is the fact that she didn't stop with that. When the Pope was here in his visit this last year, he called on America's youth to reach out and make a difference. Katy is in the middle of her career. She has made a big difference in the Senate for three separate Senators. She has made a big difference in terms of the PEPFAR legislation—the original legislation and the legislation that we just passed and the President has signed. She listened to that call to make a difference. So it is both a sad time and a happy time for me to know that Katy is joining a religious order to further her life in giving to other people.

She is foregoing money. She is foregoing material things. In fact, she will be in an order that was established some 30 years ago associated with the Catholic Church out of Argentina that she will dedicate the rest of her life to, making a difference—a real difference—in other people's lives.

She will be focusing on troubled urban youth. Her characteristics and multilingual talents will lead her in that direction. To me, the greatest compliment you can have as a Senator is to have a staff member leave for such a higher calling. For Katy and all of those who work in our office and on behalf of the Senate, and as a reflection of the rest of the staff of the Senate, we thank you for your efforts on behalf of freedom.

I thank you, Katy, for your efforts on behalf of our office and what we are trying to do for the people of Oklahoma. Most importantly, I thank you for your grasp of faith and what it means to truly give up your life so that in the words of that man from Nazareth: ''He who is last will be first.''

Katy French has lived that example. We will miss her.

I thank the Senate for the time.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN ENERGY FREEDOM DAY

Mr. DEMINT. Mr. President, I rise today to invite my colleagues to join me in supporting American Energy Freedom Day on October 1, 2008.

On this day, the current prohibitions on oil and gas exploration off the Outer Continental shelf and in the oil shale fields of the West will expire, giving Americans the freedom to access their own energy reserves and providing them with relief from sky-high prices at the pump.

Estimates indicate there are upwards of 18 billion barrels of recoverable crude oil in the off-limit areas of the Outer Continental Shelf, as well as more than 55 trillion cubic feet of natural gas. In addition, estimates indicate that between 800 billion and 2 trillion barrels of oil can be drawn from American oil shale.

Taking advantage of American resources will increase the worldwide supply of petroleum and bring down prices at the pump. The very access to these resources will send powerful price-reducing signals to the futures market, providing immediate relief for all Americans.

For over 25 years, Democrats have denied Americans the freedom to access their own energy, making our Nation more and more dependent on foreign oil. Each year, they have continued the ban on American energy. Now it is time for them to get out of the way and open up American energy supplies.

I strongly encourage my colleagues to support Energy Freedom Day and allow the prohibitions on American energy exploration to expire once and for all. We must actively oppose any attempt to extend these bans on American prosperity and security. Now is not the time to deny Americans access to their own energy.

October 1 is going to be a great day for all Americans. I invite my colleagues to join me in supporting American Energy Freedom Day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

RENEWABLE ENERGY

Mr. ENSIGN. Mr. President, I rise today to speak about the importance of renewable energy and addressing our current energy crisis in the United States. We need a comprehensive approach to our energy problems in the United States. Renewable energy is one of the answers.

Senator MARIA CANTWELL, a Democrat from the State of Washington, and I have been working tirelessly together, in a bipartisan way, to get a renewable energy bill passed through the Senate, passed through the House, and onto the President's desk for a signature. I applaud her for her efforts in this battle.

We passed our renewable energy bill—a bipartisan bill—back in April. We attached it to the housing bill that was done then. It passed this body with a vote of 88 to 8. Not too often around here do you see Republicans and Democrats joining together in such a bipartisan way. But it shows you the kind of support this body has shown toward renewable energy. Unfortunately, the Democrats in the House of Representatives blocked our renewable energy bill from being considered as part of the housing bill.

Once again, we attempted, in July, to get our amendment added to the housing bill that would expand renewable energy, such as solar, wind, geothermal, and other types of green energy to the United States. We would have been able to attach that to the housing bill if the majority party had allowed us to have that kind of a vote. Unfortunately, they used the excuse it wasn't paid for and that the House of Representatives—the Democrats in the House—would block our piece of legislation from being considered in the final package.

So we offered a compromise and we said, OK, we will pay for it, except that instead of raising taxes to ''pay for it,'' we will offer spending cuts. The Federal Government is too big anyway. We said let's have a very small ''haircut'' from nonveteran spending programs across the board. We will do across-the-board spending cuts—a tiny percentage.

Once again, the Democratic majority said no. It was very disappointing. We need to come together in a bipartisan way to address the energy needs of this country. Republicans have been saying: Let's do a comprehensive approach; let's include renewable energy and more conservation, but let's also pass a comprehensive bill that allows us to drill in places such as our Outer Continental Shelf. Deep sea exploration is a great way for us to bring more oil and natural gas to the United States, to make us less dependent on Middle Eastern oil.

My colleague from South Carolina talked about oil shale. Up to 2 trillion barrels of oil—which is three times more oil than Saudi Arabia has—is potentially available between Wyoming, Colorado, and Utah. Right now, we have a moratorium put on that. Why? Because the Democratic majority put that into law last year.

We need to repeal that moratorium so that progress can go forward to make us less dependent on countries that—frankly, a lot of them don't like us. Whether it is Hugo Chavez in Venezuela, or some of the other more volatile regions of the world where we get a lot of our oil today, those are not exactly the places where we should be sending our money.

Currently, the United States sends about $700 billion a year overseas, funding a lot of governments that are not our friends. We, as Republicans and Democrats, need to lay our party labels aside and become Americans. Let's do something that is right for the country. Let's bring more American energy production to America, so we are less

dependent on other governments around the world.

I strongly believe we need to tap more of our coal reserves. That is one of our cheapest forms of power we have in the United States. There is exciting new technology for coal, called carbon recapture technology. Senator KERRY and I have a subcommittee—he is chairman and I am the ranking member—and we have done several hearings over the last couple of years on this carbon recapture technology to make coal even cleaner than it is today. That carbon recapture technology is exciting. We are talking about capturing 95 percent of all of the carbon produced by coal. It can produce more and more electricity for the United States.

When we are talking about battery technologies for cars, or hybrids, you can also produce more electricity so that we can take natural gas away from some of these powerplants and convert some of our cars to natural gas. All of this will lower the price of gasoline, because we will need less.

Today, the price of oil and gas is up so high because there is more demand than there is supply. The world is demanding more energy, including oil, than it is currently supplying. That is the reason the price has been going up. That is the reason prices will continue on their upward trend over the next several years, unless we bring more supplies. I would like more of those supplies to be right here in America. I think that is the right thing to do. It is good from a national security standpoint, from an economic security standpoint, and it is good for the pocketbooks of ordinary Americans across our country.

I call on my colleagues to look at a comprehensive approach that would include renewables, more conservation, and looking for more American energy in the form of oil and natural gas. It is the right thing to do for the American people.

It is time for us to act and to quit playing more politics. The motto on the Republican side has been to ''find more and use less.'' Well, the only way we are going to be able to do that, frankly, is for the Democrats to talk less and start voting more. We need to have amendments that are fully debatable on the Senate floor, because there are answers out there. There are no silver bullets, but in a comprehensive approach, we can have answers to bring down the cost of gasoline in the United States.

Let's join together as Republicans and Democrats and act for the good of the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

ONE-YEAR ANNIVERSARY OF THE I–35W BRIDGE COLLAPSE

Ms. KLOBUCHAR. Madam President, tomorrow at 6:05 p.m. Minnesota time, it will be exactly 1 year since the horrific collapse of the I–35W bridge. It is a day and a moment when all Minnesotans will always remember where they were. They will remember what they were doing, they will remember what they heard, and they will remember the pictures. Minnesotans will even remember the weather and what it was like that day because as if to symbolize what was to come, that warm summer day started with clear skies, but by late afternoon, dark and ominous storm clouds had begun forming on the horizon, with thunder rumbling in the distance. Then after the bridge collapsed, as if to provide relief for the rescuers, the storms retreated.

I know many people across America will also remember that day, and they will think about those who died and those who survived, miraculously, on that bridge.

I know my colleagues in the Senate will also remember. I thank each and every one of them for their tremendous sympathy and concern for the people of my State following the bridge collapse. On behalf of all Minnesotans, I wish to say how grateful we are for the bipartisan support in the days after that bridge collapse, the immediate funding for emergency relief, and then the funding for the bridge so that bridge could be built again.

This support from the Senate and the Congress helped lay the groundwork for the fast and efficient reconstruction of the bridge. In fact, a new bridge already spans the river. It is expected that by the end of the year, possibly within the next month or two, cars and trucks will again be crossing over the Mississippi River on the newly constructed 35W bridge. My home is only 6 blocks away. So my family and I look forward to, once again, driving across the 35W bridge.

Not only in Congress but across the Nation, the catastrophic failure of this bridge provoked deep concern that it might not be an isolated incident, that there might be a broader problem with bridges across the country. That is because a bridge should not fall down in the middle of America on the 1st day of August in 2007, especially not an eight-lane interstate highway, especially not one of the most heavily traveled bridges in the State, especially not during rush hour, in the heart of a major metropolitan area.

But on August 1 of last year, the 35W bridge in Minneapolis fell down. So tomorrow, 1 year later, we remember the 13 people who lost their lives on that bridge, and we remember the 145 people who were injured, many of them now living with serious and permanent injuries.

Tomorrow we also remember the many people—the police officers, the firefighters, the paramedics, the citizen bystanders who risked their lives by running toward that catastrophe and not away from it.

When I watched what unfolded that night, I was shocked and horrified. But as the evening wore on and the days went by, the entire world watched our State come together, and I was proud to be a Minnesotan.

We saw the heroes. We saw them in the face of unimaginable circumstances. We saw the off-duty Minnesota firefighter, Shanna Hanson, who grabbed her lifejacket. She was off duty, but she was among the first on the scene. She was tethered to a yellow life rope and she was in the midst of broken concrete and shards as she swam from car to car, in and out, in and out of that river searching for survivors.

We saw a school bus perched precariously on the falling bridge deck. I like to call it the ''Miracle Bus,'' perched on that falling bridge deck, on the side, ready to fall in. Inside were dozens of kids from a Minneapolis neighborhood who had been on a swimming field trip. Their bus was crossing the bridge when it collapsed. Thanks to the quick action of responsible adults and the kids themselves, they all survived.

Now, with the perspective of a year, what can we learn from this catastrophe? Well, first, the emergency response to the bridge collapse demonstrated an impressive level of preparedness that should be a model for the Nation. You can never feel good about a tragedy such as this, but I do feel good about our police officers, our firefighters, our paramedics, and our first responders. Look at the scene they came upon, this enormous eight-lane highway in the middle of the water, a storm above them, and they dove into that water and literally saved hundreds of people.

This week, the Hennepin County Medical Center, located only blocks from the bridge, was honored with a national award for extraordinary response to this crisis. As the Hennepin County attorney for 8 years, I remember meeting with the sheriff, the police chief, and other officials as we planned and practiced for disaster relief drills after 9/11. Even though no one imagined a major bridge would collapse, the result of all that planning and the preparation was evident on the night of August 1 when our survivors were quickly rushed to the hospital.

Second, we saw how important it was to move forward and build a new, safe bridge, and I will show you the bridge as it stands 1 year later. Again, it is 6 blocks from my house, so I have been able to watch its progress. You can see this bridge now. The last piece actually

was just added, and it is spanning this huge river, the Mississippi River. It is an eight-lane highway.

So what happened in Washington? In 3 days, the Senate voted to provide $250 million in emergency bridge construction funding. Representative JIM OBERSTAR led the way in the House, and it was a bipartisan effort in the Senate as Senator COLEMAN and I worked together on the relief.

I personally thank Senator DURBIN and Senator PATTY MURRAY for assisting me with this. I still remember the day the Senate voted for a billion dollars for bridge reconstruction across the country, but it didn't include the funding for our bridge. I came in early, and I sat at my desk, and I said I wasn't going to leave until we got our amendment to fund the construction on our bridge. The pages and the chaplain came in, and the Senate was starting, and Senator DURBIN came and sat next to me and he said: Somehow I think you are here to do more than pray. He helped me, and we got that amendment through and we got it passed.

Approval of this funding came with remarkable speed and bipartisanship. Capitol Hill veterans tell us it was a rare feat to get it done so quickly.

What else can we learn from this bridge? Third, we must still get to the bottom of why this enormous bridge fell into the middle of the Mississippi River. It didn't happen because of a barge or some kind of electrical storm or tornado. It just fell down. Evidence is accumulating that the bridge's condition had been deteriorating for years and that it had been the subject of growing concern within the Minnesota Department of Transportation. This wasn't a bridge over troubled waters, this was a troubled bridge over waters. Still, as a former prosecutor, I know we must wait until all the facts and evidence are in before we reach a verdict. We will need to be patient as the investigation continues.

Mark Rosenker, the Chairman of the NTSB, the National Transportation Safety Board, said the other day that the NTSB investigation is nearing completion and that a final report should be ready for public release within 100 days. Already, the NTSB has publicly released a number of documents, photographs, diagrams, and other evidence that are part of their investigation. We know this bridge had problems, and we look forward to the NTSB report to give us definitive answers.

Finally, the bridge collapse in Minnesota has shown us that America needs to come to grips with the broader questions about our deteriorating infrastructure. The Minnesota bridge disaster shocked Americans into a realization of how important it is to invest in safe, strong, and sound infrastructure.

As if we didn't know already, Minnesotans got a reminder a few months after the 35W bridge collapsed, because we learned another bridge of a similar design was inspected and found to be in serious trouble. That bridge is in St. Cloud, MN, a major regional city in central Minnesota, which is now closed with plans to replace it.

Unfortunately, it took a disaster to put this issue of infrastructure squarely on the agenda of this Congress. According to the Federal Highway Administration, more than 25 percent of the Nation's 600,000 bridges are either structurally deficient or functionally obsolete. That is more than 150,000 bridges. When 25 percent of all American bridges are in need of serious repair or replacement, it is time to act.

When we don't have enough money to build new bridges or repair the ones we already have, there is clearly a problem with our priorities. And when the American people question the integrity of the bridges they cross every day, we must act. Putting it all together with the bridge collapse in Minnesota, this should be a national call to action on infrastructure.

Senator DURBIN and I recently introduced the National Bridge Reconstruction and Inspection Act. This legislation has already passed the House and we hope it will move quickly in the Senate. This is only a start, but it is a good start, if the Senate will pass it and the President will sign it. I am hopeful it will get us headed in the right direction.

In closing, I note one final lesson. What happened a year ago in Minnesota reminds us that disasters can bring out the worst or the best in people. They can divide us or they can unite us. I believe the catastrophe, the collapse of the I–35W bridge, brought out the very best in Minnesotans and it united us. We joined together for the rescue, we joined together for the recovery, and we joined together for the rebuilding. I hope that going forward the ultimate legacy of the 35W bridge collapse can be something positive for our Nation. I hope it can bring out the best in all Americans and unite us as we address the pressing infrastructure issues facing our country.

Tomorrow, as we remember and as we grieve for the bridge victims and their families, let us also look ahead and move forward and take the action necessary to make sure that no bridge ever again falls down in the middle of America.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, how much time remains in this half-hour allocation?

The PRESIDING OFFICER. Nine minutes remain on the Democratic time.

Mr. DORGAN. Madam President, I came expecting to be recognized at 12:10, so I think what I will do, I believe my colleague from Minnesota apparently is seeking time as well. I assume my colleague from Minnesota is seeking time in the second half-hour allotted; is that correct?

Mr. COLEMAN. Madam President, I am seeking time to follow on the remarks of my colleague from Minnesota reflecting on the collapse of the bridge, but I will defer to my colleague from North Dakota.

Madam President, how much time is left in the majority's time?

The PRESIDING OFFICER. There is 8 minutes for the majority.

Mr. DORGAN. Madam President, let me, in the spirit of allowing the two Senators from Minnesota to be able to complete their discussion of the bridge collapse, which is truly a tragedy, let me ask unanimous consent that the Senator from Minnesota be recognized for that 8-minute period, and that the majority side be allowed to claim 8 minutes in the next half-hour, if that is what the Senator is suggesting.

The next half-hour belongs to the minority. If the Senator wishes to agree to a unanimous consent request that our side use 8 minutes in the next half-hour, I would be happy to have him go now.

Mr. COLEMAN. No objection, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. COLEMAN. Madam President, I first thank and applaud my colleague for the leadership she has shown in dealing with the challenges this Nation faces on infrastructure. We need to do something about it. She moved forward aggressively after the bridge collapse, and I joined her and applaud her for those efforts.

Like everyone who suffers loss, the people of Minnesota have come to a tragic anniversary, a hole in the calendar where we confront the pain of our past. Friday, at 6:05 p.m., we commemorate the moment when the I–35W bridge collapsed, taking the lives of 13, injuring hundreds, and disrupting the lives of untold thousands.

I have a few words to share as we observe this first memorial.

So much of what Minnesota was, is, and will become is tied to our rivers and bridges. Before the roads and the railroads, rivers were Minnesota's fluid highways through difficult terrain. European settlement followed the rivers. Because of Minnesota's unique geography, our rivers flow out toward all the points of the compass, which is why we call ourselves ''The Headwaters State.''

But rivers can be barriers as well as thoroughfares, so towns and cities grew up around bridges which allowed people to move perpendicular to the river flows. More than a century later, we

are a State of river towns and bridge towns.

That is why the I–35W bridge collapse was so significant humanly and spiritually to Minnesotans. It fell not far from the Falls of St. Anthony, the head of navigation of one of the world's great rivers. It fell where Father Louis Hennepin became the first European to look on the area which comprises Minneapolis today. It fell where huge early 19th century flour mills, textile mills, lumber processors, and railroad terminals met to create an economic boom which put Minnesota on the map. It fell at the heart of our heartland.

It has been said that adversity doesn't create character, but it surely does reveal it. We witnessed that in the days following August 1, and it continues to this hour. Preparation is a virtue, and our Twin Cities learned the valuable lesson of 9/11, that we have to get ready for the unthinkable. When it happened to us, there was an extraordinarily well-coordinated response from law enforcement, medical institutions, and other first responders. The speed and professionalism of their actions are a textbook case of emergency response.

We also experienced amazing spontaneous acts of heroism. It is our natural instinct to run from pain and danger, and on this occasion, hundreds of regular Minnesotans ran toward the pain and toward the danger and saved many lives. In the days following the disaster, the 364 days preceding today, we have seen an unprecedented unity of effort among all branches of government and levels of government, without regard to party or position. Our single goal has been to raise a new bridge over our old river that we can be proud of and that we can trust, as the pictures shown by my colleague from Minnesota reflect. Our goal has also been to care for those who have been injured, and we have done that.

But this is a day to remember those who have been lost: Greg Joldstad of far northern Kanabec County, a construction worker on the bridge; Sadiya Sahal, her daughter Hana, and her unborn child; Paul Eickstadt of Mounds View, 10 miles north of the bridge; Vera Peck and her son Richard Chit, who had an inseparable bond; Scott Sathers, a young husband of Minneapolis; Peter Hausman, a computer security specialist; Christina Sacorafas, of White Bear Lake; Julia Blackhawk of Savage, MN, 10 miles south of the bridge; Patrick Holms, also from Mounds View; Sherry Engebretsen, a wife, mom, and businesswoman from Shoreview; and Artemio Trinidad-Mena of Minneapolis.

I ask my colleagues to join me in a moment of silence and reflection in their honor.

(Moment of silence observed.)

Madam President, sometimes a meaningful silence is the only answer.

I conclude with the ancient words I have prayed many times this last year, the Hebrew Kaddish, prayed by Jewish mourners for centuries. It ends as follows:

> May there be abundant peace from Heaven and life upon us all and upon all Israel, now say amen. He who makes peace in his heights, may he make peace upon us all and upon his Nation, Israel. Now say amen.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Madam President, we may be hours or a day away from adjourning for the August recess. At the same time, many of us have said there is no more important issue for this Senate to be dealing with than the issue of energy and the price of gas at the pump. For the last year, the American consumer has gone through increasing price shocks as they have seen more and more of their family budget left at the service station or gas station every time they fill the family car. First it was $15, then $20, then $25, then $30, $40, $50, and in some instances now and in certain locations $60 to fill the family car. If that family car is also the vehicle in which they commute to their workplace and they have to fill it several times a week, it has become a dramatic hit on the American family in a way that has now clearly registered in polling across our country and in what we are hearing every day in our phone calls coming in from those distressed Americans out there who are paying more for energy than they ever have before.

That is just one side of the energy equation. Our whole world, our whole economy runs on energy. The cost of that energy in that economy has to be felt—whether it is in the heating of the home or the processing, manufacturing, or growing of food. All segments of our economy feed on energy and feed, basically, on gas or hydrocarbons that are reduced into gas and diesel and oil and plastics and the refining of energy. All of them have also become factors for which the average American—and certainly the average Idahoan—is paying now at a higher price than they have ever paid.

In my great open Western State of Idaho, we travel long distances. The majority of our people do not live downtown, don't live in the suburbs. They live out in the countryside. Going to town is a trip that is not unusual to rack up 50, 60, 70, 80 miles. I grew up on a ranch that was 30 miles from the nearest community. It was not unrealistic, when my mother went to town to acquire groceries or do the family shopping, to travel 60 or 70 or 80 miles in one round trip. That still goes on today in many of our Western States. So the cost for that family has gone up dramatically, also, simply by the character of where we live.

Yet, for the last 2 weeks, in an effort to try to deal with this issue on the floor of the Senate by allowing the offering of amendments that would in many ways cause production to begin once again in this country in locations where we know oil exists today but they have been taken off limits for political reasons—in that debate over the last 2 weeks, the leadership, the Democratic Party, the majority leader has stopped us from doing so on at least six different occasions.

Why, I am not sure—why any leadership of the great Senate would stop this Senate from doing what the American consumer and the American voter are asking for is largely beyond me. I could speculate—and I have, on numerous occasions, in speeches on the floor over the last several weeks, as have my colleagues. But one thing is clear: On six occasions, the majority leader, the Democratic leader, has said: No, we will not proceed to offer amendments to allow or to cause this country to become once again a producing nation.

Now we are about ready to try a seventh time. I am told that on the Defense Authorization Act, cloture has been filed. That is a procedure we use here in the Senate ultimately to force a vote on whether we will proceed to go to Defense authorization. We could vote on that today if we all agreed or we could vote on it tomorrow, as the cloture motion ripens—the term we use here in the Senate when all time has run out. I know what our vote is going to be. As important as Defense authorization is, we are going to say no. There is something even more important today to every American than that Defense authorization; that is, the price of energy at the pump which is literally sucking the family budget dry.

What do we do? My guess is we are going to adjourn for the August recess having done nothing. Every Senator here is going to go home. I hope they go home to explain to their voters and to their State why they would not vote for increased production; why they will not allow this great country of ours to get in the business of producing energy once again.

The President has responded. He removed the moratoria he had placed on Outer Continental Shelf drilling. Prices dropped a little as a result of that. Yesterday, the Interior Department initiated a 5-year oil and gas leasing program for the OCS. They are preparing, if we act, to expedite and allow these areas in which we believe production can go on to go on there sooner. We have heard the argument

here on the floor that it is 5 or 6 or 7 years away. No, it is not. In many areas, it could be as short as 2 or 3 years. And the anticipation of coming into the market in 2 or 3 years, in nearly everyone's opinion who understands oil markets—they would tell you it would bring the price of that product down now in the market.

The price already is coming down—not because of our actions but because of a beleaguered consumer out there who simply cannot afford the price anymore. That consumer and his or her family are already making decisions to shrink their travel and shrink their gas budgets. They are doing so.

In the last 4 months comparable to the 4 months of a year ago, the American family has driven 40 billion fewer miles. They didn't want to, they didn't want to alter their lifestyle, but they did. The reason they did is they just simply did not have the money to go forward. The price began to drop. Across America today, the gas price in many States has now dropped below $4 a gallon.

You see the marketplace is out there, and what we have said about supply and demand is true in the market even though here in the Senate the action to deny production is to deny that the marketplace exists. What is going on today across America is living proof that market exists.

What can we do? If we were able to act as we have asked our majority leader here in the Senate to allow us to do, we could gain access to what we believe is about 30 billion barrels of known oil reserves in the Outer Continental Shelf. We think there is an additional 85 billion barrels of undiscovered resources out there, simply, if we are allowed to explore and develop the resources we know are there that are off limits today—if.

If I were allowed to offer an amendment, here is the amendment I would offer. I would go to what we call the eastern gulf that is now off limits and I would say: 50 miles out from the shoreline along Florida in the eastern gulf, this would be open for leases. We believe there are over 2 billion barrels of oil out there and trillions of cubic feet of gas. Right across here are the pipelines and the infrastructure we could connect to, which would go into the refining areas in Louisiana and Texas.

Doesn't that make sense? Even Floridians who once said: No, we do not want any drilling, are now by their latest polling saying: Yes, we do, because we, too, are going broke at the pump. We want an opportunity to do so.

Of course, what Floridians know is that if oil is discovered here, they will share in the money that comes from it, and that can go into their educational programs and their State budgets and potentially reduce the tax burden on the average Floridian, along with bringing the price of gas down at the pumps in Florida.

I have offered that amendment. I filed that amendment at the desk. Yet the majority leader of the Senate has said no, that amendment will not be offered.

Ultimately, it will be offered. Ultimately, someday the voter is going to say: We have had enough of this. We are not going to stand by and let the Senate of the United States block us from the resources that are ours as a nation, that need to be developed, that can bring the price of energy down.

It is a pretty simple equation and, as many of us have said, this is an interim solution. Many of us have called it a bridge to the future. The Energy Policy Act we passed in 2005, and the new Energy Policy Act we passed in 2007, already the Senate of the United States was recognizing that the day of a nation living exclusively on oil as a form of transportation energy was a day that would ultimately end and that we would invest in hybrids and electric-powered cars and new technologies.

I am very proud, in my State of Idaho, that, in part, we have led those kinds of technologies in our national energy laboratory in Idaho Falls. Hydrogen cars and hydrogen initial combustion vehicles and full-sized electric cars have been experimented with and are being developed at that laboratory and in other facilities across the Nation.

But that is not going to be available tomorrow. It takes billions of dollars and 10 or 15 years for a lot of this new technology to come online and be available to the American consumer. So do we sit idly by and allow the family budget to be drained away? Do we sit idly by and buy from foreign nations the billions of barrels of oil we currently buy from them and pay $1.2 billion a day to a foreign nation and drain not only our family budgets dry but our national treasure?

It is a phenomenal dilemma we have put ourselves in. As you note, I used the word ''we'' put ourselves in because it is folks on the floor of the Senate and the House of Representatives across the Rotunda from us who have put these properties off-limits, who have put Alaska's oil off-limits, all in the name of the environment.

We caused this crisis, and American families now know it. Eighty percent of American families and consumers out there are saying: Congress, fix it. For 3 weeks we have been on the floor trying to do that, and every time we try it, we are denied that opportunity in the raw name of politics.

Well, we are about to go home. I hope in the raw name of politics, America's voters rise and say to their politicians: Go back to Washington and do your work and do it in a way that allows this great Nation of ours to once again become a producing Nation, not just a consuming Nation.

We know the resources are there. Our national geologic survey says they are there. We know they are there because they have been put off-limits in the name of the environment years ago when gas was cheap. But many of us who have worked in this area for a long while said the day would come when there would be a break point and no longer would America be sitting with cheap energy available in an unlimited way. That day is here.

Yet, politically, we are bound up. We cannot move. I guess we will now not move to do what we ought to be doing for the American consumer, acting and allowing these resources to become available so we can develop them in a safe and clean environmental way for the American consumers to use.

This is a challenge for all of us, but it is a challenge we are capable of meeting if we simply surpass the politics of the moment and get on with the business of this great country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, are we in morning business at this point?

The PRESIDING OFFICER. We are on the motion to proceed to S. 3001, and the minority side has the 10 minutes until 1 o'clock.

Mr. WARNER. I ask unanimous consent that I might use a portion of that 10 minutes to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING KOREAN WAR VETERANS

Mr. WARNER. Madam President, this week our Nation, and indeed nations throughout the world, paid our reverence to the men and women of a past generation who fought so valiantly to provide freedom for the Southern portion of the Korean Peninsula. They fought under the Commander In Chief at that time, President Harry Truman, a courageous man.

It has been 55 years since that conflict. Today, the Senate Armed Services Committee held an extensive hearing on the current status of the Korean Peninsula, most specifically the progress we are making, in my judgment, with respect to North Korea.

I played a very modest role in that war as a young Marine Lieutenant, for a period, 1951–1952, but my contribution and participation is of little consequence when you look at the extensive casualties our Nation took in that conflict.

The total deaths were 36,574, the total wounded over 100,000, and 1.7 million-plus men and women in the Armed Forces were in and out of that theater to preserve freedom.

Today, South Korea is a flourishing nation, one with a very strong economy. It ranks, I think, 11th worldwide. It is a partner in world affairs in terms of its strategic importance and, clearly, a participant in trying to secure

freedom for others on that historic peninsula.

I do hope, as the Senate begins to finish its work prior to the August recess, the Chamber will consider the nomination, which I understand is pending, of Kathy Stevens, a career diplomat of many years who has been nominated to become the new Ambassador to South Korea.

I had the privilege of visiting with her, and I certainly felt that, in every respect, she is eminently qualified to take this important post.

I wish to thank Ambassador Hill this morning, because he addressed a number of issues, most notably the question of the deprivation of basic human rights by North Korea to so many of its citizens. I support Ambassador Hill in his endeavor, and colleagues on both sides who, in the course of the hearing this morning, expressed our concerns about the human rights of individuals in North Korea and the environs. Senator BROWNBACK, an internationally recognized spokesman on behalf of human rights, took an active role in today's hearing.

I wish to note that Senator MIKULSKI and Senator CARDIN from Maryland, Congressman STENY HOYER, and I met with a group of Korean war veterans who came to the Hill to talk, to memorialize the sacrifices of so many of their fellow service persons of that generation.

I am so humbled and privileged to have had that very modest, brief, tour of service with that generation. My service was inconsequential compared to the extensive loss of life and limb by others during this conflict.

But I do urge America not to forget those who served in Korea. The war is often referred to as the ''forgotten war.'' But they laid the foundation for the current freedoms in South Korea. Indeed, Harry Truman's decision to stop the spread of communism on that peninsula saved other small nations in the region. Today, those countries might not have the freedoms, they now have, had it not been for the sacrifices of the men and women of the U.S. Armed Forces, and other nations fighting under the ''banner'' of the United Nations Organization.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING REVEREND FRED SHUTTLESWORTH

Mr. BROWN. Madam President, a few days ago the Birmingham, AL, airport announced plans to rename the Birmingham International Airport after Reverend Fred Shuttlesworth.

I rise to honor the work of activist, legendary civil rights leader, the Reverend Fred Shuttlesworth. For more than 60 years, Reverend Shuttlesworth has fought passionately for racial equality and social justice in our great country.

Born in Birmingham, AL, Reverend Shuttlesworth became involved in the civil rights movement as a young pastor. He organized sit-ins and boycotts. He challenged the injustice for decades of Birmingham's Jim Crow laws, despite attempts on his life, and there were many by the Ku Klux Klan.

In spite of repeated arrests, attacks by police dogs and firehoses, Reverend Shuttlesworth simply refused to back down. In 1957, Reverend Shuttlesworth joined the efforts with Dr. Martin Luther King, Jr., and Ralph Abernathy to form the Southern Christian Leadership Conference. Members of the SCLC fought side by side to increase educational opportunities, to promote voter registration, and to promoting equality of opportunity for African Americans throughout the country.

In 1961, Reverend Shuttlesworth took up the pastorate of Revelation Baptist Church in Cincinnati, OH, and continued his campaign for racial justice.

Bringing the same fearless opposition to segregation he had displayed in Birmingham, he joined forces with other Black ministers to make William Lovelace the city's first African-American judge.

For greater than a half century, Reverend Shuttlesworth spoke out against injustice. He has worked to increase minority representation in city government, he has expanded minority hiring by the local police department, and worked to improve access to housing in Over-the-Rhine, an area of Cincinnati, for needy families and throughout Hamilton County.

Reverend Shuttlesworth has made great personal sacrifice, risking his life, risking his own health and the health of his family, so every American, without regard to race, would have access to equal opportunity to succeed.

I announced my campaign for the Senate in 2005 at the church of Reverend Shuttlesworth in Cincinnati. I consider him a friend. I have met him many times over the last 15 or so years. He took me one day to a small room in his church, a room he called a museum. It was a room dedicated to the civil rights movement. It had so many wonderful examples of his courage, his bravery, his accomplishments, and the accomplishments of so many people he worked with to promote social justice, to promote economic justice, to promote civil and human rights.

For that, I am especially proud of Reverend Shuttlesworth. I am especially proud of the role he plays in Cincinnati, always battling for racial justice. I am proud the Birmingham, AL, airport has named their international airport after the Reverend Fred Shuttlesworth.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHUMER). Without objection, it is so ordered.

ENERGY

Mrs. MCCASKILL. Mr. President, I have been presiding in the chair listening to some of our friends across the aisle talk about oil and gas prices and lamenting that we may go home without taking action. I was blessed to be home yesterday and had the chance to be in rural Missouri. I talked to a lot of people who represent the heart of our country.

I will tell my colleagues what they have figured out. They have learned to look beyond everybody talking about this stuff and to figure out who wants what. This is simple for the American people. All they need to do is ask about the solutions and who wants them.

The Republican Party says there is only one solution. Even with the 68 million acres they are not touching, they only need to have another 10 or 20 million acres and our problems are over. Who wants that? Big oil.

What this town has done for decades is give big oil everything it wants. This administration has given big oil everything it wants. For 25 years, big oil has had its way with the Congress. The solution they are proposing is, once again, giving big oil its way.

I don't know how one can look at today's financial news and not shake their head. ExxonMobil with $12 billion in profits, announced today, in the last 3 months; $11 billion the quarter before. They want to give ExxonMobil another tax break, and they want to give ExxonMobil what they want moving forward.

It is very simple. We got in this mess because the Republican Party continues to do the bidding of big oil. We will only get out of this mess if we turn our back on big oil and start doing what makes sense for the future. If only we had been willing to say no to big oil in 2000, 2001, 2002, 2003, 2004, and 2005, when the Vice President had 40 meetings with big oil executives and one meeting with alternative fuels people.

It is time we say no to big oil. America is sick and tired of being handcuffed by the demands of big oil.

Democrats say no to big oil. We say yes to getting out from underneath big oil. We do that by extending tax credits for solar and wind, to which Republicans keep saying no. Of course, they

keep saying no to that; big oil doesn't want that. They called big oil. Big oil said no; they say no.

We say: Let's do more alternatives and invest in technologies that will rid us of our dependence on foreign oil. America has 2 or 3 percent of the world's oil and she consumes 25 percent. We will never drill our way out of this. The only way we will find relief for the American public is to say no to big oil.

It is time. They to have muster the courage. The sky will not fall if they will only stand and say, for the first time on that side of the aisle, no to big oil.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

NATIONAL INFRASTRUCTURE

Mr. DODD. Madam President, I come to the floor today to remember the terrible tragedy that occurred 1 year ago tomorrow in Minneapolis, MN, when the bridge carrying Interstate 35W over the Mississippi River near downtown Minneapolis abruptly collapsed during the evening rush hour. At least 50 vehicles plunged some 60 feet into the Mississippi River, killing 13 people and injuring dozens more.

As we approach the anniversary of this devastating event, my thoughts and prayers and those, I know, of all our colleagues are with the victims and their families, with Senator KLOBUCHAR, our colleague, Senator COLEMAN, Representative ELLISON, whose district the bridge is in, and all those affected by this terrible tragedy.

The people of my own State of Connecticut can sympathize in a direct way with the people of Minnesota, as they prepare to remember: 25 years ago, a bridge carrying Interstate 95—the main thoroughfare along the east coast of the United States—over the Mianus River in Greenwich, CT, abruptly collapsed in the early afternoon. Four vehicles plunged into the Mianus River, three people lost their lives, and others sustained serious injuries. It remains one of the worst transportation disasters in my small State's history.

The tragedy in Minnesota is the most recent example of our national infrastructure crumbling before our very eyes. Indeed, this is not a problem that only affects Minneapolis or Connecticut or—in the case of last year's steampipe eruption—New York City. These are problems affecting every single State, every single county, every single community in our Nation from San Diego, CA, to Bangor, ME.

For far too long, we have taken all our infrastructure systems—our roads, bridges, mass transit systems, drinking water systems, wastewater systems, public housing properties—for granted. For far too long, we have failed to invest adequately in their long-term sustainability. Today, we find ourselves in a precarious position concerning their future viability—a precarious position that is costing lives and jeopardizing the high quality of life we have come to enjoy and expect as American citizens.

The Federal Highway Administration estimates that 152,000 of the Nation's bridges are either structurally deficient or functionally obsolete. Put another way, one out of every four bridges in our Nation is in a state of serious disrepair. The American Association of State Highway and Transportation Officials estimates it would cost some $140 billion just to repair the 152,000 bridges that are in that condition.

The life-threatening problems are not confined to bridges. The National Highway Traffic Safety Administration reports that approximately 14,000 Americans die each year, at least in part, because our roads and bridges are no longer up to the task.

Congestion on our highways causes tons of carbon dioxide and other pollutants to be pumped into the atmosphere every day. These emissions compromise the health of children and adults and contribute to global warming, which poses immense risks to the future of all of us. This congestion on our highways stems from the absence of mass transit systems or other adequate means to move people.

Tens of millions of Americans receive drinking water in their homes every day from pipes that are, on average, over 100 years old. In our Nation's capital city, in the area of Georgetown—one of the city's most affluent neighborhoods—wastewater is still conveyed through wooden sewage pipes constructed in the 19th century.

In the city of Milwaukee, over 400,000 people were sickened several years ago with flu-like symptoms caused by a strain of bacteria in the municipal drinking water system of that community. The bacteria strain was eventually linked to inadequate treatment of the drinking water.

It is not just our health and safety that is affected by our crumbling infrastructure; in fact, our national prosperity is at stake. From the days of the Roman aqueducts to the present, a nation's ability to grow and prosper has always relied upon its ability to effectively move people, goods, and information.

Ask any American today how we are doing in achieving this objective, and chances are the response would be the same: We are not doing very well, and we could be doing substantially better.

When the average American spends 51.5 hours a year—more than 2 full days of one's life, per year—stuck in traffic congestion, then I think we can do better. When one out of three of our roads is in poor, mediocre, or fair condition, then I think all of us would agree we can do better. When the United States invests less than 2 percent of its gross domestic product on infrastructure, while nations such as China and India—the major competitors of this country in the 21st century—invest between 7 and 12 percent, then I think all of us recognize we need to do better or we are going to find our country in a very weakened position very quickly. Infrastructure is not something you can correct overnight. The investments need to be made. It takes time to do it right. We are almost to the second decade of this century, and we remain way behind in this area.

Tomorrow is also the 1-year anniversary of the introduction of the National Infrastructure Bank Act that I have offered along with Senator CHUCK HAGEL of Nebraska. It is a bipartisan bill that has gained a number of cosponsors over the last year, and we would like more.

The Infrastructure Bank would establish a unique and powerful public-private partnership to restore our Nation's infrastructure. Using limited Federal resources, it would leverage the significant resources, both at home and abroad, of the private sector. If we don't talk about how we are going to finance this, it is not going to happen.

Madam President, I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. We need to come up with a financing mechanism. We all understand the need for doing this. I think all of us recognize as well that we are not going to talk about doing this out of the appropriations process alone. There are not enough resources there to meet the $1.6 trillion currently needed to repair decaying infrastructure. We need a better mechanism to finance this. Senator HAGEL of Nebraska and I have worked with the Center for Strategic and International Studies over the last 2½ years, along with Senator Bob Kerrey, the former Senator of Nebraska; Warren Rudman, the former Senator of New Hampshire; Felix Rohatyn, a well-known business individual from New York who is almost certainly responsible for getting New York City back on its feet years ago; and John Hamre, a former official at the Defense Department, and we have constructed a means by which a limited amount of Federal dollars could attract massive amounts of private capital to allow us to really begin this work.

Absent some idea like this—and we think this is a good one—then year

after year we can give speeches about our infrastructure, but nothing much will happen. This bill is designed to deal with regional and national needs, not local ones. We leave those up to the local municipalities.

We need to once again recognize that to grow as a people, to have our economy grow and provide the jobs and fulfill the aspirations and hopes of many Americans, we have to grow as well in our capacity to handle that kind of growth. The infrastructure needs of our Nation are daunting.

So on this tragic anniversary of the events in Minneapolis and the reminder of what occurred in my own State, as well as the recognition of what is occurring every single day all across our Nation, my hope would be that in the coming Congress, whether we are talking about a McCain administration or an Obama administration, that infrastructure would be a high priority for our country, that we get on that track together, as Democrats and Republicans, and come up with some creative ideas on how we can invest in this needed aspect of our economy.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Louisiana is recognized.

ENERGY

Mr. VITTER. Mr. President, I rise to urge action on what is clearly the single top priority, the single top challenge for American families; that is, sky-high gasoline prices and energy prices.

In the real world, in every State of the Union, families are struggling with this enormous additional burden. Gasoline prices, the prices at the pump—all energy prices have obviously gone through the roof in the last several months. Yet, even faced with this true crisis, even faced with this outpouring of hurt on the part of the American people and call for action, we are not yet acting. We are not yet acting as grownups. We are not yet coming together. We are not yet acting on the issue. I urge us to do just that and to simply act in a full, bipartisan, and balanced way on what is clearly the single biggest challenge facing Louisiana and all American families.

The good news is that at least there has been an energy-related bill on the floor of the Senate which has been the pending business that I think goes back to Tuesday, July 22—almost 2 full legislative weeks ago. The bad news is the distinguished majority leader has blocked all attempts to have an open debate and an open amendment process about energy.

That bill—his bill—about the limited issue of speculation—and I urge us to act on speculation, but we clearly must act on other things as well—that speculation-only bill has been the business at hand on the floor of the Senate for almost 2 legislative weeks, and yet we haven't had a single amendment considered, certainly not a single vote on an amendment. What an enormous lost opportunity. What an enormous example of pure obstructionism in Washington and the sort of gridlock people are sick and tired of when the country truly faces a crisis. American families face enormous challenges based on energy prices. We need that real debate. We need that open amendment process. We need to act as grownups. We need to come together and act on energy.

It is in that vein that I suggest two very specific things. First of all, in less than 24 hours, I assume there is going to be some move for us to go home for August. I don't think we should until and unless we take some reasonable action on energy. I believe it is a derogation of our responsibility to go home for any length of time when this crisis is hanging out there and this institution is failing to act. I think we should stay here and work. We should stay here and act in a fair and in a balanced way.

We should consider a host of issues—yes, including speculation, but also fundamental issues that go to supply and demand on both sides of that equation: conservation, yes; greater fuel efficiency, yes; new technology, yes; renewable sources of energy and alternative sources of energy, yes. Also, we should be doing something on the supply side: finding more here at home and using our resources we do have right here at home. So I am against going home, going off on vacation, going on the August recess—however you want to put it—when we are not acting on the top priority and concern of the American people.

Secondly, I certainly oppose moving off this topic, which has been what the distinguished majority has tried to get us to do over and over again. We will have an upcoming vote—his latest attempt to get us off this topic. He has filed a motion to invoke cloture to proceed to the Defense authorization bill. Defense is an extremely important issue, particularly in this time of war and terrorist threat. However, I can tell my colleagues the reaction the American people have to this choice of energy versus Defense authorization. They have the same reaction I have: Staying on energy, acting on energy in a meaningful, bold, positive, balanced way, is the single most important thing we can do to improve our security, to improve our defenses. Quite frankly, that is far more important for national security and for defense than any Defense authorization bill. So surely we should reject that attempt to move off the subject to take this vote and move to the Defense authorization bill when the single biggest issue that not only faces American families and hits their pocketbooks but also the single biggest national security issue is energy.

So, again, I urge us to reject that attempt once again to move off the subject. We need to stay on energy but, more importantly, we need to act on energy. We need to reject that cloture vote. I urge us to stay here and work and act rather than go off on any August recess. We must address this crucial energy issue.

As so many of my colleagues, I have important amendments on the topic. I specifically filed seven amendments. Those amendments address a number of key issues and a number of key questions, but they are balanced. They are not just about drilling because we can't just drill our way out of the problem. They have us use less and find more at the same time. That is exactly the sort of balanced approach we need, as I said a few minutes ago. Yes, use less. Yes to conservation. Yes to greater efficiency standards. Yes to new technology. Yes to renewables. Yes to biofuels. Yes to alternative fuels. Also, at the same time, yes to accessing greater supply right here at home, to accessing that energy we have here offshore, in Western States in shale deposits and elsewhere, to help ourselves rather than have to go beg, hat in hand, to Middle Eastern countries to cut us a break. We need to do all of the above. We need to act on the demand side and the supply side to stabilize, bring down prices, and help American families with this, their top challenge and their top concern.

I have seven amendments. Unfortunately, under the rules of the game that the distinguished majority leader has laid out, I haven't come near any opportunity to call any of those amendments up, and certainly I have not been able to have a vote on those amendments. The majority leader at one point offered four votes on the entire issue; none of them would have been on my amendments. He then rescinded that offer, so we are back to an offer of zero amendments and zero amendment votes.

Let's get serious about a serious challenge facing American families. Let's not only be on the topic on the Senate floor—so what. Let's act on it in a grownup way, in a bipartisan way, in a balanced way, addressing supply and demand, using less and finding more right here at home. Let's take up not just my amendments but any good ideas for debate and consideration and votes, and let's act on the single greatest challenge facing Louisiana families whom I represent and American families across the Nation. Surely we shouldn't vote to move to any other topic when we still have this tremendous challenge not acted upon.

I think we shouldn't run home for the August recess to vacation or even to talk with our constituents when this enormously important pending business is not acted upon. Let's stay here. Let's work. Let's come together. Let's act for the American people. It is perfectly obvious to them that this is our

greatest national challenge. This is their greatest personal and family challenge as they try to live their real lives in the real world. We have to get that message and act on it here in Congress.

Mr. President, with that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. DOLE. Mr. President, the Federal Government has more acronyms for more Federal agencies that produce more economic statistics than anyone can reasonably be expected to comprehend in a single sitting. We have the Office of Management and Budget, the Congressional Budget Office, the Bureau of Labor Statistics, the Bureau of Economic Analysis—just to name a few.

These agencies produce a wealth of information that we use to inform our policy decisions with facts and expert analysis; but I often find that the best advice I get on matters of public policy comes not from these experts and their reports, but from the wisdom and sincerity of North Carolinians who write to me.

I received a letter recently that I think gets to the heart of our energy debate here in the Senate. It comes from a retiree who is living on a fixed income from his life savings, who resides in Lake Junaluska, North Carolina, a picturesque mountain town of 3,000 situated on a pristine mountain lake. I used to go to church camp there almost every summer when I was growing up.

''Too much energy,'' the letter reads, ''has gone into rhetoric and not enough into actually doing something about it. We have so many brilliant leaders and the ability to make major transformations, so let's concentrate on action and do whatever it takes to reduce our dependence on foreign oil.''

My friend from Lake Junaluska is right. Indeed, too much energy in this energy debate has been spent on partisan rhetoric, and not enough on delivering real solutions to provide Americans with relief from these record high gas prices.

Both sides bring important and worthwhile ideas to this debate. On one side, we see a focus on conservation and cracking down on alleged bad behavior in the energy market. On the other side, we hear more about energy exploration.

There is no ''silver bullet'' that can solve our energy woes. We need every option on the table. We need to throw everything and the kitchen sink at our energy crisis. Conservation. Alternative energy. Energy exploration. Market fairness.

There is no reason we can't develop a comprehensive strategy that includes the best ideas from both sides of this debate.

The bottom line is that high gas prices are driven by too much demand and too little supply. Last year, global demand exceeded global supply by roughly one million barrels per day. Because of that, families in my home State of North Carolina are having to pay 30 percent more to fill their tanks than they did just 1 year ago.

To truly solve this problem, we have to tackle both the demand side and the supply side. We need to find more and use less.

On the demand side, we need to make major investments in alternative energy research and take a crash course in conservation.

That is why I introduced legislation last week to repeal roughly $17 billion in tax breaks to oil companies, and pour that funding into alternative energy research. With the price per barrel of oil at record highs, the market is providing petroleum producers all the incentive they should need to produce more oil. So, that funding would be better spent by investing in alternative sources of energy that are the key to our energy future.

In the near term, we could also help decrease demand by incentivizing the purchase of hybrid and other clean fuel vehicles with point of sale rebates and by investing in better transit systems.

While decreasing demand and investing in alternative and renewable forms of energy is certainly a necessary part of any comprehensive energy solution, it is by no means sufficient. We cannot simply conserve our way to energy independence.

We must also increase supply by making better use of America's vast energy resources. We should open up 2,000 out of 19.6 million acres in ANWR to energy exploration. We should capitalize on our immense oil shale reserves, which could produce three times as much oil as Saudi Arabia's proven reserves. And we should also allow the States decide whether or not to permit offshore energy exploration at least 50 miles off their shores on the Outer Continental Shelf, where we could gain access to billions of barrels of oil.

Of course, some will argue that bringing these energy resources online will take years to complete, and won't help provide the immediate relief that folks need. But, if anything, that means we cannot afford to let another day pass without pursuing them.

After all, if President Clinton hadn't vetoed legislation in 1995 to allow energy exploration in ANWR, our current energy shortfall would already be reduced by roughly 1 million barrels per day.

To provide immediate relief, we can release one-third of the strategic petroleum reserve to inject some much-needed supply into the markets, which will drive down prices in the near term and send a signal to market speculators that the American Government is dead serious about lowering gas prices.

Because of enormous and unprecedented economic growth in developing countries like India and China, it is imperative that in this debate we keep our eyes fixed firmly on the ultimate goal of ending our dependence on foreign oil altogether. Facing an ever-dwindling global supply of oil and ever-increasing global demand for energy, this is not a goal or a debate that we can take lightly. When it comes to securing America's energy future, partisan politics need not apply.

To lower gas prices and reach our ultimate goal of energy independence, we need every option on the table—everything and the kitchen sink.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 3044

Mr. REID. Mr. President, 92 times this session, which is now in its 19th month, Senate Republicans have filibustered critical legislation, everything and anything to maintain the status quo. Of course, it is an all-time record, 92 filibusters. It is more than 100 percent of what has been done in a full Congress—that is 2 years—and this has been done in a year and a half.

For those unfamiliar with the language of the Senate, a filibuster is a stall tactic to give a Senator more time, but it prevents the Senate from debating legislation. A filibuster is not a ''no'' vote in the true sense of the word. It is an objection to even having a vote. A filibuster cuts off debate before there can even be a vote. Most importantly, it cuts off negotiation and compromise.

Ninety-two times and more than 100 percent than has ever been done before, Republicans have filibustered America's priorities. Republicans have shown no favoritism on whom their filibusters harm the most. They have filibustered our troops, veterans, children, working families, small businesses, elderly, disabled, and recently stroke victims, those suffering from paralysis, those suffering from Lou Gehrig's disease. The list is endless. Not a single American has escaped the harm of a Republican filibuster in this, the 110th Congress.

Perhaps our country has been most damaged by Republicans blocking us

from addressing the energy crisis. CNN issued the results of a poll they took over a couple days very recently. Here is how the American people feel about major causes of high gas prices:

No. 1, U.S. oil companies. Is that any surprise with the record profits being reported today by Exxon?

No. 2, foreign oil producers, OPEC mainly.

And, of course, speculators.

One, oil companies; two, oil producers; three, speculators, and new demand from other countries, and the American people are very perceptive. We know there is a tremendous demand from India and China.

No. 5, a major cause of higher gas prices, the Bush administration.

No. 6, the war in Iraq.

So if you only heard the faint outrage of our Republican colleagues, you might think it is the Democrats who spent the past 2 years blocking every effort to lower gas prices and reduce our dependence on oil. But the exact opposite is true. Republicans may talk about high gas prices and oil prices today, but they are late to the party and they have shown up empty-handed.

The one idea they have come up with lately is more coastline drilling. But we all know it won't have any significant impact on prices, and some say in more than 20 years. That is according to the Bush-Cheney administration, which says the change in price will be in the year 2027.

Yesterday, in the New York Times and in newspapers all over America, the most syndicated columnist in America, Tom Friedman, wrote as follows:

> Republicans have become so obsessed with the notion that we can drill our way out of the current energy crisis that reopening our coastal waters to offshore drilling has become their answer for every energy question.
>
> Anyone who looks at the growth of middle classes around the world and their rising demands for natural resources, plus the dangers of the climate change driven by our addiction to fossil fuels, can see clean renewable energy—wind, solar, nuclear, and stuff we haven't yet invented—is going to be the next great global industry. It has to be if we are going to grow in a stable way.

Friedman went on to say:

> Therefore, the country that most owns the clean power industry is going to most own the next great technological breakthrough—the ET revolution, the energy technology revolution—and create millions of jobs and thousands of new businesses, just like the IT revolution did.
>
> Republicans, by mindlessly repeating their offshore-drilling mantra, focusing on a 19th-century fuel, remind me of someone back in 1980 arguing we should be putting all our money into making more and cheaper IBM Selectric typewriters—and forget about these things called the "PC" and "the Internet." It is a strategy for making America a second-rate power and economy.

He is not only the most well-read and the most well-spread columnist in America today but a man who is a prize winner for his best selling books, and his books are so tremendous because they see the world as it is going to be, not as it now is.

Their one idea, more coastline drilling, is not the answer. It is no wonder Senator MCCAIN said the plan was purely psychological, the Republican plan for more coastal drilling is psychological.

This morning we came to the Senate floor. We were going to offer some consent agreements, but the time was inconvenient. I did not want to use leader time and throw off the sequence of time we had. So we are here this afternoon to offer Republicans yet another chance to end their obstruction and do the right thing. We will offer unanimous consent requests on seven Energy bills, each one of which is extremely important, a package of bills that would lower the price we pay at the pump while applying for the long-time transition away from oil and toward clean renewable fuels of the future Tom Friedman talked about.

If past is prolog, Republicans will object to each of these proposals. If they do, and they probably will, it will be clear again for all Americans to see which party wants to only talk about our energy crisis and which party wants to solve it.

The first I would like to offer is S. 3044, the Consumer-First Energy Act. This is a very thoughtful piece of legislation which ends billions of dollars of tax breaks for big oil companies, and if there is ever an opportunity to recognize why they are unnecessary, look at those profits today and what they do with those profits. Do they do new energy exploration? No. Do they invest in renewables? No. They buy back their stock.

It was announced today they made last quarter, Exxon alone, about $12 billion. S. 3044 would force oil companies to invest some of their massive profits in clean, alternative affordable fuels rather than buying back their stock. S. 3044 would protect the American people from price gouging and profiteering. It would also stand up to OPEC countries that are colluding to keep prices high.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 743, S. 3044, the Consumer-First Energy Act; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating to this bill be printed in the RECORD, as if given.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. KYL. Reserving the right to object, this bill does not produce any new American energy and would increase the price of gas at the pump. Further, I agree with Chairman BINGAMAN that a windfall profits tax is "very arbitrary" and "bad policy." For these reasons, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

UNANIMOUS CONSENT REQUEST—ENERGY PRICE REDUCTION AND SECURITY ACT OF 2008

Mr. SCHUMER. Mr. President, I am going to speak about a proposal that has been at the desk for a period of time and was put together by Senator BINGAMAN which deals in a very real way with the issues about which so many of our colleagues on the other side of the floor have talked.

First, it does increase domestic production by giving the Secretary of the Interior the authority to shorten lease terms and raise rental rates, requiring oil companies to comply with benchmarks. It would require the oil companies to drill rather than just hold property for decade after decade and not produce.

It would also bring down prices immediately by selling about 70 million barrels of high-quality light crude in the SPR, replacing it later with low-quality heavier crude.

Mr. President, 90 percent of sales would be invested in LIHEAP. Even more importantly, it reduces demand. First, building codes, 40 percent of our energy is used by cooling and heating buildings. Certain States have put in building codes for decades and dramatically reduced demand. We also have research for batteries, so we might have electric cars and many other provisions.

I cannot go into all of them because time is narrow. Why do my colleagues oppose something so rational? The bottom line is because they want to do what the oil companies want: give them record profits.

What do the oil companies do with those profits? Do they promote alternative energy? Absolutely not. Do they drill domestically? We are hearing all this talk about drill. Look what the oil companies do with their profits. They buy back stock. That is very good if you are a big shareholder in ExxonMobil. It is very bad if you are a homeowner heating your home or a commuter driving your car.

It does no one any good except a handful of people, mostly very well off, to raise ExxonMobil stock, raise Chevron stock, raise BP stock, and not put that money into production.

Our proposal doesn't do what the oil companies want, but it increases production, domestic production, and reduces demand, exactly the slogan that my colleagues are talking about on the other side of the aisle. But it does it in a way not that the oil companies want but that America wants.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a bill authored by Senator BINGAMAN, the Energy Price Reduction and Security Act of 2008, which is at the desk; that the bill be read a third time, passed, and

the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD, as if read.

The PRESIDING OFFICER. Is there objection?

The Republican whip.

Mr. KYL. Mr. President, reserving the right to object, this bill does not open a single new acre for the production of American energy and, in fact, would place new regulations and fees on American energy production, which would raise the price of gas at the pump. For these reasons, I object.

The PRESIDING OFFICER. Objection is heard.

The assistant majority leader.

UNANIMOUS CONSENT REQUEST—S. 3335

Mr. DURBIN. Mr. President, 68 million acres are currently open to the oil and gas companies, Federal land leased to them for oil and gas exploration. You would think, from the position and the statements on the Republican side of the aisle, that there was no land available and that we have to find new opportunities for oil and gas companies. They have 68 million opportunities they are not using today.

Time and time again, over the last several weeks, the position of the Republicans on the energy question has come down to two or three very basic things: First, the Republicans in the Senate and Senator JOHN MCCAIN are stuck on old ideas. Secondly, they can't wait to go hat in hand to big oil—the oil companies—and ask them: What would you like us to do next? Well, the oil companies have a pretty good agenda. Before President Bush and Vice President CHENEY leave town, can you try to find some way to provide even more Federal acreage we can drill on maybe in the future? We want to stock it in our portfolios and get to it another day. Can you make sure you do that before President Bush leaves town?

That is the Republican agenda: More acreage beyond the 68 million they currently have and no vision for the future. It is an old agenda, an old idea. The Grand Old Party is stuck in an old way of thinking when it comes to energy.

The bill I am about to talk about looks to the future. It is a vision for tomorrow. Of course, there is responsible exploration and production—there has to be and there should be—but it realizes that the energy future of America and the world has to be different. We have to get ahead of the curve. As Senator REID said in quoting Thomas Friedman, it is time for us to think of the energy revolution we are about to engage in, one that is going to make a profound difference in our lives.

Twice this week we have given the Republicans a chance to vote for a real energy package. Is it a bipartisan plan? Read this quote from 48 Governors, Democrats and Republicans, across the United States.

> Securing our energy future must be a priority at both the State and Federal levels. We strongly urge you—

They are speaking to the Congress—

> to partner with States by passing legislation on a bipartisan basis to extend expiring renewable energy and energy efficiency tax credits that can be enacted this year.

The Governors understand it. The American people understand it. The Democrats in the Senate understand it. It is only the Republican Senators who continue to object.

Now, what are these incentives? They are incentives for renewable energy that will chart a course for America to find clean energy sources and the creation of new businesses and new jobs so America can again lead the world. The Republicans look in the rearview mirror at drilling for oil because that is where the big oil companies are—their friends, their allies, their inspiration when it comes to energy.

This bill that came before us yesterday brought in five Republican votes. Only 5 out of 49 crossed the aisle and joined us to try to pass it. Not enough. They know it. Coincidentally, four out of five are in tough reelection contests. They understand when they go home that they can't sell this ''drill forever'' and the mentality the Republicans in the Senate have been peddling.

The bill talks about incentives for biomass and hydropower, solar energy, biodiesel, advanced coal, electricity, demonstration plug-in electric cars, battery performance standards, idle reduction units for trucks, and so many other things that move us forward using those nonpolluting renewable sources of energy that are truly our future.

Time and time and time again, the Republicans in the Senate have said no, no to these incentives for renewable energy and no to our future. I will give them a chance this time.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 767, H.R. 6049, the Renewable Energy, Job Creation Act of 2008; that the amendment at the desk, the text of which is S. 3335, be considered and agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The minority whip.

Mr. KYL. Mr. President, reserving the right to object, I ask that the unanimous consent request be modified; that instead of adopting S. 3335 as an amendment, the Senate adopt the McConnell-Grassley substitute which is filed at the desk. This substitute provides the AMT patch, extends all of the traditional tax extenders, some of them with modifications, it extends the many energy tax incentives, provides for Midwest disaster relief, and includes no tax increases.

The PRESIDING OFFICER. Does the Senator modify his request?

Mr. DURBIN. Reserving the right to object, the Republicans, the Grand Old Party that used to be the party of fiscal conservatism, refuses to pay for these tax breaks. We have come up with an approach that is reasonable and accepted by the business community and that puts the tax burden on companies that are shifting jobs overseas. The Republicans can't stand the thought of imposing taxes on companies that are sending American jobs overseas and that is why they object to our bill and that is why I object to their alternative.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. KYL. Mr. President, further reserving the right to object, yesterday, the majority leader said that legislating is the art of compromise, and indeed it is. There has been discussion here about the Grand Old Party—my party, of which I am proud—comparing it to the idea that oil is in the past, that oil is an old idea, we were told, and Republicans are stuck in the past. The Democrats are for renewables.

If you can find me a renewable that runs on wind or on solar, I would be happy to think about the idea. But I do think that since legislating is the art of compromise, we ought to listen to each other's ideas, and that means each side moving off its hard-and-fast position, meeting somewhere in the middle.

Republicans are ready and willing to negotiate a true compromise, and I hope we can instruct our respective staffs to work on compromise during August.

I object to the original request.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota.

UNANIMOUS CONSENT REQUEST—S. 3268

Mr. DORGAN. Mr. President, the pending business of the Senate is S. 3268, the Stop Excessive Energy Speculation Act. That is currently the pending business. That has been objected to. I would like to try, once again, to see if perhaps we can do what every one of us as kids has been told by our parents to do—first things first. We need to do a lot of things and a lot of things well—produce more energy, produce different energy, and conserve more energy. I understand that. I think almost all of us agree with that. But first things first.

We have a broken oil futures market, and let me describe it. Seventy-one percent of those who are trading in the oil futures market are speculators. They don't know about oil. They do not want any oil. They do not want to carry a 5-gallon can of oil. They want to trade paper and make a lot of money.

A couple months ago, the vice president of ExxonMobil says the price of oil should be about $50 or $55 per barrel. The CEO of Marathon Oil has said the same thing. Finally, in testimony before the Congress, Fidel Gheit, 30 years in this business at Oppenheimer and Company—the top energy person at Oppenheimer and Company—said:

There is no shortage of oil. I am absolutely convinced that the price of oil shouldn't be a dime above $55 a barrel.

In speaking of the futures market, he said:

I call it the world's largest gambling hall, open 24/7 and totally unregulated. It's like a highway with no cops and no speed limits and everybody going 120 miles per hour.

The result. The price of gas has doubled in a year. There is nothing in the supply-and-demand relationship of oil that justifies doubling the price in a year. It is because the market is broken and infested now with oil speculators.

We say first things first. We have crafted a bill to try to wring the speculation out of that market and preserve it for ordinary hedging, for which it was originally created.

Mr. President, I ask unanimous consent that the Stop Excessive Energy Speculation Act, that we are recognizing as the pending business, we proceed to the immediate consideration of Calendar No. 882, S. 3268; that the bill be read three times, passed, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Republican whip.

Mr. KYL. Reserving the right to object, this bill does not provide any new American energy, is flawed, and, in fact, the New York Times recently called it a ''misbegotten plan.''

Senate Republicans believe we should continue to work on the bill so it would provide meaningful relief from high gas prices for American families. For this reason, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

UNANIMOUS CONSENT REQUEST—S. 3186

Mrs. MURRAY. Mr. President, no one in this country should have to choose between heating their homes and putting food on the table. But with oil prices rising through the roof, more and more of our low-income families and our seniors today need extra help to stay warm and healthy. The cost of heating oil has risen 162 percent over the last 8 years, and by this winter it will have risen another 41 percent in the last year alone.

As these oil prices have skyrocketed, some regions of the country, including some counties in my home State of Washington, have had to cut back on the amount of heating assistance they can provide to the people who live there. The Seattle Times, our hometown paper in Seattle, is today reporting almost 100,000 people in Washington State alone will pay hundreds of dollars more to heat their homes this winter. Many people are already planning on how they are going to get by without heat because they can't afford it.

Last week, we had a chance in the Senate to double the funding available to help our low-income families and seniors to afford to heat their homes this winter. The Warm in Winter and Cool in Summer Act, which is S. 3186, would have ensured our local governments were able to cover these additional costs and help those who need it most. We were all extremely disappointed that despite the fact that 13 Republican Senators were cosponsors of this legislation, they chose last week to say no, once again, on behalf of big oil.

As we debate the refinements of how we are going to solve the short-term crisis, it seems logical to me that we not leave behind the people who are hurting the most. For seniors, low-income Americans, people who are truly worried, can't we come together on this one issue and solve it as we try to take care of the large energy crisis before us?

Mr. President, I come to the floor today to ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 835, S. 3186, the Warm in Winter and Cool in Summer Act; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The minority whip.

Mr. KYL. Mr. President, reserving the right to object, I ask unanimous consent that the bill be modified to add to the text of Senate amendment No. 5137, the Coleman offshore oil exploration and conservation amendment, so we can address the root cause of high energy prices that are hurting all Americans, particularly low-income Americans.

The PRESIDING OFFICER. Does the Senator wish to so modify her request?

Mrs. MURRAY. Mr. President, I object to that, and I say to our colleagues that, as we continue to debate in this country, in a very clear manner, the different root causes and what we can do, it seems to me, without encumbering this in the larger debate, we ought to be able to at least deal with an oil heating crisis that is going to affect many Americans, and therefore I renew my unanimous consent request as I read it.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, is there objection to my request?

Mrs. MURRAY. Mr. President, I did object, and I renew my original request.

The PRESIDING OFFICER. The Senator from Washington objects.

Mr. KYL. I thank the Chair and I object as well.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, we have a few minutes left until 2:30. I would, rather than take leader time, ask unanimous consent to take another few minutes past 2:30. I would say to my two Republican colleagues on the floor, what we would do is run over, and the next 30 minutes in the next block of Democratic time would be cut by whatever time I use at this time. It will only be a few minutes; otherwise, I will use leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Senator KOHL and Senator SPECTER have been talking quite a bit. They both have visited with me on more than one occasion because they believe they have one of the answers to the problems we have with oil, and that is let's do something about OPEC. It is a cartel, it is a monopoly, and they have no concern for the American people, and they are obviously in violation of antitrust laws. But it is a question of whether American law can take them into consideration.

The legislation introduced by Senator KOHL and Senator SPECTER in the form of S. 879, the No Oil Producing Exporting Cartels Act of 2007, would make OPEC subject to the Sherman Antitrust Act. Why shouldn't they? At the present time, we only have two entities that are exempt from the Sherman Antitrust Act: baseball and insurance companies.

We know how we all feel about insurance companies, and how the American people feel about them, because they violate what would be antitrust laws all the time, but they are not subject to it.

Mr. President, what this legislation is all about is let's have OPEC be subject to the antitrust laws. I agree with Senator SPECTER. I agree with Senator KOHL. This should be something the Senate does.

UNANIMOUS CONSENT REQUEST—H.R. 2264

Therefore, I ask unanimous consent that the Senate proceed to Calendar No. 169, H.R. 2264, that the bill be read three times and passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Is there objection?

Mr. KYL. Mr. President, reserving the right to object, this bill does nothing to increase American energy independence but would increase our reliance on the Middle East. Further, authorizing our Government to sue OPEC could, as Chairman BINGAMAN said, ''get us into all kinds of trouble internationally'' and ''is not practical.''

For these reasons, I object.

Mr. DORGAN. Mr. President, I say to the majority leader, I yielded 8 minutes to the Senator from Minnesota today in order that his statement could be coterminous with Senator KLOBUCHAR. If you don't mind, this is the last unanimous consent request—and let me do that by saying I think all of us in this Chamber understand the way you produce energy, and we support virtually every mechanism and approach to produce energy. Drilling for oil is one of them. But drilling a hole in the ground is not the only way you produce energy. You can use turbine and blades to produce energy from the wind and produce electricity. You can take energy from the Sun and produce electricity. There is biomass and biofuels. There are many ways to produce.

The problem is we do not aspire to set any national goal or national standard to require or to push that production of alternative energy.

I think we need something around here that is game changing. Every 10 or 15 years people are content to shuffle on the floor and talk about what do we do about the next box canyon we have ridden in. Then they say let's drill some more. I am all for drilling, but what about other ways of producing energy, wind and solar and the alternatives?

I am going to offer a unanimous consent request on an issue that has been kicking around for a long time. I know some people oppose it strongly. I respect their views but respectfully they are wrong. We ought to have a national standard—many States now have it—to provide a renewable energy standard, saying when you are producing electricity, a certain percentage of that should come from renewable sources.

This proposal at the desk requires a 15-percent renewable energy standard. If we are ever going to change the game, we have to do this by deciding that America is going to produce energy and produce different energy. So this would be a 15-percent renewable energy standard. Many States have taken the lead. I regret they have had to take the lead, but we ought to have a national set of goals and a national standard to say there are a lot of ways to produce. This is about producing energy for this country.

UNANIMOUS CONSENT REQUEST—H.R. 6049

I ask unanimous consent the Senate proceed to the immediate consideration of a bill to establish the renewable electricity standard which is at the desk, that the bill be read three times and passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, reserving the right to object, we need more energy production to reduce costs. Republicans support it, Democrats do not. Tom Friedman, quoted by the Democratic leaders, is right about one thing, Republicans want more offshore drilling. Democrats do not.

Second, and I respectfully correct the majority leader in this, Senator MCCAIN did not say offshore drilling is only psychological. He advocates more offshore drilling both because of the energy it would produce and also because, he said, it would have a positive psychological impact on energy markets.

This would increase heating and cooling costs for American homes. For that reason, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, the last half hour or so has been a microcosm of the 18 months of this Congress. Time and time again, Democrats have offered solutions to our energy crisis. Each time Republicans have objected. They have not come up with answers to specific objections to try to reach any sort of compromise. Basically, they said no. After 18 months of ignoring our energy crisis, and rejecting every Democratic effort—and we have talked about some of them today—they now claim to have seen the light. After a year and a half, all they want to talk about is gas prices. But as we have seen, all they want to do is, as I refer to part of what Thomas Friedman said:

> Republicans, by mindlessly repeating their offshore-drilling mantra, focusing on a 19th century fuel, remind me of someone back in 1980 arguing that we should be putting all of our money into making more and cheaper IBM Selectric typewriters—and forget about these things called the ''PC'' and ''the Internet.'' It is a strategy for making America a second-rate power and economy.

I did not hear JOHN MCCAIN say drilling was psychological. All I did was read it in the press. It has been repeated time and time again.

I would finally say, we believe in domestic production. We Democrats, all 51 of us, believe there should be more American production. There are ways of accomplishing that. We know we cannot drill our way out of the problems we have, but there are things we can do and we want to work to have that accomplished. We have seen that set forth in legislation that Senator BINGAMAN has offered. Of course we talk about the 68 million acres—that was, of course, talked about here during this half hour—but we also are aware of the ability the President has today to offer leases to oil-rich areas in Alaska, onshore and offshore.

We believe in more domestic production. We call it American production. Hopefully the August recess will bring some ability of our friends on the other side of the aisle to start working with us. I hope we are going to see, a bit later today or tomorrow, a vote on a motion to proceed to the Defense authorization bill. That would be too bad, to have Republicans vote against that. That is the way we pay our troops and we refine what we do for our troops. It is a very important bill, led by two of the Senate's fine Senators, Senator LEVIN and Senator WARNER, chairman and ranking member of the committee.

We are 5 minutes over. I express my appreciation to my friends for being patient. If you care to, you can go over 5 minutes and we will take 25 minutes in our half hour. OK?

Mr. DOMENICI. Yes. I thank the leader.

Mr. MCCONNELL. Mr. President, are we in a quorum call?

The PRESIDING OFFICER. We are not. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, we had hoped to make significant progress over the last week or two to begin to address the most important issue in the country, and that is the price of gas at the pump. Regretfully, it seems we are bogged down here in trying to move ahead. So in order to try to facilitate progress, I have notified my friends on the other side that we intend to propound a number of consent agreements that virtually every Member of my conference believes would move us in the right direction and begin to address the No. 1 issue in the country.

UNANIMOUS CONSENT REQUEST—AMENDMENT NO. 5137

In that regard, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate bill to address drilling in the Outer Continental Shelf, the text of which is identical to the amendment No. 5137, filed by Senator COLEMAN to the Energy bill.

I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, reserving the right to object, the reality is the Democrats have been in favor of drilling in the Outer Continental Shelf in places such as the gulf coast, including votes we took here on a bipartisan basis 2 years ago. The reality is the Republican proposal here will not do anything in terms of addressing the gas price issue which we are facing here today because it will not be effective in bringing down the price of gas. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, I know the Senator from Minnesota is on the floor. The amendment I propounded in the form of a consent agreement was essentially the Coleman proposal to

open the Outer Continental Shelf. It was not geared to any particular price of gasoline at the pump. But I renew consent for the very same proposed consent agreement with one modification—that the enactment date is triggered when the price of gasoline reaches $4.50 a gallon.

The PRESIDING OFFICER. Is there objection?

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, reserving the right to object for the same reasons we stated earlier, this again is creating a phantom solution to the reality of the energy crisis and the energy crisis we face as a Nation, and therefore I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, our good friends on the other side of the aisle apparently do not believe $4.50 a gallon gasoline is sufficient emergency to open the Outer Continental Shelf, those portions of it that are currently off limits which—by the way, 85 percent of the Outer Continental Shelf is currently off limits. I renew my consent agreement with the following modification, that the enactment date is triggered when the price of gasoline reaches $5 a gallon.

The PRESIDING OFFICER. Is there objection?

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, reserving the right to object, and I will object again, it is a phantom solution, and therefore I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, if $5 a gallon gasoline is not an emergency, I am compelled to ask what is the definition of an emergency? Maybe it is $7.50 a gallon gasoline. Therefore, I renew my consent request with the following modification: that the enactment date which triggered the implementation of the amendment would occur when the price of gasoline reaches $7.50 a gallon.

The PRESIDING OFFICER. Is there objection?

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, reserving the right to object, it is clear the Republican leader wants to move forward with the opening of places in the Outer Continental Shelf. I would say, on the Democratic side, there are a number of us who supported opening places in the Outer Continent Shelf, including additional significant acreage in the Gulf of Mexico, the 8 million acres that were part of the lease sale 181. We also know there are hundreds of millions of acres in Alaska that are not in a moratoria area, on which we support exploration and inventory of those places. What we are doing here with those triggers being proposed by the Republican leader again is not getting to real solutions that deal with the energy crisis we have and not coming together in a bipartisan way to move forward to have a package of energy legislation that would work for America. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, I am going to propound my consent agreement with a modification one more time and then I am going to engage in a colloquy with Senator COLEMAN. It is his amendment that he had hoped to offer, which I initially offered consent that we take up. Then these additional amendments were a different trigger, these additional consents were with a different trigger. I say to my friend from Minnesota, I will give our friends on the other side one more opportunity to maybe get their attention. Then we will discuss the amendment of the Senator from Minnesota.

Mr. President, I renew my request with the modification that the trigger be $10 a gallon at the pump.

The PRESIDING OFFICER. Is there objection?

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, if we were moving forward with a package of energy legislation that would address the fundamental national security, economic security, and environmental security issues we are facing, and this were part of that kind of package, this might be very well worthy of consideration, including some of the triggers that have been mentioned. But it is clear to me this is another one of the tactics that essentially is wanting to get this Senate and this Congress to the point where we simply are not going to be able to get to a bipartisan energy package, and so I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. We know why we cannot get to a bipartisan energy package. The American people are saying—some 70 percent of them—that we ought to open the Outer Continental Shelf, those portions that are currently off limits, and it is my understanding that 85 percent of the Outer Continental Shelf is currently off limits. I have been proposing a series of consents, basically drafted consistent with the Coleman amendment that would have been offered had we had a chance to offer it.

I would ask my friend from Minnesota if he would describe his proposal?

Mr. COLEMAN. Mr. President, I would say to the Republican Leader, first, I want to make it clear that if I understand the objection, the Republican leader has offered an amendment that if gas reaches $10 a gallon, more than double the record levels, the other side is objecting to opening areas of the Outer Continental Shelf, areas that would yield at least 14.3 billion barrels of oil and 55.3 trillion cubic feet of natural gas at a minimum—at a minimum; there are other estimates that say if we opened all of these areas, up to 80 billion gallons of gas.

So I understand the objection and that as a result of that objection, we cannot move forward on increasing the supply of oil, that we cannot then move forward and open these areas on the Outer Continental Shelf that could yield at a minimum over 14 billion barrels of oil. Is that the result of the objection placed by the majority?

Mr. MCCONNELL. I say to my friend from Minnesota, I think he has it entirely correct. I have offered a series of consent agreements here to give us an opportunity to take up and pass the Coleman proposal with differing triggers, starting at $4.50 a gallon and going up to $10 a gallon. Our friends on the other side have objected to passing legislation even with those ascending triggers, leading me to believe there is opposition on the other side to opening the Outer Continental Shelf, 85 percent of which is currently off limits—and over 70 percent of the American people support that—even if gasoline reaches $10 a gallon.

Mr. COLEMAN. Mr. President, I would note to the leader that, by the way, the Coleman-Domenici amendment also has conservation pieces in it. I believe we will discuss that later.

But as I listen to the objection from my friend from Colorado, talking about phantom solutions as we look at the issue of the rising price of oil, I think there is bipartisan understanding that part of the problem is the basic law of supply and demand; that demand is increasing, and if you want to somehow affect demand, I would take it that the supply piece is the other piece. And as I understand the Coleman amendment, this is an opportunity to increase supply.

I would also note that part of the discussion has been about the issue of speculation, that there is money going into believing that oil is going to be scarce in the future, and that is somehow driving up the price of oil today. I would ask, then, if, in fact, we would open the Outer Continental Shelf, that we would increase supply, finding more oil of at least 14 to 15 billion barrels, would that not indicate that in the future there will be less scarcity because we are increasing supply, and would it make common sense that if there is going to be less scarcity, more supply, we are going to tap into America's resources, that would have an impact on the price of gas today?

Mr. MCCONNELL. I say to my friend from Minnesota, it makes sense that if you were betting on the future, so to speak, which I guess is what the futures market does, if there were signs

of optimism, an indication that the United States of America was going to do something within its boundaries to deal with this problem, it is reasonable to expect that the markets would respond favorably.

I might add—it was not alluded to specifically by my friend from Minnesota, but I might add that the underlying bill which we have been seeking to amend is actually opposed by the New York Times, the most liberal newspaper in America, as being ineffectual and actually making the matter worse. So clearly doing that alone runs the risk, according to the New York Times, of destroying or at least adversely impacting one of America's great markets. But also refusing to amend it to allow such reasonable proposals as the Coleman amendment means we would be making an ineffectual response to the issue that is the most important issue in the country.

Mr. COLEMAN. Mr. President, I have one more observation. First, I do wish to make it clear that when the Republican leader talks about the underlying bill, he is talking about the majority proposal on speculation, a proposal that does not do anything to increase production?

Mr. MCCONNELL. Yes.

Mr. COLEMAN. A proposal that does nothing to deal with more conservation? A proposal that suggests it is going to focus on speculation only, and that is what the New York Times says would actually do more harm than good?

Mr. MCCONNELL. The Senator from Minnesota is entirely correct.

Mr. COLEMAN. Mr. President, I would note that this issue of speculation is something that has come before the Permanent Subcommittee on Investigations on which I am now ranking member and I was, in the past Congress, the chair. We looked at this issue. It has come before Homeland Security, a committee that works on a very bipartisan basis. I would tell the Republican leader that at least one of the witnesses has come forward and said: If we do all we can do, if we do conservation, if we let the world know we are serious about ending our addiction to foreign oil, that we are serious about not being held hostage to what Saudi sheiks or Chavez or Ahmadinejad does, the suggestion is that prices could drop like a rock.

I am not going to suggest that I know. I would not suggest to the Republican leader that in fact they will drop like a rock. But common sense says that if we increase production, if we do those things, tell the world that we are not going to be stuck with scarcity, that we are going to use the great power of America to tap into our resources, that, in fact, would have an impact.

I would also note, for those who say it is only going to have an impact in the future, would that be such a bad thing, for this Congress to be looking forward to the future? We are going to have this debate 10 years from now if we do not do anything. In 10 years, we will be saying: If only 10 years ago we had opened the Outer Continental Shelf, we might today not be 80 or 90 percent dependent on foreign oil. I would suggest that we have the debate now.

One final comment. We have not talked much about the issue of natural gas. I represent a State which is cold. The Presiding Officer represents a State that gets very cold in the winter. I would suggest that we are going to come back here in September, and the cost of heating our homes is going to start to go up as the leaves turn color and the temperature starts to drop. By October, the snows may hit. By November, they actually may be here. In December and January, it is going to be below zero. And the price of natural gas is going through the roof.

My farmers in Minnesota have trouble today buying fertilizer and will next year because folks will not speculate on what the price of natural gas will be.

I would then ask the Republican leader, that in objecting to the Coleman-Domenici proposal, the majority is not only stopping the possibility of tapping into billions of gallons of oil but also trillions of cubic feet of natural gas, a market that is much more susceptible in the short term to increases of supply.

Is that the result of the Democratic objection, that we are not going to be able to tap into this and tell the world that there are trillions of cubic feet of natural gas available, and I cannot tell my folks in Minnesota, when it is cold in November and December and prices shoot through the roof, that we were not able to act because the Democrats objected to the unanimous consent offered by the Republican leader.

Mr. MCCONNELL. Well, my friend from Minnesota is entirely correct. I learned from the distinguished Senator from New Mexico, who has been our leader on energy issues for a number of years, that we can be entirely independent and sufficient in natural gas. We have enough here in the United States, if we would simply go get it, to take care of our natural gas needs.

So, yes, we are walling off natural gas as well as oil, exacerbating all of these problems, driving up the price of fertilizer and every other product in which natural gas is used, refusing to exploit our own resources. It strikes the American people, and we know that by looking at all of the public opinion polls. It is not making any sense at all.

I thank my friend from Minnesota for his observations.

Mr. President, it is not only offshore that we have enormous potential to increase our production. It has been estimated that we have three times the reserves of Saudi Arabia right here in our country onshore in oil shale.

Last year, this new Democratic Congress passed a moratorium on going forward with oil shale research and development. I think that moratorium was a foolish thing to do. It should be lifted.

UNANIMOUS CONSENT REQUEST—AMENDMENT NO. 5253

I ask unanimous consent that the Senate proceed to the immediate consideration of the Senate bill to address oil shale leasing, the text of which is identical to amendment No. 5253 filed by Senator ALLARD to the Energy bill.

I would further ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. SALAZAR. Mr. President, reserving the right to object, I would remind the Republican leader that even the oil companies—Chevron Oil—have said we do not even know whether the technology is out there to be able to develop oil shale. At the earliest, it is 2015, 2016 when we will know that. We had the Assistant Secretary of the Department of Interior, and in his testimony before the Energy Committee, he said the same thing.

So the consequences of moving forward with the legislative proposals propounded here by the Republican leader essentially would do nothing more than to lock up millions of acres of land and millions of barrels of reserves to oil companies that already are getting the highest record profits of any company in the history of the world. That includes companies such as Shell, which reported a 33-percent increase in its second-quarter profit on Thursday, Exxon, and all the rest of the oil companies.

So if this is about giving the national public resources away to the oil companies, then I would say we should support the Republican leader's unanimous consent. But it is not about that, it is about creating a new energy frontier for America. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, I see the Senator from New Hampshire is on his feet with some observations about this objection.

Mr. GREGG. I guess I am a little surprised at the objection. The first objection to your first amendment was that we did not have a comprehensive approach. Now you suggested another approach; we would add to a comprehensive approach that appears to be objected to.

The gravamen of the objection appears to be that we do not know if we can produce oil shale, oil from oil

shale; that the technology and the location of the oil shale is not necessarily far enough along to be able to produce, and therefore we should not even look at it.

As I understand the leader's amendment, it says simply remove the regulation which was put in place last year which barred the Interior Department from putting out regulations which allow us to find out whether the oil is there and whether we can remove it.

So there seems to be an inconsistency here on the reasons why people would object to taking off that regulation which was put in place last year by the Democratic leadership.

Secondly, the known reserves from oil shale are projected to be two to three times the known reserves of Saudi Arabia. That is a huge amount of oil, potentially. I do not think we want to not look there and say we are going to throw a sheet over our head and not look at this potential reserve which would give us as a nation more potential oil reserves than Saudi Arabia, that we are not going to allow the Department of Interior to begin the process of developing regulations that will, if the oil is there and if it can be used, expedite the production of that oil. That makes no sense at all.

As I understand, the proposal that came earlier from the Democratic Party was to open the Strategic Petroleum Reserve. That is 3 days' worth of oil. If there is 2 trillion barrels of oil in oil shale, that is 40,000 days of oil. Well, I do not know. I would think the American people would like to have the opportunity to find 40,000 days of oil in the United States rather than have to buy it from Iran or from Venezuela, places that do not like us very much, even from Saudi Arabia. I think they would like to have the money kept here in the United States.

Yes, the oil companies are making some big profits. They are spending it to look for oil also. But when they are not spending it to look for oil, they are actually paying some dividends. Who gets those dividends? Well, if they are American companies, I suspect that many Americans are, Americans who invested in pension funds, Americans who have 401(k)s.

Are we to say they shouldn't get those profits and we should, rather, send them to Saudi Arabia or to Iran or to Venezuela so Hugo Chavez gets the profits? How absurd. On its face it is absurd. We have 2 trillion barrels of oil sitting there, and all the leader has asked for is to lift the regulation which will let us find out whether we can look for it and whether it is there.

Mr. SALAZAR. Mr. President, will the Senator from New Hampshire yield for a question?

Mr. GREGG. I was propounding a question to the leader.

Mr. MCCONNELL. I would say to our good friend, the other side had plenty of time to discuss their proposal.

I say to my friend from New Hampshire, he is entirely correct. Why would we not want to look. Maybe we don't want to look because we might find something. If the potential is as vast as the Senator from New Hampshire portrays and as other experts have indicated, it seems to me we would be foolish in the extreme not to pursue this further. The American people simply would not understand.

Mr. SALAZAR. Will the Republican leader yield for a question?

Mr. MCCONNELL. Not at this time.

I think the American people would not understand our reluctance to continue to explore this alternative given the vast potential it seems to possess.

Mr. GREGG. If I may ask the Republican leader a further question: Have we not been on the floor now for 2 weeks, asking for the right to offer a series of amendments to address these issues that could be voted up or down, that would be fairly presented, where the minority would have the right to present its amendments so we could present to the American people the case for Outer Continental Shelf oil, oil shale, nuclear power, electric cars, for a variety of other options that might get us out from underneath this severe issue which is the price of oil? Have we not been asking for the opportunity to present those amendments in a fair and open manner in the tradition of the Senate and been denied that right? Are we not being denied that right one more time here today?

Mr. MCCONNELL. The Senator is entirely correct. All we are asking for is the way the Energy bill was handled last year, the way the Energy bill was handled in 2005, in which we had an open amendment process, in which Members from both sides of the aisle were given an opportunity to offer their amendments. Forty or fifty amendments were adopted on each bill. It ultimately led to a law. What we have been engaged in in the last 2 weeks is not designed to lead to anything other than a check-the-box exercise and move on. That is why Republicans in great numbers have insisted that we stay on this subject, the No. 1 issue, that we continue our effort to both find more and use less. The only way to achieve that is with a balanced approach, not a sort of single-issue approach which is in the underlying bill.

In addition to addressing gas prices directly, there are also a great many Members of the Senate on both sides of the of the aisle who understand we need to move in the direction of more nuclear power. A lot of us think the French have not done a whole lot right in recent years, but one thing they have done rather well is develop a nuclear power industry that supplies the vast percentage of their electricity. Had we been given the opportunity, we would have been offering a nuclear power amendment.

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate bill to promote nuclear power generation, the text of which is identical to amendment No. 5179 filed by Senator LINDSEY GRAHAM to the Energy bill. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Is there objection?

Mr. DURBIN. Madam President, reserving the right to object, I was personally on the floor two or three times when Senator REID offered to Senator MCCONNELL to allow them to bring this amendment to the floor. They said: No, we want to talk it over. We have so many more amendments. Of course, time ran out. Now they are back again. We have given them ample opportunity to talk about nuclear power, to offer their amendments, offer their energy package. Each time they couldn't get it together. This is the gang that can't drill straight.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Madam President, I will use leader time to allow us to get up to the same 30 minutes that was used by the other side of the aisle.

Mr. GREGG. Madam President, I was wondering if the leader could explain to me how the Democratic assistant leader could object to something the Senator didn't object to?

Mr. MCCONNELL. I know Senator DOMENICI and Senator ALEXANDER both are knowledgeable about the nuclear industry. I see Senator DOMENICI, our energy expert in the Senate, on his feet.

Mr. DOMENICI. Madam President, might I say to the Republican leader, I am here sitting down because you and the Senators on my side are doing such an excellent job of letting the American people know what has been going on. It has been a thrill to listen, because I would hate to be on the other side. It looks as if they are very anxious to make sure you don't finish your statements. They would like to take a little bit of your time. If I were in their shoes, I would too. Because the truth is, their leader changed the course for debate on energy, meaningful energy amendments, when he decided he would put all the amendments that the process would hold, he put them on so there could be none offered. That is why we are here today, because no amendments could be offered and voted on. Anybody who stands up and says we had a chance, what chance? If we would have offered something, the objection would have been: The tree is full. It is out of order. I already asked the Parliamentarian if an amendment would be in order, if I tendered an amendment

to such-and-such amendment, and the Parliamentarian said: You couldn't offer it. So that is why none of the amendments you refer to could have been offered.

There has been one area in which we can all stand up and say we legislated in the normal way and got something good, and that is the current set of rules regarding nuclear power. We now have 16 nuclear powerplant applications filed and waiting their turn to start construction. We had zero when we started this process. We need some additions to that which are in the amendment you propose to make sure it works, to make sure this wonderful start of nuclear power for America hits the few things it still needs to be competitive. You have been denied the opportunity to discuss it. We are not talking about that, but to offer a full-fledged amendment that will require a little bit of debate and then vote. That is what we have been denied. That is why I am here saying the public is going to understand this. We should have voted on the Outer Continental Shelf, opening it, with amendment and full debate. We can't do it because they won't let us. It is that simple.

Mr. MCCONNELL. I thank the Senator from New Mexico.

Madam President, what time remains on this side to achieve the 30 minutes?

The PRESIDING OFFICER. The 30 minutes has been consumed.

Mr. MCCONNELL. I will use a few more minutes of leader time. If the other side wants to expand their time, it would be perfectly permissible with me.

There is one other area that is important to me and to other Members on both sides and that is coal. We have vast reserves of coal in this country. There is a promising technology we know works to turn coal into liquid. We have a customer, the U.S. military. We have an interested potential customer in American commercial airlines. One of the amendments that would have been offered was related to coal to liquid.

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate bill to promote coal-to-liquid energy, the text of which is identical to amendment No. 5131 filed by Senator BUNNING to the Energy bill. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. SALAZAR. Madam President, reserving the right to object, the purpose of the amendment is laudable. For those of us who work on the Energy Committee, including the Senators from Montana, we recognize that coal is to the United States what oil is to Saudi Arabia. There are ways in which we can advance the usage of coal, including coal gasification and carbon sequestration which we all support. But the proposal put on the table is not something that would get that kind of bipartisan support.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Madam President, I know the Senator from Texas is on his feet. I know he has strong feelings about this issue.

Mr. CORNYN. Madam President, I say to the distinguished Republican leader, it sounded as though we were almost going to get to vote. The Senator from Colorado spoke so passionately about the importance of using coal. Of course, the big concern we have is coal can pollute. But the Senator is no doubt aware of a remarkable technology that has actually been around a long time that can take coal and convert it to synthetic fuel that the Air Force is now using to fly airplanes. Isn't it a fact that in terms of transportation fuels, talking about gasoline and diesel and aviation fuel, that represents one of the biggest challenges from an energy standpoint to this country and that actually coal-to-liquid technology, such as the leader described, represents one of the great opportunities for becoming less dependent on imported oil from the Middle East?

Mr. MCCONNELL. Absolutely. Of course, I come from a big coal-producing State. The amendment I sought to call up is actually authored by Senator BUNNING, my colleague from Kentucky. We are, not surprisingly, enthusiastic about this option. But putting aside the Kentucky-specific interest, the military is looking for a reliable, secure source of fuel for our planes. They don't want to be dependent on the Middle East.

Mr. CORNYN. I say to the Republican leader, this is not just an energy issue, this is a national security issue. Let me ask the leader, since he comes from a State that produces significant amounts of coal, whether these figures given to me by my staff are accurate. It has been reported to me that the Air Force uses about 2.6 billion gallons of jet fuel a year at a total cost of about $8 billion. That is $8 billion the United States appropriates and goes to the Department of Defense and the Air Force to buy jet fuel. It is estimated that for every $10 increase in the price of a barrel of oil, the Air Force—and we can see in parentheses the U.S. taxpayer—spends an additional $600 million in fuel costs. Do those figures I have cited sound approximately correct?

Mr. MCCONNELL. I am not an expert on the figures, but it sounds correct to me. I know the military has great desire for the kind of reliable, secure energy source this would provide.

Mr. CORNYN. Are you aware or would you have any reason to disagree with the experts who say that synthetic fuels such as coal to liquids are competitive with $70 to $80-a-barrel oil, plus an additional 10 percent that would be needed to figure out how to capture and divert the carbon dioxide that would be produced by the process? Do you have any reason to disagree with the experts on that?

Mr. MCCONNELL. Those are statistics I have heard in the past. It certainly underscores what a promising alternative this would be, were we willing to pursue it. I thank my friend from Texas for his thoughts.

Madam President, I see the Senator from Tennessee is on his feet as well.

Mr. ALEXANDER. I had a brief question for the Republican leader.

Nearly 2 weeks ago, when the Democratic leader brought the speculation Energy bill to the floor, isn't it true that we met and said we look forward to a balanced debate where we can get a result, and we believe in the law of supply, as well as demand, and, therefore, we think we should come up with a proposal for finding more and using less?

On the finding more side, which we talked a lot about today, we had offshore drilling and oil shale, which would produce over time about 3 million barrels a day. We talked about nuclear power for more American energy.

But we have even more on the demand side, on the using less side. In our case, the idea was, was it not, to create an environment in the United States where, as rapidly as possible, we could encourage the use of plug-in electric cars. Is there not much support on the other side of the aisle for that?

So my question to the leader is: Why is it that when Republicans, nearly 2 weeks ago, suggested a proposal for finding more that would produce 3 million more barrels a day, eventually—that is a third more production—and using less that would save 4 million barrels a day, which together would have cut in half, over time, our imported oil—why is it we have been unable, for the last 2 weeks nearly, to actually begin to debate and adopt such amendments and produce a bill that would send a signal to the world that the United States of America is taking an action to find more oil and to use less oil, which would bring down the price of gasoline? Why have we not been able to do that?

Mr. MCCONNELL. Madam President, I say to the Senator from Tennessee, I am perplexed. The American people do not understand taking a time out until next year. The senior Senator from New York, for example, was recently quoted as saying we are not going to do anything about this until next year. Well, the American people are paying these high prices now, and I do not think they sent us here to engage in a

2-week partisan battle and achieve nothing.

The Senator from Tennessee is entirely correct when he says our goal from the beginning, on this side of the aisle, was, as he reminds us frequently—and as the sign points out—to both find more and use less. Virtually every member of our conference is in favor of almost every conservation measure you can think of.

Our fundamental problem in here is it seems as if the other side does not want to do any finding of more. They may share our view about using less, but they do not want to find any more, as if somehow we could simply conserve our way out of this problem. I know of not a single expert in America who thinks we can, by conservation alone, solve this problem and get the price of gas at the pump down.

Mr. ALEXANDER. Madam President, I thank the leader.

Mr. McCONNELL. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, before the Republican leader leaves the floor, I would like to reconcile the remaining time allotment.

I understood he said we could have extra time in the next segment for Democrats, to make up for the additional time used by the Republican side; is that correct?

Mr. McCONNELL. Yes, that is fine.

Mr. DURBIN. Madam President, could the Chair indicate how much additional time was used by the Republican side?

The PRESIDING OFFICER. Ten minutes ten seconds.

Mr. DURBIN. Madam President, if I could ask unanimous consent, then, that the next segment be 40 minutes on the Democratic side and then we return to 30-minute segments on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Thank you very much.

Madam President, for those who are following this debate, it is interesting because a friend of mine I used to work for in politics as a young man used to say: When politicians speak, there is a good reason and a real reason for the things they are saying.

The good reason for the position taken by the Republicans is they believe more oil put on the market is going to mean more supply and lower prices. It is intuitive to us, in a supply-and-demand economy, that makes sense on its face. So the pillar of their argument on energy policy is we have to find more places to drill. We do not have enough places to drill for oil now. If we could find more oil, there would be more gasoline, and gasoline prices would come down. The logic is good. But it fails to tell the whole story. It fails to account for 68 million acres of Federal lands currently leased by oil and gas companies that they have not touched. They have paid the Federal Government for this land to go drill for oil and have done nothing. The Republicans never mention the 68 million acres out there that the oil companies are not using.

There is a second matter they never mention. If we decided today to start drilling for oil on the Mall—and sometimes I think in the speeches on the floor a few people might be for that—but if we decided to drill, they think it takes 8 to 14 years before you put the oil well into production—8 to 14 years.

As you are paying for your gasoline each week and somebody says: Hey, hang on, in 14 years we are going to get this under control, you have a right to be a little impatient. But that is the Republican approach.

So who would buy this approach? Well, the people who are buying this approach—the real reason behind the position on the Republican side—this is the oil companies' agenda. This is the oil companies' answer: Keep drilling, give us more land, give us more options, let us put these in our portfolio—the same oil companies that are reporting not just recordbreaking profits for oil companies but recordbreaking profits for American businesses. No businesses in our history have ever reported the profits they have reported.

Shell reports a profit jump. Despite reducing production of oil, their profits have gone up. Shell went up 33 percent this quarter; Exxon, 14 percent—recordbreaking profits for these oil companies, and the position they hold, coincidentally, is the same position as the Republican Party in the Senate.

But an honest energy picture, one that looks forward, says we need responsible exploration and production. That means we do not go into environmentally sensitive areas; we do not pollute our beaches and our shore communities; we do the safe and the right thing but we produce oil and gas as we can in this country, realizing the entire inventory of oil in America represents 3 percent of the global supply of oil—3 percent—and we consume 25 percent of the oil.

We cannot drill our way out of this. We have to look beyond that. We have tried to do that. Twice this week we brought an energy policy bill to the floor. Twice this week the Republicans defeated it. They refused to vote for an energy policy that is comprehensive, that has just not exploration and production in it but looks to things that are our future: more fuel-efficient cars and trucks.

We cannot keep driving these gas hogs. We have to drive cars and trucks that are sensible, that meet the needs of our families and our economy and do not consume so much gas. I think my kids and my grandkids will be using plug-in hybrid cars. They will wonder why their old man used to use so darn much gasoline when he was growing up because they will have found ways to do it without gasoline, without diesel fuel, using these batteries and using plug-in hybrids.

That is the future. That is what we asked the Republicans to join us on and vote for, and they refused. We asked them to join us in creating tax incentives for solar power and wind power and geothermal sources, all of which can serve our economy, serve our businesses, serve our families, and not create global warming. They refused. Time and again, the only thing they will vote for is the oil company agenda.

The oil companies are pretty powerful. You may see some of their folks walking the halls out here, wearing pretty nice suits and shoes. You can't miss them. But that is not the future. That is the past. They have done their part. They will continue to play a role—a major role—but the future is a future of vision, looking for clean energy and good-paying jobs right here in America, creating the kind of industry where we can have growth in manufacturing jobs so families across our country have an opportunity.

The Republican view and the Democratic view are quite different. When we offered them a chance to come together, they refused. They would not do it. The last bill they defeated not only had the energy provisions I mentioned, it had a lot of other important provisions. There was disaster assistance for the poor people in Iowa. There was $8 billion to put in the highway trust fund so we can reduce congestion on our highways and create construction jobs across America.

It even included the Wellstone Mental Health Parity Act. Paul Wellstone of Minnesota passed away about 6 years ago. This was his passion, and we have never passed this bill. We have to pass it now so your health insurance covers mental illness, as it covers physical illness. They voted against that too. It was all part of the same bill.

It is unfortunate we have reached this point, but that is the point we find ourselves.

The final word in this debate is going to be on November 4, and the voters will have it. If the voters believe we need to look backward to the oil company agenda, they can agree with our Republican friends. But if they believe we need to look forward, with responsible exploration and production but also incentives for renewable energy that brings us into the 21st century in leadership, I hope they will consider voting for those who have brought that to the floor.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I wish to make a few comments to clarify some of the colloquy that went on and what I consider to be some of the distortions that were spread.

First, there is a misconception that the minority side is trying to spread: that Democrats are against drilling. If you go to my State of Colorado, you will find tens of thousands of natural gas wells and oil wells that are producing. If you look at the votes we have taken in this Chamber, there are many of us who have said we need to go and drill, and we need to explore, whether it is off the gulf coast or whether it is in other areas. So for them to try to use the brand that we are against the use of our conventional fuels and resources is simply wrong.

I wish to comment on two or three specific matters. First, on the opening of the Outer Continental Shelf, it is true the President has said he wants to lift the moratoria. It is true Senator MCCAIN has said it would have some kind of a psychological effect, perhaps, on the market. The fact is, there are some of us who say we ought to at least have an inventory of what is out there on the OCS.

But no matter how you cut it, the Department of Energy and the Energy Information Administration has said we are not going to be producing anything out there for 7 to 10 years. So it is not going to have an impact on gasoline now. That raises the question: What is the real motivation of these amendments and these agendas on the Republican side? It is a stalling tactic to keep gas on the minds of people through the month of August so they play it for their own political advantage.

I think the American people expect better of us. I think the American people expect us to come up with real solutions and not phantom solutions. Solutions that have been proposed here are, by and large, phantom solutions. There can be no greater phantom solution, frankly, than what we have seen countless times over the last 2 weeks: the assertion by my wonderful friends on the other side who have said that somehow out of this shale rock—which is shale; it is not tar; it is not sand; it is shale; it is rock—that somehow we are going to be able to develop 2 trillion barrels of oil out of that rock.

Well, it has been tried for about 100 years. Nobody has figured it out. Even the oil companies are saying they cannot figure it out right now. We, contrary to the assertions made by my good friend from New Hampshire, opened the opportunity for oil and gas companies to go in and see whether the technology could be developed. So we have a robust research and development program that is taking a look at whether oil shale can be commercially developed in my State of Colorado, where 80 percent of the reserves are located.

So I would hope, as we move forward in what is one of the most important issues in the crucible of our times, that we look to the future to find real solutions that are so important for us on energy because, at the end of the day, what will drive us to that new energy world is the importance of national security, economic opportunity here at home, and the environmental security of our planet.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, a little earlier this afternoon, our leader came to the floor with colleagues and offered six different opportunities for the Senate to bring before it bills that include responsible drilling, investments in alternatives, investments in areas that will create jobs right away, which relate to my great State of Michigan, which is investing immediately in advanced battery technology research and development and retooling our plants for the new vehicles, which will create, within 2 years—not 15 years—changes that will allow us to move aggressively to hybrids and plug-in automobiles. We saw legislation put forward to deal with energy speculation and what is going on in the marketplaces.

Each of those times, there was an objection to even moving ahead to consider those bills. Twice this week, we have tried to move forward on tax incentives for production, for alternative energy, and other options that will get us off foreign oil and bring down gas prices for good. Each time there were objections. In the month of June, two other times—we can go back a year—objection, objection, objection.

Frankly, people watching the Senate get sick of this because they want action. They want something to be done. The question is: Who benefits by this blocking continually, by this stopping of us moving forward to alternatives to compete with oil companies or to tackle oil speculation or windfall profits tax proposals that would require you to pay an extra tax if you don't reinvest in alternatives or in drilling in America to create more supply? Who would benefit by these things?

I think it is very clear from the announcement in the paper today. Today ExxonMobil reported second quarter profits of $11.68 billion, the highest ever for an American company. It did that last month—the last quarter: highest profits ever—ever—ever for an American company. All together, since President George Bush and Vice President DICK CHENEY, two oilmen, have been in the White House over the last 8 years, all together ExxonMobil has reached $212 billion in profits. That is a lot of zeroes: $212 billion in profits.

I wonder who benefits from the inability of the Senate to get agreement to move to bills that would create competition with this company or deal with oil speculation or deal with other policies that would hold them accountable? It is right here. It is right here. This is very clear. As my kids say, it is as clear as the nose on your face of what this is all about. This is about an oil company agenda that has run wild for 8 years, and the American people are paying a huge price. Our economy is paying a huge price.

Along with ExxonMobil, Shell has also reported profits of $11.56 billion, bringing their grand total since this administration took office to over $157 billion. The total combined net profits of the big five oil companies since President Bush and DICK CHENEY took office are upwards of $641 billion.

What have they done with those profits? Well, oil companies have spent $188 billion in stock buy-backs and other spending, rather than investing it in supply here at home and abroad. We have heard so many times on this floor that there are 68 million acres available right now for exploration that are not being used. I have supported responsible drilling as part of the solution. We know there is no silver bullet, but we also know we have to be aggressively moving to the future and not stuck in what is an oil company agenda for this country.

We also know we are in a global marketplace. Nobody knows that more than the people in my great State of Michigan. We are competing in a global economy. So that as there is supply created, as there is drilling, it goes into the global marketplace. If they drill in Alaska, it goes to China. To add insult to injury, we don't even know where the oil will be going.

However, here is what we do know: In February of this year, according to the Department of Energy, shipments outside this country were 1.8 million barrels a day—1.8 million barrels a day. Overall, in the first 4 months of this year, the shipments of American oil outside this country—drilling here, going somewhere else in the world—were up 33 percent.

So clearly, the great oilman who has been all over our television sets, T. Boone Pickens, is right. We are not going to drill our way out of this in a global economy where you can drill here and it can go anywhere to the highest bidder.

Here is also what we know: We know we have to get extremely serious—and quickly—about those things that will make a difference, such as bringing accountability to the energy markets and addressing speculation, and focusing aggressively on those areas that will give us real alternatives and competition for these guys who have been doing so well.

To add insult to injury, we take a look at the other ways in which this industry has received so many benefits from this administration. Eighteen

months ago, we heard in the New York Times that the Bush administration was allowing oil and gas companies to forgo royalty payments. They didn't have to pay their royalty payments on leases in Federal waters in the Gulf of Mexico. This decision by the Department of the Interior can cost up to $60 billion. They were supposed to make payments. Those payments were waived, for whatever reason, costing us up to $60 billion. Sixty billion dollars is the equivalent of 38 days of free gas for every American. Right now, I know a lot of folks who would take that gladly.

The reality is we have seen at every turn efforts to support this industry for the last 8 years, and where has it gotten us? Where has it gotten us?

I wish to share with my colleagues some stories of folks from Michigan in terms of where it has gotten us—not only $4 a gallon at the pump, but when we look at what has happened to real people, it is an outrage, where this 8 years of a policy that has put oil companies first has gotten us. We know that everybody is affected. The folks going to work are affected. Yesterday I read a letter from a young woman who works after school and was concerned because she takes the bus to school and now the buses are being cut because they can't afford to put gas into the schoolbuses. What an outrage in the United States of America.

Let me share today an article that was in the New York Times. Older poor people and those who are homebound are doubly squeezed by rising gas prices and food prices because they rely not just on social service agencies but also on volunteers. We have heard from our home health care agencies that do such a wonderful job in this country helping people to be able to remain at home and allowing them to receive services. In a survey of home health agencies, more than 70 percent said it was more difficult to recruit and to keep volunteers. We have heard that from Meals on Wheels. We have heard that from other kinds of volunteer programs that go into homes to help seniors, to help the disabled, to help those who need some assistance.

Let me share with my colleagues one letter. Mrs. Fair, who has limited mobility because of diabetes, lives on $642 a month of Social Security widow's benefits, and relies on care from her son who often works odd hours, especially during blueberry season. We grow a lot of blueberries, and they are terrific, they are the best, in Michigan. It says: ''You belong in a nursing home.'' This is what her son said. ''I can't take care of you.'' The delivered meals she has been receiving have allowed her to eat at normal hours which helped her control her blood sugar levels. Last year, she lost her balance during a change in blood sugar and spent a month in a nursing home. With no meal delivery in her area now, she is going to have to find someone to pick up the frozen meals from the center in the next town. She says: ''If my aide can't get the meals''—a person who has been helping her—''maybe I can get my pastor to pick them up. I can't travel even to the drop-off center.''

In Union, MI, a town among flat corn and soybean farms near the Indiana border, Bill Harman, who is 77, relies on a home health aide to take care of his wife Evelyn, who is 85 years old and she has Alzheimer's disease. Mr. Harman has had to use a wheelchair since 2000 because of hip problems. Unfortunately, the person who has been coming to their house, Katie Clark, who is 26, may have to give up her job. She lives 25 miles away and drives 700 miles a week to provide twice daily visits, helping Mrs. Harman dress in the morning, get to bed at night, feeding her, doing chores around the house, and then she laughs, saying ''putting up with a grumpy old man.'' I am sure he is not that grumpy. Her weekly income of $250 is being eaten up by gas expenses, which come to $100 a week. ''Some weeks I have to borrow money to get here,'' says Ms. Clark, a single mom of two, ''but they are just like family to me.''

For her work she receives $9 an hour and if she leaves, Mr. Harman has said he will not be able to care for his wife. He said when they married, she raised his five children as if they were her own. Mrs. Harman started to develop Alzheimer's 8 to 10 years ago. He said, ''I promised her, don't worry, I will take care of you as long as I can.'' But without a home health aide, he said, he was going to have to put his wife in a nursing home and he probably would need to live there himself.

In the greatest country in the world, we have folks who are not able to get their Meals on Wheels. They are not able to get their home health aide now. Why? Because they can't afford gas. We have school buses that can't run because they can't afford gas.

Let me share with my colleagues one other story. Sandra Prediger, who is 70 years old and who still drives a car, said higher gas prices hit her every time she needs to go to the doctor. From her senior apartment in South Haven, MI, she was barely able to pay her bills because gas prices rose. She said: ''I try to help some of the ladies around here, driving them to the doctor or to the store.'' But a round trip to her doctor or the beauty shop now costs $26 in gas. She has had to ask her friends to pay half. She said, ''I hate to ask because they have less than I do.''

Her Social Security check arrives on the 3rd of the month. For the first few days before, her local gas station lets her write a postdated check to fill up. On July 2 she had no money and owed money to the gas station and she knew that in a few minutes her friend would be calling saying, could you please take me to the store to get the meals for my diabetes. What am I going to do?

There is something wrong when we are in a situation where we have seen an agenda benefiting a special interest in this country, and in the world right now, where we have seen the highest profits in the history of the country that are creating numbers such as $641 billion in profits and we have seniors who have to write a postdated check at a gas station so they can pay for gas to get themselves and their friends to the doctor.

The reality is that to be able to change that, we have to do more than drill more so the oil companies can make more of a profit in a global economy. We have to be able to create a situation where there is competition with other kinds of alternative energies so we have more than a choice of whatever price they put up at the pump. That is what this is about. That is what the crux of this is about, because if it weren't about this, we would have a compromise. We would have a solution. If it weren't about this, there wouldn't be objections going on day after day after day to be able to take up legislation on this floor, because under normal circumstances, if there weren't this huge amount of money at stake, people would come together. If they weren't backing up these huge interests, people would be willing to come together to be able to solve this problem.

There are things we can do. I am very proud to be part of a group of people in the Democratic majority who have been working very hard to create an alternative vision for the future. Yesterday the Senate leadership, including Senator BYRD, the chairman of the Appropriations Committee, laid out a jobs stimulus that we intend to bring forward for a vote in September. In there is a major investment of $300 million in advanced battery technology research and development. We are so close to having the electric vehicle on the road and mass produced. We are so close. There is work that needs to be done, but we are so close. Within 18 months to 2 years, we can have a real alternative to oil on the road.

Part of this package also includes a commitment to Americans and American jobs by helping to retool and make capital available, make credit available to companies to retool our plants for these new vehicles, so that we keep those jobs here.

Our companies are competing with countries right now. Come to China, we will build a plant for you. Come to Korea, we will build a plant for you. We want those jobs here.

I am very proud that the stimulus that has been put forward shows a commitment to American jobs and American manufacturing. I am very proud

that is part of the stimulus package we will be working on and voting on in September.

Around the world, everybody else gets it that it is not just about oil and drilling. Everybody else understands. Every other country is racing to alternatives. Germany announced the great advanced battery alliance that will invest over $650 million in advanced batteries to help German automobile makers. South Korea spent over $700 million in advanced batteries and developing hybrid vehicles. We are in a race with them to get to the future, not the past. China has invested over $100 million in advanced battery research and development.

In the next 5 years, Japan will have spent $230 million on this research, as well as $278 million on hydrogen research for zero-emission fuel-cell vehicles. That is the future. That is the real competition, so when you go to the pump and look up and see that price for traditional gas, you have another choice. That is the future. We are working very hard to get us to that future. We need a White House that will help us get to that future. We need support from the other side of the aisle, not just to talk about it.

In conclusion, part of what is talked about on the other side of the aisle in terms of supporting advanced battery research is a prize. If you go out and spend all this money—and Germany spends $650 million—but if you, an individual or a business in America, figure out a way to get the capital to do this, we will give you a prize at the end. It is insulting that the presumptive Republican nominee and his colleagues on the other side of the aisle have decided to run our economy like a game show.

We have said we have to invest upfront in America, in American jobs. That is the future. That is the only way to create the opportunity for schoolbuses to be able to run, for seniors to be able to get to the doctor, for folks to be able to get home health, for folks to be able to get to a job, and to create the jobs we need in the future in advanced manufacturing.

I hope before this week is out, our colleagues will come to the floor, stop objecting, and work with us. What we know is right in front of us—what we know can be done to bring down gas prices and create jobs in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

STATE OF PARALYSIS

Mr. WEBB. Madam President, I want to take a few minutes today to speak about the state of paralysis we seem to have found ourselves in on the Senate floor, and then also to make a brief comment about two nominations the Senate will be considering.

First, we are paralyzed, obviously. The other side of the aisle has voted against a windfall profits measure for oil companies at a time when we have seen record profits for any company in American history, which has only increased. How did they get these profits? Certainly not by working any harder. In fact, as people have mentioned on the floor today, it seems a lot of production actually has gone down. I don't know how else you define a windfall than what has happened in the price of oil and the profits that have gone to the oil companies over the past 6 or 7 years. They will not give us a vote on the rampant speculation that has now taken place in the oil market.

I have to say at the outset that I don't have a fundamental disagreement with a lot of the things that are being said on the Republican side about what we need to do. I think we very much need a comprehensive energy strategy in this country. I am not opposed, personally, to the idea of expanding exploration for oil and gas in those cases where it is appropriate, and to get down and find the assets that are available to us as a nation and increase our national security. This may not be, as some people say, the answer in the distant future, but it is certainly an essential transition for us as we reach toward that future.

I personally support nuclear power and expanding nuclear power programs. We have not built a new nuclear power plant in more than 30 years. There has been ample comment about that on the floor. I think nuclear power is safe. We are the best in the world at it. The experiences of the U.S. Navy at sea for at least a half century demonstrate that. It is environmentally clean, and we have gotten better technology, advanced technology, in terms of taking care of nuclear waste.

I believe we can reach a point where we have cleaner coal. This requires new technology. We are the Saudi Arabia of coal. We are looking to improve national security, and we are looking for independence from countries where we have seen an enormous transfer of wealth from the United States. This transfer of wealth is going to result in better infrastructure for these other countries, and it is going to harm us in the long-term.

I believe we need to support conservation and alternative energy programs of every sort. I went to high school in Nebraska. If you draw a line from Canada to northern Texas, where the winds come down from the Arctic Circle, you will see there is not a mountain in the way. There are actually trees in Oklahoma that bend toward the south because of the power of those winds. I believe we must invest, in terms of alternative energy technologies, whether it is wind, solar, or other areas.

At the same time, when do we debate this? How do we develop a strategy? What should we be doing now, today, looking into the immediate future? The bill our leadership brought to the Senate floor is the best short-term fix, when we are talking about the incredible increase in the price of oil. If you go back 6 years to when this Congress voted in favor of the invasion of Iraq, oil was $24 a barrel. The price of oil went all the way up to $147 a barrel. It has tamped down a little since then, but that is a sixfold increase in 6 years.

I can guarantee this is not simply a supply-and-demand issue. The demand didn't go up six times in the last 6 years. There are other interests, including the speculation market, that have driven the price of oil up that high. We have had testimony from oil companies' executives saying that, in a pure supply-and-demand environment, oil would probably be at $60 a barrel. That is an issue we can affect. We can affect it in the short term by regulating a market that has dramatically changed because of the participants in that market since late 2000. I hope we can have some sort of agreement on this. We should have a vote on the speculation issue. I compliment our leadership for having attempted to bring that issue before the Senate.

PENDING NOMINATIONS

Madam President, I want to speak for a couple of minutes about two nominations that are pending before the Senate.

First, I express my appreciation to the senior Senator from Virginia, Senator WARNER, today for the comments he made about Kathy Stephens, who has been nominated to be Ambassador to South Korea, has cleared the Senate Foreign Relations Committee, and has been waiting for a vote on this floor. I know of very few people who have better qualifications to serve in that part of the world. I have spent a good part of my life in and out of Asia. She began as a Peace Corps worker in South Korea. She is fluent in Korean. I believe she is the best qualified person to address all of the issues that people on both sides have expressed their concerns about, in terms of politics, the culture, human rights issues, et cetera. I was very gratified to see Senator WARNER mention his support for her nomination today. I hope we can find a way to get her out there doing her job in the very near future.

The second nomination I want to mention is that, regrettably, I am unable to support the nomination for the Chief of Staff of the Air Force. This is an individual who, in an earlier billet, at a key time after the invasion of Iraq, was asked repeatedly to give answers to a question for which I personally believe there were answers. I was writing about it at the time. I have very strong feelings about this. Regrettably, I am going to be unable to support that nomination.

I go back to what General Matthew Ridgway said some 50 years ago, when

he was describing the role of a military adviser. He said:

He should give his competent professional advice on the military aspects of the problems referred to him, based on his fearless, honest, objective estimate of the national interest, and regardless of administration policy at any particular time. He should confine his advice to the essentially military aspects.

I believe if we do not insist on this standard in the relationships between the U.S. military and the Congress, then we are going to continue to have the same difficulties that we saw with attempting to get straight comment out of the U.S. military as we went into Iraq.

There was a very wise Marine general who said, at the time I was entering the Marine Corps, ''It is very important in the United States to get the politics out of the military and to keep the military out of politics.'' I believe that, if we believe in that, we need to insist that those military officers who testify before the Congress abide by it.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

CONDOLENCES TO SIMON FAMILY

Mr. REID. Madam President, I have had the good fortune of working with Senator BINGAMAN now for 26 years. He is such a wonderful man. His academic record is as good as anyone's in the Senate. His ability to do legislation is as good as anyone's in the Senate. Everybody knows what an easy man he is to deal with. He is now chairman of the Energy and Natural Resources Committee, which is so important to what goes on in our country. New Mexico is so fortunate to have his service in the Senate. He does so much for New Mexico and, of course, for our country.

The reason I mention his name is that one reason Senator BINGAMAN does such a good job is he has a wonderful staff. I have worked very closely with them. At least 70 percent of Nevada is public lands—land owned by the Federal Government. Only 13 percent isn't private lands. Over 40 percent of the State of Nevada is restricted air space. You cannot fly an airplane over most of the State of Nevada. It is restricted to the military. So we have lots of dependence on the Federal Government. We are the most public land State in the country.

As a result of that, I have worked closely with the Energy Committee all these many years. One of the people I have worked closely with over these years, for more than a decade, is the chief of staff of that committee, Bob Simon. He is a wonderful guy—quiet, intellectually very sound, a graduate of a small college in Pennsylvania called Ursinus College. He has a PhD from MIT in chemistry.

I have followed very closely the travails of Bob Simon these last few weeks because he has a son by the name of Gregory, 16 years old, who was struck with a very bad bleed on the brain and died today. He was in the hospital in a coma. We thought he would pull through, but he did not. He died. It is devastating to Bob Simon, his wife Karen, and, of course, Anne-Marie, his daughter, and Catherine. Catherine is not here today, of course. Her brother passed away. She is in charge of the Democratic pages. She works very hard in that capacity.

It is times such as these when you really understand that when we talk about a Senate family, we really mean it. Bob Simon is part of the family. He works with Democrats and Republicans. He is great for working on a bipartisan basis. When Senator DOMENICI was chairman of the committee, Bob Simon was the Democratic chief of staff. The committee with the two New Mexicans as the ranking member and chairman of that committee, one time as chairman, one time as ranking member—one reason that committee functions so well is because of Bob Simon.

There is nothing I can do other than to recognize what a good man Bob Simon is. There is nothing I can do to ease the pain of the Simon family, their friends, and loved ones.

On behalf of the Senate, I extend my deepest condolences to Bob Simon and his wife Karen for their heartbreaking loss. Being the father of five children, I can only think how devastating this must be.

Mr. DOMENICI. Will the leader yield a moment?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I heard the leader's comments about Gregory. I just want to say I am aware of the situation. I feel the same way the majority leader feels. I thank him so much for his graciousness toward Bob and his wife. I know how tough it is on them. We don't know it until something like that happens, but that is a very young, wonderful boy who died. Bob is a wonderful man. Everybody who knows him knows he is a dedicated, devoted father. It is just pathetic that this happened.

I join the majority leader in every way in extending my most sincere regrets and hope and pray that the best will come of this. I know that sounds impossible, but at least we can ask for the best and that the Lord consider them and be merciful to them.

Mr. REID. Madam President, I did not know my friend from New Mexico was on the floor, but as he knows, I did mention his name and the great relationship Bob Simon has had with the committee. As I mentioned, not knowing the Senator from New Mexico was on the floor, I will repeat what I said, that the committee has functioned very well. Two New Mexicans run that committee, either as chairman or ranking member, back and forth, and they work so well together. One reason they do is because of Bob Simon. He is a very quiet, brilliant man, and it is very nice that Senator DOMENICI would say what is in his heart because we join in his wishes that, as he has indicated, the Lord will look down on his family with understanding and compassion, and hopefully, as time goes by, there will be some good that comes from this tragedy.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, as I understand it, time now inures to the Senate Republicans for—is it a half hour?

The PRESIDING OFFICER. The Senator is correct.

ENERGY

Mr. DOMENICI. Madam President, I am here to lead off for the Republicans. There are two others. Senator BROWNBACK is here, and there may be another Senator, Senator ALLARD. I say to them, I am only going to make a 2-minute or 3-minute statement and then yield to whoever wishes to go first. I would like them to hear what I say.

Yesterday, the chairman of the Appropriations Committee, Senator BYRD, issued what I believe to be a very telling and extraordinary statement. He said:

It became clear that an attempt to add language to the supplemental——

That is the supplemental appropriations——

repealing the two-decade-old ban on offshore oil and gas drilling would be successful, resulting in the necessity of having to produce 60 votes on the Senate floor to strip the repeal.

And so for that reason, the markup in the Senate Appropriations Committee on two important bills that fund the government was canceled.

I will say that not only does this statement contradict claims of the majority about why the markup was canceled, it also crystallizes exactly why the last 9 days in the Senate have resulted in absolutely nothing. The majority is afraid of allowing the Senate to vote on increasing American production. They are afraid to let that happen because a vote just might yield results.

We have spent 9 days debating this bill. During this time, we could have considered dozens of amendments, just as we did on the energy legislation in 2005 and 2007, and without a doubt, because the majority leader has taken sole control over the process, we have been held to zero votes. So zero votes, I say to my fellow Americans, cannot yield results. When you have no votes, you cannot accomplish anything. That means you cannot add to the offshore reserve that can be made available for oil and gas production. It remains as is, no matter how much is there, no matter how much we could end up drilling

for so the American people could look out and say: By producing our own, we don't have to waste all our money sending it overseas, and the price might come down.

My last observation before I yield to my good friends is that I continue to hear comments from the other side that say we should not be drilling because all we say is drill, drill, drill, and that is the only thing, and we don't need to do that; we need alternatives.

We can have all the alternatives we would like—and I am surely in favor—but we are going to be using crude oil or something much like crude oil for at least a generation—that means 20 years minimum—because we cannot get off crude oil any faster. The oil products we use for our cars, our trucks, and our airplanes we cannot change over fast enough, so we have to use oil. And if we don't produce more of our own, we all know what we are going to do is buy from others and continue to send the money overseas.

It is not just drilling because we want to drill, drill, drill; it is drilling because we don't have enough oil. And if we find more, we import less. That should be good, and the American people sense it is good. That is why so many of them have said let's open the offshore for drilling.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I would like to first thank my colleague from New Mexico and ask him a question, because this will be the last year he is serving in this body. He has served in it for many years, very distinguished. It has been my pleasure to get to know him. Senator DOMENICI can be irascible sometimes, but he is always fair. I find he will get on both sides, depending on which way he makes the call.

I just saw this, too, that we are not having this Appropriations Committee markup. I am on that committee. I am a relatively new member. Senator ALLARD is on it, and Senator DOMENICI has served on it in a distinguished capacity for many years.

This is really striking. I have not seen this take place. I have not been in the Senate that long, but I wonder if my colleague has seen that sort of move taking place to stop a major issue that is confronting the American public?

Mr. DOMENICI. Madam President, I have not seen such a thing. In fact, I have said—not as direct as this, but I have said that in 36 years being a Senator, through thick and thin and bills I have managed, bills I have amended, whatever kinds, I have never seen anything where such a simple proposition—can we open lands that we own so they can be drilled, yes or no—I have never seen where it takes 10 days and they waste 10 days of time and still say no. I have never heard of that. Yet the majority, the leader of the Appropriations Committee says in the Appropriations Committee there are enough votes to end the offshore hindrance that has been there, it says, for two decades or three decades. If the amendments do that, they are awfully scared, right? Maybe that is why we didn't get the vote.

I think it is other things. I don't think Members on that side wanted to vote, win or lose. They didn't want to vote. Now the American people can judge. That is how I see it. They can judge what happened and why.

Mr. ALLARD. Madam President, I wonder if I might ask the Senator from Kansas to yield because I would like to add additional remarks.

Mr. BROWNBACK. Yes.

Mr. ALLARD. I think the Senator from New Mexico, Mr. DOMENICI, has done a fabulous job with the energy issue, not just this year when it is fashionable—and this is the big issue—but he has devoted his whole legislative career to energy, making it available, how we can use research and technology to meet the energy needs of this country. He is recognized not only by me but nearly all Members of this Senate for his hard work on energy. We all should appreciate that work.

I join in the chorus of those who have congratulated Senator DOMENICI on a distinguished career. His dedication to energy—I cannot think of another subject one could pick up that would have more of a long-term impact on this country, whether we are talking about economic security, whether we are talking about military security, or whether we are just talking about a secure home where one can rely on utilities and everything to have a comfortable lifestyle in this country. The Senator needs to be recognized for that. It is a pleasure for me to do so, as I have served on several committees now with him. He is very articulate on this subject, and he does a great job.

Mr. DOMENICI. Madam President, I thank the Senator from Colorado, and I will add one supplement to it because he knows this and maybe we will just say it together here. I did devote 10 years, with three or four experts, to seeing if we could bring nuclear power back to life in America, instead of leaving it dead, for others to use it as we sit around having invented it and wondering what is happening. I did work on it for 10 years, and then when we did our big bill, we put in provisions that brought it back to life. That does make you feel good. You don't do that alone.

We never had a single vote, I say to my friend from Colorado, not one vote was taken on any of the bills to try to negate the provisions we put in for nuclear power. One would have thought 5 years ago it would be the most contentious issue we could have brought to the floor. In that big Energy bill, there was a whole chapter on nuclear power. Nobody sought to amend it, change it, anything. That was really a credit to the Senators who worked so hard on nuclear power, and the Senator was one of them. Senator ALLARD has always said he has been proud of it. I don't know about the Senator from Kansas, but I assume so. He has a good brain, and if you have a good brain and you are a reasonable legislator, you couldn't be against nuclear. You just had to be one of these fringe people against everything, scared because we had an accident once.

If you are scared because you had an accident once, you would not get up in the morning. That is what the doctor told my mother. She didn't want me to get out of bed because I had a bad knee. The doctor said: The best thing to do if you don't want him to get hurt is you be his maid. He can stay in bed, and you can serve him food for 25 years. Of course, he won't amount to anything. And that is true.

I am talking on. It is getting close to the end of the day.

I yield the floor.

Mr. BROWNBACK. Madam President, I thank my colleague from New Mexico. I note that when the nuclear industry comes back, I hope one of the first powerplants has ''Pete Domenici'' written over the archway going into it.

We have an excellent nuclear powerplant in Kansas called Wolf Creek. My colleague recognizes this. It has been in operation for 25 years. It had huge protests before it got built. People were protesting the train that carried some of the main core elements into this spot. It has been operating efficiently, cleanly. It doesn't put off CO_2. It was a huge investment that has been fantastic for our whole State. And it was a capital expense. It was expensive on the capital side of it, substantially so, but, boy, does it run well. It has been good to see. And if we need to bring that back, we need to bring it back on a cost-efficient basis, but that was one of our key elements on moving this forward and moving our car fleet with more electricity. But we are going to need that base power generation, and we want it clean, and here is a good spot to do it.

Mr. DOMENICI. There are 16 applications to the Nuclear Regulatory Commission as of the day before yesterday—16—for new nuclear powerplants; in some cases, two plants at one site, both construction and design applications. We had zero the day we adopted the new Energy bill. For once it seems as if we did something right; doesn't it?

Mr. BROWNBACK. I agree.

Madam President, I join my colleagues from New Mexico and Colorado in talking about the energy issue, and I particularly want to associate myself with the comments of the Senator from New Mexico, who responded that we

are not just focusing on drill, drill, drill. The point of the matter is two numbers. Those two numbers are 25 and 3. Twenty-five percent of the world's oil is consumed by the United States, and we produce 3 percent.

Now, how long can we operate that way?

You can say, as my colleague from New Mexico has pointed out: Well, OK, we are going to get off oil. We want some alternative. Lord knows, I want an alternative. I want more ethanol, which is produced in my State. I want it produced out of cellulose. The problem is, if we turned off oil tomorrow, we are not in a position to produce enough of that or virtually anything else. We are going to need to use oil for some period of time, and that 25 and 3 ratio doesn't work—our consuming 25 percent and producing 3 percent—when we could produce probably a good 50 percent more. Who knows what the actual number is. We know it is much higher than what it currently is.

For every dollar we are not spending on oil here, we are spending it somewhere else. They are building these huge indoor sea complexes in Dubai in the Middle East and lavish buildings. They are building islands, whole islands, beautifully designed like a palm tree. That takes huge amounts of money.

You sit there for just 2 minutes, and you think: Where is all that money coming from, I wonder? It is coming from our consumers' pocketbooks when people are pulling up at the gas station and paying 100 bucks or more for gas to fill up. Hopefully, there are people who have vehicles that are using substantially less than that, but the point is, it is a huge transfer of wealth from here to there, and it doesn't have to take place when we can produce it here.

I would rather that money be going to Kansas or Colorado to work on their oil shale or to Alaska or to offshore areas but certainly working here. We have a Federal deficit that is taking place. What if instead of us shipping $500 billion overseas for oil, we were spending that money here. Then 20 percent comes into our Federal coffers. That is the general figure. I think that is a bit high, but it is about that right now. So you have $100 billion coming here in tax revenues. It is just common sense.

My dad farms, and I have been talking with him about this issue. He is paying a lot for diesel fuel because he runs the tractors on diesel, and he is paying more than he used to. He is saying: Why aren't we doing this here? And I have a hard time explaining to him why we are not doing it here, when we could do it here, when we have the capacity, the ability, and the technology in the market.

I say: Well, some people don't want us to.

Well, why?

Well, they are scared of what is going to take place in the environment, even though we can do it environmentally sound. Someone is going to be doing it somewhere else. Are they going to do it more environmentally sound than us? I don't think so. I know they are not going to in some of the places I have seen around the world. The U.S. standards are the highest in the world.

So I would plead with my colleagues that drilling is part of the answer. It is clearly part of the answer when our numbers are 25 and 3; when we use 25 percent of the world's oil and produce 3 percent of it. We have to get our numbers up. It helps to balance the trade, it helps our deficit, it helps our people, and it spends it here at home.

That is why I continue to join my colleagues in voting that we stay on energy instead of going to other issues. I would like to solve some of these other issues as well, as would my colleagues on the Senate floor. I want to deal with them. I want to deal with all these issues. But when you pass up the biggest issue that is confronting most Americans, and you don't deal with it, and for 9 days you don't deal with it when you could be, we are just simply saying: Let's deal with the biggest one here, and then we will be happy to deal with these other issues. We need to deal with these other things, but not until you deal with the biggest one. If we don't deal with it now, are we going to deal with it this year? I don't think so. I don't think that will happen. We are not going to get more time, nor will we have more political will the closer it gets to the election.

So now is the time, now is the place, now is when the American people want us to deal with this matter. So I join my colleagues in continuing to vote this way; that we take up these amendments to increase production in the United States.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. BROWNBACK. I will be happy to yield to the Senator from New Mexico.

Mr. DOMENICI. Before I leave, I want to say to the Senator from Colorado, who is standing here patiently, that he might recall that the Senator from New Mexico went up and visited Colorado and Utah to see the oil shale before we had the big bill, where we put everything together.

Mr. ALLARD. I do remember.

Mr. DOMENICI. I was prompted to do that by you, to find out why we weren't doing anything with that shale. We found out that we didn't have any leasing laws that permitted it. I recall it was at your instigation that we put the first laws in the energy impact bill, the big bill, allowing leases for research and development. That is what has brought the development they are all worried about. It is a research and development lease.

Now they don't want to have any, as you put it, rules or regulations, so they can stop it dead after we got a good start. We understood that Shell Oil was ready to try a new process. They were going to spend more than a few billion dollars on it, and we found that out and said: Well, we ought to at least give them a chance. And we did, thanks to you. But now they won't let us vote on getting rid of the moratorium, so that is dead in the water too—that great big resource.

So I thank you.

Mr. ALLARD. Well, I thank the Senator from New Mexico for his gracious remarks and, again, it is a statement of his statesmanship to actually go and visit the site and find out what is going on. That is why he makes such a great legislator in the Senate.

I am with my colleagues. I am sick and tired of delays. It is time for us to move ahead. I have a chart: There have been six attempts by the Democrats to change the subject from $4-a-gallon gas, all while people are suffering at the gas pump and we are having dramatic adverse effects on our economy. We are getting ready for the school year, and school districts are struggling with how they are going to get fuel for the school buses. We have farmers and ranchers starting to put up their crops, and they are wondering how they are going to get money to pay for fuel, which is a major cost. It just doesn't balance out for us.

So I am very concerned that we have had these six attempts to move off of $4-a-gallon gas when it is such a vital issue. I can't think of another issue since I have been here that has had this profound an impact on people's lives. We shouldn't be delaying or stopping this matter.

There have been other subtle attempts on the other side, even if we move forward, to delay the development of energy, and let me cite a couple of examples.

One is the offshore drilling provisions, which we have in our Gas Price Reduction Act on the Republican side, where we look at the offshore drilling—the deep ocean drilling. We have had Members stand here on the Senate floor and say: Well, I am all in favor of that, but we haven't gone ahead and done the seismographic studies to figure out where our deposits are.

Well, we have been trying for years, mostly through Senator DOMENICI's efforts, to try to get the money to do the seismographic studies so we know how much and where those deposits are. But there is delay before we actually get to it.

So Members will stand up and say: Well, I am all for offshore drilling, but we need to do the studies. Well, they won't support the studies and the money to get it done. Let's take oil shale, for example. What we need to do is to put the regulations in place so

that when the technology is developed and we are ready to move forward with development, we can do that in a phased process. But, no, we are not going to let the regulations go forward, which ends up being an additional delay when the technology is ready to go.

So I am hoping—and I want to thank the Senator from New Hampshire, who had proposed the amendment I had made in the Appropriations Committee a little earlier this afternoon—it was objected to on the floor—where we said, let's move ahead with rules and regulations. Then in the amendment it says that we will delay development until 2011 because the technology for development won't be in place any sooner than that. So that was acceptable. The Department of the Interior has got the rules and regulations. They are out there for public comment, but that is all the further they can go.

If we continue what we have been doing year after year, we have stopped the development of oil shale dead in its tracks. Even worse than that, when it is ready for development, we will have delayed it that much more because we haven't done the things up front that will allow the oil companies to begin to look at what their lease agreements might be, as the Senator mentioned from his visit, or what the royalty payments might be or what the remediation issues may be when they move in with oil shale.

I happen to think the technology we are developing in Colorado is environmentally friendly, and it is not a mining operation. You freeze out an area of the ground, you heat out the middle of it, and you get a high-quality fuel out of there which will help us meet our energy needs. The hydrocarbons we get out of the ground, I think all of us realize these are nonrenewable resources. At some point in time, we are going to have to do something else other than just rely on those. But right now they are the bridge. They are our bridge to renewable energies.

I have heard comments on the Senate floor against the Republicans; that all we are interested in is drill, drill, drill. Republicans, to a person, believe that we need to use our hydrocarbons to bridge, and they understand we need the new technology. We are not saying exclude anything. On the other side they are saying: We will just go with renewables. We will let $4 a gallon stand. Who cares. Let it go to $5. Let it keep going to $7.50, even to $10 a gallon. We don't care because the high cost of gasoline will encourage conservation.

I think there are other ways we can encourage conservation, and I think a lot of it is happening today. But that is certainly not the way to do it because it has such a dramatic adverse impact on our economy, and it has an adverse impact on the security of this country.

Both my colleague from Kansas and New Mexico talked about how all of our dollars are going overseas, more than $700 billion a year going overseas to support the economies of our adversaries. They are the ones who don't support what we are trying to do: to spread democracy around the world. They would like to see us go away.

So I think we need to take a serious look at our alternative energies, and we need to act now to do something to increase hydrocarbons and do something to reduce the price of gas at the gas pump.

There is one area of the economy that I don't think we have talked much about, and that is the trucking industry. Talk about renewables. What is going to provide the energy for trucks? What renewables do we have for trucks? I know some trucking companies are looking forward to going to propane to help a little bit, but there is not much substitute out there on renewables for the diesel engine right now. The diesel engine is what we use in trains, in trucking, in farming, and it is not going to be an easy solution for us to come up with an alternative fuel for diesel. We need to do what we can to hold down the cost of those kinds of fuels because that new technology is going to take a while to develop. We can't just shut it off today and expect our economy to function when it is such a vital part of what is happening in this country.

Mr. DOMENICI. Will the Senator yield?

Mr. ALLARD. I will be glad to yield.

Mr. DOMENICI. I note that you just used a word a minute ago—''bridge.'' I think you have heard me speak of the bridge. You see, the bridge is how you are going to get from where you are now, with an economy that is using hydrocarbons to move itself, to do all kinds of things; how we are going to get from there to an economy that has no more of that. That is a bridge.

Most interesting, the bridge is going to be crude oil because the only way you can get there is to stay alive, to have an economy, to produce, to get things done. And to get across that bridge you have to have crude oil because there is nothing else to get you there. You cannot put everything in parking lots and in abeyance until you find what is on the other side of the bridge.

The truth is, we have to produce crude oil for perhaps a decade. You said 10, 15, 20 years. That is my guess. Even if all these things work, the automobile where you can turn it on with a switch, everything that we can do, we are still going to be, what I say, stuck in the mud—the oil mud.

Whether people like it or not, Americans have it right. They are saying drill some more, they are not saying drill less. Six months ago, everybody was afraid of the word. Now they are not afraid of it because people understand if you have more of that stuff called oil you might pay less. Costs might come down.

I thank the Senator for his understanding, and I am pleased to be with him.

Mr. BROWNBACK. If my colleague from Colorado will yield as well?

Mr. ALLARD. I yield to the Senator from Kansas.

Mr. BROWNBACK. There is another bridge I would like to talk about, and that is the continuing resolution. I wish to point out to my colleagues these are annual limitations on drilling offshore, in the oil shale. These are annual things put in, these limitations. There is a building coalition and consensus of people saying I don't want those limitations put on this year's appropriations. We do a continuing resolution as a bridge. I am warning my colleagues if this doesn't get voted on and dealt with, I think you are going to see people starting to say: I am not willing to put that into that bridge funding into next year.

I hope we can work this out on something on offshore drilling, on oil shale development of rules, before we get to that continuing resolution piece where this would normally, or often, be put in. People are saying I do not want that in this financing bill for the Government, the continuing resolution.

Mr. ALLARD. I thank the Senator from Kansas for his support. I couldn't agree more with him. It is time we stop these tactics that are causing the price of gas to get so high. Obviously, before the summer break, it doesn't look like we are going to have an opportunity to deal with the issue of bringing down the price of gas. Come September, we are going to have to do something more dramatic than what we have at this point. If it means we have to stop the continuing resolution with moratorium language in it, I think at that point in time we may have to make a strong stand—at that particular point in time. I predict we are not going to see that much of a decrease in the cost of gasoline and diesel fuel at the gas pump.

I thank the Senator from Kansas for his comments and for his support. We talked about how various aspects of the economy are being impacted by the high price of gas. I was at a press conference earlier. We had representatives speak on how the poor are getting adversely impacted, more than any other part of the population in the United States, because of the high cost of fuel. We had a member from the Congress of Racial Equality. We had Bishop Harry Jackson, who talked about the High Impact Leadership Coalition. We heard from the All Nations Pentecostal Church of God in Christ talk about how the poor they were dealing with were being so impacted by the high cost of fuel. We had a number of people from

all aspects of life, including veterans. We had also consumer groups. We had the Farm Bureau and we had Americans for American Energy, all there at that press conference, talking about how letting the price of fuel get so high was actually a war on the poor. I thought that was a rather dramatic way of putting it.

We need to think a little bit about the fact, if we allow the price of gas to get high like this, there is a lower income section of our society that is going to be dramatically impacted because they do not have the reserve capacity to pick up the costs of fuel that is impacting their lives.

We need to act now. We should not be putting it off. I have been disappointed that we have not been able, as Republicans, to put our amendments forward on the floor. The majority leader has changed his view—we will go up to four, we will let in some amendments—and then all of a sudden we are at none. We are back to the none right now.

We need to move forward. I see my time is expiring.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, I ask unanimous consent I be recognized for 5 minutes at this time, that Senator LEAHY be recognized immediately following me for 10 minutes, and the remainder of the time be given to Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGHER EDUCATION OPPORTUNITY ACT

Mr. MENENDEZ. Madam President, I rise to speak in support of the Higher Education Opportunity Act.

There is no doubt in my mind that I would not be speaking here today if it were not for the kind of assistance we will be voting on today.

I would not have been able to go from the small tenement apartment I grew up in to the halls of the United States Senate if it were not for our Federal Government's commitment to educating our young people, no matter what neighborhood they grow up in, no matter how much money their parents make, no matter what their ethnicity or the color of their skin.

I was the first person in my family to attend college, and then law school, thanks to Pell Grants and Perkins loans. The fact that I could get a quality education and was willing to work hard-work meant that the American promise was real for me. And I believe that providing every child with the same opportunities I had—so they can achieve their God-given potential—should be the unalienable birthright of every American.

Supporting our children's future isn't just a social responsibility, it is an economic necessity. Just a few decades ago, workers could find a good paying job and comfortably raise a family on the strength of their high school diploma. But times have changed.

If we are going to stay on the apex of the curve of innovation, if we are going to be the economic power we were in the 20th century going forward into the 21st century—a century that increasingly belongs to those who innovate—we have to do all we can to educate our children and prepare them to compete.

Unfortunately, we are in danger of falling behind. At the same time we are seeing higher education become increasingly more important, we are seeing it become increasingly less affordable.

We are seeing students pass up the opportunity to go on for a higher degree, because they are so pressured to pay their bills today that they can't focus on what is best for them tomorrow. We are seeing so many students who do go to college leave with two pieces of paper that they will carry for the rest of their lives—their diploma in one hand, and the bill for their tuition loans in the other. What we need now is a brainpower stimulus package: a brainpower stimulus package that will make college more accessible and more affordable so that higher education is not reserved only for the wealthy; a brainpower stimulus package that will improve and modernize our Nation's colleges and universities so they will remain the greatest and most distinguished in the world; a brainpower stimulus package that will protect students from unscrupulous lenders and ensure they are getting the best deals possible when they invest in their education with private loans; and a brainpower stimulus package that will close the achievement gap, because in this great Nation, the darkness of your skin should not diminish the brightness of your future.

The package we pass must honor and respect our soldiers and their families and provide them with the same opportunity and promise that they have given so much to defend.

Today we have the opportunity, and the responsibility, to make education a national priority and commit ourselves to accepting nothing less than greatness from our educational system. The Higher Education Opportunity Act would take enormous strides to accomplish many of these goals by increasing Government assistance for students, families, and institutions of higher learning. Allow me to take a moment to point out some crucial aspects of this bill.

Recognizing the dramatic increases in tuition over the years, this bill would increase Pell Grants and Perkins Loans would also permit low-income students to receive Pell Grants all year round, so they can afford to stay in school and earn their diplomas quicker. As tuition costs continue to skyrocket, we need to do everything we can to ensure that every child has the ability to soar to the highest heights of achievement.

In the wake of the recent student lending scandal, we must protect our students from deceptive loans that often leave them mired in debt even before they receive their diploma. This bill would establish strong standards to prevent schools from playing favorites with lenders due to expensive gifts they were given and ensure students are given the best rates possible.

This bill would work to narrow the achievement gap between Caucasians and minorities by investing in Minority Serving Institutions, Hispanic Serving Institutions, and enhancing vital programs such as TRIO and GEAR–UP.

It would reauthorize funding for Historically Black Colleges and Universities and Predominantly Black Institutions and expand their masters programs, by providing $500,000 per year in mandatory funding to each of these institutions for 6 years.

This bill would also honor the dedication and commitment of our armed forces and their families by helping servicemembers, veterans, and their families attend and pay for college by providing interest-free deferral on student loans while servicemembers are on active duty and in-State tuition rates if they are not stationed in their home State.

Finally, it would establish new college scholarships of up to $5,000 for children and family members of servicemembers who have died since 9/11.

When one of our brave servicemembers gives their life in defense of our country, they are not the only ones sacrificing—rather their sons and daughters; husband and wife; and often mother and father have also given the most precious thing in their lives for our country. Like their cherished loved one, they deserve more than anybody the opportunity and promise that makes this country so great and worth defending and sacrificing for.

Our Nation faces great challenges to meet the demands of global innovation and competition, but as i true with all great challenges, we also have a great opportunity—an opportunity to invest in our most important resource: our children; an opportunity to spur our economy and develop new, innovative industries that create high paying jobs that cannot be outsourced; and an opportunity to prepare our students and strengthen our economy so America remains a leader in the world—not just during the onset of the 20 century, but throughout it.

A nation that is united in its purpose can answer that challenge, as we have so many times throughout our history. Just as an entire generation before us was once inspired to dream new dreams of reaching space and landing a man on

the moon, so must we set our sights to the heavens and be the next great generation of leaders and innovators.

The time has come to make a robust, national commitment to the education of our youth at all levels, from kindergarten through graduate school, from technological institutes in our inner cities to centers of agricultural research in the heartland.

New generations of doctors and lawyers, artists and engineers, captains of industry and commanders of our Armed Forces, are depending on what we do here today.

This legislation has been in the works for a long time. We are a little late on the assignment, but we can still get an ''A'' for finally taking the time to turn it in.

I certainly hope our colleagues on the other side of the aisle will allow us to make this happen today.

I yield the floor and yield the remainder of any time I may have to Senator LEAHY.

Mr. LEAHY. Madam President, I thank the distinguished Senator from New Jersey. I wish to discuss two matters that involve the Senate Judiciary Committee.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

IMMUNITY

Mr. LEAHY. Madam President, today the Federal court evaluating the contempt charges against former White House Counsel Harriet Miers made a very significant ruling. The court's ruling is a complete rejection of the Bush administration's unprecedented and unfounded blanket claim of executive privilege and immunity. The Court's ruling is a rebuke of this White House's arrogant coverup and stonewalling, an arrogant coverup designed to shield from public view the inappropriate and even illegal actions of this administration. It is also a reaffirmation of the principle of separate, coequal branches of our Government, something that has guided our Republic since its inception and something this administration has tried to ignore by making its best efforts to accrue unchecked Executive power.

I commend Judge Bates. He is a former prosecutor, a Republican appointed by President Bush. I commend Speaker PELOSI and Chairman CONYERS for their steadfastness in pressing this matter.

I have long pointed out this administration's claims of executive privilege and immunity, which White House officials have used to justify refusing even to show up when the Congress has subpoenaed them, are wrong. Last November, in the Senate Judiciary Committee, I issued a ruling that the White House's privilege and immunity claims were not legally valid to excuse Karl Rove and White House Chief of Staff Josh Bolten from appearing, testifying and producing documents related to the Judiciary Committee's investigations into the unprecedented firing and manipulation of U.S. attorneys. Mr. Rove and Mr. Bolten's continued noncompliance with the committee's subpoenas, even after my ruling, led the committee to vote to hold them in contempt of Congress. Even with that, they have put themselves above the law by refusing to appear and testify.

This week the House Judiciary Committee also cited Mr. Rove for contempt. They had previously cited Ms. Miers for her failure to appear, as well as Mr. Bolten.

It is long past time for senior administration officials to abide by the law and appear before Congress to offer testimony, testimony that is compelled by subpoena. This administration places themselves above the law. What the court said is none of us is above the law, not even the President of the United States, and especially not the people who work for and take orders from the President of the United States. They are not above the law. I commend the court for making that clear.

In fact, the ruling by Judge Bates could not have been more plain. He wrote:

> [T]he Executive's current claim of absolute immunity from compelled Congressional process for senior Presidential aides is without any support in the case law.

I will be sending letters to Karl Rove's lawyer and the White House counsel to schedule Mr. Rove's and Mr. Bolten's long-overdue appearances before the Senate Judiciary Committee. In fact, Judge Bates explained why the Bush-Cheney administration's blanket immunity claims were an unjustified encroachment upon the constitutional powers of Congress. The judge wrote:

> [I]f the Executive's absolute immunity argument were to prevail, Congress could be left with no recourse to obtain information that is plainly not subject to any colorable claim of executive privilege.

This result, which the court concluded was ''unacceptable,'' would be that the ''Executive's proposed absolute immunity would thus deprive Congress of even non-privileged information.''

Many of us have said that this is an administration that considers themselves above the law, that the law applies to everybody except them. Well, the court has said the law applies to them just as it does to all other Americans. Despite the administration's attempts at every turn to short circuit Congress—even the courts—from being able to evaluate the executive privilege and immunity claims, Judge Bates's concurrence in these principles is a significant milestone.

I will be sending a letter today to Attorney General Mukasey. I am going to ask when he intends to withdraw the erroneous Office of Legal Council opinion from Stephen Bradbury relied upon by the White House to justify its noncompliance with congressional subpoenas since that opinion has been repudiated by a court and the court has said that this administration, the Attorney General, the White House—all have to abide by the law. In addition, I intend to ask the Attorney General whether the court decision will cause them to reevaluate the Department's memoranda and opinions that have supported overbroad and unsubstantiated executive privilege claims not only in the investigation of the firing and manipulation of the U.S. attorneys but also in other matters, such as the claims used to block Congress when investigating warrantless wiretapping, or the leak of the name of undercover CIA agent Valerie Plame for political retribution, or even White House interference in the Environmental Protection Agency's decisionmaking to protect corporations at the expense of Americans' health.

The court's decision undercuts the White House's blanket claims in all of these matters. The judge wrote that:

> Clear precedent and persuasive policy reasons confirm that the executive cannot be the judge of its own privilege.

That is why we have asked for over a year for the White House to provide us with the specific legal basis for those claims and their validity. What the White House has said is they do not have to obey the law. They can break the law, they are above the law, and when they are asked: What do you base that on? What is it that says you are above the law and the people who work for you are above the law? their answer is: Because we say so. That is it. They do not point to any statute, they do not point to any case law, they do not point to anything except their own arrogance in stonewalling the people of this country who want to know what they are doing. That is not the way to have a nation of laws. You cannot have one person decide the law will apply to you, the law will apply to me, the law will apply to everybody in this Chamber but will not apply to the President or the people who work for him.

I will continue to ask whether the White House's continued assertion of executive privilege in this matter means the President takes responsibility for the decision to fire well-performing prosecutors. To date, after more than a year and a half, he has not done so. Instead, he seeks to have it both ways: Well, ''mistakes were made''—by others, of course, yet somehow, executive privilege still applies.

The White House's other blanket assertion says there is no wrongdoing in the firings. We have asked: What was the basis for that? They provide none. If the White House has information that led the President and others to discount the evidence of wrongdoing the investigating committees have gathered so far, that should be produced. Otherwise, we have to conclude

they do not have any and it does not exist.

To the contrary, the Judiciary Committee's investigation which led to the resignation of the Attorney General, the entire senior leadership of the Justice Department, and several high-ranking White House political officials has uncovered grave threats to the independence of law enforcement from political manipulation in the highest political ranks in the White House, including Karl Rove. The evidence shows that senior officials were apparently focused on the political impact of Federal prosecutions and whether Federal prosecutors were doing enough to bring partisan voter fraud and corruption cases. It has long been apparent that the reasons given for these firings were contrived as part of a cover up.

The tragic and corrupt politicization of Federal law enforcement by this administration is wrong. Reports released by the Justice Department's Inspector General and Office of Professional Responsibility, the latest just this week, have shown the reach of the political operatives of this administration, infecting the hiring for career prosecutors and immigration judges with improper and illegal political loyalty tests designed to embed ''loyal Bushies'' throughout the Department. So far, neither the Justice Department nor the White House has taken responsibility. Apparently, the White House intends its excuses that ''mistakes were made'' and that there were just a ''few bad apples'' to suffice. What we have uncovered is a widespread effort described by the Department's own Inspector General as ''systemic'', one that involved the highest ranking office holders at the Justice Department funneling White House loyalists into career positions.

The White House's response to the Senate Judiciary Committee's subpoenas has been to assert blanket claims of executive privilege and novel claims of absolute immunity to block current and former officials from complying. Based on these claims, neither Mr. Rove nor Mr. Bolten even appeared before the Committee to respond to the subpoenas. Now, a court has said that they must.

The effects of the White House's assertions of privilege and immunity have been unmistakable, amounting to the withholding of critical evidence related to the congressional investigation. And all along they have contended that their blanket claim of privilege cannot be tested but must be accepted by the Congress as the last word. Today's ruling from Judge Bates is a resounding rejection of this White House's attempt to thwart accountability and a reaffirmation of Congress's ability to conduct oversight and the right of the American people to learn the truth about their government.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

ENERGY

Mr. DORGAN. Madam President, those of us who serve in the Senate serve in a political system. John F. Kennedy used to say that every mother hopes a child might grow up to be President as long as they do not have to be active in politics. But, of course, politics is the process within which we make decisions—a very honorable process. But it is not new to the political system to hear evidence of false claims. In fact, it is a time-honored tradition in politics to hear at least some people in striped pants stand up and make all kinds of false claims.

It has reached, I must say, some new heights on the floor of the Senate in the last couple of weeks. As I was listening to some of these things in the Senate, particularly on energy and some of the claims that have been made, I was thinking about when I was a little boy and the carnival would come to my small town of 300 people. You can imagine the size of a carnival that would come to a town of 300 and actually pitch a tent.

One of the things I remember about a carnival coming to town is it had a sideshow. And the sideshow in every carnival, I suppose, is the same. They paint the canvas on the sideshow with unbelievably bright paintings, and then they have a barker, a carnival barker, and they say: Come in here and see the woman with two heads; come in here and see the world's fatest man; come in and see the sideshow and see the man born with an alligator's tail. And my eyes were like dinner plates, thinking, boy this is going to be something. And none of that was in there. I mean, it was, you know, these big old claims.

Well, let me talk a little about big old claims that are not true here in the Senate. We have been hearing them now for 2 weeks.

We have an energy problem. It is a significant problem. The price of oil and gas doubled in a year, bouncing up to $120, $140 a barrel. The price of gasoline—$4, $4.50 a gallon—doubled in a year.

So our colleagues on the minority side come to the floor of the Senate. They have this voice track. It goes over and over and over; it is called looping. They say: Do you know what the problem is? We know what the problem is: The Democrats will not let anybody drill.

Well, it is an interesting discussion but not true. It reminds me of Will Rogers, who said: It is not what he knows that bothers me, it is what he says he knows for sure that just ain't so.

It is not true that people on this side of the Senate Chamber do not want anybody to drill. It is simply not true. I have brought out chart after chart showing so much that is open for drilling. In fact, I was one of four Senators who helped open what is called lease 181 in the Gulf of Mexico, 8 million acres. Four of us—myself, Senator DOMENICI, Senator BINGAMAN, and Senator TALENT from Missouri—introduced a bill saying: Let's open 8 million acres in the Gulf of Mexico that has substantial oil and natural gas deposits. Let's open that. You know what, we did it, in a bipartisan manner. And 2 years later, there is not a bit of activity on that 8 million acres.

Our colleagues rush over to the floor of the Senate and say: Well, the Democrats are at fault. They will not let you drill.

It is not true. There are many areas that are open for drilling, and we have supported that. Oh, I do not support a goofy proposition that is ricocheting around here that says: You know what, let's go to the Outer Continental Shelf, which belongs to all of America and which is not yet open, and let's let Governors of States decide whether it should be opened. I mean, that stands goofiness on its head. The Outer Continental Shelf belongs to all of the American people. That does not belong to a State. That does not belong to a Governor. That is an absurd proposition.

So they come to floor of the Senate with their chart, and it says: Produce more, use less. But you know what the problem is: the actions do not match the words. Let me describe what I mean by that.

Let me say that I support producing more. I am fine with drilling holes. I am fine with finding oil and gas. But our colleagues have this mindset of yesterday forever. Every 10 or 15 years, they shuffle into this Chamber, sort of slouched over with their hands in their pockets, saying: Let's drill some more. That is just yesterday forever.

I am for drilling, but what we ought to be doing is other things to change the mix, to change our energy future. You know, almost 65 percent of the oil we use comes from off our shore, from the Saudis, Kuwait, Iraq, Venezuela. That makes us enormously vulnerable. We need something that is game changing, that means different kinds of energy.

Yes, let's produce more, then let's produce different energy, and let's conserve more as well. But when you talk about the issue of production, it is not just drilling a hole for oil. That is what our colleagues believe. Production is also taking energy from the wind and producing electricity. Production is taking energy from the Sun and producing electricity. Production is the biofuels from corn or cellulose to produce gasoline and ethanol. Production is biomass and geothermal. Production is all of that.

Now, eight times in a little over a year we have had votes on the floor of the Senate to extend the tax incentives for renewable energy. Eight times,

those who come to the floor with their little charts talking about producing more, eight times they have said: No, we will not support it. Now, let me tell those who listen to this why they will not support it—because it costs some money in the short term to provide tax incentives to get people to invest in renewable energy.

We ought to do renewable energy in a big way. This ought to be game changing. It ought to make us much less dependent on the Saudis and Kuwaitis and others. You do that, it seems to me, by changing the energy mix.

My colleagues do not support that on the other side of the aisle. Do you know why? Because it costs money to provide tax incentives. So we pay for that. We are deep in debt in this country, but we pay for it because it ought to be paid for in the bill we have offered. So my colleagues vote against it.

Let me describe why. One of our payfors to help provide these tax incentives for renewable energy is to shut down this unbelievable tax break that exists by which hedge fund managers can take their billions of dollars and move them through tax shelters overseas and avoid paying taxes to the United States of America. My colleagues oppose closing that loophole. They stand with the ability to move hedge fund income overseas to shelter it so they do not have to pay taxes. That is unbelievable. I mean, part of the process in this Chamber, at least, is: Who do you stand for? How on Earth do you want to go home and say: You know what, I decided to vote eight times against incentivizing substantial additional production of renewable energy, energy from the wind, from the Sun and so on, to make us less dependent on the Saudis. I voted against that because I demand and insist that hedge fund managers have a right to run their income through the Cayman Islands and avoid paying U.S. taxes.

Get a chart. If you want to get a chart, print that up in a chart and take it to the Rotary Club and say: Here is who I stand with. Here is what I stand for. Explain that at home.

How on Earth do you get by with that? I do not understand it at all. You bring a chart to the floor and say ''produce more.'' Well, let me tell you how you produce more—the renewable energy production tax credit.

Let me tell you what we have done in this country. We said a long time ago, 1916: If you go looking for oil and gas, we like that. We want you to find oil and gas because we have an economy that needs it. So you go drilling, good for you; we give you robust permanent tax incentives. We have done that for nearly a century. Here is what we did for people who tried to do new technologies that take energy from the wind and the Sun and so on—a production tax credit for renewable energy.

In 1992, we said: We will give you tax incentives to expand renewable energy, kind of shallow tax incentives. By the way, they are going to be short term, so they will expire. We extended them five times for a short term. We let them expire three times. It was stutter, stop, start, stutter, stop. It was an unbelievably pathetic approach.

Some of us believe we ought to go 10 years and say: Here is where America is headed. You want to join us, we are going to be here for 10 years trying to develop America's renewable energy so we can become less dependent on oil from Saudi Arabia and elsewhere.

That is what we ought to be doing. But my colleagues from the minority come to floor of the Senate and have opposed it all along the way. They have opposed it eight times. In fact, the people who oppose this have come to the floor of the Senate and said: We need more electric-drive vehicles. We need to move toward plug-in hybrid vehicles. You bet we do. That means substantial investment in battery technology. That is in the bill, by the way, that you voted against. That means substantial investment in renewables. If you are going to drive electric vehicles, you are going to have to have electricity.

They vote against that, vote against all of this, and then come to the floor and say: We need the product of this to do what we want to do to drive electric vehicles. It is unbelievable.

I have described this probably 20 times in the Senate. Perhaps some get tired of it, but we are trying to do something here. We have been stopped, which is frustrating. It is the easiest thing in the world to stop progress. The minority has demonstrated that now for 2 weeks. I have described Mark Twain when he was asked if he would engage in a debate once. He said: Sure, I would be happy to engage in a debate, as long as I can take the negative side. They said: No one has told you the subject of the debate. Mark Twain said: The subject doesn't matter. The negative side will require no preparation.

It doesn't require any skill or preparation to take the negative side of anything. So for 2 weeks we have tried to pass legislation to wring the speculation out of the oil futures market. Seventy-one percent of that market is now controlled by speculators who don't want a thing to do with oil. They wouldn't lift a quart of oil. They want to trade paper and make money. We are trying to shut down excess speculation. What we have found is our colleagues, when the question is, who do you stand with, they say: We will stand with the oil speculators. We will block that.

Eight times we bring a bill to the floor that says, let's at least provide incentives to try to change the plan at this point and begin substantially increasing the use of renewable energy. Eight times our colleagues have voted against that.

Let me go through what this would have provided, what we tried to do: a renewable energy production tax credit, solar and fuel cell investment tax credits, clean renewable energy tax credit bonds, tax incentives for plug-in electric drive vehicles. The list goes on and on, all things we should be doing. Eight times we have lost the vote to proceed because the minority, which says they support all of this, has decided they don't want to close the a loophole that allows hedge fund managers to run their incomes through the Cayman Islands and other tax havens in order to avoid paying taxes. We close the loophole to help pay for all of this, and our colleagues have an apoplectic seizure. You can't do that, they say.

I don't understand. It is beyond me that they believe it is going to work to come to the floor of the Senate and make a claim that is a false claim that somehow the majority party doesn't support drilling. Of course we do.

Let me describe it from a parochial standpoint. The biggest drilling play in America right now is in eastern Montana and western North Dakota. The U.S. Geological Survey did an assessment at my request. The U.S. Geological Survey and I announced about 3 months ago that that is the largest assessment of recoverable oil ever made in the lower 48 States; 3.6 billion barrels to 4.3 billion barrels of oil using today's technology are going to be recoverable. We have up to 75 drilling rigs active right now, drilling a well about every 30 or 35 days, moving every 30 or 35 days to a new well site. It is the biggest oil play in our country. I fully support that. It makes a lot of sense. I was the one who got the U.S. Geological Survey to do the assessment. I was the one who helped get lease 181 opened up, 8 million acres in the gulf.

It doesn't wash with me or my colleagues to have people come to the floor with their little charts talking about this side doesn't support production. Of course we do. But production by drilling a hole searching for black gold called oil is not the only way to produce energy. We are never going to get out of this fix of needing 65 percent of the oil we use from the Saudis and others, unless we change the game completely. That means completely changing our energy future.

I have described often our situation. We have this big old planet that circles the Sun. We share it with about 6.6 billion people. We stick straws in the planet and suck oil out, about 85 million barrels a day, and 21 million barrels is destined for here because we need one-fourth of all the oil produced on the planet. One-fourth of the oil coming out of this planet every day has to come to this country because we have a prodigious appetite for oil. The fact is, we need to continue to use oil, and will. But we need to find ways to

change our energy mix in the future. The only conceivable way to do that is to begin substantial research dollars and to pass these kinds of tax incentives to move toward other kinds of energy use, solar, geothermal, wind, and so on. You can add up all the money we spend on this sort of thing to change our energy future and make this country less dependent and more secure, and it's equivalent to what the Pentagon spends in 40 days. That makes no sense.

If we are going to invest in this country's future, we have to pass legislation such as this. We can't have a Senate in which we have people who fashion themselves as human brake pads coming over here to stop everything just because they want to support hedge fund managers who want to wash their U.S. income through foreign subsidiaries and avoid taxes. That is not a sustainable policy, to continue protecting tax avoidance and stopping investment in renewable energy.

This country can have a pretty terrific future, but we face big challenges. We are not going to solve or address this country's challenges unless we think in very different ways.

I understand there will be some perfectly content for this Congress to adjourn or leave town and go on the August break having done nothing. I will be one of those who is not content. It makes no sense that there are those out there with projects on the shelf right now for new wind energy farms, for solar energy applications, for geothermal and biofuels, all of the other renewables, and they are not going to go ahead unless they have some notion that this country will extend the tax incentives for that renewable energy. On eight separate occasions, the minority has come to the floor of the Senate and said, when asked, will you extend these tax incentives, they have said: No, no, no, eight times. That is not in this country's interest.

UNANIMOUS CONSENT AGREEMENT—H.R. 4137

On behalf of the majority leader, I ask unanimous consent that at 5:30 today, the Senate proceed to the conference report to accompany H.R. 4137, the College Opportunity and Affordability Act, and that there be 130 minutes for debate divided as follows: 50 minutes under the control of Senator MIKULSKI or her designee, 30 minutes each under the control of Senators ENZI and ALEXANDER or their designees, and 20 minutes under the control of Senator COBURN; that upon the use or yielding back of time, the Senate proceed to a vote on adoption of the conference report, without further intervening action or debate. I note for the Record that this agreement has been cleared on both sides of the aisle.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PRODUCT SAFETY IMPROVEMENT ACT

Ms. KLOBUCHAR. Mr. President, I know this is the Republican portion of the time, but until a Republican arrives, I will briefly say for 1 minute that I am very pleased the Consumer Product Safety Improvement Act of 2008 is going to be coming through the Senate. We saw over 28 million toys recalled in 2007. The Consumer Product Safety Commission is a shadow of its former self. This legislation is long overdue. It was a bipartisan effort. Many of us worked on this very hard, including the Presiding Officer. I am pleased we are able to get an agreement on what the Wall Street Journal has called the most significant consumer product legislation in 16 years. It is particularly important to my State where we had a 4-year-old boy die when swallowing a lead charm. It was the 99-percent lead, made in China. It should never have been in his hands. The lead in that charm went into his bloodstream over a period of time, in fact over a period of days. I was very proud that our staff, Kate Nilan and Tamara Fucile, was able to work on that provision and work with the committee. That is now the first provision in the bill.

I thank the conference committee, under the leadership of Senators INOUYE and PRYOR, and all the conferees who worked on this in the House and Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

APPROPRIATIONS LEGISLATION

Mr. COCHRAN. Mr. President, 2 weeks ago today, the Committee on Appropriations marked up three fiscal year 2009 appropriations bills. Those bills would provide funding for programs ranging from agricultural research to veterans' health care and from foreign aid to the infrastructure that supports our men and women in uniform in our Armed Forces. While some members of the committee had concerns about the overall spending levels in those bills or individual provisions within them, the committee reported the measures by broad bipartisan votes. Those votes reflected the committee's collective belief that it has a fundamental responsibility each year to draft, debate, and report to the Senate its spending recommendations for the day-to-day operations of our Government.

The markup on July 17 was the committee's fourth markup of the year to consider fiscal year 2009 bills. The bills reported at that meeting brought to nine the total number of fiscal year 2009 bills approved by the committee. There was every expectation the committee would complete action on the remaining three bills in July, as Chairman BYRD had publicly indicated. It was also expected the committee would consider a second supplemental bill.

Despite complete inaction on appropriations measures in the other body and low expectations for timely enactment of the fiscal year 2009 bills, the committee was fulfilling its responsibility to make recommendations to the Senate and moving toward completion of the only portion of the appropriations process under its direct control.

So I give Chairman BYRD credit for getting the committee as far as he did, given the dim prospects for floor action. The Senate deserves to at least see the committee bills before making a judgment about whether it will allocate time to consider them.

Unfortunately, progress in the committee came to an abrupt halt last week. The chairman announced the committee would not meet to consider the remaining fiscal year 2009 bills and would not meet to consider a second supplemental. At the time, the reasons given for the cancellation were not clear. It was clear, however—and has been explicitly admitted since—that further markups were canceled because the majority did not wish to discuss, debate or vote on amendments relating to domestic energy production.

It is virtually unprecedented in our committee to cancel a markup to avoid a vote. The amendments that likely would have been offered in the committee are completely germane to the appropriations process. The appropriations bills in place for fiscal year 2008 contain at least two provisions that prohibit the use of funds for certain purposes and thereby inhibit the development of American energy resources.

One of those provisions is a moratorium on further development of oil and gas on the Outer Continental Shelf. The other prohibits the issuance of regulations that would govern the development of our extensive domestic oil shale resources. Both of these matters would have been directly relevant to a fiscal year 2008 supplemental. It is also likely that one or both of these provisions would have been continued in the fiscal year 2009 Interior and related agencies appropriations bill, and as such would have been subject to consideration by the committee.

Nobody is playing political games in wanting to offer these amendments. Members interested in offering these amendments had several opportunities to present them during markups of the other appropriations bills but withheld from doing so on the promise that the committee would meet to consider the appropriate bills. I thought this was the responsible thing to do, but perhaps I was wrong.

Members are entitled to their own views about whether the moratorium on Outer Continental Shelf development should be continued. The same goes for oil shale production. But at a time when energy prices are dramatically affecting our economy and challenging the budgets of families across America, I do not think we as a Congress are entitled simply to sweep the issue under the rug—or attempt to—because it is inconvenient. We are not entitled to continue the moratoria for another year as part of a long-term continuing resolution without so much as a debate or a vote.

In addition to increasing our domestic supply of energy, responsible development of the Outer Continental Shelf and of American oil shale will mean billions of dollars in royalties, rents, and bonuses that will be paid to States and the U.S. Treasury—money that otherwise would be paid to foreign governments, many of which have policies that are in opposition to U.S. interests.

Responsible development of new areas of the Outer Continental Shelf and of American oil shale would not solve our energy problems overnight, but no one is claiming it will. But if we take action now, perhaps we can avoid a debate 10 years from now in which we try to adopt quick fixes or overcome our failure to even vote on these matters today.

When last week's markup was canceled, all of the Republican members of the committee signed a letter to Chairman BYRD to express our disappointment and asked that he reconsider. I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS.
Washington, DC, July 22, 2008.

Hon. SENATOR ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate.

CHAIRMAN BYRD: We are profoundly disappointed by the cancellation of this week's scheduled markup of the Fiscal Year 2009 Interior and Legislative Branch appropriations bills, and the second supplemental appropriations bill for Fiscal Year 2008. It is readily apparent that the markup was canceled entirely due to the majority's unwillingness to consider and vote on amendments relating to domestic energy production.

The enactment of appropriations bills in recent years has often involved departures from the regular order. Our Committee, however, has a proud tradition of successfully conducting that part of the appropriations process that is under our direct control, i.e. the timely consideration and markup of appropriations bills. You have been steadfast this year in insisting that the Committee continue in this fashion, for which we applaud you. We are therefore surprised at today's turn of events.

Energy prices are an issue of singular importance to people across the country. The American people are looking to their elected representatives in Congress to offer bold new policies that will help reduce our dependence on foreign oil by developing more domestic energy resources, and by reducing the amount of energy we consume. We must act on all fronts. The solution to our current problems will not come from any single policy, or from any single committee. The Committee on Appropriations, however, has an important role to play.

The Fiscal Year 2008 Interior, Environment, and Related Agencies Appropriations Act contained provisions that prohibit the production of oil and gas from large portions of the Outer Continental Shelf, and that prohibit the issuance of regulations that are necessary for the responsible development of America's vast oil shale resources in the Rocky Mountain west. It is likely that the chairman's mark of the Fiscal Year 2009 Interior bill would have contained one or both of these provisions. As such, it would have been timely and entirely appropriate for the Committee to meet to consider the merits of continuing these provisions in Fiscal Year 2009, and to consider whether the provisions should be modified or repealed in Fiscal Year 2008. Members of the Committee might well have other energy-related amendments that they wish to be considered.

We urge you to reconsider your decision so that the Committee can meet its responsibility to consider all of the appropriations bills, and also do its part to help address the energy challenges that face our country.

Sincerely,

Ted Stevens; Thad Cochran; Arlen Specter; Pete V. Domenici; Mitch McConnell; Judd Gregg; Robert F. Bennett; Richard C. Shelby; Larry E. Craig; Christopher S. Bond; Kay Bailey Hutchison; Sam Brownback; Wayne Allard; Lamar Alexander.

Mr. COCHRAN. It is now obvious we will go out of session having not finished our work as a committee, having not met to consider appropriations bills that deal directly with the most pressing issues facing American families today.

When we return in September, it is highly unlikely the committee will act on the remaining fiscal year 2009 bills or the second supplemental. Both the majority leader and the Speaker have indicated we will consider a second supplemental bill in September, but it is hard to imagine there will be enough time to act on that measure in committee. That is a shame.

Yesterday, Chairman BYRD issued a press release outlining what would have been in the chairman's mark of the supplemental had the committee met to consider it. He outlined a bill that would appropriate some $24 billion to respond to natural disasters, to improve American infrastructure, and for other purposes.

The chairman included a number of items I had requested that are important in my State of Mississippi in our ongoing efforts to recover from Hurricane Katrina. He included a number of other items in response to requests by other members on both sides of the aisle.

While there will justifiably be concern about the total cost of this proposal and some of its component parts, in my view, it is a measure worthy of consideration in the Appropriations Committee.

But a press release is not a markup. It is not a draft of a committee bill. No Senator can amend a press release. No Senator can see the legislative language that would implement the spending described in the release, and no Senator can know what provisions might be included in the bill but not mentioned in the press release.

I am the ranking member of the committee, and I do not know these things. If I thought we would return in September and hold a markup of the bill, giving the Senate time to debate it fully, perhaps I would be less concerned. But we know time is short once we return. Based on what we have witnessed on the floor in recent months, I have little confidence Senators will be allowed freely to offer amendments to the supplemental if it is taken straight to the floor.

I wish to reiterate that Chairman BYRD has done an admirable job of trying to uphold the committee's responsibilities and prerogatives in the face of these circumstances. We both share the view that our committee has an important and fundamental responsibility to write and put forth bills that support the basic operations of our Nation's Government. As a Congress, however, we are getting into some very bad habits as it pertains to consideration of these bills.

We are completely abandoning efforts to move the regular appropriations bills across the House and Senate floors, something which has nothing to do with filibusters. Nobody filibustered the fiscal year 2008 bills that were brought to the Senate floor. When we do manage to pass appropriations measures, the differences are resolved not by an open meeting of a conference committee but, usually, in closed-door negotiations, followed by an exchange of messages between the House and Senate. Now, apparently, we are starting to cancel committee markups based on an unwillingness to take votes on difficult issues. They may be entirely germane.

So I regret these trends for the sake of our committee that is struggling to maintain its tradition of bipartisan cooperation and action. I regret it for the sake of millions of Americans who will simply not know why the Senate cannot manage to take votes and process its legislation and its appropriations bills in a straightforward and open manner. I regret the way we are letting things slide now into an unusual procedure that does not reflect credit on the Senate.

The PRESIDING OFFICER. The Senator from Utah.

ENERGY

Mr. BENNETT. Mr. President, we are about to adjourn for the August recess without having passed a single piece of legislation addressing the energy crisis

or the most important issue, which is the concern over rising gasoline prices.

I attended the Fourth of July parade in my home State. In Utah, there is also a 24th of July parade celebrating the anniversary of the time when the first Pioneer settlers came into the valley. In both parades, I had things shouted at me. Politicians have that experience. Usually, we hope the things that are shouted at us are complimentary. In this case, the things I had shouted at me in the parades were: ''Why aren't you drilling? Why aren't you producing more American oil? Drill now.'' I said: We are discussing it. We are trying to do that. We are trying to get something done.

If there were a parade scheduled now, I would have to go back and say: The Senate would not let us vote on any of the proposals to increase the supply of American oil. There are proposals coming in the form of letters from Senators to the President of the United States saying: Will you please go to Saudi Arabia and beg them to produce some more oil? There are suggestions that somehow we should sue Saudi Arabia or members of OPEC to get them to produce more oil. But we are not even allowed the opportunity to vote on proposals to produce more oil in the United States.

A lot of my constituents are not aware that at one point, not too distant in the past, America produced more oil than any other country in the world and controlled the pricing power over oil. We could affect the world price by opening more wells in east Texas. But in the 1970s, that pricing power left our shores and was transferred from the Texas Railroad Commission to the Saudi royal family. Now we are in the posture of begging the Saudi royal family to produce more oil when we have the capacity to bring that pricing power back to the United States by producing more here.

I wish to talk specifically about oil shale because I understand there has been an exchange on the floor about oil shale earlier, with the junior Senator from Colorado saying we are not ready, the technology is not finished, and, therefore, we should maintain the congressionally ordered moratorium on the Department of the Interior from promulgating the rules under which leases could be granted on public land.

Now, let's look at that argument for a minute.

The Department of the Interior has released draft rules. We know what they want to do. They have been prepared to do this, and are prepared to do it today. They cannot turn those draft rules into firm rules as long as the Democrat moratorium is in place. So when we wanted to lift that moratorium—we tried to in the Appropriations Committee—we were denied on a straight party-line vote. The Republican leader tried to lift that moratorium here. We were denied in a unanimous consent request.

So let's ask ourselves: What are those rules? The best analogy to help people understand what those rules are is to talk about a fishing license. If you want to catch fish, you have to get a fishing license. You go in and you pay for it and it is for a specified period of time. Now, there is no guarantee the fish will respond to your efforts to catch them. There is only an opportunity to go forward with it.

Mr. President, I ask unanimous consent that I be allowed 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNETT. All we are talking about, with respect to the rules of the Department of the Interior, is let's give companies a fishing license. If the technology is not ready, the companies will know that. They will find that out very rapidly. If the technology doesn't work, the marketplace will prove that it doesn't work, and companies won't invest in it.

This is not a government subsidy for oil shale. This is not even a government support of oil shale. This is simply a fishing license to say: Go see if you can find some fish or, in this case, go see if you can find some oil. If you can, and you can produce it at an economically acceptable price and in an environmentally friendly manner, then go ahead.

But in this body we are saying: No, we won't even let you look for it. We won't even let you move forward to try to find out if it will work.

The Senator from Colorado said: We are not ready. I would say to him: We are in Utah. We have a program going forward in Utah on State land that shows every indication of producing oil by the end of this year. The reason they can't produce large amounts of oil is that we don't have enough State land to produce on a larger scale. If you are going to produce large quantities, you have to allow development on public lands, but there is a moratorium in place that says: We won't even let you look at these lands.

The easiest thing we could have done this week in Congress would have been to lift the moratorium. The least we could have done would have been to let the Department of the Interior implement the rules and give companies an opportunity to look at the Federal lands to see if they want to get a fishing license to catch some fish or, in this case, oil. That is all we are asking for, but it has been objected to repeatedly and repeatedly.

If I march in a parade again, I am going to have a hard time explaining to anybody why the Senate won't allow us to do that.

HIGHER EDUCATION OPPORTUNITY ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the conference report on H.R. 4137, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4137), to amend and extend the Higher Education Act of 1965, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of July 30, 2008.)

The PRESIDING OFFICER. Under the previous order, there will be 130 minutes of debate: 50 minutes under the control of the Senator from Maryland, 30 minutes each under the control of Senator ENZI of Wyoming and Senator ALEXANDER of Tennessee, and 20 minutes under the control of Senator COBURN of Oklahoma.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Thank you very much, Mr. President.

It is a great honor for me to be able to bring to the floor of the Senate the higher education conference report for the Health, Education, and Labor Committee. I bring this bill to the Senate on behalf of Senator KENNEDY.

What I wish colleagues to know is that this bill is truly a bipartisan agreement. It was led by Senator KENNEDY and Senator ENZI, the ranking member, our colleague from Wyoming, who worked tirelessly. This bill has been a work in progress for more than 5 years.

Early this summer, as Senator KENNEDY advanced this bill, we are all aware that he received some pretty surprising news. As he went into his own treatment regime, he called me and asked me to take over the conference report. I viewed it as an honor, I viewed it as a privilege, and I view it as an honor and privilege today.

Before I go into describing the bill and presenting it, I again wish to thank Senator ENZI for his work with Senator KENNEDY and his collegial and civil attitude in working with me to move this bill.

As I get ready to present this to the Senate, however, I have a letter from Senator KENNEDY. I have been in touch with Senator KENNEDY on a regular basis, receiving his advice, his guidance, his caution, and his jocular wit. I know he is watching us as we begin this debate today. This is a short statement he asked me to read to his colleagues:

I'm pleased to express my strong support for final passage of the Higher Education Opportunity Act of 2008. This legislation builds on key measures we've approved this Congress to increase college aid and make loans more available for students. This bill goes even further to assure that a college education is affordable and accessible to our citizens.

This legislation comes at a time when students and families need more help then ever to deal with the rising cost of college. Average costs at public colleges are more than $13,000 today, and $32,000 at private colleges. Each year 780,000 qualified students don't attend a four-year college because they can't afford it.

Our bill takes major steps to expand college access and affordability. It holds colleges accountable for rising costs requiring the top five percent of colleges with the greatest cost increases to submit detailed reports to the Secretary of Education on why their costs have risen, and what they will do to hold costs down. It simplifies the complex student aid application process by replacing the seven-page Free Application for Federal Student Aid with a two-page ''EZ–FAFSA.'' It also expands aid for our neediest students by enabling them to receive Pell Grants year-round for the first time.

The legislation also responds to the ethical scandals in the student loan industry, which the Committee documented in investigations last year. It bans lenders from offering gifts to college officials, and requires college to adopt strict codes of conduct on student loans.

I'm particularly proud of provisions that help students with disabilities and veterans.

It enables students with intellectual disabilities who attend postsecondary transition programs to receive Pell Grants for the first time, and provides support for colleges to expand these programs.

The bill helps service members by enabling them to defer payments on their student loans—interest-free—while they're on active duty. It also allows service members and their families to receive in-state tuition rates for college when they move to a new state, and enables them to re-enroll in college without delay when their service is complete.

This bill creates a lasting legacy for students and families, and it wouldn't have been possible without the bipartisan cooperation of the members of the HELP Committee and the House Committee on Education and Labor. I commend our Ranking Member, Senator Enzi, and Chairman Miller and Ranking Member McKeon in the House for their strong support. I'm especially grateful to my friend, Senator Mikulski, for her impressive work in resolving some of the most difficult issues in this bill.

We can be proud that with passage of the Higher Education Opportunity Act, we're meeting our responsibility to help all our citizens obtain a higher education. By improving their lives, we also strengthen our nation and our future. I urge all my colleagues to support this needed legislation.

I ask unanimous consent that a longer statement by Senator KENNEDY be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR EDWARD M. KENNEDY, HIGHER EDUCATION OPPORTUNITY ACT OF 2008

From our earliest days as a nation, education has been the mainstay of our democracy and the engine of the American dream. Our Founders knew that an educated citizenry would strengthen the nation and build the values and character that make us Americans. They believed in the power of education and its ability to create an even greater America over the horizon.

In our own day and generation, we've seen an excellent example of the fulfillment of the promise of that new horizon, after Congress passed the GI Bill of Rights in 1944, which enabled service members returning from World War II to receive a college education. Hundreds of thousands did so, and they went on to become the Greatest Generation. The GI bill produced 67,000 doctors, 91,000 scientists, 238,000 teachers, and 450,000 engineers. It funded the education of three Presidents, three Supreme Court Justices and many Senators who served in this very chamber.

Over the course of the past year, we've revitalized that vision once again with the passage of two important higher education bills. When Congress passed the College Cost Reduction and Access Act last fall, we renewed our commitment to the idea that no qualified student should be denied the opportunity to go to college because of the cost. It included the largest increase in student aid since the GI Bill—more than $20 billion. We also increased the maximum Pell Grant—the lifeline to college for low-income students—from $4310 to $5400 over the next five years.

In addition, the Act provided new relief for students struggling under the weight of their student loans, by allowing loan repayments to be capped at 15 percent of monthly discretionary income. We also included new incentives for students to enter key professions such as teaching, law enforcement, and social work, by providing loan forgiveness to those who commit to public service jobs for 10 years.

This past spring, we passed a second bill to underscore our commitment. When the crisis in the credit markets appeared to be threatening the ability of students and families to obtain loans for this school year, we approved emergency legislation—the Ensuring Continued Access to Student Loans Act—to make sure that loan funds will be available this fall.

That bill increased the amount of federally-subsidized loans for college students, in order to reduce their reliance on higher cost private loans. We gave parents greater access to low-cost federal PLUS loans, to provide an alternative to private loans and home equity lines of credit. We also gave the Secretary of Education new tools to ensure that lenders have the funds they need to make loans to students.

The bill before us today—the Higher Education Opportunity Act of 2008—takes even more steps to ensure that a college education is affordable and accessible to our citizens.

A college education has never been more important than it is now. Today, 60 percent of new jobs require some post-secondary education, compared to just 15 percent half a century ago. Yet the United States ranks only 14th in the college graduation rates of all industrialized nations.

At the same time, college has never been more difficult to afford. The cost of college has more than tripled over the last twenty years. Today, average tuition, fees and room and board at public colleges is more than $13,000, and it's more than $32,000 at private colleges.

Each year an estimated 780,000 talented, qualified students don't attend a four-year college because they can't afford it.

In last year's student aid bill, we made a commitment to American students and families to invest billions more in student aid—especially for those who need help the most. Now, with the Higher Education Opportunity Act, we're asking colleges to do their part to keep costs under control. Our bill requires the Department of Education, for the first time, to make detailed information about college costs available to students and families on its website. It also requires the Department to highlight, on national lists, those colleges that are doing a good job of keeping their costs down, and those that are not.

By providing greater transparency and enabling students and families to compare the costs of various colleges more easily, we hope to promote an environment where colleges think carefully before they raise their prices. But our bill requires even more. If, over three years, a college raises its prices so much that it ranks among the top five percent of institutions of its type with the highest cost increases, we require the college to submit a comprehensive report to the Secretary of Education, detailing the steps the college will take to bring its costs back under control.

We're also taking overdue action to rein in the high cost of college textbooks. According to the U.S. Public Interest Research Group, the average college student spends about $900 a year on textbooks. Since 1994, textbook prices have risen at four times the rate of inflation, and they continue to increase. Often, students are forced to waste money buying textbooks because they can only be purchased in ''bundles'' with workbooks and other materials that their professors don't use.

Our bill will reverse this trend by requiring textbook publishers to ''unbundle'' textbooks and supplementary materials, so students can buy only the materials they really need. It will also give faculty members better information about textbook costs, by requiring publishers to provide more detailed pricing information. And it will require colleges to include information about required textbooks in their course catalogs and on their websites, so that students can shop for the best prices.

In addition to holding the cost of college down, we're doing more to ensure that students receive all the aid they're entitled to by reforming the application process for federal student aid. Today, the process is needlessly complex. The Free Application for Federal Student Aid (FAFSA)—the basic form that all students must complete to determine their eligibility for federal aid—is currently seven pages long. That's longer than the standard federal income tax form.

Such complexity has unfortunate consequences for students. Each year, an estimated 1.5 million students eligible for Pell Grants don't receive them, either because they aren't aware of federal aid or because they find the process too complicated to navigate. It's time to make the process simpler.

The Higher Education Opportunity Act will replace the 7-page FAFSA with a 2–page ''EZFAFSA'' for low-income students. Within five years, the longer FAFSA will be phased out for all applicants. The bill also includes pilot programs to simplify the federal aid applications even further. To help more of our neediest students understand that college aid is available for them, a pilot program will give low-income students a federal aid determination in their junior year of high school, rather than their senior year.

We also encourage the Secretary of Education to work with the IRS to share income tax data, so the federal aid form can include the data needed to determine a student's eligibility for college aid.

In addition, to ensure that this aid is directed to students, we must keep them informed about their choices and hold colleges and lenders accountable for giving students the best loan deal possible.

Investigations by our Committee found that many lenders are entering into sweetheart deals with colleges, offering gifts to college and university employees in order to obtain their students' loan business.

Lenders who participate in the federal student loan program have offered ''educational conferences'' at luxury hotels and offer free entertainment and free tickets to sporting events to college officials in order to entice those officials to recommend the lenders to their students. The Higher Education Opportunity Act makes these practices illegal, and protects students by ensuring that when a college recommends a lender, it's based on the best interest of students and nothing else.

The bill also creates a new process with respect to private educational loans—which now account for a quarter of all borrowing for college—to make sure that students know what low-cost Federal aid they're eligible for, and how much more they really need to borrow to cover the cost of college attendance with a private loan.

The Higher Education Opportunity Act also enhances grant aid for the neediest students, adding to the dramatic increase in student aid Congress approved in last year's student bill. For the first time, we allow students eligible for Pell Grants to receive those grants year-round, so they can accelerate their courses of study.

But ensuring access to adequate grants and loans is only one component of solving the college access crisis. We must also ensure that more students are graduating from high school ready for college. In 2001, colleges required one-third of all freshmen to take remedial courses in reading, writing, or math.

Because so many high school students are not learning the basic skills to succeed in college or work, the nation loses more than $3.7 billion a year. This figure includes $1.4 billion to provide remedial education to students who have recently completed high school, and $2.3 billion that the economy loses because remedial reading students are more likely to drop out of college without a degree, thereby reducing their earning potential.

To address this problem, our bill includes provisions to maintain the strength of the TRIO and GEAR UP programs, which provide underprivileged students with the support they need to go to prepare for and graduate from college.

We also strengthen efforts to help students with disabilities enter and succeed in college. For the first time, the bill allows students with intellectual disabilities to receive Pell Grants and Federal Work-Study funds to participate in transition programs at institutions of higher education.

We create new grant programs to help colleges offer even more of these transition programs, and make course materials more accessible for students with print disabilities. We establish a new center at the Department of Education devoted to helping students with disabilities and their families get the help and assistance they need to prepare for college and go to college.

These provisions to help students with disabilities will be one of the lasting legacies of this legislation, and I'm proud we've been able to do so much.

I'm also proud of the steps we take in this bill to help service men and women pursue a higher education. They risk their lives for us every day, and they deserve whatever we can give them to help them build a brighter future. Our bill provides a number of new benefits for servicemembers, including provisions to allow them to defer payments on their student loans—interest-free—while they're on active duty, provisions to help servicemembers re-enroll in college without delay, and a new online clearinghouse for servicemembers to learn about college benefits available to them.

Our bill also takes other much-needed steps to ensure that all citizens are able to enjoy the benefits of higher education. As we know, discrimination has long limited the opportunities of minorities and women in higher education. As a result, these groups are still under-represented today among graduates of institutions of higher learning, and among professors, attorneys, and other professionals.

Decades of reports and studies document the under-representation of women and minorities in higher education. In 2006, a report, Faculty Gender Equity Indicators by the American Association of University Professors found that women are significantly under-represented among university faculty—they make up just 39 percent of full-time faculty at institutions of higher education, and just 34 percent of such faculty at doctoral institutions. The Department of Education's most recent Digest of Education Statistics indicates that women continue to be underrepresented among those obtaining professional degrees, such as in law and business.

As the National Center for Education Statistics states in its Enrollment in Postsecondary Institutions, Fall 2006 report, minority students are underrepresented at every level of higher education, with numbers dwindling further in graduate and professional education. Likewise, law school enrollment surveys by the American Bar Association show that minorities are underrepresented among students at those institutions, and among law school tenured faculty and deans. This legislation takes needed steps to address this under-representation of women and minorities and to help make the goal of equal educational opportunity a reality for all our citizens.

The bill also provides new support for educational institutions that serve minority groups historically denied access to higher education because of prejudice and discrimination. These institutions—many of which were founded in direct response to the refusal by other colleges and universities to admit minority students—have long had an indispensable role in overcoming the legacy of discrimination in education that has led to under-representation of minorities in academia and in legal and other professions.

These institutions help ensure a diverse pool of qualified professionals in the nation's economy. They're particularly important because they provide postsecondary educational opportunities specifically tailored to students—especially low-income students—who have been denied access to adequately-funded elementary and secondary schools, or have been educated in schools marked by racial and ethnic segregation. As documented by studies and described in the Committee reports, these institutions have a proven track record of educating minority students. They graduate a disproportionate number of the nation's minority doctors, lawyers, teachers, and other professionals. They offer affordable, high quality college education and job training to tens of thousands of students every year.

In addition to these measures, the legislation includes several provisions to help colleges and universities improve student and campus safety. More than a year ago now, the nation was shocked by the worst shooting rampage in history—a shock made worse by the fact that it occurred at an institution of higher education. What happened at Virginia Tech was a wake-up call for Congress and the Nation—that tragedy can strike anywhere, including college campuses.

The bill takes steps to apply some of the lessons learned from that overwhelming tragedy, and ensure that students are safer in the future. It helps colleges upgrade their safety and emergency response systems with the latest technology, and requires them to have specific procedures to deal with serious situations on campus, including informing students immediately when such situations erupt. These steps are essential parts of the responsibility of colleges and universities in protecting the students entrusted to their care and we can help them do better.

This bill is the product of many months of hard work, and it couldn't have completed without the bipartisan cooperation of every member of the HELP Committee and the House Committee on Education and Labor. I commend our Ranking Member, Senator Enzi, for his strong support for moving this bill forward, and Chairman Miller and Ranking Member McKeon in the House for their enormous contributions to this legislation.

I'm especially grateful to my friend, Senator Mikulski, for going above and beyond the call of duty to help resolve some of the most difficult issues in this bill over the past several months.

I also commend Senator Dodd and Senator Shelby for the assistance the Banking Committee has provided on the private loan provisions in the bill, and all the Members of both committees for their individual contributions.

We owe an immense debt of gratitude as well to the many staff members on both sides of the aisle who have dedicated hundreds of hours to working on this legislation. I'm grateful for the efforts of Dvora Lovinger and Robin Juliano on Senator Mikulski's staff, and Ilyse Shuman, Greg Dean, Beth Buehlmann, Ann Clough, Adam Briddell, Lindsay Hunsicker, Aaron Bishop and Kelly Hastings on Senator Enzi's staff.

From Chairman Miller's office, I'm grateful for the efforts of Mark Zuckerman, Alex Nock, Gabriella Gomez, Julie Radocchia, and Jeff Appel. From Ranking Member McKeon's office, I thank Sally Stroup and Amy Jones.

I also thank Mary Ellen McGuire and Jeremy Sharp with Senator Dodd; Rob Barron with Senator Harkin; Michael Yudin and Michele Mazzocco with Senator Bingaman; Kathryn Young with Senator Murray; Seth Gerson with Senator Reed; Mildred Otero, Latoya Johnson, and Chelsea Maughan with Senator Clinton; Steve Robinson with Senator Obama; Huck Gutman with Senator Sanders; Will Jawando with Senator Brown; Allison Dembeck with Senator Gregg; David Cleary and Sarah Riffling with Senator Alexander; Celia Sims with Senator Burr; Glee Smith with Senator Isakson; Karen McCarthy with Senator Murkowski; Juliann Andreen with Senator Hatch; Alison Anway with Senator Roberts; Jon VanMeter with Senator Allard; and Elizabeth Floyd with Senator Coburn.

As I mentioned, the Banking Committee provided special help during this process and I thank Shawn Maher, Amy Friend, and Roger Hollingsworth with Senator Dodd; and Jim Johnson with Senator Shelby.

As always, we're grateful for the hard work of our Legislative Counsels, the Senate Budget Committee, and the Congressional Budget Office for helping us prepare this bill. I thank Mark Koster, Kristin Romero, Amy Gaynor, and Laura Ayoud from the Senate Legislative Counsel's office, Steve Cope and Molly Lothamer from the House Legislative Counsel's office, Debb Kalcevic and Justin Humphrey of the Congressional Budget Office, and Robyn Hiestand with the Senate Budget Committee.

And from my own staff, I thank Michael Myers, Carmel Martin, J.D. LaRock, Erin Renner, Missy Rohrbach, Emma Vadehra, Jennie Fay, Shawn Daugherty, Roberto Rodriguez, David Johns, Michael Zawada, and Jane Oates.

As President Kennedy said in 1961, ''Our progress as a nation can be no swifter than our progress in education. Our requirements for world leadership, our hopes for economic growth, and the demands of citizenship itself in an era such as this all require the maximum development of every young American's capacity. The human mind is our fundamental resource.''

President Kennedy was speaking then about the aspirations that gave life to the original Higher Education Act of 1965. His words rang true then, and they still ring true today. We can all be proud that with passage of the Higher Education Opportunity Act, we're recognizing our responsibility to help all our citizens obtain a higher education, not only to improve their own lives, but also to strengthen our nation and our future. I commend all my colleagues and their staff members on both sides of the aisle for coming together to make passage of this vital legislation possible.

Ms. MIKULSKI. Mr. President, I wish to add to this. I won't repeat what Senator KENNEDY reminds us are the good things in this bill.

In addition to our empowerment opportunity, which was expanding Pell grants from $4,800 to $6,000, we are also making sure Pell grants are available all year long, not just during the academic year, as well as getting rid of the cronyism in private lending where there were kickbacks going on between lenders and those at colleges who were offering it.

In addition to that, one of the things I am very proud of is how we met two major shortages in our country. Right now, there are the issues related to the nursing shortage. This bill recognizes the fact that though there is a nursing shortage, there are now several thousand people who want to go to nursing school but can't get in because the nursing schools either have no room, no labs, or no faculty.

Working together, we have been able to pass in this bill a very significant empowerment opportunity that will expand faculty and laboratory capacity so that we can crack the nursing shortage code by making sure all who want to go have the opportunity to go. By the way, there are 40,000 qualified applicants who could not get into nursing programs. They were smart enough. They were good enough. There was even financial aid to help them, but there just wasn't room. But we are making room for them.

Another issue that we were able to deal with was promoting innovative and effective teacher preparation programs. Our Nation faces a shortage of high-quality K–12 teachers, and new approaches are needed to make sure that every child has an effective teacher. In this legislation, we create a pipeline for high-quality teachers to teach in high-need schools by promoting partnerships with teacher education programs in higher need districts. We hold institutions of higher education accountable for the quality and progress of their teacher preparation programs as well as encouraging them with substantial help to develop alternative certification programs.

The Presiding Officer would be interested to know that on this 25th anniversary of Sally Ride going into space, neither Dr. Ride nor I could teach in a Baltimore high school. Dr. Ride has a Ph.D. in astrophysics, two undergraduate degrees—one in physics and one in Shakespeare. I have a master's degree in sociology. I think I am qualified to teach current events but couldn't do it. That is OK. We should be qualified, but it would be darn hard to get into an alternative certification program.

I think there is a lot of talent coming out of our military, retired people who are looking for second careers—an experienced core. We need to give them an opportunity to come into our college classrooms, bringing knowledge, expertise, and the kind of mentoring that goes on. This is what is in this bill. It is not a laundry list of programs. It is about helping those young people who want to get into school, making sure we deal with some of the critical shortages facing our country, and at the same time having empowerment opportunity where we help important historic institutions, such as our Historically Black Colleges.

I am going to speak about this bill in more detail, but for now I wish to yield to Senator ENZI, who has been such an able partner and who has a particular area of expertise, because of his accounting background, in the fiscal reforms we did and a real passion for the community college.

Mr. ENZI. Mr. President, I rise to express my support for the conference agreement of the Higher Education Opportunity Act, which would reauthorize the Higher Education Act. This conference agreement represents a major victory for America's students and families. I can't say enough about the tremendous role that Senator MIKULSKI has played in getting this wrapped up. I often say, on bills it takes 90 percent of the time to get the 90 percent done, and the other 10 percent also takes 90 percent of the time. I think she did a significant job of cutting that other 90 percent to get the 10 percent done.

My only regret is that Senator KENNEDY isn't here to share in this great moment. He has been working on this with me for 3 years. We actually worked a little bit on it before that. Without his able help on this bill and the superb help of his staff, who have continued to work on it, we wouldn't be in this position today. I will be eternally grateful, though, that he asked Senator MIKULSKI to step in and help out. She has been tireless and has done a phenomenal job. Without her leadership, we also wouldn't be here at this moment.

This is an important step, and it will have an impact on the lives of students of all ages for years to come. It is much like the launch just over 50 years ago of the Sputnik satellite that sparked a great debate about our place in the space race. The success of Sputnik sent shockwaves through the Nation. Russia was getting the better of us technologically, and we couldn't allow that to happen. It sparked a change in our education policies, and it sparked America to do what it does best, which is to rise to the challenge with innovation and a marked determination to be second to none. No longer could we rest on our past triumphs as a nation. We met the challenge of Sputnik through the National Defense Education Act.

Today, we are again being challenged but in a different way.

Now, instead of a race for space, it is a race for knowledge and skills that confronts us. It is a race we dare not lose, for the stakes this time are even higher. What is at risk is our strong economy. The solution to this difficult problem is to make a college education more accessible, more affordable, and more accountable for more Americans. It is more important than ever to make sure students and their families have good information to use on making decisions about college.

We find ourselves at a time when 200 of the 230 highest wage, highest paying, and in-demand jobs require some college education. In this environment, it is necessary for America's students to be able to access the tools and assistance they will need to complete their college education and acquire the knowledge and skills that will enable them to be successful in the 21st century economy.

Institutions of higher education and employers have expressed their dissatisfaction with the fact that our high school graduates need remediation in order to do college-level work or to participate in the workforce. Each year, taxpayers pay an estimated $1 billion to $2 billion to provide remedial education to students at our public universities and community colleges. The cost to employers is even greater.

The legislation before us will take historic steps to provide students with

the tools, the means, and the power to get a higher education.

We can all appreciate the complexity of the Federal student aid system. Filling out the Free Application for Federal Student Aid, or FAFSA, prevents many of our students from even considering college. We have taken that from multipages down to three pages—incidentally, that is both sides. One of the significant things is that it has kept people from even applying for financial aid, and without the financial aid, they cannot go to college. In 2004, an estimated 850,000 individuals who would have been eligible for Pell did not file a FAFSA. Completing bureaucratic financial-aid forms should not be a barrier to thousands of students who need financial aid to attend college.

This bill breaks down FAFSA to just those necessary questions to determine a student's financial need. In addition, Federal agencies will be required to examine and reduce the amount of information needed to establish eligibility for student aid. We also have included sunshine and transparency requirements for institutions, lenders, and guaranty agencies to restore confidence in student loan programs and eliminate the appearance of inappropriate arrangements.

As important as it is to increase the number of first-time college-going students, the fact is that nontraditional students are the students of the future. With seven community colleges in Wyoming, I know the value of serving adult learners who are returning to college for additional education and training. This agreement provides Pell grants for year-round education. You can think of it as 9 months and 3 months off, but people who are in this position need to be able to go continuously until they get the certification or degree they are working for. Again, this agreement provides Pell grants for year-round education, so students can complete their programs more quickly.

One issue I have concerns with is the maintenance of effort provision. I am worried that it may serve as a disincentive to States to reasonably allocate resources to higher education. I expect that we will find the provision unworkable, and we will be back in the future to make technical changes to fix it. We will leave that for another day.

For students today, a higher education is no longer optional. Without a lifetime of education, training, and retraining opportunities for everyone, we will not meet the 21st century challenges. This historic piece of legislation goes a long way toward meeting our commitment to all Americans.

This conference report is not a perfect bill, but it is a good bill and an important accomplishment because we followed the 80/20 rule. We focused on the 80 percent of the issues we could agree on, not the 20 percent we disagreed on. We also followed the regular order to craft this bill. It went through committee and was considered on the floor. The House did the same. Then we met with the House to draft a conference report. This process takes time, but the result is an important accomplishment for America's students and their families. What we are doing today will make a great difference in the lives of our children and our grandchildren for many years to come.

I thank all of the members of both the Senate and the House committees, and in particular Senator KENNEDY for working toward this goal for years and keeping his commitment that we would get this done. Senator KENNEDY has long been a champion for education in our country. He shares my determination that the education we provide to students of all ages will be second to none. That is a difficult challenge. When he and I started on this challenge to reauthorize the Higher Education Act 3½ years ago, we knew there would be many bumps along the way. I believe we hit every single one of those bumps, but he provided the kind of leadership in committee, in the Senate, and in the Congress that made it possible for us to reach this agreement today.

I also thank Senator MIKULSKI for the key role she played in assuring that we reached agreement on the bill.

In addition, I acknowledge the tremendous work of Chairman MILLER and Ranking Member MCKEON of the House Education and Labor Committee. There were a tremendous number of meetings between us to work in a very positive way toward getting to this point.

As well, I thank Congressmen HINOJOSA and KELLER of the subcommittee. They helped to shepherd this bill through the House so we could take it up on the Senate floor.

There are many congressional staff who worked on this conference report. The breadth and importance of the issues, not to mention the length of the legislation, requires many people working on it to get it done.

I have always said that I have a staff worthy of gold medals and my staff who worked on this bill have shown their gold medal status once again. I must first acknowledge and thank Beth Buehlmann, my education policy director. It is no exaggeration to state that without Beth there would be no Higher Education Act reauthorization bill today. She truly was the force to start the reauthorization 3½ years ago. She worked tirelessly to ensure that we drafted a bill to reflect the changing nature of our student bodies as well as to ensure that we, as a Nation, will maintain our status as having the best education system in the world. Her team of Ann Clough, Adam Briddell, Kelly Hastings, and Lindsay Hunsicker is comprised of remarkable individuals who brought their talents and knowledge to the forefront in this bill. I would also like to thank my staff director, Ilyse Schuman, and Greg Dean, Amy Shank, Randi Reid, John Hallmark, and Ron Hindle who also put in many hours and added invaluable input into the bill as well as the overall process.

I would also like to thank members of Senator KENNEDY's staff for their hard work—Michael Myers, Carmel Martin, JD LaRock, Missy Rohrbach, Erin Renner, Roberto Rodriquez, and Emma Vadehra.

Additionally, I would like to thank all of the other HELP Committee staff for their hard work throughout this process, especially David Cleary and Sarah Rittling of Senator ALEXANDER's subcommittee staff. Also deserving thanks are our Republican members' staff, including Allison Dembeck, Celia Sims, Glee Smith, Karen McCarthy, Juliann Andreen, Alison Anway, John van Meter, and Elizabeth Floyd, as well as their Democratic staff counterparts. Also, I would like to thank Scott Raab from Senator MCCONNELL's office for helping us work through some of the more difficult issues in the negotiations.

Also deserving my gratitude is the House staff including Mark Zuckerman, Alex Nock, Gabriella Gomez, Julie Radocchia, and Jeff Appel with Chairman MILLER's staff and Sally Stroup, James Bergeron, and Amy Jones with Mr. MCKEON's staff.

Also, with any piece of legislation that we draft, we should not forget the legislative counsels in both bodies who worked tirelessly to put this 1,000 plus page agreement together—Steve Cope, Molly Lothamer, Mark Koster, Kristin Romero, and Amy Gaynor—who all deserve to be recognized.

I look forward to getting the conference report to President Bush for his signature soon so that students and their families who are making plans to attend college this fall will have the benefits of this bill to help them.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I yield time to the distinguished Senator from New Mexico, a member of the HELP Committee, who played a significant role in crafting this bill as it moved through our committee.

Mr. ALEXANDER. Mr. President, I wonder if I might ask, through the Chair, the Senator from Maryland if I might speak after the Senator from New Mexico.

Ms. MIKULSKI. If I may say to the Senator two things. One, I believe the agreement is that we have from——

The PRESIDING OFFICER. Under the order, the Senator from Maryland has 50 minutes and the Senator from Wyoming has 30 minutes. The Senator from Tennessee has 30 minutes.

Mr. ALEXANDER. I thank the Chair.

Ms. MIKULSKI. Mr. President, our order of agreement was that after Senator ENZI spoke, we would take 10 minutes for Senator BINGAMAN and Senator REED. If Senator REED is not here, we can then see how we can accommodate the Senator from Tennessee. The Senator from Tennessee was to go after the Senator from Rhode Island.

Mr. ALEXANDER. Thank you. I can wait until there is available time.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

GREGORY SIMON

Mr. BINGAMAN. Mr. President, I rise today to speak about the devastating loss that Bob Simon and the Simon family suffered today with the loss of their beloved son and brother Gregory. Bob has been the staff director of the Energy and Natural Resources Committee for nearly 10 years, and worked with me in other capacities for a number of years before that. During that period, Bob has gone through harrowing times both personally and professionally. He has always handled these times with grace, strength, and his own personal brand of dry humor. Bob, his wife Karen, and their three other children—Stephen, Cathryn, and Anne-Marie—have spent countless hours at Gregory's bedside since Gregory fell ill on July 10, exactly 3 weeks ago, and throughout that time, they have shown extraordinary courage. Their devotion to Gregory reflects their devotion to one another as a family.

Greg was a really inquisitive, artistic, creative individual. He always drew cartoons and comics. He didn't like math. He looked exactly like Bob except with blond hair. He had Bob's temperament—he was such a positive young man.

Gregory was always small for his age, but he refused to let his stature get in the way of anything he wanted to do. He was a fighter, and he fought valiantly for the last 3 weeks. In the end, though, the odds were too great to overcome, and Gregory died at the age of 16.

Mr. President, there are no words that can properly capture the pain the Simons must feel now, and no words we can say that can truly provide comfort. The best we can do is be sure that those who are bereaved know that they have our love and our prayers, and so we send both in great measure to the Simon family.

Mr. President, I would like to speak briefly about the legislation that is before the Senate.

I urge my colleagues to adopt the conference report on this Higher Education Opportunity Act. The title to the legislation indicates that the bill is about providing greater opportunities for families to send their children to college and greater opportunities for students to succeed in and graduate from college.

I particularly thank Chairman KENNEDY and Senator ENZI for their untiring commitment and dedication to the college students of this country. Of course, I thank Senator MIKULSKI as well for her leadership in getting this legislation to the Senate floor for a vote this evening.

Only 1 year after passing the largest student aid package in more than 50 years, this body is poised to pass legislation that will take the next step to make college more affordable and accessible to students and their families. There are many important provisions in the bill, but I will highlight just one provision in particular.

Native American enrollment in postsecondary education more than doubled between 1976 and 2002, with almost 166,000 Native American students enrolled in higher education. Student enrollment in tribally controlled colleges and universities has increased in recent years to almost 16,000 students in 2002.

It is important to note the critical role tribally controlled colleges play in educating Native American students and the unique educational opportunity these schools offer Native American students. We need to continue to do all we can to strengthen and support those schools. But that means that approximately 150,000 Native American students are enrolled in higher education in non-tribally controlled colleges.

We know, unfortunately, that Native American students are still much less likely to enroll in college than their peers. Only 18 percent of Native American students have enrolled in college, as compared to 42 percent of other students. We also know, however, that Native American students are less likely to persist once in college. And 77 percent of Native Americans did not have a postsecondary certificate or degree, as compared with 37 percent of others.

The Higher Education Opportunity Act, the bill before us today, addresses the reality that the overwhelming majority of Native American students are being educated in non-tribally controlled colleges and universities and that we need to do a better job to support these students within these schools. This legislation authorizes the Native American-Serving Non-Tribal Institutions Program to enable such colleges to improve and expand their capacity to serve these Native American and low-income individuals.

Right now, there are 43 colleges and universities that serve large Native American student populations. In my State, we have three such schools that serve large Native American student populations. In fact, the student population at the University of New Mexico at Gallup, NM, is close to 80 percent Native American.

Native American students in New Mexico would not be the only students to benefit from this provision. Colleges and universities around the country would also qualify in other States, including schools in Alaska, Wyoming, Colorado, North Carolina, and Utah. Out of the 43 schools that could be eligible to benefit from the provisions in this legislation, 24 of the schools are located in the State of Oklahoma.

I am very pleased this provision has garnered strong bipartisan support. It is a part of this very important legislation.

I am also pleased that the bill includes funding for a long overdue graduate program for Hispanic-serving institutions.

I thank the chairman and Senator ENZI for their strong support of these provisions. I urge my colleagues to support the conference report.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, following our agreement and time allocation, I yield 5 minutes to the Senator from Rhode Island—the other Senator from Rhode Island, the senior Senator, Senator JACK REED, also a member of the HELP Committee. He is a very persistent person in engaging in the content of this bill.

The PRESIDING OFFICER. The senior Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I thank Senator MIKULSKI for not only the time to speak about this important measure but for her leadership. I particularly wish to recognize the extraordinary contribution of Senator KENNEDY who has been the architect of this legislation and many previous reauthorizations. And I wish to give particular thanks to Senator ENZI whose quiet, thoughtful, and determined approach made a contribution to this legislation. I thank him for his hard work.

I rise in strong support of the Higher Education Opportunity Act of 2008. It will be an important way in which we fulfill our obligation to the American people, and keep opportunity and hope alive throughout this country. Education is truly the engine that pulls people forward. It allows individuals and families to move up the economic ladder, and not only for their own progress, but also for the benefit of the communities in which they live.

This might be one of the most important pieces of legislation we ever considered on this floor. I am proud it has been so well handled and so meaningful that today we are debating legislation which I believe will get overwhelming support. I am particularly pleased it is being reauthorized at this time. We have seen an economy in turmoil. One of the realizations that is taking place is that the housing sector of our economy is so central to everything we do. I can imagine, as we all can, that there are literally hundreds of thousands of

families across America who are counting on the equity in their homes to send their son or daughter to college. That equity has been diminished, if it has not disappeared altogether.

Today we are responding to that urgent need by providing more assistance to families to send their children to higher education. I am particularly pleased the aspects of the legislation I helped author are included in this final version. I introduced legislation called the FAFSA Act, which is the acronym for the federal financial aid form, to streamline the financial aid application process. There will now be a short EZ–FAFSA form for low-income students and families while also allowing students to apply earlier so they have an idea of what their financial options are as they consider college. These provisions will make the sometimes daunting task of getting financial aid, I hope, a little easier and a little more efficient.

I am also pleased that aspects of my legislation called the ACCESS Act have been included. This legislation deals primarily with the LEAP program. The LEAP program is a partnership between States and the Federal Government to provide grants to students who need the help—not loans, but grants. The States put in some resources; we match those resources. It is a way in which we can fulfill our commitment and our promise to many low-income families. This legislation builds on the LEAP program by providing critical additional financial resources, particularly resources and that will be useful for helping middle- and low-income families attend college.

We are all concerned about another aspect of our educational system, and that is teacher quality. This legislation incorporates some other provisions which I advanced that will help prepare teachers for the reality of today's classroom. I am very pleased they are included also.

We also included in this legislation a Perkins student loan forgiveness for librarians and for members of the Armed Forces. The Perkins program provides need-based loan assistance for students attending college. We are going to forgive the debt on that loan assistance for librarians and members of our armed services.

This is a wonderful act. I am pleased and proud to support it and be a part of it. I once again thank Chairman KENNEDY, Senator ENZI, and Senator MIKULSKI for their great work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, do I understand I have up to 30 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. I thank the Chair. I ask unanimous consent that I may bring demonstrative evidence on the floor and use it during my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, in case anyone is wondering, these boxes, which are nearly as tall as I am, are the rules and regulations that our 6,000 colleges and universities must comply with in order to receive students who have a Federal grant or loan. As I will make clear in my remarks, my primary objection to the legislation I am about to address is that the legislation doubles the size of this stack of boxes. My fear is we are undermining the quality of American higher education. The greatest threat, I believe, to American higher education is not underfunding, it is overregulation.

Before I say that, let me first say a word, as has been said before, about Senator KENNEDY, Senator ENZI, and Senator MIKULSKI. While they have, among themselves, different philosophical views, I regard each of them as institutions whom I greatly admire. In other words, they like to work within this body across party lines to get a result. I thank both Senator ENZI and Senator MIKULSKI for the courtesy accorded me in the development of this result. And as every other Member of this body does, I greatly admire Senator KENNEDY for his tenacity and his commitment to education. Obviously, we wish he were here tonight to join us.

Because I admire Senator KENNEDY and Senator MIKULSKI and Senator ENZI does not mean I have to admire the particular result of this work. After 4 years, the Senate has spewed forth a well-intentioned contraption of unnecessary rules and regulations that waste time and money that ought to be spent on students and improving quality. It confirms my belief that the greatest threat to the quality of American higher education is not underfunding, it is overregulation.

Current Federal rules for the 6,000 higher education institutions that accept students with Federal grants or loans fill a stack of boxes that is nearly as tall as I am. The former President of Stanford, Gerhard Casper, estimated that it cost these institutions from Harvard to the Nashville Auto Diesel College 7 cents of each federal dollar to do all the busy work to fill out these regulations.

The legislation which we are considering tonight doubles those rules and regulations with 24 new categories and 100 new reporting requirements. These new requirements include a total of 54 so-called college watch lists which I believe will be too confusing for families to understand, and complicated rules involving textbooks which only will prove that Members of Congress have no idea about how faculty members prepare their courses.

Most of these complications of rules, graduation rates in 48 different categories, disaggregation of student reporting dates by 14 racial, ethnic, and income subgroups, employment of graduates of institutions will leave college administrators scratching their heads and create thousands of new jobs for people who know how to fill out forms.

All of this will be put on the Web, I suppose, and most of it will be sent to Washington, DC, for someone to read. Having once been the Secretary of Education myself, I do not know who will read all these new regulations and all these new reports, and I don't know what they would do about them if they did read them.

The American higher education system is far from perfect, but it is one thing in our country that works and it works well. It is our secret weapon in maintaining our brain power advantage so we can keep our higher standard of living and keep our jobs from going overseas.

The United States not only has the best colleges and universities in the world, it has almost all of the best colleges and universities in the world. Some are big, some are small, some are public, some are private, some are profit, some are nonprofit. They are community colleges, historically Black colleges and church-affiliated institutions.

Tuitions range from $50,000 a year at some private institutions to an average of $6,200 a year for 4-year public institutions, to $2,400 for community colleges. In Tennessee, some cities are even making community college free.

Their foremost advantage, the advantage of all these 6,000 institutions, is that in a rapidly changing world, these 6,000 autonomous institutions are flexible and able to meet the needs of their student customers.

Federal support for higher education goes almost all to these students. It does not go to the institutions. A little of it does, but almost all of it goes to the students who then choose the schools, forcing the institutions to compete, stay flexible and meet real needs. That is the precisely opposite way we fund kindergarten through the 12th grade. We give the money to elementary and secondary institutions, tending to freeze them into whatever they have been doing for the last 50 years.

We can compare the success of our higher education system with the lack of success of our K through 12 system and wonder whether the reason might not be that in higher education, we focus on autonomy, choice, and competition.

Generous research dollars in higher education are for the most part competitively awarded, which also helps to keep the institutions on their toes.

The rest of the world is busy trying to emulate the American system of higher education, which means other countries are creating more autonomy,

more choices, and more competition. Yet here we are in the Senate today cluttering up our secret weapon with the same bureaucratic nonsense that has stifled excellence in universities in other parts of the world and will do it here if these trends are not reversed.

There is a great deal of beating of breasts about how much good this bill does to address the problem of college costs. It is ironic that the same legislation would add to tuition costs by imposing unnecessary regulations. And it is especially ironic that the very Members of Congress who are complaining the most about rising tuition costs fail to see that at least for public institutions, which about 70 percent of our students attend, Members of Congress are the cause of the rising costs. This is why it is true that State support for higher education has been low during this decade.

Between 2000 and 2006, State spending for higher education increased by only 17 percent, while tuition at public institutions during that time was up 63 percent. It is also true that the reason tuition costs are up is that State spending is down.

But what Members of Congress seem to be missing is that the principal reason State support of higher education is down is because Congress has mandated that States pay so much for programs such as Medicaid or fail to meet their commitments to programs like the Individuals with Disabilities Education Act, IDEA. When the Governors and legislatures are through paying for the mandates for Medicaid or to make up the lack of the Federal Government's commitment to IDEA, there is very little left for higher education.

When Federal requirements for Medicaid dictate that State spending for Medicaid goes up 7 or 8 percent a year when the overall State budget is only going up 3 or 4 percent a year, the money has to come from somewhere. States have to balance their budgets, and in State after State, the money has been coming from higher education. That was true in Tennessee during the 1980s, when I was the Governor, and it is even more true today.

During the 1980s, my major goal was to try to help us to spend at least 50 percent of our State tax dollar on education. My major adversary was Federal Medicaid. While I ultimately did succeed in getting to 50 cents, I had to squeeze it and push it and try to control it, and still it grew faster than everything else in the State budget. I was able to do that then because Medicaid and other health services were only about 15 cents of the State tax dollar. But by this decade, 2003 and 2004, the number was 40 percent of the State tax dollars in Tennessee went to education, not 50, and 31 cents went to Medicaid and health services. I am confident most of the cutting came out of higher education, which resulted in most of the tuition increases so the universities could operate and pay their bills.

I would respectfully suggest that we in Congress need to start along two completely different tracks if we want to retain the autonomy, competition, and choice that has led to quality and access to American higher education. First, we need to deregulate, not overregulate higher education. Cut this stack of rules and regulations in half and use the time and the money for students and for academic excellence.

Second, we need to stop loading State budgets with so many unfunded Federal mandates. For example, if Congress were to fully fund IDEA, the program for students with disabilities, at 40 percent of its cost, which is what Congress said it would do in the 1970s, that would add $250 million to Tennessee's revenue stream. I am sure much of this would go straight to higher education, whose annual budget is about $1.2 billion.

More importantly, we need to give States more flexibility in dealing with Medicaid costs and give them an opportunity to take steps to make it easier to free themselves from outdated Federal Court consent decrees, which restrict the ability of Governors and legislators to direct money to higher education priorities. Then, of course, there is the REAL ID, another $4 billion in unfunded mandates for the States, and out of which pot do you think the States might take that? Higher education would be my guess. Most Governors and legislators can point to many more unfunded Federal mandates.

These two steps are the best way to drive down college costs and to maintain academic excellence.

There are major accomplishments in this bill, some of which I have worked on and of which I am proud. They include simplifying the Federal student aid form and allowing year-round Pell grants for students making progress toward a degree. There is a new compliance calendar, which the Secretary of Education will be required to develop, that will set forth all of the reports and the disclosures required under the Higher Education Act. I am proud to say I suggested that. In other words, the new Secretary of Education will have to make a calendar listing every single report that has to be complied with, so the small Catholic college in Baltimore might not have to hire three more people in to go through this growing stack of requirements.

I authored the restrictions prohibiting the Secretary of Education from regulating student learning standards or requiring accreditors to adopt specific measures of learning assessment, which would have been additional federalizing of our 6,000 autonomous institutions.

There is an accountability research grant in this bill to focus attention on institutions making progress in measuring student achievement and asking the advisory committee, which has already done such good work in simplifying the student application form, to review this stack of growing Federal regulations. I also sponsored the new discretionary grant program for Teach for America.

All these actions in this bill are for the good, as is the increase in the availability of Pell grants for students who need help attending college. But I cannot support a piece of legislation that so undermines the excellence in higher education that comes from institutional autonomy.

I would like to offer a few letters and statements, and I ask unanimous consent they be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, the first of these is a release today from the National Governors Association, which points out that Governors are responsible for making funding decisions that serve the best interests of all citizens. The Governors, in their release, say:

> Maintenance of effort undermines governors' authority and guarantees students and their families will be writing larger not smaller tuition checks in the future. This is not the answer to affordable higher education. Governors oppose the higher education bill because of the negative impacts of the maintenance of effort and implore Congress to vote against it.

We had a vote on stripping out the maintenance-of-effort bill, but I lost that by one vote in the conference committee. Basically, what it says is that Members of the Senate and the House will substitute their judgment for that of Governors and State legislators. My suggestion was that if we are going to pass a bill and take credit for requiring States to spend more money on higher education, whether or not they have other priorities, then we might as well also go back down to our State capitals and join in the pain and suggest to the Governors whom to lay off or what school to close or what mental hospital to limit or what tax to raise because of our requirement about higher education maintenance of effort.

The second letter I would like to include in the RECORD comes from the commissioner of the Department of Finance and Administration in Nashville. Our Democratic Governor, Phil Bredesen, who has done a great many good things for higher education during his 6 years, is in the midst of a budget crisis. He is reacting to the very idea that during the midst of that, when he is laying off employees and making cuts in virtually every program, that we would take it upon ourselves to say that if he doesn't increase funding for higher education, we are

going to cut his Federal funding. All when we ourselves are one of the reasons he is having a hard time funding higher education, because of all our unfunded mandates.

The third letter I would like to include is from the chancellor of Vanderbilt University in Nashville, one of our most distinguished research universities and one of which I am proud to be an alumnus. It is a well-modulated letter, as you would expect from the chancellor of Vanderbilt. The letter argues very eloquently why the autonomy, competition, and choice that characterizes excellence in higher education is so important and so fragile and needs to be respected by us as we pass higher education bills, rather than to use a blunderbuss and start stacking boxes and boxes of regulations on institutions such as Vanderbilt.

Why do we think we can do a better job in the Senate making Vanderbilt University a better university by complying with all this stuff, when it takes money that might be used to educate the students and improve academic excellence? They already have deans, vice chancellors, provosts, chancellors, and a board of trustees. If they are a public institution, they have a Governor, they have a higher education commission. They have plenty of overseers. They do not need us.

Two other letters, one from the president of Duke University, office of the president, Richard Brodhead, an equally thoughtful letter about the Federal role in higher education. I might say that North Carolina has done one of the best jobs of any State in accountability for higher education.

No one is doubting we need accountability for the money the Federal Government spends. As I mentioned earlier, the dollars we spend for research, tens of millions a year, are made accountable by being competitively granted, for the most part. The dollars we spend for colleges and universities don't go to the colleges and universities, they go to the students, and the students choose the school. If they do not like the school or the cost of the school, they may go to another school. Each of those schools has to be accredited before the student can choose the school. That has been a marvelous system for helping to give autonomous institutions the freedom to be good, while at the same time allowing for accountability for the money we spend.

Finally, two letters that were written to Senator ISAKSON of Georgia. One is from the president of the University of Georgia, Mike Adams, who was president of two other colleges before he was president of the University of Georgia. A distinguished educator. Georgia, of course, is one of our distinguished public universities in America.

Finally, a letter from the President of Emory University, James Wagner, and the president of Georgia Tech, Gary Schuster, to Senator ISAKSON, making the same objections.

As I said at the beginning, I admire my colleagues, I admire their 4 years of hard work, and I admire their commitment to a result. My hope would be we could go on two different tracks from here. One would be to look for ways to deregulate higher education, not add regulations to it. Realize that in America, where we are worrying that this might work or that might work, our system of higher education, with all its warts, is the best in the world. The rest of the world is trying to emulate it. Its greatest threat, in terms of its quality, is overregulation, not underfunding.

That leads me to the second track we go on. I hope we will be careful as Members of Congress that if we have a great idea for States, that we don't pass it and send them the bill. Because I know from having been Governor and having been president of a university and having been Secretary of Education, and seeing it in different areas. As a Governor making up a budget, it's pretty well set that you start with K–12. That is pretty well set. He then goes to prisons, and that is probably in the courts. Then he does mental health. That might be in the courts too. Then he or she goes to highways, and that comes from the gas tax. Then they are pretty well down to the choice between Medicaid and higher education. I can guarantee you that if we continue to increase requirements for funding of higher education at the State level, at the rate of 7, 8 or 9 percent a year, when State budgets are only going up 2 or 3 or 4 percent a year, we will significantly reduce the quality of our State universities and colleges. We will significantly increase the tuition costs that we say in this bill we would like to lower.

EXHIBIT 1

NATIONAL GOVERNORS ASSOCIATION
STATEMENT ON HIGHER EDUCATION BILL

GOVERNORS SAY INCLUSION OF MAINTENANCE OF EFFORT WILL RAISE TUITION FOR STUDENTS

WASHINGTON.—The National Governors Association released the following statement regarding the impending vote on the Higher Education Reauthorization bill:

''The nation's governors are committed to providing students in their states with affordable access to higher education and agree that the reauthorization of the Higher Education bill is a priority. However, inclusion of the Maintenance of Effort (MOE) provision in the bill has negative implications for states; therefore governors oppose the passage of the conference report with this provision.

''Governors must balance their budgets in both good and bad economic times. This mandate means that states will be unable to make major increases or invest one-time surpluses in higher education during good times because they will be penalized if forced to reduce spending during difficult times. In the end, this will increase the cost of college for students and their families.

''Governors are responsible for making funding decisions that serve the best interest of all their citizens. MOE undermines governors' authority and guarantees that students and their families will be writing larger, not smaller, tuition checks in the future. This is not the answer to affordable higher education. Governors oppose the higher education bill because of the negative impacts of the maintenance of effort and implore Congress to vote against it.''

STATE OF TENNESSEE,
DEPARTMENT OF FINANCE AND ADMINISTRATION, STATE CAPITOL,
Nashville, TN, July 29, 2008.

Hon. LAMAR ALEXANDER,
United States Senate, Via Email.

DEAR SENATOR ALEXANDER, The State of Tennessee shares your concerns with regard to the MOE mandate provided in the higher education bill and appreciates your efforts in defending our state interests. These restrictions on a state's ability to manage its way through a fiscal downturn would be a terrible mistake.

Under Governor Bredesen's leadership, we have made public education a priority. We know sufficient funding is critical to achieving success in primary, secondary and higher education. During the good economic times, we've increased funding for higher education operating costs and put over $1 billion into capital projects.

However, when times are tough economically, we have to share the downside. When budget cuts have been necessary, education programs were always last to be considered. Unfortunately, Governor Bredesen has experienced two very tough budget fiscal years during his six years in office, FY 2003/2004 and FY 2008/2009. The severe problems required some base reductions in higher education's operating budgets. In FY 2003–04 there was a 9 percent base reduction of $101,327,200. In the current fiscal year, we were facing a $464 million total shortfall, and again had to ask higher education to do its part. As a result, higher education received a base reduction in its operating budget of $55.8 million. These reductions were not made lightly. However, our constitution requires us to balance, and in a relatively poor state, we have no choice but to spread the reductions as broadly as possible.

Our economy remains uncertain. We already face numerous restrictions on the state's ability to manage from our federal partner. An MOE mandate that reduces our flexibility even further is not warranted. We appreciate your efforts to oppose this measure.

Warmest Regards,

M. D. GOETZ, JR.,
Commissioner.

VANDERBILT UNIVERSITY,
July 23, 2008.

Hon. LAMAR ALEXANDER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALEXANDER: After nearly five years of work and ten years since the last reauthorization, I understand that the Higher Education Act reauthorization is nearly complete. It has been a long process, and I commend the Congress for its fortitude to enact the bill this year. My regret is that this final product is not one that I can be proud to share with the Vanderbilt campus.

As a new chancellor, I have the luxury, or some would say misfortune, of only seeing the end result of the past five years of negotiations. When I accepted the position as Vanderbilt's chancellor, I did so knowing that my first and most important priority is, and always will be, our students. Vanderbilt's mission states:

Vanderbilt University is a center for scholarly research, informed and creative teaching, and service to the community and society at large. Vanderbilt will uphold the highest standards and be a leader in the: quest for new knowledge through scholarship; dissemination of knowledge through teaching and outreach; creative experimentation of ideas and concepts.

In pursuit of these goals, Vanderbilt values most highly: intellectual freedom that supports open inquiry; equality, compassion, and excellence in all endeavors.

With this mission in mind, I have been evaluating the conference agreement for the Higher Education Act. While there are provisions in this agreement that will support and enhance our mission, there are many other provisions that deeply trouble me and, I think, have the potential to profoundly threaten our ability to be a ''center for scholarly research, informed and creative teaching, and service to the community and society at large.''

I believe you share my view that at the heart of the American system of higher education are its autonomy and its great diversity. What works for Vanderbilt may not work for Rhodes College, MTSU, Volunteer State Community College, or any other school in Tennessee. I firmly believe that increased federal intrusion into higher education would fundamentally and irreparably damage our system of postsecondary education. For these reasons, I am saddened to conclude that Vanderbilt cannot wholeheartedly endorse this conference agreement. However, before I enumerate the reasons for our reservations, I would be remiss in did not acknowledge and applaud the Congress—and you in particular—for preserving institutional autonomy with respect to the accreditation process. As you know, this has been our top priority throughout the reauthorization, and we are extremely pleased by the final outcome on this issue. Vanderbilt strongly supports an institution's ability to choose how it will demonstrate success with respect to student achievement as well as the standards by which such achievement is measured. We have consistently opposed any effort to make accrediting agencies agents of the federal government; in particular, we believe that the Secretary of Education should not be able to regulate in this area. This responsibility must lie with individual institutions.

The issue of accreditation is of such paramount concern to Vanderbilt that, had this not been adequately addressed, we would have strongly considered opposing the entire agreement. We are grateful that we do not have to take this drastic action, and we have you—and your staff—to thank for this. Without your unyielding persistence on the matter of institutional autonomy with respect to accreditation, the outcome would have been far different. Vanderbilt is immensely proud to call you one of our own and is indebted to you and your staff for your efforts.

Nonetheless, there is a lengthy list of provisions with which we have serious concerns. We recognize that many Members and staff have worked diligently on this legislation for years, and we regret that more reasonable language was not agreed upon.

Chief among our concerns are the countless number of new regulations with which universities are going to be forced to comply, covering such topics as peer-to-peer file sharing, campus emergency notifications, data on alumni, charitable gifts, student diversity, immunization records, missing person reports, and lobbying efforts. These new regulations will place an immense burden on institutions and carry with them a heavy implementation price tag. At the same time that we are trying to rein in costs, we are facing spiraling expenses associated with complying with federal regulations. Overregulation of higher education institutions threatens the core of what makes our system successful—its autonomy and its diversity.

We also remain concerned about provisions that could lead us along the path toward federal price controls through the creation of innumerable ''Watch Lists;'' a mandatory Department of Education developed net price calculator; mandatory ''Quality and Efficiency Task Forces;'' projecting future tuition; and reporting on tuition based on income categories. Vanderbilt is committed to ensuring that every admitted student can afford to attend Vanderbilt, regardless of their financial situation and regardless of what the ''sticker price'' is. We are very proud of the fact that we meet 100 percent of a student's demonstrated financial need.

Finally, provisions related to textbook prices continue to concern us. Requirements that ISBN numbers for textbooks be disclosed in course catalogs are, frankly, unworkable as many courses have not finalized their textbooks at the time the catalog is printed. We recognize that textbook costs have grown considerably and are committed to finding ways to address this; federal requirements and a ''one-size-fits-all'' approach, again, fail to recognize the immense diversity of our nation's colleges and universities.

In short, other than the accreditation language, there is very little to support in this final agreement. Ultimately, in my estimation, this bill will do more harm than good for the students it purports to serve. Legislation that hampers an institution's ability to educate its students threatens our institutional mission. I am deeply troubled that the conferees will agree to this woefully misguided legislation, and I worry about how it will be implemented and the ramifications of that implementation. Therefore, I urge you to think carefully about whether this is the direction we want to take postsecondary education and whether this legislation supports the fundamental nature of our system of higher education.

Thank you again for your strong and principled leadership on so many issues about which we care deeply.

Sincerely,

NICHOLAS S. ZEPPOS,
Chancellor.

DUKE UNIVERSITY,
OFFICE OF THE PRESIDENT,
Durham, NC, May 28, 2008.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. MICHAEL ENZI,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. GEORGE MILLER,
House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. HOWARD ''BUCK'' MCKEON,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR SENATOR KENNEDY, SENATOR ENZI, REPRESENTATIVE MILLER AND REPRESENTATIVE MCKEON: As you work to complete conference consideration of the Higher Education Act (REA) reauthorization, I write to add my voice to those expressing concern about a number of issues your committees are facing as you finalize this important legislation.

I appreciate the time and thoughtful consideration you and members of your staff have devoted to the REA bill. Two years ago I wrote the North Carolina congressional delegation urging our representatives to vote against the House version of the REA because of the significant steps the legislation took toward eroding the role of trustees in institutional governance and the longstanding, successful relationship between the federal government and institutions of higher education. While the current legislation is somewhat more palatable, I fear that it still represents a major intrusion and regulatory encumbrance for higher education and that the proportion of bureaucracy relative to public value will be extremely high.

Please allow me to highlight several troublesome provisions that I urge you to revise or eliminate before the bill moves forward:

It is apparent that you have taken our concerns about the inappropriateness of unnecessary federal control of accreditation seriously. Including language that limits the authority of the Secretary of Education from prescribing standards and otherwise regulating measures of student achievement success is welcome. But, the language is not restrictive enough. I urge you to modify it specifically to prevent the Secretary from regulating standards for faculty, facilities, equipment, supplies, student services and the fiscal and administrative capacity of institutions.

Duke takes the accreditation process with great seriousness, and we use what we learn from our intensive self-study, as well as external evaluations, to help guide the high quality of the educational experiences we offer our students. Duke is currently in the midst of its decennial review with the Commission on Colleges of the Southern Association—of Colleges and Universities (SACS). I am impressed with the thoughtful questions the SACS team asks of us regarding a wide range of issues. Maintaining this quasi-independent system of assessment and assurance of quality is an important contribution to the unique success of American higher education. While there are areas of accreditation that may need some tinkering, it is not role, nor is it wise public policy, to have the responsibility of institutional trustees and accreditation usurped by federal intrusion. I urge you to fully close the door on the Secretary's ability to dictate the measurement of standards that should remain outside the scope of the federal government's responsibility in higher education.

At a time when institutions are struggling to find ways to reduce administrative costs, I am struck by the number of new reporting requirements in the bill, which inevitably will lead to greater bureaucracy both at the institution and at the Department of Education. For example, the reporting of graduation rates in 48 different student categories gives pause and raises questions about the usefulness of such information.

Penalizing institutions for increasing tuition by requiring a report to the Department of Education about cost reducing strategies is an egregious notion, at best. There is little doubt that the quality of the educational experience Duke provides does not come cheap. Our trustees invest in progressive and aggressive financial aid programs to make a Duke education affordable to the more than 40 percent of Duke students who receive financial aid under Duke's need-blind admissions policy. In the coming year alone, we are budgeting more than $86 million from institutional funds to help ensure that no admitted student is denied access to the Duke

educational experience for financial reasons. Our trustees have developed over time both policies and procedures to ensure that the university's budget—including our tuition and financial aid programs—is consistent with the mission of the university. Inserting the Department of Education into this conversation eats away at the delineation between governmental responsibility and institutional autonomy. Please remove this provision.

Along those same lines, the proposed requirement to provide non-binding, multi-year estimates of future tuition and fee levels, is misleading and inappropriate. In order for this to be of minimal assistance to an entering student, each institution of higher education would need to forecast every individual student's financial situation in advance. Each year we reassess all of our students' financial aid packages to make sure we are meeting each student's demonstrated need. If their financial situation changes during the year—for instance if their mother loses her job or wins the lottery—the aid package is appropriately adjusted. We simply can't predict what will happen to the, student, nor can we predict the needs of the university as far in advance as the proposed legislation would require.

There is much in the proposed REA that will benefit students, their families, and institutions of higher education, and I applaud the Congress for these positive steps. As the bill works its way to passage, I urge you and your colleagues to reconsider the inappropriate regulatory burden that will be placed on institutions of higher education if this legislation passes as currently written.

Thank you for your consideration.

Sincerely,

RICHARD H. BRODHEAD.

THE UNIVERSITY OF GEORGIA,
OFFICE OF THE PRESIDENT,
Athens, GA, July 16, 2008.

Hon. JOHNNY ISAKSON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ISAKSON: As conference consideration of the Higher Education Act Reauthorization progresses, I would like to take the opportunity to comment on the latest draft of the proposed legislation.

As you know, we have followed the process to reauthorize the Higher Education Act very closely. We at the University of Georgia appreciate that, during this process, you have been an advocate for higher education nationally as well as for our institution and the University System of Georgia.

In the latest draft, many improvements have been made, particularly in the areas of accreditation, teacher education reporting, and collection of data on alumni. While such improvements are laudable, the legislation, in its current form, still represents a major intrusion and regulatory burden for higher education.

It is always difficult to balance the need for transparency in the educational process with the burdens associated with new regulations. In a time of declining state funds for higher education and a need to reduce administrative costs, I am concerned about the wisdom of creating new unfunded mandates for reporting data from our universities. Many of the new requirements contained in the draft of this bill are unnecessary and/or duplicative, and they would impose significant compliance costs in exchange for little, if any, benefit. I fear these reporting requirements will lead to greater bureaucracy both at the institution level and at the Department of Education.

Please allow me to highlight a few troublesome areas that UGA and other members of the National Association of State Universities and Land-Grant Colleges are seeking to revise or eliminate before the bill moves forward:

College Costs and Transparency: The proposed ''watch'' lists in Title I of the bill for institutions that must raise tuition; the reporting requirements related to the lists; and the proposed provisions in Title VIII of the bill (Tierney provisions) that would establish new requirements for costs reporting and reducing net tuition. All of these could be simplified, and Section 830 of the conference legislation would place additional reporting requirements on institutions with respect to costs and is inconsistent with the cost provisions of Title I.

Multi-year Tuition Price Estimates: The Murphy-Myrick Amendment would require institutions to publish non-binding, multi-year estimates of future tuition and fee levels. Although ''non-binding,'' these figures would create the potential for ill will between universities and prospective students if the state of the economy or other events force institutions to take action. As you know, tuition at state universities is inextricably linked to funding from the state. This provision is fundamentally flawed and should be addressed.

New Reporting Requirements: This legislation would impose a host of new reporting requirements on colleges and universities that would be virtually impossible to meet. For example, the bill would require universities to obtain information on alumni employment, salary, and graduate education. Such data is very valuable, but we cannot compel graduates to report it.

Student Diversity and Graduation Rates Reporting Requirements: Institutions would be required to report to the Department of Education the percentage of enrolled, full-time students who are male, female, Pell Grant-eligible, and self-identified members of a major racial or ethnic group. These categories would also be applied to existing reporting of graduation rates. Institutions would have to report graduation rates in no fewer than 48 separate categories. To determine Pell Grant eligibility, institutions would have to demand private financial information.

Peer-to-Peer File Sharing/Copyright Infringement Requirements: Institutions would be required to disclose ''the development of plans to detect and prevent unauthorized distribution of copyrighted material on the institution's information technology system, which shall, to the extent practicable, include offering alternatives to illegal downloading.'' Although our institutions offer alternatives to illegal downloading, the technology simply does not exist to prevent all unauthorized distribution of copyrighted material on our IT systems.

While it has the potential to benefit students, their families, and institutions of higher education, the regulatory requirements and the additional costs relative to benefits are such that I would recommend that you vote against this bill. We hope for a better version to come along shortly.

Sincerely,

MICHAEL F. ADAMS,
President.

EMORY UNIVERSITY,
OFFICE OF THE PRESIDENT,
Atlanta, GA, July 14, 2008.

Hon. JOHNNY ISAKSON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ISAKSON: As conference consideration of the Higher Education Act Reauthorization progresses, we respectfully write to offer our comments on the latest draft of the proposed legislation.

As you are aware, we have followed very closely the process to reauthorize the Higher Education Act. We appreciate that, during this process, you have been an advocate for higher education nationally as well as in the state of Georgia. Specifically, we have been pleased with improvements in the areas of accreditation, teacher education reporting, and collection of income data.

While improvements have been made, the legislation in its current form represents a major intrusion and regulatory encumbrance for higher education. At a time when institutions of higher education are struggling to find ways to reduce administrative costs, we are gravely concerned about the collective weight of these new federal requirements. The draft bill would significantly increase the number of federal requirements with which universities must comply. Many of the new proposed requirements are unnecessary and/or duplicative, and they would impose significant compliance costs in exchange for little, if any, benefit. We fear these reporting requirements will lead to greater bureaucracy both at the institution level and at the Department of Education.

Please allow us to highlight several other troublesome areas that we hope can be revised or eliminated before the bill moves forward:

College Costs: The proposed 400 ''watch'' lists in Title I of the bill; the reporting requirements related to the lists; and the proposed provisions in Title VIII of the bill (Tierney provisions) that would establish new requirements for costs reporting and reducing net tuition should be simplified. The proposed reporting requirements in Title I and Title VIII of the bill would require ''high-cost'' institutions to form cost efficiency task forces and issue reports to the Department describing actions they are taking to reduce costs and net tuition.

Tuition Price Estimates: The Murphy-Myrick Amendment would require institutions to publish non-binding, multi-year estimates of future tuition and fee levels. In order for this to be of even minimal assistance to an entering student, each institution of higher education would need to forecast every individual student's financial situation in advance. Furthermore, public universities are highly dependent on state funding, making such estimates nearly impossible.

Alumni Reporting Requirements: Institutions would be required to report on alumni employment and enrollment in graduate and professional education programs. Although we would like to have more detailed information on our alumni, we cannot force them to provide us with this information.

Student Diversity and Graduation Rates Reporting Requirement: Institutions would be required to report to the Department of Education the percentage of enrolled, full-time students who are male, female, Pell Grant-eligible, and self-identified members of a major racial or ethnic group. These categories would also be applied to existing reporting of graduation rates. Institutions would have to report graduation rates in no fewer than 48 separate categories. Although

we already collect some of this information, other data, like Pell Grant-eligible, would require us to demand personal financial information that our students, and their parents, may not want to share with us.

Peer-to-Peer File Sharing/Copyright Infringement Requirements: Institutions would be required to disclose ''the development of plans to detect and prevent unauthorized distribution of copyrighted material on the institution's information technology system, which shall, to the extent practicable, include offering alternatives to illegal downloading.'' Although our institutions offer alternatives to illegal downloading, the technology simply does not exist to prevent all unauthorized distribution of copyrighted material on our IT systems.

We have asked our staff to provide your staff with more information detailing our concerns with this legislation in its current form. The proposed HEA has the potential to greatly benefit students, their families, and institutions of higher education. We applaud Congress for these steps. However, we urge Congress to reconsider the inappropriate regulatory burden that will be placed on institutions of higher education if this legislation passes in its current form.

Sincerely,

JAMES W. WAGNER,
President,
Emory University.
GARY SCHUSTER,
Interim President,
Georgia Institute of Technology.

Mr. ALEXANDER. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, under our agreement, I will yield time to our colleague, Senator HARKIN from Iowa, but before I do, I wish to do two things.

First, a few minutes ago we heard from our colleague, Senator BINGAMAN, about the untimely death of one of Senator BINGAMAN's key staffer's sons. Bob Simon is a staff director on his Energy Committee. Bob Simon's 16-year-old son passed away, and he, Senator BINGAMAN, was paying an eloquent tribute about this very melancholy situation. On behalf of the Senate, we would like to extend our condolences to the Simon family.

The other comment I wish to make is in response, very quickly, to the comments my colleague from Tennessee made.

First, I would like to thank my colleague from Tennessee for his very collegial and thoughtful efforts as we moved our bill through. I enjoyed our conversations, from talking about bluegrass and Grand Old Opry, we went on to high notes and higher education, and then we went on to maintenance of effort.

I am sorry you took out the regulatory stack you had because it is bigger than I am. As we said in our conversation, I look forward to working with the Senator from Tennessee to see if some of the regs might be dated, arcane, duplicative, and so on and how, over the next year or so, we could look forward to doing that.

But before I move off from the reg comment, I do wish to comment about the maintenance of effort. In many ways, I understand the point the Senator from Tennessee is making. My own home State of Maryland's Governor O'Malley inherited a $1.7 billion budget deficit that was not of his making, and at the same time I understand Governors and State legislators are facing real obstacles. However, we need to be realistic. Congress is doing its part by increasing Pell grants, and families can be assured that as the Federal Government increases its commitment to colleges, funds will not be offset by the States.

Last night we did pass an amendment offered by another gentleman from Massachusetts, Congressman TIERNEY. What his amendment does is provide incentives and funds to Governors, which they can use for a broad range of college access activities. They would be able to access $66 million to States to use on a variety of very important college access activities, particularly need-based grants and college prep programs.

But I also want to acknowledge the validity of the issues raised by the Senator from Tennessee on unfunded mandates.

Over here we have a champion.

Mr. ALEXANDER. Mr. President, may I have 60 seconds to respond?

Ms. MIKULSKI. Yes, but I am not done with my comments so I have not yielded the floor.

Mr. ALEXANDER. I am sorry.

Ms. MIKULSKI. I wish to comment on the unfunded mandates. The Senator who will speak shortly has been a champion of the disability community and a leader of the IDEA community. We have been fighting to double IDEA and we have been trying to do it on both sides of the aisle. We look forward to having the Senator's support to do exactly that. We look forward to increasing the Federal role in Medicaid, particularly in SCHIP, which would be a very important component of Medicaid.

Last, but not at all least, in Medicaid, 80 percent of the money goes to 20 percent of the population. That 20 percent of the population that gets that Medicaid is primarily old or fragile people in nursing homes, many of whom have serious cognitive impairment such as Alzheimer's.

Let's get the Coburn hold off my bill to double funding for Alzheimer's. One of the ways to lower the cost of Medicaid is to find the cure of the cognitive stretchout for people with Alzheimer's. It is estimated by NIH and other institutions that comment on these things that we could reduce Medicaid by $5 to $11 billion a year if we could do that.

I think we can work our way through this, but I must say, working with the Senator from Tennessee has been indeed a pleasure. It has been based on intellectual rigor, good conversation, excellent exchanges of ideas. I look forward to doing more of it and trying to solve some of the problems that we both strongly believe need to be addressed.

Mr. ALEXANDER. If I may just acknowledge the remarks of the Senator, I feel the same way about working with her. I am delighted we will be working together to take a look at the rules and regulations that we impose from here in Congress to make sure they are useful and needed. The natural thing here is to add. It is also very natural for us to have good ideas, but we might discover that the dean or the provost or the Governor or somebody else might have a good idea as well.

This is one of those issues that has no partisan attribute whatsoever. As far as I am concerned, the Republicans are as bad as the Democrats on unfunded Federal mandates and unnecessary regulations. I look forward to an opportunity to work with the Senator from Maryland to see if we can identify a process that makes certain that institutions are accountable for the Federal dollars, but at the same time we leave them free to be excellent in their own autonomous ways.

Ms. MIKULSKI. I yield to the Senator from Iowa, Senator HARKIN, also a member of the Health-Education committee and who is a prime mover in the area of expanding access for people with disabilities to be able to have access to higher education.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I came here to speak, obviously, in favor of the Higher Education Opportunity Act. Passage of this bill today restores the Federal commitment to make a college education a reality for Americans from all walks of life. I commend Senator KENNEDY and Senator ENZI for all of their hard work in passing this bill. I recognize and thank my good friend, Senator MIKULSKI, for stepping in and shepherding this bill to final completion the other evening.

The Higher Education Opportunity Act is the first reauthorization of the Higher Education Act in 10 years. It takes clear and strong action to make college more affordable for low- and middle-income students and their families, our top higher education priority.

This legislation will provide families with accurate information on the cost of college at any school, as well as hold colleges accountable for skyrocketing tuition and fees.

I am also proud we have saved money for students by requiring publishers to no longer bundle unnecessary materials with their textbooks, giving students the freedom to buy only what they need for their classes.

I have heard from students about the need to reform the unnecessary long form that is required to receive Federal student aid. It is called the Free Application for Federal Student Aid

form—FAFSA, I understand is the short term nomenclature for that.

The bill we have here cuts through much of the redtape to immediately provide a 2-page application for low-income students and to phase out the current 7-page form for all students in 5 years.

In recent years we have seen corruption and mismanagement in the student loan arena. This bill takes strong action to root out the lenders' improper gifts and inducements for school financial aid officers and to protect students from scurrilous private lending practices.

I am proud of the many achievements of this bill. I want to take the time to highlight two initiatives included in this bill that I was proud to sponsor.

I started my legal career as a legal aid lawyer. It is an experience I will never forget and always cherish. Our promise of equal justice under law rings hollow if those who are most vulnerable are denied access to representation. But right now it is almost impossible for a new lawyer, a new young lawyer, newly admitted to the bar, to make the choice that I made, to work for legal aid. The average starting salary for a legal aid lawyer is now about $35,000 a year. But the average annual loan repayment burden for a new law school graduate is $12,000. That doesn't leave a lot left over for rent or food or for starting a family.

The Legal Aid Loan Repayment Program, which we have included in this bill, will make it possible for young lawyers to make a longer commitment to equal justice. The program is simple. If a legal aid lawyer agrees to make a minimum 3-year commitment, he or she will be eligible for up to $6,000 a year to help repay their student loan debt. This is a critical step to ensuring that qualified lawyers can be recruited and retained to represent low-income Americans.

I particularly again thank Senator MIKULSKI for her great leadership in this area, both on this committee and on the Appropriations Committee, in making sure we have adequate funding for the Legal Services Corporation and now, in this bill, to make sure we have a commitment to helping legal aid lawyers repay their student loans if they want to be a legal aid lawyer for at least 3 years.

I am also proud this legislation includes a Realtime Writers Program, an initiative I have long fought for to improve the quality of life for more than 30 million Americans who are deaf or have a hearing impairment. As many know, my late brother Frank was deaf for all of his life. I know from personal experience that access to culture and to news and other media was important to him and to others in having a good quality of life.

Closed captioning, which many of us now take for granted on our television sets, doesn't benefit those with a hearing impairment, however. Captioning improves the quality of life of individuals seeking to read or to speak better, adults who may be functionally illiterate, immigrants learning English as a second language and children just learning to read. Captioning also helps travelers trying to get emergency information in loud settings such as airports or bus terminals or train stations. I would guess that every American at some time or another relies on the captioning on their television to get some kind of information.

As part of the 1996 Telecom Act, I offered an amendment, a requirement in that bill now, that all English language television broadcasts must be realtime captioned by 2006. Every television program must be realtime captioned by 2006. That date has come and gone and all television programs are still not realtime captioned. This is due to a lack of captioners. So what has happened is that stations all across the country have asked the FCC for waivers from this requirement, which they should have because we simply do not have the supply of people trained to be realtime captioners. Passage of the Realtime Writers Act, which is now in this bill, authorizes competitive grants to recruit and train realtime writers to alleviate this shortage.

This is a very good bill. It has a lot of good things in it to help low-income families and kids to be able to get to college. It alleviates some of the burdens, some debts kids have hanging over their heads when they get through. It provides, as I said, for some of the unbundling of textbook materials and things that students buy that they do not need all of. Of course, as I said, it does a lot to weed out the corruption and mismanagement in the student loan program.

To close here, I often speak of the necessity of having a ladder of opportunity for our kids in this country, a ladder of opportunity for all of our citizens. A college education is an essential rung on that ladder. I am proud to support the Higher Education Opportunity Act which I believe extends that ladder of opportunity to more Americans who want to better themselves, their communities, and our country with a college education.

Again, I thank Senator KENNEDY and Senator ENZI, and in particular Senator MIKULSKI for stepping in and helping, with Senator ENZI, to bring this bill to completion. Hopefully we will have an overwhelming vote in favor of this conference report later this evening.

I yield the floor.

Mr. ENZI. I believe under the previous order we will move to Senator MURKOWSKI for 5 minutes at this point.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I rise to speak briefly on the conference report to the Higher Education Opportunity Act. The reauthorization of this act, the Higher Education Act, has taken 5 years and thousands of hours to complete. I congratulate Senator KENNEDY and Senator ENZI for guiding us through passage of the Senate bill and then through a long and somewhat contentious conference process. Their leadership has brought us to an achievement of which we can all be proud. It is a bipartisan product that will have a positive impact on the lives of American students.

I also acknowledge and thank Senator MIKULSKI for the good work she has done, stepping in for Senator KENNEDY during his period of absence, in order to help us resolve these last issues.

The Higher Education Opportunity Act includes many provisions that will benefit students and student loan borrowers in my home State of Alaska. One provision of which I am particularly proud will assist members of the military, particularly those who are in the lowest ranks. It will help them and help their spouses and their children to afford college or job training.

I had the opportunity last winter to visit Fort Richardson, outside of Anchorage. I met with the spouses of the deployed soldiers who were over in Iraq. It was kind of a townhall meeting. I was there to ask them what I could do to help make their lives a little bit easier, help them get through the long winter. One of them told me that the one thing that was keeping her from being able to afford to go to college was the money that the military pays to help offset a portion of their housing costs. The housing allowance prevented her from being eligible for a Pell grant.

Given the low rate of pay for many members of our military, particularly those in the lowest ranks, they could not afford to take on any student loan debt. So I made contact with the National Military Families Association and learned that so many military spouses are in that same position.

So what we included in this legislation, through my provision, is language that excludes the cost of the basic allowance for housing for servicemembers who live off base, as well as the value of on-base housing. We exclude that from being calculated in the final calculations for financial need.

Excluding the basic housing allowance, which in the vast majority of cases does not completely cover military families' housing costs, and the value of on-base housing will benefit the least well paid members of our military and their spouses, whether they be privates, seaman apprentices, lance corporals, airmen—those folks whose base pay is less than $35,000 per year. While they are off defending our country at war, we want to be able to help the spouses and family members who remain at home.

I am very pleased to know that this wonderful woman I had the privilege to meet last winter, and potentially thousands like her, will have a better chance now of being able to attend college or obtain job training.

Another provision I was pleased to participate in and to author authorizes a program dedicated to improving science, technology, and engineering and mathematics education, with a focus on Alaska Native and Native Hawaiian students.

There are three programs in Alaska, Washington State, and Hawaii. They have had outstanding success using an innovative model to recruit and support Alaska Native and Native Hawaiian students through engineering, science, and technology programs. These are available at the University of Alaska, the University of Hawaii, and also through the Maui Economic Development Board.

The programs' graduation rate is phenomenal. By identifying the students who have an interest in math, science, and technology while they are still in middle school, helping them to graduate from high school with the courses they need to be successful in those disciplines in college, and then mentoring them throughout the college program, these entities have helped so many of our young students, Natives and the non-Natives alike, to really succeed in these demanding and high-need fields.

The Higher Education Opportunity Act includes many provisions of which Members of the Senate can be proud. Suffice it to say that before the fall semester begins at many colleges around the country, we will have authorized: improvements to the Federal Pell grant; changes designed to help colleges and textbook publishers take steps to make the textbooks more affordable; increased and improved information about the cost of college and financial aid; rules intended to increase students' safety on campus; and greater State involvement in and accountability to the public for the success of our teacher preparation programs.

There are so many provisions in this legislation that I think we have to be proud of, and I thank my colleagues for their good work and certainly urge all Members to support this legislation. And my thanks to those who have led this through the process: Senator KENNEDY, Senator ENZI, and Senator MIKULSKI.

I yield the floor.

Ms. MIKULSKI. I yield the Senator from Vermont 2 minutes so he can make a brief statement before he presides, and then to Senator BROWN.

Mr. SANDERS. I thank Senator MIKULSKI and Senator BROWN. I will be very brief.

In the United States today, there is a nursing shortage approaching a crisis. According to the Bureau of Labor Statistics, more than 1.2 million new and replacement nurses will be needed by 2014. We are not educating enough nurses to meet this need, which is why the U.S. Department of Health foresees a nursing shortage of over 1 million by 2020. Yet, even with such an enormous need for nurses, U.S. nursing schools turned away—turned away—41,000 qualified applicants for baccalaureate and graduate nursing programs in 2005 because they do not have the resources to train more nurses. If community college nursing programs are included in these numbers, 150,000 well-qualified applicants are turned away each year from nursing programs.

The College Opportunity and Affordability Act includes an important new program which will enable our colleges to train more nurses to meet the nursing crisis. It provides extra capacity for nursing students in a very simple, efficient, and cost-effective way.

The nursing provision in title VIII provides colleges, community colleges, and universities a grant for each additional student their nursing program enrolls over their previous average enrollment. The nursing program gets a $3,000 grant for each additional student, money which will help defray the increased cost required to teach and train that student. With this program in place, nursing programs can expand to admit an additional 10,000 student nurses each year, or more, at modest costs.

I thank Chairman MIKULSKI, and I thank Huck Gutman of my office for his outstanding work over the last year. This is an outstanding program, and we are going to begin to address a serious problem.

I yield for Senator BROWN.

Ms. MIKULSKI. I control the time. I now yield 5 minutes to the Senator from Ohio, Mr. BROWN.

Mr. BROWN. I wish to thank Chairman KENNEDY, Ranking Member ENZI, and especially Senator MIKULSKI for her terrific work, and their staffs. J.D. LaRock was especially helpful; Erin Renner, Carmel Martin, and Missy Rohrbach. I wish to give special thanks to Will Jawando in my office for his terrific success on this legislation. He celebrated the success of the full conference committee, which was earlier this week, by taking the Maryland bar for those 2 days during the actual passage of the conference committee.

The conference report before us takes important steps toward breaking down the barriers to higher education by addressing affordability and access. With college costs at alltime highs, family income and student aid simply have not kept up.

In my home State of Ohio, between 2001 and 2006, the cost of attendance has increased 53 percent at 4-year public colleges. Yet the median income in Ohio, household income, increased only 3 percent. We know the purchasing power of the Pell grant has fallen dramatically. Students and parents are finding it harder and harder to figure out a way to finance their education. But our bill, as we know, increases Pell grants to $8,000 by 2014, enabling thousands of low-income and first-time students to attend institutions of higher education. For the first time, low-income students can receive Pell grants year-round, allowing them to accelerate the completion of their degrees.

The Free Application for Federal Student Aid required for the receipt of Federal student aid is currently seven pages long and acts too often as a barrier for students seeking college aid. We have begun the process of taking care of the complexities and the bureaucracy of that.

In the last 2 years, I have held about 110 roundtables around my State, in 75 of the 88 counties, listening to people telling me what we should do with higher education and other issues.

Last Memorial Day, I met with veterans who were also students at Cleveland State University. I met with them at a veterans hospital and heard directly about their experiences transitioning from the battlefield to the classroom.

This bill takes steps to ensure student veterans get the assistance they need. It authorizes funds for campuses to create Centers of Excellence for Veteran Student Success. It is modeled after a program at Cleveland State University. It will allow schools to provide student veterans with a one-stop shop for assistance with financial aid, with class selection, with VA benefits, and with other transitional issues.

In addition to the unique challenges many student veterans face, others have their academic career interrupted by deployments. When students head off to war, they know they will be given the time and support they need now, because of this legislation, without falling unnecessarily behind academically or financially when they return to their life as a college student.

By allowing servicemembers to defer payments, interest free, on Federal student loans while serving on Active Duty, we have removed a financial penalty for student veterans.

I would also like to thank the committee and the chairman for working with me to include several other provisions in the conference report. Among them is a program that creates an early childhood educator workforce development system to ensure that all children are taught by great teachers in their developmental years. I spoke with the head of Ohio Head Start today in Dayton, who is very excited about what this will mean for Head Start students in all of Ohio.

Also included was a program that helps increase the enrollment rates of rural students at institutions of higher education.

Finally, provisions are included that will reauthorize the Underground Railroad Educational and Cultural Program and establish a Perkins loan forgiveness program for our nation's firefighters. We did it for the nurses, teachers, and police officers. We inadvertently left out firefighters in the bill last year. This takes care of that.

While there are many other issues we must address in higher education, including the rise in private student loans, this bill makes important progress on assisting needy students, increasing affordability for all, and enhancing protections for our servicemembers because of this legislation, because of Chairman MIKULSKI's work. It means a whole lot of working-class kids, a whole lot of poor kids, a whole lot of middle-class kids will be able to go to college. It will be easier for them to finish their college degrees, not drop out with huge student loans. It will enable most of these students to graduate without the onerous burden of huge student loans.

I thank Chairman KENNEDY and I thank Ranking Member ENZI for their work. I hope my colleagues will join me in supporting this legislation.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. The Senator from Oklahoma has up to 20 minutes.

Mr. COBURN. Mr. President, I will assure everyone I will not take 20 minutes.

First of all, let my thank all of those on the committee who worked on this bill.

The Higher Education Act of 1965, HEA, authorizes the Federal Government's major Federal student aid programs, as well as other programs which provide institutional aid and support. HEA also authorizes services and support to disadvantaged students, and to students pursuing international education and certain graduate and professional degrees. The last time the act was reauthorized was over a decade ago, in 1998.

The Senate passed HEA reauthorize on in July of 2007, with a vote of 95–0. The House of Representatives passed their version February 7, 2008, with a vote of 354–58. The final conference agreement is the product of nearly 6 months of work between the House and the Senate.

The Higher Education Act conference report, by the numbers, is nearly 1,200 pages, authorizes for appropriation of roughly $3.7 billion, creates 65 new programs, requires 24 new government studies, and requires the Department of Education to create and publish 26 different lists with information from more than 6,463 schools.

This bill seeks to address an enormous concern for many American families and students who are struggling to afford the cost of a college education. During the 2006–2007 academic year, more than $130 billion in financial aid was distributed to students in the form of grants, Federal loans, work-study, and tax credits and deductions. However, this financial aid is hardly keeping pace with the increasing rate of tuition.

According to the College Board, from 1996 to 2006, tuition rose 51 percent at 4-year public colleges and universities, after adjusting for inflation. Furthermore, according to the U.S. Department of Education's National Center for Education Statistics, the average rate for undergraduate tuition and fees has nearly tripled over the past decade.

No one argues that the cost of college is rapidly rising, or that Congress, the States and institutions of higher education should examine this issue and work together to increase access and affordability for students. However, we must ask ourselves, is this bill the right solution? This bill dramatically increase general Federal financial aid to students through the following:

Increase the Pell Grant maximum from $5,800 to $8,000 at a cost of potentially $1.6 billion per year;

Permits students to receive Pell Grants year-round at a cost of $2.6 billion over 5 years;

Increases the loan fund for Perkins loans at a cost of $1 billion over 5 years;

Expands deferment for PLUS Loans and accrued interest would reduce direct spending $75 million over 5 years; and

Extend Federal loan forgiveness to the following groups—at a cost of $10.9 billion over 5 years: Public-sector employees (including Federal Government employees in Washington DC), nutrition professionals, mental health professionals, medical specialists, dentists, STEM employees, physical therapists, occupational therapists, superintendents, principals and other administrators, fire fighters, librarians, early childhood educators, nurses, foreign language specialists, speech language pathologists, school counselors, and others.

Dramatic increases in Federal student aid may sound like a helpful solution at first. However, research shows that increases in government funding only lead to further increases in tuition. According to a report by the Cato Institute, for every dollar increase in Pell Grants, private 4-year colleges increased tuition by more than two dollars.

The findings of the College Board in ''Trends in Student Aid 2007'' are even more astounding. The College Board reported that student aid increased by about 82 percent over the decade from 1997 to 2007, and Federal loans increased by 61 percent. Interestingly, this increase in aid covered about two-thirds of the increase in tuition at private 4-year colleges and almost all of the increase in tuition at public 4-year institutions.

These statistics demonstrate that both public and private universities are increasing tuition at the same pace—if not faster—than the Government increases funding. If we truly wish to make college education more affordable for students and families, we must focus on why tuition is increasing, despite increased subsidies from the Federal Government.

A July 31 editorial in the Washington Times discusses the correlation between increased government funding and rising tuition. The editorial states of the higher education conference agreement.

> This bill would do nothing to rein in rampant tuition inflation, by far the biggest problem in higher education. Indeed, by giving students yet more taxpayer-furnished aid, it will just keep exacerbating the problem . . . Just look at the numbers: It's no coincidence that while the inflation-adjusted price of college has gone up roughly 70 percent over the last two decades, aid per-student rose almost 140 percent.

The best way to make improvements in higher education is to begin removing the Federal Government from the equation. When Congress and the U.S. Department of Education interject themselves into education matters, the result is generally less competition and individual control, more bureaucracy and an ultimately an inferior outcome.

The American Council on Education states that the higher education conference agreement ''would create a huge number of new reporting and regulatory requirements . . . Complying with these new unfunded mandates will take time and will increase the administrative costs facing colleges and universities.''

Rather than increasing the role of the Federal Government in subsidizing and regulating higher education, Congress should create incentives for families to save money and ease tax burden for students. Federal education tax credits and the Federal tuition tax deductions generated $5.9 billion in savings for taxpayers in 2006.

The Higher Education conference agreement does more than expand financial aid for students. The bill authorizes 65 new programs, many of which are duplicate, wasteful and unnecessary. By authorizing appropriations for these programs, Congress is allowing them to take funding away from student aid. Consider the following examples of misplaced priorities in the bill:

Henry Kuualoha Giugni Kupuna Memorial Archives: Provides a grant to the University of Hawaii Academy for Creative Media for the establishment and maintenance of memorial archives—such sums as necessary;

Campus-Based Digital Theft Prevention: Provides grants for schools to develop programs to prevent illegal downloading and distribution of music, movies and other intellectual property—such sums as necessary;

Pilot Program for Course Material Rental: Provides grants for college bookstores to operate textbook rental programs—such sums as necessary;

Off-Campus Community Service: Authorizes work study grants to institutions for recruiting and compensating students to supplement off campus community service employment—such sums as necessary;

University Sustainability Programs: Provides grants to establish sustainability programs and practices on campus. The term ''sustainability'' is not defined in the bill—such sums as necessary;

Modeling and Simulation Programs: Establishes a task force to study modeling and simulation and to support the development of the model and simulation field—such sums as necessary; and

Teach for America: Authorizes a 5-year grant to Teach for America, Inc. for $20 million in FY 2009, $25 million for FY 2010 and such sums for each of the four succeeding fiscal years.

It is important to note that if a Federal audit of Teach for America recently found that the organization did not properly account for $775,000 in Federal funds. The Department of Education Inspector General found that Teach for America was unable to provide documents to support roughly half its claimed spending. The New York Times reported that there was no documentation that any teachers actually attended and completed the class or that there even was a class. Rather than cleaning up the waste, Congress authorizes $45 million for the organization.

According to a July 11 CBS Evening News report titled, ''Teach for America Gets Schooled; Organization That Trains Teachers Gets a Failing Grade for Its Accounting Skills,'' after the audit, Teach for America tried handing over some newly-found documents, but it didn't help. The Inspector General said they contained ''significant discrepancies.''

Another important way to help contain the skyrocketing costs of education is to simply ensure taxpayers' dollars and students' tuition are directed towards educational purposes, and not lobbying or earmarks. We cannot continue to earmark millions of dollars to universities with billion dollar endowments, while students and families struggle to afford the cost of college.

The total cost of earmarks for colleges and universities exceeded $9 billion between 1995 and 2003. At the same time, average annual tuition at public 4-year institutions increased by 137 percent, from $2,357 to $5,836. The Chronicle of Higher Education recently reported that Congress set aside a record $2.3 billion in pet projects for colleges and universities last year, $300 million more than in 2003, when the total was $2.01 billion.

Furthermore, in 2005 and 2006, colleges and universities spent more than $127 million on lobbying activities. This amount could have paid the full tuition for more than 21,760 students to attend public colleges and universities. Most students struggling to pay for housing and tuition may not be able to afford a tutor, much less a lobbyist. They should not, therefore, be forced to pay higher tuition so their school can hire Washington lobbyists.

Nobody who listened to Senator ALEXANDER can come away saying we have not done what we need to do. And this is certainly a compromise piece of legislation.

But it is very worrisome to me that the only thing rising faster than the cost of health care in this country, other than gasoline in the last year and a half, is the cost of a college education. The only way we can compete globally is with an educated workforce. We have to ask ourselves the question, Why is it costing so much? Could it be the 10-foot tall—now with the passage of this bill—group of regulations that require billions of dollars to comply with every year that has taken away from the educational opportunities in this country?

I think another thing that was not addressed in the bill that should have been added in the bill is the fact that we have had over $9 billion worth of earmarks in the higher ed bill over the last 7 years. That is $9 billion that did not get prioritized. It was put in in the dark of night, inside a bill, inside an appropriations bill, that did not go out on the basis of merit, did not go out on the basis of a competitive grant.

And when the American people hear that $127 million was spent last year by colleges and universities to lobby this place, is it not any wonder that we are spending $9 billion on earmarks?

I also want to spend a moment talking about realtime writers. I held that bill; am still in opposition to it. I know it is in the bill. That is the way things work around here. I am going to lose that. But I want you to ask yourself the question: If there is greater demand for realtime writers and we are seeing the salaries rise and we are seeing the numbers start to come in, why in the world are we going to create a program to pay for it when the market is going to create the demand and the pay to get people to do it? We are going to blow that money because those people are going to go do that because the amount of money that is being paid for someone to do that is rising. So we are going to get in the middle of the economics of that. We are going to create a false level of it because we are going to train them. Now, do you know what is going to happen? Everyone who is a realtime writer now is going to make less money in the future.

So we are going to disown the economics of supply and demand, much like we are doing on energy, and we are going to put a grant program in, we are going to make sure these people are there, but everyone who is doing it now is going to make less money, and then we are going to have an overage. And so then what is going to happen is the people who went out and did it on their own and invested in it, they are going to go look for another job because we did not trust what has made this country great, which is the idea that if there is a demand, someone is going to fill the supply, and if they do not, the price is going to rise. So we have put that in this bill.

It will be a part of the bill. It is going to become law. But we are going to waste that money. It is shortsighted. It is wasteful. This bill creates 65 new Federal Government programs. Thirty-six reports are demanded from this bill, and it gets rid of six programs. Of the programs we create, nary a one has a metric on it so we can measure it 2 years from now to know whether what we did was right or wrong. In Oklahoma we call that peeing into the wind. It is going to come back on us.

As to the cost of a college education, we are seeing families squeezed by $2,400 a year in energy costs because we didn't act when we should have acted on energy, and we are not acting now. So they have less resources. Even with the wonderful increase in Pell grants and everything that we have done in this bill, the cost of a college education is going to rise about 9 percent a year. They can't keep up no matter what we do with Pell grants.

The better part of wisdom would be to ask the question: Is what we are doing really making a difference to increase the availability of a 4-year education or a 2-year education post high school?

The maintenance of effort in this bill will kill every community college in Oklahoma because they design programs for certain things and then walk away from them because there is not a demand for them anymore, whether it be for a new business, a new industry, or a new area where there is a shortage, and then they walk away. Now they have a maintenance of effort requirement. There is no exemption on that. You have killed one of the best things we have in Oklahoma, which is our community colleges. You are going to strangle them with this maintenance of effort. Now they will be very hesitant to create a new program that will make a big difference in the lives of Oklahomans, even though they will only run the program for 2 years because they will have to continue to fund it to be able to get anything else from us. It is shortsighted.

I will not go on. I know everybody who worked on this bill is well intentioned. Their heart is in the right place. They want us to have better educational opportunities. They want us

to be able to afford it. They want greater excellence in terms of academia. I just don't think we did it. If we didn't do it, we are not going to be able to measure because we don't have any metrics.

The hope would be that maybe we could learn from this exercise. Maybe we ought to put in metrics. If we are going to create 65 programs, maybe we ought to think about getting rid of 65 instead of 6, and maybe we ought to measure the effect of what we are doing.

I yield the floor.

Mr. FEINGOLD. Mr. President, I am pleased to support passage of the conference report reauthorizing the Higher Education Act of 1965. This law is the main Federal law governing higher education in this country and authorizes a number of important federal programs including Pell grants and other need-based grant programs as well as Federal student loan programs. This conference report, the Higher Education Opportunity Act, will improve college access and affordability for our nation's students in a number of ways including, raising the authorized level of Pell grants, allowing Pell grants to be awarded on a year-round basis, and simplifying the financial aid application process. Congress has been working on revisions to the Higher Education Act for many years and it is welcome news that Congress has finally completed its work on this important, if imperfect, legislation.

Access to postsecondary education is becoming more and more important in this increasingly competitive 21st century. In Wisconsin and around the country, we continue to see a significant gap in which students can afford to obtain a higher education and which students cannot, with students from low income and middle class families increasingly unable to attend college due to escalating costs and less availability of financial aid. Furthermore, students increasingly have to turn to federal and private student loans to cover the costs of a higher education because of declining grant aid. Some of these students are then saddled with heavy debts upon graduation from college, which impact what sort of career decisions and life choices they can make for themselves.

Since coming to the Senate in 1993, I have made increasing funding for the federal Pell grant program one of my top higher education priorities. I have worked with Senators KENNEDY, COLLINS, and COLEMAN to lead efforts to increase funding for the Pell grant program as part of the yearly budget and appropriations process. I am pleased that the 110th Congress has taken some important steps to boost the availability of Pell grants for our Nation's students. Soon after the 110th Congress convened in January of 2007, we passed a continuing resolution funding the government for fiscal year 2007. As part of that continuing resolution, we increased the maximum award for the Pell grant for the first time since 2003, from $4,050 to $4,310.

As part of the College Cost Reduction and Access Act which was signed into law last September and the fiscal year 2008 omnibus appropriations bill, Congress further increased the maximum Pell grant award from $4,310 to $4,731. These recent increases in the maximum Pell grant award represent a good step to improved access to higher education for our Nation's students most in need, but much more remains to be done. This conference report builds on these efforts to boost the Pell grant program, by increasing the authorized levels for the maximum Pell grant award to $8,000 by 2014 and by allowing students to use their Pell grant awards year round. I will continue to work to help ensure that Congress appropriates funds for the Pell program consistent with these new authorized levels.

This conference report also reauthorizes another critical need-based grant program, the federal TRIO programs, which include Upward Bound, Student Support Services, Ronald McNair Post Baccalaureate Achievement, and Talent Search programs, among others. Every year, students who have participated in TRIO programs at Wisconsin's universities come out to Washington to meet with myself or my staff to discuss how the various TRIO programs are improving access to higher education and providing support services once these students have enrolled in college. These students' testimonials illustrate how important the TRIO programs are, and have guided my yearly efforts to work to boost Federal funding for the TRIO programs. I am pleased that this conference report also includes language based on previous legislation I introduced that defines the terms ''different campus'' and ''different population'' for purposes of administering the federal TRIO program. The language included in this bill ensures that higher education institutions with branch campuses geographically apart from each other, like some of the campuses in the UW System, can compete on an equal footing for these important TRIO grants.

This conference report also includes language to modify the application progress for Federal financial aid in order to make it simpler for students and parents to complete the process. I often hear from students and parents in Wisconsin that applying for financial aid is a time consuming and confusing process and this legislation should help to simplify the process for Wisconsin's families. This legislation establishes a two-page FAFSA application for certain low-income students and broadens the use of this simplified FAFSA to other students within the next few years. This legislation also improves the process whereby students can reapply for financial aid so that they do not have to fill out a new FAFSA every time they want to apply for additional financial aid. Many of Wisconsin's students fill out these FAFSA forms every year and I hope that the new provisions in this conference report can make the FAFSA application process less burdensome in the coming months and years.

This conference report also retains language from the Senate-passed bill to ensure that the grants for training of teachers will promote a wide range of teaching skills, including measuring students on different forms of assessment, such as performance-based measures, student portfolios, and formative assessments. In an era of increased accountability at the local, State, and Federal level, we need to do all we can to promote more responsible and accurate assessment of students in our K–12 schools.

I remain concerned about the increased use of high-stakes standardized testing at the K–12 level, including using high-stakes standardized tests to make decisions regarding school accountability. By broadening the definition of student learning and teaching skills as this new title II language does, we can better ensure that teachers are trained to more accurately and responsibly measure student achievement through alternatives to high-stakes standardized testing. I hope that Congress can build on these efforts to promote better and more responsible assessments of our Nation's students when we reauthorize the Elementary and Secondary Education Act by providing increased funding for the development of these types of assessments as well as the teacher training that is needed to implement these assessments in our classrooms.

The student loan industry has also seen some tumultuous times over the past 2 years, with a number of abuses involving lenders and some financial aid administrators brought to light as well as ongoing unrest in the lending business due to the current instability in our credit markets. While we should do all we can to boost Federal funding for grant aid so that students are not as dependent on student loans to finance their higher education, we also need to make certain that our Nation's students have access to Federal student loans to help cover any unmet costs they face. Wherever possible, we should help students participate in the various Federal student loan programs before making them turn to private loans, which do not offer our students as many safeguards as the Federal student loan programs. Earlier this year, Congress passed a law designed to help ensure students' continued access to Federal loans in the upcoming school year and this conference report seeks

to help prevent certain abuses in the student loan markets from happening in the future. For example, this conference report requires schools and lenders to create codes of conduct governing their lending practices and relationships. This legislation also bans lenders and colleges from accepting gifts as part of their student loan business. I cosponsored many of these provisions in Senator KENNEDY's standalone legislation, the Student Loan Sunshine Act, and I am pleased that these provisions were included in this conference report.

I know a number of colleges are concerned about the increased reporting requirements in this legislation related to college costs and tuition increases. These reporting requirements and the provisions creating searchable college cost lists and Web sites are designed to improve access to information for students and their families. This sort of information is important to Wisconsin families deciding which colleges they can afford. I hope that these provisions can be implemented in a reasonable way that addresses the concerns of our Nation's universities while ensuring that students and their families have access to this valuable information.

This legislation has broad bipartisan support and it is good news that we were finally able to reach agreement on this reauthorization of the Higher Education Act. The conference report Congress is set to pass this week strengthens a number of existing Federal student aid programs and creates new programs to boost access to and affordability of higher education for America's students who wish to attend college. With the new school year set to begin in about a month, I hope that the President will quickly sign this legislation into law and that the Department of Education will work to implement this legislation in a fair and responsible manner.

Mr. ALLARD. Mr. President, today I wish to speak about a topic that has been important to me for some time the role of veterinarians in safeguarding the public health. Yesterday, the Senate passed the Higher-Ed bill which contained historic language improving veterinary education in this country. This language has important implications for human health. We have been overdue to invest in veterinary medicine as a national asset. Today, there are only 28 colleges of veterinary medicine across the Nation which collectively graduate a mere 2,500 veterinarians per year.

Unfortunately, this number is insufficient to meet demand and leaves our Nation vulnerable to emerging infectious diseases such as west nile virus, severe acute respiratory syndrome, SARS, Monkeypox and Avian Influenza although there are numerous other examples of animal-born infectious diseases, some of which could be used as biological agents in a terrorist attack.

To meet the critical shortage of public health veterinarians and to augment the ability of veterinary expertise to guide public health, I introduced the Veterinary Workforce Expansion Act, S. 746, this Congress and the two previous Congresses. I am pleased that part of the Veterinary Workforce Expansion Act made it into the higher-ed reauthorization.

The language in the higher-ed bill will establish a new competitive grant program for capital improvements to allow veterinary medical colleges to expand and graduate more veterinarians trained in public health. As both a veterinarian and a member of the HELP Committee, I have seen firsthand the links between human and animal health. A half-century ago, more people appreciated this too and we were able to all-but eradicate malaria and other animal-born infectious diseases with techniques such as mosquito control and inoculations.

Veterinarians are uniquely qualified to address high-priority public health issues such as animal-to-human transmission of infectious diseases because the curriculum in veterinary medical colleges is significantly different from that of other health professions. In addition to the basic biomedical sciences and the surgical and medical training that physicians receive, veterinarians receive extensive training in population medicine. Veterinary colleges also provide a broad, multispecies, comparative medical approach to disease prevention and control, which is fundamental to understanding the transmission and life cycle of infectious disease agents, especially those that animals share with humans.

Although I hope awareness of the part veterinarians play in promoting public health will improve, I want to note that I am by no means the first Government official to recognize the importance of veterinarians in public health practice. Dr. Julie L. Gerberding, Director of the Centers for Disease Control and Prevention, CDC, noted that, ''Eleven of the last 12 emerging infectious diseases that we're aware of in the world have probably arisen from animal health sources.'' CDC estimates that more than 60 percent of all infectious organisms that are harmful to people are transmissible between humans and animals. In addition, more than more than 75 percent of newly emerging infectious diseases fitj into this category and, even more important, more than 80 percent of biothreat agents of concern are shared between animals and man. These are the harmful biothreat agents most likely to be used in a bioterrorism attack.

So in closing, I would like to thank Senators KENNEDY, ENZI, MIKULSKI, and BURR for working with me to include this program in the bill. I am grateful for their hard work and support. My hope is that through this new grant program, veterinary colleges will be able to fulfill the needs of the communities that they serve and on a national level will augment the expertise of other public health specialists in preventing or mitigating the effects of possible pandemics or biological terrorist attacks.

Mr. DORGAN. Mr. President, I am here today to talk about the reauthorization of the Tribally Controlled College or University Assistance Act of 1978, which is included in H.R. 4137, the Higher Education Reauthorization and College Opportunity Act of 2008.

As chairman of the Senate Committee on Indian Affairs, I worked closely with the Health, Education, Labor, and Pensions Committee and the House of Representatives to ensure that provisions enhancing tribal colleges and universities were included in the reauthorization of the Higher Education Opportunity Act.

H.R. 4137 reauthorizes the Tribally Controlled College or University Assistance Act of 1978. Additionally, it will authorize two tribally controlled postsecondary career and vocational technical institutions: United Tribes Technical College and Navajo Technical College. Both of these institutions are critical to strengthening tribal higher education and providing the necessary resources for Indian students.

I have been a longtime supporter of tribal colleges and universities because of the benefits they provide to both the community and the individual student. There are 36 tribal colleges and universities throughout the United States. I am very fortunate to have 5 of these tribal colleges in my State of North Dakota.

Tribal colleges and universities offer a wide range of accredited programs from business administration to nursing. In addition to college-level courses, tribal colleges and universities also offer high school completion programs, job training, and college- preparatory courses.

These colleges and universities are essential to their communities, often serving as community centers, libraries, tribal archives, career and business centers, economic development centers, public meeting places and childcare centers.

Because most tribal colleges and universities are located on or near Indian reservations, they provide a greater level of access to higher education for a group of Native students who would otherwise be unable to attend college.

Approximately 28,000 American Indian and Alaska Native students attend tribally-controlled colleges and universities across the country. Characteristics of American Indian students enrolled in tribal colleges differ from those of most other undergraduate students: Students attending these schools often come from geographically isolated communities with high

unemployment rates where the average family income is $13,998.00. This is 27 percent below the Federal poverty level. Most students attending tribal colleges are the first generation in their family to go to college. American Indians who earn a bachelor's degree or higher can expect to earn two times as much as those with a high school diploma and four times as much as those with no high school diploma.

I am committed to finding ways to strengthen tribal colleges because they are truly a success story in Indian country. The reauthorization of the Tribally Controlled Colleges or University Assistance Act is a strong step in that direction.

Mr. LEVIN. Mr. President, access to higher education is increasingly important in a competitive, global economy where training beyond a high school education is frequently required. On average, a student who earns a bachelor's degree will earn 70 percent more annually than a student who has only a high school diploma.

Last year, Congress approved more than $17 billion in new Federal aid for college students, the largest Federal investment since the GI bill with the enactment of the College Cost Reduction Act of 2007. This was a great victory for students and families all across America, including my home State. Michigan will receive over $80 million in new assistance above the current $429.8 million for the upcoming academic year and an additional $689.6 million over the next 5 years.

However, we still need to do more to help students achieve their goal of attaining a college education as college cost continues to rise. The legislation before us, the conference report of the Higher Education Opportunity Act of 2008, is another major step forward to support students and families in this endeavor. It contains several important policy changes to increase access to college and help protect students, families and taxpayers from high college cost and unmanageable debt.

It expands need-based grant aid further by increasing Pell grants, from $4,800 to $6,000 for 2009 and to $8,000 for 2014; and allows students, for the first time, to receive Pell grants year-round, to help them accelerate the completion of their degrees. The legislation also creates the Grants for Access and Persistence, GAP, program, a new matching grant program to allow States to increase need-based grant aid to students. This will give a major boost to the 5.3 million students who qualify for the Pell grant, 182,000 in Michigan.

The bill enhances and strengthens TRIO and GEAR UP, proven programs that help students, many of whom are first generation college-bound, prepare for and succeed in higher education. It expands required activities with a special focus on improving students' financial and economic literacy, and encourages student enrollment in challenging secondary coursework and professional development.

The legislation also replaces the complex, 7-page Free Application for Federal Student Aid, FAFSA, with a 2-page EZ-FAFSA; bans lenders from offering gifts to college officials as a condition of making student loans, and requires colleges to adopt a code of conduct regarding student loans; promotes innovative and effective teacher preparation programs for new and prospective teachers; and creates a pipeline for high-quality teachers to teach in high-need schools by promoting partnerships between teacher education programs and high-need districts.

The bill also makes college a reality for more students with disabilities through a number of new initiatives, including supporting model demonstration projects to make college course materials more accessible; and expands and strengthens nursing faculty by creating a new grant program to help nursing schools enroll more students.

Finally, this legislation also includes a much-needed amendment introduced by Senator DURBIN, which I cosponsored, that creates a targeted student loan repayment assistance program that will bolster the ranks of attorneys in this country's criminal justice system. It will provide up to $10,000 a year in student loan forgiveness for those who will work a minimum of 3 years as State or local criminal prosecutors or as State, local, or Federal public defenders. This would benefit many young law graduates who want to take a job as a young prosecutor or public defender, but find it difficult to do so because of a mountain of student debt. The need for this amendment is apparent. Prosecutor and public defender offices throughout the country are having serious difficulties recruiting and retaining qualified attorneys. In a recent survey, over a third of prosecutor offices nationwide reported problems with keeping attorneys on staff. Over 60 percent of prosecutor offices that serve populations of 250,000 or more have reported serious problems with the retention of attorneys. The story is the same for public defender offices. Another recent survey found that over 60 percent of State and local public defender offices reported difficulty in attorney recruitment and retention. When prosecutor and defender offices cannot attract new lawyers or keep experienced ones, their ability to protect the public is compromised. Caseloads become unmanageable, cases can be delayed or mishandled, crimes may go unprosecuted, and innocent defendants may sit in jail.

A student's access to higher education ought not to depend on his or her family's income. Working families and aspiring students across this country are struggling to obtain the financial resources to secure a college education. Low and middle income students who have managed to enter and stay in college are graduating with unprecedented levels of debt. This legislation, coupled with the legislation Congress passed last year responds to this crisis.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Higher Education Opportunity Act of 2008 that would renew major programs that ensure our Nation's students have access to a college education.

This important legislation would increase grant aid to our neediest students, provide new measures to address rising college costs, and would reform the student loan system so that it better serves students.

Students and their families in California and nationwide are struggling to pay the growing costs of a college education.

Specifically, this bill will increase Pell grants from $4,800 to $6,000 for 2009 and to $8,000 for 2014. Over 625,000 California students rely on Pell grants to afford college.

It will allow low-income students, for the first time, to receive Pell grants year round, including summer school. This will help students complete their degree programs more quickly.

It will allow military servicemembers to defer payments, interest free, on Federal direct loans while they are on active duty. Our service men and women risk their lives for our Nation and deserve to not have to worry about paying their student loans while they are on duty.

It will authorize the U.S. Department of Education to award competitive grants for Teacher Preparation Programs that help recruit and retain high-quality teachers in high-need schools.

It will require the U.S. Department of Education to publish detailed data about college pricing trends on its website to ensure more transparency.

It will simplify student financial aid forms by creating a new 2-page form for low-income students, and phase out the current 7-page form within 5 years.

It is critical that we help make college more affordable and accessible for students at a time when they are taking on more debt to pay for school.

More than half of California students who graduate from 4-year public colleges have debt averaging over $12,000.

Nearly 1 year ago, the President signed into law major legislation that provides over $17 billion in new grant aid to low-income college students—$2.5 billion of which would go to help California's students. And the key reforms in the renewal of this Higher Education legislation before us today will further help ensure that college is more affordable for our young people and that they receive the education they deserve to succeed.

Mr. KERRY. Mr. President, education is at the core of America's basic

promise—that all Americans should be able to make the most of their potential.

Every young person should graduate from high school, and every young person who works hard and wants to go to college should be able to afford it. And all Americans should be able to get the skills they need to succeed throughout their lives.

Today, I am supporting the Higher Education Opportunity Act conference report because it will advance key reforms that will address the soaring price of a college education and remove obstacles that make it harder for qualified students to attend college. This legislation is an important step forward for students and their families. It will help reduce their college costs and will help expand the future growth of our economy.

This legislation would not have been possible without the leadership of Senator EDWARD M. KENNEDY who has tirelessly dedicated his time in the Senate to helping children and their families gain increased access to education. It is another victory for Senator KENNEDY, whose record of achievement in the Senate has helped benefit the lives of virtually every man, woman and child in the country. As we adopt this legislation, I want Senator KENNEDY to know that we miss him, that we are thinking of him as he recovers from his illness and we congratulate him on this important accomplishment.

The Higher Education Opportunity Act will hold colleges more accountable for increasing costs and will simplify the federal financial aid application process. The legislation will make textbook costs more manageable for students by helping them plan for textbook expenses in advance of each semester. It will increase college aid and support programs for veterans and military families. This legislation will ensure equal college opportunities and fair learning environments for students with disabilities. It includes new measures to curb unethical practices in the student loan industry, increasing federal grant aid to our neediest students, and strengthen college pipeline programs.

The Higher Education Reauthorization Act will help ensure that all Americans can make the most of their God-given talents. Educating our children is a key part of ensuring a strong economy in the future. It will help make college affordable for all and expand lifelong learning. I urge my colleagues to support this legislation.

Mr. ROCKEFELLER. Mr. President, I wanted to affirm my support of the Higher Education Act, which will help many young Americans realize their dream of a college education.

As president of West Virginia Wesleyan years ago, I saw firsthand that given the opportunity, student will perform to the highest degree. Our goal as legislators should be to provide quality, affordable education for every American. While we have done a good job giving high school students the opportunity to attend higher education, the time has come to do more to make it affordable.

Tuition rates have steadily increased over the last few years while our Nation's financial aid programs have failed to keep up, causing college students to graduate with higher amounts of debt than ever before. In West Virginia alone, the cost of college education has increased at least 30 percent since the 2000–2001 school year, while the median family income of most West Virginians has increased only 13 percent. Additionally, the percentage of higher education that is paid for with grants has decreased significantly, from 77 percent in 1975–1976 to just 20 percent in 2004–2005.

The Higher Education Act before us today will modernize the financial aid system. The act will revitalize title IV loans, including Pell grants. Pell grants help over 35,000 West Virginia students attend college, a value of $92 million annually. An increase in assistance is needed to help students cope with the rising cost of tuition. The bill will invest $20 billion to improve Pell grants. The loan amount will increase approximately $500 next year, and in 2012, the maximum Pell grant should be $5,400. These improvements will allow more low-income students to have the opportunity to pursue higher education that before would have been out of their reach.

An important provision in the act will protect students by giving them greater access to information about their loans by requiring student loan providers to be up front about terms and rates. This new law will reduce interest rates on Federal student loans, allowing students to graduate college with less debt and on a stable financial foundation. The law even addresses the real concern about the rising costs of textbooks with balanced provisions to disclose prices.

The act would also increase TRIO funding and provide better tools to encourage high school students to apply for college. Every year, I meet with TRIO leaders and students from across the state of West Virginia about the importance of this program. The Higher Education Reauthorization Act allows our dedicated TRIO counselors to focus on tutoring, college exam preparation, and assisting students with application and financial aid applications. West Virginia has 30 TRIO programs which will benefit by the increase in the grant duration and funding. This increased support, will better enable the 8,000 plus West Virginian TRIO students to reach their potential in high school, and achieve their goal of pursuing higher education.

Another vital part of this legislation is the emphasis it places on sciences and mathematics. The greater assistance and grant money going to students who study science and mathematics, will ensure that our Nation has a group of educated individuals who are ready to handle future challenges.

To support our troops and their families, this legislation allows service members to defer payments on loans, and stop interest on Federal direct loans while they are on active duty. It will ensure that military benefits do not count against service members' eligibility for Federal grants and loans they need to pay for college. It will provide for easy reenrollment for service members when they return from duty and go back to school.

The Higher Education Reauthorization Act will provide opportunity to students in West Virginia and throughout the country. This bill also encourages public service and puts a new emphasis on science and math, causes that I have long promoted. This is an important bill and I commend my colleagues and the leadership for forging bipartisan consensus to enact this legislation that should inspire students to pursue their dreams of a higher education.

Mr. AKAKA. Mr. President, today, I was pleased to vote in favor of the conference report to accompany the College Opportunity and Affordability Act, H.R. 4137. I congratulate my colleagues, particularly my good friend, Senator KENNEDY, for their dedication and bipartisan efforts in moving this vitally important legislation forward. It is imperative during these difficult economic times, to do all that we can to help students achieve their educational goals by making college more accessible and more affordable. This legislation will assist students and their families in Hawaii and across the Nation by, among other things, simplifying the Federal financial aid application process, increasing the amount of Federal grants to students and their families who need them most, providing more authority to regulate private student loan lenders engaged in predatory practices, and holding colleges accountable for growing tuition rates.

As chairman of the Veterans' Affairs Committee and a senior member of the Armed Services Committee, I was also pleased to support this legislation which will make higher education more accessible for the men and women who have volunteered to protect and defend our Nation. It includes a provision allowing the members of our Armed Forces to defer their payments, interest free, on Federal Direct Loans while they are on Active Duty and making reenrollment easier for service members who left college to join the military. It also benefits the families of our soldiers and sailors who have also sacrificed so much. First, by providing new scholarships for the children and family members of service

members who have died since 9/11. And, second, by providing instate tuition for members of the military and their dependents who have lived in a state for more than 30 days.

This legislation also incorporates several provisions which will specifically benefit students in Hawaii. These include the authorization of the creation of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii as a repository for Native Hawaiian historical artifacts and the expansion of authorized grant programs for Native Hawaiian Institutions to include education designed to improve financial literacy. It also clarifies that Native Hawaiians and other Pacific Islanders are eligible for the Federally funded McNair Scholars Program. In addition, it benefits our State by authorizing the development and expansion of programs to improve science, technology, and mathematics education specifically focused on meeting the educational and cultural needs of Native Hawaiian students.

Today, more than ever, a college education has become a key to future opportunities and financial stability. A student who desires to attend college should not have to delay or give up their dreams of a higher education because of the cost.

With the passage of this bill today, we are helping students achieve this dream and I applaud its passage. Now, it is time for the President to sign this critically important bill into law and make it a reality.

Mr. REID. Mr. President, last year, as Democrats took control of the Congress, we made college affordability and access one of our top priorities.

In the fall, we completed work on the first part of that promise—the College Cost Reduction and Access Act. This landmark legislation provided nearly $20 billion in new student aid and benefits, including a significant increase to the Pell grant and a reduction in student loan interest rates, which went into effect last month, providing a tangible benefit to college students across this country.

It's been a full decade since the Congress last reauthorized the Higher Education Act. Today, as a result of a strong bipartisan effort, we take up the final piece of our commitment to make a college education more affordable and accessible.

Among other key provisions, this conference report addresses the scandals that have tainted the student loan industry. Through increased disclosure requirements, a prohibition on payments and gifts from lenders to colleges and financial aid administrators, and new restrictions on preferred lender lists, we are finally putting an end to these unacceptable practices, and making sure that the student loan system works in the best interests of our students.

Just as importantly, the Higher Education Opportunity Act tackles the rising costs of college. Despite the billions in new student aid and benefits we approved last year, if college costs continue to rise at the rate they have been—nearly tripling over the past 20 years—higher education will continue to remain further and further out of reach for too many Americans.

I am pleased that students in Nevada have the good fortune of a state university system with some of the lowest tuition costs in the nation. But the same is not true everywhere and this bill will hold colleges and universities accountable if their costs increase too dramatically. It also ensures that students and parents have the information they need to make objective decisions based on the cost of college, and attempts to rein in the high cost of textbooks, by requiring greater disclosure of prices and purchasing information.

On the issue of costs, the Federal Government has raised the bar in its commitment to higher education. While statehouse budgets are undoubtedly strained in these difficult economic times, I am hopeful that these efforts will not result in a reduced State commitment to making sure that a college education is affordable. I am concerned, along with students and college administrators in my own State, about harmful budget cuts to colleges and universities in Nevada. The Federal Government is doing its part for students, and I hope State governments will continue to do the same.

To further assist students, the bill authorizes an increase in the maximum Pell grant to $6,000 in 2009 and $8,000 by 2014, and makes it available to college students year-round, instead of just during the traditional academic year. This is particularly important for low-income, nontraditional students in Nevada—those juggling college, jobs and a family—or for those students at community colleges taking summer courses so they can finish their degrees.

Additionally, to help low-income and first generation students, this legislation strengthens the GEAR UP and TRIO programs, programs which have helped thousands of young Nevadans achieve their dream of a college degree.

A final point I want to highlight is the simplification of the federal financial aid form—the FAFSA. Currently seven pages long and probably more complicated than filling out a tax return, the bill creates a two-page ''EZFAFSA'' for low-income kids, and phases out the current form within five years. This will help get federal aid to the students that need it most.

While Senator KENNEDY and ENZI, and the entire HELP Committee deserve enormous credit for their work to move this legislation forward in a bipartisan way, I also want to thank my friend from Maryland, Senator MIKULSKI, who stepped into some very big shoes with Senator KENNEDY's absence, to help get this bill across the finish line.

Combined with our efforts last year, passage of the Higher Education Opportunity Act reaffirms our commitment to making sure higher education is affordable and accessible for students across America.

The PRESIDING OFFICER (Mr. SANDERS). Who yields time?

Ms. MIKULSKI. I yield the Senator from Illinois 3 minutes.

Mr. DURBIN. I thank the Senator from Maryland. What a great job she did pinch hitting for our friend TED KENNEDY, with Senator ENZI, bringing this bill to the floor tonight and the conference report. There are three or four provisions in here I worked hard to include, and I think they are going to help provide an affordable college education.

You would be surprised to know that about one-fourth of the expense that college students face when they go to college is for textbooks. Textbooks cost twice as much as ordinary books. Until we put this provision in, students couldn't go on Amazon and other places to find discounts. Now they will be able to. They will have the information so they can search for the most affordable books. We make the publisher split up the books into pocket parts and CDs so they don't bundle them together, and students can buy only what they really need.

Secondly, I have been working for years with my friends who are prosecutors and public defenders. Kids graduating from law school today have a mountain of debt. They can't afford, usually, to take a job as a young prosecutor or public defender. We have a student loan forgiveness program in here. It went through the Judiciary Committee, now through the HELP Committee. It will provide up to $10,000 a year in student loan forgiveness for those who will work a minimum of 3 years. That is the way to build the professionals we need as both prosecutors and defenders. It is the John R. Justice Act. It is one that will help our Nation and help the enforcement of law all across the country.

I also have a provision to help campuses deal with insecurity and terrorism. We have seen too many instances of violence on campus. This will provide for coordination on campuses to develop plans to keep their students safe. That is something every parent wants to feel when they leave their kids at school.

These are all steps in the right direction. I thank all those who worked on this bill. Most of us in the Senate would say flat-out we wouldn't be here today were it not for higher education. It has become a more difficult challenge for today's students. This bill is going to give those students a helping

hand. I will be happy to cast my vote in favor of it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes.

Ms. MIKULSKI. I yield 3 minutes to the Senator from Connecticut, who also chairs the Banking Committee. On behalf of all of us who worked on this bill, I thank Senator DODD for helping us resolve some very serious issues that existed between the Banking and Education Committees on the student loan issue. His steadfastness and work with Senator SHELBY actually helped us bring this bill to the floor. I thank him.

Mr. DODD. Mr. President, let me return the compliment by commending our colleague from Maryland, who has taken on the Herculean task in the absence of our colleague from Massachusetts, of shepherding, along with Senator ENZI, this very important piece of legislation. My compliments to MIKE ENZI, the Republican leader on this issue, along with BARBARA, and the House leaders—GEORGE MILLER, with whom I was elected to Congress many years ago—and the members of the House Education Committee.

This is a very important bill. A few days ago we passed the housing bill to make a difference for people facing foreclosure. We tried to pass legislation dealing with low-income energy assistance. I remind my colleagues, the Presiding Officer led the effort on that issue, and we will come back to it.

Education costs are critical to address. This bill is sweeping in its reforms, making a difference for average Americans and their families to deal with those costs and allow them to achieve the goal of a higher education, which not only has tremendous advantage for them individually but for us, as a country. It is a small price to pay for the reward we receive. The GI bill, which was adopted during World War II, is another example of this sort of effort, providing 8 million Americans benefits. Over the years it cost a lot of money, but the benefit to our country has vastly exceeded the cost of that program. This bill is like that one in many ways. This bill is not inexpensive, but it provides benefits to our country.

I am particularly proud of a number of provisions. One is the Pell grant increase, up to $8,000, which will help us in dealing with the cost of a public education, though not close enough when it comes to private education. The Patsy Mink Fellowship Program, which I am proud to have authored, creates scholarships and makes it possible for young women and minorities to become college professors, and addressing the very small number of women who are providing a college education. The provisions designed to get colleges and universities to control their costs, including both transparency and incentives for schools who succeed in this endeavor. I am also proud of the improvements we have made to TRIO and GEAR-Up and the expansion of child care in this bill.

Lastly, as my friend and colleague from Maryland pointed out, the inclusion of the Private Student Loan Transparency Improvement Act, which Senator SHELBY and I, along with 19 other members of the Banking Committee authored unanimously, will make a difference when it comes to protecting student borrowers from excessive debt. These provisions require lenders to provide more accurate and timely information to their customers about interest rates, terms and conditions of their private loans, and prohibits documented private student lending practices that have harmed students and their families, keeping them from obtaining the most competitive and affordable student loans.

The bill also ensures that private lending is done on the fairest and most transparent terms. It prevents kickbacks and co-branding that may allow steering of students to specific lenders, and it guarantees borrowers time to consider their options and shop around for better terms without losing the loan they have been offered. These are very important steps.

Finally, I end where I began. None of this would have happened without the senior Senator from Massachusetts who has dedicated his life to working families. This bill is yet further testimony to his commitment to those constituencies, the people of this country. We have missed him terribly lately, but he had a champion in the Senator from Maryland. If I had to pick one person to replace TED KENNEDY, I would choose BARBARA MIKULSKI every day of the week. She did a fabulous job on behalf of students and their families. We thank her immensely. I know my friend from Massachusetts is watching tonight, and he thanks her as well.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, may I ask how much time I have?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. ENZI. Mr. President, I won't use nearly that much time, and I would be happy to share with my colleague, if she wants to make some closing remarks as well.

I rise to summarize why the Higher Education Opportunity Act is a major victory for America's students and their families and for our future economic security. Simply put, it ensures that a college education, which is the gateway to the future for working families and for businesses, will be within their reach in the years to come.

I thank those who have made their comments earlier: the Senator from Oklahoma, Mr. COBURN, and the Senator from Tennessee, Mr. ALEXANDER, who pointed out some things that still need to be done in the area of higher education. It would have been nice to have been able to do them in the bill.

One of those is deregulation. If we have that much paper, that many billions of dollars' worth of paper that need to be done, it is time for us to appoint a task force to evaluate their usefulness. I did that with some of the elementary education issues the first year I was here, and we found that every single paper that was submitted to the Department of Education was looked at to be sure that every blank was filled in and every ''t'' was crossed and every ''I'' was dotted. Our disappointment was that they were then filed away and nobody made any use of them.

We were able to get rid of some of those forms. Obviously, this is an even bigger opportunity.

The Senator from Oklahoma pointed out the lack of metrics for progress in these areas. Although there are new programs, past experience has been that many of them do not get funded because they have to come out of discretionary funds. They are good ideas that probably will never happen. But it would be a good idea to have metrics in there so we can gauge how well things are doing. We have a law that provides for that kind of measurement and requires each agency have a program to set up the guidelines by which we can measure, and then they are required to measure. I have noticed over the years that there are a number of agencies that are actually failing their own evaluations. We never do anything with that, which is another challenge.

Our country is being challenged today, and it is a challenge we cannot afford to lose. We are engaged in a race for knowledge and skills, and the nation that wins will have a head start on building a stronger economy. The solution to this challenge is to make a college education more accessible, affordable, and accountable for all Americans. That is what we are trying to do in the Higher Education Opportunity Act.

In this era of rising college costs, students and families must have good information to use when making decisions about which college to attend, how to finance their college education, and how to manage their student loans once they are out of college. This agreement is about good information, sunshine, and transparency. College is no longer an option. It is a necessity. Most good jobs today require some college. I want to make sure everyone has access to the education and training

they will need to be successful in the global economy. This legislation gets us much closer to that goal.

I am pleased to say that with the passage of this agreement, we will have completed the work of two of the four pieces that make up Federal education and training policy.

Late last year we finished Head Start. Today we will finish higher education. We still have more work to do because we must reauthorize and improve the Workforce Investment Act so that our workers have the skills they need to be successful in an increasingly skill-driven economy. That leaves reauthorizing No Child Left Behind to complete our education task.

Mr. President, as this debate on this legislation comes to a close, it is necessary to thank those who have worked long and hard on this bill. First and foremost, I thank Chairman KENNEDY for his commitment to keeping this process bipartisan, and working with me and all of my Republican colleagues on the HELP Committee throughout this entire process, lately by telephone, but with the same passion and enthusiasm.

I also thank Senator MIKULSKI for taking the helm and getting us to the finish line when others might have given up.

Because this has been a bipartisan, bicameral process, I want to thank our House counterparts—Chairman MILLER, Ranking Member MCKEON, Congressman HINOJOSA, and Congressman KELLER—for their commitment to working with us to find ways to reach an agreement on issues that many thought would be impossible to achieve.

There are many other Members I wish to thank for contributing the time and effort they did to make sure we were putting together good policy. It is difficult to single out just a few. I have to immensely thank every single Senator who is on my committee, both Republican and Democrat. That is where we share ideas. That is where most of the changes in the bills are made. That is where people are able to get together and debate at length their ideas for how to make things better. And we do.

I thank Senators ALEXANDER, BURR, and COBURN for their comments. They have disagreements on some of the key issues in the conference report, but, nonetheless, they continued to work to reach a resolution and improve the final product.

There are many congressional staff who worked on this conference report. The breadth and importance of the issues, not to mention the length of the legislation, requires many people working many hours to get it done. Actually, it is not only many hours or many days or many weeks or many months—but this one has been many years.

I have always said I have a staff worthy of gold medals, and my staff who worked on this bill have shown their gold medal status once again. I must first acknowledge and thank Beth Buehlmann, my education policy director. It is no exaggeration to state that without Beth, I do not think there would be a Higher Education Act reauthorization today. That is what I hired her for several years ago. She truly was the force to start the reauthorization 3½ years ago. She worked tirelessly to ensure that we drafted a bill to reflect the changing nature of our student bodies, as well as to ensure that we, as a nation, will maintain our status as having the best education system in the world.

Her team of Ann Clough, Adam Briddell, Kelly Hastings, and Lindsay Hunsicker is comprised of remarkable individuals who brought their talents and knowledge to the forefront in this bill.

I also thank my staff director, Ilyse Schuman, and Greg Dean, Amy Shank, Randi Reid, John Hallmark, and Ron Hindle, who also put in many hours and added invaluable input into this bill as well as the overall process.

I also thank members of Senator KENNEDY's staff for their hard work: Michael Myers, who has been tireless on this and has provided the kind of leadership that coordinated it through some of these difficult times; Carmel Martin, the expert on education; JD LaRock; Missy Rohrbach, who, incidentally, had twin babies today, a boy and a girl. It is my understanding she is doing well. She worked while pregnant and helped to get this pregnant bill done. I also thank Erin Renner, Roberto Rodriguez, and Emma Vadehra of Senator KENNEDY's staff.

Additionally, I thank all of the other HELP Committee staff for their hard work throughout this process, especially David Cleary and Sarah Rittling of Senator ALEXANDER's subcommittee staff. Also deserving thanks are our Republican Members' staff, including Allison Dembeck, Celia Sims, Glee Smith, Karen McCarthy, Juliann Andreen, Alison Anway, John van Meter, and Elizabeth Floyd, as well as their Democratic staff counterparts. Also, I thank Scott Raab from Senator MCCONNELL's office and Jim Johnson in Senator SHELBY's office for helping us work through some of the more difficult issues in the negotiations.

Also deserving my gratitude is the House staff, including Mark Zuckerman, Alex Nock, Gabriella Gomez, Julie Radocchia, and Jeff Appel with Chairman MILLER's staff, and Sally Stroup, James Bergeron, and Amy Jones with Congressman MCKEON's staff.

Also, with any piece of legislation that we draft, we should not forget the legislative counsels in both bodies who worked tirelessly to put the 1,500-page agreement together. They are Steve Cope, Molly Lothamer, Mark Koster, Kristin Romero, and Amy Gaynor, who also deserve to be recognized.

It has been 10 years since the last major reauthorization. I believe it was worth the time and the effort to get it to this point. The changes we make today will affect today's students and students for generations to come.

I yield the floor and yield the remainder of my time to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Wyoming.

We are now heading to our wrap-up.

Mr. President, I ask unanimous consent that a list of 48 letters in support of the bill be printed in the RECORD. They range from the American Association of State Colleges and Universities, to the United States Student Association, to the Chamber of Commerce, and many others.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT RECEIVED FOR HIGHER EDUCATION OPPORTUNITY ACT

American Association of State Colleges and Universities, State Higher Education Executive Officers (SHEEO), U.S. Public Interest Research Group/United States Student Association, United Negro College Fund, Association of Jesuit Colleges and Universities, Council for Opportunity in Education, Thurgood Marshall College Fund, National Association for Equal Opportunity in Higher Education (NAFEO), National Council for Community and Education Partnerships (NCCEP), National Council of La Raza, National Education Association, American Federation of Teachers, American Indian Higher Education Consortium, National Down Syndrome Society/National Down Syndrome Congress, National Federation for the Blind, and Consortium for Citizens with Disabilities.

U.S. Chamber of Commerce, American Bar Association, American Association of University Women, American Association of School Administrators, American Association of Colleges of Teacher Education, Career College Association, Council of Graduate Schools, National School Board Association, National Association of Student Financial Aid Administrators, National Association for the Education of Young Children, New York State Education Department, University of North Carolina, California State University, Midwestern University, Student Loan Servicing Alliance, and National HEP/CAMP Association.

Hispanic Education Association, Center for Law and Social Policy (CLASP), Direct Loan Coalition, Massachusetts Institute of Technology, Endicott College (MA), College Summit, Motion Picture Association of America, National Association of College Stores, Legal Action Center, EdInvest, International University of Nursing, St. George's University School of Medicine, University of Phoenix, Massachusetts Educational Opportunity Association, St. Matthew's University, and Saba University School of Medicine.

Ms. MIKULSKI. Mr. President, I too thank the very hard-working staff on this bill. There have been many compliments of me tonight, but I could not

have done what Senator KENNEDY asked me to do without the very able help of Senator KENNEDY's staff. Senator ENZI articulated them by name, but especially Mike Myers, Carmel Martin, JD LaRock, and others. I could not have done it without them. Also, I say to Senator ENZI, we could not have done this without you. I worked with you on pensions and I knew how solid our relationship was and how carefully you pursue these matters. Senator KENNEDY said you were a prince of a guy to work with, and he was absolutely right. I extend my thanks to you and to your professional staff as well.

There were also other Democrats who worked on the bill on our side—two who could not speak tonight, but I acknowledge the very hard-working role of Senator OBAMA, who was a very aggressive advocate on many of these issues, along with Senator CLINTON.

Mr. President, I ask unanimous consent that a list of the staff thank-yous be printed in the RECORD so we do not forget one person who helped make this legislation possible.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF STAFF THANK-YOU'S FOR HEA

Senator Kennedy: Michael Myers, Carmel Martin, J.D. LaRock, Erin Renner, Missy Rohrbach, Emma Vadehra, Jennie Fay, Shawn Daugherty, Michael Zawada, Roberto Rodriguez, David Johns, Jane Oates.

Senator Enzi: Ilyse Shuman, Greg Dean, Beth Buehlmann, Ann Clough, Adam Briddell, Lindsay Hunsicker, Aaron Bishop, Kelly Hastings.

Chairman Miller: Mark Zuckerman, Alex Nock, Gabriella Gomez, Julie Radocchia, Jeff Appel.

Ranking Member McKeon: Sally Stroup, Amy Jones.

Senator Dodd: Mary Ellen McGuire, Jeremy Sharp.

Senator Mikulski: Julia Frifield, Dvora Lovinger, Robin Juliano.

Senator Harkin: Rob Barron.

Senator Bingaman: Michael Yudin, Michele Mazzocco.

Senator Murray: Kathryn Young.

Senator Reed: Seth Gerson.

Senator Clinton: Mildred Otero, Latoya Johnson, Chelsea Maughan.

Senator Obama: Steve Robinson.

Senator Sanders: Huck Gutman.

Senator Brown: Will Jawando.

Senator Gregg: Allison Dembeck.

Senator Alexander: David Cleary, Sarah Rittling.

Senator Burr: Celia Sims.

Senator Isakson: Glee Smith.

Senator Murkowski: Karen McCarthy.

Senator Hatch: Juliann Andreen.

Senator Roberts: Alison Anway.

Senator Allard: Jon VanMeter.

Senator Coburn: Elizabeth Floyd.

Senate Banking Committee: Senator Dodd: Shawn Maher, Amy Friend, Roger Hollingsworth.

Senator Shelby: Jim Johnson.

Senate Budget Committee: Robyn Hiestand.

Senate Legislative Counsel: Mark Koster, Amy Gaynor, Kristin Romero, Laura Ayoud.

House Legislative Counsel: Steve Cope, Molly Lothamer.

Congressional Budget Office: Debb Kalcevic, Justin Humphrey.

Ms. MIKULSKI. Mr. President, I also thank our colleagues in the House. Congressman MILLER and Congressman MCKEON were absolutely stalwarts in working with us. Congressman MILLER and I had daily conversations on how to move this bill forward, and it was both fruitful and productive, and what the Congress should be.

A word about working with my colleague, Senator ENZI. We had disputes. We had issues. We had things that had to be worked out. You heard some of them this evening from the Senator from Oklahoma, the Senator from Tennessee. But at the end of the day, the day was over. We would be able to work and follow that kind of Ronald Reagan-Tip O'Neill rule that when the day was over, the dispute was set aside. We went home and thought about what we could do to move this bill.

I wish the whole Senate could work the way we worked on this bill, starting with Senator KENNEDY's leadership, and Senator ENZI's, as they held the hearings, listened to us, and included us. We need to do more bipartisan work. When all is said and done, we have to start doing things and less saying things. Because one of the great things I like about this bill is it achieves a very important American freedom.

Our Constitution explicitly guarantees many rights: the freedom of speech, the freedom of assembly, the freedom of religion, the freedom of press. But implicit in our Constitution, our Declaration of Independence, and all of our documents, all of our beliefs, and all of our values, is we believe in the freedom to achieve, that in the United States of America you can be anything you want to be, and you have access, and should have access, to an opportunity ladder that enables you to participate in the American dream.

We are a country whose values say: Dream about what you can be and dream about what you can contribute. And when you want to follow that dream, you should not be barred from it because of the size of your wallet. Your dream should only be shaped by the size of your talents.

I think this bill today, tonight, will advance this whole freedom to achieve, this opportunity ladder for our young people. I am very honored to participate in it. I am very honored Senator KENNEDY asked me to take on this conference. But we could not have advanced this idea without Senator TED KENNEDY.

Senator TED KENNEDY is a giant in this institution and in this country. His whole life has been devoted to access to opportunity, access to education, access to health care, that there be no barriers in the area of civil rights where people were sidelined or redlined.

So tonight, as we move to the adoption of this bill, I say to my colleagues here, I urge the adoption of this bill.

I want Senator KENNEDY to know many of us today, and while he has been recovering from his illness, have worn these blue armbands. They say: ''Ted Strong.'' Well, we know Ted is strong.

So, Ted, this is for you tonight.

Mr. President, I ask for the yeas and nays on the adoption of the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. Mr. President, I understand that the actual vote on the conference report will occur at a time to be determined by our leadership.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, I ask unanimous consent that the conference report to accompany H.R. 4137 be set aside; and the Senate now proceed to the conference report to accompany H.R. 4040, the Consumer Product Safety Commission Act; there be debate on the conference report until 8 p.m. this evening, with the time equally divided and controlled in the usual form; that at 8 p.m. the Senate proceed to vote on adoption of the conference report to accompany H.R. 4040, that upon disposition of that report, the Senate then resume the conference report to accompany H.R. 4137 and the Senate proceed to vote on adoption of the report, without further intervening action or debate; that prior to the second vote, there be 2 minutes of debate equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, if I could have the attention of the Members, there will be two votes at 8 o'clock.

CONSUMER PRODUCT SAFETY MODERNIZATION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will lay before the Senate the conference report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4040), to establish consumer product safety

standards and other safety requirements for children's products, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 30, 2008.)

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I rise today to urge my colleagues to support the conference report for H.R. 4040, the Consumer Product Safety Improvement Act of 2008.

Today is a great day for American families. This bill is the first step toward revitalizing an important safety agency and restoring confidence in the safety of consumer products for years to come.

Media reports and consumer advocates have called this bill the most important consumer product safety legislation in a generation. I call it legislation that is long overdue. The Consumer Product Safety Commission—Commission—is a small agency with an exceptionally broad and important charge, as the name suggests, the protection of consumers, particularly children from dangerous products. The Commission is responsible for ensuring that the more than 15,000 products—everything from infant cribs to all-terrain-vehicles—are safe to use. Every year, more than 28,000 Americans die and an additional 33 million are injured by consumer products. These numbers are too high, and an effective CPSC with increased funding, staff, and authority is essential to reducing these losses.

I am very pleased that many of the key provisions which originated in the Senate, such as the searchable database, whistleblower protection, phthalates restrictions, mandatory toy safety standards, and all-terrain vehicle safety standards were included in the final bill. Several of these initiatives faced significant initial opposition from the administration, industry, and indeed, from the chair of the Commission itself, and I am pleased that we have come together in the House and the Senate to overcome these challenges.

H.R. 4040 restores needed resources and authority to the Commission. Starting in fiscal year 2010, the bill would authorize $626 million over a 5-year period to provide the agency the manpower and the technology it needs to police a complex consumer marketplace. The legislation would restore the CPSC to a full complement of five Commissioners in order to expand expertise, maintain continuity and avoid the losses of quorum that have plagued the agency in recent years.

In addition, State attorneys general gain clear authority to bring civil actions to seek injunctive relief for clear violations of statutes enforced by the CPSC. Creating a joint enforcement relationship with the states has proven to be successful in the area of consumer protection, and this collaboration would provide CPSC a strong partner to help protect American families in a meaningful way.

H.R. 4040 would require manufacturers to use independent labs to test children's products and to certify their compliance with mandatory safety standards, including the mandatory toy safety standard established in the bill. This new toy standard would provide the CPSC with necessary enforcement tools to keep dangerous toys out of the hands of children.

Essential and groundbreaking provisions that will improve the health of every child include the bans of lead and certain phthalates from children's products. Dangerous substances have no place in children's products. This legislation provides a significant shift in policy in favor of children and. Children have no business being used as guinea pigs or becoming victims of the expediency of the manufacturing process.

Our bill also would provide better information to consumers and the CPSC. It would create a searchable, publically available database of information from nonindustry sources, such as hospitals, child care providers, public safety agencies, and consumer reports about product hazards collected by the CPSC. The database would provide consumers with potentially life-saving information, in an organized and timely fashion, which would better equip them to assess product safety risks and hazards. To aid in the Commission's enforcement mission, H.R. 4040 would provide whistleblower protections for employees of manufacturers of consumer products when they find and report violations of consumer product safety laws.

Reconciling the differences between the House and the Senate was no easy task, but I had no doubts that the work of the committee would come to a timely and successful conclusion. The Senate conferees worked countless hours since the passage of the Senate amendment last March. Senator PRYOR authored the original Senate bill reported by the Commerce Committee, which became the backbone of the Senate amendment to H.R. 4040. His stewardship and attention to the details of this bill were essential to negotiating the conference report with the House. I also commend my good friend Senator TED STEVENS. Without his guidance and support, the Senate amendment would not have passed, and we would not have this groundbreaking legislation before us today.

I would also like to recognize several Senators who were not conferees for their contributions to the original Senate amendment and for working with the conference committee on the provisions they championed in the Senate. Senator NELSON was the leader in crafting mandatory toy standards and the independent third party testing mandate in the Senate bill. Senator MCCASKILL's work on the whistleblower and the inspector general provisions helped convince the conferees to provide whistleblower protections to millions of workers in the consumer products sector. Finally, Senator FEINSTEIN's amendment to ban certain phthalates from children's products was the foundation of the compromise provision that was ultimately accepted by the conference.

I thank my friend Congressman JOHN DINGELL, the chairman of the House Energy and Commerce Committee, who has shown his legislative skill and care for the American people for more than 50 years. His partnership with me this Congress has led to the passage of two monumental bills. We worked together to increase fuel economy standards last December, and to reform the Consumer Product Safety Commission today.

The conference committee staff have labored on a nonstop basis since May. I want to thank David Strickland, Alex Hoehn-Saric, Jana Fong-Swamidoss, Mia Petrini, and Jared Bomberg of my Commerce Committee staff for a job well done. I would also like to thank Paul Nagle, Rebecca Hooks, and Megan Beechener of the Republican Commerce Committee staff, and Lloyd Ator and Christopher Knox of the Commerce Committee's Office of Legislative Counsel.

I also wish to recognize the efforts of the following staff of the Senate conferees: Erik Olson, Bridget Petruczok, Price Feland, Kate Nilan, Tamara Fucile, Brian Hendricks, and Peter Phipps; the House Energy and Commerce Committee staff: Consuela Washington, Judy Bailey, Christian Fjeld, Andrew Woelfling, Valerie Baron, Brian McCullough, Will Carty, and Shannon Weinberg; and House legislative counsel Brady Young.

I would also like to thank CPSC Commissioner Thomas Moore and Michael Gougisha and Pamela Weller of his staff for their assistance.

Mr. President, I urge the adoption of this conference report, and I look forward to the President signing this landmark measure into law.

Mr. STEVENS. Mr. President, I thank my house and senate colleagues for their hard work and dedication these past months as we have worked for a bipartisan, bicameral consumer product safety bill. This is a product of a bipartisan effort in both chambers and I am proud to have been a part of it. This final product will provide essential resources to a commission badly in need and help ensure the safety of our children from hazardous products.

The number of toys coming from overseas has increased greatly, while the resources of the Consumer Product Safety Commission have decreased. The result is unsafe products making their way to our store shelves and into our homes. We all remember the wave of recalls last year. Passage of this bill will help assure consumers that products are safe.

This bill provides the commission with $626 million over the next five years and directs it to significantly increase the number of staff, also adding to the number of CPSC employees stationed at our ports of entry inspecting products for safety defects.

In addition to these increased resources, the CPSC will have greater authority to punish violators of its statutes. The amount the CPSC can collect in civil penalties for a single violation will be raised to $100,000, with a maximum penalty cap of $15 million. And, as a way to ensure compliance, state attorneys general will have authority to enforce particular violations of CPSC statutes, including violations of consumer product safety rules, regulations, standards, and bans, as well as product recalls.

I am pleased that the all terrain vehicle (ATV) provision that I included in the Senate-passed bill remains in this final bill. For many Alaskans ATVs are the primary means of transportation in the summer. More than a third of the ATVs sold in 2006 came from overseas—many ATVs from overseas do not meet our safety standards. ATVs injured over 146,000 people in 2006, and approximately 39,000 of those injuries were to children under 16. This bill requires all ATVs, both foreign and domestic to be subject to the same safety standards.

Additionally the bill establishes tough lead standards and calls for safety rules for durable infant and toddler products such as strollers and cribs. Selling, reselling, offering or providing for use any of these products not meeting our new safety standards will be illegal. Consumers will also have the option of registering their purchases so they can be notified in the event of a recall.

Consumers are purchasing more products over the internet or through catalogues, and it is sometimes difficult to ascertain a product's dangers by the photo online.

Advertisements providing a direct means of purchase will be required to contain a cautionary statement. By including these statements, consumers, will be able to make an informed decision when purchasing products for a young child.

I congratulate everyone who worked so diligently on this bill. It took some time, but we have a solid bill to send to the President that will better protect our children and give the Consumer Product Safety Commission the resources it has been missing.

Ms. COLLINS. Mr. President, I am pleased that the Senate is taking up the conference report on legislation to accomplish the urgent task of preventing dangerous consumer products—especially those intended for children—from entering the country or reaching store shelves. The conference report contains a wide variety of measures that, taken together, deserve our support because they will greatly bolster defenses against hazards that must not reach American homes.

I want to commend the chief sponsor of the bill, Senator PRYOR, for his leadership on this issue. It has been a pleasure to work with him.

We all remember last year's alarming and, too often, tragic stories of product hazards and recalls that demonstrated the need to strengthen protections for consumers, particularly children. Unfortunately, those dangers continue. In 2008, new Consumer Product Safety Commission, CPSC, recalls have included 19,000 baby rattles that present choking hazards, 685,000 wireless helicopter toys whose batteries can catch fire, and 91,000 horseshoe-shaped magnet toys whose coating contains high levels of lead.

Lead, as we know, is a particular concern because of its use in plastics and paints can expose children to the risk of serious nervous system damage and other health effects. The conference report's dramatic reduction in the permissible lead content in products marketed for children under 12—starting at 600 parts per million and ratcheting down to 100 parts per million over 3 years—is just one example of the bill's aggressive pursuit of safety.

Even with these tighter restrictions on lead content, we must continue to pay special attention to imported products that violate our safety rules. As we have seen with the lead issue, the bulk of toys sold in American stores come from China, where cases of careless or unscrupulous factories or suppliers using cheaper lead paints in violation of factory or official standards make clear the need to upgrade our ability to police safety violations in global supply chains.

I am, therefore, pleased that the conference report contains four key provisions from the Senate-passed bill, S. 2663, that emerged from an in-depth investigation conducted by my staff on the Homeland Security and Governmental Affairs Committee. Combined with important enhancements to CPSC authorities and funding provided in the conference report, these four provisions will ensure that unsafe imported consumer products, including toys and clothing that endanger our Nation's children, are effectively screened at the border and, when necessary, destroyed.

Last August, I asked my HSGAC staff to review the effectiveness of Federal safety standards governing children's toys and clothing. The committee investigators conducted numerous interviews of manufacturers' representatives, retailers, consumer advocacy groups, and Federal regulatory agencies, and visited a manufacturer's testing lab and two ports. Their findings confirmed several weaknesses in our current consumer product safety regime; namely; the CPSC is understaffed, inadequately resourced, and lacks crucial authorities needed to fulfill its mission; voluntary standards applicable to many classes of products can be useful in quickly addressing safety issues, but lack the full force of law; and the inability to effectively enforce safety standards at our ports limits our Nation's ability to stop hazardous imported products from entering the American marketplace.

My staff investigation made it clear that our border inspections regime must target and intercept foreign products that fail to meet U.S. safety standards. As our committee found, Customs and Border Protection currently lacks the authority to seize and destroy dangerous imported products even if the agency suspects that an unscrupulous importer turned away at one port might attempt to bring these products in through another U.S. port.

The committee's investigation also revealed that coordination and information sharing between CBP and CPSC were often ad-hoc—providing CBP with little useful information that would allow its agents to target shipments that are more likely to contain dangerous goods.

The provisions that I authored, and worked with Senators INOUYE, STEVENS, and PRYOR to include in the bipartisan reform bill that the Senate passed, specifically target problems with unsafe imports by ensuring that CPSC and U.S. Customs and Border Protection work effectively together to keep unsafe consumer products out of our country. These provisions: authorize CBP to seize and destroy dangerous consumer products entering our ports, long before they reach store shelves or American homes; enhance information sharing between CPSC and CBP so that inspectors at our Nation's ports can focus their resource on the most risky shipments, targeting products, manufacturers, and importers with poor consumer-safety records; task CPSC with developing a comprehensive risk assessment tool to help CBP quickly evaluate imported products that might violate our Nation's safety standards; and direct the CPSC to develop a plan to ensure that Commission employees are assigned to the National Targeting Center at CBP to increase interagency collaboration in evaluating the potential risks of inbound shipments for potential safety issues.

I am pleased that the conferees retained these provisions in their report.

They will help the CPSC and Customs and Border Protection identify dangerous products that enter our ports and prevent them from reaching American homes.

Other measures in this conference report—increased staffing and funding for the CPSC, tougher civil and criminal penalties for violations of safety laws, a ban on reselling recalled products, enhanced whistleblower protections, safety certifications, and product tracking labels—will also strengthen the Consumer Product Safety Commission's ability to protect American consumers. With the new authorities in this bill, the CPSC will be able to work more effectively with importers, retailers, consumers, and industry associations to develop and enforce product-safety standards.

This legislation will make a real difference in protecting America's children and other consumers from hazardous toys and other products.

I urge my colleagues to adopt the conference report.

Mr. SUNUNU. Mr. President, I rise today in support of the conference report to H.R. 4040, the Consumer Product Safety Improvement Act. As many of my colleagues know, the Consumer Product Safety Commission, or CPSC, is responsible for protecting children and families against unreasonable risks associated with 15,000 consumer products. Over the past year, Congress has worked to improve the ability of the CPSC to ensure the products in their jurisdiction are safe for children and families across the Nation. The legislation before us today will provide increased funding and expanded authorities for the CPSC to accomplish their mission.

This conference report is a comprehensive measure that reflects months of hard work on both sides of the aisle and between both Chambers. It is a compromise measure that reflects the give and take of each Chamber and each party. It is a bipartisan measure, demonstrated by the fact that the House of Representatives voted 424–1 on Wednesday in favor of this conference report.

Among the many items in this report, it takes a tough stand on lead in children's products by banning lead in products made for children 12 and younger in 6 months, setting a maximum threshold of 600 parts per million, ppm, which is reduced over time to 100 ppm after 3 years.

The conference report includes a significant increase in civil fines, with a maximum fine of $15 million, more than 8 times the current maximum, and it raises the per violation penalty cap to $100,000 from the current level of $8,000. It also includes language to consider the economic impact on small businesses when levying a fine. Further, it toughens criminal penalties on bad actors who commit ''knowing and willful'' violations of product safety laws by making them eligible for up to 5 years in prison, fines, or both.

The conference report establishes testing and certification requirements for children's products made for those ages 12 and under before they are sold in the U.S. It also accredits third party labs to do such product testing, including qualified proprietary labs.

The conference report includes a searchable consumer database that the CPSC will have on-line in 2 years. It will contain minimum reporting requirements for data to be posted, including: a description of the product; identification of the manufacturer; a description of the harm related to the use of the product; the submitter's contact information; and verification that the submitted information is true and accurate. Companies would have ten business days to review whatever information is slated to go on the database, and post their own comments. If necessary, the CPSC would remove inaccurate material and redact confidential information.

The report gives authority to the CPSC to pick the recall remedy that a business must follow, to either replace the product, repair the product, or refund the consumer's money. It also makes it illegal to sell a recalled product, or export a recalled product without explicit permission. Further, it requires tracking labels for children's products and packaging where it is practicable, to make sure products are identifiable for more effective recall purposes.

Under the report, all foreign and domestic-made all-terrain vehicles, or ATV's, will be required to meet the same mandatory safety standards. It also bans the sale of new 3-wheeled ATV's in the United States.

On one of the more contentious items dealt with in the conference, a compromise was reached earlier this week to ban three specific phthalates, and place an interim ban on three other phthalates while a formal health assessment is done. Once complete, the CPSC would consider the findings of this assessment and conduct a rulemaking to see if the interim ban should stay in place or be removed.

Finally, the conference report provides a significant increase in the amount of funding available to the CPSC. Beginning in fiscal year 2010 and running through fiscal year 2014, the agency is authorized to receive a total of $626 million. A specific authorization for travel is included in the overall funding level to meet the ban placed on travel paid for by outside groups. Given the new and expanded authorities the CPSC will be required to undertake, this level of funding will meet those needs.

Mr. President, the American people expect the CPSC to protect them from dangerous toys and household products and ensure the consumer goods they use every day are the safest possible. Congress is giving them the tools to meet that goal.

I would like to extend my thanks and congratulations to Senator INOUYE, who chaired this conference committee, for the bipartisan process in which the conference was run, and how this report was crafted. I would also like to thank my fellow conferees—Senators PRYOR, BOXER, KLOBUCHAR, STEVENS and HUTCHISON—for their hard work and due diligence in putting together a measure that should enjoy the support of a majority of our colleagues.

Mr. LEVIN. Mr. President, I will vote for H.R. 4040, the Consumer Product Safety Improvement Act. The conferees have reached a responsible compromise that makes important reforms to the Consumer Product Safety Commission, CPSC, that are long overdue that will make products safer for consumers and children.

This bill takes important steps to shore up a weak and ineffective Consumer Product Safety Commission. As a grandfather and consumer, I am appalled at the lack of resources and enforcement authority of the CPSC and its inability to adequately protect our children, our food supply and the general public from harmful or contaminated products.

We can and should be doing much more to protect the American consumer. As was recently underscored by the alarming number of children's products with high lead content, contaminated pet food, and defective imported tires, there are a lot of cracks in the systems that were supposed to be watching out for consumers.

We need to know our children's and grandchildren's toys are safe. We need to know that the food we import is not tainted with harmful chemicals. We need to know the products we buy will not harm us or our children. I believe it is the government's basic responsibility to protect the public.

Those who work for the companies that make these products may often be in a position to detect and prevent serious problems or injuries before they occur. I am pleased that this bill includes important protections for corporate whistleblowers that will encourage employees to come forward about violations and defective products without the fear of retaliation by their employer.

Many of the defective and contaminated products are imported. Even with its current limited resources and reach, CPSC recalled approximately 150 tainted products from China in 2007 including tires, toys, baby cribs, candles, bicycles, remote controls, hair dryers, and lamps. Imagine how many more contaminated or defective products are slipping through the cracks and reaching American consumers without being detected.

We are being deluged by cheap imports from China and elsewhere. We should at least be making sure the products we import are not contaminated or dangerous. That is why I wrote to President Bush requesting that his administration investigate dangerous products that have been imported from China. We need to strengthen our agencies and laws so that products that do not meet our health and safety standards are stopped at our borders. To do this we need to give the CPSC the necessary tools and resources, including more manpower to adequately inspect imports.

This bill makes the legislative changes needed to give the CPSC the necessary tools and resources to improve on its past poor performance and reassure consumers that there will be more oversight of the marketplace in the future.

This bill will: increase overall funding for the CPSC ; increase CPSC staffing; prohibit the use of dangerous phthalates in children's toys and child care articles; streamline product safety rulemaking procedures; ban lead beyond a minute amount in products intended for children under the age of 12 and require certification and labeling; increase inspection of imported products so we are not allowing recalled or banned products to cross our borders; increase penalties for violating our product safety laws; strengthen and improve recall procedures and ban the sale of recalled products; require CPSC to provide consumers with a user-friendly database on deaths and serious injuries caused by consumer products; and ban 3-wheel all terrain vehicles, ATVs, and strengthens regulation of other ATVs, especially those intended for use by youth.

The legislation has the strong support of consumer, scientific and public health organizations. In a letter to Senate leaders, key representatives of these groups called H.R. 4040, a ''ground-breaking measure, which will help ensure that the Consumer Product Safety Commission (CPSC) has the resources and regulatory authority it needs to protect consumers and repair our long-broken product safety net.''

Organizations supporting the bill include the following, among others: Thomas H. Moore, Consumer Product Safety Commissioner; Alliance for Patient Safety; American Academy of Pediatrics; American Association of Law Libraries; American Association of University Professors, AZ Conference; American Library Association; Circumpolar Conservation Union; Coalition for Civil Rights and Democratic Liberties; Consumers Union; Consumer Federation of America; Doctors for Open Government; DoorTech Industries, Inc.; Ethics in Government Group, EGG; Federation of American Scientists; Federal Employees Against Discrimination; Focus On Indiana; Fund for Constitutional Government; Georgians for Open Government; Government Accountability Project; HALT, Inc.—An Organization of Americans for Legal Reform; Health Integrity Project; Information Trust; Integrity International; Kids in Danger; Liberty Coalition; National Consumers League; National Association of State Fire Marshals; National Employment Lawyers Association; National Judicial Conduct and Disability Law Project, Inc.; National Research Center for Women & Families; National Whistleblower Center; No Fear Coalition; OMB Watch; OpenTheGovernment.org; Parentadvocates.org; Patrick Henry Center; Project on Government Oversight; Public Citizen; Public Employees for Environmental Responsibility; Sustainable Energy and Economy Network; Taxpayers Against Fraud; The 3.5.7 Commission; The New Grady Coalition; The Semmelweis Society International, SSI; The Student Health Integrity Project SHIP; Truckers Justice Center; Union of Concerned Scientists; U.S. Bill of Rights Foundation; U.S. Public Interest Research Group; and Whistleblowers USA.

I support this bipartisan legislation and I am please that it will now become law.

Mr. KYL. Mr. President, I fully support many of the changes that H.R. 4040, the Consumer Product Safety Improvement Act of 2008, makes to ensure that America's consumers are safe. However, one of the main goals of the bill is to provide the Consumer Product Safety Commission, CPSC, with the tools and resources it needs to protect American consumers. Although this conference report does take some steps towards that end, it simultaneously hurts businesses without providing commensurate benefits to consumers. For this reason, I will vote against the conference report.

The CPSC was created in 1972 to establish a single set of product safety regulations for manufacturers and distributors to follow throughout the country. This conference report, however, includes a section that would expand the power of state attorneys general to bring actions on behalf of their own states against businesses they believe violate federal consumer protection statutes mandated by the CPSC. Giving 50 attorneys general discretion over consumer product safety laws would lead to 50 different interpretations of the law, and, thus, a confusing patchwork of safety standards that would make it more difficult for the CPSC to enforce uniform, national policies. Moreover, in recent years, some State attorneys general have used their positions to garner national attention to advance their careers. I am worried that this conference report leaves enough discretion to the state attorneys general to enforce CPSC rules that would tempt some to file frivolous lawsuits that could ultimately undermine the effectiveness of the CPSC.

The conference report also keeps intact a requirement for the CPSC to create a public database of product-related complaints. This public database provides the opportunity for parties to post false information online, and allows minimal oversight by the CPSC or an opportunity for manufacturers to defend themselves. Inaccurate information about a company's product on a government-endorsed website could irrevocably harm a company's reputation, and I cannot support such a provision.

I also oppose the section in the conference report that would extend new whistleblower protections to millions of employees of consumer product manufacturers, distributors, and retailers. Under this bill, once an employee notifies the CPSC of an action he ''believes to be'' a violation of a consumer product safety regulation, the employer faces a fine if it discharges or takes any negative action against the employee. Including such a provision would grant any disgruntled employee a powerful incentive to report erroneous or unsubstantiated information as an alleged product safety violation in order to insulate himself from unrelated disciplinary actions. There is no reason for such a provision except to dramatically unbalance the employee-employer relationship, and the failure to fix this section after repeated attempts causes me even greater concern that it has little to do with legitimate whistleblowers and more to do with hamstringing employers from dealing appropriately with problem employees.

It is unfortunate that I am forced to vote against this conference report because I do believe the CPSC's resources ought to be bolstered. However, this conference report carries with it too many of the problems that existed when the bill left the Senate.

Mr. NELSON of Florida. Mr. President, I rise today in strong support of the H.R. 4040 conference report.

The issue of consumer product safety—and particularly the safety of toys and other children's products—has long been an important issue for me.

Over the last few years, however, we've seen ample evidence that the Consumer Product Safety Commission's authority to protect the public was not up to the task. This breakdown in authority was made crystal clear by last year's ''summer of recalls''—when we saw recall after recall of children's products, including:

Children's jewelry and toys covered in lead paint. Toys with detachable magnets that can cause fatal intestinal obstructions. Stuffed animals with small parts that can detach and become a choking hazard. A children's craft kit containing beads that—when

swallowed—metabolized into the same chemical compound as GHB, the date rape drug.

Unfortunately, I saw some of the impacts of harmful toys first hand. Last July, I visited with a team of emergency room doctors in Tampa who treated children with intestinal obstructions due to magnets that had detached from toys. In some cases, the doctors noted that the intestinal obstructions were so severe that the children had to undergo surgery to remove the blockages.

Invasive surgery like this is scary for most adults—so you can only imagine what it was like for a 4- or 5–year-old to go through something like this.

That August, I also visited with a family in Jacksonville who left two of their children in a room with a disco ball toy. The disco ball toy later overheated, caught fire, and emitted enough carbon monoxide to kill both children.

After visiting with the families of these children, I also learned first hand about the weaknesses in our product safety laws—and the general failure of leadership at the CPSC. This regulatory breakdown was highlighted by the fact that the CPSC had only one full time employee—who worked in this cramped, antiquated lab—responsible for ensuring the safety of our children's toys.

Quite frankly, I was outraged by this—and last summer I introduced S. 1833, the Children's Product Safety Act, which would, require third-party testing of toys and other children's products.

These third-party testing requirements were incorporated by Senator PRYOR into the Senate version of the CPSC Reform bill—along with an amendment I offered in the Commerce Committee that would mandate the first mandatory safety standards for toys.

And I am very pleased that they are included in the final conference report.

Taken together, these provisions will ensure that toys and other products intended for children 12 and under will be tested by a rigorous third-party screening process that is continuously updated to address new and emergency hazards. And that is a big victory for America's families.

I would like to thank the members of the conference and the staff of the Senate Commerce Committee for all of their hard work on this issue.

This legislation will help ensure that we never face another ''summer of recalls.''

I urge my colleagues to support this bill and get it to the White House as soon as possible.

Mr. COBURN. Mr. President, the Consumer Product Safety Bill, while well intentioned, will do little to improve consumer product safety.

Since when should the Government be held responsible for the safety of consumers when time and time again the Federal bureaucracy has failed in its other safety obligations and responsibilities?

In 2005, Hurricane Katrina was a stark and sad reminder that a bloated, inefficient, and incompetent bureaucracy does not have the ability to protect citizens.

Just last year, the interstate bridge collapse in Minnesota reminded us all of the misplaced priorities of the Federal Government. Instead of ensuring the structural soundness of bridges, politicians were more concerned with their earmarks, and diverted funds away from bridges such as the one in Minnesota for their own political benefit.

In another example of Government incompetence, the census is currently in grave peril of not completing its constitutional duty effectively and on time. This speaks volumes about the inefficiencies of our Government, as we have 10 years to prepare for the census with over two centuries of experience to draw upon to execute this responsibility.

This bill is a perfect example of politicians rushing to legislate on a problem that really isn't there in order to pat themselves on the back to try to curry favor with their constituents in an election year.

The truth is the paranoia and hysteria currently with consumer product safety is not proportional to the reality of the situation. Nancy Ord, Chairman of the Consumer Product Safety Commission, stated in January, ''Last year was marked by intense media scrutiny of the agency and of toy recalls in particular . . . the coverage reached near-hysteria level, And then, of course, some politicians, sensing a possible political issue, jumped on the bandwagon.''

While there has been a rise in product recalls, in a sense, the recalls are themselves a positive sign, as dangers were identified by manufacturers and products were removed from the market.

More importantly, these product recalls have not translated into dire health consequences, as there has been little evidence of any deterioration in overall product safety. There were few if any reports of consumer injuries from the recalled products. Although the number of injuries from toys increased somewhat in 2006, injury rates generally have decreased since 2001. Also, lead poisoning cases are at historic lows in many areas.

Regardless, many of the companies that fall under the CPSC umbrella have raised the levels of their own self-policing. Wal-Mart has announced that this month it will require independent lab testing for all new toys as well as those it reorders. Mattei and others have ended the use of certain kinds of batteries. And the Toy Industry Association has worked with the Commission on a plan to test toy safety in the design and manufacturing process as well as the final product.

The political reaction to the problem, like most Government solutions, is to throw money at it.

While some statutory upgrades are needed, almost doubling the size of the agency, as this bill does, will not eradicate or drastically improve the issue.

As we have seen time after time, when Government throws money at a problem, rarely does it improve a situation, and more often than not, it further complicates and aggravates the problem.

In addition, there are also a lot of unintended consequences in this bill, as it is a trial lawyer giveaway. While the dramatic increase in authorization is troubling, the provisions that subject businesses to the wrath of the trial lawyer and plaintiffs bar are far more problematic as they will raise the cost of doing business, hurt or destroy small businesses, and could further exasperate an already unstable economy.

Authorizing State attorneys general to initiate lawsuits, creating a consumer product safety database, and drastically increasing fines are free giveaways to trial lawyers that will do little for consumer safety and will unnecessarily damage small businesses.

Allowing State attorneys general to bring lawsuits on behalf of their residents for violations of consumer safety rules would reverse 35 years of successful policy experience.

Overzealous State attorneys general will now have the authority and discretion to interpret safety regulations and could unilaterally on a whim rule a business is noncompliant and could then hand over expensive lawsuits to their trial lawyer's cronies who are notoriously close with State law enforcement officials.

State attorneys, then, would be hard-pressed to deny politically active State trial lawyers to sue companies when the litigation will not cost the State a dime and could, in many cases, bring the attorney general positive publicity.

This provides false incentives for overzealous attorneys general and would run precisely counter to the CPSC's policy of carefully balancing cost and benefit in making safety regulations.

Lawsuits, which are expensive, adversarial, and often drawn out, can be an impediment to a successful long-term relationship that maximizes compliance and safety.

State attorneys general should not have the power to reduce the effectiveness of the CPSC's efforts by undermining its balanced approach to enforcement.

Another free giveaway to trial lawyers is the creation of a consumer product safety database. The database is estimated to cost $10 million, which

accounts for over 10 percent of the Commission's budget.

This section requires the CPSC to establish a Web site to post any complaint, regardless of accuracy or merit, from consumer groups or individuals.

While on the surface the database appears to aim to educate and warn consumers about potential product defect or harm, the reality of it is far from effective. It is highly doubtful that many consumers will know about or even care to peruse a Government Web site to validate whether a product is safe prior to purchase, especially considering the claims are not verified prior to posting.

What the database does provide in much more practical terms however, is a centralized, consolidated data source where law firms, unions, and lobbyists are given access to cherry-pick consumer reports for potential lawsuits.

There is already a consumer product database, called lawcash.com, that consolidates consumer product complaints.

The Web site brags that its database provides consumers ''the information you need and the access you deserve to find out if you are eligible to claim your share of billions of dollars distributed yearly through thousands of class action lawsuits.''

This reveals the true motives for such ''consumer product batabases,'' and accordingly the Government has no role in serving as a conduit of information that promotes hit job lawsuits.

This cumbersome endeavor will divert funds and resources from efforts that actually go toward consumer safety and redirect it toward maintaining a Web site that will only contain inflammatory information that unions and lawyers can utilize to sue businesses.

The bill drastically increases maximum civil penalties more than tenfold and the individual violation more than twentyfold, subjecting each product that wrongfully enters the market to a $100,000 fine. The threat of a $100,000 fine will cause many small manufacturers and retailers who commit only minor violations to declare bankruptcy.

Additionally, faced with these hefty fines, this provision could erode the healthy and productive relationship between businesses and the Commission.

Faced with bankruptcy, many businesses would be much less inclined to voluntarily report violations and as a consequence would not receive the proper guidance to fix the problem, subjecting the business and its employees to potential harm.

While allowing increases in frivolous lawsuits and drastically hiking up the fines for businesses may allow Senators to tout to the public that they are tough on consumer safety, these actions are unlikely to improve the situation, and more importantly, the unintended consequences would be to increase the cost of doing business, impairing economic and job growth at a time when our economy desperately needs economic and job growth.

Mr. SCHUMER. Mr. President, I ask today to speak on the Consumer Product Safety Improvement Act of 2008.

I commend the conferees for ironing out the differences between the House and Senate passed versions of this bill that will deliver to the American people strong and much needed reform to consumer product oversight. I was proud to be a cosponsor of the Senate version, and I would like to thank and congratulate Chairman INOUYE for his leadership and Senator PRYOR for his extraordinary work in crafting this outstanding, bipartisan bill.

Over the last several years the Consumer Product Safety Commission has become a shell of its former self, with a noticeable void in leadership. Dangerous goods and toys have fallen into the hands of our most vulnerable population while the CPSC has looked the other way. This act, however will prevent the CPSC from shirking its responsibility and ignoring its obligation to make America safe.

This act will provide the Consumer Product Safety Commission with the authority an resources it needs to be more effective in its critical mission to protect consumers. Quite frankly, the current product safety system is broken, and the CPSC is in desperate need of reform. Too many unsafe goods are reaching the shores of the United States. Too many dangerous products are finding their way into the hands of American consumers, and all too often, young children.

We worry about our kids when they are in class, when they are walking or driving home alone, even when they surf the Internet. We should not have to worry that the toys they play with might be hazardous to their health, or god forbid, even fatal.

The effectiveness of the CPSC has been severely undermined by years of budget and personnel cuts and, as a result, has been unable to keep up with globalization of the marketplace. This bill will reverse those trends and give the CPSC the budget and the tools it desperately needs to again become an effective force for consumer protection.

Protecting consumers, and especially children, is a priority, and the bill takes a tough approach to products that might threaten their health and safety. Imports of untested children's products will be prohibited, and mandatory third-party testing of children's products will be implemented. Tracking labels for children's products will help parents tie safety recalls and alerts to prior purchases. Children's products containing lead and certain plastic additives will be banned. A new Chronic Health Advisory Panel will be created. Finally, the sale of recalled products will be prohibited.

The CPSC must do a better job of getting hazardous products off the shelves and out of consumers' reach and these provisions will give the CPSC the tools to do just that. Manufacturers, importers, and retailers will be required to do their part as well or face serious consequences. The bill provides for increased criminal and civil penalties for those who knowingly and willingly violate product safety laws. It also gives State attorneys general the means to enforce Federal safety standards and get dangerous products off the shelf. Protections for whistleblowers are also included in the bill, so that employees who identify dangerous products along the supply chain can come forward with vital health and safety information without fear of reprisal.

These and other provisions of the CPSC Reform Act represent commonsense solutions to keeping consumers informed and safe from dangerous products. The bill will also ban industry-sponsored trips, which have the perception of unduly influencing CPSC officials.

Passage of this bill is vital if we hope to rebuild, reform, and revitalize the CPSC. The CPSC must be re-equipped to do its job of enhancing product safety and protecting kids and consumers from unsafe products.

The Federal Government must again become an effective force for consumer protection. The Consumer Product Safety Improvement Act is a first step—and a vital one at that.

Ms. BOXER. Mr. President, in a Senate where recently it has been so hard to get things done, Democrats and Republicans have come together in a bipartisan manner to produce a strong conference report that is a victory for children and families.

I have a message for American parents everywhere who are concerned about the safety of their children's toys, ''We have heard your concerns, and today, Congress has acted.''

The Senate is about to approve landmark consumer legislation to protect our kids from dangerous children's products and hazardous substances.

I want to thank Chairman INOUYE, Vice Chairman STEVENS, Senator PRYOR and their staffs for all of their hard work and dedication to this important bill.

As both a parent and a grandparent, I have been incredibly distressed by the seemingly endless stream of reports about defective and dangerous children's toys and products.

Consumers Union dubbed 2007 ''The Year of the Recall'' after 45 million toys and other children's products were recalled. Recalls jumped 22 percent for the 9-month period that ended June 30 of this year.

Clearly, the Consumer Product Safety Commission has not been able to keep pace with the growing market of

consumer products many of which are now manufactured abroad.

For too long we have asked this agency, which has a staff of approximately 400 charged with overseeing the safety of 15,000 consumer products, to do too much with grossly inadequate resources and enforcement tools.

The Consumer Product Safety Improvement Act of 2008 addresses those resource problems and finally brings the CPSC's enforcement powers in line with those of other Federal agencies charged with protecting the public.

The Consumer Product Safety Improvement Act of 2008 includes a strong ban on lead and phthalates, requires testing of all children's products that must meet mandatory toy standards, and for the first time, includes a public, searchable national database on the CPSC website of all consumer complaints filed with the CPSC so consumers can be better informed about dangerous products.

The bill also strengthens the Consumer Product Safety Commission's authority to recall products, increases enforcement authority for Attorneys General, includes stronger civil and criminal penalties for violators, bans industry sponsored travel, and provides whistleblower protections for employees of manufacturers, private labelers, retailers, and distributors.

I want to thank the conferees for including two provisions I authored in committee.

The Labeling Requirement for Advertising Toys and Games requires products sold over the Internet or in catalogues to list any cautionary statements, such as choking warnings, in their advertisements.

These labels would normally be visible when the products are purchased in the store but oftentimes are not visible to the consumer when sold over the Internet or in catalogues.

My second provision requires manufacturers of durable infant or toddler's products to provide consumers with postage-paid registration forms with each product so consumers can be better informed if the product they bought is eventually recalled.

This provision was based on a bill by Congresswoman JAN SCHAKOWSKY called the Danny Keysar Child Product Safety Notification Act.

Danny Keysar was a 16-month-old child who died when his Playskool Travel-Lite portable crib collapsed—5 years after the CPSC had ordered it off the shelves because it was dangerous. Danny was tragically the fifth victim to die due to the faulty design of this crib and a sixth child died 3 months later.

From 1990 to 1997 more than 1.5 million portable cribs with a similar dangerous design were manufactured. A total of 17 children have been killed by these types of cribs.

Neither Danny's parents nor a caregiver at the daycare where the accident occurred were aware of the recall. State inspectors who had visited the daycare a week before were not aware of the crib's recall.

Our provision will provide parents with a method for receiving these vital recall updates that could save their child's life.

I was also pleased to work closely with Senator KLOBUCHAR, Representative WAXMAN, and other conferees to get a strong ban on lead in toys and other children's products to protect our kids from dangerous lead contamination.

I also want to thank Chairman INOUYE and Senator PRYOR for their leadership and support on this issue.

We all know that lead poisons the brain and nervous system, can decrease IQs, and cause behavioral problems, and that it is especially dangerous to children.

Let me tell you about Colton Burkhart, a 4-year-old boy from Oregon on a family camping trip who became violently ill from lead poisoning after he swallowed a medallion from a necklace bought in a 25-cent toy vending machine. The medallion turned out to be 39 percent lead, which had elevated his blood lead level to a potentially fatal level of 123 micrograms of lead per deciliter of blood, more than 12 times the CDC's lead poisoning level of concern.

Jarnell Brown, another 4-year-old boy was brought to the hospital emergency department in Minneapolis, Minnesota complaining of vomiting. Believing that the child had a stomach virus, he was released. The next day, Jarnell was rushed to the hospital after having suffered a seizure and respiratory arrest. Jarnell later died. An autopsy revealed that he died of acute lead poisoning from a heart-shaped charm from a bracelet that his mother had gotten free with her Reebok sneakers. The charm was found to contain 99.1 percent lead. Reebok recalled 300,000 bracelets worldwide as a result.

The many recalls of lead toys and products over the past year have highlighted the need for action.

This legislation puts into place a ban on lead in children's products that gets increasingly stringent over 3 years, and that will help ensure that we protect our kids today and in future generations from the scourge of lead poisoning.

In addition, Senator FEINSTEIN, Representative WAXMAN and I successfully fought, shoulder-to-shoulder, for a ban on dangerous phthalates in many children's products.

Studies show that phthalates are endocrine disruptors linked to reproductive abnormalities in male babies and many experts believe that the accumulation of exposures to multiple phthalates presents a risk to developing fetuses and young children.

Phthalates have been banned from many children's products in the European Union since 1999, and at least nine other countries have followed suit in an effort to better protect children from harmful health effects of these chemicals.

My home State of California was the first in the Nation to prohibit phthalates in many toys and child care products, and Washington State and Vermont have taken similar actions.

In addition, major retailers such as Wal-Mart, Target, and Toys ''R'' Us have already begun to take phthalate-containing children's products off their shelves.

China, which manufactures 85 percent of the world's toys, reportedly has created a separate manufacturing line for products intended for export to nations that ban phthalates.

This legislation will permanently ban three of the most dangerous phthalates, DEHP, DBP, and BBP from all children's toys and child care articles.

In addition, it imposes an interim ban on three other dangerous phthalates, DINP, DIDP, and DnOP, in children's toys that can be put in the mouth, and in childcare articles. That ban can only be altered after a detailed scientific review.

Of course, nothing in this bill undercuts the Commission's authority to go beyond the specific products listed in this section's ban, or the specific phthalates listed in the ban, in any additional action the Commission takes under its regulatory authorities.

States such as California that have been leaders in protecting children by restricting toxic phthalate alternatives, are protected.

I also want to thank the conferees for working with Congressman WAXMAN and myself to protect State warning laws related to consumer products, such as California's Proposition 65.

We are so pleased to see the final conference report clarifies that State and local toy and children's product requirements in effect before the date of enactment of this legislation are not preempted.

This bill is so important to the health and safety of our children and families. I want to again thank my colleagues on both the House and Senate side for all of their efforts on this legislation.

We can't risk one more child's injury or tragic death due to faulty toys or children's products. I am glad to hear that the President has agreed to sign this legislation.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Consumer Product Safety Improvement Act of 2008. This legislation makes a number of long overdue changes and improvements in the Consumer Product Safety Commission and their ability to protect children and other consumers. It will impose mandatory toy safety standards, in place of the current voluntary standards; create an online

database, which parents and consumers can search for reports of safety problems; provide whistleblower protections to employees of manufacturers, retailers and distributors to promote prompt reporting of any safety hazard; and authorize a much needed funding increase for the Consumer Product Safety Commission to ensure that these reforms are carried out.

Most importantly, this legislation bans the use of six phthalates in many children's products and child care articles. It will ban the use of more than .1 percent of three phthalates—DEHP, DBP, or BBP—in toys for children ages 12 and under and childcare articles for children ages 3 and under; and place an interim ban on the use of more than .1 percent of three additional phthalates—DINP, DIDP, and DnOP—in any toy that can be placed in a child's mouth or a child care article for ages 3 or under.

The Consumer Product Safety Commission will convene a Chronic Hazard Advisory Panel, CHAP, to fully examine the science on the effects of phthalates and any phthalate alternative. After this study, they will determine whether the interim ban should remain in place.

I believe they will find that the ban is essential to the protection of children's health.

Let me say, it is about time. The United States is often behind the rest of the world when it comes to chemical policy. The same has been true for phthalates. These chemicals have been restricted in at least 31 nations, including European Union—27 countries—Argentina, Fiji, Japan, Korea, and Mexico.

It took action from three States—California, Washington and Vermont—before we have reached this point.

It took voluntary action from the country's largest toy retailers: Wal-Mart, Toys ''R'' Us, and Target, all of which have announced that they will stop selling products that contain phthalates.

With the passage of this legislation, parents throughout this country will have the same assurances as parents in the E.U., in Argentina, in Japan, and all of these other counties. They will be sure that the toys they give their children do not contain a dangerous plasticizer.

And make no mistake, these chemicals are dangerous. When children chew on toys filled with phthalates, these chemicals leach from the toy, and into their bodies. Phthalates have been linked to a variety of reproductive defects.

The science on phthalates is still evolving. But today, we are acting out of precaution: removing potentially dangerous substances from products until they are shown to be safe.

Our current system for dealing with chemicals requires that regulators show that a chemical is dangerous before it can be removed from the market. We have this backwards: the burden should be placed on the manufacturers to prove to us that the chemicals they want to put in everyday items are safe. Our children should not be guinea pigs for untested chemicals.

The interim ban on three phthalates marks a departure from this longstanding ''use chemicals first, ask questions later'' approach. These chemicals will be permitted back into toys only if they are proven to be safe, the very hallmark of the precautionary principle.

We need to move fully in this direction. It is my belief that chemical additives should not be placed in products that can impact health adversely until they are tested and found to be benign. I look forward to working with my colleagues to see that we exercise the same caution with all chemicals.

This is a sea change in our Nation's chemical policy, and predictably, we faced strong opposition from industry. Many people contributed to this victory here today, and I would like to mention a few.

I would like to thank Chairman INOUYE, Senator STEVENS, and Senator PRYOR for their steadfast support throughout this process.

This would not have been possible without my home State colleagues, Senator BOXER and Congressman WAXMAN. They supported this from the beginning, and their work ensured that the best product possible emerged from conference.

David Strickland, Alec Hoehn-Saric, and the Commerce Committee staff have been invaluable. They worked long nights and weekends to reach an agreement on this provision, and I appreciate it.

Kristin Wikelius and Chris Thompson of my staff, who quickly learned about this issue and worked hard to move this through the legislative process.

Dozens of grassroots groups from across the country supported my amendment and rallied their members to do the same. I will ask to have a list of these groups printed in the RECORD.

This Coalition was led by the Breast Cancer Fund, based in my home city of San Francisco. Their work, expertise, and support made this happen.

On another matter central to children's health, I am very pleased that this bill includes a provision that I sponsored to require secondhand cribs that are sold and used in the marketplace to have the same product safety standards as new cribs.

This bill will close a loophole in consumer product safety standards, and help reduce injuries and deaths that come from used cribs that have missing or broken parts.

Currently, U.S. consumer product safety standards apply only to new cribs and not to the sale or commercial use of secondhand cribs, which cause most crib-related infant injuries and deaths.

The measure included in the conference report would prohibit commercial users, such as thrift stores and resale furniture stores, to sell, resell or lease unsafe used cribs that are structurally unsound, and prohibits hotels, motels, and daycare centers from using unsafe cribs, and adds secondhand cribs to the list of child and infant products covered by the Consumer Product Safety Act, the law that already applies to new cribs and other children's products.

The safety standards for secondhand cribs will now match the safety standards for new cribs, including crib slats should be no more than 2⅜ inches apart to prevent infant from slipping through the slats and corner posts should not be higher than 1/16 inches above the end panels of the crib which prevents infant's clothing from becoming tangled on the crib.

Every year, more than 11,300 children require hospital treatment from crib-related injuries and over 30 children die from injuries sustained in cribs.

Most of these injuries and deaths occur in secondhand cribs that have dangerous features.

The language included in this conference report is similar to proposals that Representative ELLEN TAUSCHER and I have worked on for many years.

I am very pleased that this legislation will help give parents the peace of mind that secondhand cribs are just as safe as brandnew cribs.

The phthalate ban, the expansion of crib safety protections, and the entire Consumer Product Safety Improvement Act are hard-fought victories for children and all of those concerned with their safety.

I urge my colleagues to join me in supporting this conference report, and I urge the President to sign this into law the moment it lands on his desk. We have waited years to take action against chemicals like phthalates, and we should not wait any longer.

I ask unanimous consent that the list of groups supporting my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 27, 2008.

Hon. DANIEL K. INOUYE,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Dirksen Senate Office Building, Washington DC.
Hon. TED STEVENS,
Vice Chairman, Committee on Commerce Science and Transportation, U.S. Senate, Dirksen Senate Office Building, Washington DC.
Hon. JOHN DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.
Hon. JOE BARTON,
Ranking Member, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN INOUYE, VICE CHAIRMAN STEVENS, CHAIRMAN DINGELL, AND RANKING MEMBER BARTON: The undersigned organizations wish to express strong support for including Senator Feinstein's amendment in the final version of the Consumer Product Safety Commission Reform Act (CPSCA). Senator Feinstein's amendment would prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain phthalates. By eliminating unnecessary exposure to phthalates in children's products, the United States would join the European Union and 14 separate countries in requiring the safest toys for its children.

Over the last several decades, children have faced an increasingly challenging time just making it through what should be normal stages of growth and development. Of particular concern are chemicals found to have negative health impacts that are in products children use every day. Of primary interest to the undersigned is the use of phthalates, present in a variety of children's products including soft plastic toys and teethers, which have been linked to developmental problems, such as premature breast development in girls, male genital defects, and reduced sperm quality.

Alternatives to phthalates already exist and are on the market. Some major manufacturers have already taken the responsible path toward eliminating these hazards from their products and major retail outlets such as Wal-Mart and Toys-R-Us are requiring that the products on their shelves be phthalate-free. Yet, there currently are no laws in the U.S. prohibiting the use of these chemicals, and no way for parents to know whether the products they buy will help—or hinder—their child's development.

States have already started taking action on this issue. California and Washington already prohibit the use of phthalates in children's products and almost a dozen states have introduced similar measures. It is time for the federal government to ensure that children in all 50 states receive protection from unsafe chemical exposures in the toys they chew on and play with everyday. Several states have also taken the lead on protecting the health of their citizens from unsafe chemical exposures in other consumer products. The undersigned organizations are especially appreciative of Senator Feinstein's inclusion of a ''savings clause'' in her amendment that would prevent the federal preemption of state efforts to enact stricter toy protections and regulate phthalates more strictly in other product categories.

The undersigned organizations strongly urge the CPSC Conference Committee to include the Feinstein Amendment prohibiting the use of phthalates in children's toys and childcare articles in the reconciled version of the House/Senate Consumer Product Safety Commission Reform Act.

Sincerely,

AAIDD (American Association on Intellectual and Developmental Disabilities).
Alaska Community Action on Toxics.
Association of Reproductive Health Professionals.
AWHONN (Association of Women's Health, Obstetric & Neonatal Nurses).
Breast Cancer Action.
Breast Cancer Fund.
Center for Environmental Health.
Center for Health, Environment and Justice.
Citizens for a Healthy Bay
Clean New York.
Clean Water Action Alliance of Massachusetts.
Coalition for Clean Air.
Commonweal.
Consumer Federation of America.
Consumers Union.
CREHM (Chicago Consortium for Reproductive Environmental Health in Minority Communities).
EarthJustice.
Endometriosis Association.
Environment California.
Environmental Health Fund.
Environmental Working Group.
Greenpeace.
Health Education and Resources.
Healthy Building Network.
Healthy Child Healthy World.
Healthy Children Organizing Project.
Illinois Maternal and Child Health Coalition.
Illinois PIRG.
INCIID (InterNational Council on Infertility Information Dissemination, Inc.).
INND (Institute of Neurotoxicology & Neurological Disorders).
Institute for Agriculture and Trade Policy.
Institute for Children's Environmental Health.
Kids in Danger.
Learning Disabilities Association of America.
Maternal and Child Health Access.
Minnesota PIRG.
MOMS (Making Our Milk Safe).
MomsRising.
Natural Resources Defense Council.
Olympic Environmental Council.
Oregon Center for Environmental Health.
Oregon Environmental Council.
Physicians for Social Responsibility- San Francisco Bay Area Chapter.
Planned Parenthood Affiliates of California.
Planned Parenthood Golden Gate.
Planned Parenthood of Mar Monte.
Planned Parenthood of the Rocky Mountains.
PODER (People Organized in Defense of Earth & her Resources).
Project IRENE.
Public Citizen's Congress Watch.
RESOLVE: The National Infertility Association.
Safe Food and Fertilizer.
SisterSong Women of Color Reproductive Health Collective.
Sources for Sustainable Communities.
The American Fertility Association.
The Annie Appleseed Project.
US PIRG.
Washington Toxics Coalition.
WashPIRG.
WHEN (Women's Health & Environmental Network).

WHISTLEBLOWER PROTECTION

Mrs. MCCASKILL. Mr. President, I would like to engage in a colloquy with the Senator from Arkansas. The whistleblower protection provision is an enforcement cornerstone of this legislation because it creates a legal right for private employees to help enforce consumer protection laws. It is important to underscore the Senate's intent that this provision builds upon ''best practices'' in whistleblower laws.

Mr. PRYOR. That is correct. The whistleblower provision should be interpreted broadly and consistent with ''best practices'' to achieve the law's purpose. For instance, ''employee'' is defined broadly to include individuals in any dimension of the employment concept: incumbent or former employees. It protects all individuals who have received compensation to engage in activities for which the corporation is responsible. The law's purpose may not be circumvented by hair-splitting interpretations that plug safe channels for witnesses to disclose relevant evidence of safety hazards.

Mrs. MCCASKILL. Furthermore, it is not Congress's intent to substitute these whistleblower protections for other preexisting rights and remedies against unfair employment practices.

Mr. PRYOR. Yes. Consistent with long-established Supreme Court case law see e.g., English v. General Electric, 496 U.S. 270, 1990—these rights do not cancel or replace preexisting remedies, whether under other overlapping congressional statutes, State laws, State tort claims or collective bargaining agreements.

Mrs. MCCASKILL. Companies should also not look to override the whistleblower protections through nondisclosure policies or agreements such as company manuals, prerequisites for employment or exit agreements.

Mr. PRYOR. There should be no confusion that the rights for protected activity created by this statute are the law of the land. They supersede and cannot be canceled or overridden by any conflicting restrictions in company manuals, employment contracts, or exit or nondisclosure agreements.

Mrs. MCCASKILL. Thank you for engaging in this colloquy with me to reaffirm the rights conveyed in the whistleblower provision. This provision is one of many in this legislation that reflects on the skill you have demonstrated in guiding this bill through the Congress.

PREEMPTION

Mrs. BOXER. I rise to discuss with Senator PRYOR, the distinguished chairman of the Subcommittee on Consumer Affairs, Insurance, and Automotive Safety, and lead sponsor of the Senate legislation, the preemptive effect of certain provisions in H.R. 4040.

I am pleased that the bill protects State warning laws related to consumer products or substances, such as California's Proposition 65. The conference report clarifies that any such warning laws in effect as of August 31,

2003, are not preempted by this act or the Federal Hazardous Substances Act. This important clarification effectively harmonizes the four statutes that are enforced by the Commission. Other laws enforced by CPSC, including the Consumer Product Safety Act, clearly do not preempt or affect State warning requirements like Proposition 65. The Federal Hazardous Substances Act, however, is arguably ambiguous as to its effect on State warning requirements. I am pleased that we have eliminated this ambiguity with this conference report and harmonized all of the Commission's statutes on this point.

I yield to Senator PRYOR, and ask: Is it also your understanding that nothing in this legislation or any of the laws enforced by the Consumer Product Safety Commission will preempt or affect Proposition 65 in any way?

Mr. PRYOR. Yes, that is my understanding.

Mrs. BOXER. My second inquiry relates to the bill's provisions on phthalates. I am pleased that the language preserves the ability of States to regulate phthalates in product classes that are not regulated under this legislation, as well as States' ability to regulate alternatives to phthalates, such as other chemical plasticizers that might be used as substitutes to the phthalates that will be removed from toys under this law. I yield to Senator PRYOR and ask, is it your understanding this law does not preempt or affect States' authority to regulate any alternatives to phthalates that are not specifically regulated by the Commission in a consumer product safety standard?

Mr. PRYOR. Yes, that is my understanding.

Mrs. BOXER. I also ask the distinguished floor manager Senator PRYOR to confirm my understanding that the third-party testing provisions of the conference report have no preemptive effect on State or local testing related requirements. Is my understanding correct?

Mr. PRYOR. Yes, the bill leaves such authority to impose testing requirements in place without preemption.

Mrs. BOXER. Finally, I wanted to confirm my understanding that the conference report makes it clear in section 106(h)(2) that State or local toy and children's product requirements in effect prior to enactment of this bill are not preempted by this legislation or by the Consumer Product Safety Act. Is my understanding correct?

Mr. PRYOR. My colleague is correct. The legislation does not preempt or otherwise affect State or political subdivision requirements applicable to a toy or other children's product that is designed to deal with the same risk of injury as the consumer product safety standard, if such State or political subdivision has filed such requirement with the Commission within 90 days after the date of enactment of this act.

Mr. INOUYE. Mr. President, I yield now to the author of the measure, Senator PRYOR of Arkansas, the balance of my time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, the first thing I want to say is this is a great bill. It is something every Senator should be proud of, because what we saw in 2007 was a record number of product recalls. In fact, last year, there were 45 million toys that were recalled. Every single toy was made in China that was recalled last year.

Unfortunately, it doesn't stop there. In 2008, we are 29 percent ahead of the schedule we set back in 2007. So this problem is not going away. This is a great bill, and this is a classic example that bipartisanship works.

We did this bill the way bills ought to be done. We worked it out in committee. I see that Senator STEVENS walked onto the floor. He played a vital and important role in the committee process and afterward. We worked together with Democrats and Republicans, and the House worked with the Senate. It has been a great example of how things can and should work around here.

We added third-party testing for toys. We added a new database for people to search to look at complaints about products. We give the Attorney General the ability to follow what the CPSC has done and get dangerous products off the shelves. We add whistleblower protection, so if people in the private sector know about a dangerous problem and reveal that, they don't lose their jobs. We increase civil penalties to make sure these companies—especially the ones who are repeat offenders—will know the CPSC has the authority to enforce what they do and make them feel the pain of that. We ban lead in children's products.

We move the commission, which used to be a five-member commission and is now down to three, back to a five-member commission.

We change the rulemaking process so that the authority rests with the CPSC again and not with the industry.

I could go on and on about the great things in this legislation. I know my time is short. Mr. President, how much time do I have?

The PRESIDING OFFICER. Five minutes.

Mr. PRYOR. Mr. President, I want to make sure I thank the people who deserve the lion's share of the credit. Senator STEVENS was critical. He came in at a very important time, early in the process, and helped shape the bill and helped to get us from a Democratic bill to a bipartisan bill that got us to where we are today. In fact, the House voted last night 424 to 1 to pass this.

I also thank Senators SUNUNU and HUTCHISON. Senator INOUYE, chairman of the Commerce Committee, was fantastic. Senator BOXER was great; she was very focused on several issues. Senator KLOBUCHAR, although a new Senator, had a positive impact on the process. It was an honor to work with them. Also I thank several House Members, of course, including Chairman DINGELL and Congressman BARTON, fantastic partners over there, who worked hard to get this done. And also Speaker PELOSI weighed in at the end to make sure we got it done.

Maybe more important than all of us is the staff. We have a lot of staff sitting on the back benches. They have spent countless hours on this bill. They have been here weekends, in the evenings, and they have been haggling over every word, comma, and paragraph. I am so grateful to all of them.

The people on my staff include Andy York and Price Feland. When you look at the Commerce Committee, there is David Strickland, Alex Hoehn-Saric, Jana Fong Swamidoss, Mia Petrini, and Jared Bomberg. They were great. Of course, on the Republican side are Paul Nagle and his team, including Megan Beechener, Becky Hooks, Bridget Petruczok, Erik Olson, Kate Nilan, Tamara Fucile, Brian Hendricks, and Peter Phipps.

Also, I thank the CPSC commission. They helped as did their staff. Commissioner Moore, and Michael Gougisha and Pam Weller of his staff, as well as Jack Horner of the acting chairman's staff, all of these people played a key role in getting us to this very good bipartisan piece of legislation.

As I said, this is something of which the Senate and House can be very proud. Today, the White House announced they will sign the legislation. This is a major victory for the American people. Again, we followed the rules, we followed the correct process here. We got this done and we are going to make a big difference in the American marketplace.

Mr. President, I will turn it over to my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Arkansas. First, I have to say he was dogged in his determination to work out this bill. It was a very long conference, with many issues. It was complicated. The importance of it was paramount in both of our minds.

I also want to say that on something this hard, the leadership of our committee was the driving force. Senator INOUYE and Senator STEVENS, the chairman and vice chairman of our committee, worked so hard, along with their staffs, to make sure the process kept going, that we never gave up. The conference lasted for months. I cannot say enough about Senator INOUYE and Senator STEVENS and the partnership on this committee that produced this great bill.

Then Senator PRYOR and Senator SUNUNU, chairman and ranking member of the subcommittee, also worked diligently and hard to make sure we took everyone's views into consideration. We tried to make compromises, even on some of the very toughest issues. That was just in the Senate. And then we also had the House. I feel very good about this result.

Again, the approval of this bill by very diverse groups shows this is a very good bill. The American Academy of Pediatrics, the Consumer Federation of America, and the Retail Industry Leaders Association all were at the table working with us to try to make sure we accommodated the safety needs of consumers—especially the parents of small children—and the needs of retailers and manufacturers to be able to produce products that consumers can safely purchase.

In this bill, we have a considerable emphasis on children's toys. That is what caused us to start looking at whether we had enough manpower in the Consumer Product Safety Commission. So I think children's toys are a very big part of the emphasis in this bill.

Let me talk about another few points in the bill. We authorize significant upgrading and modernization of the equipment and labs used by the commission to provide for more personnel, including more personnel at ports of entry and in foreign countries, to improve inspection of manufacturing facilities abroad and the products brought into our country from abroad.

We establish the most comprehensive lead safety standards that we have seen to date for toys and the paint manufacturers use on toys. These standards are implemented responsibly to give manufacturers time to adapt, without compromising safety. The standards also allow for use of alternative detection and measurement methods to improve the accuracy and efficiency of testing paint on small surfaces.

We also strengthen enforcement by increasing civil and criminal penalties and providing a limited role for State attorneys general to work in concert with the commission to enforce commission actions in the States. This is a huge improvement—one that Senator PRYOR, a former attorney general, was very aware that we could have better information, because the attorneys general in all of the States know, perhaps more urgently and more rapidly, when a product is deficient. So when they can step in and take an action based on the Consumer Product Safety Commission regulations, that is very helpful to expanding the reach.

We can also point to other areas where we made compromises. The bottom line is this is a very good bill. Maybe you don't like everything in it. I agree. I didn't get everything I wanted in the conference, nor did anyone else. But as I said, this was a months-long conference committee. It was a bill that passed the Senate with many amendments.

The Senate bill was vastly improved in the conference. We could not have done that without many hours—and weekend hours—of staff support. The Senator from Arkansas pointed out the number of staff who did such a great job. I want to say that on our side, Christine Kurth, Paul Nagle, Megan Beechener, Rebecca Hooks, and my own staffer, Bryan Hendricks, did a great job of working with the Democratic staff to forge the compromises.

On the Democratic side, I thank David Strickland, Andy York, Price Feland, and Jana Fong Swamidoss. I think we did a great job with the help of the experts on our staffs.

Mr. President, with that, I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, Senator HUTCHISON said something that is very important. We did focus on toys. Toys capture the imagination of the American public because no parent or grandparent wants to buy something and give it to a young child which could harm or, in some cases, kill them. That is the type of thing that grabs the headlines. Let me tell you, a couple of levels deeper, one of the ways we make toys safer for kids all over this country. What we did in this legislation is we established a statutory toy standard. Once we have that standard, and allow the CPSC to modify it over time, once that is in the statutes, that means we can test for that standard.

This bill has mandatory toy testing. For the first time ever, we are going to test these toys to make sure they meet the U.S. safety standards before they are ever sold in the marketplace.

If you think about a recall, a recall is a very uneconomical—I will use that term—and inefficient way to find a dangerous product. So the manufacturer comes over here with a product—many cases from overseas—and it is distributed, sold, and it injures someone, and the recall happens, and these products are all over America. We are streamlining it and making our marketplace more efficient and better for people all over this country.

I will end where I started. I see Senator SUNUNU here, who played a very key role. All of the Senators helped in some ways. Again, I will end where I started, and that is that this is a great piece of legislation. It really is. The American people will be so pleased with the work we have done to get this passed and get the President to sign it. It will make a big difference in everyone's lives all over this country. Again, it shows what we can do if we work together to solve our problems.

I am very honored and privileged to have Senator INOUYE designate me as the lead guy on our side to do this, and to watch Senators STEVENS and INOUYE work together. They set the pace on this legislation.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I ask for the yeas and nays on this measure.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the conference report to accompany H.R. 4040. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 3, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—89

Akaka	Dorgan	Murkowski
Alexander	Durbin	Murray
Allard	Ensign	Nelson (FL)
Barrasso	Enzi	Nelson (NE)
Baucus	Feingold	Pryor
Bayh	Feinstein	Reed
Bennett	Graham	Reid
Biden	Grassley	Roberts
Bingaman	Gregg	Rockefeller
Bond	Harkin	Salazar
Boxer	Hatch	Sanders
Brown	Hutchison	Schumer
Brownback	Inhofe	Sessions
Bunning	Inouye	Shelby
Burr	Isakson	Smith
Byrd	Johnson	Snowe
Cantwell	Kerry	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Stevens
Casey	Lautenberg	Sununu
Chambliss	Leahy	Tester
Cochran	Levin	Thune
Collins	Lieberman	Vitter
Conrad	Lincoln	Voinovich
Corker	Lugar	Warner
Cornyn	Martinez	Webb
Craig	McCaskill	Whitehouse
Crapo	McConnell	Wicker
Dodd	Menendez	Wyden
Dole	Mikulski	

NAYS—3

Coburn DeMint Kyl

NOT VOTING—8

Clinton Hagel McCain
Coleman Kennedy Obama
Domenici Klobuchar

The conference report was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote by which the conference report was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HIGHER EDUCATION OPPORTUNITY ACT—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided.

Ms. MIKULSKI. Mr. President, we are about to vote on the Higher Education Act. It is an excellent bipartisan bill, led by the architect of the bill, Senator TED KENNEDY, working with Senator MIKE ENZI.

We bring to the Senate a bill that expands opportunity, expands the Pell grants, simplifies the process, gets rid of cronyism in lending, and at the same time deals with important shortages with teachers and with nurses.

I think when you review the whole content, you will know that tonight this Senate can pass a great bill. And we say to our friend, Senator KENNEDY, who is watching this vote, ''This one's for you, TED.''

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I just ask my colleagues to vote for this bill, and I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Ms. SNOWE (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 8, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—83

Akaka Dorgan Murkowski
Allard Durbin Murray
Barrasso Ensign Nelson (FL)
Baucus Enzi Nelson (NE)
Bayh Feingold Pryor
Bennett Feinstein Reed
Biden Graham Reid
Bingaman Grassley Roberts
Bond Gregg Rockefeller
Boxer Harkin Salazar
Brown Hatch Sanders
Brownback Hutchison Schumer
Bunning Inouye Shelby
Burr Johnson Smith
Byrd Kerry Specter
Cantwell Kohl Stabenow
Cardin Landrieu Stevens
Carper Lautenberg Sununu
Casey Leahy Tester
Chambliss Levin Thune
Cochran Lieberman Vitter
Collins Lincoln Voinovich
Conrad Lugar Warner
Cornyn Martinez Webb
Craig McCaskill Whitehouse
Crapo McConnell Wicker
Dodd Menendez Wyden
Dole Mikulski

NAYS—8

Alexander DeMint Kyl
Coburn Inhofe Sessions
Corker Isakson

ANSWERED ''PRESENT''—1

Snowe

NOT VOTING—8

Clinton Hagel McCain
Coleman Kennedy Obama
Domenici Klobuchar

The conference report was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—MOTION TO PROCEED

Mr. REID. Mr. President, the Republican leader and I have had a number of conversations today. We know the caucuses on his side and my side are tired. We have had a very difficult few weeks. We have a few more things to do this work period. That work period can be a matter of hours or it could be the next day.

Most would like to finish it tonight. If we could move up the cloture vote on the motion to proceed to the Defense authorization bill, we could do that tonight. The issue, it turns out now, is how long that debate would take. On our side we need 10 minutes. Senator LEVIN wanted a half-hour. He cut that back to 10 minutes.

If we could have some agreement on the other side that we could take 10, 5 minutes, whatever is appropriate, we could finish that tonight and basically finish the work of the Senate for this work period and come back, renew our struggles in September.

I ask unanimous consent that we move to the Defense authorization bill, that the motion to invoke cloture on that that was set for the morning, that we would do that following 10 minutes of debate controlled by the Senator from Michigan. The chairman of the committee would control 10 minutes, and whomever the Republican leader designates on his side would control whatever time they feel appropriate.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I would say to my friend, the majority leader, we are prepared to vote right now.

A number of Members are prepared to have a vote immediately. I think we all understand what we are voting on. I am not sure many of our Members think any further debate about the whole issue of whether to go to the Defense bill at this particular time would be enlightened by any additional debate.

We have a number of Members who have plans who know how to vote and would be happy to vote.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this bill is worth spending 10 minutes on tonight. This is the Defense authorization bill. For heavens' sake, can we not set aside the frustrations we all have on this other issue and at least support our troops and come together and unify behind our troops?

Can we not at least set a time to take up the Defense authorization bill, which is critically important? We cannot do this on the appropriations bill. It would be legislating on an appropriations bill. This is a pay increase, special benefits, the BRAC implementation. This has to do with whether families are going to get support, whether we are going to hire nurses. This is the men and women in uniform who are in harm's way.

The suggestion is, we cannot spend 10 minutes to debate on whether to take up an authorization bill. We have never not passed an authorization bill. By law, we must pass an authorization bill or else all the authorities which are critically important to the men and women in uniform are not going to be passed.

This cannot just be another vote, another vote which divides us Republicans from Democrats. We have to unify behind this bill. Senator WARNER and I and the members of the Armed Services Committee have worked month after month after month to get this bill up. This bill has been on the calendar for 3 months.

If we do not decide to take up this bill or have a place fixed to take up this bill when we get back, we are going to have 3 weeks of an ongoing debate on a critically important subject, I agree, energy, but then we will never get to the men and women in uniform.

This is not our bill. This is their bill. Let's vote to take it up and set a place, a firm place, where we can protect the

men and women in uniform. They are overstretched. The equipment is running out. It is worn out. We owe them this. Set aside these differences for a few minutes, just a few minutes, and agree to take up this bill.

If we cannot take it up now, fix a time when we can take it up. That is my plea. I know Senator WARNER will join in this plea. This cannot be a partisan vote.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I do not know if the Senator took 10 minutes, but I think we heard the speech.

Mr. LEVIN. May Senator WARNER be recognized for a few minutes?

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I think the majority leader made a good point. I think we have heard the speech. Of course, we will not be passing the bill before recess. This vote will be about whether we stay on the No. 1 subject in America and whether we then do the Defense bill.

It appears to me as if we have had the suggestion, and I say to my good friend, the majority leader, why do we not now have the vote?

Mr. REID. Mr. President, I think that is appropriate, and I ask consent from everyone here that Senator WARNER have a few minutes.

Mr. WARNER. Mr. President, I thank the distinguished leader. I do hope I can say one word. To my leadership, I have explained to you I will soon conclude 30 years in this Chamber.

Having served with 264 Senators in that period of time, I say thanks to each and every one of them. But in that period, I think half my time has been devoted to issues relating to national security and the Armed Services. I checked the records of the committee. We have had 42 consecutive bills authorizing funds for the armed services of the United States. This will be the 30th of those bills that I have participated in, in bringing to the floor and, hopefully, getting a strong endorsement of this body.

I fully recognize the issues my colleagues have foremost in their mind at this moment. Not a one of them is against our national defense, not a one of them by their votes now could be challenged as to their patriotism and devotion to the men and women of the Armed Forces of this country.

But I will vote to go forth now, in an effort to support the cloture motion.

Mr. MCCONNELL. Mr. President, if I may, our good friend, Senator WARNER, has, of course, been a leader on this issue throughout his tenure in the Senate, and we respect his views. He has been a strong supporter of a strong national defense.

But the issue before us tonight is whether we are going to continue to try to solve the No. 1 issue in the country, and that is the price of gas at the pump. It is not whether we will do a Defense authorization bill.

The ranking member of the Armed Services Committee shares my view, that the first thing we ought to do is stay on the subject of energy, stay on the subject of getting the price of gas at the pump down, and then do the Defense authorization bill.

I am authorized to speak on behalf of the ranking member of the Armed Services Committee, our colleague, Senator MCCAIN, who shares my view that at this particular moment, the most important issue related to the national security of our country is to stay on the subject of energy, finish the job, and then, as Senator WARNER and Senator LEVIN have suggested, do the job of passing the Defense authorization bill.

Mr. REID. Mr. President, there is a unanimous consent pending.

The PRESIDING OFFICER. Is there objection to holding the cloture vote at this time?

Without objection, it is so ordered.

CLOTURE MOTION

Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 3001, the National Defense Authorization Act for Fiscal Year 2009.

Carl Levin, Christopher J. Dodd, E. Benjamin Nelson, John F. Kerry, Claire McCaskill, Joseph R. Biden, Jr., Bill Nelson, Blanche L. Lincoln, Richard Durbin, Daniel K. Akaka, Robert Menendez, Kent Conrad, Sherrod Brown, Jack Reed, Jim Webb, Charles E. Schumer, and Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military strengths for such fiscal year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''nay.''

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 39, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—51

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Rockefeller
Brown	Kerry	Salazar
Byrd	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Smith
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dole	Menendez	Whitehouse
Dorgan	Mikulski	Wyden

NAYS—39

Alexander	Crapo	McConnell
Allard	DeMint	Murkowski
Barrasso	Ensign	Reid
Bennett	Enzi	Roberts
Bond	Graham	Sessions
Brownback	Grassley	Shelby
Burr	Gregg	Specter
Chambliss	Hatch	Stevens
Coburn	Inhofe	Sununu
Cochran	Isakson	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Voinovich
Craig	Martinez	Wicker

NOT VOTING—10

Bunning	Hagel	McCain
Clinton	Hutchison	Obama
Coleman	Kennedy	
Domenici	Klobuchar	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

The majority leader.

CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to H. Con. Res. 398, a conditional adjournment resolution, and that the Senate vote immediately on adoption of H. Con. Res. 398; that if the adjournment resolution is agreed to, then it be in order for the Senate to convene for pro forma sessions on the following days: Tuesday, August 5; Friday, August 8; Tuesday, August 12; Friday, August 15; Tuesday, August 19;

Friday, August 22; Tuesday, August 26; Friday, August 29; Tuesday, September 2; and Friday, September 5; that at the close of each pro forma session, the Senate would stand in recess, except for the pro forma session of Friday, September 5, at which time the Senate would adjourn; and that no business be conducted during the pro forma sessions.

Mr. President, I also note to all Members, we will likely have a late vote on the day we get back at 5:30—a 5:30 vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 398) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 40, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—48

Akaka	Dorgan	Lincoln
Baucus	Durbin	Lugar
Bayh	Feingold	McCaskill
Biden	Feinstein	Menendez
Bingaman	Harkin	Mikulski
Boxer	Inouye	Murray
Brown	Johnson	Nelson (FL)
Byrd	Kerry	Nelson (NE)
Cantwell	Kohl	Pryor
Cardin	Landrieu	Reed
Carper	Lautenberg	Reid
Casey	Leahy	Rockefeller
Conrad	Levin	Salazar
Dodd	Lieberman	Sanders
Schumer	Tester	Whitehouse
Stabenow	Webb	Wyden

NAYS—40

Alexander	DeMint	Sessions
Allard	Dole	Shelby
Barrasso	Ensign	Smith
Bennett	Enzi	Snowe
Brownback	Graham	Specter
Burr	Grassley	Stevens
Chambliss	Gregg	Sununu
Coburn	Hatch	Thune
Cochran	Isakson	Vitter
Collins	Kyl	Voinovich
Corker	Martinez	Warner
Cornyn	McConnell	Wicker
Craig	Murkowski	
Crapo	Roberts	

NOT VOTING—12

Bond	Domenici	Kennedy
Bunning	Hagel	Klobuchar
Clinton	Hutchison	McCain
Coleman	Inhofe	Obama

The concurrent resolution (H. Con. Res. 398) was agreed to, as follows:

H. CON. RES. 398

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, July 31, 2008, Friday, August 1, 2008, or Saturday, August 2, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, September 8, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, August 1, 2008, through Friday, September 5, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, September 8, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

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

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, before I speak, I have been asked to propound a unanimous consent request on speaking orders: 4 minutes for Senator GRASSLEY, 4 minutes for Senator COBURN, and whatever time Senator HARKIN would consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDWESTERN FLOOD TAX RELIEF

Mr. GRASSLEY. Mr. President, I rise for the purpose of a unanimous consent request for the Midwestern flood tax relief bill sponsored by the Senators of several Midwestern States, including Senator HARKIN of my State, Senator DURBIN, Senator OBAMA of Illinois, and other midwestern Senators.

I rise to seek fairness and equity for people in the Midwest who have been hurt by floods, and I would say fairness and equity as measured by how Congress responded to the natural disaster of Katrina, New Orleans, et cetera.

I remember back in September of 2005, after that terrible catastrophe of August 29, what happened in New Orleans. Within the week after we were in session, after Labor Day, we had appropriated $60 billion. Within 3 weeks after that—I was chairman of the Finance Committee—we voted out of committee a tax equity bill that changed provisions of the Tax Code to encourage employers and businesses and people to stay there and weather it out.

What we did, we did without asking any questions. And now we seek the same tax relief for the States of the Midwest that have had the same type of catastrophe happen to them. I would measure catastrophe by a 500-year flood in the city of Cedar Rapids, IA, which won't be the same as it was prior to the flood.

So we have entered this legislation for consideration. We have worked it out with a lot of people who were involved in it. We worked closely with Senator BAUCUS's staff, with the staff of Ways and Means, trying to satisfy everybody. We think we have a consensus.

Here it is, 6 weeks after the floods hit, and Congress has not acted. Congress should act. In other words, shouldn't the people hurt by the natural disaster of the Midwest have the same consideration as the people of New Orleans and those with other catastrophes? We are not getting it. It is very clear that when our disaster is not on television for 2 months in a row, like the disaster of New Orleans was on television for 2 months in a row, somehow Congress is absentminded about what happened in the Midwest.

So we face things like arguments from staff of some of the people in the other body that, well, this disaster wasn't anything like what happened in Katrina or you hear things like, well, we need to offset this bill. When I was chairman of the Senate Finance Committee and the people in New Orleans were hurting, we did not ask for offsets. We did not play political games with the legislation we eventually passed, like some efforts this Midwest Tax Flood Relief Act ought to be connected with extenders or with AMT or something like that. We got the job done. We didn't worry about it.

I come before this body tonight to ask for consideration of this legislation.

UNANIMOUS CONSENT REQUEST—S. 3322

At this point, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 3322 and the Senate proceed to its immediate consideration. I ask unanimous consent that the Grassley amendment at the desk be agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; and that the bill be held at the desk pending House action on the companion measure.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, I am speaking on behalf of Senator BAUCUS. I note that the Senator from Iowa realizes the bill that was before us yesterday, S. 3335, would not only have taken care of his State of Iowa, which truly deserves disaster assistance, but also my State of Illinois and all of the States that faced that disaster problem this year. Unfortunately, it did not pass; otherwise, it would have been on its way to the House yesterday. Had we received more than five Republican votes, it might have passed the House and be on its way to the President. But the decision was made on the Republican side of the aisle not to vote for that measure that would have helped Iowa, Illinois, and all of the States.

The measure Senator GRASSLEY brings before us leaves behind victims of disasters in States of Nevada, Colorado, Kentucky, Missouri, Mississippi, Tennessee, and Texas—to name a few—who would receive no relief under Senator GRASSLEY's bill but would have under the bill he opposed. So it is sad. I wish this could have been resolved yesterday with the vote if the Republicans would have joined us. Unfortunately, they did not. We will have to take this matter up when we return. I hope we can find a way to help all of the victims, not just in the Midwest but all across the country, which is the tradition of the Senate and the House. Regretfully, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I point out that what the Senator from Illinois described is an amendment that would not have responded to the Midwest in exactly the same way as we responded to Katrina. It would not have been as beneficial. It also did not contain the same 25 provisions we did for New Orleans, which were in that tax bill to help them.

I think we have a situation where we ought to respond the same way we did for Katrina. We are not doing it because the disaster in the Midwest is as bad. When we thought about Katrina, we didn't argue with other people about going back and taking care of disasters that previously happened. We took care of what was before us.

Right now, the flood of the Midwest is before us, and we ought to have the same equity and fairness that, when we had a Republican Congress, we gave to New Orleans. Whether we have a Democratic Congress or a Republican Congress, that should not make any difference. We are being treated differently when the Democrats control the Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I ask unanimous consent that I may speak for about 7 minutes. I will try to do it in less time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I thank the majority whip for being on the floor tonight. I am one of the reasons why he is here, so I beg his indulgence at this time.

The Emmett Till Unsolved Civil Rights Crime Act was first introduced in the 109th Congress. The Republican sponsor at that time on our side of the aisle agreed to the offsets in that bill. That wasn't agreed to by the other side, so that bill wasn't passed. Although the offsets were accepted, it was still opposed.

Over the past 5 months, two press conferences have highlighted my ''obstruction'' of this bill and questioned my motives for holding it. I sent two letters to the prime sponsors of the bill and to the majority leader offering to negotiate a compromise on the bill. None of those were ever responded to. No sponsor ever contacted my office in the 110th Congress to try to work on this. Instead, I chose to work, because I couldn't get a response, with Alvin Sykes, a wonderfully incredible man, who is behind this bill. He has my utmost respect and admiration.

I will submit for the RECORD an article dealing with his incredible life story and his commitment and arduous work for this legislation.

Mr. President, I reached a compromise with Mr. Sykes and the Emmett Till Campaign for Justice, whose board of directors has endorsed our compromise language.

I ask unanimous consent that an e-mail we got from Mr. Sykes be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Alvin Sykes.
To: Bacak, Brooke.
Sent: Thu July 31, 2008.

DEAR SENATOR COBURN:, First allow me to extend our appreciation and admiration for you and your staff's assistance and communication with us concerning S. 535 the Emmett Till Unsolved Civil Rights Crime Act. While we still believe that the hold that you placed on our bill was not the good way to effect the institutional change in the manner that the United States Senate does business we do appreciate the open lines of communications and respect that your staff, in particular Brooke Basak and Tim Tardibono, have shown us in negotiating with us on proposed language and conditions that would address your concern and minimize the loss we have suffered from going this route. Therefore our Board of Directors has voted to endorse a unanimous consent agreement that would include the latest draft language that rectifies the concerns with the controversy over the Attorney having authority to reprogram funds from one congressionally directed fund to another by elleviating all reference to reprogramming and replaced with prioritizing spending request if Congress does not fully fund the Till Bill. Furthermore we support you having the right to submit this language as amendment in the cloture vote process as long as the floor debate time is limited and that you would not replace your hold on our bill if your amendment fails. Nothing in this request is meant to criticize the Senate Leadership on the enormous work that they have done to craft and advocate for the passage of this bill especially the good work of Patrick Grant in Senator Dodd's office and Darrell Thompson in Senate Majority leader Harry Reid who has kept hope alive on this historic bill. However we firmly believe that truth and justice can be best achieved by opening and maintaining effective lines of communication and searching for a win-win justice seeking solution. We further believe that since you started this by placing your hold on our bill you should be the one to finish it.

Therefore the Emmett Till Justice Campaign, Inc. request that you make an overture to the Democratic Leadership and the sponsors of the Till Bill by introducing the Emmett Till Unsolved Civil Rights Crime Act, as proposed amended, under the unanimous consent agreement outlined above tonight in the interest of time, truth and justice.

Sincerely, in the pursuit of justice,
I am,

ALVIN SYKES,
President,
Emmett Till Justice Campaign, Inc.

UNANIMOUS-CONSENT REQUESTS

Mr. COBURN. Mr. President, at this time, I ask unanimous consent to call up and pass the modified Emmett Till Unresolved Civil Rights Crime Act, where it is paid for by taking money that is not appropriated. This is the problem everybody had, not offsetting. What this bill will do is, if we don't appropriate—and we won't this year, because we are going to have a continuing resolution—this will allow that money to be divided out in three categories in the Justice Department, which the Justice Department is accepting from both legal salaries, the FBI, and the U.S. Marshals—all the people working on these unresolved civil rights cases. I ask unanimous consent that it be called up and passed at this time.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. President, earlier this

week, on Tuesday or Wednesday, we considered a package of bills, some 35 bills that had been held for a lengthy period of time—for months—which could have been considered, amended, changed, and brought forward. They were held with no chance for any kind of movement. This was one of them.

Sadly, this is a bill that has been considered and passed by the House of Representatives and has been out there for more than a year. I would like to see the bill passed—I would. But the fact that the Senator from Oklahoma worked out his differences with some person, as well intentioned as it may be, doesn't escape the reality that this bill has been the subject of hard work by a lot of Senators and Congressmen. Unfortunately, it was subjected to a hold by a Member on the Republican side. I hope that, in good faith, when we return, we can return to this bill. I would like to see this and all 35 bills in the package passed and taken as seriously as the Senator from Oklahoma is now taking this bill.

Unfortunately, at this moment, I must object.

Mr. COBURN. Mr. President, it is sad to note that this could not pass tonight. We could accomplish what everybody claims to want. The fact that nobody was willing to work on this bill, but held it without compromise and without offsets, it is the same issue again. We are going to grow the Government and not get rid of waste. There is $2 billion in waste a year in the Justice Department. Yet we are going to grow this program and not pay for it.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I also note for the RECORD that I spoke with Senator DODD about the bill tonight. He had no objection whatsoever and he agreed with the compromise. He is the chief sponsor on that side of the aisle.

Mr. President, I call up and ask unanimous consent to pass a compromise bill on child exploitation. The bill, S. 3344, is the Protecting Children from Pornography and Internet Exploitation Act of 2008.

I had a conversation with Senator BIDEN this evening. He is in full agreement with this. He understands that others on his side of the aisle might not be in agreement. He is the chief sponsor of that bill. Our bill gives everything that was included, plus the SAFE Act, which everybody agrees needs to be a part of any approach we make. The authors on the other side of the aisle took a $1.3 billion authorization and compromised and lowered that. We compromised by accepting that spending on the basis that we would add the SAFE Act to it. This bill has been changed in substance in no way other than that.

I ask unanimous consent that it be called up and passed.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, This is another bill of the 35 that have been held for an indefinite period of time by the Republican side of the aisle. We offered a package which had included measures for medical research, which has been held for an indefinite period of time on the Republican side of the aisle.

This bill which, ironically, was reported out of the Judiciary Committee, which Senator COBURN and I both serve on—I believe it was reported unanimously—is a bill that deals with child exploitation. I believe it is a bill that deals with Internet pornography, if I am not mistaken. It is something which should have not only gone out of committee unanimously, but it should not have been subject to the holds on the Republican side of the aisle for reasons that are not explicit. In desperation, an effort was made to bring these to the floor and ask for a bipartisan response and to pass them in a timely way. The Senator from Oklahoma voted against that, as did most of the Senators on his side.

Many are now coming to the floor trying to revive the bills they voted against a couple days ago. I wish the same level of interest and effort would have been taken during the period when these bills languished subject to their hold. At the last minute, virtually right after the Senate has adjourned and left, it is not fair to bring these up. I hope we can do this as soon as we return.

At this moment, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, I ask unanimous consent for an extension of my time as I go through the rest of these. I will be as brief as possible.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I also note, again, there were hard efforts to work this out. The fact is, the majority has decided that all the bills will be in one package, regardless of the efforts we have worked on.

I also make the statement that this came out by a voice vote from the Committee. I didn't vote ''yes'' on the bill in the committee. No. 2, there is no requirement that a Senator, even if he votes for a bill in committee and is assured he can work on the bill after the committee, is obligated to support a bill that comes out of his committee.

The next unanimous consent request I have is on this same bill, S. 3344, titles I and IV, which include the PROTECT Act and the SAFE Act.

I ask unanimous consent that those two sections be called up and passed. They are identical; nothing has changed and there is nothing controversial. Again, I ask unanimous consent that they be passed.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I understand the embarrassment and pain the Senator feels having voted on these bills——

Mr. COBURN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COBURN. Mr. President, shouldn't an objection to the bill be stated?

The PRESIDING OFFICER. Does the Senator object?

Mr. DURBIN. I object.

Mr. COBURN. Mr. President, there is no embarrassment or any pain on my part to try to do this. I have worked on these bills to try to do what I thought was right. I reject any statement that I am embarrassed. I have no pain about this. I am proud of the work I have done in trying to stop excessive spending and when we have appropriate programs to favor that spending through offsets of other wasteful spending.

I ask unanimous consent to call up and pass subtitle D of S. 3297, the Effective Child Pornography Prosecution Act. This was never held by anybody on our side. It was never objected to by anybody on our side. There was never a hold and never an objection.

I ask unanimous consent right now that we pass that one bill. Even if you want to play politics, the point is, here is one we can do tonight. Nobody has ever objected to it in the Senate. We can pass and still have the 34 or 33 bills. Here is one we can make a difference with tonight.

I ask unanimous consent to call up and pass this item.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, this was part of the 34, 35 bills in a package that was held. For reasons I cannot explain, some Member on the Republican side did hold it. That is why it was put in the package.

The Senator voted against the package, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, I ask unanimous consent to call up and pass subtitle E of S. 3297, the Enhancing the Effective Prosecution of Child Pornography Act. This is a bill that also was never held on our side of the aisle.

Again, I make the same argument that, in fact, we can do something tonight. There is no controversy surrounding this bill, no controversy about what we should be doing. I ask unanimous consent that we pass this item.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, same argument, same objection.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, I thank the majority whip for his patience in dealing with this business tonight.

I will end my remarks with the following: What we have had in the Senate this past week is an attempt to change the Senate to the House. The Senate's tradition is debate and amend. Every one of the bills I have had a hold on, I proudly hold those bills. I have notified everyone involved in the legislation on why I was holding those bills. The fact that we had no response to negotiate any sort of compromise whatsoever on those bills tells us there was no good intent in the first place to try to pass those bills.

Let the record show that the Emmett Till bill could have been passed tonight, supported by the very people who started this bill in the first place, who started the effort to get it passed, who endorsed our efforts and, in fact, it was denied.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, let me just say I do respect the Senator from Oklahoma. He and I have worked together. I do respect the fact that when he puts a hold on a bill, he is public about it. There are many people who sneak around here who hold legislation and hope they will never be discovered. Senator COBURN from Oklahoma does not take that position. I respect him for that. I may disagree with him on many substantive issues, and we do disagree, but I do respect him for his approach.

Let's be very honest about this situation. These 35 bills are bills we wanted to pass. They are bills passed out of committee. They are bills sponsored by Democrats and Republicans. They are bills we tried to bring up by unanimous consent that were held by the Republican side of the aisle. In our frustration over these holds, we packaged them together and asked Republicans to join us and pass them in a bipartisan way.

Each and every one of these bills had virtual unanimous affirmation in the committees to which they were referred, and most of them had passed overwhelmingly with bipartisan votes in the House.

But now we have a situation where individual Senators—and it is the right of every one of us as Senators—are deciding: I will just take a cluster of these bills and hang on to them. I will let my staffers look them over. We will get back to you in a few weeks, maybe a few months, maybe never. That abuses the process.

I believe if someone has a serious problem with a bill, has a misgiving, they should announce their hold and the reason for the hold, and, I guess, out of respect for the sponsor, to go forward and explain what the problem is. If it can be resolved, fine, and if it cannot be, so be it.

I also want to say this: What is wrong with calling up these bills and those who don't like them voting against them? That is their right to express their displeasure on the record. But to hold the bill—if I can't have it my way, no one gets a chance to vote—I think pushes it to the extreme. To do that occasionally in your senatorial career, I can understand. But to make that the business of the Senate is to guarantee total frustration.

Today in the Senate Judiciary Committee, I couldn't help but interrupt the proceedings and ask what the point was of deliberating on bills if some of the same Senators who were going to vote for those bills out of committee were going to hold them once they came to the floor and really make sure they never had a chance to be passed into law. That is fact. That is what has happened.

Because of the pain that has been caused by these earlier votes where Republicans have come to us privately and said: We are sorry we voted this way; some of these bills are bills we really wanted to vote for, now they have come to the floor and tried to pick them off one at a time and reduce the pain and—I will use the word ''embarrassment,'' although Senator COBURN says neither applies to him. I think for some of his colleagues there is embarrassment that they would vote against a bill to establish a national registry for victims of Lou Gehrig's disease, that they would put a hold on a bill that was designed to deal with paralysis, the Christopher Reeve bill, in an attempt to honor this man and all he did and try to help quadriplegics across the country; a bill cosponsored by Senator COCHRAN and Senator KENNEDY to deal with stroke victims, that they would put a hold on that; a hold on a bill in which I have a great interest dealing with postpartum depression.

The belief on that side of the aisle is, it is all right; we can hold them until they are exactly the way we want. That has gone on too long, for months and even longer.

When it comes to some of these bills relating to criminal sections, some of these should be passed in a hurry. I don't know any one of us who does not want to deal with Internet pornography that threatens our children and grandchildren, kids in our communities. We had this bill ready to go. This bill should have been passed quickly, and it was held on the Republican side of the aisle until we had to bring it up in this package and then voted against, voted not to bring it forward.

In their frustration, they have now tried to come out at the close of the week and have something to point to: I tried to come back on the floor, I tried to bring the bill up, but Democrats objected. The true story is those bills have been held up for months. They have been held up on the Republican side of the aisle.

I sure hope my colleagues will understand they cannot run the Senate the way each one wants to run it. We cannot let every single Senator decide the agenda of this Senate or it will be dysfunctional and chaotic and many good pieces of legislation will never see the light of day.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING TERRY SAUVAIN

Mr. BYRD. Mr. President, St. Ignatius High School is a private, Roman Catholic, Jesuit high school for young men located in Cleveland, OH. The school is renowned for its high standards of academic excellence, with nearly 100 percent of its graduates attending colleges and universities within one year of graduation.

Under the leadership of Rev. Tim Kesicki, S.J., and his predecessor, Fr. Robert J. Welsh, S.J., this high school works hard to produce students who are open to growth, intellectually competent, loving, religious, and committed to doing justice. In summary, a St. Ignatius student is a ''man for others.''

Each year, Saint Ignatius High School presents its annual John V. Corrigan '38 Distinguished Alumnus Award to a graduate with notable achievements who has used his talents and skills for those in need, consistent with the paramount objective of Jesuit education the formation of ''Men for Others.'' The award recognizes an accomplished graduate who serves as a positive role model for the students of St. Ignatius High School.

I am quite proud and most pleased to announce that the 2008 John V. Corrigan '38 Distinguished Alumnus Award was presented to the one of the Senate's very own, Mr. Terrence E. Sauvain, who currently serves in my office of the President pro tempore as a senior advisor.

I have been very fortunate to have had Terry as a member of my staff for

so many years. In every task I have asked him to undertake, including 2 years of service as the secretary to the minority leader, Terry has performed his duties with courtesy, dedication, efficiency, and diligence. In every position, he has gone above and beyond the call of duty in performing the work of the Senate, assisting my representation of the people of West Virginia, and serving the best interests of the Nation, and for all this, I am truly grateful.

Terry Sauvain also served as the 14th staff director of the Senate Appropriations Committee, since the committee was formed in 1867. In this role, Terry directed a great team of professional analysts with a goal of ''sharpening the issues'' so that Senators were able to make bipartisan, responsible, and fiscally prudent decisions on Federal Government spending amounting to $1 trillion per year. Terry's outstanding service to the Senate has earned him a variety of honors, including the Nyumbani Medallion of Hope for his work supporting me in the humanitarian fight to bring relief to children with HIV/AIDS in Africa.

I heartily congratulate Terry Sauvain and his family on his receipt of this award.

I ask unanimous consent that an article appearing in the most recent issue of St. Ignatius Magazine concerning this award be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TERRENCE SAUVAIN HONORED FOR DISTINGUISHED PUBLIC SERVICE

(By Paris Wolfe)

This past February, Terrence Sauvain '58 received The Honorable John V. Corrigan '38 Distinguished Alumnus Award for notable achievements in his profession.

During the selection process, the award committee asked former award recipient Fr. Thomas Acker, S.J., '47, about Sauvain. ''He was glowing about Terry, and all he's done,'' says Steve Gerba '89, committee chair.

Sauvain spoke to students during his visit to Cleveland. ''He shared insight into government,'' Gerba recalls. ''He couldn't say enough about good education as a career foundation.''

In August 2002, Wheeling Jesuit University recognized Sauvain's career achievements. The university conferred an honorary Doctor of Humane Letters degree on Sauvain in the presence of U.S. Sen. Robert Byrd, U.S. Rep. Alan Mollohan and Fr. Acker, president emeritus of Wheeling Jesuit University. The degree recognizes Sauvain's contributions to the United States through a distinguished career in public service under Byrd's leadership and mentoring.

Sauvain considers himself fortunate to have served Byrd, master of the appropriations process, as the Senate Appropriations committee staff director. He was only the 14th person to serve in that capacity since the committee was founded in 1867. As staff director, he was the senator's right arm in reviewing budgetary expenditures of $1 trillion annually. For his service to the senator in the humanitarian fight to bring relief to children with HIV/AIDS in Africa, he was awarded the Nyumbani Medallion of Hope.

Throughout his 43 years of public service, Sauvain has tried to live the lessons he learned at Saint Ignatius and the University of Notre Dame. He has always been impressed by the Prayer for Generosity that Saint Ignatius students recite, and he is convinced that those whom we most admire have demonstrated personal sacrifice and dedication to duty, which require a great measure of personal generosity.

Sauvain earned a master's in government from George Washington University in 1971. Capt. Sauvain, USCGR ret., served 30 years in the Coast Guard Reserve, his ''second job,'' where he specialized in joint Coast Guard and National Guard counter-drug operations. He is the recipient of the Coast Guard Meritorious Service Medal, the National Guard Eagle Award and the National Guard Association Patrick Henry Award.

In 2006, the University of Notre Dame honored him with The Reverend John J. Cavanaugh, C.S.C. Award for distinguished public service. In 2007, the U.S. Coast Guard's commandant presented him with a Distinguished Public Service Award.

He and his wife, Veronica, have three children: Marie Robertson (James), Catherine and Terrence Jr.—all lawyers.

REMEMBERING SENATOR JESSE HELMS

Mr. WARNER. Mr. President, I rise today to pay tribute to a fellow Senator, a friend, and a true Southern gentleman, Senator Jesse Helms, who passed away on July 4, 2008. He was a man resolute in his beliefs. I have heard many say here in the Senate, as well as outside the Capitol Grounds, that regardless of what you thought about his position or opinion, you always respected Senator Helms for standing up for what he believed.

As a master of the Senate parliamentary procedures, he did not hesitate to use this knowledge as a tool when he thought it was necessary to get his point across. While inevitably these tactics might have frustrated some of his colleagues from time to time, Senators couldn't help but marvel at his courageous defense of his beliefs, and they never doubted that Senator Helms would treat them with respect. I have heard from those close to Senator Helms, and experienced it myself, that he was true to his belief that standing up and defending one's opinion was never to be confused with, or providing a reason for, animosity towards one's opponents.

His kindness and respect did not stop with his colleagues in the Senate. Senator Helms was a true advocate that Senators were here to represent and serve their constituents regardless of any party affiliation, and his office was known for its impeccable constituent services. His beliefs and service to his fellow citizens not only endeared him to those he served or those he served with, but also to those that had the privilege to serve on his staff. I don't think he even referred to them as his staff but as his Senate family—the Helms Senate family.

His dedication to his staff is exemplified by the number of his staffers that went on to serve in important positions in federal and state government and in the private sector, having been ''tutored and trained'' in the discipline of Senator Helms. An excellent example is Robert Wilkie, now serving in the Defense Department as Assistant Secretary for Legislative Affairs.

Respect for Senator Helms extends well beyond these Senate halls to across the globe. Senator Helms' experience with foreign policy started with his service in the U.S. Navy during World War II and continued with his efforts to reform the United Nations. His effect was no less prevalent when he was the first legislator to address the U.N. Security Council. I was privileged to witness his stalwart performance.

It goes without saying that the Senate, this Nation, and the State of North Carolina are better today because of Senator Helms. I extend my most heartfelt condolences to the Helms family and his friends.

Mr. GRAHAM. Mr. President, today I rise to speak about the contributions and service of one of the true giants of the U.S. Senate.

Senator Jesse Helms of North Carolina was one of the longest serving and most distinguished Senators in the history of our Nation. During his time in the Senate, he was known as a strong advocate for his causes and was one of the most tenacious fighters this body has ever seen. Senator Helms knew what he believed, why he believed it, and he was always prepared to fight strenuously for his cause.

On those occasions when the Senate was prepared to promote ideas with which he disagreed, Senator Helms proved to be one of the most adept at slowing the body to a crawl. It was a trait that endeared him to many of his supporters and was a source of much consternation for his detractors.

However, if there is one accomplishment for which Senator Helms will be long remembered and greatly admired, it is his steadfast warnings and commitment to fighting the scourge of communism. Not a day went by that Senator Helms was not concerned about the spread of communism around the globe.

Like President Reagan and South Carolina's own longstanding Senator Strom Thurmond, Senator Helms understood that communism was an evil ideology and, at its most basic form, a means of enslaving millions of people. As a nation of freedom-loving people, we had a responsibility to stop its spread.

The struggle against communism continued for decades with Senator Helms playing a leading role in encouraging our Nation to confront this evil. Eventually, the hard line he took against communism, along with Reagan, Thurmond, and others, was

vindicated. The Berlin Wall tumbled and the Soviet Union collapsed.

Today, communism has been discredited and millions of people have been freed from its bonds. Senator Helms, and the other strong anti-Communists, deserve our thanks for their steadfast fight and eventual victory over communism. It would not have been possible without their hard work.

In closing, I was saddened to hear of the passing of Senator Helms and I want to take this opportunity to send my condolences to his family and friends. I also want to express my sincere appreciation for his long service in the U.S. Senate and to the Nation he loved.

Mr. SPECTER. Mr. President, I have sought recognition to pay tribute to my late colleague from North Carolina, Senator Jesse Helms. I look back upon his career in the U.S. Senate and remember a true champion of conservative values; a Senator who stood by his convictions with a tenacity for which he will long be remembered.

Senator Helms was initially introduced to public service by his father, who served their North Carolina community as both the fire chief and the chief of police. After working in print, radio, and television journalism and serving on the Raleigh City Council, Jesse Helms decided to run for Senate in 1972 and proved his political mettle by defeating three opponents to win the seat.

Senator Helms spent the next 30 years serving five terms in the Senate, leaving behind a legacy of uncompromising and unapologetic conservatism. He could boast of many accomplishments during his career, including being dubbed ''Senator No,'' a moniker he earned for standing strong against issues he felt threatened the conservative agenda. Senator No chaired the Agriculture Committee from 1981–1987 and the Foreign Relations Committee from 1995–2001, where he had a hand in cultivating many important pieces of legislation. His firm stance against tyranny led to successful negotiations and passage of a bill to assist Cuban citizens, organized efforts to bring more countries into the NATO alliance, and supported the development of a missile defense system to defend our allies abroad.

Senator Helms also made his presence known on the national campaign trail where played a pivotal role in fostering the conservative agenda in Ronald Reagan's presidential campaign in 1976. His efforts were so effective he was asked to participate again in 1980. Clearly ''Senator No,'' a moniker he earned for standing strong against issues he felt threatened the conservative agenda, helped the future President shape his conservative message.

Senator Helms and I may have differed on many issues, but I respected his wide array of knowledge and the vigor with which he defended them. I am glad to say I served in this chamber with Jesse Helms and will always honor his passion for life and dedication to service in the Senate.

Mr. ENSIGN. Mr. President, President William McKinley once said, ''That's all a man can hope for during his lifetime—to set an example—and when he is dead, to be an inspiration for history.''

Of all his accomplishments during his lifetime, the example that Senator Jesse Helms set for treating others rises above everything else. During my first term in the Senate, I had the privilege of traveling to Mexico as part of a congressional delegation with Jesse Helms. I saw his kindness and sincerity in the way he treated everyone, regardless of position. The foreign dignitaries received the same respect and consideration as staff. Not enough Senators treat members of their staff like members of their family, but Jesse Helms did. And that gentleness extended to all who came into contact with him.

The kindness with which he touched so many lives stands in stark contrast to the harsh and tough image which many had of Jesse Helms. Seen as rough and hard-hitting, a more fitting description of Jesse Helms is that he was a steadfast believer in the principles of America. Jesse Helms was the voice, sometimes the lone voice, of a centuries' old vision of a sovereign United States committed to freedom, a strong national defense, and free enterprise. He was willing and able to stop business in the Senate when the strength of our Nation was threatened.

But to those whose lives were personally touched by Jesse Helms, progress was never paused. Instead, Jesse Helms was a conduit of democracy and opportunity. Generations of Cubans, Taiwanese, Iraqis, and Africans will always remember the support that a Senator from North Carolina dedicated to their causes.

And countless North Carolinians will remember the meaningful impact that Jesse Helms had on their lives as their advocate to a sometimes unyielding government bureaucracy. One constituent from Raleigh noted her Senator's efforts on behalf of her aging parents. She remembered her mother saying if there was a problem that couldn't be resolved, ''Call Jesse Helms. He won't stop until he gets it solved.''

His commitment to his constituents speaks volumes about Jesse Helms's passion for his job and the people who elected him. He always remembered who he represented and why. And he always remembered that we ensure the strength of our Nation by inspiring young people to continue the work of generations of patriots. He never turned away young men and women looking for advice and often engaged them in dialogue. Time and again he told them to stand up for their principles. And then he showed them by example.

Very few Americans in our Nation's history have risen to the level of accomplishment and reverence as Jesse Helms. During three decades in the Senate, he set an example for all Americans as he always stood by his principles and extended kindness to friend and foe. Now he is an inspiration for history.

FORMER VICE PRESIDENT PROTECTION ACT OF 2008

Mr. LEAHY. Mr. President, I am pleased that, last night, the Senate unanimously passed the Former Vice President Protection Act, H.R. 5938, a bill to ensure that former Vice Presidents and their immediate family receive Secret Service protection for 6 months after they leave office. I am especially pleased that this important legislation includes key provisions of the Leahy-Specter Identity Theft Enforcement and Restitution Act, a critical cyber crime bill that unanimously passed the Senate last November. I urge the House of Representatives to promptly take up and enact this important criminal legislation.

Although the Secret Service has provided protection to former Vice Presidents over the last 30 years, through a variety of temporary grants of authority, this legislation will provide clear authority for the Secret Service to provide such protection for the first time. The men and women of the Secret Service perform the very difficult job of protecting our current and former leaders exceptionally well. I am pleased that this legislation will help the Secret Service to carry out this important mission.

This bipartisan legislation also includes important cyber crime provisions portions of the Identity Theft Enforcement and Restitution Act to protect the privacy rights of all Americans. The anti-cyber crime provisions in this bill are long overdue. A recent survey by the Federal Trade Commission found that that more than 8 million Americans fell victim to identity theft in 2005. In addition, a new report by the Organization for Economic Cooperation and Development encourages democratic governments around the world to more aggressively fight identity theft by enacting stronger cyber crime laws and stiffening the penalties to deter potential cyber-criminals.

The key anti-cyber crime provisions that are included in this legislation will close existing gaps in our criminal law to keep up with the cunning and ingenuity of today's identity thieves. First, to better protect American consumers, the legislation provides the victims of identity theft with the ability to seek restitution in Federal court

for the loss of time and money spent restoring their credit and remedying the harms of identity theft, so that identity theft victims can be made whole.

Second, to address the increasing number of computer hacking crimes that involve computers located within the same State, the cyber-crime amendment eliminates the jurisdictional requirement that a computer's information must be stolen through an interstate or foreign communication in order to federally prosecute this crime.

Third, this legislation also addresses the growing problem of the malicious use of spyware to steal sensitive personal information, by eliminating the requirement that the loss resulting from the damage to a victim's computer must exceed $5,000 in order to federally prosecute the offense. The bill carefully balances this necessary change with the legitimate need to protect innocent actors from frivolous prosecutions and clarifies that the elimination of the $5,000 threshold applies only to criminal cases.

In addition, the amendment addresses the increasing number of cyber attacks on multiple computers by making it a felony to employ spyware or keyloggers to damage 10 or more computers, regardless of the aggregate amount of damage caused. By making this crime a felony, the amendment ensures that the most egregious identity thieves will not escape with minimal punishment under Federal cyber-crime laws. The legislation also strengthens the protections for American businesses, which are more and more becoming the focus of identity thieves, by adding two new causes of action under the cyber-extortion statute—threatening to obtain or release information from a protected computer and demanding money in relation to a protected computer—so that this bad conduct can be federally prosecuted.

Lastly, the legislation adds the remedy of civil and criminal forfeiture to the arsenal of tools to combat cyber crime, and our amendment directs the U.S. Sentencing Commission to review its guidelines for identity theft and cyber crime offenses.

Senator SPECTER and I have worked closely with the Department of Justice and the Secret Service in crafting these updates to our cyber-crime laws, and the legislation we add as an amendment to the Former Vice President Protection Act has the strong support of these Federal agencies and the support of a broad coalition of business, high-tech and consumer groups. The bill as amended to include these critical cyber-crime provisions is a good, bipartisan bill that will help to better protect our Nation's leaders and to better protect all Americans from the growing threat of identity theft and other cyber crimes.

Again, I thank the bipartisan coalition of Senators who have joined Senator SPECTER and me in supporting this important bill. I urge the House of Representatives to promptly enact this important criminal legislation.

HABEAS CORPUS

Mr. LEAHY. Mr. President, last month's 5–4 Supreme Court decision in Boumediene v. Bush reaffirmed our core American values, and served as a stinging rebuke to the Bush administration's flawed power grabs over the last 6 years. The Bush administration's repeated attempts to eliminate meaningful review of its actions by the Federal judiciary have again failed to withstand Supreme Court review. This decision is a vindication for those of us who have maintained from the beginning that the administration's detention policies were not only unwise, but were also unconstitutional.

In the wake of the tragic attacks on September 11, 2001, toward the beginning of President Bush's first term in office, this country had an opportunity to come together to show that we could bring the perpetrators of heinous acts to justice, consistent with our history and our most deeply valued principles. I and others reached out to the White House to try to craft a thoughtful and effective bipartisan solution.

Instead, this White House, supported by the Republican leadership in Congress, pursued its goal of increasing executive power at the expense of the other branches. In so doing, they chose a path that disregarded basic rights, lessened our standing in the world, trampled some of our most deeply held values, and brought us no closer to delivering justice to those who have injured us.

At a recent Senate Judiciary Committee hearing, which explored the mistakes and missed opportunities of the past few years, we heard from Will Gunn, a retired U.S. Air Force colonel and the former chief defense counsel of the Military Commissions. He believes that "many of our detention policies and actions in creating the Guantanamo military commissions have seriously eroded fundamental American principles of the rule of law in the eyes of Americans and in the eyes of the rest of the world." Kate Martin, the Director of the Center for National Security Studies, said that the administration's decision to ignore the law of war and constitutional requirements had proved to be "disastrous," and that "[d]isrespect for the law has harmed, not enhanced, our national security."

I agree with these sobering assessments. I think that we are less safe as a result of the Bush administration's policies.

Some of us have tried in vain for years to move this country away from this destructive course, but, ironically, it has taken a conservative Supreme Court to remind this administration that the President's claim to unlimited power to override our laws is wrong. Boumediene is only the latest example of the Supreme Court decisively rejecting the administration's illegal and misguided policies.

In 2004, the Supreme Court decided two habeas-related cases Rasul and Hamdi. In those cases, the Court rejected the Bush administration's reckless and ill-advised attempts to deprive citizens and noncitizens of their right to challenge their indefinite detention in Federal court. I said at the time that these decisions "reaffirm the judiciary's role as a check and a balance, as the Constitution intends, on power grabs by other branches." I also called on the Republican-led Congress to "stop acting as a wholly owned subsidiary of this administration and to exercise its constitutional responsibility to rein in White House unilateralism and overreaching."

The following year the Republican-led Congress attempted to overrule the Supreme Court's Rasul decision by passing the Detainee Treatment Act, DTA. I spoke out against the habeas-stripping provisions contained in the DTA. I warned that "in order to uphold our commitment to the rule of law, we must allow detainees the right to challenge their detention in Federal court."

This effort to prevent people from using habeas procedures to challenge the basis for their detention in Federal court backfired. In a later decision in the Hamdan case the Supreme Court rejected the view that the DTA stripped the courts of jurisdiction over pending habeas cases. I applauded the Hamdan decision at the time as a "triumph for our constitutional system of checks and balances."

But once again, instead of following the Supreme Court's repeated reminders that our Government must respect our Constitution and laws, within weeks of the Hamdan decision, the last Congress, acting in complicity with the Bush administration, hastily passed the Military Commissions Act in the run-up to the 2006 mid-term elections. That bill sought, once again, to strip access to Federal courts for noncitizens determined to be enemy combatants or who were merely "awaiting determination." It aimed to take away habeas rights not just for detainees held at Guantanamo Bay, but also potentially for millions of lawful permanent residents working and paying taxes in this country.

I voted no. These were my words then:

> Over 200 years of jurisprudence in this country, and following an hour of debate, we get rid of it. My God, have the Members of this Senate gone back and read their oath of office upholding the Constitution? [W]e are about to put the darkest blot possible on this Nation's conscience.

Regrettably, the Federal appellate court in Washington, DC the same

court whose limited review was supposed to serve as a substitute for the Great Writ fumbled its opportunity to set things right. It held that the jurisdiction-stripping provisions did not violate the Constitution.

Those of us who recognized that Congress had committed a historic error when it recklessly eliminated the Great Writ of habeas corpus tried to reverse what had been done. But even with the support of several Republican Members of this body, Senator SPECTER and I fell 4 votes short of the 60 votes required to overcome a Republican filibuster of our effort last year to restore habeas rights by adding the Habeas Corpus Restoration Act as an amendment to the Department of Defense authorization bill.

In its Boumediene decision, the U.S. Supreme Court fulfilled its constitutional responsibility—a responsibility in which so many others had failed and upheld the Constitution and our core American values. After Boumediene, the administration's record in the Supreme Court on habeas is now 0 for 4. Four times it has sought to erode the time-honored habeas right that protects the liberties our forebears fought and died for. And four times the Supreme Court has repudiated these ill-advised efforts.

One cannot help but wonder where we would be in the fight against terrorism today had the Bush administration spent more time trying to catch and try terrorists, and less time trying to erode our time-honored constitutional traditions.

What did a majority of the conservative Supreme Court actually say in Boumediene? First, it reiterated that the Constitution extends to Guantanamo Bay, Cuba. So the Bush administration's cynical gambit to house detainees just miles from the Florida coast to avoid judicial scrutiny and accountability for its conduct has failed as a matter of constitutional law. As the opinion of the Supreme Court correctly recognizes, the basic protections represented by the Great Writ ''must not be subject to manipulation by those whose power it is designed to restrain.''

Second, the Supreme Court held that the administration's detention procedures put in place back in 2005 are a constitutionally inadequate substitute for habeas corpus. The Court found that the so-called combatant status review tribunals established to determine if detainees held at Guantanamo Bay have correctly been identified as enemy combatants are hopelessly flawed. I have maintained all along that it is unfair and un-American to detain anyone without judicial recourse based on proceedings that do not allow those held even the most basic due process rights.

Third, the Supreme Court held that the provisions of the Military Commissions Act that strip away all habeas rights for the Guantanamo detainees and others are unconstitutional.

The Supreme Court's opinion written by Justice Kennedy is quite eloquent and moving. While recognizing the executive authority and responsibility to apprehend and detain those who pose a real danger to our security, Justice Kennedy went on to note:

> Security subsists, too, in fidelity to freedom's first principles. Chief among those are freedom from arbitrary and unlawful restraint and the personal liberty that is secured by adherence to the separation of powers.

He wisely counsels that the Constitution is fundamental, that ''[o]ur basic charter cannot be contracted away,'' and that the Constitution is not something the administration is able ''to switch on and off at will.'' He rightly concludes:

> The laws and Constitution are designed to survive, and remain in force, in extraordinary times. Liberty and security can be reconciled; and in our system they are reconciled within the framework of the law. The Framers decided that habeas corpus, a right of first importance, must be a part of that framework, a part of that law.

The Supreme Court reaffirmed American values, our fundamental adherence to our Constitution and the rule of law, and our great strength in so doing.

What is surprising is not that the U.S. Supreme Court would follow through on the earlier holdings of its opinions by Justice O'Connor and Justice Stevens, himself a decorated combat veteran, but that the decision was not unanimous.

Justice Scalia's dissent reads like a threatening partisan statement from Vice President CHENEY's office rather than an independent judicial review of the case. He uses language about Islam that was rightly condemned as wrong and counterproductive by this administration's own intelligence community, and he repeats the administration's tragically mistaken mantra by lumping the various factions of Islam, including those in Iraq, as a monolithic ''enemy'' collectively responsible for the attacks on the United States on September 11. Most disappointing is that his hyperbolic rhetoric is hard to square with his own acknowledgement in the 2004 Hamdi case that habeas corpus is ''the very core of our liberty secured in our Anglo-Saxon system of separation of powers'' and that ''indefinite imprisonment on reasonable suspicion is not an available option of treatment for those accused of aiding the enemy, absent a suspension of the writ.''

What role should Congress play as the Federal judiciary begins to implement the Boumediene decision? According to Attorney General Mukasey in his recent remarks on the future of habeas, Congress should jump in the fray again in an election year. Although he does not even have legislation to propose, he asks Congress to act hastily to minimize judicial oversight and maximize executive power. The Attorney General seems to have adopted the Bush administration's mantra: ''Don't trust the courts.''

The Attorney General has it exactly wrong. Congress made a mistake in 2005 when it bent to the will of the Bush administration by passing the Detainee Treatment Act, which created the detainee review process that the Supreme Court has now determined is hopelessly inadequate. Congress made a mistake in 2006 when it bent to the will of the Bush administration by passing the Military Commission Act, which, as we now know, violated the U.S. Constitution in its efforts to stop the Federal courts from reviewing executive detention decisions.

It would be foolish to bend to the will of the Bush administration once again to try to weaken or circumvent the Boumediene decision. Worse, by hastily legislating now, we would risk perpetuating the terrible policy judgments of years past that have led us so far astray in the fight against terrorism.

I trust our Federal courts to get it right. Had we relied on them to dispense American justice, perhaps we would have accomplished more in the fight against terrorism over the last several years. Our courts have proven themselves up to the task of trying the likes of Zacarias Moussaoui and Jose Padilla in difficult, complex and sensitive federal proceedings where unlike the restricted rights available in habeas proceedings these defendants enjoyed the full panoply of constitutional protections. These men now stand convicted of terrorism-related offenses and they will spend the rest of their lives in prison, as they should. Just as I would not have questioned Attorney General Mukasey's ability to deal with terrorism-related prosecutions when he was a judge in Manhattan, I do not question the ability of the Federal judges in Washington, DC, to handle the habeas petitions from the detainees in Guantanamo Bay, Cuba responsibly and diligently—particularly where our courts have proved up to the task in so many actual criminal trials.

I was particularly disappointed to hear the Attorney General attempt to play on Americans' fears by suggesting that, in the wake of a Supreme Court decision affirming our core values, our national security will be somehow jeopardized if Congress does not act. He knows that no detainee has been set free as a result of the Boumediene decision, and that the government will have ample opportunity to justify its detention decisions on favorable standard of proof. He knows that Federal courts have successfully conducted terrorism cases using procedures derived from the Classified Information Procedures Act to ensure that classified information is safeguarded, and there

have been no leaks of information where those procedures have been employed. And he knows that the federal court in Washington, DC, is taking steps to streamline and consolidate habeas proceedings to avoid unnecessary litigation.

In fact, the Federal bench in Washington, DC, is working hard to follow the rule of the Supreme Court by ensuring a prompt, safe and orderly disposition of the 250 or so detainee habeas petitions. The judges, the Department of Justice, and lawyers for the detainees are now working to resolve key issues that will allow the cases to proceed in the months ahead.

The court has also taken steps on its own to consolidate common issues before one judge former Chief Judge Thomas F. Hogan—to streamline the review process as much as possible. In the meantime, for those detainees who have been charged under the law of war, the district court has ruled that the military commissions may proceed as planned, and that the right to habeas corpus will crystallize only once there is a final judgment.

The Bush administration can hardly complain if it takes the Federal district judges presiding over these habeas cases some time to resolve them. After all, it was the Bush administration that tried to avoid court scrutiny at all costs for the last 7 years. The Supreme Court having rejected this effort, the courts must now be permitted to do their jobs.

Is there anything that Congress should do at this time? One thing that Congress could and in my view should do is to pass the Habeas Corpus Restoration Act that Senator SPECTER and I introduced in the wake of the passage of the Detainee Treatment Act, and with which we sought to modify the Military Commissions Act. A bipartisan majority of the Senate voted with us last year when we were seeking to add it to the Department of Defense authorization bill, but we were forestalled by a filibuster. I trust that those who said they were not ready to join us last year because of the pendency of the Supreme Court case will join us now and do the right thing. It was Congress's mistake to pass the habeas stripping provisions of the Detainee Treatment Act and the Military Commissions Act, and we should correct it by passing our bill to amend the law. The Supreme Court has already declared those provisions unconstitutional and ineffective. In my view, it is a shame that the Supreme Court had to step in before we corrected our mistake.

These unconstitutional habeas-stripping provisions are a blot on the Senate, and on the Congress, and should not reside in our laws. We should reverse the Senate's action and correct its error. I do not want to see another Senate apologize years down the road for passing laws designed to strip habeas rights, as we have seen belated apologies for America's treatment of Native Americans, the internment of Japanese Americans, and other grievous errors in our past. I do not want a future Senate to look back with shame or have to issue an apology for unconstitutional legislation coming from this great body. Congress should pass the provisions of the Habeas Corpus Restoration Act.

Thereafter we will need to join together in the weeks and months ahead to rethink the misconceived legal framework that has been devised by this administration. We will need to work together—with each other, with the House and with the new administration—to supplement our laws, consistent with our Constitution and core values, and to restore our leadership in the world and more effectively defend our Nation. We can recapture the bipartisanship that we demonstrated in the days immediately following 9/11 and move forward, not as Democrats or Republicans, but as Americans.

The Supreme Court was explicit that its decision in Boumediene only reached the unconstitutional attempt to strip habeas corpus review from these detainees and that the Detainee Treatment Act and combatant status review tribunal process remain intact.

Likewise, the Attorney General and Department of Justice have said that the military commissions will continue, and a federal judge in Washington, DC, recently ruled against a detainee's effort to secure habeas review before his military commission was to commence.

I think we will need to review both processes. The military commission system is so deeply flawed that after close to seven years it has only just started its first trial. The world will never view those proceedings as fair or consistent with the rule of law. We are too strong and confident a nation to seek vengeance or be driven by fear. America is great in part because it does not shirk from its legal obligations but embraces them and lives by them. When America acts, as it did, to circumvent the law by holding prisoners off shore, to contract out torture to third parties, or to suspend the Great Writ, we are not the America envisioned by our Founders and preserved by every previous generation of Americans.

I look forward to working in the next session with Senator FEINSTEIN on her initiative to close the Guantanamo Bay facility, and begin to erase the damage it has done to the United States' reputation around the world. She has sponsored legislation to move us in that direction. I want to commend Senator WHITEHOUSE for his legislative proposal to establish a congressional commission to make nonpartisan recommendations to Congress on how best to proceed in the future. I know that Senators DURBIN and SPECTER introduced military commission bills back in 2002, around the same time that I did. We will need to work across committee lines and across the aisle, to involve not only the reconstituted Department of Justice, but also the Departments of Defense and State as we go forward. We will need to reconsider where else we went wrong and how to set the entire system on better, stronger foundations.

AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

Mr. SPECTER. Mr. President, I have sought recognition to recognize the Air Force Office of Special Investigations on its 60th anniversary, August 1, 2008.

The Office of Special Investigations was created in 1948 at the suggestion of the 80th Congress. The secretary of the Air Force, Stuart Symington, consolidated and centralized the investigative services of the U.S. Air Force to create an organization that would conduct independent and objective criminal investigations. Since 1948, the Office of Special Investigations has evolved to meet the changing needs of the Air Force. It has matured into a highly effective war-fighting unit while maintaining the standards of a greatly respected Federal law enforcement agency. The Office of Special Investigations has truly adapted to fulfill the needs of the U.S. Air Force in the 21st century.

At present, 3,200 men and women serve in the Air Force Office of Special Investigations. In more than 220 offices around the globe, these men and women perform the investigative work of the U.S. Air Force wherever and whenever they are needed. I am proud to be counted among the alumni of the Air Force Office of Special Investigations. I served as a young lieutenant in the Office of Special Investigations from 1951 through 1953 and was assigned to the Pennsylvania, West Virginia, and Delaware District. My experience allowed me to serve my country, hone my investigative skills, and prepare for a career in law and in Government.

It gives me great pleasure, to recognize and salute the Air Force Office of Special Investigations on the occasion of its 60th anniversary. In a time of unprecedented change and challenges, the Air Force Office of Special Investigations has answered the call of the Air Force, the Department of Defense, and the Nation.

JOBS, ENERGY, FAMILIES AND DISASTER RELIEF ACT

Mr. SPECTER. Mr. President, I have sought recognition to discuss my vote on July 28 against cloture—to end debate—on the motion to proceed to S. 3297, the so-called Reid omnibus bill or

''Coburn package.'' As I stated on the Senate floor Monday, July 28, it is my inclination that the majority leader called for a vote on cloture on proceeding to this bill in order to dislodge the pending legislation on oil speculation. By using his position of power, he seeks to force the Senate to prematurely move away from the No. 1 issue facing the people from my State and the Nation namely energy legislation.

I did not support cloture to move to the Reid omnibus bill not because I do not support many of its provisions, rather because I believe we should complete work on energy legislation before moving on to other matters. Further, I am seeking my right as a U.S. Senator to offer amendments to a bill in a fair and balanced legislative process.

For instance, Senator KOHL and I had a bipartisan amendment prepared to offer to the speculation bill that would have brought OPEC nations under U.S. antitrust laws to prohibit them from meeting in a room, lowering production and supply, and thus raising prices. Unfortunately, this effort was denied by the majority leader's blocking of amendments by filling the so-called amendment tree, disallowing mine and a number of other amendments that ought to be considered.

This procedure is nothing new for this majority leader who has filled the amendment tree on 15 occasions in the current 110th Congress, surpassing all other majority leaders in modern history. As a result of the majority leader's curtailing Senate procedure and amendments, I have been faced with voting against cloture on measures I would have ordinarily supported including this past Saturday's vote on LIHEAP. I have also opposed cloture in instances such as the Lieberman-Warner global warming bill which was considered the first week of June—2 to 6. In that case, the majority leader filled the amendment tree at the first opportunity and filed cloture on the bill without ever allowing consideration of amendments. The 5-day debate culminated in a fait accompli cloture vote that failed on June 6.

Most recently, I voted against cloture to move to the Reid omnibus bill that was a conglomeration of legislation that has been described as noncontroversial and may benefit a wide variety of interests. As I stated on the Senate floor on Monday, July 28, I am supportive of most, if not all of the substance in this bill. In fact, I am a cosponsor of six of the items.

I support and have worked to pass a number of the Judiciary Committee-related bills in the proposed omnibus. For example, I am an original cosponsor of the Runaway and Homeless Youth Protection Act, S. 2982, which makes changes in the grant program for centers for runaway youths. I am also a cosponsor of the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008, S. 2304, which would provide grants for the improved mental health treatment and services provided to offenders with mental illness. In addition, I am a cosponsor of the Emmett Till Unsolved Civil Rights Crime Act, S. 535, which authorizes funding to solve pre-1970 civil rights crimes. Moreover, in committee, I supported a Federal commission to commemorate the bicentennial of the writing of the Star-Spangled Banner and the War of 1812, S. 1079.

Additionally, I voted in favor of the following child protection bills which were passed by the Judiciary Committee: The Combating Child Exploitation Act of 2008, S. 1738, which authorizes grants to combat child exploitation; and the Drug Endangered Children Act of 2007, S. 1210, which extends a grant program directed at drug-endangered children.

I directed my staff to work to clear the child exploitation bills from the omnibus package in the same manner I worked to pass the Adam Walsh Act without extraneous add-ons during the 109th Congress. To that end, my staff worked with Senator COBURN's staff to draft a proposed compromise child exploitation bill that includes the key provisions of the child pornography and exploitation legislation in the proposed omnibus, as well as important legislation to strengthen the powers of the National Center for Missing and Exploited Children, the SAFE Act, which was omitted from the omnibus bill.

My support is also invested in efforts to maintain the natural beauty of the Chesapeake Bay Watershed while simultaneously preserving its resources for the communities it serves. S. 2707, The Chesapeake Bay Gateways and Water Trails Network Continuing Authorization Act, will permanently authorize appropriations for these vital programs. I cosponsored this legislation because I believe it is a critical organization whose mission to protect the bay is vital for the communities affected by this watershed.

Another environmental act I have fervently supported and of which I am an original cosponsor, is S. 496, the Appalachian Regional Development Act Amendments of 2008. The bill renews the Appalachian Regional Commission for 5 years—2007–2011—and authorizes $510 million to be appropriated over that timeframe for the Commission's economic development activities in distressed rural counties.

Numerous health care provisions I have worked hard for can also be found in this package, including S. 1382, which establishes a registry of those suffering from amyotrophic lateral sclerosis, ALS, better known as Lou Gehrig's disease. The registry will gather data about those who are diagnosed with the disease to better understand and research the illness. As Ranking Member of the Labor, Health and Human Services and Education—LHHS—Appropriations Subcommittee, I support research and an ALS registry. I worked to provide $39 million for NIH research of ALS in 2008 and $2.8 million to plan the ALS registry.

I am also a cosponsor of S. 1183, the Christopher and Dana Reeve Paralysis Act, to expand paralysis research at the National Institutes of Health, NIH, and set up a network to allow patients and their families to quickly learn the result of clinical trials on paralysis rehabilitation drugs. The LHHS fiscal year 2008 appropriations bill provided $64 million for NIH spinal cord research.

The package also included bills, H.R. 3112, S. 1810 intended to create a new Federal grant program to pay for information and support services regarding Down syndrome and other prenatally or postnatally diagnosed conditions. While awaiting these authorization bills, I have worked with Senator HARKIN to get a jump start on these much-needed activities by including $1 million to establish the congenital disabilities program in the fiscal year 2009 Labor, HHS, and Education Appropriations bill. In addition, the Labor-HHS Subcommittee provided almost $1 million to the CDC in fiscal year 2009 for awareness activities related to Down syndrome.

One of the bills, H.R. 477, would permit the issuing of grants to states for stroke care systems. As ranking member of the Labor-HHS Appropriations Subcommittee, I have worked to increase CDC funding for heart disease and stroke activities in the States to over $50 million and NIH funding for stroke research to over $340 million in fiscal year 2008.

Another bill, S 1375, would establish a grant program for services to mothers suffering from postpartum depression. As ranking member of the Labor-HHS Appropriations Subcommittee, I have worked with Chairman HARKIN to include $4.9 million for a first-time motherhood initiative within the maternal and child health block grant.

I also support S. 675, the Training for Realtime Writers Act of 2007. The Telecommunications Act of 1996 requires 100 percent closed captioning for all new English broadcast programming by January 1, 2006. That deadline has come and gone. There are not enough real time writers and captioners to meet this unfunded mandate out in the workforce. Furthermore, the Telecommunications Act of 1996 requires 100 percent closed captioning for all new Spanish broadcast programming by January 1, 2010. America is very far

from achieving this goal. S. 675 will assist with training the workforce to provide closed captioning for the 30 million Americans who are deaf or hard-of-hearing.

I support H.R. 3320, the Support for the Museum of the History of Polish Jews Act of 2007, which requires assistance from the Department of State to support the development of a permanent collection at the Museum of the History of Polish Jews in Warsaw, Poland. It is in the national interest of the United States to encourage the preservation and protection of artifacts associated with the heritage of U.S. citizens who trace their forbearers to other countries and to encourage the collection and dissemination of knowledge about that heritage. Most recently, I traveled to Poland on August 27, 2007, and observed fist hand the importance of museums that examine Poland in WW II, specifically the Polish uprising and the Home Army. The Museum of the History of Polish Jews will complement the current museum facilities in Warsaw by preserving and presenting the history of the Jewish people in Poland, which had the largest Jewish population in Europe at the beginning of World War II.

Having outlined a number of priorities and areas of support I have with this omnibus bill, let the record show that I support the package as a whole. However, as evidenced by my vote against cloture on the motion to proceed to the bill, I believe the energy situation is too important to set aside until we have completed or frankly even started our work on it by allowing amendments to be considered. It has been said on this floor that explaining opposition to this omnibus bill to our constituents will be difficult. While this premonition may have some merit, I trust that the people of Pennsylvania and the Nation will support efforts to deal with high energy prices and encouraging the kind of open and fair debate that leads to better policies across the board.

I reinitiate my suggestion that the Senate stay in session during the month of August, if the majority leader would hold a legitimate session that provides the kind of deliberation that has led many to call the U.S. Senate ''the greatest deliberative body in the world.'' Members of this body should be prepared to work as long and hard as necessary in order to reach a solution to the energy crisis not based upon political appeasement, but results. It is time we allow debate and compromise to reverberate through this chamber as we find areas of agreement in the best tradition of the Senate.

NOMINATION OF JAMES A. WILLIAMS

Mr. GRASSLEY. Mr. President, I, Senator CHUCK GRASSLEY of Iowa, intend to object to proceeding to any unanimous consent agreement pertaining to the nomination of Mr. James A. Williams to be the Administrator of the General Services Administration.

The Committee on Homeland Security and Governmental Affairs voted to report the Williams nomination favorably to the full Senate on July 30, 2008.

I oppose this nomination because of Mr. Williams's actions in connection with the renegotiation of a contract with Sun Microsystems in August–September 2006. I have outlined my concerns about this matter in detail in a speech on the floor on July 24, 2008. That statement appears on pages S7272–S7274 of the RECORD.

Mr. President, I would like to inform my colleagues that I have requested to be notified of any unanimous consent agreement that would allow for the consideration of the nomination of Mr. James A. Williams to be the Administrator of the General Services Administration, GSA.

I intend to reserve my right to object to any such request.

I expressed my opposition to this nomination in a floor statement on July 24, 2008, and in a letter to the chairman of the Committee on Homeland Security and Governmental Affairs on the same date. My letter to Chairman LIEBERMAN appears in the RECORD on page S7273 at the conclusion of my speech.

My opposition to this nomination is based on the results of an in-depth oversight investigation conducted by my staff in 2006–2007. This investigation examined the actions of Mr. Williams, former Administrator Doan, and several other senior agency officials in the contract negotiations with Sun Microsystems, Inc. in May–September 2006. There were: No. 1. allegations of fraud on the Sun contract that was being renegotiated; No. 2. Mr. Williams and Ms. Doan had knowledge of the alleged fraud; and No. 3. allegations that Mr. Williams and Ms. Doan had improperly interfered in the ongoing negotiations and put pressure on the contracting officer to sign what was considered a bad contract. I presented the findings of this investigation in a floor statement on October 17, 2007, which appears on pages S12952–12954 of the RECORD.

At Mr. Williams's hearing on July 25, the committee did ask him some tough questions about his knowledge of the alleged fraud and his role in the Sun contract negotiations. However, Mr. Williams's response was less than complete, and there was little or no followup by the committee. I am preparing followup questions for Mr. Williams, asking him for more details.

All the evidence developed in my oversight investigation points to the existence of serious unresolved issues involving Mr. Williams role in this matter. Based on what I know today, I do not believe that Mr. Williams should be promoted to high office. He placed the well-being of the GSA before the interests of all the hard-working American taxpayers, who he was sworn to protect. There needs to be some accountability in the Federal contracting system for blunders and missteps during the Sun contract negotiations.

I may have more to say on this subject at a later date.

PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Mr. President, I have been examining several doctors at universities across the country to see if they are complying with the financial disclosure policies of the National Institutes of Health. I ask unanimous consent to have my latest letters to Stanford University and to the National Institutes of Health printed in the RECORD.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, July 30, 2008.

Dr. JOHN L. HENNESSY,
President, Stanford University, Office of the President, Stanford, CA.

DEAR DR. HENNESSY: First, I would like to thank you for your prompt attention to the matter involving payments made by pharmaceutical companies to Dr. Alan Schatzberg, Chairman of the Department of Psychiatry at Stanford University (Stanford/University). Investigators with the Senate Finance Committee (Committee) believe that the following chart provides a better representation of Dr. Schatzberg's disclosures to Stanford and company reports to the Committee.

Committee investigators understand that differences in reporting requirements and accounting methods may result in differences between Dr. Schatzberg's reports and reports from companies that can only be explained in writing. The Committee understands that Stanford will provide a comprehensive response to the initial letter sometime soon, which will include these details. Stanford has notified the Committee that any discrepancies in the chart are most likely due to differences in accounting between Stanford and the various companies contacted by the Committee.

As Stanford pointed out in a public statement, there was an error in the chart that the Committee sent to you regarding payments from Eli Lilly to Dr. Schatzberg in 2007. That chart stated that Dr. Schatzberg had ''not reported'' this money when in fact he had. Therefore, this letter is being placed in the congressional record to correct the official record.

Stanford also noted that Dr. Schatzberg's reports on payments from Eli Lilly in 2004 include compensation of less than $10,000 for advisory board activities and $10,000 to $50,000 for honoraria for papers, lectures and consulting. This also matches the footnote in the Committee's chart and appears to capture all the monies reported by Eli Lilly ($52,134) for that year.

However, Committee investigators still have concerns regarding Johnson & Johnson's report of paying Dr. Schatzberg $22,000

in 2002. According to Stanford's statement, ''Dr. Schatzberg did disclose this payment to the university and also reported it to the Committee. He disclosed the $22,000 payment from Jannsen, the wholly-owned subsidiary of Johnson & Johnson that made the payment.'' The reason that we continue to be concerned is because Dr. Schatzberg reported less than $10,000 from Jannsen for academic year 2002 (September 2, 2001 through August 31, 2002) and less than $10,000 for academic year 2003 (September 1, 2002 through August 31, 2003). Johnson & Johnson did not delineate payments from subsidiaries such as Jannsen when it reported the information to the Committee. Johnson & Johnson reported a payment of ''fee for services'' of $22,000 to Dr. Schatzberg on August 19, 2002. Even noting differences in accounting methods, Dr. Schatzberg's reports on Jannsen do not appear to fully explain the discrepancy.

Inconsistencies also appear among the payments reported to us by Eli Lilly in 2002. Eli Lilly reported paying Dr. Schatzberg $19,788 that calendar year. However, Dr. Schatzberg reported that he received less than $10,000 from Eli Lilly for academic year 2002 (September 2, 2001 through August 31, 2002) and more than $10,000 for academic year 2003 (September 1, 2002 through August 31, 2003). Noting possible differences in accounting methods, Dr. Schatzberg's reports on Eli Lilly may explain the discrepancy, but only if one combined the 2002 and 2003 academic years.

Further, based on documents in our possession, it appears that Wyeth paid Dr. Schatzberg for testifying as an expert witness in 2006. This work was in response to lawsuits brought against Wyeth regarding its antidepressant, Effexor. As Dr. Schatzberg wrote in an undated expert report on behalf of Wyeth, ''My hourly rate for review of materials or for testimony is $500.'' Dr. Schatzberg was apparently an expert witness in at least two cases for Wyeth, but payments for this work cannot be found in his reports of outside income to Stanford. Therefore, I would appreciate your clarification of Dr. Schatzberg's expert witness fees and how they are recorded on Stanford's financial disclosure forms.

Thank you again for your continued cooperation and assistance in this matter. I look forward to a complete response to outstanding questions in the near future. If you have any questions, please do not hesitate to contact Paul Thacker at (202) 224–4515.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

Attachment.

SELECTED DISCLOSURES BY DR. SCHATZBERG AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES AND DEVICE MANUFACTURERS

Year	Company	Disclosure filed with institution (academic year)	Amount company reported (calendar year)
2000	Bristol Myers Squibb	No amount provided	$1,000
	Eli Lilly	No amount provided	$10,070
2001	Bristol Myers Squibb	No amount provided	$4,147
	Corcept Therapeutics	>$10,000<$50,000 [1]	n/a
	Eli Lilly	<$10,000 [2]	$10,788
2002	Bristol-Myers Squibb	No amount provided	$2,134
	Corcept Therapeutics	>$100,000 [3]	n/a
	Corcept Therapeutics	<$10,000 [1]	n/a
	Corcept Therapeutics	<$10,000 [4]	n/a
	Eli Lilly	<$10,000	$19,788
	Johnson & Johnson (Jannsen).	<$20,000 [5]	$22,000
2003			
	Bristol-Myers Squibb	No amount provided	$4,000
Corcept Therapeutics	<$10,000 [4]	n/a.	
	Corcept Therapeutics	>$10,000<$50,000 [1]	n/a

SELECTED DISCLOSURES BY DR. SCHATZBERG AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES AND DEVICE MANUFACTURERS—Continued

Year	Company	Disclosure filed with institution (academic year)	Amount company reported (calendar year)
	Corcept Therapeutics	>$100,000 [3]	n/a
	Eli Lilly	>$10,000	$18,157
2004	Bristol-Myers Squibb	<$10,000	$0
	Corcept Therapeutics	>$10,000<$50,000 [1]	n/a
	Corcept Therapeutics	$100,000 [3]	n/a
	Eli Lilly	<$110,000	$52,134
	Pfizer	Not reported	$2,500
Reporting by Calendar Year			
2005	Bristol-Myers Squibb	<$10,000	$0
	Corcept Therapeutics	>$10,000<$50,000 [1]	n/a
	Corcept Therapeutics	>$100,000 [3]	n/a
	Eli Lilly	>$10,000<$50,000	$9,500
	Pfizer	No amount provided	$2,000
2006	Bristol-Myers Squibb	Not reported	[6] $6,000
	Corcept Therapeutics	<$10,000 [4]	n/a
	Corcept Therapeutics	>$10,000<$50,000 [1]	n/a
	Corcept Therapeutics	>$100,000 [3]	n/a
	Eli Lilly	>$10,000<$50,000	$20,500
	Pfizer	Not reported	$300
2007	Eli Lilly	<$60,000	$10,063

[1] Physician disclosed payment for a variety services including Advisory Board Membership, Board of Directors, and consulting.

[2] Physician disclosed <$10,000 for academic year 2001. No amount provided for prior academic year.

[3] Physician disclosed equity value.

[4] Physician disclosed payment for royalties from Stanford's licensing agreement with Corcept Therapeutics.

[5] This sum combines two academic years.

[6] Bristol-Myers Squibb stated that Stanford intended to pay Dr. Schatzberg $6,000 for conducting an annual course for which the company provides a grant.

Note 1: When a Physician named a company in a disclosure but did not provide an amount, the text reads ''no amount reported.'' Stanford has noted that amounts were not required in each specific case. When a Physician did not list the company in the disclosure, the column reads ''not reported.'' The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

Note 2: The Committee was not able to estimate the total amount of payments disclosed by Dr. Schatzberg during the period January 2000 through June 2007 due to the fact that some amounts were not provided and in other instances ranges were used. Information reported by the pharmaceutical companies indicate that their reports do not match Dr. Schatzberg's disclosures.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, July 31, 2008.

Dr. JOHN L. HENNESSY,
President, Stanford University, Office of the President, Stanford, CA.

DEAR DR. HENNESSY: The Senate Finance Committee (Committee) recently sent you a letter attempting to clarify discrepancies in a chart comparing reports of payments made by several pharmaceutical companies against disclosures of outside income filed by Dr. Alan Schatzberg, a psychiatrist at Stanford (Stanford/University). As Committee investigators explained to Stanford officials, we have further questions regarding Dr. Schatzberg's grants from the National Institutes of Health and his relationship with Corcept Therapeutics (Corcept/Company). Corcept was founded in part by Dr. Schatzberg, who has several million dollars of equity in that company.

In addition, I am interested in understanding Stanford's involvement with Dr. Schatzberg and Corcept. Dr. Schatzberg received grants from the National Institutes of Health (NIH) to study mifepristone and major depression. At the same time, Dr. Schatzberg received compensation from Corcept and had a large equity interest in the Company. This equity could grow dramatically if the results of Dr. Schatzberg's government sponsored research find that mifepristone could be used to treat psychotic major depression.

I have come to understand, based on documents provided to me by Stanford, that your institution had and may still have a financial relationship with Corcept. This agreement has resulted in Stanford paying Dr. Schatzberg royalties. For instance, Dr. Schatzberg reported in his Stanford disclosures that he received payments of less than $10,000 for royalties from Stanford's licensing agreement with Corcept Therapeutics. These payments were made in 2002, 2003, and 2006.

As is well established, the NIH relies on universities to manage the conflicts that exist between a grantee and any outside financial interests. However, not only does Dr. Schatzberg have a financial interest in Corcept, but Stanford also had a relationship with Corcept and may still at this time. These facts raise multiple questions and concerns. For example, how can Stanford manage Dr. Schatzberg's conflicts of interest with Corcept, when Stanford apparently has a similar conflict of interest? Furthermore, when did Stanford notify the NIH of this conflict?

Additionally, I have many questions and concerns about Stanford's recent press statement regarding how it managed Dr. Schatzberg's conflicts of interest with Corcept. In that statement, Stanford claimed that steps to manage this conflict ''included his not participating in any human subjects research involving mifepristone. . . .'' However, based upon a search of published literature, Dr. Schatzberg's name appears as the author of several published studies involving human subjects research and mifepristone. Most of these studies were funded by NIH although one study was funded by Corcept and another one was funded by both the NIH and Corcept. These studies include:

2002—Dr. Schatzberg was the final author on a paper in Biological Psychiatry that reported on a trial to study mifepristone to treat psychotic major depression in 30 patients. The study listed support by Corcept along with two grants from the National Institute of Mental Health (MH50604 and T–32MH19983), which is one of the NIH's institutes. Dr. Schatzberg is the primary investigator for grant MH50604.

2006—Dr. Schatzberg published a study involving human subjects treated with mifepristone for psychotic major depression. This study was supported by several NIH grants. Dr. Schatzberg is the primary investigator for three of these grants (R01 MH50604, R01 MH47573, T32 MH019938). In the acknowledgements section of the paper, Dr. Schatzberg disclosed that he had a financial interest in Corcept which has a licensing agreement for mifepristone. Dr. Schatzberg also disclosed that he *''played no direct role in the recruitment, assessment, or follow-up of subjects enrolled in this study,'' and ''was not directly involved in the analysis of data stemming from this research.'' (emphasis added)*

I am not in a position to interpret the disclosures and apparent recusals from research involvement made by Dr. Schatzberg in the 2006 study, however, I am seeking guidance from Stanford regarding its duties to ''manage'' conflicts in light of a possible contradiction. According to the ''NIH Grants Policy Statement,'' the primary investigator of an NIH grant is ''responsible for the scientific or technical aspects of the grant and for day-to-day management of the project or program.'' So, the question arises: how could Dr. Schatzberg monitor the research funded with his NIH grants if he was not involved closely in the study?

I also would appreciate your guidance on how Dr. Schatzberg could have been recused from involvement in research when he is listed as the primary investigator for several trials. For instance, Stanford's website has a clinical trials directory, which lists Dr.

Schatzberg as a co-investigator for a trial seeking to enroll 20 patients in a study using mifepristone to treat patients with psychotic major depression. The anticipated start of the trial was January 1, 2003 and the listed collaborator for the trial is the NIH.

Dr. Schatzberg is also listed as the primary investigator on ClinicalTrials.gov for another study that began in 2005 to treat depressed patients with mifepristone. This NIH funded trial is listed as active, but not recruiting patients. The estimated enrollment was 100 patients in this randomized, double-blind, placebo-controlled study. In addition, Dr. Schatzberg is listed on ClinicalTrials.gov as the ''study director'' for a phase III clinical trial to ''evaluate the effectiveness of mifepristone to treat adults with psychotic major depression.'' This trial is also funded by the NIH and is now actively recruiting patients.

Further, Stanford acknowledges in its press statement that it ''received a small amount of equity in Corcept under a technology license.'' However, Stanford did not explain when this relationship began or ended. And according to Dr. Schatzberg's 2006 study, Stanford's Institutional Review Board (IRB), which is responsible for approving study protocols, approved his research plan. This raises even more questions regarding how Stanford's IRB could remain independent, especially since Stanford had a financial stake in ensuring that the study protocol was approved. I seek your thoughts on this issue as well.

Finally, last February the Association of American Medical Colleges (AAMC) released guidelines governing conflicts of interest. The AAMC advised that institutions report conflicts of interest ''in any substantive public communication of the research results.'' However, when Stanford issued a press release regarding the results of Dr. Schatzberg's research on mifepristone, the statement did not note if Dr. Schatzberg and/or Stanford had a financial interests in the research findings. Stanford missed another opportunity to disclose financial interests in a story that ran in the Stanford Report which reported on Dr. Schatzberg's mifepristone research.

I would also like to better understand Stanford's current and past financial relationship with Corcept. Accordingly, please respond to the following questions and requests for information. The time span for this request covers 1995 to the present. For each response, please repeat the enumerated request and follow with the appropriate answer.

(1) Please explain Stanford's previous and current financial relationship with Corcept Therapeutics. This response should include the date when Stanford first established a relationship with Corcept Therapeutics, the nature of that relationship, and the date when Stanford divested itself of any financial relationship(s) with Corcept. Also, detail any financial transactions between Stanford and Corcept Therapeutics (i.e. has Stanford invested in Corcept or has Corcept paid a licensing fee to Stanford).

(2) Please provide a list of all patents and licenses held by Dr. Schatzberg. For each patent and/or license, please provide the following:

(a) Provide a summary of the patent/license.

(b) When was the patent/license first issued?

(c) For each patent/license, please list any companies that have a financial interest in the success of that patent/license.

(d) Please provide an accounting of any compensation paid to Dr. Schatzberg for any patent/license, detailed by dollar amount and year.

(3) Please provide a list of all studies published by Dr. Schatzberg that involve mifepristone or major depression. For each study, please provide the following:

(a) Please list the grant(s) which funded each study, in whole or in part.

(b) If an author listed on the study was at Stanford, please list their department, supervisor, and financial support, at that time.

(4) For each study identified above, please provide the name of each member of the Institutional Review Board (IRB) that approved the study protocol. For each IRB, please provide the following information:

(a) Please provide minutes of the IRB meeting when that study was discussed.

(b) Please explain if the IRB considered financial interests of study investigators and/or Stanford in approving the study protocols.

(c) Please explain if the IRB required reporting of conflicts of interests to human subjects participating in the study.

(d) Please provide a point of contact for the IRB.

(5) According to federal regulations, ''prior to the Institution's expenditure of any funds under the award, the Institution will report to the [Public Health Service] Awarding Component the existence of a conflicting interest (but not the nature of the interest or other details) found by the institution and assure that the interest has been managed, reduced or eliminated.'' Please provide the date and supporting documents that show when Stanford determined that Dr. Schatzberg had a conflict of interest regarding his federal funding of mifespristone research.

(6) Please provide the date and supporting documents that show when Stanford reported this conflict to the NIH.

(7) Please provide the following information on Corcept:

(a) When did Dr. Schatzberg create Corcept?

(b) When did Corcept apply to the FDA for approval of mifepristone to treat psychotic major depression?

(c) When did Dr. Schatzberg first become vested in the company?

(8) Please explain how Stanford manages a conflict of interest with NIH funded researchers if Stanford has a financial interest in the outcome of the study.

(9) According to Stanford's press statement, ''In addition, NIH reviews its data through its Data Safety and Monitoring Board structures.'' Please provide documentation that a Data Safety Monitoring Board (DSMB) at the NIH has been apprised of Dr. Schatzberg's and/or Stanford's financial interests in Corcept.

(10) The AAMC advises institutions to report conflicts of interest ''in any substantive public communication of the research results.'' Please explain Stanford's policies for reporting conflicts of interest in press releases and other publications controlled by Stanford.

(11) Dr. Schatzberg has reported in a 2006 publication that he ''played no direct role in the recruitment, assessment, or follow-up of subjects enrolled in this study,'' and ''was not directly involved in the analysis of data stemming from this research.'' Please explain how, with such constraints, Dr. Schatzberg was able to monitor the spending of his NIH grants.

Thank you again for your continued cooperation and assistance in this matter. As you know, in cooperating with the Committee's review, no documents, records, data or information related to these matters shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.

I look forward to hearing from you by no later than August 14, 2008. All documents responsive to this request should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, July 31, 2008.

ELIAS A. ZERHOUNI, M.D.,
Director, National Institutes of Health, Bethesda, MD

DEAR DIRECTOR ZERHOUNI: As a senior member of the United States Senate and the Ranking Member of the Committee on Finance (Committee), I have a duty under the Constitution to conduct oversight into the actions of executive branch agencies, including the activities of the National Institutes of Health (NIH/Agency). In this capacity, I must ensure that NIH properly fulfills its mission to advance the public's welfare and makes responsible use of the public funding provided for medical studies. This research often forms the basis for action taken by the Medicare and Medicaid programs.

I would like to follow up with you on my concerns about the lack of oversight regarding conflicts of interest relating to the almost $24 billion in annual extramural funds that are distributed by the NIH. I appreciate the comments you made recently during the NIH appropriations hearing where you mentioned several times that we need more ''sunshine.'' I could not agree more.

I recently sent several letters to Stanford University (Stanford/University) regarding Dr. Alan Schatzberg, chair of Stanford's department of psychiatry. I am attaching those letters for your review and consideration.

According to information found on the NIH's CRISP database of extramural grants, Dr. Schatzberg has/had NIH grants to study mifepristone as well as major depression. At the same time it appears that he has also had an ongoing financial relationship with Corcept Therapeutics (Corcept/Company). Corcept is seeking approval from the Food and Drug Administration for mifepristone to treat psychotic major depression. Corcept was founded (in part) by Dr. Schatzberg and he has several million dollars of equity in the company. Dr. Schatzberg has also received payments over several years from Corcept and has received payments directly from Stanford because of its licensing agreement with Corcept for mifepristone.

The intertwined relationship between Stanford, Dr. Schatzberg, and Corcept was first reported in 2006 in a two-part series that ran in the San Jose Mercury News. In light of this article, I am interested in understanding if the NIH investigated potential conflicts of interest after this series appeared. I would also like to know when Stanford first notified the NIH that Dr. Schatzberg had a conflict of interest regarding his large equity interest in Corcept.

Stanford's attempts to manage Dr. Schatzberg's conflicts of interest and his NIH grants raise several questions. According to Stanford's recent press statement, this management ''included his not participating in any human subjects research involving mifepristone. . . .'' However, Dr.

Schatzberg's name appears as the author of several published studies involving human subjects research and mifepristone. One of these studies was funded by Corcept, some were funded by the NIH, and one was funded by both Corcept and the NIH.

For instance, in 2006, Dr. Schatzberg published a study involving human subjects treated with mifepristone for psychotic major depression. This study was supported by several NIH grants. In the acknowledgements section of the paper, Dr. Schatzberg disclosed that he had a financial interest in Corcept Therapeutics, which has a licensing agreement for mifepristone. Dr. Schatzberg also disclosed that he ''played no direct role in the recruitment, assessment, or follow-up of subjects enrolled in this study,'' and ''was not directly involved in the analysis of data stemming from this research.'' This disclosure raises some interesting questions regarding Dr. Schatzberg's involvement in the study. Specifically, how could Dr. Schatzberg monitor the research funded with his NIH grants if he was not involved closely in the study?

Dr. Schatzberg was also a lead investigator in a study on mifepristone for treating psychotic major depression back in 2002. This study was supported by a grant from Corcept along with related support from the National Institute of Mental Health (NIMH), one of the NIH's institutes. I am wondering how such grants are provided and how the possible conflict of interests are managed and by whom.

Furthermore, Dr. Schatzberg is listed as the primary investigator on ClinicalTrials.gov for another study to treat patients with depression with mifepristone, which began in 2005. This NIH funded trial is listed as active but is not recruiting patients. The estimated enrollment was for 100 patients in this randomized, double-blind, placebo-controlled study. Also, Dr. Schatzberg is listed on ClinicalTrials.gov as the ''study director'' for a phase III clinical trial to ''evaluate the effectiveness of mifepristone to treat adults with psychotic major depression.'' This trial is also funded by the NIH and is now actively recruiting patients.

According to the ''NIH Grants Policy Statement'' the primary investigator of an NIH grant is ''responsible for the scientific or technical aspects of the grant and for day-to-day management of the project or program.'' So the question arises: how could Dr. Schatzberg monitor the research funded with his NIH grants if he was not involved closely in the study?

I also understand that Stanford had a licensing agreement with Corcept and was paying royalties to Dr. Schatzberg for several years. Again, I am wondering how Stanford could manage Dr. Schatzberg's conflicts when it also has a financial interest in the company and the research outcome.

I would appreciate a greater understanding of Stanford's role in ''managing'' Dr. Schatzberg's conflicts of interest regarding his NIH grants to study mifepristone. Accordingly, please respond to the following questions and requests for information. The time span of this request covers 1995 to the present. For each response, please repeat the enumerated request and follow with the appropriate answer.

1. Following the series by the San Jose Mercury News, did the NIH examine Stanford's management of Dr. Schatzberg's conflicts of interest? If yes, please provide me with copies of all pertinent documents and communications. If not, why not?

2. According to the ''NIH Grants Policy Statement,'' Dr. Schatzberg's role as the primary investigator of his NIH grants is to be ''responsible for the scientific or technical aspects of the grant and for day-to-day management of the project or program.'' How can Dr. Schatzberg live up to these obligations when Stanford's press statement claims that he ''played no direct role in the recruitment, assessment, or follow-up of subjects enrolled in this study,'' and ''was not directly involved in the analysis of data stemming from this research''?

3. Does the NIH allow researchers to recuse themselves from involvement in the research funded by their own NIH grants? If yes, did the NIH allow Dr. Schatzberg to recuse himself from any of the grants made to him by the NIH?

4. Please provide a list of all NIH grants received by Dr. Schatzberg. For each grant, please provide the following: a. Name of grant; b. Topic of grant; and c. Amount of funding for grant.

5. Please provide a list of any other interactions that Dr. Schatzberg has had with the NIH to include membership on advisory boards, peer review on grants, or the like. The span of this request covers 1998 to the present.

6. Stanford has claimed that Dr. Schatzberg's research has been monitored by an NIH Data Safety Monitoring Board (DSMB). Does the NIH DSMB provide oversight of conflicts of interest for a study? If so, please explain. If not, why not?

I look forward to hearing from you by no later than August 14, 2008. If you have any questions, please contact my Committee staff, Paul Thacker at (202) 224–4515. Any formal correspondence should be sent electronically in PDF searchable format to Brian_Downey@finance-rep.senate.gov.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

CHANGES TO S. CON. RES. 70

Mr. CONRAD. Mr. President, section 222 of S. Con. Res. 70, the 2009 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other levels in the resolution for legislation improving education, including legislation that makes higher education more accessible or more affordable. The revisions are contingent on certain conditions being met, including that such legislation not worsen the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

I find that the conference report to accompany H.R. 4137, the Higher Education Opportunity Act, satisfies the conditions of the reserve fund for improving education. Therefore, pursuant to section 222, I am adjusting the aggregates in the 2009 budget resolution, as well as the allocation provided to the Senate Health, Education, Labor, and Pensions Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 70 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 222 DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING EDUCATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2008	1,875.401
FY 2009	2,029.653
FY 2010	2,204.695
FY 2011	2,413.285
FY 2012	2,506.063
FY 2013	2,626.571
(1)(B) Change in Federal Revenues:	
FY 2008	−3.999
FY 2009	−67.746
FY 2010	21.297
FY 2011	−14.785
FY 2012	−151.532
FY 2013	−123.648
(2) New Budget Authority:	
FY 2008	2,564.237
FY 2009	2,538.292
FY 2010	2,566.671
FY 2011	2,692.511
FY 2012	2,734.155
FY 2013	2,858.894
(3) Budget Outlays:	
FY 2008	2,466.678
FY 2009	2,573.270
FY 2010	2,625.593
FY 2011	2,711.470
FY 2012	2,719.582
FY 2013	2,852.035

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 222 DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING EDUCATION

In millions of dollars

Current Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2008 Budget Authority	9,874
FY 2008 Outlays	9,745
FY 2009 Budget Authority	9,349
FY 2009 Outlays	8,088
FY 2009–2013 Budget Authority	62,263
FY 2009–2013 Outlays	60,084
Adjustments:	
FY 2008 Budget Authority	−10
FY 2008 Outlays	*
FY 2009 Budget Authority	−9
FY 2009 Outlays	−114
FY 2009–2013 Budget Authority	36
FY 2009–2013 Outlays	−60
Revised Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2008 Budget Authority	9,864
FY 2008 Outlays	9,745
FY 2009 Budget Authority	9,340
FY 2009 Outlays	7,974
FY 2009–2013 Budget Authority	62,299
FY 2009–2013 Outlays	60,024

*less than $500,000.

CHILDREN'S DEATHS BY FIREARMS

Mr. LEVIN. Mr. President, after more than a decade of decline, the number of children and teens killed by firearms is again increasing. I would like to take a moment to break down some of the statistics that contribute to this alarming fact. An analysis of firearm violence data by the Children's Defense Fund found that 3,006 children and teens were killed by guns in 2005. This marked the first time that more than 3,000 kids were killed by firearms in many years and the first yearly increase in the number of children's

deaths since 1994. Broken down, this amounts to 1 child or teen dying every 3 hours in America, 8 children a day, or 58 children every week.

Firearms are the cause of death of more children between the ages of 10 and 19 than any other cause except car accidents. In 2005 alone, a shocking 69 preschoolers were killed by firearms. Between 1979 and 2005, gun violence took the lives of over 104,000 children and teens.

A closer look at these 3,006 tragedies show 1,972 children and teens were homicide victims, 822 children and teens committed suicide, and 212 children and teens died in accidental or undetermined circumstances; 2,654 were boys and 352 were girls; 404 were under the age of 15, 131 were under the age of 10, and 69 were under the age of 5.

More than five times as many children and teens suffered nonfatal gun injuries during the same period.

Mr. President, these staggering statistics cannot and must not be ignored. We must strengthen our gun laws to limit children's assess to guns. As a father and a grandfather, I urge my colleagues to take up and pass sensible gun safety legislation so that this frightening trend will not continue.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, In mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I have a 2001 Hyundai Elantra, well maintained, until lately—I can no longer afford much [periodic maintenance]. In any case, it gets approximately 35 mpg. It now costs me over $50 to fill the tank. My wife works 32–35 hours per week at [Walmart] in Ontario, Oregon. She makes $10 per hour, since it's in Oregon. [She drives more than] 18 miles each way to work.

My doctor at [the Veterans Administration hospital] is 86 miles one way. My wife's orthopedic doctor is in Nampa—roughly 50 miles. [She has another doctor] in Meridian—roughly 68 miles each way. I am disabled on Social Security disability. I receive army retirement and VA disability, partially offset by my retired pay.

Thank God and Walmart, I get a slight discount on household expenses at Walmart.

We're talking $200 per month, or more, for gasoline. Do something besides talk! Drill Here—Drill Now—Pay Less!

TARO.

I doubt you will use this story because it will not help support the corporate energy giants or their lobbyists and it will not reaffirm the status quo as I believe Washington wants to continue to do.

We are paying more for energy at our house, just like everyone else. It costs us more to drive to work, to visit family, to take a vacation and to keep our home because of high gasoline, electricity, and natural gas costs. Food costs us much more, too.

But we are taking action ourselves to reduce the costs and contribute helping solve the larger question about global warming and what we are doing to our own environment. We bought a hybrid car to reduce gas consumption. We bicycle to work. We turn off lights when we leave the room. We turn down the temperature of our water heater. We contribute to our utilities green energy program. We recycle, reuse, and restore. We invest in only green energy and companies that are forwarding a future that is not dependent on fossil fuels and that gives back to the people and resources they depend on. And we buy only food that is grown in as sustainable way as possible to support the best farmers and the practices they use. We support farmers who are stewards of the land.

And I know high fuel prices are making Americans use less gas, drive less, and think more before they get in the car and take a trip. The same is happening all across America, even previously unresponsive corporations like Walmart and Chevrolet and Ford and General Motors are taking actions to curb fuel costs, use less fuel, make more efficient cars, and save energy because the rising prices and changing energy markets affect their bottom line. The only ones who are not taking any action are those who are making a profit from high energy prices.

The fact is, changes in the world of energy prices and changes in our perspective on how humans are affecting the environment we live in are changing too. And people are taking action rather than wait for our unresponsive and partisan public officials to do something.

If you do anything or want to take any action, promote energy conservation in any and all ways and renewable energy production in all its forms. Under no circumstances should we further exploit the fossil fuel resources this country has. We will need them in the long term so they are investment in our future and best kept where they are and their exploitation now would only speed the further decline of this country and our global environment.

If you want to promote nuclear energy, then any proposal and supporter of such a bill should also volunteer their land and the land of their family for the storage of nuclear waste (the Idaho National Lab does not count). . . Or such proponents should volunteer to move next to the site that will store such waste. If you or anyone else can pass that red face test, then I would support moving ahead with such legislation.

I think, first and foremost, you should pass a cap and trade bill on carbon. It is the only way in which we can develop a viable economy and take advantage of the new opportunities offered by the challenges of energy in the future and preserve the planet in which we live.

I also think that the profits being afforded to energy companies as a result of increasing costs to citizens should be taxed. No one wants to remove corporate profits but record profits and changes in markets to provide for this are opportunities for providing funding for new and important initiatives without undue loss of corporate profitability or returns on investments to shareholders.

The ''problem'' with America is that we do not want to sacrifice our future for the short term economic gain of a few short years and the short term political gains one party or the other can make. We are not like China in that way and if we stoop to competing with them at that level, we not only destroy the environment but lose our values and what we stand for. This has been the approach of the current administration and its party and it is something we need to excrete out of our system as soon as possible so that we can once again embrace the democratic principles and public trusts this country was founded on.

I wish you luck and I hope you can see your way to what needs to be done. We all will be doing what we can out here, in the land of the free and home of the brave.

Respectfully,

GREGG.

I work at the site and drive 100 miles roundtrip. Our union per diem has not [increased] in years to stay current with the outrageous gas prices. It has also affected my being able to go to Island Park to the lot my parents bought in 1970 and has since been willed to me. I used to make weekend trips every week but cannot even afford to buy gas to pull the trailer up to the lot, let alone pull the boat up and buy gas for it. I am the Job Supervisor for Construction on the Tank Farm Closure Project and have received several recognition awards for my work and just won the Eagle Award for the Tank Farm. Maybe I can sell them and get money for gas to continue going to work. We need to build Generation IV reactors and start getting our own oil and not depend on foreign countries that can't stand us to begin with.

LARRY, *Blackfoot*.

Like many Americans, my husband and I have tried to support the American economy by buying U.S. branded products; but as we are getting to within seven years of retirement we need to make our retirement savings a top priority. We calculated the cost of owning our Ford vehicles and compared them to the overall cost of a Toyota Prius using $3.20 a gallon gas cost. The Prius won by a nose, so we bought one last year. This year we traded in our last Ford for another Prius. We have been able to keep our retirement savings at the same level because of these purchases. This, of course, means we can no longer haul the larger loads or go into the back country on the unimproved roads like we did before the cost of gas became unreasonable. We have made accommodations; but the changes have limited our recreation choices. These are minor issues compared to the families who cannot make these changes because they have mortgages that are now close to the value of the property due to the falling real estate market and their other costs have risen with the price of gas. These people are being squeezed from all sides.

KATHLEEN.

[Thank you for not passing the climate change bill] that was one of the stupidest

bills I have seen. It is no wonder the approval rating is so low. Keep up the good work—and keep those [other Members] in line—It will take some time, but they will be out [of office soon].

UNSIGNED.

We have seen the prices of not only gas, but groceries, going up and up. Because we need to continue to buy gas in order to keep doctors' appointments, get our son to work, go to church and the grocery store, etc., we have had to purchase less food. The fruits and vegetables are now priced so high, we are unable to include them in our diet. As you know, these are essential for our health! We live on Social Security—and that does not go up!! It is becoming more and more of a struggle just to pay our utilities, prescriptions, and insurances. We would love to be able to drive out of state to visit our children, but cannot afford to drive that far. On top of all of that, our property taxes are going up! We pay our bills, then wonder just what we will eat for our next meals! It is almost to the point that one of us (both in our 70s) will have to find a job.

Thanks for listening to people like us.

KAROL, *Nampa*.

We need to look for alternative fuel. Perhaps now since it is hitting our pocket books we will be more willing. Please stay out of the environmentally-sensitive areas; no need to destroy our environment for short term gain.

Thank You,

ASA.

I was retired and had to go back to work due to the higher energy prices and increases in the cost of food.

ALBERT.

While you sit high and mighty in your posh and air-conditioned jobs, listen in on how two teachers in Idaho have to get by so we can pay our taxes to pay your well-padded salaries . . .

Both my wife and I are State Certified Teachers. Both of us are highly-educated (myself with a Master's in Education from University of Idaho and my wife with a Bachelor's in Special Education from Boise State University). Neither of us can find jobs teaching here in the Treasure Valley because school districts are cutting FTE's in order to spread their already overly-inflated budgets in multiple directions. We have a baby on the way with no medical insurance and no way to qualify for aid as we are considered too wealthy, because we both were teaching last year.

Life is getting interesting for us as we have cut all of our spending in our budgets to buy gas for our little VW bug. We no longer can afford to drive to the movies, as that is gas we need to look for work. We no longer spend money on luxury items, as that is money set aside to buy gas to get to work. We no longer eat out, as all restaurants are rising their prices in order to keep up with their own costs. That is also money we need for gas to get back and forth to work. We work to feed the car now, not each other. We eat Top Ramen, macaroni & cheese, and salads (fine, yes, but it gets old after a while), because we can no longer afford to eat the healthier foods because all of the stores have raised those prices to just outside of our reach. For us, it is now about survival . . . not living.

You politicians need to understand just whose money you are spending when you schedule your flights and eat your meals and then bill it to the people. You need to look at your own waistlines and paychecks and consider taking a pay-cut like we do. You are not there to get rich! You are not there to build your career! You are there to represent us! That is it!

Consider cutting your own spending by brown bagging lunch from your own home budgets and kitchens, instead of ordering and charging it as a tax write-off. Consider video conferencing more often instead of bouncing back and forth across the nation in an airplane for your meetings. Conference call like the rest of us! Ride a bike when you can or a motorcycle or scooter and become the leading example you originally set out to be!

Please understand, from where we are you are an unnecessary expense on our taxes. If the government cannot afford to pay its bills, it should stop spending! Not raise more revenue by raising more taxes.

We the People are looking at a government out of control. As stated in the Declaration of Independence:

" . . . that to secure these rights, Governments are instituted among Men, deriving their just powers from those governed,—That whenever any Form of Government becomes destructive of these ends, it is the right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

This government is bent on overburdening its citizens. According to the Declaration of Independence, such government should be "altered or abolished."

Please do not get me wrong and think I'm anything but a patriotic American. Indeed, I spilled my own blood for this country of mine! I fought a war of bone cancer in the U.S. Navy, causing me to lose my right tibia. I have been fighting for twenty years for a right knee replacement, but I am told I cannot have one because of Veterans Administration policy and budgets. I received a Purple Heart at Balboa Naval Hospital, but it does not show on my DD–214. Am I bitter, yes! But, I still love my country!

There are countless millions of people out here (outside of your 3-piece suits and luxury cars—outside your sphere of influence) who feel just as I do, but there seems to be nothing we can do about it. Vote yes, sure, but ultimately it is you who make the decisions right, wrong, indifferent, fair or not fair. How you make your decisions personally and politically makes the determining factors of whether you stand for us or against us . . . the People of these great United States of America.

You must choose whether or not you get to keep your jobs gentlemen. I now have a Master's Degree, a chip on my shoulder for politicians, a loud voice, and a lot of free time! Shall I work with you or against you?

Here are our requests:

Cut Foreign Oil Purchasing!

Cut All Big Oil Subsidies . . . on all fronts!

Cut your paychecks in half, even for three months to show good faith!

Make 100 percent BioDiesel a priority!

Make diesel vehicles and electric vehicles a priority now!

End gasoline vehicle production now, not 20 years from now!

Make Alternative fuels vehicles a priority now not 20 years from now!

Electrical power can be harnessed all day long in the desert, why isn't it?

Wind energy can be harnessed in the desert, why isn't it?

Why burn coal to make electricity when you can burn Brown's Gas (HHO) for half the cost and zero percent emissions released into the air?

JONATHAN-DAVID, *Meridian*.

Your thinking is not unique . . . it is rhetoric we have heard for the past 30 years. Jimmy Carter and his lies about a shortage are still around. It is you and our Congress that has caused this problem. You allowed the Environmental Protection Agency and Department of Environmental Quality and all the environmentalist to control your thinking and votes. I do not think I am wrong in my facts, am I? Your fuel taxes and so-called regulations are taking the U.S. economy down. We will soon be controlled by foreign economies if we do not take our own resources and begin using them. You know we are the 3rd largest oil producer in the world yet we use so much foreign oil that it has become a joke? We had over 500 years of oil and natural gas reserves in the 70's. Can you tell me what happened to them? Do not answer me unless you have the facts about the info from the 70's. I hope you will stand up and be counted when it comes to the controlling liberal environmentalists' whining and crying. I truly believe you can get this done and soon. Tell Congress we need to open up our reserves. We have plenty for the next few centuries and by then we will have a new energy source. Thanks for listening.

RON.

In your e-mail, you have said that you support wind energy. I was disappointed to see that you voted against the Production Tax Credit that would help the wind industry to continue to grow.

STEPHEN.

I will be 67 this October; my wife is 58. I am still working, at a [lower] salary than I once commanded. This fiasco on gasoline and diesel prices has caused me to wonder if I will ever be able to retire.

I own a motor-home; having traded in my one-ton diesel pickup and a 5th wheel trailer due to the screaming increases in diesel fuel. Now I cannot travel at all the way we had planned and hoped. All of my immediate family is in the Mississippi, Louisiana and Texas areas—it may be that for some of my family I may never see them again. Selling the motor home is foolish at this juncture in that I can never hope to even almost recoup my investment.

It is essential that Congress immediately find and drill for oil anywhere in our own territories. At the same time, there should be major tax breaks given to those that can provide a) sensible alternative fuels or b) major improvements in the internal combustion engine. Nuclear energy has been stupidly legislated out of the future as well.

My concern is that when we had the majority and the President, we did not seem to have the leadership that could provide the increase in oil search, production and refinement. Now it seems that we may no longer have the Presidency and for sure will not regain the majority in the legislature. It is my firm belief that the opposition will choke our economy to death with continued pressures on ethanol or taxation on larger vehicles—all under the wing of left-wing partisanship.

Substantial increases in the supply, while changing the demand via alternative fuels, seem to be the only sensible way to go.

AL, *Hayden*.

REMEMBERING GOVERNOR ANNE ARMSTRONG

Mr. CORNYN. Mr. President, I rise today with a heavy heart for the loss of one of Texas' strongest, most influential women, Anne Armstrong. More importantly, I rise today to honor and commemorate her incredible service to Texas and the Nation as a whole.

To understand what kind of a woman Anne Armstrong was, you first need to understand where she came from. A valedictorian graduate of Vassar in 1949, Anne's career started out, not in politics, but on a ranch in southern Texas' Kenedy County with her husband Tobin.

Although she was born in Louisiana, Anne quickly took to Texas life, and enjoyed working on one of Texas' historic ranches, settled in the 19th century. Owning a ranch taught Anne to be tough when necessary, and always polite. She also learned how to talk politics with her husband and his friends, and quickly proved to have a sharp insight into the issues facing our country.

Although her family always came first, Anne's passion for politics led her to become the Kenedy County Republican Party chair. From there she took off, serving next as Texas Republican Party chair, and eventually as the first woman ever to cochair the Republican National Committee.

One year later Anne made history again when she became the first woman ever to deliver a keynote address to a national party convention.

But Anne's service was never about the notoriety, it was about improving the government of America. In a time when a woman in politics was almost unheard of, Anne Armstrong forced herself into the game, and proved that she belonged there. She became the first ever woman to hold a Presidential Cabinet Position, serving as an adviser to Nixon and to Ford.

When President Ford joked at her swearing-in that his wife was ''always needling'' him to appoint women to higher positions, Anne quickly retorted ''I have the feeling Abigail Adams would have been just as excited as Betty Ford and I.''

In her role Anne worked to further advance the roles of women in America. She established the White House Office of Women's Programs, an office dedicated to recruiting and assisting females in obtaining political appointments and high level government employment. Her work, as well as her example, helped lay the groundwork for countless women who have followed her. I know that my colleague, Senator HUTCHISON, attributes much of her success to Anne's example and mentorship.

After serving in the White House, Anne again made history as the first female Ambassador to the United Kingdom. During that time, Anne Armstrong nearly became the first woman on a Presidential ticket, as she was considered by President Ford for the vice presidency.

In what would be her last national position, Anne served at the request of President Reagan on the President's Foreign Intelligence Advisory Board. She served as the first and only female chair to that board, and served under both Presidents Reagan and Bush.

Utimately, Anne Armstrong was an adviser to four different presidents, a mentor to many of today's prominent politicians, and a beloved friend to all who had the pleasure of working with her. In 1987, recognizing her distinguished service, President Reagan awarded Anne with the Presidential Medal of Freedom.

But as passionately as Anne Armstrong worked in politics, nothing could take priority over her family. After serving in national politics for roughly 20 years, Anne returned home to her ranch and her family in Kenedy County.

Even after such a remarkable career in politics, Anne Armstrong could not resist the call to serve her community. When she passed away on Wednesday, Anne Armstrong was still serving as the county commissioner. At the age of 80, battling cancer, Anne Armstrong continued to serve her beloved community, her home of Texas.

Whether as a mother, a wife, a rancher or a politician, Anne Armstrong's commitment and dedication was unmatched. Without a doubt, Texas, and the Nation as a whole, is richer for her service.

Anne's legacy is survived by her 5 children and 13 grandchildren—as well as the countless others whose lives she touched. That is why I have come today to introduce a resolution honoring the life and service of a pioneer of women in politics, and a great Texan, Mrs. Anne Armstrong.

RECOGNIZING DAY OF THE AMERICAN COWBOY

Mr. ALLARD. Mr. President, today I rise to pay tribute to the American Cowboy. This distinguished body saw fit to designate July 26 as the Day of the American Cowboy. I cosponsored this resolution and would like to take this opportunity to recognize this iconic figure.

Around the globe, the American Wild West is known. To many it means cowboys, ranchers, cattle, horses, outlaws, and gunfights. But it was also homesteading and pioneering. These folks helped establish the American West, expanding our territories while creating a lasting culture and way of life, passing down the traditions of honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism from generation to generation. The cowboy spirit is the backbone of our great Nation, exemplifying strength of character, sound family values, and good old-fashioned common sense.

The enduring lessons and virtues of the American cowboy are as prevalent as ever in towns all across America. As a young boy growing up in northern Colorado, agriculture and livestock were an integral part of everyday life. Coming from a community where I saw the strong moral character and drive to succeed that modern ranchers exhibit, I can speak to how vibrant the cowboy spirit still is today in America's heartland.

In many ways, it is the unexpected places where you find the influence of cowboys that amaze us and show the true breadth of their impact. Originally known for their tough and rugged way of life on the Great Plains, the American cowboy has a magnetism that has drawn some of this Nation's most talented writers, architects, artists, and poets to devote their work to the tradition of the cowboy.

I am pleased to be a part of continuing this tradition with the designation of July 26 as the Day of the American Cowboy and hope we will honor the legend of these American heroes with our continued steadfast, hard work and dedication to this great country.

TRIBUTE TO WAYSIDE RESTAURANT

Mr. LEAHY. Mr. President, I would like to pay tribute to one of central Vermont's finest community gathering spaces, the Wayside Restaurant. Over the past 90 years, the Wayside has built its reputation around the State of Vermont as a quality establishment where neighbors enjoy a country style breakfast, a quick business lunch, or a well-rounded family dinner. The Wayside represents the needs of the community with affordable and diversely pleasant fare.

In 1918, when Effie Ballou opened the small soup and sandwich restaurant, she never expected it would become what it is today. The Wayside serves around 1,000 customers a day, and with 160 seats, is always filled with loyal customers. Vermonters from all walks of life frequent the Wayside for authentic Vermont cooking. Politicians, professionals, farmers, elderly people, and families all gather here to eat, mingle and enjoy where they can choose a booth or saddle up to the horse shoe diner top.

The Wayside's menu offers more than 200 items, plus an additional list of specials, all new every day. These daily specials are memorized by the true blue patrons who line up at the doors before 6:30 a.m. Unique delights such as fresh native perch, only served in season, is breaded and fried. Traditional Yankee entrees are always accompanied by freshly baked pies, breads and donuts.

One of Vermont's landmark eateries, the Wayside Restaurant sparks community admiration through its history of public service. A major part of the Wayside's success is its history of family ownership. Karen Galfetti and Brian Zecchinelli are second-generation owners and operators. The couple's dedication and hands on approach are what sets the tone of the establishment, aided by their home's location right next to the restaurant. Working together as a family, the Zecchinellis strive to create a comfortable atmosphere and affordable service for the community; as such they represent the heart of working America. Providing excellent benefits for employees, most of whom have been there for decades, the philosophy behind the Wayside reflects the kind of values that strengthen our country. The Zecchinellis' dedication was recognized in 2005, when the U.S. Small Business Administration named them best Family-Owned Small Business of the Year.

Without the Wayside, to invite folks into Vermont, we would be missing not only the chance to connect with our next door neighbors, but the opportunity to support a long-time establishment that has always kept the interests of its customers at the heart of its expansion.

Mr. President, I ask unanimous consent that an article from the Times Argus detailing their 90 years of success be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times Argus]

WAYSIDE TURNING 90

(By Susan Allen)

MONTPELIER/BERLIN (literally).—In 1918, the Armistice was signed, ending World War I.

A legend—Ella Fitzgerald—was born.

A first class postage stamp cost 3 cents.

And, of course, the Boston Red Sox won the World Series.

That same year, Effie Ballou opened The Wayside Restaurant, straddling the Montpelier/Berlin town line—not the 160-seat local institution that has become something of a landmark in Central Vermont, but a small, take-out joint that more closely resembled a snack bar.

''In the early days, there were no seats inside the restaurant,'' said Brian Zecchinelli, who married into the restaurant business in 1994 when he tied the knot with Karen Galfetti—whose family bought The Wayside in 1966 from the Fishes (who bought it from Effie Ballou in 1945).

''Mrs. Ballou would make some soup at the house, donuts, bring them down and reheat them,'' Zecchinelli said.

Today's Wayside serves around 1,000 customers a day—more in the summer, fewer in the winter. Most are locals and many are regulars who eat there so often they know the day of the week by the restaurant's regular daily special.

But The Wayside has become more than a place local Vermonters go for a good, affordable meal (Zecchinelli recently mailed a letter to lawmakers reminding them they can eat three meals a day there for about $20).

Many statewide and local politicians make sure there's at least one Wayside stop on the campaign tour. Zecchinelli said that's because so many Vermonters from all walks of life can be found there—plenty of votes to woo.

''It's just such a cross section of the community eating here,'' Zecchinelli said. ''Plumbers, lawyers, teachers, bank presidents . . . the whole mix of customers. You've got rusty old trucks and shining Mercedes in the parking lot.''

The Wayside was also a hot spot for state workers until some years ago. That was due, in part, to the employee meal reimbursement plan that allowed workers to expense meals eaten outside Montpelier. So, Zecchinelli said, some would eat at tables on the Berlin side of the restaurant so they could expense their meal—until an auditor discovered that while the town line passed through the property, the entire restaurant was inside the Montpelier city limits. No more expensing.

Asked what makes the restaurant so special, ''You always say you have good employees and good customers,'' Zecchinelli said.

But, he said, the reality is something different. It's the house. Ballou lived in a house on the hill just behind The Wayside. When she sold the restaurant to Joseph and Amy Fish (their son George and his wife Vivian took it over in 1954), the house went with the deal.

And when the Galfettis bought the restaurant in 1966, they, in turn, got the house, as did Karen and Brian when they took over.

''Since Day One, the house was always with the restaurant,'' said Brian Zecchinelli. ''So the owners have always been very hands-on. . . . The fact that the owner has always been able to skip down to The Wayside to give folks a hand, be there during hours when you're busiest.

''If other businesses want to put a house on the property, go for it,'' he advised.

Brian, who previously worked at Milne Travel and Rock of Ages, never expected to go into the restaurant business. Although Karen had also worked elsewhere—E.F. Hutton and Co. and Smith Barney in Burlington—she knew The Wayside was probably in her future.

''It was something I tried and I liked. We've enjoyed it,'' Brian Zecchinelli said. ''We're been so active in this business that we can tag team each other.''

The Galfettis and Zecchinellis have put seven additions on the restaurant over the years, and although customers have urged him to expand, Brian said the current size of 120 tables feels like the number to stay with, ''a comfortable size.''

He said the best thing about owning The Wayside has been the customers, who truly respond to good food. ''You're only as good as your last meal,'' he quipped.

The toughest thing, he noted, has been meeting the bottom line.

''The challenge is keeping costs in line so we can continue to be an affordable place for people to gather,'' he said. Almost everything is made on site. The kitchen is large and the smells of freshly baking bread (almost all bread, except English muffins and rye, are made at the restaurant). Daily specials include full turkey meals, roast beef, maple-cured McKenzie ham and more.

On virtually any day of the week, any time of the day, the parking lot is packed, most of the cars, trucks and motorcycles carrying Vermont license plates.

Zecchinelli said his favorite moment during his years as Wayside owner was the Red Sox rally he hosted after the Sox won the 2004 World Series, noting the last time his team had won was the year The Wayside opened—1918.

''We argued whether The Wayside has been the curse or the Bambino,'' he joked.

The restaurant rolled back prices that day, and more than 3,000 people came in to celebrate, ''mostly Red Sox fans, but some employees were in Yankee jerseys. That's OK because we're baseball fans.''

What will happen to The Wayside in the future, one wonders? It's impossible to know for sure.

But, Zecchinelli pointed out, his son Jay has been working the register since he was 4.

VOTE EXPLANATION

• Ms. KLOBUCHAR. Mr. President, I rise today because I am proud to see the Senate pass two strong, bipartisan bills that will provide much needed relief to families across the country; the College Opportunities and Affordability Act of 2008 and the Consumer Product Safety Improvement Act of 2008.

Congress first passed the Higher Education Act more than 40 years ago, guided by the principle that no qualified student should be denied the opportunity to attend college because of the cost. Today, the cost of college has more than tripled. Tuition at 4-year public colleges in Minnesota has increased 100 percent in just the past 10 years.

I believe that investing in higher education pays extraordinary dividends, I am proud to provide real help for students and their families to make college more affordable. By passing this legislation we continue our fight to gain stronger Federal support for higher education opportunities—because our future success as a State and a nation depends on making sure that quality education is accessible and affordable.

I am also so happy to see Congress pass comprehensive product safety legislation. Inspired by the story of Jarnell Brown—a 4-year-old boy in Minnesota who died after ingesting a charm that was 99 percent lead—I have worked for the past year on authoring and promoting the lead provision of the Consumer Product Safety Improvement Act of 2008. In the past year and a half, over 13 million toys have been recalled because they contained harmful lead, and I am proud to say that this bill finally gets that substance out of children's toys.

As one of the conferees of this legislation, I signed the final conference report that was sent to the floor today, and I have been a strong supporter of this legislation since the beginning. This legislation is the most sweeping consumer product safety reform in decades, and I am glad that we have finally voted this evening to protect our children and protect our public.

On August 1, 2007, the Minneapolis I–35W bridge spanning the Mississippi

River collapsed. The 1-year anniversary of this tragedy will be recognized across my State tomorrow. I am traveling home to honor the victims and their families, and to recognize our heroic first responders. By returning to Minnesota, I will not be in Washington, DC, to vote on the adoption of either the College Opportunities and Affordability Act of 2008 or the Consumer Product Safety Improvement Act of 2008 conference reports. Had I not returned to Minnesota, I would have voted in favor of both of these important pieces of legislation.●

ADDITIONAL STATEMENTS

HONORING HOOSIER OLYMPIC ATHLETES

● Mr. BAYH. Mr. President, today I pay tribute to the eight outstanding Hoosier athletes representing the State of Indiana and all of the United States in the Games of the XXIX Olympiad in Beijing, China.

Lloy Ball, a volleyball player from Fort Wayne; David Boudia, a diver from Noblesville; Tamika Catchings, a basketball player from Indianapolis; Lauren Cheney, a soccer player from Indianapolis; Richard Clayton, a baseball player from Lafayette; Mary Dunnichay, a diver from Elwood; Thomas Finchum, a diver from Indianapolis; and Bridget Sloan, a gymnast from Pittsboro, will all represent the Hoosier State as members of Team USA.

These Hoosiers have shown superior abilities, extraordinary work ethics, and unflappable determination in their quests to become Olympic athletes. The road to the pinnacle of athletic success has required thousands of hours of demanding training over years of preparation, yet these athletes show us that commitment to excellence truly has its rewards. For some, the spoils of their sacrifice may even come in the form of an Olympic medal.

This Olympiad is the first for many of the Hoosier athletes; others have donned the colors of Team USA before. This year, Lloy Ball, a member of the U.S. men's volleyball team, will become the first male athlete from the United States to compete in four Olympic Games. Lloy's incredible feat will forever be part of Indiana and Olympic sports history, and I know our entire state is immensely proud to count him among our own.

As these eight athletes travel halfway around the globe to compete against the world's finest, they will bring with them the unwavering support of their fellow Hoosiers. The people of Indiana are fortunate to have such an exceptional group representing us at the Olympic Games.

Team USA represents the best America has to offer, and these Hoosiers will make our State and our country proud.●

HONORING JACK W. AEBY

● Mr. BINGAMAN. Mr. President, this month marks the 63rd year since scientists at Los Alamos National Laboratory tested the world's first nuclear weapon at the Trinity Test Site in southern New Mexico. While much has been written about this test, which has changed the course of the world as we know it today, little has been written about the famous color photograph of this test the only color photograph that survived the test.

Jack W. Aeby, then 23, was assigned to Emilio Segre in the Gamma Radiation group as a technician and was permitted to bring his own 35 mm camera to take color pictures of the radiation measuring equipment. When the detonation occurred, Mr. Aeby took 3 pictures of the detonation before running out of film. Of those three pictures, one turned out to be good. Today that picture is used around the world and is found on the cover of such famous publications as Time magazine and Richard Rhodes' ''The Making of the Atomic Bomb.'' In some cases he is given credit for this photo but never consistently due to the complications associated with our copyright law.

Mr. Aeby still lives in Espanola, NM. As he turns 85 next month, I would like to honor him and the contribution he has made to society in taking this photo to remind us of the way this test has changed the course of modern history.●

TRIBUTE TO DR. MICHAEL C. MORGAN

● Mr. CARDIN. Mr. President, Dr. Michael Morgan is a professor of atmospheric sciences at the University of Wisconsin, Madison, and a Congressional Science Fellow sponsored by the American Association for the Advancement of Science.

As a native of Baltimore, Dr. Morgan earned his undergraduate degree as well as his doctorate from the Massachusetts Institute of Technology. He has also completed post-doctoral studies at Texas A&M University. Dr. Morgan has been an invaluable member of my staff since October, 2007. His fellowship ends in late August and he will return to his teaching duties then.

The AAAS Fellows Program has been the source of skilled science advisers for many years here on Capitol Hill. Rarely, however, has the program made such a timely placement. With his expertise in atmospheric sciences, Dr. Morgan was especially well-equipped to advise me on global climate change issues.

As the Environment and Public Works Committee held a number of oversight hearings on climate change last year, Dr. Morgan provided careful analysis of witness testimony as well as probing questions. When Mr. LIEBERMAN and Mr. WARNER advanced their landmark legislation, America's Climate Security Act, few offices could rely on the expertise that Dr. Morgan lent this Senator. And when Ms. BOXER brought the legislation to the floor, Dr. Morgan had convinced me that a broad-based science program of monitoring and analysis was needed. Although blocked from offering my scientific monitoring amendment on the floor, Dr. Morgan has provided us with a solid framework that I intend to see as part of climate change legislation considered next year.

In addition to his expertise on atmospheric science issues, Dr. Morgan provided comprehensive support to me on the full range of issues that came before the Environment and Public Works Committee. Of special note has been his work on bills to control harmful mercury emission and another bill to simplify and automate the tracking system for hazardous wastes in this country.

Dr. Morgan has been an integral part of the Projects Team in my office and a valued friend and colleague to my permanent staff.

As he prepares to return to his academic duties, Dr. Morgan goes with my sincere thanks and best wishes.●

IN RECOGNITION OF RAY JOHNSON

● Mr. CARPER. Mr. President, I wish to recognize Ray Johnson who is retiring on September 1, 2008, from the Delaware State Pension Office after an amazing 39 years and 10 months of service to the people of Delaware. Ray literally has dedicated his life to helping tens of thousands of State employees, educators, and others prepare for their retirement. It is now my privilege to thank him for his dedication to them, to commend him for a life well lived, and to wish him the very best of luck throughout his own retirement.

I met Ray on my first day as State treasurer in November of 1976 at a time when the State Pension Office was part of the State Treasurer's Office. He was one of the original Pension Office employees, having served for the office since its creation. Because of his long tenure with the office, Ray has served as the go-to person for just about any issue that ever arose within the office. His deep understanding and knowledge of the workings of the office, whether it be in the investment sector or the calculation of retirement benefits, made him a valuable resource for not only the people he served but to his coworkers, as well.

Ray began his career in public service on November 1, 1968, as the first senior accountant for the State Budget Commission. There, he developed the initial accounting system to track and

recoup previous advancements made from something called the Advanced Land Acquisition and Advanced Planning Funds. His efforts recouped millions of dollars, resulting in additional interest earnings that were used to make advanced purchase deposits on many of the State's public park lands that are enjoyed by our residents and visitors today.

In 1971, Ray was selected to be the fiscal administrative officer for the newly created State Pension Office. In that role, he developed many of the rules, regulations, and procedures that are still used there some 35 years later.

In the late 1980s, Ray helped lead the effort to computerize the State Pension Office, enabling its staff to become more productive and to provide better service to 25,000 employees, as well as to 5,000 pensioners and their families. Many of the administrative policies developed by Ray are still in place today and continue to make a positive difference in the lives of one generation of retirees after another.

It was not just Ray's depth of knowledge and his years of experience that attracted people to him in the Pension Office. It was his giving and caring personality, as well. He always brought a ready smile to the workplace each day. Ray was hard pressed ever to refuse help to anyone who requested it. He would answer calls and questions at all times of day and mentored new workers in his free time. Ray served as a father-figure to many employees, too, dispensing advice to those who asked for it or, sometimes, just lending a sympathetic ear. His compassion for and loyalty to his work, to his colleagues, and to those they served made him an especially worthy recipient of the Pension Administration Award—the highest award given in the Pension Office and an award bestowed upon him by the vote of his peers.

Ray continually worked to better the retirement system for the people he served as well as the people with whom he worked. For example, when Ray moved to the State Pension Office in 1971, all calculations for retirement benefits were done by hand—a long, tedious process for the employees. Ray recognized the inefficiency of this system and took it upon himself to automate the calculation of benefits, a step that would reduce the workload for many of his coworkers, as well as provide the people they served with a more accurate method of determining benefits.

One of the special things about Ray was that he was not only interested in helping any person he could, but he strove to help every person who had a concern or issue. If he did not have the answer—which was rare—he would search tirelessly for one from any resource he could and would never allow anyone in need to go without some form of assistance. If a person had questions about retirement and his call was answered by Ray, he or she was sure to complete that conversation with a solution or, at the very least, a direction of where to go to find a solution.

In addition to his extensive knowledge of State pension law and of the workings of the State Pension Office, Ray's success in his career can largely be attributed to his genuine love for his work. He was always truly interested in the workings of the State Pension Office and found it both challenging and satisfying. Ray embraced and took full advantage of the opportunity to develop the State Pension Office from the ground up. A very humble human being, he took pride in his tireless efforts to make the office what it is today. He worked diligently to make Delaware's retirement system a model for the Nation, not just because it was his job, but because he genuinely cared about every person who contacted that office with questions and concerns about their retirement.

Of all of these accolades, Ray says:

> Although I have been involved in recommending, developing, or implementing many enhancements in policies and processes during my tenure, I am most satisfied in knowing that I have been able to serve the Office, fellow staff members, and the taxpayers of the state to the best of my ability and have helped make the retirement process more efficient, effective, and easier for all involved.

Ray Johnson is one of the most dedicated and hard-working people with whom I have ever had the honor of working. He has earned every day the admiration and affection of his colleagues and the gratitude of the people they have served for four decades. His loyalty and his sense of service have been and remain a source of inspiration to me and to those around him. It is with a genuine sense of honor and joy that I extend my heartfelt congratulations to Ray. I wish him a long and happy retirement to share and enjoy with his equally accomplished wife Claudia and their children, Randy and Donna. On behalf of the people of Delaware, let me thank the three of you for sharing with the people of the First State your husband and your father.

Let me close by saying that I envy—just a little bit—all of the free time he will now have for fishing and relaxing with long walks on the beach with those he loves. It is my hope that he will enjoy his own retirement as much as those whom he helped now enjoy their own.●

TRIBUTE TO STEVE THOMPSON

● Mrs. FEINSTEIN. Mr. President, I wish to honor Steve Thompson, his stellar career with the U.S. Fish and Wildlife Service, and the dedication to solving our most difficult natural resources problems that he has demonstrated time and again throughout his career. Thompson is retiring on August 4 after 32 years with the Service.

I know Steve as the regional director of Region 8, formerly the California and Nevada Operations Office, CNO, a job he assumed in 2002. From the regional headquarters in Sacramento, CA, he oversaw Service programs in California, Nevada, and Klamath Basin that administer the Endangered Species Act and Migratory Bird Treaty Act and managed 51 national wildlife refuges and 3 national fish hatcheries.

His many honors include being chosen in 1994 as the first ''Refuge Manager of the Year'' by the National Audubon Society and the National Wildlife Refuge Association. Even more notably, in September 2007, Thompson earned the Distinguished Executive Award, the highest Presidential Rank Award given to career senior executive service employees and the first time a Service employee has been so recognized.

I have worked now with Steve on many issues, including the Cargill salt ponds purchase and ongoing restoration, efforts to restore the Klamath River, habitat conservation planning, and CALFED. For his dedication to help find a way to purchase the Cargill salt ponds, Steve can feel pride at the migratory birds that now have a place to rest in San Francisco Bay on their long journeys along the Pacific flyway.

For his utterly tireless work to find a way to restore the Klamath River, we do not yet know what result will ensue. But thanks to Steve's leadership, we perhaps have a once in a generation opportunity to restore the River and its fisheries while providing certainty to farmers.

What I always found with Steve is that he is completely dedicated to finding that straight and narrow path through the bureaucracy to actually solve our biggest natural resource problems.

Others might find reasons why a solution can't be found or why it might be imperfect from some idealized perspective. Steve just dedicates himself to finding that solution.

He is a straight shooter. He tells you what he is going to do to solve a problem, and then he gets the job done.

All of us who care about California's natural resources will miss him.

Steve, I want to congratulate you on your years of remarkable service to our Nation's fish and wildlife and the people who value them. I hope you can now enjoy a little fishing and a few quiet moments to contemplate what you have so honorably protected.●

RETIREMENT OF IOWA STATE SENATOR MICHAEL CONNOLLY

● Mr. HARKIN. Mr. President, I wish to pay homage to Senator Michael Connolly on his retirement from the Iowa Senate after 30 years of distinguished public service. Mike admirably

represented the citizens of Dubuque, IA, for 10 years in the Iowa House and 20 years in the Iowa Senate. He combined a passionate love for his community with progressive politics and a strong work ethic.

When Dubuque fell on hard times after the farm crisis of the 1980s and a loss of manufacturing jobs, Mike Connolly was there to ensure that the State of Iowa was a partner in the economic and cultural renaissance of the city. If you visit Dubuque today, you will find one of the most beautiful and vibrant cities in the Midwest. That did not happen by accident. Senator Connolly and other community leaders formed the Greater Dubuque Development Corporation, emphasizing the attitude that everyone would have to pull together to move the city forward. As they say, the proof is in the pudding, and I encourage you, Mr. President, and all of my Senate colleagues, to visit this jewel of a city on the Upper Mississippi.

Senator Connolly is an educator by training, and although his influence has been feld in most of the education legislation of the past three decades, his interests and work have been broad and diverse.

As chairman of the Transportation Committee, Senator Connolly boosted funding to make roads and bridges safer, and developed a new funding formula that recognized the need to enhance the transportation network linking the State's urban population centers. The construction of four-lane roads between Dubuque and Waterloo, Cedar Rapids and the Quad Cities, has led to economic growth throughout the northeast and east-central portion of Iowa.

Senator Connolly also spurred an effort to beautify Iowa's roadways through promotion of the Resource Enhancement and Protection—REAP—program, which included ongoing funding for the Integrated Roadside Vegetation Management Program, a partnership between the University of Northern Iowa and Iowa counties to plant prairie grasses and flowers along the State's thoroughfares. The program pays homage to Senator Connolly's father, who was a road laborer with a sixth-grade education who worked and saved so his children could receive a college education.

Senator Connolly also helped modernize Iowa's election laws as chairman of the State Government Committee, including passing election day voter registration legislation and requiring that paper trails be included with electronic voting machines. He used his position on the Ways and Means Committee to give working Iowans a tax break by removing the sales tax from utility bills.

He was also a leader in the legislature helping to pass antibullying and civil rights legislation that will help protect generations of Iowans to come. It would be difficult, indeed, to catalog all of Senator Mike Connolly's legislative achievements; suffice it to say he has been one of the most dedicated, hard-working and productive members in the history of the Iowa General Assembly.

Iowans, especially those in the greater Dubuque community, will miss Mike's leadership. But I know he will continue to be involved in the civic life of our State and nation. His wonderful wife Martha has been a true partner with him these many years, and his accomplishments are hers as well.

I wish Senator Connolly a long and happy retirement, with plenty of time to spend with his accomplished children, Maureen and John. Thank you, Mike, and Godspeed.●

HONORING THE WINNER SCHOOL DISTRICT

● Mr. JOHNSON. Mr. President, today I pay tribute to the Winner School District for its exceptional support to their National Guard and Reserve Employees. The Winner School District is one of 15 employers selected from across the Nation to receive top honors as a 2008 Secretary of Defense Freedom Award. The Freedom Award is the highest recognition given by the Department of Defense under the auspices of the Employer Support of the Guard and Reserve to an employer for their outstanding support to their National Guard and Reserve employees.

The school district was nominated by 2LT Derris Buus of the 155th Engineer Company, South Dakota Army National Guard. Buus had glowing remarks for his employer, ''The School District has always supported me and my family during times of deployment or training. Mary Fischer and Jim Drake have all made it a point to ensure that my family had everything they needed during my absence. They always made it very easy for me to pursue my career in the SDARNG as well as my career as an educator.''

The Winner School District provides a pay supplement for the entire length of deployment for its Guard and Reserve employees. Deployed employees received numerous care packages from the school board and the students. Daily e-mails were sent to deployed employees from students, teachers, principals, and the superintendent. Returning servicemembers teach the same grade and in the same classroom as they did prior to a deployment.

School board members also aid the families of deployed employees. School board members mowed lawns, took children to athletic events, and in one instance, tended to an expectant mother throughout her pregnancy.

The Winner School District is a shining example of patriotism, and it sets a golden example for all employers to follow. I hope we all may take to heart the excellence and dedication of the Winner School District.●

IN RECOGNITION OF BRIAN BEAMAN

● Mr. JOHNSON. Mr. President, I wish today to recognize and congratulate Brian Beaman of Selby, SD. As part of the 2008 U.S. Olympic team, Brian will be travelling to Beijing to compete in the Men's 10M Air Pistol competition.

Brian represents Selby and the citizens of South Dakota in an extraordinary fashion. Spending 2 years at South Dakota State University and finishing at Jacksonville State University, Brian has continued to exemplify the work ethic and integrity that originate in his South Dakotan roots. Brian is currently ranked second in the United States in the Men's 10M Air Pistol competition, and placed second at Nationals in 2007.

This prestigious honor is a reflection of Brian's extraordinary talent and commitment to shooting. It is wonderful that he is so motivated to enjoy athletic competition at such a high level. Again, congratulations to Brian Beaman on fighting his way to the 2008 Olympics in Beijing, and I eagerly look forward to following his story of success throughout the games.●

IN RECOGNITION OF DEREK MILES

● Mr. JOHNSON. Mr. President, I wish to recognize and congratulate Derek Miles, assistant coach of track and field at the University of South Dakota. As part of the 2008 U.S. Olympic team, Derek will be traveling to Beijing to compete in the Men's Pole Vaulting Competition.

Derek leads the students at the University of South Dakota in an extraordinary fashion. After graduating from USD, Derek has continued to exemplify and instill his work ethic and integrity in those he coaches. Derek has an amazing record in the pole vaulting community, finishing seventh at the 2004 Olympic games in Greece.

It is wonderful that Derek is so motivated to enjoy athletic competition at such a high level. His positive attitude and strong motivation serve as a model for talented young athletes throughout South Dakota and the Nation to emulate. As a fellow University of South Dakota alum, I want to wish Derek congratulations and the best of luck in the upcoming 2008 Olympics.●

OSTRWSS

● Mr. JOHNSON. Mr. President, today I recognize a very important and historical event in South Dakota: the Missouri River reaching the Pine Ridge Reservation. On August 20, 2008, a celebration will be held in Wanblee, SD, to

commemorate such a monumental milestone in the history of Pine Ridge.

It has been nearly 20 years since Congress adopted the Mni Wiconi Act to bring clean water sources to the Pine Ridge Reservation. Bringing the Missouri River to the people of Pine Ridge will have an enormous impact in the overall quality of life of tribes and residents in the area. I have been pleased to work on this project with tribal leaders and residents during my tenure in Congress.

I commend the Oglala Sioux Tribe Rural Water Supply System, the concerned tribal officials, and residents who have worked tirelessly, some since the 1960s, to bring a clean drinking water source to the people of the Pine Ridge Reservation. The event on August 20 is an opportunity for everyone to celebrate the hard work and commitment involved in making this dream a reality, while looking forward to the great results that Missouri River water will bring to future generations. The impacts will be positive, they will be far-reaching, and they will be impressive.

Again, congratulations to the Oglala Sioux Tribe and the Oglala Sioux Tribe Rural Water Supply System on this historic event. People have waited a long time for this day to come, and I am glad it is finally a reality.●

90TH BIRTHDAY OF DR. MAURICE ALBERTSON

● Mr. SALAZAR. Mr. President, I wish today to make a statement celebrating the 90th birthday of Dr. Maurice Albertson, a Colorado citizen whose compassion for his fellow human beings is evident in his every accomplishment.

Dr. Albertson has dedicated his career to enhancing the quality of life of people all over the world. The success he has had in reaching this goal is not just a matter of personal pride, but of global triumph. It is with great pleasure that I wish him a happy birthday.

Dr. Albertson began his career as a professor of civil engineering at Colorado State University in 1947. He is responsible for the development of CSU's large and prestigious water resources management program and was named as director of the Colorado State University Research Foundation.

Dr. Albertson's accomplishments outside of the university are even more impressive. At the request of the Southeast Asia Treaty Organization, he established a graduate school of engineering in Bangkok, Thailand. Known today as the Asian Institute of Technology, Dr. Albertson's creation still thrives.

Dr. Albertson and two colleagues, Ed and Miriam Shinn, convened an international conference at CSU on the subject of sustainable village-based development in the developing world. The conference was attended by over 350 persons from 34 nations. Following the conference, Dr. Albertson and the Shinns founded Village Earth, an international nongovernmental organization that provides training to communities and organizations in the methods of sustainable participatory development. To date, Village Earth has helped hundreds of people in 15 countries to lift themselves out of poverty.

And perhaps most impressively, Dr. Albertson played a pivotal role in the formation of the Peace Corps. In 1960, Dr. Albertson and his team won a contract from the U.S. State Department to undertake a congressional study of the feasibility of creating a Point Four International Youth Corps. The following year, Dr. Albertson coauthored New Frontiers for American Youth: Perspective on the Peace Corps with Pauline Birky and Andrew Rice. This work was embraced by Sergeant Shriver and the Kennedy administration as the concept paper for creation of the Peace Corps. Dr. Albertson continued to work closely with the Kennedy administration in launching the Peace Corps, which has benefited countless volunteers and residents of developing countries worldwide.

Dr. Albertson has served as a consultant to the World Bank, the United Nations Development Program, the U.S. Agency for International Development, and many other agencies dealing with development issues. He has been awarded the Lifetime Achievement Award from the American Society of Civil Engineers, the Colorado Governor's Award of Merit for Science and Technology, and an honorary Doctor of Humane Letters from Colorado State University in 2006 in recognition of his exceptional contributions to industry and developing nations.

From such an extensive list of achievements, it is abundantly clear that Dr. Albertson has had an industrious and meaningful 90 years.

Dr. Albertson, I am inspired by the life that you have led. Our State and our Nation are blessed to have you as a citizen. I wish you a very happy birthday.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

At 5:13 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 6432. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program, to establish a program of fees relating to generic new animal drugs, to make certain technical corrections to the Food and Drug Administration Amendments Act of 2007, and for other purposes.

At 6:17 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1108. An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

H.R. 2339. An act to encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, and for other purposes.

H.R. 2851. An act to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

H.R. 3815. An act to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3957. An act to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency.

H.R. 4806. An act to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

H.R. 5170. An act to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes.

H.R. 5531. An act to amend the Homeland Security Act of 2002 to clarify criteria for certification relating to Advanced Spectroscopic Portal monitors, and for other purposes.

H.R. 5892. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability

benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, and for other purposes.

H.R. 5983. An act to amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security, and for other purposes.

H.R. 6073. An act to provide that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically.

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

H.R. 6445. An act to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled, and for other purposes.

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

H.R. 6576. An act to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 296. Concurrent resolution expressing support for the designation of August 2008 as ''National Heat Stroke Awareness Month'' to raise awareness and encourage prevention of heat stroke.

H. Con. Res. 358. Concurrent resolution commending the members of the Nevada Army and Air National Guard and the Nevada Reserve members of the Armed Forces for their dedicated, unselfish, and professional service, commitment, and sacrifices to the State of Nevada and the United States during more than five years of deployments to and in support of Operation Iraqi Freedom and Operation Enduring Freedom.

H. Con. Res. 361. Concurrent resolution commemorating Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2339. An act to encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2851. An act to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3815. An act to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develope and disseminate open source homeland security information products, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3957. An act to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency; to the Committee on Environment and Public Works.

H.R. 4806. An act to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5170. An act to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5531. An act to amend the Homeland Security Act of 2002 to clarify criteria for certification relating to Advanced Spectroscopic Portal monitors, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5892. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5983. An act to amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6073. An act to provide that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6193. An act to require the Secretary of Homeland Security to develop and administer policies, procedures, and programs to promote the implementation of the Controlled Unclassified Information Framework applicable to unclassified information that is homeland security information, terrorism information, weapons of mass destruction information and other information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6445. An act to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6576. An act to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 361. Concurrent resolution commemorating Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3406. A bill to restore the intent and protections of the Americans with Disabilities Act of 1990.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7322. A communication from the Assistant Inspector General for Communications and Congressional Liaison, Office of Inspector General, Department of Defense, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Inspector General, Department of Defense received on July 30, 2008; to the Committee on Armed Services.

EC–7323. A communication from the Assistant to the Secretary and White House Liaison, Department of Housing and Urban Development, transmitting, pursuant to law, the report of an action on a nomination in the position of President, Government National Mortgage Association received on July 30, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7324. A communication from the Assistant to the Secretary and White House Liaison, Department of Housing and Urban Development, transmitting, pursuant to law, the report of an action on a nomination in the position of Assistant Secretary for Congressional and Intergovernmental Relations received on July 30, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7325. A communication from the Assistant to the Secretary and White House Liaison, Department of Housing and Urban Development, transmitting, pursuant to law, the report of the discontinuation of service in an acting role in the position of President, Government National Mortgage Association received on July 30, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7326. A communication from the Assistant to the Secretary and White House Liaison, Department of Housing and Urban Development, transmitting, pursuant to law, the report of an action on a nomination in the position of Assistant Secretary for Community Planning and Development received on July 30, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7327. A communication from the Assistant Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, a report entitled, ''The 2007 Annual Homeless Assessment Report (AHAR)''; to the Committee on Banking, Housing, and Urban Affairs.

EC–7328. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting,

pursuant to law, a report entitled, ''Periodic Report to Congress on the National Emergency Regarding Proliferation of Weapons of Mass Destruction''; to the Committee on Banking, Housing, and Urban Affairs.

EC–7329. A communication from the Secretary, Department of the Treasury, transmitting, pursuant to law, a report entitled, ''Periodic Report on the National Emergency with respect to Côte d'Ivoire''; to the Committee on Banking, Housing, and Urban Affairs.

EC–7330. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska'' (RIN0648–XJ17) received on July 30, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7331. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska'' (RIN0648-XJ16) received on July 30, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7332. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648-XJ19) received on July 30, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7333. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnaces and Boilers'' (RIN1904-AA78) received on July 30, 2008; to the Committee on Energy and Natural Resources.

EC–7334. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and State Health Care Programs; Fraud and Abuse; Issuance of Advisory Opinions by the Office of Inspector General'' (42 CFR part 1008) received on July 30, 2008; to the Committee on Finance.

EC–7335. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''A New Transportation Approach for America''; to the Committee on Environment and Public Works.

EC–7336. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Fiscal Year 2007 Superfund Five-Year Review Report to Congress''; to the Committee on Environment and Public Works.

EC–7337. A communication from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Rules for Administrative Review of Agency Decisions'' (RIN1212-AB15) received on July 30, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7338. A communication from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR parts 4022 and 4044) received on July 30, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7339. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''New Animal Drugs; Cephalosporin Drugs; Extralabel Animal Drug Use; Order of Prohibition'' (Docket No. FDA–2008–N–0326) received on July 30, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7340. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination in the position of Assistant Secretary for Employment and Training received on July 30, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7341. A communication from the Director, Office of Management, Department of Energy, transmitting, pursuant to law, a report entitled ''Federal Activities Inventory Reform Act of 1998''; to the Committee on Homeland Security and Governmental Affairs.

EC–7342. A communication from the Assistant Inspector General, Communications and Congressional Liaison, Department of Defense, transmitting, pursuant to law, a report entitled ''Federal Activities Inventory Reform Act of 1998''; to the Committee on Homeland Security and Governmental Affairs.

EC–7343. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled, ''Federal Appointment Authorities, Cutting through the Confusion''; to the Committee on Homeland Security and Governmental Affairs.

EC–7344. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-441 , ''Priority Employment for Economically Disadvantaged Youth in the Youth Employment Program Amendment Act of 2008'' received on July 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7345. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-442 , ''Marriage Amendment Act of 2008'' received on July 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7346. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-443 , ''Access to Youth Employment Programs Amendment Act of 2008'' received on July 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7347. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-444, ''Metropolitan Police Department Retirement Options Amendment Act of 2008'' received on July 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7348. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-445 , ''Closing of a Public Alley in Square 127, S.O. 07-1209, Act of 2008'' received on July 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7349. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-446 , ''Closing of Public Alleys in Squares 564, 566, and 568, S.O. 07-122, Act of 2008'' received on July 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7350. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-447, ''Downtown BID Amendment Act of 2008'' received on July 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7351. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-448 , ''New Convention Center Hotel Technical Amendments Temporary Amendment Act of 2008'' received on July 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7352. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-449 , ''Adams Morgan Taxicab Zone Enforcement Temporary Amendment Act of 2008'' received on July 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7353. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-450 , ''Spam Deterrence Act of 2008'' received on July 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–435. A message from the National Assembly of Kuwait to the President pro tempore of the Senate expressing congratulations on the occasion of the National Day of the United States of America; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 1193. A bill to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico (Rept. No. 110–434).

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

H.J. Res. 62. A joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes (Rept. No. 110–435).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 620. A resolution designating the week of September 14–20, 2008, as National Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease, and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families.

S. Res. 622. A resolution designating the week beginning September 7, 2008, as ''National Historically Black Colleges and Universities Week''.

S. Res. 624. A resolution designating August 2008 as ''National Truancy Prevention Month''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Air Force nomination of Gen. Norton A. Schwartz, to be General.

*Air Force nomination of Gen. Duncan J. McNabb, to be General.

Air Force nomination of Lt. Gen. William L. Shelton, to be Lieutenant General.

Air Force nomination of Maj. Gen. Larry D. James, to be Lieutenant General.

Air Force nominations beginning with Brigadier General William S. Busby III and ending with Colonel Delilah R. Works, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2008.

Air Force nomination of Brig. Gen. Lawrence A. Stutzriem, to be Major General.

Army nomination of Col. James R. Anderson, to be Brigadier General.

Army nominations beginning with Brigadier General Lie-Ping Chang and ending with Colonel Eugene R. Woolridge III, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2008.

Army nominations beginning with Colonel Heidi V. Brown and ending with Colonel Mark W. Yenter, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2008.

Marine Corps nomination of Lt. Gen. John M. Paxton, Jr., to be Lieutenant General.

Navy nominations beginning with Capt. Christopher J. Paul and ending with Capt. Michael J. Yurina, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008. (minus 1 nominee: Capt. George W. Ballance)

Navy nomination of Captain Terry B. Kraft, to be Rear Admiral (Lower Half).

Navy nomination of Rear Adm. Bruce W. Clingan, to be Vice Admiral.

Navy nomination of Vice Adm. James A. Winnefeld, Jr., to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Christian L. Biscotti and ending with Barry K. Wells, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Timothy M. French and ending with Rachelle M. Nowlin, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2008.

Air Force nomination of Jeffrey T. Butler, to be Colonel.

Army nominations beginning with Robert S. Dempster and ending with Fred A. Karnik, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2008.

Army nominations beginning with Thomas G. Norbie and ending with David K. Rhinehart, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2008.

Army nominations beginning with Anne M. Andrews and ending with Kim N. Thomsen, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2008.

Army nominations beginning with David E. Bentzel and ending with Shannon M. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2008.

Army nominations beginning with Carlos C. Amaya and ending with Selina G. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2008.

Army nominations beginning with Kimberlee A. Aiello and ending with D060789, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2008.

Army nomination of Deborah J. McDonald, to be Colonel.

Army nomination of Lemuel H. Clement, to be Colonel.

Army nomination of Marco E. Harris, to be Colonel.

Army nominations beginning with Robert J. Howell, Jr. and ending with Stanley R. Jones, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 24, 2008.

Army nomination of Francis B. Magurn II, to be Colonel.

Army nomination of Joseph W. Brown, to be Major.

Army nomination of Victor Ursua, to be Major.

Army nomination of Yvonne M. Beale, to be Major.

Army nomination of Gerald P. Johnson, to be Lieutenant Colonel.

Army nominations beginning with Mauel Laborde and ending with Anthony Wojcik, which nominations were received by the Senate and appeared in the Congressional Record on July 24, 2008.

Army nominations beginning with George J. Jicha and ending with William H. Smithson, which nominations were received by the Senate and appeared in the Congressional Record on July 24, 2008.

Army nominations beginning with Christopher M. Hartley and ending with Lajohnne A. White, which nominations were received by the Senate and appeared in the Congressional Record on July 24, 2008.

Army nominations beginning with Samuel M. Ruben and ending with George D. Horn, which nominations were received by the Senate and appeared in the Congressional Record on July 24, 2008.

Navy nominations beginning with Timothy J. Mccullough and ending with Jae Woo Chung, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2008.

Navy nominations beginning with Phillip J. Bachand and ending with Gilbert L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2008.

Navy nomination of Eric D. Seeland, to be Captain.

Navy nominations beginning with William L. Hendrickson and ending with Orlando Gallardo, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 24, 2008.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. LAUTENBERG, Mr. WARNER, Mr. LEAHY, Mr. LEVIN, and Mr. VOINOVICH):

S. 3370. A bill to resolve pending claims against Libya by United States nationals, and for other purposes; considered and passed.

By Ms. SNOWE (for herself and Mr. CONRAD):

S. 3371. A bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3372. A bill to promote savings by providing a match for eligible taxpayers who contribute to savings products and to facilitate taxpayers receiving this match and open a bank account when they file their Federal income tax returns; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 3373. A bill to reauthorize and expand the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3374. A bill to establish a commission on veterans and members of the Armed Forces with post traumatic stress disorder, traumatic brain injury, or other mental health disorders, to enhance the capacity of mental health providers to assist such veterans and members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDEN (for himself, Ms. COLLINS, and Mr. DODD):

S. 3375. A bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SALAZAR:

S. 3376. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide assistance to the

Paralympic Program of the United States Olympic Committee, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COLEMAN (for himself, Ms. COLLINS, and Mr. LIEBERMAN):

S. 3377. A bill to amend title 46, United States Code, to waive the biometric transportation security card requirement for certain small business merchant mariners, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER:

S. 3378. A bill to require all public school employees and those employed in connection with a public school to receive FBI background checks prior to being hired, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Ms. MURKOWSKI, and Mr. DURBIN):

S. 3379. A bill to provide grants to establish veteran's treatment courts; to the Committee on the Judiciary.

By Mr. REID (for Mrs. CLINTON):

S. 3380. A bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3381. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN:

S. 3382. A bill for the relief of Guy Privat Tape and Lou Nazie Raymonde Toto; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mrs. CLINTON, Ms. MIKULSKI, and Mr. SCHUMER):

S. 3383. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. COLEMAN, and Mrs. MCCASKILL):

S. 3384. A bill to amend section 11317 of title 40, United States Code, to require greater accountability for cost overruns on Federal IT investment projects; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mr. GREGG, Mr. DODD, Mr. BURR, Mr. HARKIN, and Mr. ALEXANDER):

S. 3385. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself, Mr. HATCH, Mr. CHAMBLISS, Mr. WARNER, and Mr. BURR):

S. 3386. A bill to prohibit the use of certain interrogation techniques and for other purposes; to the Select Committee on Intelligence .

By Mr. HATCH (for himself and Mr. DODD):

S. 3387. A bill to amend the Public Health Service Act with respect to pain care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO:

S. 3388. A bill to amend title 38, United States Code, to authorize the assignment of pre-stabilization disability ratings to certain veterans for purposes of the payment of disability compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHUMER (for himself and Ms. CANTWELL):

S. 3389. A bill to require, for the benefit of shareholders, the disclosure of payments to foreign governments for the extraction of natural resources, to allow such shareholders more appropriately to determine associated risks; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN:

S. 3390. A bill to amend the National Voter Registration Act of 1993 to provide for the treatment of institutions of higher education as voter registration agencies; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN (for herself and Mr. BENNETT):

S. 3391. A bill to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; to the Committee on Rules and Administration.

By Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. LEAHY, Mrs. MCCASKILL, and Mr. VOINOVICH):

S. 3392. A bill to amend Homeland Security Act of 2002 to establish an appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3393. A bill to promote conservation and provide for sensible development in Carson City, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. 3394. A bill to prevent the undermining of the judgments of courts of the United States by foreign courts, and for other purposes; to the Committee on Finance.

By Mr. INHOFE:

S. 3395. A bill to provide for marginal well production preservation and enhancement; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. DURBIN, Mr. KENNEDY, and Mr. CASEY):

S. 3396. A bill to amend the Public Health Service Act to provide grants or contracts for prescription drug education and outreach for healthcare providers and their parents; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 3397. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, and Mr. WHITEHOUSE)):

S. 3398. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. SMITH, Ms. CANTWELL, Mr. CORNYN, Mrs. MURRAY, Mrs. DOLE, Ms. LANDRIEU, Mr. CHAMBLISS, Mr. WICKER, and Mr. VITTER):

S. 3399. A bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes; to the Committee on Finance.

By Mr. ALEXANDER:

S. 3400. A bill to amend title 38, United States Code, to improve the educational assistance available under post-9/11 veterans educational assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRAHAM (for himself and Mr. LIEBERMAN):

S. 3401. A bill to provide for habeas corpus review for terror suspects held at Guantanamo Bay, Cuba, and for other purposes; to the Committee on the Judiciary.

By Mr. SALAZAR:

S. 3402. A bill to provide information and education to consumers concerning health care services and health insurance coverage; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL:

S. 3403. A bill to amend title 49, United States Code, to require determination of the maximum feasible fuel economy level achievable for cars and light trucks for a year based on a projected fuel gasoline price that is not less than the applicable high gasoline price projection issued by the Energy Information Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER:

S. 3404. A bill to amend the Beef Research and Information Act to allow the promotion of beef that is born and raised exclusively in the United States, allow the establishment of an importers qualified beef council to promote nondomestic beef, and to establish new referendum requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD (for himself and Mr. WHITEHOUSE):

S. 3405. A bill to prohibit secret modifications and revocations of the law, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN (for himself, Mr. HATCH, Mr. KENNEDY, Mr. ENZI, Mr. SPECTER, Mr. OBAMA, Mr. MCCAIN, Mr. DODD, Mr. GREGG, Mrs. CLINTON, Mr. ALEXANDER, Mr. JOHNSON, Mr. ROBERTS, Mr. KERRY, Mr. COLEMAN, Mr. FEINGOLD, Ms. SNOWE, Mr. LEAHY, Mr. BURR, Mr. BROWN, Mr. SMITH, Mr. DURBIN, Ms. MURKOWSKI, Mr. LAUTENBERG, Mr. WARNER, Mr. SANDERS, Mr. BROWNBACK, Mr. REED, Mr. MARTINEZ, Ms. MIKULSKI, Mr. ISAKSON, Mr. CASEY, Mr. CRAIG, Mrs. MURRAY, Mr. BENNETT, Ms. LANDRIEU, Ms. COLLINS, Mr. BIDEN, Mr. ALLARD, Mr. NELSON of Florida, Mr. SUNUNU, Mr. CARDIN, Mr. THUNE, Mr. LEVIN, Mr. BARRASSO, Mrs. MCCASKILL, Mr. CRAPO, Mr. SCHUMER, Mr. STEVENS, Mr. SALAZAR, Mr. VOINOVICH, Mr. TESTER, Mr. COCHRAN, Mr. REID, Mr. LUGAR, and Mr. CHAMBLISS):

S. 3406. A bill to restore the intent and protections of the Americans with Disabilities Act of 1990; read the first time.

By Mr. BURR (for himself, Mr. WICKER, Mr. ALEXANDER, and Mr. INHOFE):

S. 3407. A bill to amend title 10, United States Code, to authorize commanders of wounded warrior battalions to accept charitable gifts on behalf of the wounded members

of the Armed Forces assigned to such battalions; to the Committee on Armed Services.

By Mr. BAUCUS (for himself and Mr. CONRAD):

S. 3408. A bill to amend title XI of the Social Security Act to provide for the conduct of comparative effectiveness research and to amend the Internal Revenue Code of 1986 to establish a Comparative Effectiveness Research Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mr. KENNEDY (for himself and Mr. GRASSLEY)):

S. 3409. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety and quality of medical products and enhance the authorities of the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself, Mr. SCHUMER, Mr. LIEBERMAN, and Mr. INOUYE):

S. 3410. A bill to authorize a grant program to provide for expanded access to mainstream financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself and Mr. COLEMAN):

S. 3411. A bill to authorize the sale of certain National Forest System lands in the Superior National Forest in Minnesota; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANDERS (for himself, Mr. OBAMA, Mrs. CLINTON, Mr. KENNEDY, Mr. BROWN, Ms. MIKULSKI, Mr. CASEY, Mrs. BOXER, Mr. DURBIN, Mr. INOUYE, Mr. HARKIN, Mr. KERRY, Mr. CARDIN, and Mr. LEAHY):

S. 3412. A bill to achieve access to comprehensive primary health care services for all Americans and to improve primary care delivery through an expansion of the community health center and National Health Service Corps programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. OBAMA, Mrs. CLINTON, Mr. KENNEDY, Mr. BROWN, Ms. MIKULSKI, Mr. CASEY, Mrs. BOXER, Mr. DURBIN, and Mr. INOUYE):

S. 3413. A bill to achieve access to comprehensive primary health care services for all Americans and to improve primary care delivery through an expansion of the community health center and National Health Service Corps programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mrs. MURRAY, Mr. KENNEDY, and Ms. CANTWELL):

S. 3414. A bill to recapture family-sponsored and employment-based immigrant visas lost to bureaucratic delays and to prevent losses of family-sponsored and employment-based immigrant visas in the future, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3415. A bill to authorize the construction of the Dry-Redwater Regional Water Authority System in the State of Montana and a portion of McKenzie Country, North Dakota, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. INHOFE):

S. 3416. A bill to amend section 40122(a) of title 49, United States Code, to improve the dispute resolution process at the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN:

S. 3417. A bill to amend part A of title IV of the Social Security Act to expand educational opportunities for recipients of temporary assistance for needy families; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. MCCAIN, Mr. ENZI, Mr. MARTINEZ, Mr. BOND, Mr. WICKER, Mr. CORNYN, Mr. CRAPO, Mr. ALLARD, Mr. THUNE, Mr. BARRASSO, and Mr. INHOFE):

S. Res. 636. A resolution recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the members of the United States Armed Forces who made that success possible; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. Res. 637. A resolution to honor the visionary and extraordinary work of Los Alamos National Laboratory and IBM on the Roadrunner supercomputer; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself, Mr. OBAMA, Ms. KLOBUCHAR, Ms. CANTWELL, Mrs. MCCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mrs. CLINTON, Mrs. BOXER, Mr. KENNEDY, and Mrs. FEINSTEIN):

S. Res. 638. A resolution supporting legislation promoting improved health care and access to health care for women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. Res. 639. A resolution recognizing the benefits of transportation improvements along the United States Route 36 corridor to communities, individuals, and businesses in Colorado; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself and Mrs. CLINTON):

S. Res. 640. A resolution expressing the sense of the Senate that there should be an increased Federal commitment to public health and the prevention of diseases and injuries for all people in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mr. DEMINT, Mr. HATCH, Mr. INHOFE, Mr. MARTINEZ, Mr. ROBERTS, and Mr. MCCONNELL):

S. Res. 641. A resolution congratulating the Focus on the Family radio program for its induction into the National Radio Hall of Fame.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 642. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

ADDITIONAL COSPONSORS

S. 24

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 24, a bill to amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate.

S. 150

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 150, a bill to amend the Safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate.

S. 154

At the request of Mr. BUNNING, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 154, a bill to promote coal-to-liquid fuel activities.

S. 155

At the request of Mr. BUNNING, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 155, a bill to promote coal-to-liquid fuel activities.

S. 211

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 642

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 642, a bill to codify Executive Order 12898, relating to environmental justice, to require the Administrator of the Environmental Protection Agency to fully implement the recommendations of the Inspector General of the Agency and the Comptroller General of the United States, and for other purposes.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 976

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 976, a bill to secure the promise of personalized medicine for all Americans by expanding and accelerating genomics research and initiatives to improve the accuracy of disease diagnosis, increase the safety of drugs, and identify novel treatments.

S. 1084

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 1084, a bill to provide housing assistance for very low-income veterans.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from New Jersey

(Mr. LAUTENBERG) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1343

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1343, a bill to amend the Public Health Service Act with respect to prevention and treatment of diabetes, and for other purposes.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1911

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 1911, a bill to amend the Safe Drinking Water Act to protect the health of susceptible populations, including pregnant women, infants, and children, by requiring a health advisory, drinking water standard, and reference concentration for trichloroethylene vapor intrusion, and for other purposes.

S. 1933

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 1933, a bill to amend the Safe Drinking Water Act to provide grants to small public drinking water systems.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2092

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2092, a bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies.

S. 2102

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. BOXER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2270

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2270, a bill to include health centers in the list of entities eligible for mortgage insurance under the National Housing Act.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2347

At the request of Mr. FEINGOLD, his name was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2510

At the request of Ms. LANDRIEU, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2641

At the request of Mr. GRASSLEY, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2641, a bill to amend title XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 2668

At the request of Mr. KERRY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2669

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2669, a bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes.

S. 2705

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2705, a bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes.

S. 2794

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2794, a bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security.

S. 2817

At the request of Mr. SALAZAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2817, a bill to establish the National Park Centennial Fund, and for other purposes.

S. 2851

At the request of Mr. BUNNING, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Georgia (Mr. ISAKSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2851, a bill to amend the Internal Revenue Code of 1986 to modify the penalty on the understatement of taxpayer's liability by tax return preparers.

S. 2858

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2885

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2885, a bill to amend the Internal Revenue Code of 1986 to expand the availability of industrial development bonds to facilities manufacturing intangible property.

S. 2919

At the request of Mr. STEVENS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2919, a bill to promote the accurate transmission of network traffic identification information.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2950

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2950, a bill to increase housing, awareness, and navigation demonstration services (HANDS) for individuals with autism spectrum disorders.

S. 3067

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3067, a bill to amend the Public Health Service Act to reauthorize the Dental Health Improvement Act.

S. 3073

At the request of Mr. CORNYN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3073, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes.

S. 3080

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3109

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 3109, a bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

S. 3155

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 3155, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 3160

At the request of Mr. INOUYE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3160, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

S. 3164

At the request of Mr. MARTINEZ, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3164, a bill to amend tile XVIII of the Social Security Act to reduce fraud under the Medicare program.

S. 3166

At the request of Mr. SESSIONS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3166, a bill to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States.

S. 3167

At the request of Mr. BURR, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3167, a bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes.

S. 3200

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 3200, a bill to develop capacity and infrastructure for mentoring programs.

S. 3246

At the request of Mr. CARDIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3246, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to set the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction.

S. 3303

At the request of Mr. BROWNBACK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3303, a bill to require automobile manufacturers to ensure that not less than 80 percent of the automobiles manufactured or sold in the United States by each manufacturer to operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel.

S. 3308

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 3308, a bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes.

S. 3323

At the request of Mr. GREGG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3323, a bill to provide weatherization and home heating assistance to low income households, and to provide a heating oil tax credit for middle income households.

S. 3337

At the request of Mr. ROBERTS, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3337, a bill to require the Secretary of Agriculture to carry out conservation reserve program notice CRP–598, entitled the ''Voluntary Modification of Conservation Reserve Program (CRP) Contract for Critical Feed Use''.

S. 3338

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3338, a bill to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes.

S. 3353

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3353, a bill to provide temporary financial relief for rural school districts adversely impacted by the current energy crisis, and for other purposes.

S. 3362

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Indiana (Mr. BAYH), the Senator from Maryland (Mr. CARDIN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 3362, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

S. CON. RES. 87

At the request of Mr. CASEY, his name was added as a cosponsor of S. Con. Res. 87, a concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence.

S. RES. 551

At the request of Mr. THUNE, his name was added as a cosponsor of S. Res. 551, a resolution celebrating 75

years of successful State-based alcohol regulation.

At the request of Mr. BARRASSO, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 551, supra.

S. RES. 627

At the request of Mr. NELSON of Florida, the names of the Senator from Oregon (Mr. SMITH), the Senator from New York (Mrs. CLINTON) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. Res. 627, a resolution welcoming home Keith Stansell, Thomas Howes, and Marc Gonsalves, three citizens of the United States who were held hostage for over five years by the Revolutionary Armed Forces of Colombia (FARC) after their plane crashed on February 13, 2003.

S. RES. 630

At the request of Mr. SANDERS, his name was added as a cosponsor of S. Res. 630, a resolution recognizing the importance of connecting foster youth to the workforce through internship programs, and encouraging employers to increase employment of former foster youth.

S. RES. 632

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 632, a resolution calling on the Governments of the People's Republic of China and the international community to use the upcoming Olympic Games as an opportunity to push for the parties to the conflicts in Sudan, Chad, and the Central African Republic to cease hostilities and revive efforts toward a peaceful resolution of their national and regional conflicts.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. CONRAD):

S. 3371. A bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I rise to introduce legislation to offer a drastically simplified alternative for home-based businesses to benefit from the home office tax deduction. The U.S. Small Business Administration's, SBA's, Office of Advocacy designated reforming the home office tax deduction as one of its top ten Regulatory Review and Reform initiatives for 2008. By establishing an optional home office deduction, the Home Office Tax Deduction Simplification and Improvement Act of 2008 would take a strong step toward making our tax laws easier to understand. I thank Senator Conrad for joining me to introduce this critical bill.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I continually hear from small enterprises across Maine and this nation about the necessity of tax relief and reform. Despite the fact that small firms are our economy's real job creators, the current tax system places an entirely unreasonable burden on them as they struggle to satisfy their tax obligations.

Notably, according to the Office of Management and Budget's Office of Information and Regulatory Affairs, the American public spends approximately 9 billion hours each year to complete government-mandated forms and paperwork. A staggering 80 percent of this time is consumed by completing tax forms. What's even more troubling is that companies that employ fewer than 20 employees spend nearly $1,304 per employee in tax compliance costs, an amount that is nearly 67 percent more than larger firms.

Turning to the legislation I am offering today, the Internal Revenue Code presently offers qualified individuals a home office tax deduction if they use a portion of their home as a principal place of business or as a space to meet with their patients or clients. That said, although recent research from the SBA indicates that roughly 53 percent of America's small businesses are home-based, few of these firms take advantage of the home office tax deduction. The reason is simple: reporting the deduction is complicated.

A 2006 survey conducted by the National Federation of Independent Business, NFIB, Research Foundation found that approximately 33 percent of small-employer taxpayers try to comprehend the tax rules governing the home office tax deduction, but only about half of those respondents believe that they actually have a good understanding of the rules. As Dewey Martin, a Certified Public Accountant from my home State of Maine, so aptly said in recent testimony before the Senate Finance Committee, ''Many small business owners avoid the deduction because of the complications and the fear of a potential audit.''

With a morass of paperwork attributable to the home office deduction, the time-consuming process of navigating the tangled web of rules and regulations makes it unsurprising that so many small business owners forego the home office deduction. So to encourage the use of the home office tax deduction, the bill we are introducing today would establish an optional, easy-to-use incentive.

Turning to specifics, our bill would direct the Secretary of the Treasury to establish a method for determining a deduction that consists of multiplying an applicable standard rate by the square footage of the type of property being used as a home office. The proposal would also require the IRS to separately state the amounts allocated to several types of expenses in order to reduce the burden on the taxpayer. It is vital that the IRS clearly identify the amounts of the deduction devoted to real estate taxes, mortgage interest, and depreciation so that taxpayers do not duplicate them on Schedule A. Finally, the bill makes two changes designed to ease the administration of the deduction: First, to reflect an economy in which many business owners conduct business or consult with customers through the Internet or over the phone versus face-to-face, our legislation takes these entrepreneurs into account by allowing the home office deduction to be taken if the taxpayer uses the home to meet or deal with clients regardless of whether the clients are physically present. Second, our bill would allow for de minimis use of business space for personal activities so that taxpayers would not lose their ability to claim the deduction if they make a personal call or pay a bill online.

I would be remiss not to note that the bill we are introducing today is the result of the dedicated efforts of various groups and organizations, which have worked with Senator Conrad and me on a consensus approach to improve the current law home office tax deduction. In particular, it is significant to note that the IRS Taxpayer Advocate Service strongly backs this bill. In fact, the National Taxpayer Advocate, Nina E. Olson, sent my office the following statement regarding our legislation: ''In my 2007 Annual Report to Congress, I made a similar proposal to simplify the home office business deduction. I am pleased that Senator Snowe and Conrad's proposed bill reflects the gist of my legislative recommendation. Reducing the burdensome substantiation requirements for employees and self-employed taxpayers who incur modest home office costs would make the home office business deduction simpler and more accessible to them.''

My office also received an endorsement of the bill from the National Federation of Independent Business. Dan Danner, the organization's Executive Director, said the following: ''Currently only a small percentage of home-based businesses in the U.S. take advantage of the home-office deduction because calculating the deduction is unnecessarily complicated. NFIB small business owners have advocated for a simpler, standard home-office deduction for years. The Snowe-Conrad legislation gives home-based businesses the option to deduct a legitimate business expense with minimum hassle. This commonsense change to the tax code will reduce tax complexity and help many home-based businesses take advantage of this deduction.'' Additionally, the SBA's Office of Advocacy added: ''The SBA Office of Advocacy reviewed the legislation and supports it.''

In closing, according to the SBA's Office of Advocacy, America's home-

based sole proprietors generate $102 billion in revenue annually. With this in mind, it is absolutely critical to endow these small firms with as much relief from burdensome tax constraints as possible so that they can focus their efforts on developing the products and services of the future, as well as creating new jobs. The confusion over the home office business tax deduction, in my estimation, can be easily solved by passing this legislation. I urge all Senators to consider the benefits this bill will provide to thousands of small business owners, and I look forward to working with my colleagues to enact it in a timely manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3371

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Home Office Tax Deduction Simplification and Improvement Act of 2008''.

SEC. 2. OPTIONAL STANDARD HOME OFFICE DEDUCTION.

(a) IN GENERAL.—Subsection (c) of section 280A of the Internal Revenue Code of 1986 (relating to exceptions for certain business or rental use; limitation on deductions for such use) is amended by adding at the end the following new paragraph:

''(7) ELECTION OF STANDARD HOME OFFICE DEDUCTION.—

''(A) IN GENERAL.—In the case of an individual who is allowed a deduction for the use of a portion of a dwelling unit as a business by reason of paragraph (1), (2), or (4), notwithstanding the limitations of paragraph (5), if such individual elects the application of this paragraph for the taxable year with respect to such dwelling unit, such individual shall be allowed a deduction equal to the standard home office deduction for the taxable year in lieu of the deductions otherwise allowable under this chapter for such taxable year by reason of paragraph (1), (2), or (4).

''(B) STANDARD HOME OFFICE DEDUCTION.—

''(i) IN GENERAL.—For purposes of this paragraph, the standard home office deduction is an amount equal to the product of—

''(I) the applicable home office standard rate, and

''(II) the square footage of the portion of the dwelling unit to which paragraph (1), (2), or (4) applies.

''(ii) APPLICABLE HOME OFFICE STANDARD RATE.—For purposes of this subparagraph, the term 'applicable home office standard rate' means the rate applicable to the taxpayer's category of business, as determined and published by the Secretary for the 3 categories of businesses described in paragraphs (1), (2), and (4) for the taxable year.

''(iii) MAXIMUM SQUARE FOOTAGE TAKEN INTO ACCOUNT.—The Secretary shall determine and publish annually the maximum square footage that may be taken into account under clause (i)(II) for each of the 3 categories of businesses described in paragraphs (1), (2), and (4) for the taxable year.

''(C) EFFECT OF ELECTION.—

''(i) GENERAL RULE.—Except as provided in clause (ii), any election under this paragraph, once made by the taxpayer with respect to any dwelling unit, shall continue to apply with respect to such dwelling unit for each succeeding taxable year.

''(ii) ONE-TIME ELECTION PER DWELLING UNIT.—A taxpayer who elects the application of this paragraph in a taxable year with respect to any dwelling unit may revoke such application in a subsequent taxable year. After so revoking, the taxpayer may not elect the application of this paragraph with respect to such dwelling unit in any subsequent taxable year.

''(D) DENIAL OF DOUBLE BENEFIT.—

''(i) IN GENERAL.—Except as provided in clause (ii), in the case of a taxpayer who elects the application of this paragraph for the taxable year, no other deduction or credit shall be allowed under this subtitle for such taxable year for any amount attributable to the portion of a dwelling unit taken into account under this paragraph.

''(ii) EXCEPTION FOR DISASTER LOSSES.—A taxpayer who elects the application of this paragraph in any taxable year may take into account any disaster loss described in section 165(i) as a loss under section 165 for the applicable taxable year, in addition to the standard home office deduction under this paragraph for such taxable year.

''(E) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.''.

(b) MODIFICATION OF HOME OFFICE BUSINESS USE RULES.—

(1) PLACE OF MEETING.—Subparagraph (B) of section 280A(c)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) as a place of business which is used by the taxpayer in meeting or dealing with patients, clients, or customers in the normal course of the taxpayer's trade or business, or''.

(2) DE MINIMIS PERSONAL USE.—Paragraph (1) of section 280A(c) of such Code is amended by striking ''for the convenience of his employer'' and inserting ''for the convenience of such employee's employer. A portion of a dwelling unit shall not fail to be deemed as exclusively used for business for purposes of this paragraph solely because a de minimis amount of non-business activity may be carried out in such portion''.

(c) REPORTING OF EXPENSES RELATING TO HOME OFFICE DEDUCTION.—Within 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall ensure that all forms and schedules used to calculate or report itemized deductions and profits or losses from business or farming state separately amounts attributable to real estate taxes, mortgage interest, and depreciation for purposes of the deductions allowable under paragraphs (1), (2), (4), and (7) of section 280A(c) of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 3373. A bill to reauthorize and expand the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. MURRAY. Mr. President, I rise today to introduce the Northwest Straits Marine Conservation Initiative Act. This bill will reauthorize the Northwest Straits Marine Conservation Initiative, which promotes the protection and restoration of the marine waters, habitats, and species of the Northwest Straits region of Puget Sound in Washington State in order to achieve ecosystem health and sustainable resource use.

The Northwest Straits region makes up 60 percent of the Puget Sound's shoreline and includes the marine waters, nearshore areas, and shorelines of the Strait of Juan de Fuca and of Puget Sound from the Canadian border to the southern end of Snohomish County. This region represents a unique resource of enormous environmental and economic value to the people of the United States and, in particular, of the region surrounding the Northwest Straits. However, in the last several decades, habitat health, water quality, and populations of commercially and culturally valuable species found in the Northwest Straits have sharply declined. During the 20th century, extensive development, a legacy of lost or abandoned fishing gear, land conversion, loss of native sea grass, and invasive species have destroyed once intact native habitats in its ecosystem.

In 1997, I partnered with former Congressman Jack Metcalf and brought opposing stakeholders together to create an advisory commission to address regional and local issues in the marine environment. Many were skeptical of our efforts, but our work created an innovate model for restoring and protecting marine habitats. As a result, the Northwest Straits Initiative was created to provide funding to help citizens design and carry out marine conservation projects driven by local priorities and informed by science and the Initiative's goals and benchmarks.

The Northwest Straits Initiative is composed of volunteer-based marine resources committees in 7 counties, as well as over 100 members representing residents, tribes, businesses, fishermen, boaters, and scientists. It has logged thousands of volunteer hours and completed hundreds of projects, demonstrating that citizen involvement in marine resource conservation and restoration is powerful, effective, and necessary. And the program has accomplished a lot: thousands of derelict crab pots and fishing nets have been removed, miles of forage fish spawning habitat have been surveyed, hundreds of thousands of native Olympia oysters have been planted, marine stewardship areas have been designated, nearly 1,000 tons of creosote wood has been removed, and dozens of stewardship and public outreach programs have been completed.

The authorization of the Northwest Straits Marine Conservation Initiative will ensure the continuation of this

successful and innovative regional approach to marine resource restoration and protection.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3374. A bill to establish a commission on veterans and members of the Armed Forces with post traumatic stress disorder, traumatic brain injury, or other mental health disorders, to enhance the capacity of mental health providers to assist such veterans and members, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SMITH. Mr. President, I rise today with my colleague Senator RON WYDEN to introduce a bill that will help improve the lives of our veterans who are suffering from a mental illness. The Healing Our Nation's Heroes Act of 2008 is an important bill and I look forward to its passage. Senator WYDEN has been an ally for me in the struggle to ensure veterans, particularly those who are struggling with a mental illness, get the care that they need. It is an honor for me to work him to ensure our Nation's heroes are not forgotten.

Our work together on this bill began last summer when I called a Special Committee on Aging field hearing at the Portland Veterans Affairs Medical Center in our home state of Oregon. At that hearing, Senator WYDEN and I heard the testimony of officials from the Department of Veterans Affairs, VA, as well as local leaders who operate programs that support our veterans' mental and physical health needs. I also held roundtables in my state on the issue and a follow-up hearing in Washington, DC in October, 2007 to further examine the scope of the issues and barriers facing our veterans in need of care. At this hearing, we were fortunate to have former Senator and World War II veteran Bob Dole testify. Senator Dole is a decorated war hero who has fought for decades to ensure that our servicemembers and veterans have the proper supports they need. His insight and knowledge of the issues facing our veterans, both young and old, were instrumental in helping us to draft this legislation. Without the input of countless people who told us of the problems faced by their loved ones and their own struggles with the current system, we could not have made this bill possible.

In our Nation today, we have nearly 24 million veterans, about 40 percent of whom are age 65 and older. The Veterans Health Administration serves about 5.5 million of them each year and employs 247,000 employees to attend to their care. I draw attention to these numbers to emphasize not only the scale of the system—and therefore the noted difficulties in meeting all needs at all times—but also to reiterate that there are a large number of veterans to whom we owe an enormous debt.

Unfortunately, we are not doing well enough by our veterans. We know that nationally 23 percent of all homeless persons are veterans. In Portland, Oregon, that number could be as high as 30 percent. They suffer disproportionately from poor health, including mental health and substance abuse challenges. We are fortunate to have wonderful community-based groups, such as the Central City Concern in Portland, working to help those who are homeless to get the help and support they need; but we must do more.

As was reported at the hearing I held in October of 2007, Dr. Kaplan from Portland State University found that veterans in our nation are at twice the risk of suicide as non-veterans. With the number and needs of veterans ever-increasing in our nation, we must ensure that our mental health infrastructure is prepared to handle their unique needs.

What we now refer to as post-traumatic stress disorder, PTSD, once was described as ''soldier's heart'' in the Civil War, ''shell shock'' in World War I, and ''combat fatigue'' in World War II. Whatever the name, they are serious mental illnesses and deserve equal attention and care as a physical wound. A system must be in place to help our veterans as they adjust back to life with their families and within their communities.

So many of our veterans from previous conflicts in Korea, Vietnam and around the globe in World War II, needed similar programs once they returned home. Yet, I fear that we did not do enough to help them. With proper and early support systems in place, we can work to prevent the more serious and chronic mental health issues that come from a lack of intervention.

There is no greater obligation than caring for those who have served this country with their military service. We would be remiss if we did not ensure that the health care provided to our heroes in arms is the finest medicine has to offer. A lack of culturally sensitive mental health professionals, an inability to reach rural areas, stigma related to mental illness within the military, bureaucratic run-arounds and long waiting times are just a few of the problems that we hear about—both in the news and directly from constituents. These are problems that must be addressed and can only be addressed if we all work together to find solutions.

As our country faces new waves of veterans with mental health illnesses, many of whose issues arise from combat stress, we must ensure that we learn from the lessons of the past. We must ensure that they are cared for, and we must not leave behind those who fought for our nation in previous generations.

This bill has three important parts that will improve mental health services to our veterans. First, it will establish a commission charged with oversight of outreach and services offered to veterans and members of the Armed Forces with post traumatic stress disorder and other disorders that affect mental health. This commission will be a long-term body that will ensure that our veterans have the support that they need. They will report to Congress, make recommendations to the Departments of Veterans Affairs and Defense, and look for innovative ways that the two bodies can work together to better ensure our servicemembers have the proper supports while they are in the Armed Forces, during their time of transition back to their communities, and as they live their lives as veterans in their communities.

This bill also will establish the Heroes-to-Healers Program, which we have created to build on the successes of the Troops-to-Teachers Program. In addition to the wonderful work that the Troops-to-Teachers program does in training former servicemembers to work in high-need school districts, the Heroes-to-Healers Program will train former servicemembers to become a part of the mental health workforce. We know that major complaints from servicemembers and veterans working to gain needed mental health services are the wait times for care that they experience due to lack of available staff and their desire to work with professionals who understand, first-hand, the difficult things that they have seen and type of experiences they have had serving overseas in combat zones. Through this program, participants will receive financial support to gain the training and licensing they need to become a mental health professional, while ensuring there is a minimum amount of time that they will then serve their fellow veterans in their new profession.

To further help recruitment and retention efforts for mental health service providers, the third part of this bill will provide a new grant program to state and local mental health agencies, as well as non-profit organizations to establish, expand or enhance mental health provider recruitment and retention efforts. These efforts will be targeted at supporting mid-career professionals who are looking to work in the mental health profession.

We know that we must do a better job of helping our veterans. We can do better at ensuring they can remain stable in their communities, that they can live healthy lives and that they can prosper as persons to whom we owe a great deal of gratitude and compassion.

I look forward to working with my colleagues to ensure its passage. I urge my colleagues on both sides of the aisle to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3374

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Healing Our Nation's Heroes Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since October 2001, approximately 1,640,000 members of the Armed Forces have been deployed as part of Operation Enduring Freedom or Operation Iraqi Freedom.

(2) 300,000 members of the Armed Forces are suffering from major depression or post traumatic stress because of service in Operation Enduring Freedom or Operation Iraqi Freedom.

(3) 320,000 of the members of the Armed Forces who served in Operation Enduring Freedom or Operation Iraqi Freedom, or 19 percent of such members, have received brain injuries from such service.

(4) Only 43 percent of members of the Armed Forces with a probable traumatic brain injury have reported receiving a medical evaluation for their head injury.

(5) Records of the Department of Veterans Affairs show that 120,000 members of the Armed Forces who are no longer on active duty have been diagnosed with mental health problems, approximately half of whom suffer from post traumatic stress disorder (PTSD).

(6) In the last year, only 53 percent of those members of the Armed Forces with post traumatic stress disorder or depression have sought professional help from a mental health care provider.

(7) Rates of post traumatic stress disorder and depression are highest among members of the Armed Forces who are women or members of the Reserves.

(8) Efforts to improve access to quality mental health care are integral to supporting and treating both active duty members of the Armed Forces and veterans.

(9) Without quality mental health care, members of the Armed Forces and veterans may experience lower work productivity, which negatively affects their physical health, mental health, and family and social relationships.

(10) Cultural and personal stigmas are factors that contribute to low rates of veterans of Operation Enduring Freedom and Operation Iraqi Freedom who seek mental health care from qualified mental health care providers.

(11) The capacity of mental health care providers and access to such providers must be improved to meet the needs of members of the Armed Forces who are returning from deployment in Operation Enduring Freedom or Operation Iraqi Freedom.

(12) Community-based providers of mental health care are invaluable assets in addressing the needs of such members and should not be overlooked.

(13) Coordination of care among government agencies as well as nongovernmental agencies is integral to the successful treatment of members of the Armed Forces returning from deployment.

SEC. 3. COMMISSION ON VETERANS AND MEMBERS OF THE ARMED FORCES WITH POST TRAUMATIC STRESS DISORDER, TRAUMATIC BRAIN INJURY, OR OTHER MENTAL HEALTH DISORDERS CAUSED BY SERVICE IN THE ARMED FORCES.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission on veterans and members of the Armed Forces with post traumatic stress disorder (PTSD), traumatic brain injury, or other mental health disorders caused by service in the Armed Forces.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The commission shall be composed of a chair and members appointed jointly by the Secretary of Veterans Affairs and the Secretary of Defense, including not less than one of each of the following:

(A) Members of the Armed Forces on active duty.

(B) Veterans who are retired from the Armed Forces.

(C) Employees of the Department of Veterans Affairs.

(D) Employees of the Department of Defense.

(E) Recognized medical or scientific authorities in fields relevant to the commission, including psychiatry and medical care.

(F) Mental health professionals who are not physicians.

(G) Veterans who have undergone treatment for post traumatic stress disorder, traumatic brain injury, or other mental health disorders.

(2) CONSIDERATION OF RECOMMENDATIONS.—In appointing members of the commission, the Secretary of Veterans Affairs and the Secretary of Defense shall consult with nongovernmental organizations that represent veterans, members of the Armed Forces, and families of such veterans and members.

(c) DUTIES.—

(1) IN GENERAL.—The commission shall—

(A) oversee the monitoring and treatment of veterans and members of the Armed Forces with post traumatic stress disorder, traumatic brain injury, or other mental health disorders caused by service in the Armed Forces; and

(B) conduct a thorough study of all matters relating to the long-term adverse consequences of such disorders for such veterans and members, including an analysis of—

(i) the information gathered from rescreening data obtained from post deployment interviews; and

(ii) treatments that have been shown to be effective in the treatment of post traumatic stress disorder, traumatic brain injury, or other mental health disorders caused by service in the Armed Forces.

(2) RECOMMENDATIONS.—The commission shall develop recommendations on the development of initiatives—

(A) to mitigate the adverse consequences studied under paragraph (1)(B); and

(B) to reduce cultural stigmas associated with treatment of post traumatic stress disorder, traumatic brain injury, or other mental health disorders of veterans and members of the Armed Forces.

(3) ANNUAL REPORTS.—Not later than September 30 each year, the commission shall submit to the appropriate committees of Congress a report containing the following:

(A) A detailed statement of the findings and conclusions of the commission as a result of its activities under paragraph (1).

(B) The recommendations of the commission developed under paragraph (2).

(d) POWERS OF THE COMMISSION.—

(1) SITE VISITS.—The commission may visit locations where veterans and members of the Armed Forces with post traumatic stress disorder, traumatic brain injury, or other mental health disorders caused by service in the Armed Forces receive treatment for such disorders to carry out the oversight and monitoring required by subsection (c)(1)(A).

(2) INFORMATION FROM FEDERAL AGENCIES.—The commission may secure directly from any Federal department or agency such information as the commission considers necessary to carry out the provisions of this Act. Upon request of the chair of the commission, the head of such department or agency shall furnish such information to the commission.

(e) TERMINATION.—The commission shall be terminated at the joint discretion of the Secretary of Defense and the Secretary of Veterans Affairs.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 4. HEROES-TO-HEALERS PROGRAM.

(a) IN GENERAL.—Part III of title 38, United States Code, is amended by adding at the end the following:

''CHAPTER 44—HEROES-TO-HEALERS PROGRAM

''Sec.
''4400. Purposes.
''4401. Definitions.
''4402. Authorization of Heroes-to-Healers Program.
''4403. Recruitment and selection of Program participants.
''4404. Participation agreement and financial assistance.
''4405. Participation by States.
''4406. Reporting requirements.
''4407. Authorization of appropriations.

''§ 4400. Purposes

''The purposes of this chapter are—

''(1) to encourage veterans and members of the Armed Forces separating from the Armed Forces—

''(A) to obtain certification or licensing as mental health care providers; and

''(B) to obtain employment with Federal, State, and local agencies and nongovernmental organizations that provide mental health care to members of the Armed Forces, veterans, or the families of such members or veterans; and

''(2) to enhance the capacity of such agencies and organizations to provide such care, by increasing the number of individuals seeking employment for the provision of such care.

''§ 4401. Definitions

''In this chapter:

''(1) The term 'mental health care provider', with respect to an individual, means a psychiatrist, psychologist, social worker, psychiatric nurse, mental health counselor, or marriage and family therapist.

''(2) The term 'Program' means the Heroes-to-Healers Program authorized by section 4402 of this title and described in this chapter.

''§ 4402. Authorization of Heroes-to-Healers Program

''(a) PURPOSE.—The purpose of this section is to authorize—

''(1) the Heroes-to-Healers Program; and

''(2) a mechanism for the funding and administration of such program.

''(b) PROGRAM AUTHORIZED.—(1) The Secretary may carry out a program—

''(A) to assist eligible individuals described in section 4403 of this title in obtaining certification or licensing (as prescribed for under applicable State law) as mental health care providers; and

''(B) to facilitate the employment of such individuals, by Federal, State, and local agencies and nongovernmental organizations that provide mental health care to members of the Armed Forces, veterans, or the families of such members or veterans, to provide such care.

''(2) The program authorized by paragraph (1) and described in this chapter shall be known as the 'Heroes-to-Healers Program'.

''(c) ADMINISTRATION OF PROGRAM.—The Secretary shall administer the Program in consultation with the Secretary of Defense.

''(d) INFORMATION REGARDING PROGRAM.—The Secretary shall provide to the Secretary of Defense information regarding the Program and applications for participation in the Program, for distribution as part of preseparation counseling provided under section 1142 of title 10 to members of the Armed Forces described in section 4403 of this title.

''(e) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to individuals who meet the criteria described in section 4403 of this title.

''§ 4403. Recruitment and selection of Program participants

''(a) ELIGIBLE INDIVIDUALS.—The following individuals are eligible for selection to participate in the Program:

''(1) Any individual who—

''(A) was a member of the Armed Forces and becomes entitled to retired or retainer pay in the manner provided in title 10 or title 14; or

''(B) has an approved date of retirement from service in the Armed Forces.

''(2) Any individual who—

''(A)(i) is separated or released from active duty in the Armed Forces after two or more years of continuous active duty in the Armed Forces immediately before the separation or release; or

''(ii) has completed a total of at least—

''(I) three years of active duty service in the Armed Forces;

''(II) three years of service computed under section 12732 of title 10; or

''(III) three years of any combination of such service; and

''(B) executes a reserve commitment agreement for a period of not less than 3 years under subsection (e)(2).

''(3) Any individual who is retired or separated for physical disability under chapter 61 of title 10.

''(b) SUBMISSION OF APPLICATIONS.—(1) Selection of eligible individuals to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in paragraph (2). An application shall be in such form and contain such information as the Secretary may require.

''(2) An application of an individual shall be considered to be submitted on a timely basis under paragraph (1) if the application is submitted not later than five years after the date on which the individual is retired, separated, or released from active duty in the Armed Forces, as the case may be.

''(c) SELECTION CRITERIA.—(1) The Secretary shall prescribe the criteria to be used to select eligible individuals to participate in the Program.

''(2) An individual is eligible to participate in the Program only if the individual's last period of service in the Armed Forces was honorable, as characterized by the Secretary concerned. An individual selected to participate in the Program before the retirement of the individual or the separation or release of the individual from active duty in the Armed Forces may continue to participate in the Program after the retirement, separation, or release only if the individual's last period of service is characterized as honorable by the Secretary concerned.

''(d) SELECTION PRIORITIES.—In selecting eligible individuals to receive assistance under the Program, the Secretary shall give priority to individuals who engaged in combat while serving in the Armed Forces.

''(e) OTHER CONDITIONS ON SELECTION.—(1) The Secretary may not select an eligible individual to participate in the Program under this section and receive financial assistance under section 4404 of this title unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under section 4404 of this title with respect to the individual.

''(2) The Secretary may not select an eligible individual described in subsection (a)(2)(A) to participate in the Program under this section and receive financial assistance under section 4404 of this title unless—

''(A) the Secretary notifies the Secretary concerned and the individual that the Secretary has reserved a full stipend or bonus under section 4404 of this title for the individual; and

''(B) the individual executes a written agreement with the Secretary concerned to serve as a member of the Selected Reserve of a reserve component of the Armed Forces for a period of not less than three years (in addition to any other reserve commitment the individual may have).

''§ 4404. Participation agreement and financial assistance

''(a) PARTICIPATION AGREEMENT.—(1) An eligible individual selected to participate in the Program under section 4403 of this title and receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the individual agrees—

''(A) within such time as the Secretary may require, to obtain certification or licensing as a mental health care provider; and

''(B) to accept an offer of full-time employment as a mental health care provider for not less than five years with a Federal, State, or local agency or nongovernmental organization that provides mental health care to members of the Armed Forces, veterans, or the families of such members or veterans.

''(2) The Secretary may waive the five-year commitment described in paragraph (1)(B) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the five-year commitment.

''(3) The Secretary shall encourage eligible individuals to seek employment with mental health care providers located more than 75 miles from a Department medical center.

''(b) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under subsection (a) during any period in which the participant—

''(1) is pursuing a full-time course of study related to the field of mental health care at an institution of higher education;

''(2) is serving on active duty as a member of the Armed Forces;

''(3) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

''(4) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

''(5) is a mental health care provider who is seeking and unable to find full-time employment as a mental health care provider in a Federal, State, or local agency or nongovernmental organization that provides mental health care to members of the Armed Forces, veterans, or the families of such members or veterans for a single period not to exceed 27 months; or

''(6) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

''(c) STIPEND FOR PARTICIPANTS.—(1) Subject to paragraph (2), the Secretary may pay to a participant in the Program selected under section 4403 of this title a stipend in an amount of not more than $5,000 per year of participation in the Program.

''(2) The total number of stipends that may be paid under paragraph (1) in any fiscal year may not exceed 2,500.

''(d) BONUS FOR PARTICIPANTS.—(1) Subject to paragraph (2), the Secretary of Education may, in lieu of paying a stipend under subsection (c), pay a bonus of up to $10,000 to a participant in the Program selected under section 4403 of this title who agrees in the participation agreement under subsection (a) to become a mental health care provider and to accept full-time employment as a mental health care provider for not less than five years in a Federal, State, or local agency or nongovernmental organization that provides mental health care to members of the Armed Forces, veterans, or the families of such members or veterans.

''(2) The total number of bonuses that may be paid under paragraph (1) in any fiscal year may not exceed 2,000.

''(e) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this section to a participant in the Program shall not be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—(1) A participant in the Program who is paid a stipend or bonus under this section shall be required to repay the stipend or bonus under the following circumstances:

''(A) The participant fails to obtain mental health care provider certification or licensing, to become a mental health care provider, or to obtain employment as a mental health care as required by the participation agreement under subsection (a).

''(B) The participant voluntarily leaves, or is terminated for cause from, employment as a mental health care provider during the five years of required service in violation of the participation agreement.

''(C) The participant executed a written agreement with the Secretary concerned under section 4403(e)(2) of this title to serve as a member of a reserve component of the

Armed Forces for a period of three years and fails to complete the required term of service.

''(2) A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under this section shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the five years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and such interest shall accrue from the day on which the participant is first notified of the amount due.

''(3) The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary under this subsection.

''(4) A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

''(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER TITLES 10 AND 38.—The receipt by a participant in the Program of a stipend or bonus under this section shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapters 30, 31, 33, or 35 of this title or chapters 1606 or 1607 of title 10.

''§ 4405. Participation by States

''(a) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

''(b) ASSISTANCE TO STATES.—(1) Subject to paragraph (2), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible individuals for participation in the Program and facilitating the employment of participants in the Program as a mental health care provider.

''(2) The total amount of grants made under paragraph (1) in any fiscal year may not exceed $5,000,000.

''§ 4406. Reporting requirements

''(a) ANNUAL REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this chapter and annually thereafter, the Secretary shall, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the Comptroller General of the United States, submit to Congress a report on the effectiveness of the Program in the recruitment and retention of qualified personnel by Federal, State, and local agencies and nongovernmental organizations that provide mental health care to members of the Armed Forces, veterans, or the families of such members or veterans.

''(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following:

''(1) The number of participants in the Program.

''(2) The types of positions in which the participants are employed.

''(3) The populations served by the participants.

''(4) The agencies and organizations in which the participants are employed as mental health care providers.

''(5) The types of agencies and organizations with which the participants are employed.

''(6) The geographic distribution of the agencies and organizations with which participants are employed.

''(7) The rates of retention of the participants by the Federal, State, and local agencies and nongovernmental organizations employing the participants.

''(8) Such other matters as the Secretary considers to be appropriate.

''§ 4407. Authorization of appropriations

''There are authorized to be appropriated to the Secretary to carry out the provisions of this chapter $10,000,000 for fiscal year 2009 and each fiscal year thereafter.''.

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 43 the following new item:

''44. Heroes-to-Healers Program ..... 4400.''.

SEC. 5. GRANT PROGRAM TO ENCOURAGE STATE AND LOCAL MENTAL HEALTH AGENCIES TO ESTABLISH, EXPAND, OR ENHANCE MENTAL HEALTH PROVIDER RECRUITMENT AND RETENTION EFFORTS.

(a) PURPOSES.—It is the purpose of this section to establish a program to recruit and retain highly qualified mid-career professionals and recent graduates of an institution of higher education, as psychiatrists, psychologists, social workers, psychiatric nurses, mental health counselors, or marriage and family therapists.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity described in subsection (c)(2).

(2) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means—

(A) an individual with substantial, demonstrable career experience; or

(B) an individual who has graduated from an institution of higher education not more than 3 years prior to applying to an eligible entity to become to be a mental health provider under this section.

(3) MENTAL HEALTH PROVIDER.—The term ''mental health provider'' means a psychiatrist, psychologist, social worker, psychiatric nurse, mental health counselor, marriage or family therapist, or any other provider determined appropriate by the Secretary.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(c) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary may, in consultation with the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs, establish a program to award grants, on a competitive basis, to eligible entities to encourage State and local mental health agencies or other entities to establish, expand, or enhance mental health provider recruitment and retention efforts. The Secretary may establish tiered grant award amounts based on criteria including specific need for highly qualified mental health providers by profession within a high demand area, geographic location, and existing compensation rates.

(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

(A) a State health agency;

(B) a high-need local health agency;

(C) a for-profit or nonprofit organization that has a proven record of effectively recruiting and retaining highly qualified mental health providers, that has entered into a partnership with a high-need local health agency or with a State health agency;

(D) an institution of higher education that has entered into a partnership with a high-need local health agency or with a State health agency;

(E) a regional consortium of State health agencies; or

(F) a consortium of high-need local health agencies.

(3) PRIORITY.—In awarding a grant under this subsection, the Secretary shall give priority to a partnership or consortium that includes a high-need State agency or local health agency.

(4) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENTS.—An application submitted under subparagraph (A) shall include a description of—

(i) one or more target recruitment groups on which the applicant will focus its recruitment efforts under the grant;

(ii) the characteristics of each such target group that—

(I) demonstrate the knowledge and experience of the group's members; and

(II) demonstrate that the members are eligible to achieve the purposes of this section;

(iii) the manner in which the applicant will use funds received under the grant to develop a cadre of mental health providers, or other programs to recruit and retain highly qualified midcareer professionals, recent college graduates, and recent graduate school graduates, as highly qualified mental health providers, in high-need military or veterans communities, or as part of entities providing care to military or veterans in medical facilities;

(iv) the manner in which the program carried out under the grant will comply with relevant State laws related to mental health provider certification or licensing and facilitate the certification or licensing of such mental health providers;

(v) the manner in which activities under the grant will increase the number of highly qualified mental health providers, in high-need Federal, State and local agencies (in urban or rural areas), and in high-need mental health professions, in the jurisdiction served by the applicant; and

(vi) the manner in which the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit (particularly through activities that have proven effective in retaining highly qualified mental health providers), train, place, support, and provide mental health induction programs to eligible participants under this section, including providing evidence of the commitment of the institutions, agencies, or organizations to the applicant's programs.

(5) DURATION OF GRANT.—The Secretary may award grants under this subsection for periods of 5 years. At the end of the 5-year period for such a grant, the grant recipient may apply for an additional grant under this section.

(6) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants

under this subsection among the regions of the United States.

(7) USE OF FUNDS.—

(A) IN GENERAL.—An entity shall use amounts received under a grant under this subsection to develop a cadre of mental health providers in order to establish, expand, or enhance mental health provider recruitment and retention programs for highly qualified mid-career professionals, and recent graduates of an institution of higher education, who are eligible participants.

(B) AUTHORIZED ACTIVITIES.—A program carried out under subparagraph (A) shall include 2 or more of the following activities:

(i) To provide scholarships, stipends, bonuses, and other financial incentives, that are linked to participation in activities that have proven effective in retaining mental health providers in high-need areas operated by Federal, State and local health agencies, to all eligible participants, in an amount that shall not be less than $5,000, nor more than $20,000, per participant.

(ii) To carry out pre- and post-placement induction or support activities that have proven effective in recruiting and retaining mental health providers, such as—

(I) mentoring;

(II) providing internships;

(III) providing high-quality, preservice coursework; and

(IV) providing high-quality, sustained in-service professional development.

(iii) To make payments to pay the costs associated with accepting mental health providers under this section from among eligible participants or to provide financial incentives to prospective mental health providers who are eligible participants.

(iv) To collaborate with institutions of higher education in the development and implementation of programs to facilitate mental health provider recruitment (including credentialing and licensing) and mental health retention programs.

(v) To carry out other programs, projects, and activities that are designed and have proven to be effective in recruiting and retaining mental health providers, and that the Secretary determines to be appropriate.

(vi) To develop long-term mental health provider recruitment and retention strategies, including developing—

(I) a national, statewide or regionwide clearinghouse for the recruitment and placement of mental health providers;

(II) reciprocity agreements between or among States for the certification or licensing of mental health providers; or

(III) other long-term teacher recruitment and retention strategies.

(C) EFFECTIVE PROGRAMS.—An entity shall use amounts received under a grant under this subsection only for programs that have proven to be effective in both recruiting and retaining mental health providers (as determined by the Secretary).

(8) REQUIREMENTS.—

(A) TARGETING.—An entity that receives a grant under this subsection shall ensure that participants in the program carried out under the grant who are recruited with funds made available under the grant are placed in high-need areas operated by high-need Federal, State, and local health agencies. In placing such participants in mental health facilities, such entity shall give priority to facilities that are located in—

(i) rural under served areas; or

(ii) urban areas with high percentages of individuals who are members of the Armed Forces or veterans.

(B) SUPPLEMENT, NOT SUPPLANT.—Amounts made available under this section shall be used to supplement, and not supplant, State and local public funds expended for mental health provider recruitment and retention programs.

(C) PARTNERSHIPS AND CONSORTIA OF LOCAL HEALTH AGENCIES.—In the case of a partnership established by a Federal, State, or local health agency to carry out a program under this section, or a consortium of such agencies established to carry out such a program, the Federal, State, or local health agency or consortium shall not be eligible to receive funds through a State program under this section.

(9) PERIOD OF SERVICE.—A participant in a program under this subsection who receives training through the program shall serve at a high-need medical facility or an agency operated by a high-need Federal, State, or local health agency for a term of not less than 3 years.

(10) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines to be appropriate to ensure that a participant in a program under this section who receives a stipend or other financial incentive as provided for in paragraph (7)(B)(i), but who fails to complete their service obligation under paragraph (9), repays all or a portion of such stipend or other incentive.

(11) ADMINISTRATIVE FUNDS.—An entity that receives a grant under this subsection shall not use more than 5 percent of the funds made available under the grant for the administration of a program under this subsection.

(12) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary in each fiscal year to carry out this subsection.

(d) EVALUATION AND ACCOUNTABILITY FOR RECRUITING AND RETAINING MENTAL HEALTH PROVIDERS.—

(1) EVALUATION.—An entity that receives a grant under this section shall—

(A) within 30 days of the end of the 3rd year of the grant period, conduct an interim evaluation of the program funded under the grant; and

(B) within 30 days of the end of the 5th year of the grant period, conduct a final evaluation of the program funded under the grant.

(2) CONTENTS.—In conducting an evaluation under paragraph (1), an entity shall describe the extent to which State and local agencies that received funds through the grant have met the goals relating to mental health provider recruitment and retention described in the application submitted by the entity under paragraph (4).

(3) REPORTS.—An entity that receives a grant under this Act shall prepare and submit to the Secretary and the appropriate committees of Congress, an interim and final report that contains the results of the interim and final evaluations carried out under subparagraphs (A) and (B) of paragraph (1), respectively.

(4) REVOCATION.—If the Secretary determines that the recipient of a grant under this section has not made substantial progress in meeting the goals and the objectives of the grant by the end of the 3rd year of the grant period, the Secretary shall—

(A) revoke any payments made for the 4th year of the grant period; and

(B) not make any payment for the 5th year of the grant period.

Mr. WYDEN. Mr. President, over the past 7 years, hundreds of thousands of members of our armed forces have gone to war and returned home alive, but suffering. Advances in protective equipment and improvements made in battlefield care mean that fewer troops than ever before suffer from obvious physical wounds. But many more of these service members have returned with less obvious injuries—invisible injuries like post-traumatic stress disorder or traumatic brain injury.

Our armed forces have seen a surge in diagnosed cases of post-traumatic stress disorder and traumatic brain injury, commonly known as PTSD and TBI. And soldiers in the National Guard and Reserves are much more likely to suffer from PTSD and depression when they return from battle, a fact that is very important in Oregon where almost all of our servicemembers serve in the Guard and Reserves.

While no less real and no less serious than physical wounds of war, PTSD and TBI require a specialized kind of diagnosis and treatment. Unfortunately, only half of the soldiers and veterans who suffer from PTSD or TBI are receiving care for their wounds, according to a RAND Corporation study.

To help our service men and women suffering from PTSD, TBI and other mental health conditions, we are introducing a bill today that's designed to address some of the overwhelming difficulties faced by many of our nation's warriors. This bill, the ''Healing Our Nation's Heroes Act of 2008,'' has within it provisions to help improve mental health care, and access to care, for service members who suffer from the invisible wounds of war.

First, this legislation would create a standing commission to study and oversee mental health treatment of our veterans. This commission would make recommendations on methods to improve mental health care and, just as importantly, overcome the cultural stigma attached to seeking help for mental health disorders. As an ongoing body, this commission will continue to help guide Congress and the agencies for years, instead of just making recommendations and disappearing.

Secondly, the bill would create a ''Heroes-to-Healers Program'' which would provide financial incentives for veterans and members of the armed forces who are separating or retiring to obtain certification or licensing as mental health providers. It also encourages them to seek employment with organizations that provide mental health care to members of the armed forces, veterans and their families.

One of the more heartbreaking truths surrounding PTSD is that service members are often reluctant to seek help from mental health professionals who don't share their experiences. This reluctance creates the sort of self-isolation that leads to increased risk of suicide.

By increasing the number of veterans working as mental health providers, this bill will allow more

servicemembers and veterans to get treatment from those who truly understand what combat is like.

Our bill would also create a grant program to help state and local mental health agencies recruit and retain mental health professionals. Some service members and veterans don't feel comfortable seeking mental health care from the Department of Defense or VA. But mental health agencies are already being stretched thin, especially in rural areas. This legislation will provide help in recruiting and retaining the mental health providers our wounded heroes so desperately need.

Surviving the trauma of combat shouldn't sentence our forces to a lifetime of mental and emotional pain. They paid the price bravely for serving our country in battle. This bill will help them move beyond the invisible scars of the battlefield and rebuild their lives at home.

By Mr. WYDEN (for himself, Ms. COLLINS, and Mr. DODD):

S. 3375. A bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today, I, along with my colleagues Senator COLLINS from Maine and Senator DODD from Connecticut, am introducing the Protect Children From Dangerous Lighters Act, a ban on novelty lighters. Novelty lighters, also known as toy-like lighters, are cigarette lighters that look like small children's toys or regular household items.

These lighters are dangerous and have terrible consequences. Because they are so well disguised as toys, novelty lighters have children literally playing with fire.

The results can be deadly: In Oregon, two boys were playing with a novelty lighter disguised as a toy dolphin and accidentally started a serious fire. One boy died and the other now has permanent brain damage. Also in Oregon, a mother suffered third degree burns on her foot when her child was playing with a novelty lighter disguised as a small toy Christmas tree and set a bed on fire.

Tragic accidents like these happen all over the country. In North Carolina, a boy sustained second degree burns after playing with a novelty lighter that looked like a toy cell phone. One of the most tragic incidents occurred in Arkansas, where a 2-year-old and a 15-month-old child died in a fire they accidentally started playing with a novelty lighter shaped like a toy motorcycle.

These injuries and deaths demand we take action and remove these dangerous lighters from shelves everywhere.

If we don't protect children from novelty lighters, we are condemning them to play life-threatening Russian roulette every time they pick up what they think is a toy.

A ban on novelty lighters would require the Consumer Product Safety Commission to treat novelty lighters as a banned hazardous substance. That means novelty lighters will not be manufactured, imported, sold, or given away as promotional gifts anywhere in this country. Passing this bill is the only way we can guarantee that novelty lighters will be kept out of the hands of children. It's our best tool to prevent injuries like those that have already brought tragedy to too many families.

A number of states and cities have taken it upon themselves to take action to ban these deadly lighters. Maine and Tennessee passed novelty lighter ban legislation and similar bans are being introduced in many other states, including Oregon. We should expand and support these efforts to protect children in all states.

A Federal ban on novelty lighters has widespread nationwide support. Along with the Oregon Fire Marshal, the National Association of Fire Marshals supports a Federal ban on these lighters and has been active in promoting public awareness on this issue. Even the cigarette lighter industry, represented by the Lighter Association, supports a ban on novelty lighters. We also have support from the Congressional Fire Institute, Safe Kids USA, Consumer Federation of America and the Consumer's Union.

The more people learn about novelty lighters, the more support there is to ban them.

I urge my colleagues to act now and help kids across America avoid the senseless deaths and serious injuries they suffer when they mistake novelty lighters for toys.

Hazardous tools containing flammable fuel should not be dressed up in packages that are particularly attractive to children. Kids need our help to protect them from the treacherous ''wolf in sheep's clothing'' of novelty lighters.

I urge all my colleagues to support the Protect Children from Dangerous Lighters Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objetion, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3375

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protect Children from Dangerous Lighters Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Lighters are inherently dangerous products containing flammable fuel.

(2) If lighters are used incorrectly or used by children, dangerous and damaging consequences may result.

(3) Novelty lighters are easily mistaken by children and adults as children's toys or as common household items.

(4) Novelty lighters have been the cause of many personal injuries to children and adults and property damage throughout the United States.

SEC. 3. NOVELTY LIGHTER DEFINED.

In this Act, the term ''novelty lighter'' means a device typically used for the igniting or lighting of cigarettes, cigars, or pipes that has a toy-like appearance, has entertaining audio or visual effects, or resembles in any way in form or function an item that is commonly recognized as appealing, attractive, or intended for use by children of 10 years of age or younger, including such a device that takes toy-like physical forms, including toy animals, cartoon characters, cars, boats, airplanes, common household items, weapons, cell phones, batteries, food, beverages, musical instruments, and watches.

SEC. 4. BAN ON NOVELTY LIGHTERS.

(a) BANNED HAZARDOUS SUBSTANCE.—A novelty lighter shall be treated as a banned hazardous substance as defined in section 2 of the Federal Hazardous Substances Act (15 U.S.C. 1261) and the prohibitions set out in section 4 of such Act (15 U.S.C. 1263) shall apply to novelty lighters.

(b) APPLICATION.—Subsection (a) applies to a novelty lighter—

(1) manufactured on or after January 1, 1980; and

(2) that is not considered by the Consumer Product Safety Commission to be an antique or an item with significant artistic value.

Ms. COLLINS. Mr. President, I rise to join my friend Senator WYDEN in introducing a bill that will ban the sale of certain novelty lighters that children can mistake for toys, often with tragic consequences for themselves and their families.

In Arkansas last year, two boys, ages 15 months and 2 years, died when the toddler accidentally started a fire with a lighter shaped like a motorcycle. In Oregon, a fire started with a dolphin-shaped lighter left one child dead and another brain-damaged. A North Carolina 6-year-old boy was badly burned by a lighter shaped like a cell phone.

Sadly, the U.S. Fire Administration has other stories of the hazards presented by novelty lighters. When you learn that one looks like a rubber duck toy—and quacks—you can imagine the potential for harm.

As a co-chair of the Congressional Fire Services Caucus, I am proud to note that this spring, my home State of Maine became the first State to outlaw the sale of novelty lighters.

My State's pioneering law stems from a tragic 2007 incident in a Livermore, Maine, grocery store. While his mother was buying sandwiches, six-year-old Shane St. Pierre picked up what appeared to be a toy flashlight in the form of a baseball bat. When he flicked the switch, a flame shot out and burned his face. Shane's dad, Norm St. Pierre, a fire chief in nearby West

Paris, began advocating for the novelty-lighter ban that became Maine law in March 2008.

The Maine State Fire Marshal's office supported that legislation, and a national ban has the support of the Congressional Fire Services Institute's National Advisory Committee, the National State Fire Marshals Association, and the National Volunteer Fire Council.

The bill is straightforward. It treats novelty lighters manufactured after January 1, 1980, as banned hazardous substances unless the Consumer Product Safety Commission determines a particular lighter has antique or significant artistic value. Otherwise, sale of lighters with toy-like appearance, special audio or visual features, or other attributes that would appeal to children under 10 would be banned.

The novelty lighters targeted in this legislation serve no functional need. But they are liable to attract the notice and curiosity of children, whose play can too easily turn into a scene of horror and death. The sale of lighters that look like animals, cartoon characters, food, toys, or other objects is simply irresponsible and an invitation to tragedy.

I urge all of my colleagues to join me in supporting this simple measure that can save children from disfigurement and death.

By Mr. COLEMAN (for himself, Ms. COLLINS, and Mr. LIEBERMAN):

S. 3377. A bill to amend title 46, United States Code, to waive the biometric transportation security card requirement for certain small business merchant mariners, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. COLEMAN. Mr. President, Minnesota is the land of over 10,000 lakes and nearly as many fishing guides. We even have a Fishing Hall of Fame in Baxter where many of our legendary guides are enshrined—names like Al and Ron Lindner, Babe Winkleman, Gary Roach and many others. In fact tonight there is a banquet honoring the Hall. The craft of the fishing guide is to understand fish and to share their knowledge and the sport with many of us who don't possess their skills.

When I travel my state I meet with folks from all walks of life who have dealings with the federal government and last summer I was in the city of Baudette, a small community on the Rainy River on the northern border of Minnesota. I had the chance to speak with a fishing guide who told me about a new federal regulation with which he had to comply. As you can imagine, I was amazed when he told me that he was being required to get a Transportation Worker Identification Credential—or TWIC—in order to stay in business as a fishing guide. Now I understand that folks who do business on the water should be able to exhibit seamanship and operate a safe watercraft. But, my guides and I are having a hard time understanding why a guy whose briefcase is a bucket of minnows and his workday starts when he backs his boat into the lake should be required to submit to the same security screening as operators and workers in our major ports.

To address this issue, I am introducing the Small Marine Business and Fishing Guide Relief Act. I want to thank Senator COLLINS and Senator LIEBERMAN for joining me as original cosponsors of this legislation. Our bill is very straightforward—it will exempt mariners from needing a TWIC if they are not required to submit a vessel security plan for their boat to the Coast Guard. This group of mariners includes fishing guides, charter captains and other small recreational boaters.

I want to be clear these mariners will still be required to have a Coast Guard license. Security should not be jeopardized by eliminating the TWIC requirement because the Coast Guard conducts significant background checks when mariners apply for a Coast Guard license. These background checks review crimes against people, property, public safety, the environment and examine whether the applicant has prior drug offenses or committed a crime against national security.

These folks already pay a minimum of $140 for their Coast Guard licenses which are good for five years. Given these factors, asking these operators to pay over $100 more for another credential—especially with the recent downturn in the economy and the cost of gas—is an unnecessary burden that doesn't make sense.

Additionally, our legislation calls for a report to examine the feasibility of identifying which small boat operators already purchased a TWIC but will not need it once this legislation is signed into law. Once this is done, refunds or credits could be issued towards license renewals for these folks.

The TWIC program is an important tool to ensure the safety of our nation's ports, but common sense tells us that a fishing dock on Lake of the Woods or Rainy River is vastly different from the major ports around the country that receive thousands of cargo containers per day. Simply put, we need to make sure our local fishing guides and other small marine operators are not being subjected to excessive government regulation and this legislation will provide that relief.

A similar TWIC exemption passed the House on April 24 as part of the Coast Guard Reauthorization Act and I encourage my Senate colleagues to pass this legislation as well before we adjourn for the year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3377

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Marine Business and Fishing Guide Relief Act of 2008''.

SEC. 2. WAIVER OF BIOMETRIC TRANSPORTATION SECURITY CARD REQUIREMENT FOR CERTAIN SMALL BUSINESS MERCHANT MARINERS.

(a) IN GENERAL.—Section 70105 (b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B), by inserting ''and serving under the authority of such license, certificate of registry, or merchant mariners document on a vessel for which the owner or operator of such vessel is required to submit a vessel security plan under section 70103(c) of this title'' before the semicolon;

(2) by striking subparagraph (D); and

(3) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report that contains the following:

(1) A list of the locations that provide service to individuals seeking to obtain or renew a license, certificate of registry, or merchant mariners document under part E of subtitle II of title 46, United States Code.

(2) An assessment of the feasibility of accepting applications for licenses, certificates of registry, and merchant mariner documents described in paragraph (1) and any applicant biometrics required therefor at the Transportation Worker Identification Credential enrollment facilities or mobile enrollment centers of the Department of Homeland Security.

(3) An assessment of the administrative feasibility of verifying that an individual has obtained a biometric transportation security card issued under section 70105 of title 46, United States Code, and is serving under the authority of a license, certificate of registry, or merchant mariners document described in paragraph (1) on a vessel for which the owner or operator of such vessel is not required to submit a vessel security plan under section 70103(e) of such title to provide such individual a refund of any fees paid by such individual to obtain such biometric transportation security card.

(4) An assessment of the administrative feasibility of verifying that an individual has obtained a biometric transportation security card described in paragraph (3) and is serving under the authority of a license, certificate of registry, or merchant mariners document described in paragraph (1) on a vessel described in paragraph (3) to provide such individual a credit towards the renewal of such license, certificate of registry, or merchant mariners document that is equal to the amount of fees paid by such individual for such biometric transportation security card.

Ms. COLLINS. Mr. President, I am pleased to be an original cosponsor of the Small Marine Business and Fishing Guide Relief Act that Senator COLEMAN is introducing today. This legislation will provide much-needed relief to charter boat captains and other operators of small marine businesses in

Maine by exempting them from having to obtain a Transportation Worker Identification Credential, or TWIC, which costs $132.50 for each employee.

Under current law, any individual who holds a Coast Guard license, as most charter boat captains do, must also obtain a TWIC. The purpose of the requirement was to ensure that port operators and the Coast Guard could inspect a tamper-resistant identification document to verify the identity of those who have access to secure areas of ports and large vessels.

Charter boat captains, however, do not have secure areas on their boats and usually do not need unescorted access to port facilities. Therefore, they have no need for a TWIC. For these small businesses, requiring them to obtain a TWIC essentially amounts to an unnecessary and costly government regulation.

Many small businesses are struggling in these lean economic times, particularly with high marine fuel prices and tourists who have less to spend their discretionary income on charter tours in the Gulf of Maine. With these businesses' declining profit margins, they cannot afford an additional $132 identification card for their employees.

Even with this exemption, charter captains with a Coast Guard license will have undergone an extensive background check for the same crimes that are reviewed when an individual applies for a TWIC. So waiving the TWIC requirement for them would not reduce the background information available for review before these individuals are licensed as charter captains.

To be sure, the Transportation Worker Identification Credential will play a critical role in our Nation's maritime security by limiting access to secure areas of ports and large vessels. It must ''be implemented, however, in a manner that does not unnecessarily and unproductively impede legitimate business operations.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3381. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, during the previous session I introduced legislation to address the funding of Indian water rights claims that are of utmost importance in the west, and in particular, within the State of New Mexico. Since that time many parties have met for countless hours in New Mexico and here in Washington to address how these claims could be resolved and finally settled. Rather than spend countless hours in litigation, these groups have sat down and worked through these issues in a very productive manner.

As a result, today I am pleased to come before you to introduce, on behalf of myself and Senator BINGAMAN, the Aamodt and Taos Pueblo Indian Water Rights Settlement Act of 2008. This legislation will resolve these longstanding Indian water rights claims within New Mexico and authorize a source of Federal funding to resolve them.

The Aamodt litigation in New Mexico was filed in 1966 and is the longest-standing litigation in the Federal judiciary system. The hard work that each party put into the settlement process demonstrates that negotiated settlements, with multiple parties working together, can best determine how to allocate scarce water supplies among diverse parties in a way that does not curtail existing uses. This bill will result in additional economic development and improved health benefits within these communities.

The resolution of these claims will not only improve the lives of many within these communities by providing a safe and reliable water supply, but will also improve the ability of New Mexico to effectively undertake water rights planning in the near and long-term future.

As I have stated before, the costs of not settling these claims in New Mexico are dire. The legislation before us will ensure that our obligations to these communities are met and that they will have safe and reliable water systems.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3381

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

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—AAMODT LITIGATION SETTLEMENT ACT

Sec. 101. Short title.
Sec. 102. Definitions.

Subtitle A—Pojoaque Basin Regional Water System

Sec. 111. Authorization of Regional Water System.
Sec. 112. Operating Agreement.
Sec. 113. Acquisition of Pueblo water supply for the Regional Water System.
Sec. 114. Delivery and allocation of Regional Water System capacity and water.
Sec. 115. Aamodt Settlement Pueblos' Fund.
Sec. 116. Environmental compliance.
Sec. 117. Authorization of appropriations.

Subtitle B—Pojoaque Basin Indian Water Rights Settlement

Sec. 121. Settlement Agreement and contract approval.
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TITLE I—AAMODT LITIGATION SETTLEMENT ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Aamodt Litigation Settlement Act''.

SEC. 102. DEFINITIONS.

In this title:

(1) ACRE-FEET.—The term ''acre-feet'' means acre-feet of water per year.

(2) AAMODT CASE.—The term ''Aamodt Case'' means the civil action entitled State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al., No. 66 CV 6639 MV/LCS (D.N.M.).

(3) AUTHORITY.—The term ''Authority'' means the Pojoaque Basin Regional Water Authority described in section 9.5 of the Settlement Agreement or an alternate entity acceptable to the Pueblos and the County to operate and maintain the diversion and treatment facilities, certain transmission pipelines, and other facilities of the Regional Water System.

(4) BISHOP'S LODGE EXTENSION.—The term ''Bishop's Lodge Extension'' has the meaning given the term in the Engineering Report.

(5) CITY.—The term ''City'' means the city of Santa Fe, New Mexico.

(6) COST-SHARING AND SYSTEM INTEGRATION AGREEMENT.—The term ''Cost-Sharing and System Integration Agreement'' means the agreement executed by the United States, the State, the Pueblos, the County, and the City that—

(A) describes the location, capacity, and management (including the distribution of water to customers) of the Regional Water System; and

(B) allocates the costs of the Regional Water System with respect to—

(i) the construction, operation, maintenance, and repair of the Regional Water System;

(ii) rights-of-way for the Regional Water System; and

(iii) the acquisition of water rights.

(7) COUNTY.—The term ''County'' means Santa Fe County, New Mexico.

(8) COUNTY DISTRIBUTION SYSTEM.—The term ''County Distribution System'' means the portion of the Regional Water System that serves water customers on non-Pueblo land in the Pojoaque Basin.

(9) COUNTY WATER UTILITY.—The term ''County Water Utility'' means the water utility organized by the County to—

(A) receive water distributed by the Authority; and

(B) provide the water received under subparagraph (A) to customers on non-Pueblo land in the Pojoaque Basin.

(10) ENGINEERING REPORT.—The term ''Engineering Report'' means the report entitled ''Pojoaque Regional Water System Engineering Report'' and dated April 2007 and any amendments thereto.

(11) FUND.—The term ''Fund'' means the Aamodt Settlement Pueblos' Fund established by section 115(a).

(12) OPERATING AGREEMENT.—The term ''Operating Agreement'' means the agreement between the Pueblos and the County executed under section 112(a).

(13) OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—The term ''operations, maintenance, and replacement costs'' means all costs for the operation of the Regional Water System that are necessary for the safe, efficient, and continued functioning of the Regional Water System to produce the benefits described in the Settlement Agreement.

(B) EXCLUSION.—The term ''operations, maintenance, and replacement costs'' does not include construction costs or costs related to construction design and planning.

(14) POJOAQUE BASIN.—

(A) IN GENERAL.—The term ''Pojoaque Basin'' means the geographic area limited by a surface water divide (which can be drawn on a topographic map), within which area rainfall and runoff flow into arroyos, drainages, and named tributaries that eventually drain to—

(i) the Rio Pojoaque; or

(ii) the 2 unnamed arroyos immediately south; and

(iii) 2 arroyos (including the Arroyo Alamo) that are north of the confluence of the Rio Pojoaque and the Rio Grande.

(B) INCLUSION.—The term ''Pojoaque Basin'' includes the San Ildefonso Eastern Reservation recognized by section 8 of Public Law 87–231 (75 Stat. 505).

(15) PUEBLO.—The term ''Pueblo'' means each of the pueblos of Nambe, Pojoaque, San Ildefonso, or Tesuque.

(16) PUEBLOS.—The term ''Pueblos'' means collectively the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

(17) PUEBLO LAND.—The term ''Pueblo land'' means any real property that is—

(A) held by the United States in trust for a Pueblo within the Pojoaque Basin;

(B)(i) owned by a Pueblo within the Pojoaque Basin before the date on which a court approves the Settlement Agreement; or

(ii) acquired by a Pueblo on or after the date on which a court approves the Settlement Agreement, if the real property is located—

(I) within the exterior boundaries of the Pueblo, as recognized and conformed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(II) within the exterior boundaries of any territory set aside for the Pueblo by law, executive order, or court decree;

(C) owned by a Pueblo or held by the United States in trust for the benefit of a Pueblo outside the Pojoaque Basin that is located within the exterior boundaries of the Pueblo as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(D) within the exterior boundaries of any real property located outside the Pojoaque Basin set aside for a Pueblo by law, executive order, or court decree, if the land is within or contiguous to land held by the United States in trust for the Pueblo as of January 1, 2005.

(18) PUEBLO WATER FACILITY.—

(A) IN GENERAL.—The term ''Pueblo Water Facility'' means—

(i) a portion of the Regional Water System that serves only water customers on Pueblo land; and

(ii) portions of a Pueblo water system in existence on the date of enactment of this Act that serve water customers on non-Pueblo land, also in existence on the date of enactment of this Act, or their successors, that are—

(I) depicted in the final project design, as modified by the drawings reflecting the completed Regional Water System; and

(II) described in the Operating Agreement.

(B) INCLUSIONS.—The term ''Pueblo Water Facility'' includes—

(i) the barrier dam and infiltration project on the Rio Pojoaque described in the Engineering Report; and

(ii) the Tesuque Pueblo infiltration pond described in the Engineering Report.

(19) REGIONAL WATER SYSTEM.—

(A) IN GENERAL.—The term ''Regional Water System'' means the Regional Water System described in section 111(a).

(B) EXCLUSIONS.—The term ''Regional Water System'' does not include the County or Pueblo water supply delivered through the Regional Water System.

(20) SAN JUAN-CHAMA PROJECT.—The term ''San Juan-Chama Project'' means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97) and the Act of April 11, 1956 (70 Stat. 105).

(21) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(22) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the stipulated and binding agreement among the State, the Pueblos, the United States, the County, and the City dated January 19, 2006, and signed by all of the government parties to the Settlement Agreement (other than the United States) on May 3, 2006 and as amended in conformity with this Act.

(23) STATE.—The term ''State'' means the State of New Mexico.

Subtitle A—Pojoaque Basin Regional Water System

SEC. 111. AUTHORIZATION OF REGIONAL WATER SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct a regional water system in accordance with the Settlement Agreement, to be known as the ''Regional Water System''—

(1) to divert and distribute water to the Pueblos and to the County Water Utility, in accordance with the Engineering Report; and

(2) that consists of—

(A) surface water diversion facilities at San Ildefonso Pueblo on the Rio Grande; and

(B) any treatment, transmission, storage and distribution facilities and wellfields for the County Distribution System and Pueblo Water Facilities that are necessary to supply a minimum of 4,000 acre-feet of water within the Pojoaque Basin, in accordance with the Engineering Report.

(b) FINAL PROJECT DESIGN.—The Secretary shall issue a final project design within 90 days of completion of the environmental compliance described in section 116 for the Regional Water System that—

(1) is consistent with the Engineering Report; and

(2) includes a description of any Pueblo Water Facilities.

(c) ACQUISITION OF LAND; WATER RIGHTS.—

(1) ACQUISITION OF LAND.—Upon request, and in exchange for the funding which shall be provided in section 117(c), the Pueblos shall consent to the grant of such easements and rights-of-way as may be necessary for the construction of the Regional Water System at no cost to the Secretary. To the extent that the State or County own easements or rights-of-way that may be used for construction of the Regional Water System, the State or County shall provide that land or interest in land as necessary for construction at no cost to the Secretary. The Secretary shall acquire any other land or interest in land that is necessary for the construction of the Regional Water System with the exception of the Bishop's Lodge Extension.

(2) WATER RIGHTS.—The Secretary shall not condemn water rights for purposes of the Regional Water System.

(d) CONDITIONS FOR CONSTRUCTION.—

(1) IN GENERAL.—The Secretary shall not begin construction of the Regional Water System facilities until the date on which—

(A) the Secretary executes—

(i) the Settlement Agreement; and

(ii) the Cost-Sharing and System Integration Agreement; and

(B) the State and the County have entered into an agreement with the Secretary to contribute the non-Federal share of the costs of the construction in accordance with the Cost-Sharing and System Integration Agreement.

(e) APPLICABLE LAW.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design and construction of the Regional Water System.

(f) CONSTRUCTION COSTS.—

(1) PUEBLO WATER FACILITIES.—The costs of constructing the Pueblo Water Facilities, as determined by the final project design and the Engineering Report—

(A) shall be at full Federal expense subject to the amount authorized in section 117(a)(1); and

(B) shall be nonreimbursable to the United States.

(2) COUNTY DISTRIBUTION SYSTEM.—The costs of constructing the County Distribution System shall be at State and local expense.

(g) STATE AND LOCAL CAPITAL OBLIGATIONS.—The State and local capital obligations for the Regional Water System described in the Cost-Sharing and System Integration Agreement shall be satisfied on the payment of the State and local capital obligations described in the Cost-Sharing and System Integration Agreement.

(h) CONVEYANCE OF REGIONAL WATER SYSTEM FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), on completion of the construction of the Regional Water System (other than the Bishop's Lodge Extension if construction of the Bishop's Lodge Extension is deferred pursuant to the Cost-Sharing and System Integration Agreement), the Secretary, in accordance with the Operating Agreement, shall convey to—

(A) each Pueblo the portion of any Pueblo Water Facility that is located within the boundaries of the Pueblo, including any land or interest in land located within the boundaries of the Pueblo that is acquired by the United States for the construction of the Pueblo Water Facility;

(B) the County the County Distribution System, including any land or interest in land acquired by the United States for the construction of the County Distribution System; and

(C) the Authority any portions of the Regional Water System that remain after making the conveyances under subparagraphs (A) and (B), including any land or interest in land acquired by the United States for the construction of the portions of the Regional Water System.

(2) CONDITIONS FOR CONVEYANCE.—The Secretary shall not convey any portion of the Regional Water System facilities under paragraph (1) until the date on which—

(A) construction of the Regional Water System (other than the Bishop's Lodge Extension if construction of the Bishop's Lodge Extension is deferred pursuant to the Cost-Sharing and System Integration Agreement) is complete; and

(B) the Operating Agreement is executed in accordance with section 112.

(3) SUBSEQUENT CONVEYANCE.—On conveyance by the Secretary under paragraph (1), the Pueblos, the County, and the Authority shall not reconvey any portion of the Regional Water System conveyed to the Pueblos, the County, and the Authority, respectively, unless the reconveyance is authorized by an Act of Congress enacted after the date of enactment of this Act.

(4) INTEREST OF THE UNITED STATES.—On conveyance of a portion of the Regional Water System under paragraph (1), the United States shall have no further right, title, or interest in and to the portion of the Regional Water System conveyed.

(5) ADDITIONAL CONSTRUCTION.—On conveyance of a portion of the Regional Water System under paragraph (1), the Pueblos, County, or the Authority, as applicable, may, at the expense of the Pueblos, County, or the Authority, construct any additional infrastructure that is necessary to fully use the water delivered by the Regional Water System.

(6) LIABILITY.—

(A) IN GENERAL.—Effective on the date of conveyance of any land or facility under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land and facilities conveyed, other than damages caused by acts of negligence by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(7) EFFECT.—Nothing in any transfer of ownership provided or any conveyance thereto as provided in this section shall extinguish the right of any Pueblo, the County, or the Regional Water Authority to the continuous use and benefit of each easement or right of way for the use, operation, maintenance, repair, and replacement of Pueblo Water Facilities, the County Distribution System or the Regional Water System or for wastewater purposes as provided in the Cost-Sharing and System Integration Agreement.

SEC. 112. OPERATING AGREEMENT.

(a) IN GENERAL.—The Pueblos and the County shall submit to the Secretary an executed Operating Agreement for the Regional Water System that is consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement not later than 180 days after the later of—

(1) the date of completion of environmental compliance and permitting; or

(2) the date of issuance of a final project design for the Regional Water System under section 111(b).

(b) APPROVAL.—Not later than 180 days after receipt of the operating agreement described in subsection (a), the Secretary shall approve the Operating Agreement upon determination that the Operating Agreement is consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(c) CONTENTS.—The Operating Agreement shall include—

(1) provisions consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement and necessary to implement the intended benefits of the Regional Water System described in those documents;

(2) provisions for—

(A) the distribution of water conveyed through the Regional Water System, including a delineation of—

(i) distribution lines for the County Distribution System;

(ii) distribution lines for the Pueblo Water Facilities; and

(iii) distribution lines that serve both—

(I) the County Distribution System; and

(II) the Pueblo Water Facilities;

(B) the allocation of the Regional Water System capacity;

(C) the terms of use of unused water capacity in the Regional Water System;

(D) the construction of additional infrastructure and the acquisition of associated rights-of-way or easements necessary to enable any of the Pueblos or the County to fully use water allocated to the Pueblos or the County from the Regional Water System, including provisions addressing when the construction of such additional infrastructure requires approval by the Authority;

(E) the allocation and payment of annual operation, maintenance, and replacement costs for the Regional Water System, including the portions of the Regional Water System that are used to treat, transmit, and distribute water to both the Pueblo Water Facilities and the County Water Utility;

(F) the operation of wellfields located on Pueblo land;

(G) the transfer of any water rights necessary to provide the Pueblo water supply described in section 113(a);

(H) the operation of the Regional Water System with respect to the water supply, including the allocation of the water supply in accordance with section 3.1.8.4.2 of the Settlement Agreement so that, in the event of a shortage of supply to the Regional Water System, the supply to each of the Pueblos' and to the County's distribution system shall be reduced on a prorata basis, in proportion to each distribution system's most current annual use; and

(I) dispute resolution; and

(3) provisions for operating and maintaining the Regional Water System facilities before and after conveyance under section 111(h), including provisions to—

(A) ensure that—

(i) the operation of, and the diversion and conveyance of water by, the Regional Water System is in accordance with the Settlement Agreement;

(ii) the wells in the Regional Water System are used in conjunction with the surface water supply of the Regional Water System to ensure a reliable firm supply of water to all users of the Regional Water System, consistent with the intent of the Settlement Agreement that surface supplies will be used to the maximum extent feasible;

(iii) the respective obligations regarding delivery, payment, operation, and management are enforceable; and

(iv) the County has the right to serve any new water users located on non-Pueblo land in the Pojoaque Basin; and

(B) allow for any aquifer storage and recovery projects that are approved by the Office of the New Mexico State Engineer.

(d) EFFECT.—Nothing in this title precludes the Operating Agreement from authorizing phased or interim operations if the Regional Water System is constructed in phases.

SEC. 113. ACQUISITION OF PUEBLO WATER SUPPLY FOR THE REGIONAL WATER SYSTEM.

(a) IN GENERAL.—For the purpose of providing a reliable firm supply of water from the Regional Water System for the Pueblos in accordance with the Settlement Agreement, the Secretary, on behalf of the Pueblos, shall—

(1) acquire water rights to—

(A) 302 acre-feet of Nambe reserved water described in section 2.6.2 of the Settlement Agreement pursuant to section 117(c)(1)(C); and

(B) 1141 acre-feet from water acquired by the County for water rights commonly referred to as ''Top of the World'' rights in the Aamodt case;

(2) make available 1079 acre-feet to the Pueblos pursuant to a contract entered into among the Pueblos and the Secretary in accordance with section 11 of the Act of June 13, 1962 (76 Stat. 96, 97) (San Juan-Chama Project Act) under water rights held by the Secretary; and

(3) by application to the State Engineer, obtain approval to divert the water acquired and made available under paragraphs (1) and (2) at the points of diversion for the Regional Water System, consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement.

(b) FORFEITURE.—The nonuse of the water supply secured by the Secretary for the Pueblos under subsection (a) shall in no event result in forfeiture, abandonment, relinquishment, or other loss thereof.

(c) TRUST.—The Pueblo water supply secured under subsection (a) shall be held by the United States in trust for the Pueblos.

(d) CONTRACT FOR SAN JUAN-CHAMA PROJECT WATER SUPPLY.—With respect to the contract for the water supply required by subsection (a)(2), such San Juan-Chama Project contract shall be pursuant to the following terms:

(1) WAIVERS.—Notwithstanding the provisions of the Act of June 13, 1962 (76 Stat, 96, 97) or any other provision of law—

(A) the Secretary shall waive the entirety of the Pueblos' share of the construction costs for the San Juan-Chama Project, and pursuant to that waiver, the Pueblos' share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest, due from 1972 to the execution of the contract required by subsection (a)(2), shall be nonreimbursable;

(B) the Secretary's waiver of each Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior; and

(C) the costs associated with any water made available from the San Juan-Chama Project which were determined nonreimbursable and nonreturnable pursuant to Pub. L. No. 88-293, 78 Stat. 171 (March 26, 1964) shall remain nonreimbursable and nonreturnable.

(2) TERMINATION.—The contract shall provide that it shall terminate only upon the following conditions—

(A) failure of the United States District Court for the District of New Mexico to enter a final decree for the Aamodt case by December 15, 2012 or within the time period of any extension of that deadline granted by the court; or

(B) entry of an order by the United States District Court for the District of New Mexico voiding the final decree and Settlement Agreement for the Aamodt case pursuant to section 10.3 of the Settlement Agreement.

(e) LIMITATION.—The Secretary shall use the water supply secured under subsection (a) only for the purposes described in the Settlement Agreement.

(f) FULFILLMENT OF WATER SUPPLY ACQUISITION OBLIGATIONS.—Compliance with subsections (a) through (e) shall satisfy any and all obligations of the Secretary to acquire or secure a water supply for the Pueblos pursuant to the Settlement Agreement.

(g) RIGHTS OF PUEBLOS IN SETTLEMENT AGREEMENT UNAFFECTED.—Notwithstanding the provisions of subsections (a) through (f), the Pueblos, the County or the Regional Water Authority may acquire any additional water rights to ensure all parties to the Settlement Agreement receive the full allocation of water provided by the Settlement Agreement and nothing in this Act amends or modifies the quantities of water allocated to the Pueblos thereunder.

SEC. 114. DELIVERY AND ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY AND WATER.

(a) ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY.—

(1) IN GENERAL.—The Regional Water System shall have the capacity to divert from the Rio Grande a quantity of water sufficient to provide—

(A) 4,000 acre-feet of consumptive use of water; and

(B) the requisite peaking capacity described in—

(i) the Engineering Report; and

(ii) the final project design.

(2) ALLOCATION TO THE PUEBLOS AND COUNTY WATER UTILITY.—Of the capacity described in paragraph (1)—

(A) there shall be allocated to the Pueblos—

(i) sufficient capacity for the conveyance of 2,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i); and

(B) there shall be allocated to the County Water Utility—

(i) sufficient capacity for the conveyance of 1,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i).

(3) APPLICABLE LAW.—Water shall be allocated to the Pueblos and the County Water Utility under this subsection in accordance with—

(A) this title;

(B) the Settlement Agreement; and

(C) the Operating Agreement.

(b) DELIVERY OF REGIONAL WATER SYSTEM WATER.—The Authority shall deliver water from the Regional Water System—

(1) to the Pueblos water in a quantity sufficient to allow full consumptive use of up to 2,500 acre-feet rights by the Pueblos in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this Title; and

(2) to the County water in a quantity sufficient to allow full consumptive use of up to 1,500 acre-feet per year of water rights by the County Water Utility in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this title.

(c) ADDITIONAL USE OF ALLOCATION QUANTITY AND UNUSED CAPACITY.—The Regional Water System may be used to—

(1) provide for use of return flow credits to allow for full consumptive use of the water allocated in the Settlement Agreement to each of the Pueblos and to the County; and

(2) convey water allocated to one of the Pueblos or the County Water Utility for the benefit of another Pueblo or the County Water Utility or allow use of unused capacity by each other through the Regional Water System in accordance with an intergovernmental agreement between the Pueblos, or between a Pueblo and County Water Utility, as applicable, if—

(A) such intergovernmental agreements are consistent with the Operating Agreement, the Settlement Agreement and this Act;

(B) capacity is available without reducing water delivery to any Pueblo or the County Water Utility in accordance with the Settlement Agreement, unless the County Water Utility or Pueblo contracts for a reduction in water delivery or Regional Water System capacity;

(C) the Pueblo or County Water Utility contracting for use of the unused capacity or water has the right to use the water under applicable law; and

(D) any agreement for the use of unused capacity or water provides for payment of the operation, maintenance, and replacement costs associated with the use of capacity or water.

SEC. 115. AAMODT SETTLEMENT PUEBLOS' FUND.

(a) ESTABLISHMENT OF THE AAMODT SETTLEMENT PUEBLOS' FUND.—There is established in the Treasury of the United States a fund, to be known as the ''Aamodt Settlement Pueblos' Fund,'' consisting of—

(1) such amounts as are made available to the Fund under section 117(c); and

(2) any interest earned from investment of amounts in the Fund under subsection (b).

(b) MANAGEMENT OF THE FUND.—The Secretary shall manage the Fund, invest amounts in the Fund, and make amounts available from the Fund for distribution to the Pueblos in accordance with—

(1) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(2) this title.

(c) INVESTMENT OF THE FUND.—The Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) TRIBAL MANAGEMENT PLAN.—

(1) IN GENERAL.—A Pueblo may withdraw all or part of the Pueblo's portion of the Fund on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that a Pueblo spend any amounts withdrawn from the Fund in accordance with the purposes described in section 117(c).

(3) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Fund under an approved tribal management plan are used in accordance with this title.

(4) LIABILITY.—If a Pueblo or the Pueblos exercise the right to withdraw amounts from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts withdrawn.

(5) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Pueblos shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Fund that the Pueblos do not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(D) ANNUAL REPORT.—The Pueblos shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(6) NO PER CAPITA PAYMENTS.—No part of the principal of the Fund, or the interest or income accruing on the principal shall be distributed to any member of a Pueblo on a per capita basis.

(7) AVAILABILITY OF AMOUNTS FROM THE FUND.—

(A) APPROVAL OF SETTLEMENT AGREEMENT.—Amounts made available under subparagraphs (A) and (C) of section 117(c)(1) shall be available for expenditure or withdrawal only after the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) COMPLETION OF CERTAIN PORTIONS OF REGIONAL WATER SYSTEM.—Amounts made available under section 117(c)(1)(B) shall be available for expenditure or withdrawal only after those portions of the Regional Water System described in section 1.5.24 of the Settlement Agreement have been declared substantially complete by the Secretary.

(C) FAILURE TO FULFILL CONDITIONS PRECEDENT.—If the conditions precedent in section 123 have not been fulfilled by June 30, 2016, the United States shall be entitled to set off any funds expended or withdrawn from the amounts appropriated pursuant to section 117(c), together with any interest accrued, against any claims asserted by the Pueblos against the United States relating to the water rights in the Pojoaque Basin.

SEC. 116. ENVIRONMENTAL COMPLIANCE.

(a) IN GENERAL.—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) NATIONAL ENVIRONMENTAL POLICY ACT.—Nothing in this title affects the outcome of any analysis conducted by the Secretary or any other Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

(a) REGIONAL WATER SYSTEM.—

(1) IN GENERAL.—Subject to paragraph (4), there is authorized to be appropriated to the

Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 116 a total of $106,400,000 between fiscal years 2009 and 2021.

(2) PRIORITY OF FUNDING.—Of the amounts authorized under paragraph (1), the Secretary shall give priority to funding—

(A) the construction of the San Ildefonso portion of the Regional Water System, consisting of—

(i) the surface water diversion, treatment, and transmission facilities at San Ildefonso Pueblo; and

(ii) the San Ildefonso Pueblo portion of the Pueblo Water Facilities; and

(B) that part of the Regional Water System providing 475 acre-feet to Pojoaque Pueblo pursuant to section 2.2 of the Settlement Agreement.

(3) ADJUSTMENT.—The amount authorized under paragraph (1) shall be adjusted annually to account for increases in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(4) LIMITATIONS.—

(A) IN GENERAL.—No amounts shall be made available under paragraph (1) for the construction of the Regional Water System until the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) RECORD OF DECISION.—No amounts made available under paragraph (1) shall be expended unless the record of decision issued by the Secretary after completion of an environmental impact statement provides for a preferred alternative that is in substantial compliance with the proposed Regional Water System, as defined in the Engineering Report.

(b) ACQUISITION OF WATER RIGHTS.—There is authorized to be appropriated to the Secretary funds for the acquisition of the water rights under section 113(a)(1)(B)—

(1) in the amount of $5,400,000.00 if such acquisition is completed by December 31, 2009; and

(2) the amount authorized under paragraph (b)(1) shall be adjusted according to the CPI Urban Index commencing January 1, 2010.

(c) AAMODT SETTLEMENT PUEBLOS' FUND.—

(1) IN GENERAL.—There is authorized to be appropriated to the Fund the following amounts for the period of fiscal years 2009 through 2021:

(A) $8,000,000, which shall be allocated to the Pueblos, in accordance with section 2.7.1 of the Settlement Agreement, for the rehabilitation, improvement, operation, maintenance, and replacement of the agricultural delivery facilities, waste water systems, and other water-related infrastructure of the applicable Pueblo. The amount authorized herein shall be adjusted according to the CPI Urban Index commencing October 1, 2006.

(B) $37,500,000, which shall be allocated to an account, to be established not later than January 1, 2016, to assist the Pueblos in paying the Pueblos' share of the cost of operating, maintaining, and replacing the Pueblo Water Facilities and the Regional Water System.

(C) $5,000,000 and any interest thereon, which shall be allocated to the Pueblo of Nambé for the acquisition of the Nambé reserved water rights in accordance with section 113(a)(1)(A). The amount authorized herein shall be adjusted according to the CPI Urban Index commencing January 1, 2011. The funds provided under this section may be used by the Pueblo of Nambé only for the acquisition of land, other real property interests, or economic development.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—Prior to conveyance of the Regional Water System pursuant to section 111, the Secretary shall pay any operation, maintenance or replacement costs associated with the Pueblo Water Facilities or the Regional Water System up to an amount that does not exceed $5,000,000, which is authorized to be appropriated to the Secretary.

(B) OBLIGATION OF THE FEDERAL GOVERNMENT AFTER COMPLETION.—Except as provided in section 113(a)(4)(B), after construction of the Regional Water System is completed and the amounts required to be deposited in the account have been deposited under this section the Federal Government shall have no obligation to pay for the operation, maintenance, and replacement costs of the Regional Water System.

Subtitle B—Pojoaque Basin Indian Water Rights Settlement

SEC. 121. SETTLEMENT AGREEMENT AND CONTRACT APPROVAL.

(a) APPROVAL.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this title, the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments to the Settlement Agreement and the Cost-Sharing and System Integration Agreement that are executed to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this title) are authorized, ratified, and confirmed.

(b) EXECUTION.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this title, the Secretary shall execute the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments that are necessary to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this title).

(c) AUTHORITIES OF THE PUEBLOS.—

(1) IN GENERAL.—Each of the Pueblos may enter into contracts to lease or exchange water rights or to forbear undertaking new or expanded water uses for water rights recognized in section 2.1 of the Settlement Agreement for use within the Pojoaque Basin in accordance with the other limitations of section 2.1.5 of the Settlement Agreement provided that section 2.1.5 is amended accordingly.

(2) EXECUTION.—The Secretary shall not execute the Settlement Agreement until such amendment is accomplished under paragraph (1).

(3) APPROVAL BY SECRETARY.—Consistent with the Settlement Agreement as amended under paragraph (1), the Secretary shall approve or disapprove a lease entered into under paragraph (1).

(4) PROHIBITION ON PERMANENT ALIENATION.—No lease or contract under paragraph (1) shall be for a term exceeding 99 years, nor shall any such lease or contract provide for permanent alienation of any portion of the water rights made available to the Pueblos under the Settlement Agreement.

(5) APPLICABLE LAW.—Section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any lease or contract entered into under paragraph (1).

(6) LEASING OR MARKETING OF WATER SUPPLY.—The water supply provided on behalf of the Pueblos pursuant to section 113(a)(1) may only be leased or marketed by any of the Pueblos pursuant to the intergovernmental agreements described in section 114(c)(2).

(d) AMENDMENTS TO CONTRACTS.—The Secretary shall amend the contracts relating to the Nambe Falls Dam and Reservoir that are necessary to use water supplied from the Nambe Falls Dam and Reservoir in accordance with the Settlement Agreement.

SEC. 122. ENVIRONMENTAL COMPLIANCE.

(a) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The execution of the Settlement Agreement under section 121(b) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 123. CONDITIONS PRECEDENT AND ENFORCEMENT DATE.

(a) CONDITIONS PRECEDENT.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register a statement of finding that the conditions have been fulfilled.

(2) REQUIREMENTS.—The conditions precedents referred to in paragraph (1) are the conditions that—

(A) to the extent that the Settlement Agreement conflicts with this title, the Settlement Agreement has been revised to conform with this title;

(B) the Settlement Agreement, so revised, including waivers and releases pursuant to section 124, has been executed by the appropriate parties and the Secretary;

(C) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized by section 117, with the exception of subsection (a)(1) of that section, by June 30, 2016;

(D) the State of New Mexico has enacted any necessary legislation and provided any funding that may be required under the Settlement Agreement;

(E) a partial final decree that sets forth the water rights and other rights to water to which the Pueblos are entitled under the Settlement Agreement and this title and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico; and

(F) a final decree that sets forth the water rights for all parties to the Aamodt Case and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico by December 15, 2012, or within the time period of any extension of that deadline granted by that court.

(b) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable as of the date that the United States District Court for the District of New Mexico enters a partial final decree pursuant to subsection (a)(2)(E) and an Interim Administrative Order consistent with the Settlement Agreement. The waivers and releases executed pursuant to section 124 shall become effective as of the date that the conditions precedent described in subsection (a)(2) have been fulfilled.

(c) EXPIRATION.—If the parties to the Settlement Agreement entitled to provide notice regarding the lack of substantial completion of the Regional Water System provide such notice in accordance with section

10.3 of the Settlement Agreement, the Settlement Agreement shall no longer be effective, the waivers and releases executed pursuant to section 124 shall no longer be effective, and any unexpended Federal funds, together with any income earned thereon, and title to any property acquired or constructed with expended Federal funds, shall be returned to the Federal Government unless otherwise agreed to by the appropriate parties in writing and approved by Congress.

SEC. 124. WAIVERS AND RELEASES.

(a) CLAIMS BY THE PUEBLO AND THE UNITED STATES.—The Pueblos, on behalf of themselves and their members, and the United States, acting in its capacity as trustee for the Pueblos, as part of their obligations under the Settlement Agreement, shall each execute a waiver and release of—

(1) all past, present, and future claims to surface and groundwater rights that the Pueblos, or the United States on behalf of the Pueblos, asserted or could have asserted in the Aamodt Case;

(2) all past, present, and future claims for damages, losses or injuries to water rights or claims of interference, diversion or taking of water for lands within the Pojoaque Basin that accrued at any time up to and including the enforcement date identified in section 123(b), that the Pueblos or their members, or the United States on behalf of the Pueblos, asserted or could have asserted against the parties to the Aamodt Case;

(3) their defenses in the Aamodt Case to the claims previously asserted therein by the other Settlement Parties; and

(4) all pending inter se challenges against other parties to the Settlement Agreement.

(b) CLAIMS BY THE PUEBLOS.—The Pueblos, on behalf of themselves and their members, as part of their obligations under the Settlement Agreement, shall execute a waiver and release of—

(1) all causes of action against the United States, its agencies, or employees, arising out of all past, present, and future claims for water rights that were asserted, or could have been asserted, by the United States as trustee for the Pueblos and on behalf of the Pueblos in the Aamodt case;

(2) all claims for damages, losses or injuries to water rights or claims of interference, diversion or taking of water for lands within the Pojoaque Basin that accrued at any time up to and including the enforcement date identified in section 123(b), that the Pueblos or their members may have against the United States, its agencies, or employees; and

(3) all claims arising out of or resulting from the negotiation or the adoption of the Settlement Agreement, exhibits thereto, the Final Decree, or this title, that the Pueblos of their members may have against the United States, its agencies, agents or employees.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding subsections (a) and (b), and except as otherwise provided in the Settlement Agreement, the Pueblos and the United States shall retain—

(1) all claims for water rights or injuries to water rights arising out of activities occurring outside the Pojoaque Basin except insofar as such claims are specifically addressed in the Cost-Sharing and System Integration Agreement;

(2) all claims for enforcement of the Settlement Agreement, the Final Decree, or this title, through such legal and equitable remedies as may be available in any court of competent jurisdiction;

(3) all rights to use and protect water rights acquired pursuant to state law to the extent not inconsistent with the Final Decree and the Settlement Agreement;

(4) all claims relating to activities affecting the quality of water; and

(5) all rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to the Settlement Agreement or this title.

(d) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the Enforcement Date.

(2) NO REVIVAL OF CLAIMS.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

SEC. 125. EFFECT.

Nothing in this title or the Settlement Agreement affects the land and water rights, claims, or entitlements to water of any Indian tribe, pueblo, or community other than the Pueblos.

TITLE II—TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Taos Pueblo Indian Water Rights Settlement Act''.

SEC. 202. PURPOSE.

The purposes of this title are—

(1) to approve, ratify, and confirm the Taos Pueblo Indian Water Rights Settlement Agreement;

(2) to authorize and direct the Secretary to execute the Settlement Agreement and to perform all obligations of the Secretary under the Settlement Agreement and this title; and

(3) to authorize all actions and appropriations necessary for the United States to meet its obligations under the Settlement Agreement and this title.

SEC. 203. DEFINITIONS.

In this title:

(1) ELIGIBLE NON-PUEBLO ENTITIES.—The term ''Eligible Non-Pueblo Entities'' means the Town of Taos, EPWSD, and the New Mexico Department of Finance and Administration Local Government Division on behalf of the Acequia Madre del Rio Lucero y del Arroyo Seco, the Acequia Madre del Prado, the Acequia del Monte, the Acequia Madre del Rio Chiquito, the Upper Ranchitos Mutual Domestic Water Consumers Association, the Upper Arroyo Hondo Mutual Domestic Water Consumers Association, and the Llano Quemado Mutual Domestic Water Consumers Association.

(2) ENFORCEMENT DATE.—The term ''Enforcement Date'' means the date upon which all conditions precedent set forth in section 210(f)(2) have been fulfilled.

(3) MUTUAL-BENEFIT PROJECTS.—The term ''Mutual-Benefit Projects'' means the projects described and identified in Articles 6 and 10.1 of the Settlement Agreement.

(4) PARTIAL FINAL DECREE.—The term ''Partial Final Decree'' means the Decree entered in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S. D.N.M.) and 7939–BB (U.S. D.N.M) (consolidated), for the resolution of the Pueblo's water right claims and which is substantially in the form agreed to by the Parties and attached to the Settlement Agreement as Attachment 5.

(5) PARTIES.—The term ''Parties'' means the Parties to the Settlement Agreement, as identified in Article 1 of the Settlement Agreement.

(6) PUEBLO.—The term ''Pueblo'' means the Taos Pueblo, a sovereign Indian Tribe duly recognized by the United States of America.

(7) PUEBLO LANDS.—The term ''Pueblo lands'' means those lands located within the Taos Valley to which the Pueblo, or the United States in its capacity as trustee for the Pueblo, holds title subject to Federal law limitations on alienation. Such lands include Tracts A, B, and C, the Pueblo's land grant, the Blue Lake Wilderness Area, and the Tenorio and Karavas Tracts and are generally depicted in Attachment 2 to the Settlement Agreement.

(8) SAN JUAN-CHAMA PROJECT.—The term ''San Juan-Chama Project'' means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the contract dated March 31, 2006, between and among—

(A) the United States, acting solely in its capacity as trustee for Taos Pueblo;

(B) the Taos Pueblo, on its own behalf;

(C) the State of New Mexico;

(D) the Taos Valley Acequia Association and its 55 member ditches (''TVAA'');

(E) the Town of Taos;

(F) El Prado Water and Sanitation District (''EPWSD''); and

(G) the 12 Taos area Mutual Domestic Water Consumers Associations (''MDWCAs''), as amended to conform with this title.

(11) STATE ENGINEER.—The term ''State Engineer'' means the New Mexico State Engineer.

(12) TAOS VALLEY.—The term ''Taos Valley'' means the geographic area depicted in Attachment 4 of the Settlement Agreement.

SEC. 204. PUEBLO RIGHTS.

(a) IN GENERAL.—Those rights to which the Pueblo is entitled under the Partial Final Decree shall be held in trust by the United States on behalf of the Pueblo and shall not be subject to forfeiture, abandonment or permanent alienation.

(b) SUBSEQUENT ACT OF CONGRESS.—The Pueblo shall not be denied all or any part of its rights held in trust absent its consent unless such rights are explicitly abrogated by an Act of Congress hereafter enacted.

SEC. 205. PUEBLO WATER INFRASTRUCTURE AND WATERSHED ENHANCEMENT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall provide grants and technical assistance to the Pueblo on a nonreimbursable basis to—

(1) plan, permit, design, engineer, construct, reconstruct, replace, or rehabilitate water production, treatment, and delivery infrastructure;

(2) restore, preserve, and protect the environment associated with the Buffalo Pasture area; and

(3) protect and enhance watershed conditions.

(b) AVAILABILITY OF GRANTS.—Upon the Enforcement Date, all amounts appropriated pursuant to section 210(c)(1) shall be available in grants to the Pueblo after the requirements of subsection (c) have been met.

(c) PLAN.—The Secretary shall provide financial assistance pursuant to subsection (a) upon the Pueblo's submittal of a plan that identifies the projects to be implemented consistent with the purposes of this section and describes how such projects are consistent with the Settlement Agreement.

(d) EARLY FUNDS.—Notwithstanding subsection (b), $10,000,000 of the monies authorized to be appropriated pursuant to section 210(c)(1)—

(1) shall be made available in grants to the Pueblo by the Secretary upon appropriation or availability of the funds from other authorized sources; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice, a Tribal Council resolution that describes the purposes under subsection (a) for which the monies will be used, and a plan under subsection (c) for this portion of the funding.

SEC. 206. TAOS PUEBLO WATER DEVELOPMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Taos Pueblo Water Development Fund'' (hereinafter, ''Fund'') to be used to pay or reimburse costs incurred by the Pueblo for—

(1) acquiring water rights;

(2) planning, permitting, designing, engineering, constructing, reconstructing, replacing, rehabilitating, operating, or repairing water production, treatment or delivery infrastructure, on-farm improvements, or wastewater infrastructure;

(3) restoring, preserving and protecting the Buffalo Pasture, including planning, permitting, designing, engineering, constructing, operating, managing and replacing the Buffalo Pasture Recharge Project;

(4) administering the Pueblo's water rights acquisition program and water management and administration system; and

(5) for watershed protection and enhancement, support of agriculture, water-related Pueblo community welfare and economic development, and costs related to the negotiation, authorization, and implementation of the Settlement Agreement.

(b) MANAGEMENT OF THE FUND.—The Secretary shall manage the Fund, invest amounts in the Fund, and make monies available from the Fund for distribution to the Pueblo consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001, et seq.) (hereinafter, ''Trust Fund Reform Act''), this title, and the Settlement Agreement.

(c) INVESTMENT OF THE FUND.—The Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) AVAILABILITY OF AMOUNTS FROM THE FUND.—Upon the Enforcement Date, all monies deposited in the Fund pursuant to section 210(c)(2) shall be available to the Pueblo for expenditure or withdrawal after the requirements of subsection (e) have been met.

(e) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Pueblo may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) REQUIREMENTS.—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Pueblo spend any funds in accordance with the purposes described in subsection (a).

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the requirement that monies withdrawn from the Fund are used for the purposes specified in subsection (a).

(3) LIABILITY.—If the Pueblo exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portions of the funds made available under this title that the Pueblo does not withdraw under paragraph (1)(A).

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this title.

(5) ANNUAL REPORT.—The Pueblo shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) FUNDS AVAILABLE UPON APPROPRIATION.—Notwithstanding subsection (d), $15,000,000 of the monies authorized to be appropriated pursuant to section 210(c)(2)—

(1) shall be available upon appropriation for the Pueblo's acquisition of water rights in fulfillment of the Settlement Agreement, the Buffalo Pasture Recharge Project, implementation of the Pueblo's water rights acquisition program and water management and administration system, the design, planning, and permitting of water or wastewater infrastructure eligible for funding under sections 205 or 206, or costs related to the negotiation, authorization, and implementation of the Settlement Agreement; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice and a Tribal Council resolution that describes the purposes under paragraph (1) for which the monies will be used.

(g) NO PER CAPITA DISTRIBUTIONS.—No part of the Fund shall be distributed on a per capita basis to members of the Pueblo.

SEC. 207. MARKETING.

(a) PUEBLO WATER RIGHTS.—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may market water rights secured to it under the Settlement Agreement and Partial Final Decree, provided that such marketing is in accordance with this section.

(b) PUEBLO CONTRACT RIGHTS TO SAN JUAN-CHAMA PROJECT WATER.—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may subcontract water made available to the Pueblo under the contract authorized under section 209(b)(1)(A) to third parties to supply water for use within or without the Taos Valley, provided that the delivery obligations under such subcontract are not inconsistent with the Secretary's existing San Juan-Chama Project obligations and such subcontract is in accordance with this section.

(c) LIMITATION.—

(1) IN GENERAL.—Diversion or use of water off Pueblo Lands pursuant to Pueblo water rights or Pueblo contract rights to San Juan-Chama Project water shall be subject to and not inconsistent with the same requirements and conditions of State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all applicable State Engineer permitting and reporting requirements.

(2) EFFECT ON WATER RIGHTS.—Such diversion or use off Pueblo Lands under paragraph (1) shall not impair water rights or increase surface water depletions within the Taos Valley.

(d) MAXIMUM TERM.—

(1) IN GENERAL.—The maximum term of any water use lease or subcontract, including all renewals, shall not exceed 99 years in duration.

(2) ALIENATION OF RIGHTS.—The Pueblo shall not permanently alienate any rights it has under the Settlement Agreement, the Partial Final Decree, and this title.

(e) APPROVAL OF SECRETARY.—The Secretary shall approve or disapprove any lease or subcontract submitted by the Pueblo for approval not later than—

(1) 180 days after submission; or

(2) 60 days after compliance, if required, with the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), or any other requirement of Federal law, whichever is later, provided that no Secretarial approval shall be required for any water use lease or subcontract with a term of less than 7 years.

(f) NO FORFEITURE OR ABANDONMENT.—The nonuse by a lessee or subcontractor of the Pueblo of any right to which the Pueblo is entitled under the Partial Final Decree shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of those rights.

(g) NO PREEMPTION.—

(1) IN GENERAL.—The approval authority of the Secretary provided under subsection (e) shall not amend, construe, supersede, or preempt any State or Federal law, interstate compact, or international treaty that pertains to the Colorado River, the Rio Grande, or any of their tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quantity of those waters.

(2) APPLICABLE LAW.—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Agreement.

(h) NO PREJUDICE.—Nothing in this title shall be construed to establish, address, prejudice, or prevent any party from litigating whether or to what extent any applicable State law, Federal law or interstate compact does or does not permit, govern, or apply to the use of the Pueblo's water outside of New Mexico.

SEC. 208. MUTUAL-BENEFIT PROJECTS.

(a) IN GENERAL.—Upon the Enforcement Date, the Secretary, acting through the Commissioner of Reclamation, shall provide financial assistance in the form of grants on a nonreimbursable basis to Eligible Non-Pueblo Entities to plan, permit, design, engineer, and construct the Mutual Benefits Projects in accordance with the Settlement Agreement—

(1) to minimize adverse impacts on the Pueblo's water resources by moving future non-Indian ground water pumping away from the Pueblo's Buffalo Pasture; and

(2) to implement the resolution of a dispute over the allocation of certain surface water flows between the Pueblo and non-Indian irrigation water right owners in the community of Arroyo Seco Arriba.

(b) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of planning, designing, and constructing the Mutual Benefit Projects authorized in subsection (a) shall be 75 percent and shall be nonreimbursable.

(2) NON-FEDERAL SHARE.—The non-Federal share of the total cost of planning, designing, and constructing the Mutual Benefit Projects shall be 25 percent and may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to completing the Mutual Benefit Projects.

SEC. 209. SAN JUAN-CHAMA PROJECT CONTRACTS.

(a) IN GENERAL.—Contracts issued under this section shall be in accordance with this title and the Settlement Agreement.

(b) CONTRACTS FOR SAN JUAN-CHAMA PROJECT WATER.—

(1) IN GENERAL.—The Secretary shall enter into 3 repayment contracts by December 31, 2009, for the delivery of San Juan-Chama Project water in the following amounts:

(A) 2,215 acre-feet/annum to the Pueblo.

(B) 366 acre-feet/annum to the Town of Taos.

(C) 40 acre-feet/annum to EPWSD.

(2) REQUIREMENTS.—Each such contract shall provide that if the conditions precedent set forth in section 210(f)(2) have not been fulfilled by December 31, 2015, the contract shall expire on that date.

(c) WAIVER.—With respect to the contracts authorized and required by subsection (b)(1) and notwithstanding the provisions of Public Law 87–483 (76 Stat. 96) or any other provision of law—

(1) the Secretary shall waive the entirety of the Pueblo's share of the construction costs, both principal and the interest, for the San Juan-Chama Project and pursuant to that waiver, the Pueblo's share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest shall be nonreimbursable; and

(2) the Secretary's waiver of the Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior.

SEC. 210. AUTHORIZATIONS, RATIFICATIONS, CONFIRMATIONS, AND CONDITIONS PRECEDENT.

(a) RATIFICATION.—

(1) IN GENERAL.—Except to the extent that any provision of the Settlement Agreement conflicts with any provision of this title, the Settlement Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—To the extent amendments are executed to make the Settlement Agreement consistent with this title, such amendments are also authorized, ratified, and confirmed.

(b) EXECUTION OF SETTLEMENT AGREEMENT.—To the extent that the Settlement Agreement does not conflict with this title, the Secretary shall execute the Settlement Agreement, including all exhibits to the Settlement Agreement requiring the signature of the Secretary and any amendments necessary to make the Settlement Agreement consistent with this title, after the Pueblo has executed the Settlement Agreement and any such amendments.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) TAOS PUEBLO INFRASTRUCTURE AND WATERSHED FUND.—There is authorized to be appropriated to the Secretary to provide grants pursuant to section 205, $30,000,000, as adjusted under paragraph (4), for the period of fiscal years 2009 through 2015.

(2) TAOS PUEBLO WATER DEVELOPMENT FUND.—There is authorized to be appropriated to the Taos Pueblo Water Development Fund, established at section 206(a), $50,000,000, as adjusted under paragraph (4), for the period of fiscal years 2009 through 2015.

(3) MUTUAL-BENEFIT PROJECTS FUNDING.—There is further authorized to be appropriated to the Secretary to provide grants pursuant to section 208, a total of $33,000,000, as adjusted under paragraph (4), for the period of fiscal years 2009 through 2015.

(4) ADJUSTMENTS TO AMOUNTS AUTHORIZED.—The amounts authorized to be appropriated under paragraphs (1) through (3) shall be adjusted by such amounts as may be required by reason of changes since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(5) DEPOSIT IN FUND.—Except for the funds to be provided to the Pueblo pursuant to section 205(d), the Secretary shall deposit the funds made available pursuant to paragraphs (1) and (3) into a Taos Settlement Fund to be established within the Treasury of the United States so that such funds may be made available to the Pueblo and the Eligible Non-Pueblo Entities upon the Enforcement Date as set forth in sections 205(b) and 208(a).

(d) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to enter into such agreements and to take such measures as the Secretary may deem necessary or appropriate to fulfill the intent of the Settlement Agreement and this title.

(e) ENVIRONMENTAL COMPLIANCE.—

(1) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The Secretary's execution of the Settlement Agreement shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this title, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) CONDITIONS PRECEDENT AND SECRETARIAL FINDING.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register a statement of finding that the conditions have been fulfilled.

(2) CONDITIONS.—The conditions precedent referred to in paragraph (1) are the following:

(A) The President has signed into law the Taos Pueblo Indian Water Rights Settlement Act.

(B) To the extent that the Settlement Agreement conflicts with this title, the Settlement Agreement has been revised to conform with this title.

(C) The Settlement Agreement, so revised, including waivers and releases pursuant to section 211, has been executed by the Parties and the Secretary prior to the Parties' motion for entry of the Partial Final Decree.

(D) Congress has fully appropriated or the Secretary has provided from other authorized sources all funds authorized by paragraphs (1) through (3) of subsection (c) so that the entire amounts so authorized have been previously provided to the Pueblo pursuant to sections 205 and 206, or placed in the Taos Pueblo Water Development Fund or the Taos Settlement Fund as directed in subsection (c).

(E) The Legislature of the State of New Mexico has fully appropriated the funds for the State contributions as specified in the Settlement Agreement, and those funds have been deposited in appropriate accounts.

(F) The State of New Mexico has enacted legislation that amends NMSA 1978, section 72–6–3 to state that a water use due under a water right secured to the Pueblo under the Settlement Agreement or the Partial Final Decree may be leased for a term, including all renewals, not to exceed 99 years, provided that this condition shall not be construed to require that said amendment state that any State law based water rights acquired by the Pueblo or by the United States on behalf of the Pueblo may be leased for said term.

(G) A Partial Final Decree that sets forth the water rights and contract rights to water to which the Pueblo is entitled under the Settlement Agreement and this title and that substantially conforms to the Settlement Agreement and Attachment 5 thereto has been approved by the Court and has become final and nonappealable.

(g) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable, and the waivers and releases executed pursuant to section 211 and the limited waiver of sovereign immunity set forth in section 212(a) shall become effective, as of the date that the conditions precedent described in subsection (f)(2) have been fulfilled.

(h) EXPIRATION DATE.—

(1) IN GENERAL.—If all of the conditions precedent described in section (f)(2) have not been fulfilled by December 31, 2015, the Settlement Agreement shall be null and void, the waivers and releases executed pursuant to section 211 shall not become effective, and any unexpended Federal funds, together with any income earned thereon, and title to any property acquired or constructed with expended Federal funds, shall be returned to the Federal Government, unless otherwise agreed to by the Parties in writing and approved by Congress.

(2) EXCEPTION.—Notwithstanding subsection (h)(1) or any other provision of law, any unexpended Federal funds, together with any income earned thereon, made available under sections 205(d) and 206(f) and title to any property acquired or constructed with expended Federal funds made available under sections 205(d) and 206(f) shall be retained by the Pueblo.

(3) RIGHT TO SET-OFF.—In the event the conditions precedent set forth in subsection (f)(2) have not been fulfilled by December 31, 2015, the United States shall be entitled to set off any funds expended or withdrawn from the amount appropriated pursuant to paragraphs (1) and (2) of subsection (c) or made available from other authorized sources, together with any interest accrued, against any claims asserted by the Pueblo against the United States relating to water rights in the Taos Valley.

SEC. 211. WAIVERS AND RELEASES.

(a) CLAIMS BY THE PUEBLO AND THE UNITED STATES.—The Pueblo, on behalf of itself and its members, and the United States, acting through the Secretary in its capacity as trustee for the Pueblo, as part of their obligations under the Settlement Agreement, shall each execute a waiver and release of claims against all Parties to the Settlement Agreement, including individual members of signatory Acequias, from—

(1) all past, present, and future claims to surface and groundwater rights that the Pueblo, or the United States on behalf of the Pueblo, asserted or could have asserted in New Mexico v. Abeyta and New Mexico v.

Arellano, Civil Nos. 7896–BB (U.S. D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated);

(2) all past, present, and future claims for damages, losses or injuries to water rights or claims of interference, diversion or taking of water for lands within the Taos Valley that accrued from time immemorial through the Enforcement Date that the Pueblo, or the United States on behalf of the Pueblo, asserted or could have asserted;

(3) all past, present, and future claims to surface and groundwater rights to the use of Rio Grande mainstream or tributary water, whether presently known or unknown, whether for consumptive or nonconsumptive use, that the Pueblo, or the United States on behalf of the Pueblo, could assert in any present or future water rights adjudication proceeding that are not based on ownership of land or that are based on Pueblo or United States ownership of lands or water rights at any time prior to the Enforcement Date, except that nothing in this paragraph shall be construed to prevent the Pueblo or the United States from fully participating in the inter se phase of any such present or future water rights adjudication proceeding;

(4) all past, present, and future claims for damages, losses or injuries to water rights or claims of interference, diversion or taking of Rio Grande mainstream or tributary water that accrued from time immemorial through the Enforcement Date that the Pueblo, or the United States on behalf of the Pueblo, asserted or could have asserted; and

(5) all past, present, and future claims arising out of or resulting from the negotiation or the adoption of the Settlement Agreement, attachments thereto, or any specific terms and provisions thereof, against the State of New Mexico, its agencies, agents or employees.

(b) CLAIMS BY THE PUEBLO.—The Pueblo, on behalf of itself and its members, as part of its obligations under the Settlement Agreement, shall execute a waiver and release of claims against the United States, its agencies, and its employees from—

(1) all past, present, and future claims for water rights that were asserted, or could have been asserted, by the United States as trustee for the Pueblo and on behalf of the Pueblo in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S. D.N.M.) and 7939–BB (U.S. D.N.M) (consolidated);

(2) all past, present, and future claims for damages, losses or injuries to water rights or all past, present, and future claims for failure to intervene or act on the Pueblo's behalf in the protection of its water rights, or all past, present, and future claims for failure to acquire and/or develop the water rights and resources of the Pueblo, that accrued from time immemorial through the Enforcement Date; and

(3) all past, present, and future claims arising out of or resulting from the negotiation or the adoption of the Settlement Agreement, attachments thereto, or negotiation and enactment of this title or any specific terms and provisions thereof, against the United States, its agencies, agents or employees.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding subsections (a) and (b), the Pueblo and its members, and the United States, as trustee for the Pueblo and its members, shall retain the following rights and claims:

(1) All claims against persons other than the Parties to the Settlement Agreement for injuries to water rights arising out of activities occurring outside the Taos Valley or the Taos Valley Stream System.

(2) All claims for enforcement of the Settlement Agreement, the San Juan-Chama Project contract between the Pueblo and the United States, the Partial Final Decree, or this title, through such legal and equitable remedies as may be available in any court of competent jurisdiction.

(3) All rights to use and protect water rights acquired pursuant to state law, to the extent not inconsistent with the Partial Final Decree and the Settlement Agreement.

(4) All claims relating to activities affecting the quality of water.

(5) All rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to the Settlement Agreement or this title.

(d) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the Enforcement Date.

(2) NO REVIVAL OF CLAIMS.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this title.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 212. INTERPRETATION AND ENFORCEMENT.

(a) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—Upon and after the Enforcement Date, if any Party to the Settlement Agreement brings an action in any court of competent jurisdiction over the subject matter relating only and directly to the interpretation or enforcement of the Settlement Agreement or this title, and names the United States or the Pueblo as a party, then the United States, the Pueblo, or both may be added as a party to any such action, and any claim by the United States or the Pueblo to sovereign immunity from the action is waived, but only for the limited and sole purpose of such interpretation or enforcement, and no waiver of sovereign immunity is made for any action against the United States or the Pueblo that seeks money damages.

(b) SUBJECT MATTER JURISDICTION NOT AFFECTED.—Nothing in this title shall be deemed as conferring, restricting, enlarging, or determining the subject matter jurisdiction of any court, including the jurisdiction of the court that enters the Partial Final Decree adjudicating the Pueblo's water rights.

(c) REGULATORY AUTHORITY NOT AFFECTED.—Nothing in this title shall be deemed to determine or limit any authority of the State or the Pueblo to regulate or administer waters or water rights now or in the future.

SEC. 213. DISCLAIMER.

Nothing in the Settlement Agreement or this title shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims, or entitlements to water of any other Indian tribe.

Mr. BINGAMAN. Mr. President, today Senator DOMENICI and I are introducing a bill that I am pleased to say, will help end contentious disputes over water rights claims in two longstanding general stream adjudications in northern New Mexico. The bill accomplishes this by authorizing two Indian water rights settlements. The first is a settlement involving the water rights claims of the Nambe, Pojoaque, San Ildefonso, and Tesuque Pueblos in the Rio Pojoaque stream system, north of Santa Fe. The second settlement resolves Taos Pueblo's water rights claims in the Rio Pueblo de Taos stream system.

The Rio Pojoaque stream adjudication is known as the Aamodt case, and it's my understanding that it's the longest active case in the Federal court system nationwide. The case began in 1966, and since that time has been actively litigated before the district court in New Mexico and the Tenth Circuit Court of Appeals. Forty years of litigation resolved very little, certainly not what the parties accomplished by engaging directly with each other in an attempt to resolve their differences. The Aamodt Litigation Settlement Act represents an agreement by the parties that will 1. secure water to meet the present and future needs of the four Pueblos involved in the litigation; 2. protect the interests and rights of long-standing water users, including century-old irrigation practices; and 3. ensure that water is available for municipal and domestic needs for all residents in the Pojoaque basin. Negotiation of this agreement was a lengthy process and the parties had to renegotiate several issues to address local, State, and Federal policy concerns. In the end, however, their commitment to solving the water supply issues in the basin prevailed.

The Rio Pueblo de Taos adjudication is a dispute that is almost 40 years old. Similar to the Aamodt case, little has been resolved by the pending litigation. The parties have been in settlement discussions for well over a decade but it was not until the last 5 years that the discussions took on the sense of urgency needed to resolve the issues at hand. The settlement will fulfill the rights of the Pueblo consistent with the Federal trust responsibility, while continuing the practice of sharing the water necessary to protect the sustainability of traditional agricultural communities. The town of Taos and other local entities are also secure in their ability to access the water necessary to meet municipal and domestic needs. The Taos Pueblo Indian Water Rights Settlement Act represents a commonsense set of solutions that all parties to the adjudication have a stake in implementing.

Both settlements are widely supported in their respective communities. Moreover, the State of New Mexico, under Governor Richardson's leadership, deserves special recognition for actively pursuing a settlement in both of these matters and committing significant resources so that the Federal Government does not have to bear the entire cost of these settlements. To the extent that going concerns may exist by some remaining water users, I am committed to continuing the dialog about the value of these settlements.

This bill is critical for New Mexico's future. I look forward to working with my colleagues in the Senate to see that it gets enacted into law. The U.S. Supreme Court once characterized the Federal Government's responsibilities to Indian tribes as ''moral obligation of the highest responsibility and trust.'' This bill is an attempt to ensure that the Government lives up to that standard, and does so in a manner that also addresses the needs of the Pueblos' neighbors.

By Mrs. FEINSTEIN:

S. 3382. A bill for the relief of Guy Privat Tape and Lou Nazie Raymonde Toto; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Guy Privat Tape and his wife Lou Nazie Raymonde Toto. Mr. Tape and Ms. Toto are citizens of the Ivory Coast, but have been living in the San Francisco area of California for approximately 15 years.

The story of the Mr. Tape and Ms. Toto is compelling and I believe they merit Congress's special consideration for such an extraordinary form of relief as a private bill.

Mr. Tape and Ms. Toto were subjected to numerous atrocities in the early 1990s in the Ivory Coast. After participating in a demonstration against the ruling party, they were jailed and tortured by their own government. Ms. Toto was brutally raped by her captors and several years later learned that she had contracted HIV.

Despite the hardships that they suffered, Mr. Tape and Ms. Toto were able to make a better life for themselves in the United States. Mr. Tape arrived in the U.S. in 1993 on a B1/B2 non-immigrant visa. Ms. Toto entered without inspection in 1995 from Spain. Despite being diagnosed with HIV, Ms. Toto gave birth to two healthy children, Melody, age 10, and Emmanuel, age 6.

Since arriving in the United States, this family has dedicated themselves to community involvement and a strong work ethic. They pay taxes and own their own home in Hercules, California. They are active members of Easter Hill United Methodist Church.

Mr. Tape is the owner of a small business, Melody's Carpet Cleaning & Upholstery, which has four other employees. Unfortunately, in 2002, Mr. Tape was diagnosed with urologic cancer. While his doctor states that the cancer is currently in remission, he will continue to require life-long surveillance to monitor for recurrence of the disease.

In addition to raising her two children, Ms. Toto obtained a certificate to be a nurse's aide and currently works as a Resident Care Specialist at Creekside Health Care in San Pablo, California. She hopes to finish her schooling so that she can become a Registered Nurse. She is currently taking classes at Contra Costa Community College. Ms. Toto continues to receive medical treatment for HIV. According to her doctor, without access to adequate health care and laboratory monitoring, she is at risk of developing life-threatening illnesses.

Mr. Tape and Ms. Toto applied for asylum when they arrived in the U.S., but after many years of litigation, the claim was ultimately denied by the 9th Circuit Court of Appeals.

Although the regime which subjected Mr. Tape and Ms. Toto to imprisonment and torture is no longer in power, Mr. Tape has been afraid to return to Ivory Coast due to his prior association with President Gbagbo. Mr. Tape had previously sought to promote democracy and peace in the region in support of the current President Gbagbo's party. However, in 2006 Mr. Tape publically distanced himself from President Gbagbo's government when he accused the party of violence and corruption. As a result, Mr. Tape strongly believes that his family will be targeted if they return to Ivory Coast.

One of the most compelling reasons for permitting the family to remain in the United States is the impact their deportation would have on their two U.S. citizen children. For Melody and Emmanuel, the United States is the only country they have ever known. Mr. Tape believes that if the family returns to Ivory Coast, these two young children will be forced to enter the army.

This bill is the only hope for this family to remain in the United States. To send them back to Ivory Coast, where they may face persecution and inadequate medical treatment for their illnesses would be devastating to the family. They are contributing members of their community and have embraced the American dream with their strong work ethic and family values. I have received approximately 50 letters from the church community in support of this family.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

S. 3382

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

SECTION 1. PERMANENT RESIDENT STATUS FOR GUY PRIVAT TAPE AND LOU NAZIE RAYMONDE TOTO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Guy Privat Tape and Lou Nazie Raymonde Toto shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Guy Privat Tape and Lou Nazie Raymonde Toto enters the United States before the filing deadline specified in subsection (c), Guy Privat Tape and Lou Nazie Raymonde Toto shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent residence to Guy Privat Tape and Lou Nazie Raymonde Toto, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Guy Privat Tape and Lou Nazie Raymonde Toto under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Guy Privat Tape and Lou Nazie Raymonde Toto under section 202(e) of such Act.

BLACK ALLIANCE FOR
JUST IMMIGRATION,
Berkeley, CA, July 17, 2008.

Hon. DIANNE FEINSTEIN,
U.S. Senator,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I'm writing on behalf of Guy Privat Tape and Raymond Tape and their three children. The Tape family arrived in the United States in 1993 (husband) and 1995 (wife) as political refugees from the Ivory Coast. Both of them were imprisoned, tortured and beaten, and Mrs. Tape was repeatedly raped, while in the Ivory Coast. As a consequence, she is HIV positive. They were very fortunate to escape with their lives. On the facts, they seem to have a strong case for political sanctuary since the same forces are in power in their homeland.

Recently the Tape family received the terrifying notice from the Immigration and Customs Enforcement (ICE) that on August 6 they should report to be deported. It is outrageous that our government is about to send this family into a dangerous situation. And the impact upon the two children will be devastating.

Please intervene and use your power to ask ICE to reconsider their petition for political asylum. Thank you for your attention to this matter.

Sincerely,

GERALD LENOIR,
Director.

JUNE 29, 2008.

Hon. DIANNE FEINSTEIN,
U.S. Senator,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I am writing this letter on behalf of Guy Privat Tape and his wife, Lou Nazie Toto and their two children. Guy Tape arrived in the United States in 1993 and his wife, Lou Nazie Toto, arrived in 1995 as political refugees from the Ivory

Coast. In 1995 they applied for political asylum.

They became members of Easter Hill United Methodist Church in Richmond, California shortly after they arrived in the United States and have been faithful and loyal members since that time. They are the proud parents of two children who are United States Citizens. Their daughter sings in the children's choir and is a member of the children's usher board.

Guy Tape is self employed and Lou Nazie Toto is employed as a CNA (Nurse's Assistant). They own their own home and are productive taxpayers.

The U.S. Immigration and Custom Enforcement (ICE) is deporting Guy Tape and his wife, Lou Nazie Toto, back to the Ivory Coast on August 5, 2008. The United States government will be returning this family back to the people who jailed them, beat them.

I am asking you to please intervene and use your power to ask ICE to reconsider this couple's petition for political asylum.

Thank you for your consideration in this matter.

Sincerely yours,

REV. BILLYE AUSTIN,
Pastor.

p.s. America made a promise of political asylum to the Tapes—it should keep it!

EASTER HILL
UNITED METHODIST CHURCH,
Richmond, CA, June 30, 2008.

Hon. DIANNE FEINSTEIN,
U.S. Senator,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: The members of Easter Hill United Methodist Church are asking your assistance to prevent the deportation of the Tape family on August 5, 2008. The Tape family are faithful members of Easter Hill Church. The enclosed 48 letters asking for your help were signed by members of Easter Hill United Methodist Church on Sunday, June 29, 2008:

The following are the members who have signed requesting your assistance for the Tape family:

Joyce Clark; Annie Harris; Horacio Avelino; Thelma Daniels; Augustine Williams; Justin M. McMath; Clara Davis; Karen Colquitt; Meredith Withers; Malanna Wheat; Jay Jackson; Dr. Robert Anderson; Monique Lee; Edward Colquitt; Cecile Smith; Dr. Corann Withers; and Ila Warner.

Pauline Wesley; Zachary Harris; Shirley Haney; Nicole Kelly; Charlesetta Cannady; Sylvester Weaver; Bennie Smith; Joan Daniels; Valree Wilson; Dr. Nannette Finley Hancock; Adolphus Benjamin; Harriet M. Brown; Beverly Hardy; Ernest Baffo-Gyan; Bassey Effiong; and Girlee Parr.

Gladys Harvey; Alfred J. Daniels, Jr.; Sheila Phillips; Renee Lowery; James Bell; Vesper Wheat; William Harris; Napoleon Britt; Todd Wheat; Carolyn Benjamin; Samuel Harvey; Cassandra Clarke; Sharon Nash Haynes; Ena A. Harris; Eloise Hewitt; and Frank Fisher.

Thank you,

MYRTLE BRAXTON ELLINGTON,
Church & Society Chairperson.

By Mr. CARDIN (for himself, Mrs. CLINTON, Ms. MIKULSKI, and Mr. SCHUMER):

S. 3383. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am proud to introduce The Harriet Tubman National Historical Park and The Harriet Tubman Underground Railroad National Historical Park Act. I am joined by Mrs. CLINTON, Ms. MIKULSKI, and Mr. SCHUMER as original cosponsors.

The woman, who is known to us as Harriet Tubman, was born Araminta, Minty, Ross approximately 1822 in Dorchester County, Maryland. She spent nearly 30 years of her life as a slave on Maryland's eastern shore. As an adult she took the first name Harriet, and when she was 25 she married John Tubman.

Harriet Tubman escaped from slavery in 1849. She did so in the dead of night, navigating the maze of tidal streams and wetlands that are a hallmark of Maryland's Eastern Shore. She did so alone, demonstrating courage, strength and fortitude that became her hallmarks. Not satisfied with attaining her own freedom, she returned repeatedly for more than 10 years to the places of her enslavement in Dorchester and Caroline counties where, under the most adverse conditions, she led away many family members and other slaves to their freedom. Tubman became known as ''Moses'' by African-Americans and white abolitionists. She was perhaps the most famous and most important conductor in the network of resistance known as the Underground Railroad.

During the Civil War, Tubman served the Union forces as a spy, a scout and a nurse. She served in Virginia, Florida, and South Carolina. She is credited with leading hundreds of slaves from those slave states to freedom during those years.

Following the Civil War, Tubman settled in Auburn, New York. There she was active in the women's suffrage movement, and she also established the one of the first incorporated homes for aged African-Americans. In 1903 she bequeathed the home to the African Methodist Episcopal Zion Church in Auburn. Harriet Tubman died in Auburn in 1913 and she is buried there in the Fort Hill Cemetery.

Slaves were forced to live in primitive buildings even though many were skilled tradesmen who constructed the substantial homes of their owners. Not surprisingly, few of the structures associated with the early years of Tubman's life still stand. The landscapes of the Eastern Shore of Maryland, however, remain evocative of the time that Tubman lived there. Farm fields and forests dot the landscape, which is also notable for its extensive network of tidal rivers and wetlands. In particular, a number of properties including the homestead of Ben Ross, her father, Stewart's Canal, where he worked, the Brodess Farm, where she worked as a slave, and others are within the boundaries of the Blackwater National Wildlife Refuge.

Similarly, Poplar Neck, the plantation from which she escaped to freedom, is still largely intact in Caroline County. The properties in Talbot County, immediately across the Choptank River from the plantation, are today protected by various conservation easements. Were she alive today, Tubman would recognize much of the landscape that she knew intimately as she secretly led black men, women and children to their freedom.

In New York, on the other hand, many of the buildings associated with Tubman's life remain intact. Her personal home, as well as the Tubman Home for the Aged, the church and rectory of the Thompson Memorial AME Zion Episcopal Church, and the Fort Hill Cemetery are all extant.

In 1999, the Congress approved legislation authorizing a Special Resource Study to determine the appropriateness of establishing a unit of the National Park Service to honor Harriet Tubman. The Study has taken an exceptionally long time to complete, in part because of the lack of remaining structures on Maryland's Eastern Shore. There has never been any doubt that Tubman led an extraordinary life. Her contributions to American history are surpassed by few. Determining the most appropriate way to recognize that life and her contributions, however, has been more difficult. Eventually, the Park Service came to realize that determined that a Park that would include two geographically separate units would be appropriate. The New York unit would include the tightly clustered Tubman buildings in Auburn. The Maryland portion would include large sections of landscapes that are evocative of Tubman's time and are historically relevant. The Special Resource Study will be finalized and released later this year.

THE HARRIET TUBMAN NATIONAL HISTORICAL PARK AND THE HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK ACT

The legislation I am introducing today establishes two parks. The Harriet Tubman National Historical Park includes important historical structures in Auburn, New York. They include Tubman's home, the Home for the Aged that she established, the African Methodist Episcopal AME Zion Church, and the Fort Hill Cemetery where she is buried.

The Harriet Tubman Underground Railroad National Historical Park includes historically important landscapes in Dorchester, Caroline and Talbot counties, Maryland, that are evocative of the life of Harriet Tubman. The Maryland properties include about 2,200 acres in Caroline County that

comprise the Poplar Neck plantation that Tubman escaped from in 1849. The 725 acres of viewshed across the Choptank River in Talbot County would also be included in the Park. In Dorchester County, the parcels would not be contiguous, but would include about 2,775 acres. All of them are included within the Blackwater National Wildlife Refuge boundaries or abut that resource land. The National Park Service would not own any of these lands.

The bill authorizes $7.5 million in grants for the New York properties for their preservation, rehabilitation, and restoration of those resources.

The bill authorizes $11 million in grants for the Maryland section. Funds can be used for the construction of the State Harriet Tubman Park Visitors Center and/or for easements or acquisition of properties inside or adjacent to the Historical Park boundaries.

Finally, the bill also authorizes a new grants program. Under the program, the National Park Service would award competitive grants to historically Black colleges and universities, predominately Black institutions, and minority serving institutions for research into the life of Harriet Tubman and the African-American experience during the years that coincide with the life of Harriet Tubman. The legislation authorizes $200,000 annually for this scholarship program.

Harriet Tubman was a true American patriot. She was someone for whom liberty and freedom were not just concepts. She lived those principles and shared that freedom with hundreds of others. In doing so, she has earned a nation's respect and honor. That is why I am so proud to introduce this legislation, establishing the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3383

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Harriet Tubman National Historical Park and Harriet Tubman Underground Railroad National Historical Park Act''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Harriet Tubman (born Araminta ''Minty'' Ross)—

(A) was born into slavery in Maryland around 1822;

(B) married John Tubman at age 25;

(C) endured through her youth and young adulthood the hardships of enslaved African Americans; and

(D) boldly emancipated herself from bondage in 1849;

(2) not satisfied with attaining her own freedom, Harriet Tubman—

(A) returned repeatedly for more than 10 years to the places of her enslavement in Dorchester and Caroline Counties, Maryland; and

(B) under the most adverse circumstances led away many family members and acquaintances to freedom in the northern region of the United States and Canada;

(3) Harriet Tubman was—

(A) called ''Moses'' by African-Americans and white abolitionists; and

(B) acknowledged as 1 of the most prominent ''conductors'' of the resistance that came to be known as the ''Underground Railroad'';

(4) in 1868, Frederick Douglass wrote that, with the exception of John Brown, Douglass knew of ''no one who has willingly encountered more perils and hardships to serve our enslaved people'' than Harriet Tubman;

(5) during the Civil War, Harriet Tubman—

(A) was recruited to assist Union troops as a nurse, a scout, and a spy; and

(B) served in Virginia, Florida, and South Carolina, where she is credited with facilitating the rescue of hundreds of enslaved people;

(6) Harriet Tubman established in Auburn, New York, 1 of the first incorporated homes for aged African Americans in the United States, which, 10 years before her death, she bequeathed to the African Methodist Episcopal Zion Church;

(7) there are nationally significant resources comprised of relatively unchanged landscapes associated with the early life of Harriet Tubman in Caroline, Dorchester, and Talbot Counties, Maryland;

(8) there are nationally significant resources relating to Harriet Tubman in Auburn, New York, including—

(A) the residence of Harriet Tubman;

(B) the Tubman Home for the Aged;

(C) the Thompson Memorial AME Zion Church; and

(D) the final resting place of Harriet Tubman in Fort Hill Cemetery;

(9) in developing interpretive programs, the National Park Service would benefit from increased scholarship of the African-American experience during the decades preceding the Civil War and throughout the remainder of the 19th century; and

(10) it is fitting and proper that the nationally significant resources relating to Harriet Tubman be preserved for future generations as units of the National Park System so that people may understand and appreciate the contributions of Harriet Tubman to the history and culture of the United States.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve and promote stewardship of the resources in Auburn, New York, and Caroline, Dorchester, and Talbot Counties, Maryland, relating to the life and contributions of Harriet Tubman;

(2) to provide for partnerships with the African Methodist Episcopal Zion Church, the States of New York and Maryland, political subdivisions of the States, the Federal Government, local governments, nonprofit organizations, and private property owners for resource protection, research, interpretation, education, and public understanding and appreciation of the life and contributions of Harriet Tubman;

(3) to sustain agricultural and forestry land uses in Caroline, Dorchester, and Talbot Counties, Maryland, that remain evocative of the landscape during the life of Harriet Tubman; and

(4) to establish a competitive grants program for scholars of African-American history relating to Harriet Tubman and the Underground Railroad.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHURCH.—The term ''Church'' means the Thompson Memorial AME Zion Church located in Auburn, New York.

(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' has the meaning given the term ''part B institution'' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)).

(3) PREDOMINANTLY BLACK INSTITUTION.—The term ''Predominantly Black Institution'' has the meaning given the term in section 499A(c) of the Higher Education Act of 1965 (20 U.S.C. 1099e(c)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) VISITOR CENTER.—The term ''Visitor Center'' means the Harriet Tubman Underground Railroad State Park Visitor Center to be constructed under section 5(d).

SEC. 4. ESTABLISHMENT OF HARRIET TUBMAN NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—On the execution of easements with the Church, the Secretary shall—

(1) establish the Harriet Tubman National Historical Park (referred to in this section as the ''Historical Park'') in the City of Auburn, New York, as a unit of the National Park System; and

(2) publish notice of the establishment of the Historical Park in the Federal Register.

(b) BOUNDARY.—

(1) IN GENERAL.—The Historical Park shall be comprised of structures and properties associated with the Harriet Tubman home, the Tubman Home for the Aged, the Church, and the Rectory, as generally depicted on the map entitled ''Harriet Tubman National Historical Park–Proposed Boundary'', numbered **[_____]**, and dated **[_____]**.

(2) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be available for public inspection in the appropriate offices of the National Park Service.

(c) ACQUISITION OF LAND.—The Secretary may acquire from willing sellers, by donation, purchase with donated or appropriated funds, or exchange, land or interests in land within the boundary of the Historical Park.

(d) FINANCIAL ASSISTANCE.—The Secretary may provide grants to, and enter into cooperative agreements with—

(1) the Church for—

(A) historic preservation of, rehabilitation of, research on, and maintenance of properties within the boundary of the Historical Park; and

(B) interpretation of the Historical Park;

(2) the Fort Hill Cemetery Association for maintenance and interpretation of the gravesite of Harriet Tubman; and

(3) the State of New York, any political subdivisions of the State, the City of Auburn, and nonprofit organizations for—

(A) preservation and interpretation of resources relating to Harriet Tubman in the City of Auburn, New York;

(B) conducting research, including archaeological research; and

(C) providing for stewardship programs, education, public access, signage, and other interpretive devices at the Historical Park for interpretive purposes.

(e) INTERPRETATION.—The Secretary may provide interpretive tours to sites located outside the boundaries of the Historical Park in Auburn, New York, that include resources relating to Harriet Tubman.

(f) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary, in cooperation with the Church, shall complete a general management plan for the Historical Park in accordance with section 12(b) of Public Law 91–383 (16 U.S. C. 1a–7(b)).

(2) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the general management plan for the Harriet Tubman National Historical Park with—

(A) the Harriet Tubman Underground Railroad National Historical Park in Maryland; and

(B) the National Underground Railroad: Network to Freedom.

SEC. 5. ESTABLISHMENT OF THE HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established as a unit of the National Park System the Harriet Tubman Underground Railroad National Historical Park (referred to in this section as the ''Historical Park'') in Caroline, Dorchester, and Talbot Counties, Maryland.

(b) BOUNDARY.—

(1) IN GENERAL.—The boundary of the Historical Park shall consist of certain landscapes and associated resources relating to the early life and enslavement of Harriet Tubman and the Underground Railroad, as generally depicted on the map entitled ''Harriet Tubman Underground Railroad National Historical Park–Proposed Boundary'', numbered [_____], and dated [_____].

(2) ADDITIONAL SITES.—The Secretary, after consultation with landowners, the State of Maryland, and units of local government, may modify the boundary of the Historical Park to include additional resources relating to Harriet Tubman that—

(A) are located within the vicinity of the Historical Park; and

(B) are identified in the general management plan prepared under subsection (g) as appropriate for interpreting the life of Harriet Tubman.

(3) AVAILABILITY OF MAP.—On modification of the boundary of the Historical Park under paragraph (2), the Secretary shall make available for public inspection in the appropriate offices of the National Park Service a revised map of the Historical Park.

(c) ACQUISITION OF LAND.—The Secretary may acquire from willing sellers, by donation, purchase with donated or appropriated funds, or exchange, land or an interest in land within the boundaries of the Historical Park.

(d) GRANTS.—In accordance with section 7(b)(2), the Secretary may provide grants—

(1) to the State of Maryland, political subdivisions of the State, and nonprofit organizations for the acquisition of less than fee title (including easements) or fee title to land in Caroline, Dorchester, and Talbot Counties, Maryland, within the boundary of the Historical Park; and

(2) on execution of a memorandum of understanding between the State of Maryland and the Director of the National Park Service, to the State of Maryland for the construction of the Harriet Tubman Underground Railroad State Park Visitor Center on land owned by the State of Maryland in Dorchester County, Maryland, subject to the condition that the State of Maryland provide the Director of the National Park Service, at no additional cost, sufficient office space and exhibition areas in the Visitor Center to carry out the purposes of the Historical Park.

(e) FINANCIAL ASSISTANCE.—The Secretary may provide grants to, and enter into cooperative agreements with, the State of Maryland, political subdivisions of the State, nonprofit organizations, colleges and universities, and private property owners for—

(1) the restoration or rehabilitation, public use, and interpretation of sites and resources relating to Harriet Tubman;

(2) the conduct of research, including archaeological research;

(3) providing stewardship programs, education, signage, and other interpretive devices at the sites and resources for interpretive purposes; and

(4)(A) the design and construction of the Visitor Center; and

(B) the operation and maintenance of the Visitor Center.

(f) INTERPRETATION.—The Secretary may provide interpretive tours to sites and resources located outside the boundary of the Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, relating to the life of Harriet Tubman and the Underground Railroad.

(g) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary, in coordination with the State of Maryland, political subdivisions of the State, and the United States Fish and Wildlife Service, shall complete a general management plan for the Historical Park in accordance with section 12(b) of Public Law 91–383 (16 U.S. C. 1a–7(b)).

(2) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the general management plan for the Historical Park with—

(A) the Harriet Tubman National Historical Park in Auburn, New York;

(B) the National Underground Railroad: Network to Freedom;

(C) the Maryland Harriet Tubman Underground Railroad State Park; and

(D) the Harriet Tubman Underground Railroad Byway in Dorchester and Caroline Counties, Maryland.

(3) PRIORITY TREATMENT.—The general management plan for the Historical Park shall give priority to the adequate protection of, interpretation of, public appreciation for, archaeological investigation of, and research on Stewart's Canal, the Jacob Jackson home site, the Brodess Farm, the Ben Ross and Anthony Thompson properties on Harrisville Road, and the James Cook site, all of which are privately owned and located in the Blackwater National Wildlife Refuge.

(h) BLACKWATER NATIONAL WILDLIFE REFUGE.—

(1) INTERAGENCY AGREEMENT.—The Secretary shall ensure that, not later than 1 year after the date of enactment of this Act, the National Park Service and the United States Fish and Wildlife Service enter into an interagency agreement that—

(A) promotes and mutually supports the compatible stewardship and interpretation of Harriet Tubman resources at the Blackwater National Wildlife Refuge; and

(B) provides for the maximum level of cooperation between those Federal agencies to further the purposes of this Act.

(2) EFFECT OF ACT.—Nothing in this Act modifies, alters, or amends the authorities of the United States Fish and Wildlife Service in the administration and management of the Blackwater National Wildlife Refuge.

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park in accordance with this Act and the laws generally applicable to units of the National Park System including—

(1) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(2) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(b) PARK REGULATIONS.—Notwithstanding subsection (a), regulations and policies applicable to units of the National Park System shall apply only to Federal land administrated by the National Park Service that is located within the boundary of the Harriet Tubman Underground Railroad National Historical Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act (other than subsection (b)), including the provision of National Park Service personnel and National Park Service management funds for the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park.

(b) GRANTS.—There are authorized to be appropriated not more than—

(1) $7,500,000 to provide grants to the Church for—

(A) historic preservation, rehabilitation, and restoration of resources within the boundary of the Harriet Tubman National Historical Park; and

(B) the costs of design, construction, installation, and maintenance of exhibits and other interpretive devices authorized under section 4(d)(1)(B);

(2) $11,000,000 for grants to the State of Maryland for activities authorized under subsections (d)(1) and (e)(4)(A) of section 5; and

(3) $200,000 for fiscal year 2009 and each fiscal year thereafter for competitive grants to historically Black colleges and universities, Predominately Black Institutions, and minority serving institutions for research into the life of Harriet Tubman and the African-American experience during the years that coincide with the life of Harriet Tubman.

(c) COST-SHARING REQUIREMENT.—

(1) CHURCH AND VISITOR CENTER GRANTS.—The Federal share of the cost of activities provided grants under paragraph (1) or (2) of subsection (b) and any maintenance, construction, or utility costs incurred pursuant to a cooperative agreement entered into under section 4(d)(1)(A) or section 5(e) shall not be more than 50 percent.

(2) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The Federal share of the cost of activities provided assistance under subsection (b)(3) shall be not more than 75 percent.

(3) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under this subsection may be in the form of in-kind contributions of goods or services fairly valued.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. COLEMAN, and Mrs. MCCASKILL):

S. 3384. A bill to amend section 11317 of title 40, United States Code, to require greater accountability for cost overruns on Federal IT investment projects; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr President, I rise today with my colleagues on the Homeland Security and Governmental Affairs Committee to introduce the Information Technology Oversight Enhancement and Waste Prevention Act of 2008.

With a long name like that, you would hope that it is addressing a very serious problem. Well I assure you, that it is.

Every year agencies spend billions of dollars on IT investments that—if planned and implemented properly—can increase productivity, reduce costs, and improve efficiency. As everyone knows, information technology has become a cornerstone of the way we conduct business. Just look at the rise in popularity of Blackberries, not only outside these walls, but right here in the Senate.

In fiscal year 2009, agencies are planning to spend almost $71 billion to improve their financial systems for better reporting, streamline their grant processes, and reduce wasteful paper applications. And this is a good thing.

However, the Government Accountability Office has reported for several years that many of these investments are poorly planned, poorly performing—or in some cases—both. Yet, agencies continue to fund these risky investments without any oversight or accountability. In fact, I was surprised to hear GAO report that $25.2 billion is at danger of being wasted because agencies failed to properly plan or manage their investments.

Mr. President, $25.2 billion may not be a very large sum of money when you compare it to what we spend every year, but I assure you that it is a very real sum of money to those families who can't pay for the gas they need to get to work, or who are struggling to put food on their table.

To illustrate my point further, this chamber had to include emergency funding in the last supplemental appropriations bill to bail out the Census Bureau's 2010 operations. They had been planning for more than a decade to use advanced handheld computers to verify addresses and follow up with households who don't send their census forms in on time. My colleagues and I on the Homeland Security and Governmental Affairs Committee heard, however, that Census Bureau officials failed to define what they need out of the handheld project and, as a result, the contractor was having trouble delivering a product that could work. We held two hearings to try and get to the bottom of the problem and find a solution but, at the end of the day, the Census Bureau had to scrap the handheld project and go with the same expensive and inefficient ''pen and paper'' counting method that they have used for centuries. The cost of this failure on the part of the Census Bureau is expected to total in the billions.

This extra money that the Census Bureau will need to spend between now and 2010 could have been used to improve the quality of the final count by outreaching to historically-undercounted groups. In fact, it could have been used for any number of worthwhile purposes.

My colleagues and I on the Homeland Security and Governmental Affairs Committee's Subcommittee on Federal Financial Management, which I chair, have held three hearings on the issue of troubled IT projects now, including one this morning. And what we've learned is that some agencies can't keep the expected cost of their investments down or deliver on time as promised. Nor do these agencies, in many cases, have qualified IT experts they can turn to before a project spirals out of control. The bill Senators LIEBERMAN, COLLINS and I have put forward today addresses these issues.

Our bill starts by requiring agencies to inform Congress when an investment begins to see increased costs, schedule delays, or performance deficiencies outside of 20 percent of the original plan.

Our bill would also require agencies to inform Congress if an investment exceeds 40 percent of their original plan, and require the agency head to conduct an analysis that determines whether we should continue to fund this investment or just pull the plug.

Many agencies today simply rewrite their plans when they run into trouble. They don't tell Congress that anything is wrong and the troubled projects just keep getting funded year in and year out.

Finally and perhaps most importantly, our bill recognizes that, many times, agencies lack the experience necessary to manage complex IT investments. To remedy this, we propose that OMB create what my staff and I have come to call an ''IT Strike Team.'' This team would be comprised of known individuals inside and outside government who have records of successfully managing complex IT projects. If an agency or OMB recognizes that an investment is beginning to experience problems, the team would come in make sure the project is brought online or scrapped before more money is wasted.

I look forward to working with my colleagues to get these important and necessary reforms enacted. I think I speak for all of us when I say that investing in IT systems is important. But these investments shouldn't come with wasted time and money that they all too often bring. In tight fiscal times like these, we need to make sure the money we do invest is spent wisely.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3384

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Information Technology Investment Oversight Enhancement and Waste Prevention Act of 2008''.

SEC. 2. IT INVESTMENT PROJECTS.

(a) SIGNIFICANT AND GROSS DEVIATIONS.—Section 11317 of title 40, United States Code, is amended to read as follows:

''SEC. 11317. SIGNIFICANT AND GROSS DEVIATIONS.

''(a) DEFINITIONS.—In this subchapter:

''(1) AGENCY HEAD.—The term 'Agency Head' means the head of the Federal agency that is primarily responsible for the IT investment project under review.

''(2) ANSI EIA–748 STANDARD.—The term 'ANSI EIA–748 Standard' means the measurement tool jointly developed by the American National Standards Institute and the Electronic Industries Alliance to analyze earned value management systems.

''(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Oversight and Government Reform of the House of Representatives;

''(C) the Committee on Appropriations of the Senate;

''(D) the Committee on Appropriations of the House of Representatives; and

''(E) any other relevant congressional committee with jurisdiction over an agency required to take action under this section.

''(4) CHIEF INFORMATION OFFICER.—The term 'Chief Information Officer' means the Chief Information Officer designated under section 3506(a)(2) of title 44 of the Federal agency that is primarily responsible for the IT investment project under review.

''(5) CORE IT INVESTMENT PROJECT.—The terms 'core IT investment project' and 'core project' mean a mission critical IT investment project jointly designated as such by the Agency Head and the Director under subsection (b).

''(6) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(7) GROSSLY DEVIATED.—The term 'grossly deviated' means cost, schedule, or performance variance that is at least 40 percent from the Original Baseline.

''(8) INDEPENDENT COST ESTIMATE.—The term 'independent cost estimate' means a pragmatic and neutral analysis, assessment, and quantification of all costs and risks associated with the acquisition of an IT investment project, which—

''(A) is based on programmatic and technical specifications provided by the office within the agency with primary responsibility for the development, procurement, and delivery of the project;

''(B) is formulated and provided by an entity other than the office within the agency with primary responsibility for the development, procurement, and delivery of the project;

''(C) contains sufficient detail to inform the selection of a baseline benchmark measure under the ANSI EIA–748 standard; and

''(D) accounts for the full life cycle cost plus associated operations and maintenance expenses over the usable life of the project's deliverables.

''(9) IT INVESTMENT PROJECT.—The terms 'IT investment project' and 'project' mean

an information technology system or acquisition that—

''(A) requires special management attention because of its importance to the mission or function of the agency, a component of the agency, or another organization;

''(B) is for financial management and obligates more than $500,000 annually;

''(C) has significant program or policy implications;

''(D) has high executive visibility;

''(E) has high development, modernization, or enhancement costs;

''(F) is funded through other than direct appropriations; or

''(G) is defined as major by the agency's capital planning and investment control process.

''(10) LIFE CYCLE COST.—The term 'life cycle cost' means the total cost of an IT investment project for planning, research and development, modernization, and enhancement.

''(11) ORIGINAL BASELINE.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), the term 'Original Baseline' means the ANSI EIA–748 Standard-compliant cost, schedule, and performance benchmark established at the commencement of an IT investment project contract.

''(B) GROSSLY DEVIATED PROJECT.—If an IT investment project grossly deviates from its Original Baseline (as defined in subparagraph (A)), the term 'Original Baseline' means the ANSI EIA–748 Standard-compliant cost, schedule, and performance benchmark established under subsection (e)(3)(C).

''(12) SIGNIFICANTLY DEVIATED.—The term 'significantly deviated' means cost, schedule, or performance variance that is at least 20 percent from the Original Baseline.

''(b) CORE IT INVESTMENT PROJECTS.—

''(1) DESIGNATION.—Except as provided under paragraph (2), each Agency Head and the Director shall jointly designate not fewer than 5 of the agency's most mission critical IT investment projects as 'core IT investment projects' or 'core projects', after considering, among other factors—

''(A) whether the project represents a high-dollar value relative to the average IT investment project in the agency's portfolio;

''(B) whether the project delivers a capability critical to the successful completion of the agency mission, or a portion of such mission; and

''(C) whether the project incorporates unproven or previously undeveloped technology to meet primary project technical requirements.

''(2) EXCEPTION.—If the Agency Head and the Director jointly determine that fewer than 5 IT investment projects meet the criteria described in paragraph (1), the Director—

''(A) may provide the agency with written authorization to designate fewer than 5 projects; and

''(B) shall submit a report to the appropriate congressional committees that contains notice of, and justification for, any such authorization.

''(c) COST, SCHEDULE, AND PERFORMANCE REPORTS.—

''(1) QUARTERLY REPORTS.—Not later than 7 days after the end of each fiscal quarter, the project manager for an IT investment project shall submit a written report to the Chief Information Officer that includes, as of the last day of the applicable quarter—

''(A) a description of the cost, schedule, and performance of all projects under the project manager's supervision;

''(B) the original and current project cost, schedule, and performance benchmarks for each project under the project manager's supervision;

''(C) the cost, schedule, or performance variance related to each IT investment project under the project manager's supervision since the commencement of the contract;

''(D) for each project under the project manager's supervision, any known, expected, or anticipated changes to project schedule milestones or project performance benchmarks included as part of the original or current baseline description; and

''(E) the current cost, schedule, and performance status of all projects under supervision that were previously identified as significantly deviated or grossly deviated.

''(2) INTERIM REPORTS.—If the project manager for an IT investment project determines that there is reasonable cause to believe that an IT investment project has significantly deviated or grossly deviated since the issuance of the latest quarterly report, the project manager shall submit to the Chief Information Officer, not later than 7 days after such determination, a report on the project that includes, as of the date of the report—

''(A) a description of the original and current program cost, schedule, and performance benchmarks;

''(B) the cost, schedule, or performance variance related to the IT investment project since the commencement of the contract;

''(C) any known, expected, or anticipated changes to the project schedule milestones or project performance benchmarks included as part of the original or current baseline description; and

''(D) the major reasons underlying the significant or gross deviation of the project.

''(d) DETERMINATION OF SIGNIFICANT DEVIATION.—

''(1) CHIEF INFORMATION OFFICER.—Upon receiving a report under subsection (c), the Chief Information Officer shall—

''(A) determine if any IT investment project has significantly deviated; and

''(B) report such determination to the Agency Head.

''(2) CONGRESSIONAL NOTIFICATION.—If the Chief Information Officer determines under paragraph (1) that an IT investment project has significantly deviated and the Agency Head has not issued a report to the appropriate congressional committees of a significant deviation for that project under this section since the project was last required to be re-baselined under this section, the Agency Head shall submit a report to the appropriate congressional committees and to the Government Accountability Office that includes—

''(A) written notification of such determination;

''(B) the date on which such determination was made;

''(C) the amount of the cost increases and the extent of the schedule delays with respect to such project;

''(D) any requirements that—

''(i) were added subsequent to the original contract; or

''(ii) were originally contracted for, but were changed by deferment or deletion from the original schedule, or were otherwise no longer included in the requirements contracted for;

''(E) an explanation of the differences between—

''(i) the estimate at completion between the project manager, any contractor, and any independent analysis; and

''(ii) the original budget at completion;

''(F) the rough order of magnitude of the costs of any reasonable alternative system, or reasonable alternative approach to establishing an equivalent outcome or capability;

''(G) a statement of the reasons underlying the project's significant deviation;

''(H) the identities of the project managers responsible for program management and cost control of the program; and

''(I) a summary of the plan of action to remedy the significant deviation.

''(3) DEADLINE.—

''(A) NOTIFICATION BASED ON QUARTERLY REPORT.—If the determination of significant deviation is based on a report submitted under subsection (b)(1), the Agency Head shall notify Congress in accordance with paragraph (2) not later than 14 days after the end of the quarter upon which such report is based.

''(B) NOTIFICATION BASED ON INTERIM REPORT.—If the determination of significant deviation is based on a report submitted under subsection (b)(2), the Secretary shall notify Congress in accordance with paragraph (2) not later than 14 days after the submission of such report.

''(e) DETERMINATION OF GROSS DEVIATION.—

''(1) CHIEF INFORMATION OFFICER.—Upon receiving a report under subsection (c), the Chief Information Officer shall—

''(A) determine if any IT investment project has grossly deviated; and

''(B) report any such determination to the Agency Head.

''(2) CONGRESSIONAL NOTIFICATION.—If the Chief Information Officer determines under paragraph (1) that an IT investment project has grossly deviated and the Agency Head has not issued a report to the appropriate congressional committees of a gross deviation for that project under this section since the project was last required to be re-baselined under this section, the Agency Head shall submit a report to the appropriate congressional committees and to the Government Accountability Office that includes—

''(A) written notification of such determination, which states—

''(i) the date on which such determination was made; and

''(ii) an indication of whether or not the project has been previously reported as a significant or gross deviation by the Chief Information Officer, and the date of any such report;

''(B) incorporations by reference of all prior reports to Congress on the project required under this section;

''(C) updated accounts of the items described in subparagraphs (C) through (H) of subsection (d)(2);

''(D) the original estimate at completion for the project manager, any contractor, and any independent analysis;

''(E) a graphical depiction of actual cost variance since the commencement of the contract;

''(F) the amount, if any, of incentive award fees any contractor has received since the commencement of the contract and the reasons for receiving such award fees;

''(G) the project manager's estimated cost at completion and estimated completion date for the project if current requirements are not modified;

''(H) the project manager's estimated cost at completion and estimated completion date for the project based on reasonable modification of such requirements;

''(I) an explanation of the most significant occurrence contributing to the variance

identified, including cost, schedule, and performance variances, and the effect such occurrence will have on future project costs and program schedule;

''(J) a statement regarding previous or anticipated re-baselining or re-planning of the project and the names of the individuals responsible for approval;

''(K) the original life cycle cost of the investment and the expected life cycle cost of the investment expressed in constant base year dollars and in current dollars; and

''(L) a comprehensive plan of action to remedy the gross deviation, and milestones established to control future cost, schedule, and performance deviations in the future.

''(3) REMEDIAL ACTION.—If the Chief Information Officer determines under paragraph (1) that an IT investment project has grossly deviated, the Agency Head, in consultation with the Chief Information Officer, shall ensure that—

''(A) a report is submitted to the appropriate congressional committees that—

''(i) describes the primary business case and key functional requirements for the project;

''(ii) describes any portions of the project that have technical requirements of sufficient clarity that such portions may be feasibly procured under firm, fixed-price contract;

''(iii) includes a certification by the Agency Head, after consultation with the Chief Information Officer, that all technical requirements have been reviewed and validated to ensure alignment with the reported business case;

''(iv) describes any changes to the primary business case or key functional requirements which have occurred since project inception; and

''(v) includes an independent cost estimate for the project conducted by an entity approved by the Director;

''(B) an analysis is submitted to the appropriate congressional committees that—

''(i) describes agency business goals that the project was originally designed to address;

''(ii) includes a gap analysis of what project deliverables remain in order for the agency to accomplish the business goals referred to in clause (i);

''(iii) identifies the 3 most cost-effective alternative approaches to the project which would achieve the business goals referred to in clause (i); and

''(iv) includes a cost-benefit analysis, which compares—

''(I) the completion of the project with the completion of each alternative approach, after factoring in future costs associated with the termination of the project; and

''(II) the termination of the project without pursuit of alternatives, after factoring in foregone benefits; and

''(C) a new baseline of the project is established that is consistent with the independent cost estimate required under subparagraph (A)(v); and

''(D) the project is designated as a core IT investment project and subjected to the requirements under subsection (f).

''(4) DEADLINE AND FUNDING CONTINGENCY.—

''(A) NOTIFICATION AND REMEDIAL ACTION BASED ON QUARTERLY REPORT.—

''(i) IN GENERAL.—If the determination of gross deviation is based on a report submitted under subsection (c)(1), the Agency Head shall—

''(I) not later than 45 days after the end of the quarter upon which such report is based, notify the appropriate congressional committees in accordance with paragraph (2); and

''(II) not later than 180 days after the end of the quarter upon which such report is based, ensure the completion of remedial action under paragraph (3).

''(ii) FAILURE TO MEET DEADLINES.—If the Agency Head fails to meet the deadlines described in clause (i)(II), additional funds may not be obligated to support expenditures associated with the project until the requirements of this subsection have been fulfilled.

''(B) NOTIFICATION AND REMEDIAL ACTION BASED ON INTERIM REPORT.—

''(i) IN GENERAL.—If the determination of gross deviation is based on a report submitted under subsection (c)(2), the Secretary shall—

''(I) not later than 45 days after the submission of such report, notify the appropriate congressional committees in accordance with paragraph (2); and

''(II) not later than 180 days after the submission of such report, ensure the completion of remedial action in accordance with paragraph (3).

''(ii) FAILURE TO MEET DEADLINES.—If the Agency Head fails to meet the deadlines described in clause (i)(II), additional funds may not be obligated to support expenditures associated with the project until the requirements of this subsection have been fulfilled.

''(f) ADDITIONAL REQUIREMENTS FOR CORE IT INVESTMENT PROJECT REPORTS.—

''(1) INITIAL REPORT.—If a report described in subsection (e)(3)(A) has not been submitted for a core IT investment project, the Agency Head, in coordination with the Chief Information Officer and responsible program managers, shall prepare an initial report for inclusion in the first budget submitted to Congress under section 1105(a) of title 31, United States Code, after the designation of a project as a core IT investment project, which includes—

''(A) a description of the primary business case and key functional requirements for the project;

''(B) an identification and description of any portions of the project that have technical requirements of sufficient clarity that such portions may be feasibly procured under firm, fixed-price contracts;

''(C) an independent cost estimate for the project;

''(D) certification by the Chief Information Officer that all technical requirements have been reviewed and validated to ensure alignment with the reported business case; and

''(E) any changes to the primary business case or key functional requirements which have occurred since project inception.

''(2) QUARTERLY REVIEW OF BUSINESS CASE.—The Agency Head, in coordination with the Chief Information Officer and responsible program managers, shall—

''(A) monitor the primary business case and core functionality requirements reported to Congress for designated core IT investment projects; and

''(B) if changes to the primary business case or key functional requirements for a core IT investment project occur in any fiscal quarter, submit a report to Congress not later than 7 days after the end of such quarter that details the changes and describes the impact the changes will have on the cost and ultimate effectiveness of the project.

''(3) ALTERNATIVE SIGNIFICANT DEVIATION DETERMINATION.—If the Chief Information Officer determines, subsequent to a change in the primary business case or key functional requirements, that without such change the project would have significantly deviated—

''(A) the Chief Information Officer shall notify the Agency Head of the significant deviation; and

''(B) the Agency Head shall fulfill the requirements under subsection (d)(2) in accordance with the deadlines under subsection (d)(3).

''(4) ALTERNATIVE GROSS DEVIATION DETERMINATION.—If the Chief Information Officer determines, subsequent to a change in the primary business case or key functional requirements, that without such change the project would have grossly deviated—

''(A) the Chief Information Officer shall notify the Agency Head of the gross deviation; and

''(B) the Agency Head shall fulfill the requirements under subsections (e)(2) and (e)(3) in accordance with subsection (e)(4).''.

(b) INCLUSION IN THE BUDGET SUBMITTED TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''include in each budget the following:'' and inserting ''include in each budget—'';

(2) by redesignating the second paragraph (33) (as added by section 889(a) of Public Law 107–296) as paragraph (35);

(3) in each of paragraphs (1) through (34), by striking the period at the end and inserting a semicolon;

(4) in paragraph (35) (as redesignated by paragraph (2)), by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(36) the reports prepared under section 11317(f) of title 40, United States Code, relating to the core IT investment projects of the agency.''.

(c) IMPROVEMENT OF INFORMATION TECHNOLOGY ACQUISITION AND DEVELOPMENT.—Subchapter II of chapter 113 of title 40, United States Code, is amended by adding at the end the following:

''SEC. 11319. ACQUISITION AND DEVELOPMENT.

''(a) ESTABLISHMENT OF PROGRAMS.—Not later than 120 days after the date of the enactment of this section, each Agency Head (as defined in section 11317(a) of title 49, United States Code) shall establish a program to improve the information technology (referred to in this section as 'IT') processes of the agency overseen by the Agency Head.

''(b) PROGRAM REQUIREMENTS.—Each program established pursuant to this section shall include—

''(1) a documented process for information technology acquisition planning, requirements development and management, project management and oversight, earned-value management, and risk management;

''(2) the development of appropriate metrics for performance measurement of—

''(A) processes and development status; and

''(B) continuous process improvement;

''(3) a process to ensure that key program personnel have an appropriate level of experience or training in the planning, acquisition, execution, management, and oversight of information technology; and

''(4) a process to ensure that the applicable department and subcomponents implement and adhere to established processes and requirements relating to the planning, acquisition, execution, management, and oversight of information technology programs and developments.

''(c) OMB GUIDANCE.—The Director of the Office of Management and Budget shall—

''(1) prescribe uniformly applicable guidance to the administration of all the programs established under subsection (a); and

''(2) take any actions that are necessary to ensure that Federal agencies comply with the guidance.

''(d) ANNUAL REPORT TO CONGRESS.—Not later than the last day of February of each year, the Agency Head shall submit a report to Congress that includes—

''(1) a detailed summary of the accomplishments of the program established by the Agency Head pursuant to this section;

''(2) the status of completeness of implementation of each of the program requirements, and the date each such requirement was deemed to be completed;

''(3) the percentage of Federal IT projects covered under the program compared to all of the IT projects of the agency, listed by number of programs and by annual dollars expended;

''(4) the identification, listed by name and position, of—

''(A) the person assigned responsibility for implementation and management of the program and the percent of such person's time used to carry out such responsibility; and

''(B) the person to whom the person described in subparagraph (A) reports;

''(5) a detailed breakdown of the sources and uses of the amounts spent by the agency during the previous fiscal year to support the activities of the program;

''(6) a copy of any guidance issued under the program and a statement regarding whether each such guidance is mandatory;

''(7) the identification of the metrics developed in accordance with subsection (b)(2);

''(8) a description of how paragraphs (3) and (4) of subsection (b) have been implemented and any related agency guidance; and

''(9) a description of how continuous process improvement has been implemented and the objectives of such guidance.''.

(d) CLERICAL AMENDMENTS.—The table of sections for chapter 113 of title 40, United States Code, is amended—

(1) by striking the item relating to section 11317 and inserting the following:

''11317. Significant and gross deviations.''; and

(2) by inserting after the item relating to section 11318 the following:

''11319. Acquisition and development.''.

SEC. 3. IT STRIKE FORCE.

(a) PURPOSE.—The Director of the Office of Management of Budget (referred to in this section as the ''Director''), in consultation with the Administrator of the Office of Electronic Government and Information and Technology at the Office of Management and Budget (referred to in this section as the ''E-Gov Administrator''), shall assist agencies in avoiding significant and gross deviations in the cost, schedule, and performance of IT investment projects (as such terms are defined in section 11317(a) of title 40, United States Code).

(b) IT STRIKE FORCE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the E-Gov Administrator shall establish a small group of individuals (referred to in this section as the ''IT Strike Force'') to carry out the purpose described in subsection (a).

(2) QUALIFICATIONS.—Individuals selected for the IT Strike Force—

(A) shall be certified at the Senior/Expert level according to the Federal Acquisition Certification for Program and Project Managers (FAC–P/PM); or

(B) shall have comparable education, certification, training, and experience to successfully manage high-risk IT investment projects.

(3) NUMBER.—The Director, in consultation with the E-Gov Administrator, shall determine the number of individuals who will be selected for the IT Strike Force.

(c) OUTSIDE CONSULTANTS.—

(1) IDENTIFICATION.—The E-Gov Administrator shall identify consultants in the private sector who have expert knowledge in IT program management and program management review teams. Not more than 20 percent of such consultants may be formally associated with any 1 of the following types of entities:

(A) Commercial firms.

(B) Nonprofit entities.

(C) Research and development corporations receiving Federal financial assistance.

(2) USE OF CONSULTANTS.—

(A) IN GENERAL.—Consultants identified under paragraph (1) may be used to assist the IT Strike Force in assessing and improving IT investment projects.

(B) LIMITATION.—Consultants with a formally established relationship with an organization may not participate in any assessment involving an IT investment project for which such organization is under contract to provide technical support.

(C) EXCEPTION.—The limitation described in subparagraph (B) may not be construed as precluding access to anyone having relevant information helpful to the conduct of the assessment.

(3) CONTRACTS.—The E-Gov Administrator, in conjunction with the Administrator of the General Services Administration (GSA), may establish competitively bid contracts with 1 or more qualified consultants, independent of any GSA schedule.

(d) INITIAL RESPONSE TO ANTICIPATED SIGNIFICANT OR GROSS DEVIATION.—If the E-Gov Administrator determines there is reasonable cause to believe that a major IT investment project is likely to significantly or grossly deviate (as defined in section 11317(a) of title 40, United States Code), including the receipt of inconsistent or missing data, the E-Gov Administrator shall carry out the following activities:

(1) Recommend the assignment of 1 or more members of the IT Strike Force to assess the project in accordance with the scope and time period described in section 11317(c)(1) of title 40, United States Code, beginning not later than 7 days after such recommendation. No member of the Strike Force who is associated with the department or agency whose IT investment project is the subject of the assessment may be assigned to participate in this assessment. Such limitation may not be construed as precluding access to anyone having relevant information helpful to the conduct of the assessment.

(2) If the E-Gov Administrator determines that 1 or more qualified consultants are needed to support the efforts of the IT Strike Force under paragraph (1), negotiate a contract with the consultant to provide such support during the period in which the IT Strike Force is conducting the assessment described in paragraph (1).

(3) Ensure that the costs of an assessment under paragraph (1) and the support services of 1 or more consultants under paragraph (2) are paid by the major IT investment project being assessed.

(4) Monitor the progress made by the IT Strike Force in assessing the project.

(e) REDUCTION OF SIGNIFICANT OR GROSS DEVIATION.—If the E-Gov Administrator determines that the assessment conducted under subsection (d) confirms that a major IT investment project is likely to significantly or grossly deviate, the E-Gov Administrator shall recommend that the Agency Head (as defined in section 11317(a)(1) of title 40, United States Code) take steps to reduce the deviation, which may include—

(1) providing training or mentoring to improve the qualifications of the program manager;

(2) replacing the program manager or other staff;

(3) supplementing the program management team with Federal Government employees or independent contractors;

(4) terminating the project; or

(5) hiring an independent contractor to report directly to senior management and the E-Gov Administrator.

(f) REPROGRAMMING OF FUNDS.—

(1) AUTHORIZATION.—The Director may direct an Agency Head to reprogram amounts which have been appropriated for such agency to pay for an assessment under subsection (d).

(2) NOTIFICATION.—An Agency Head who reprograms appropriations under paragraph (1) shall notify the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives of any such reprogramming.

(g) REPORT TO CONGRESS.—The Director shall include in the annual Report to Congress on the Benefits of E-Government Initiatives a detailed summary of the composition and activities of the IT Strike Force, including—

(1) the number and qualifications of individuals on the IT Strike Force;

(2) a description of the IT investment projects that the IT Strike Force has worked during the previous fiscal year;

(3) the major issues that necessitated the involvement of the IT Strike Force to assist agencies with assessing and managing IT investment projects and whether such issues were satisfactorily resolved;

(4) if the issues referred to in paragraph (3) were not satisfactorily resolved, the issues still needed to be resolved and the Agency Head's plan for resolving such issues;

(5) a detailed breakdown of the sources and uses of the amounts spent by the Office of Management and Budget and other Federal agencies during the previous fiscal year to support the activities of the IT Strike Force; and

(6) a determination of whether the IT Strike Force has been effective in reducing the amount of IT investment projects that deviate or significantly deviate.

Ms. COLLINS. Mr. President, I am pleased to join Senator CARPER in introducing a bill that will improve agency performance and Congressional oversight of major Federal information-technology, IT projects.

The well-publicized cost and performance problems with the Census Bureau's handheld computers for the 2010 Census—with its troubling implications for the next House reapportionment and for the allocation of Federal funds—represent only the most recent and conspicuous failure in a long trail of troubles that also includes critical IT projects like the FBI's virtual case file initiative. Former IBM executive and Carnegie-Mellon University technology expert Watts Humphrey makes the point succinctly: ''Software failures are common, and the biggest projects fail most often.''

During the 108th Congress, the Committee on Governmental Affairs investigated the botched automated recordkeeping project for the Federal employees' Thrift Savings Plan TSP. This project was terminated in 2001 after a 4-year contract produced $36 million in waste that was charged to the accounts of TSP participants and beneficiaries. A second vendor needed an additional $33 million to bring the system online, years overdue and costing more than double its original estimate.

In a 2004 letter from the Federal Retirement Thrift Investment Board to the Governmental Affairs Committee, the board characterized the project as ''ill-fated '' and acknowledged the importance of careful planning, task definition, communication, proper personnel, and risk management—all of which were lacking on that project.

Large IT project failures have cost U.S. taxpayers billions of dollars in wasted expenditures. The waste is troubling, but even more troubling is the fact that when Federal IT projects fail, they can undermine the Government's ability to defend the Nation, enforce its laws, or deliver critical services to citizens. Again and again, we have seen IT project failures grounded in poor planning, ill-defined and shifting requirements, undisclosed difficulties, poor risk management, and lax monitoring of performance.

Unfortunately, as the Government Accountability Office, GAO, tells us in a new report, Federal IT projects still fall short in their use of effective oversight techniques to monitor development and to spot signs of possible trouble.

The GAO reports that the Federal Government will spend over $70 billion in fiscal year 2008 on IT projects. Most of that spending is concentrated in two dozen agencies that have 778 major projects underway. These Federal entities range from Cabinet departments like Commerce, Defense, and Veterans Affairs, to agencies like NASA, the Office of Personnel Management, and the Agency for International Development.

The GAO observes that ''Effectively managing projects involves pulling together essential cost, schedule, and performance goals in a meaningful, coherent fashion so that managers have an accurate view of the program's development status.'' This set of goals becomes the project ''baseline.''

When the GAO conducted a study of a random sample of those major Federal IT projects, however, they found that 85—nearly half the sample—had been ''rebaselined.'' Eighteen of those projects have been rebaselined three or more times. For example, the Department of Defense Advanced Field Artillery Tactical Data System has been rebaselined four times; a Veterans Affairs Health Administration Center project has been rebaselined six times.

Rebaselining can reflect funding changes, revisions in project scope or goals, and other perfectly reasonable project modifications. But as the GAO notes, ''[rebaselining] can also be used to mask cost overruns and schedule delays.'' All major Federal agencies have rebaselining policies, but the GAO concludes that they are not comprehensive and that ''none of the policies are fully consistent with best practices.''

The bill that Senator CARPER and I are introducing will go far toward addressing the weaknesses identified by the GAO and will reduce the risks that important Federal IT projects will drag on far beyond deadlines, fail to deliver intended capabilities, or waste taxpayers' money. We are pleased to have Senators LIEBERMAN, COLEMAN, and MCCASKILL join us as cosponsors in this effort.

Our bill will improve both agency and Congressional oversight of large Federal IT projects. For all major investments, the bill requires agencies to track the earned value management index, a key cost and performance measure, and to alert Congress should that measure fall below a defined threshold.

The bill requires additional reports to Congress as well as specific corrective actions should those same indicators continue to worsen. Further, because the bill's performance thresholds are based on original cost baselines, rebaselining can no longer serve as a tactic to hide troubled projects. If severe shortfalls remain uncorrected, the bill can even suspend commitment of funds to a project until the agency takes the required corrective actions.

Our bill does not envision making Congress a micromanager of Federal projects—especially in so complex a field as information technology. But it will ensure that, for these important investments, agencies will be required to track key performance metrics, inform Congress of shortfalls in those metrics, and provide Congress with followup reports, independent cost estimates, and analyses of project alternatives when the original projects have run off course.

The bill also provides that each covered agency identify to Congress their top mission-critical projects. Those ''core investments'' would be subject to additional upfront planning, reporting, and performance monitoring requirements. This will help ensure that agencies apply extra vigilance to these projects at the planning stage and not just when execution begins.

In addition to tracking cost and schedule slippage, agencies making core IT investments must provide a complete ''business case'' that outlines the need for the project and its associated costs and schedules; produce a rigorous, independent, third-party estimate of the project's full, life-cycle costs; have the agency CIO certify the project's functional requirements; track these functional requirements; and report to Congress any changes in functional requirements, including whether those changes concealed a major cost increase.

To help agencies deliver IT projects on time and on budget, the bill also provides two new support mechanisms.

First, agency heads would be required to establish an internal IT-management program, subject to OMB guidelines, to improve project planning, requirements development, and management of earned value and risk.

Second, the Director of OMB and its E-Gov Administrator will be required to establish an IT strike force of experts and independent consultants who can be assigned to help agencies reform troubled projects. In addition, the E-Gov Administrator can recommend that agency heads mentor or replace an IT project manager, reinforce the management team, terminate the project, or hire an independent contractor to report on the project.

These and other provisions will help improve project planning, avoid problems in project execution, provide early alerts when problems arise, and promote prompt corrective action.

In projects where difficulties persist, our bill provides strong remedies. For projects that exhibit a performance shortfall of 20 percent or more, the agency head involved must not only alert Congress but also provide a summary of a concrete plan of action to correct the problem. If the shortfall exceeds 40 percent, agencies have 6 months to take required remedial steps or else suspend further project spending until those steps are completed.

If the provisions of this bill had been in force during the past decade, early indicators of trouble and prompt warnings to Congress might have helped prevent much of the added cost, decreased functionality, and increased anxiety we now see surrounding the handheld computers that were intended to streamline the 2010 Census. The additional scrutiny of plans and costs required by this bill might have saved some of the billions wasted on other IT projects that ultimately landed on high-risk lists.

Our bill creates a measured, methodical plan to ensure that Federal agencies apply best practices to IT projects, supply timely reports of problems, and devise corrective actions sooner rather than later. Our Government and our citizens will benefit from these improvements. I urge every Senator to support this constructive and bipartisan bill.

By Mr. DURBIN (for himself, Mr. GREGG, Mr. DODD, Mr. BURR, Mr. HARKIN, and Mr. ALEXANDER):

S. 3385. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply;

to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, today I rise to introduce the FDA Food Safety Modernization Act.

Yesterday, the Food and Drug Administration, which is responsible for ensuring the safety of about 80 percent of our food supply, announced that it was one step closer to pinpointing the source of the current Salmonella Saintpaul outbreak. At first we were told tomatoes were the culprit. Then tomatoes were exonerated and jalapeno peppers in south Texas were to blame. Now FDA is saying it has discovered a strain of the bacteria in Serrano peppers from a farm in Tamaulipas, Mexico.

In the meantime, over three months have passed since the first reported case. At least 255 people have been hospitalized and two have died because of the outbreak. The tomato industry faces tens of millions of dollars in losses and a loss in consumer confidence. Some estimate that the economic impact may be as much as $100 to $500 million.

Over the last couple of years we have seen news headlines about E. coli in spinach, pet food spiked with melamine, Salmonella-tainted peanut butter, and now contaminated peppers. It's clear that these are not isolated cases but the product of a food safety system that is outdated, under-funded, and overwhelmed. Some of our most important food safety statutes date back to the early 1900s. Standards have not been updated. The budgets of the agencies that act as watchdogs over the system have eroded. We import more of our food than ever but we don't have the systems in place to make sure this food is as safe as it could be. All these shortcomings put consumers at unnecessary risk.

FDA is struggling to keep up. There are holes in its ability to protect consumers from unsafe foods. For example, the Consumer Protection Safety Commission, the EPA, and even FDA with respect to infant formula all have recall authority. But FDA is unable to pull any other contaminated food off the shelf when the company that makes it will not. FDA can suggest a recall and most of the time companies comply. But there are always bad actors and sometimes companies choose not to recall their products because they are afraid of upsetting consumer confidence or losing market share. In this case, FDA's hands are tied.

These are significant gaps in our food safety system that need to be addressed. We can and should do better.

That is why I am pleased to introduce The FDA Food Safety Modernization Act, along with Senators GREGG, DODD, BURR, HARKIN, and ALEXANDER. This bill is a comprehensive, bipartisan effort that addresses some of the weaknesses in FDA's authorities and resources and updates food safety standards to make important improvements in our current food safety system. The bill includes a number of important preventive measures, such as increasing the frequency of FDA inspections of food facilities, especially high-risk facilities; directing FDA to set standards for fresh produce; and requiring the food industry to control hazards in the food supply chain. It also enables FDA to more effectively respond to an outbreak by giving the agency new authorities to order recalls, shut down tainted facilities, and access records to track and trace food.

The food industry is one of the most important sectors of our economy, generating more than $1 trillion annually in economic activity and employing millions of American workers. Food is also a deeply personal experience, a part of our daily lives and our traditions and culture. For far too long Congress has gone without a comprehensive review of our food safety laws. As long as we continue to do nothing, we will pay the price for an outdated and ill-equipped food safety system.

I thank Senators GREGG, DODD, BURR, HARKIN, and ALEXANDER for joining me in crafting this bill and urge my colleagues to support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3385

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

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

(a) SHORT TITLE.—This Act may be cited as the ''FDA Food Safety Modernization Act''.

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

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

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

TITLE I—GENERAL FOOD PROVISIONS

Sec. 101. Inspections of records.
Sec. 102. Registration of food facilities.
Sec. 103. Mandatory recall authority.
Sec. 104. Hazard analysis and risk-based preventive controls.
Sec. 105. Performance standards.
Sec. 106. Standards for produce safety.
Sec. 107. Targeting of inspection resources for domestic facilities, foreign facilities, and ports of entry; annual report.
Sec. 108. Administrative detention of food.
Sec. 109. Protection against intentional adulteration.
Sec. 110. National agriculture and food defense strategy.
Sec. 111. Food and Agriculture Coordinating Councils.
Sec. 112. Decontamination and disposal standards and plans.
Sec. 113. Authority to collect fees.
Sec. 114. Final rule for prevention of Salmonella Enteritidis in shell eggs during production.
Sec. 115. Sanitary transportation of food.
Sec. 116. Food allergy and anaphylaxis management.

TITLE II—DETECTION AND SURVEILLANCE

Sec. 201. Recognition of laboratory accreditation for analyses of foods.
Sec. 202. Integrated consortium of laboratory networks.
Sec. 203. Building domestic capacity.
Sec. 204. Enhancing traceback and recordkeeping.
Sec. 205. Surveillance.

TITLE III—SPECIFIC PROVISIONS FOR IMPORTED FOOD

Sec. 301. Foreign supplier verification program.
Sec. 302. Voluntary qualified importer program.
Sec. 303. Authority to require import certifications for food.
Sec. 304. Prior notice of imported food shipments.
Sec. 305. Review of a regulatory authority of a foreign country.
Sec. 306. Building capacity of foreign governments with respect to food.
Sec. 307. Inspection of foreign food facilities.
Sec. 308. Accreditation of qualified third-party auditors.
Sec. 309. Foreign offices of the Food and Drug Administration.
Sec. 310. Funding for food safety.
Sec. 311. Jurisdiction; authorities.

TITLE I—GENERAL FOOD PROVISIONS

SEC. 101. INSPECTIONS OF RECORDS.

Section 414(a) (21 U.S.C. 350c(a)) is amended—

(1) by striking the heading and all follows through ''of food is'' and inserting the following: ''RECORDS INSPECTION.—

''(1) ADULTERATED FOOD.—If the Secretary has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, is'';

(2) by inserting '', and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner,'' after ''relating to such article'';

(3) by striking the last sentence; and

(4) by inserting at the end the following:

''(2) SERIOUS ADVERSE HEALTH CONSEQUENCES.—If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether there is a reasonable probability that the use of or exposure to the food will cause serious adverse health consequences or death to humans or animals.

''(3) APPLICATION.—The requirement under paragraphs (1) and (2) applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.''.

SEC. 102. REGISTRATION OF FOOD FACILITIES.

(a) UPDATING OF FOOD CATEGORY REGULATIONS; BIENNIAL REGISTRATION RENEWAL.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by—

(A) striking ''conducts business and'' and inserting ''conducts business, the e-mail address for the contact person of the facility, and''; and

(B) inserting '', or any other food categories as determined appropriate by the Secretary, including by guidance)'' after ''Code of Federal Regulations'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) BIENNIAL REGISTRATION RENEWAL.—During the period beginning on October 1 and ending on December 31 of each even-numbered year, a registrant that has submitted a registration under paragraph (1) shall submit to the Secretary a renewal registration containing the information described in paragraph (2). The Secretary shall provide for an abbreviated registration renewal process for any registrant that has not had any changes to such information since the registrant submitted the preceding registration or registration renewal for the facility involved.''.

(b) SUSPENSION OF REGISTRATION.—

(1) IN GENERAL.—Section 415 (21 U.S.C. 350d) is amended—

(A) in subsection (a)(2), by inserting after the first sentence the following: ''The registration shall contain a consent to permit the Secretary to inspect such facility.'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

''(b) SUSPENSION OF REGISTRATION.—

''(1) IN GENERAL.—If the Secretary determines that food manufactured, processed, packed, or held by a facility registered under this section has a reasonable probability of causing serious adverse health consequences or death to humans or animals, the Secretary may by order suspend the registration of the facility under this section in accordance with this subsection.

''(2) HEARING ON SUSPENSION.—The Secretary shall provide the registrant subject to an order under paragraph (1) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 days after the issuance of the order, on the actions required for reinstatement of registration and why the registration that is subject to suspension should be reinstated. The Secretary may reinstate a registration if the Secretary determines, based on evidence presented, that adequate grounds do not exist to continue the suspension of the registration.

''(3) POST-HEARING CORRECTIVE ACTION PLAN; VACATING OF ORDER.—

''(A) CORRECTIVE ACTION PLAN.—If, after providing opportunity for an informal hearing under paragraph (2), the Secretary determines that the suspension of registration remains necessary, the Secretary shall require the registrant to submit a corrective action plan to demonstrate how the registrant plans to correct the conditions found by the Secretary. The Secretary shall review such plan in a timely manner.

''(B) VACATING OF ORDER.—Upon a determination by the Secretary that adequate grounds do not exist to continue the suspension actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

''(4) EFFECT OF SUSPENSION.—If the registration of a facility is suspended under this subsection, such facility shall not import food or offer to import food into the United States, or otherwise introduce food into interstate commerce in the United States.

''(5) REGULATIONS.—The Secretary shall promulgate regulations that describe the standards officials will use in making a determination to suspend a registration, and the format such officials will use to explain to the registrant the conditions found at the facility.

''(6) NO DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or vacate an order of suspension shall not be delegated to any officer or employee other than the Commissioner.''.

(2) IMPORTED FOOD.—Section 801(l) (21 U.S.C. 381(l)) is amended by inserting ''(or for which a registration has been suspended under such section)'' after ''section 415''.

(c) CONFORMING AMENDMENTS.—

(1) Section 301(d) (21 U.S.C. 331(d)) is amended by inserting ''415,'' after ''404,''.

(2) Section 415(d), as redesignated by subsection (b), is amended by adding at the end before the period ''for a facility to be registered, except with respect to the reinstatement of a registration that is suspended under subsection (b)''.

SEC. 103. MANDATORY RECALL AUTHORITY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. MANDATORY RECALL AUTHORITY.

''(a) VOLUNTARY PROCEDURES.—If the Secretary determines, based on information gathered through the reportable food registry under section 417 or through any other means, that there is a reasonable probability that an article of food (other than infant formula) is adulterated under section 402 or misbranded under section 403(w) and the use of or exposure to such article will cause serious adverse health consequences or death to humans or animals, the Secretary shall provide the responsible party (as defined in section 417) with an opportunity to cease distribution and recall such article.

''(b) PREHEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE.—If the responsible party refuses to or does not voluntarily cease distribution or recall such article within the time and in the manner prescribed by the Secretary (if so prescribed), the Secretary may, by order require, as the Secretary deems necessary, such person to—

''(1) immediately cease distribution of such article; or

''(2) immediately notify all persons—

''(A) manufacturing, processing, packing, transporting, distributing, receiving, holding, or importing and selling such article; and

''(B) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article.

''(c) HEARING ON ORDER.—The Secretary shall provide the responsible party subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 days after the issuance of the order, on the actions required by the order and on why the article that is the subject of the order should not be recalled.

''(d) POST-HEARING RECALL ORDER AND MODIFICATION OF ORDER.—

''(1) AMENDMENT OF ORDER.—If, after providing opportunity for an informal hearing under subsection (c), the Secretary determines that removal of the article from commerce is necessary, the Secretary shall, as appropriate—

''(A) amend the order to require recall of such article or other appropriate action;

''(B) specify a timetable in which the recall shall occur;

''(C) require periodic reports to the Secretary describing the progress of the recall; and

''(D) provide notice to consumers to whom such article was, or may have been, distributed.

''(2) VACATING OF ORDER.—If, after such hearing, the Secretary determines that adequate grounds do not exist to continue the actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

''(e) COOPERATION AND CONSULTATION.—The Secretary shall work with State and local public health officials in carrying out this section, as appropriate.

''(f) PUBLIC NOTIFICATION.—In conducting a recall under this section, the Secretary shall ensure that a press release is published regarding the recall, as well as alerts and public notices, as appropriate, in order to provide notification of the recall to consumers and retailers to whom such article was, or may have been, distributed. The notification shall include, at a minimum—

''(1) the name of the article of food subject to the recall; and

''(2) a description of the risk associated with such article.

''(g) NO DELEGATION.—The authority conferred by this section to order a recall or vacate a recall order shall not be delegated to any officer or employee other than the Commissioner.

''(h) EFFECT.—Nothing in this section shall affect the authority of the Secretary to request or participate in a voluntary recall.''.

(b) CIVIL PENALTY.—Section 303(f)(2)(A) (21 U.S.C. 333(f)(2)(A)) is amended by inserting ''or any person who does not comply with a recall order under section 418'' after ''section 402(a)(2)(B)''.

(c) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.) is amended by adding at the end the following:

''(oo) The refusal or failure to follow an order under section 418.''.

SEC. 104. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 103, is amended by adding at the end the following:

''SEC. 419. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

''(a) IN GENERAL.—Each owner, operator, or agent in charge of a facility shall, in accordance with this section, evaluate the hazards that could affect food manufactured, processed, packed, or held by such facility, identify and implement preventive controls to significantly minimize or prevent their occurrence and provide assurances that such food is not adulterated under section 402 or misbranded under section 403(w), monitor the performance of those controls, and maintain records of this monitoring as a matter of routine practice.

''(b) HAZARD ANALYSIS.—The owner, operator, or agent in charge of a facility shall—

''(1) identify and evaluate known or reasonably foreseeable hazards that may be associated with the facility, including—

''(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, decomposition, parasites, allergens, and unapproved food and color additives; and

''(B) hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism; and

''(2) develop a written analysis of the hazards.

''(c) PREVENTIVE CONTROLS.—The owner, operator, or agent in charge of a facility shall identify and implement preventive controls, including at critical control points, if any, to provide assurances that—

''(1) hazards identified in the hazard analysis conducted under subsection (b) will be significantly minimized or prevented; and

''(2) the food manufactured, processed, packed, or held by such facility will not be adulterated under section 402 or misbranded under section 403(w).

''(d) MONITORING OF EFFECTIVENESS.—The owner, operator, or agent in charge of a facility shall monitor the effectiveness of the preventive controls implemented under subsection (c) to provide assurances that the outcomes described in subsection (c) shall be achieved.

''(e) CORRECTIVE ACTIONS.—The owner, operator, or agent in charge of a facility shall establish procedures that a facility will implement if the preventive controls implemented under subsection (c) are found to be ineffective through monitoring under subsection (d).

''(f) VERIFICATION.—The owner, operator, or agent in charge of a facility shall verify that—

''(1) the preventive controls implemented under subsection (c) are adequate to control the hazards identified under subsection (b);

''(2) the owner, operator, or agent is conducting monitoring in accordance with subsection (d);

''(3) the owner, operator, or agent is making appropriate decisions about corrective actions taken under subsection (e); and

''(4) there is documented, periodic reanalysis of the plan under subsection (i) to ensure that the plan is still relevant to the raw materials, as well as to conditions and processes in the facility, and to new and emerging threats.

''(g) RECORDKEEPING.—The owner, operator, or agent in charge of a facility shall maintain, for not less than 2 years, records documenting the monitoring of the preventive controls implemented under subsection (c), instances of nonconformance material to food safety, instances when corrective actions were implemented, and the efficacy of preventive controls and corrective actions.

''(h) WRITTEN PLAN AND DOCUMENTATION.—Each owner, operator, or agent in charge of a facility shall prepare a written plan that documents and describes the procedures used by the facility to comply with the requirements of this section, including analyzing the hazards under subsection (b) and identifying the preventive controls adopted to address those hazards under subsection (c). Such written plan, together with documentation that the plan is being implemented, shall be made promptly available to a duly authorized representative of the Secretary upon oral or written request.

''(i) REQUIREMENT TO REANALYZE.—Each owner, operator, or agent in charge of a facility shall conduct a reanalysis under subsection (b) whenever a significant change is made in the activities conducted at a facility operated by such owner, operator, or agent if the change creates a reasonable potential for a new hazard or a significant increase in a previously identified hazard or not less frequently than once every 3 years, whichever is earlier. Such reanalysis shall be completed and additional preventive controls needed to address the hazard identified, if any, shall be implemented before the change in activities at the facility is commenced. Such owner, operator, or agent shall revise the written plan required under subsection (h) if such a significant change is made or document the basis for the conclusion that no additional or revised preventive controls are needed. The Secretary may require a reanalysis under this section to respond to new hazards and developments in scientific understanding.

''(j) DEEMED COMPLIANCE OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.—An owner, operator, or agent in charge of a facility required to comply with 1 of the following standards and regulations with respect to such facility shall be deemed to be in compliance with this section, with respect to such facility:

''(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

''(k) EXCEPTION FOR FACILITIES IN COMPLIANCE WITH SECTION 420.—This section shall not apply to a facility that is subject to section 420.

''(l) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section with respect to facilities that are solely engaged in the storage of packaged foods that are not exposed to the environment.

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

''(1) CRITICAL CONTROL POINT.—The term 'critical control point' means a point, step, or procedure in a food process at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce it to an acceptable level.

''(2) FACILITY.—The term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.

''(3) PREVENTIVE CONTROLS.—The term 'preventive controls' means those risk-based, reasonably appropriate procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, or holding of food would have employed to significantly minimize or prevent the hazards identified under the hazard analysis conducted under subsection (a) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, or holding at the time of the analysis. Those procedures, practices, and processes may include the following:

''(A) Sanitation procedures for food contact surfaces and utensils and food-contact surfaces of equipment.

''(B) Supervisor, manager, and employee hygiene training.

''(C) An environmental monitoring program to verify the effectiveness of pathogen controls.

''(D) An allergen control program.

''(E) A recall contingency plan.

''(F) Good Manufacturing Practices (GMPs).

''(G) Supplier verification activities.''.

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall promulgate regulations to establish science-based minimum standards for conducting a hazard analysis, documenting hazards, implementing preventive controls, and documenting the implementation of the preventive controls under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(2) CONTENT.—The regulations promulgated under paragraph (1) shall provide sufficient flexibility to be applicable in all situations, including in the operations of small businesses.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to provide the Secretary with the authority to apply specific technologies, practices, or critical controls to an individual facility.

(4) REVIEW.—In promulgating the regulations under paragraph (1), the Secretary shall review regulatory hazard analysis and preventive control programs in existence on the date of enactment of this Act to ensure that the program under such section 419 is consistent, to the extent practicable, with applicable internationally recognized standards in existence on such date.

(c) GUIDANCE DOCUMENT.—The Secretary shall issue a guidance document related to hazard analysis and preventive controls required under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 103, is amended by adding at the end the following:

''(pp) The operation of a facility that manufacturers, processes, packs, or holds food for sale in the United States if the owner, operator, or agent in charge of such facility is not in compliance with section 419.''.

(e) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(f) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

(2) EXCEPTIONS.—Notwithstanding paragraph (1)—

(A) the amendments made by this section shall apply to a small business (as defined by the Secretary) after the date that is 2 years after the date of enactment of this Act; and

(B) the amendments made by this section shall apply to a very small business (as defined by the Secretary) after the date that is 3 years after the date of enactment of this Act.

SEC. 105. PERFORMANCE STANDARDS.

The Secretary shall, not less frequently than every 2 years, review and evaluate epidemiological data and other appropriate sources of information to determine the most significant food-borne contaminants and the most significant resulting hazards,

and may issue science-based guidance documents, action levels, and regulations to help prevent adulteration under section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342). Such standards shall be applicable to products and product classes and shall not be written to be facility-specific.

SEC. 106. STANDARDS FOR PRODUCE SAFETY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 104, is amended by adding at the end the following:

"SEC. 420. STANDARDS FOR PRODUCE SAFETY.

''(a) PROPOSED RULEMAKING.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in consultation with the Secretary of Agriculture and representatives of State departments of agriculture, shall publish a notice of proposed rulemaking to establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

''(2) PUBLIC INPUT.—During the comment period on the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

''(3) CONTENT.—The proposed rulemaking under paragraph (1) shall—

''(A) include, with respect to growing, harvesting, sorting, and storage operations, minimum standards related to fertilizer use, nutrients, hygiene, packaging, temperature controls, animal encroachment, and water; and

''(B) consider hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism.

''(4) PRIORITIZATION.—The Secretary shall prioritize the implementation of the regulations for specific fruits and vegetables that are raw agricultural commodities that have been associated with food-borne illness outbreaks.

''(b) FINAL REGULATION.—

''(1) IN GENERAL.—Not later than 1 year after the close of the comment period for the proposed rulemaking under subsection (a), the Secretary shall adopt a final regulation to provide for minimum standards for those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

''(2) FINAL REGULATION.—The final regulation shall—

''(A) provide a reasonable period of time for compliance, taking into account the needs of small businesses for additional time to comply;

''(B) provide for coordination of education and enforcement activities by State and local officials, as designated by the Governors of the respective States; and

''(C) include a description of the variance process under subsection (c) and the types of permissible variances the Secretary may grant.

''(c) CRITERIA.—

''(1) IN GENERAL.—The regulations adopted under subsection (b) shall—

''(A) set forth those procedures, processes, and practices as the Secretary determines to be reasonably necessary to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into fruits and vegetables that are raw agricultural commodities and to provide reasonable assurances that the produce is not adulterated under section 402; and

''(B) permit States and foreign countries from which food is imported into the United States, subject to paragraph (2), to request from the Secretary variances from the requirements of the regulations, where upon approval of the Secretary, the variance is considered permissible under the requirements of the regulations adopted under subsection (b)(1)(C) and where the State or foreign country determines that the variance is necessary in light of local growing conditions and that the procedures, processes, and practices to be followed under the variance are reasonably likely to ensure that the produce is not adulterated under section 402 to the same extent as the requirements of the regulation adopted under subsection (b).

''(2) APPROVAL OF VARIANCES.—A State or foreign country from which food is imported into the United States shall request a variance from the Secretary in writing. The Secretary may deny such a request as not reasonably likely to ensure that the produce is not adulterated under section 402 to the same extent as the requirements of the regulation adopted under subsection (b).

''(d) ENFORCEMENT.—The Secretary may coordinate with the Secretary of Agriculture and shall contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.

''(e) GUIDANCE.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish, after consultation with the Secretary of Agriculture and representatives of State departments of agriculture, updated good agricultural practices and guidance for the safe production and harvesting of specific types of fresh produce.

''(f) EXCEPTION FOR FACILITIES IN COMPLIANCE WITH SECTION 419.—This section shall not apply to a facility that is subject to section 419.''.

(b) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 104, is amended by adding at the end the following:

''(qq) The production or harvesting of produce not in accordance with minimum standards as provided by regulation under section 420(b) or a variance issued under section 420(c).''.

(c) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

SEC. 107. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

(a) TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 106, is amended by adding at the end the following:

"SEC. 421. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

''(a) IDENTIFICATION AND INSPECTION OF FACILITIES.—

''(1) IDENTIFICATION.—The Secretary shall allocate resources to inspect facilities according to the risk profile of the facilities, which shall be based on the following factors:

''(A) The risk profile of the food manufactured, processed, packed, or held at the facility.

''(B) The facility's history of food recalls, outbreaks, and violations of food safety standards.

''(C) The rigor of the facility's hazard analysis and risk-based preventive controls.

''(D) Whether the food manufactured, processed, packed, handled, prepared, treated, distributed, or stored at the facility meets the criteria for priority under section 801(h)(1).

''(E) Whether the facility has received a certificate as described in section 809(b).

''(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

''(2) INSPECTIONS.—The Secretary shall increase the frequency of inspection of all facilities, and shall increase the frequency of inspection of facilities identified under paragraph (1) as high-risk facilities such that—

''(A) for the first 2 years after the date of enactment of the FDA Food Safety Modernization Act, each high-risk facility is inspected not less often than once every 2 years; and

''(B) for each succeeding year, each high-risk facility is inspected not less often than once each year.

''(b) IDENTIFICATION AND INSPECTION AT PORTS OF ENTRY.—The Secretary, in consultation with the Secretary of Homeland Security, shall allocate resources to inspect articles of food imported into the United States according to the risk profile of the article of food, which shall be based on the following factors:

''(1) The risk profile of the food imported.

''(2) The risk profile of the countries of origin and countries of transport of the food imported.

''(3) The history of food recalls, outbreaks, and violations of food safety standards of the food importer.

''(4) The rigor of the foreign supplier verification program under section 805.

''(5) Whether the food importer participates in the Voluntary Qualified Importer Program under section 806.

''(6) Whether the food meets the criteria for priority under section 801(h)(1).

''(7) Whether the food is from a facility that has received a certificate as described in section 809(b).

''(8) Any other criteria deemed appropriate by the Secretary for purposes of allocating inspection resources.

''(c) COORDINATION.—The Secretary shall improve coordination and cooperation with the Secretary of Agriculture to target food inspection resources.

''(d) FACILITY.—For purposes of this section, the term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.''.

(b) ANNUAL REPORT.—Section 903 (21 U.S.C. 393) is amended by adding at the end the following:

''(h) ANNUAL REPORT REGARDING FOOD.—Not later than February 1 of each year, the Secretary shall submit to Congress a report regarding—

''(1) information about food facilities including—

''(A) the appropriations used to inspect facilities registered pursuant to section 415 in the previous fiscal year;

''(B) the average cost of both a non-high-risk food facility inspection and a high-risk food facility inspection, if such a difference exists, in the previous fiscal year;

''(C) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary inspected in the previous fiscal year;

''(D) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary did not inspect in the previous fiscal year;

''(E) the number of high-risk facilities identified pursuant to section 421 that the Secretary inspected in the previous fiscal year; and

''(F) the number of high-risk facilities identified pursuant to section 421 that the Secretary did not inspect in the previous fiscal year;

''(2) information about food imports including—

''(A) the number of lines of food imported into the United States that the Secretary physically inspected or sampled in the previous fiscal year;

''(B) the number of lines of food imported into the United States that the Secretary did not physically inspect or sample in the previous fiscal year; and

''(C) the average cost of physically inspecting or sampling a food line subject to this Act that is imported or offered for import into the United States; and

''(3) information on the foreign offices established under section 309 of the FDA Food Safety Modernization Act including—

''(A) the number of foreign offices established; and

''(B) the number of personnel permanently stationed in each foreign office.

''(i) PUBLIC AVAILABILITY OF ANNUAL FOOD REPORTS.—The Secretary shall make the reports required under subsection (h) available to the public on the Internet Web site of the Food and Drug Administration.''.

SEC. 108. ADMINISTRATIVE DETENTION OF FOOD.

(a) IN GENERAL.—Section 304(h)(1)(A) (21 U.S.C. 334(h)(1)(A)) is amended by—

(1) striking ''credible evidence or information indicating'' and inserting ''reason to believe''; and

(2) striking ''presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''is adulterated or misbranded''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart K of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 109. PROTECTION AGAINST INTENTIONAL ADULTERATION.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 107, is amended by adding at the end the following:

''SEC. 422. PROTECTION AGAINST INTENTIONAL ADULTERATION.

''(a) IN GENERAL.—Not later than 24 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall promulgate regulations to protect against the intentional adulteration of food subject to this Act.

''(b) CONTENT OF REGULATIONS.—Regulations under subsection (a) shall only apply to food—

''(1) for which the Secretary has identified clear vulnerabilities (such as short shelf-life or susceptibility to intentional contamination at critical control points);

''(2) in bulk or batch form, prior to being packaged for the final consumer; and

''(3) for which there is a high risk of intentional contamination, as determined by the Secretary, that could cause serious adverse health consequences or death to humans or animals.

''(c) DETERMINATIONS.—In making the determination under subsection (b)(3), the Secretary shall—

''(1) conduct vulnerability assessments of the food system;

''(2) consider the best available understanding of uncertainties, risks, costs, and benefits associated with guarding against intentional adulteration at vulnerable points; and

''(3) determine the types of science-based mitigation strategies or measures that are necessary to protect against the intentional adulteration of food.

''(d) EXCEPTION.—This section shall not apply to food produced on farms, except for milk.

''(e) DEFINITION.—For purposes of this section, the term 'farm' has the meaning given that term in section 1.227 of title 21, Code of Federal Regulations (or any successor regulation).''.

(b) GUIDANCE DOCUMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall issue guidance documents related to protection against the intentional adulteration of food, including mitigation strategies or measures to guard against such adulteration as required under section 422 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) CONTENT.—The guidance document issued under paragraph (1) shall—

(A) specify how a person shall assess whether the person is required to implement mitigation strategies or measures intended to protect against the intentional adulteration of food;

(B) specify appropriate science-based mitigation strategies or measures to prepare and protect the food supply chain at specific vulnerable points, as appropriate;

(C) include a model assessment for a person to use under subparagraph (A);

(D) include examples of mitigation strategies or measures described in subparagraph (B); and

(E) specify situations in which the examples of mitigation strategies or measures described in subparagraph (D) are appropriate.

(3) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in consultation with the Secretary of Homeland Security, may determine the time and manner in which the guidance documents issued under paragraph (1) are made public, including by releasing such documents to targeted audiences.

(c) PERIODIC REVIEW.—The Secretary shall periodically review and, as appropriate, update the regulation under subsection (a) and the guidance documents under subsection (b).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 106, is amended by adding at the end the following:

''(rr) The failure to comply with section 422.''.

SEC. 110. NATIONAL AGRICULTURE AND FOOD DEFENSE STRATEGY.

(a) DEVELOPMENT AND SUBMISSION OF STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall prepare and submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services and the Department of Agriculture, the National Agriculture and Food Defense Strategy.

(2) IMPLEMENTATION PLAN.—The strategy shall include an implementation plan for use by the Secretaries described under paragraph (1) in carrying out the strategy.

(3) RESEARCH.—The strategy shall include a coordinated research agenda for use by the Secretaries described under paragraph (1) in conducting research to support the goals and activities described in paragraphs (1) and (2) of subsection (b).

(4) REVISIONS.—Not later than 4 years after the date on which the strategy is submitted to the relevant committees of Congress under paragraph (1), and not less frequently than every 4 years thereafter, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall revise and submit to the relevant committees of Congress the strategy.

(5) CONSISTENCY WITH EXISTING PLANS.—The strategy described in paragraph (1) shall be consistent with—

(A) the National Incident Management System;

(B) the National Response Framework;

(C) the National Infrastructure Protection Plan;

(D) the National Preparedness Goals; and

(E) other relevant national strategies.

(b) COMPONENTS.—

(1) IN GENERAL.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security—

(A) to achieve each goal described in paragraph (2); and

(B) to evaluate the progress made by Federal, State, local, and tribal governments towards the achievement of each goal described in paragraph (2).

(2) GOALS.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security to achieve the following goals:

(A) PREPAREDNESS GOAL.—Enhance the preparedness of the agriculture and food system by—

(i) conducting vulnerability assessments of the agriculture and food system;

(ii) mitigating vulnerabilities of the system;

(iii) improving communication and training relating to the system;

(iv) developing and conducting exercises to test decontamination and disposal plans;

(v) developing modeling tools to improve event consequence assessment and decision support; and

(vi) preparing risk communication tools and enhancing public awareness through outreach.

(B) DETECTION GOAL.—Improve agriculture and food system detection capabilities by—

(i) identifying contamination in food products at the earliest possible time; and

(ii) conducting surveillance to prevent the spread of diseases.

(C) EMERGENCY RESPONSE GOAL.—Ensure an efficient response to agriculture and food emergencies by—

(i) immediately investigating animal disease outbreaks and suspected food contamination;

(ii) preventing additional human illnesses;

(iii) organizing, training, and equipping animal, plant, and food emergency response teams of—

(I) the Federal Government; and

(II) State, local, and tribal governments;

(iv) designing, developing, and evaluating training and exercises carried out under agriculture and food defense plans; and

(v) ensuring consistent and organized risk communication to the public by—

(I) the Federal Government;

(II) State, local, and tribal governments; and

(III) the private sector.

(D) RECOVERY GOAL.—Secure agriculture and food production after an agriculture or food emergency by—

(i) working with the private sector to develop business recovery plans to rapidly resume agriculture and food production;

(ii) conducting exercises of the plans described in subparagraph (C) with the goal of long-term recovery results;

(iii) rapidly removing, and effectively disposing of—

(I) contaminated agriculture and food products; and

(II) infected plants and animals; and

(iv) decontaminating and restoring areas affected by an agriculture or food emergency.

SEC. 111. FOOD AND AGRICULTURE COORDINATING COUNCILS.

The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Secretary of Agriculture, shall within 180 days of enactment of this Act, and annually thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the activities of the Food and Agriculture Government Coordinating Council and the Food and Agriculture Sector Coordinating Council, including the progress of such Councils on—

(1) facilitating partnerships between public and private entities to help unify and enhance the protection of the agriculture and food system of the United States;

(2) providing for the regular and timely interchange of information between each council relating to the security of the agriculture and food system (including intelligence information);

(3) identifying best practices and methods for improving the coordination among Federal, State, local, and private sector preparedness and response plans for agriculture and food defense; and

(4) recommending methods by which to protect the economy and the public health of the United States from the effects of—

(A) animal or plant disease outbreaks;

(B) food contamination; and

(C) natural disasters affecting agriculture and food.

SEC. 112. DECONTAMINATION AND DISPOSAL STANDARDS AND PLANS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, and Secretary of Agriculture, shall provide support for, and technical assistance to, State, local, and tribal governments in preparing for, assessing, decontaminating, and recovering from an agriculture or food emergency.

(b) DEVELOPMENT OF STANDARDS.—In carrying out subsection (a), the Administrator, in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, Secretary of Agriculture, and State, local, and tribal governments, shall develop and disseminate specific standards and protocols to undertake clean-up, clearance, and recovery activities following the decontamination and disposal of specific threat agents and foreign animal diseases.

(c) DEVELOPMENT OF MODEL PLANS.—In carrying out subsection (a), the Administrator, the Secretary of Health and Human Services, and the Secretary of Agriculture shall jointly develop and disseminate model plans for—

(1) the decontamination of individuals, equipment, and facilities following an intentional contamination of agriculture or food; and

(2) the disposal of large quantities of animals, plants, or food products that have been infected or contaminated by specific threat agents and foreign animal diseases.

(d) EXERCISES.—In carrying out subsection (a), the Administrator, in coordination with the entities described under subsection (b), shall conduct exercises at least annually to evaluate and identify weaknesses in the decontamination and disposal model plans described in subsection (c). Such exercises shall be carried out, to the maximum extent practicable, as part of the national exercise program under section 648(b)(1) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(1)).

(e) MODIFICATIONS.—Based on the exercises described in subsection (d), the Administrator, in coordination with the entities described in subsection (b), shall review and modify as necessary the plans described in subsection (c) not less frequently than biennially.

(f) PRIORITIZATION.—The Administrator, in coordination with the entities described in subsection (b), shall develop standards and plans under subsections (b) and (c) in an identified order of priority that takes into account—

(1) highest-risk biological, chemical, and radiological threat agents;

(2) agents that could cause the greatest economic devastation to the agriculture and food system; and

(3) agents that are most difficult to clean or remediate.

SEC. 113. AUTHORITY TO COLLECT FEES.

(a) FEES FOR REINSPECTION, RECALL, AND IMPORTATION ACTIVITIES.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by inserting after section 740 the following:

''PART 5—FEES RELATED TO FOOD

''SEC. 740A. AUTHORITY TO COLLECT AND USE FEES.

''(a) IN GENERAL.—

''(1) PURPOSE AND AUTHORITY.—For fiscal year 2009 and each subsequent fiscal year, the Secretary shall, in accordance with this section, assess and collect fees from—

''(A) domestic facilities required to register under section 415, to cover reinspection-related costs for each such year;

''(B) domestic facilities required to register under section 415, to cover food recall activities performed by the Secretary, including technical assistance, follow-up effectiveness checks, and public notifications, for each such year;

''(C) importers required to register under section 415, to cover the administrative costs of participating in the voluntary qualified importer program under section 806 for each such year; and

''(D) importers, to cover reinspection-related costs at ports of entry for each such year.

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

''(A) the term 'reinspection' means 1 or more inspections conducted under section 704 of this Act subsequent to an inspection conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction; and

''(B) the term 'reinspection-related costs' means all expenses, including administrative expenses, incurred in connection with—

''(i) arranging, conducting, and evaluating the results of reinspections; and

''(ii) assessing and collecting reinspection fees under this section.

''(b) ESTABLISHMENT OF FEES.—

''(1) IN GENERAL.—Subject to subsections (c) and (d), the Secretary shall establish the fees to be collected under this section for each fiscal year specified in subsection (a)(1), based on the methodology described under paragraph (2), and shall publish such fees in a Federal Register notice not later than 60 days before the start of each such year.

''(2) FEE METHODOLOGY.—

''(A) FEES.—Fees amounts established for collection—

''(i) under subparagraph (A) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the reinspection-related activities (including by type or level of reinspection activity, as the Secretary determines applicable) described in such subparagraph (A) for such year;

''(ii) under subparagraph (B) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (B) for such year;

''(iii) under subparagraph (C) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (C) for such year; and

''(iv) under subparagraph (D) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (D) for such year.

''(B) OTHER CONSIDERATIONS.—In establishing the fee amounts for a fiscal year, the Secretary shall provide for the crediting of fees from the previous year to the next year if the Secretary overestimated the amount of fees needed to carry out such activities, and consider the need to account for any adjustment of fees and such other factors as the Secretary determines appropriate.

''(3) COMPLIANCE WITH INTERNATIONAL AGREEMENTS.—Nothing in this section shall be construed to authorize the assessment of any fee inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

''(c) LIMITATIONS.—

''(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2009 unless appropriations for the Center for Food Safety and Applied Nutrition and the Center for Veterinary Medicine and related activities of the Office of Regulatory Affairs at the Food and Drug

Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the Center for Food Safety and Applied Nutrition and the Center for Veterinary Medicine and related activities of the Office of Regulatory Affairs at the Food and Drug Administration for the preceding fiscal year (excluding the amount of fees appropriated for such fiscal year) multiplied by 1 plus 4.5 percent.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, under subsection (a), notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

''(3) LIMITATION ON AMOUNT OF CERTAIN FEES.—Notwithstanding any other provision of this section, in no case may the amount of the fees collected for a fiscal year—

''(A) under subparagraph (B) of subsection (a)(1) exceed $20,000,000; and

''(B) under subparagraphs (A) and (D) of subsection (a)(1) exceed $25,000,000 combined.

''(d) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purpose of paying the operating expenses of the Food and Drug Administration employees and contractors performing activities associated with these food safety fees.

''(e) COLLECTION OF FEES.—

''(1) IN GENERAL.—The Secretary shall specify in the Federal Register notice described in subsection (b)(1) the time and manner in which fees assessed under this section shall be collected.

''(2) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.

''(f) ANNUAL REPORT TO CONGRESS.—Not later than 120 days after each fiscal year for which fees are assessed under this section, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives, to include a description of fees assessed and collected for each such year and a summary description of the entities paying such fees and the types of business in which such entities engage.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2009 and each fiscal year thereafter, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under the other provisions of this section.''.

(b) EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.—

(1) AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.—Section 801(e)(4)(A) (21 U.S.C. 381(e)(4)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''a drug'' and inserting ''a food, drug'';

(B) in clause (i) by striking ''exported drug'' and inserting ''exported food, drug''; and

(C) in clause (ii) by striking ''the drug'' each place it appears and inserting ''the food, drug''.

(2) CLARIFICATION OF CERTIFICATION.—Section 801(e)(4) (21 U.S.C. 381(e)(4)) is amended by inserting after subparagraph (B) the following new subparagraph:

''(C) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (including a publicly available listing) as the Secretary determines appropriate.''.

SEC. 114. FINAL RULE FOR PREVENTION OF SALMONELLA ENTERITIDIS IN SHELL EGGS DURING PRODUCTION.

Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a final rule based on the proposed rule issued by the Commissioner of Food and Drugs entitled ''Prevention of *Salmonella* Enteritidis in Shell Eggs During Production'', 69 Fed. Reg. 56824, (September 22, 2004).

SEC. 115. SANITARY TRANSPORTATION OF FOOD.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

SEC. 116. FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' means—

(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(B) a State licensed or regulated child care program or school; or

(C) a State prekindergarten program that serves children from birth through kindergarten.

(2) ESEA DEFINITIONS.—The terms ''local educational agency'', ''secondary school'', ''elementary school'', and ''parent'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) SCHOOL.—The term ''school'' includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(b) ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Education, shall—

(i) develop guidelines to be used on a voluntary basis to develop plans for individuals to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs; and

(ii) make such guidelines available to local educational agencies, schools, early childhood education programs, and other interested entities and individuals to be implemented on a voluntary basis only.

(B) APPLICABILITY OF FERPA.—Each plan described in subparagraph (A) that is developed for an individual shall be considered an education record for the purpose of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(2) CONTENTS.—The voluntary guidelines developed by the Secretary under paragraph (1) shall address each of the following, and may be updated as the Secretary deems necessary:

(A) Parental obligation to provide the school or early childhood education program, prior to the start of every school year, with—

(i) documentation from their child's physician or nurse—

(I) supporting a diagnosis of food allergy and the risk of anaphylaxis;

(II) identifying any food to which the child is allergic;

(III) describing, if appropriate, any prior history of anaphylaxis;

(IV) listing any medication prescribed for the child for the treatment of anaphylaxis;

(V) detailing emergency treatment procedures in the event of a reaction;

(VI) listing the signs and symptoms of a reaction; and

(VII) assessing the child's readiness for self-administration of prescription medication; and

(ii) a list of substitute meals that may be offered to the child by school or early childhood education program food service personnel.

(B) The creation and maintenance of an individual health care plan for food allergy management, in consultation with the parent, tailored to the needs of each child with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such children in instances where—

(i) the children are capable of self-administering medication; and

(ii) such administration is not prohibited by State law.

(C) Communication strategies between individual schools or early childhood education programs and local providers of emergency medical services, including appropriate instructions for emergency medical response.

(D) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school or early childhood education program areas such as cafeterias.

(E) The dissemination of general information on life-threatening food allergies to school or early childhood education program staff, parents, and children.

(F) Food allergy management training of school or early childhood education program personnel who regularly come into contact with children with life-threatening food allergies.

(G) The authorization and training of school or early childhood education program personnel to administer epinephrine when the nurse is not immediately available.

(H) The timely accessibility of epinephrine by school or early childhood education program personnel when the nurse is not immediately available.

(I) The creation of a plan contained in each individual health care plan for food allergy management that addresses the appropriate response to an incident of anaphylaxis of a child while such child is engaged in extracurricular programs of a school or early childhood education program, such as nonacademic outings and field trips, before- and after-school programs or before- and after-early child education program programs, and school-sponsored or early childhood education program-sponsored programs held on weekends.

(J) Maintenance of information for each administration of epinephrine to a child at risk for anaphylaxis and prompt notification to parents.

(K) Other elements the Secretary deems necessary for the management of food allergies and anaphylaxis in schools and early childhood education programs.

(3) RELATION TO STATE LAW.—Nothing in this section or the guidelines developed by the Secretary under paragraph (1) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

(c) SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.—

(1) IN GENERAL.—The Secretary may award grants to local educational agencies to assist such agencies with implementing voluntary food allergy and anaphylaxis management guidelines described in subsection (b).

(2) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) an assurance that the local educational agency has developed plans in accordance with the food allergy and anaphylaxis management guidelines described in subsection (b);

(ii) a description of the activities to be funded by the grant in carrying out the food allergy and anaphylaxis management guidelines, including—

(I) how the guidelines will be carried out at individual schools served by the local educational agency;

(II) how the local educational agency will inform parents and students of the guidelines in place;

(III) how school nurses, teachers, administrators, and other school-based staff will be made aware of, and given training on, when applicable, the guidelines in place; and

(IV) any other activities that the Secretary determines appropriate;

(iii) an itemization of how grant funds received under this subsection will be expended;

(iv) a description of how adoption of the guidelines and implementation of grant activities will be monitored; and

(v) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this subsection.

(3) USE OF FUNDS.—Each local educational agency that receives a grant under this subsection may use the grant funds for the following:

(A) Purchase of materials and supplies, including limited medical supplies such as epinephrine and disposable wet wipes, to support carrying out the food allergy and anaphylaxis management guidelines described in subsection (b).

(B) In partnership with local health departments, school nurse, teacher, and personnel training for food allergy management.

(C) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.

(D) Outreach to parents.

(E) Any other activities consistent with the guidelines described in subsection (b).

(4) DURATION OF AWARDS.—The Secretary may award grants under this subsection for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this subsection, funding in the second year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

(5) LIMITATION ON GRANT FUNDING.—The Secretary may not provide grant funding to a local educational agency under this subsection after such local educational agency has received 2 years of grant funding under this subsection.

(6) MAXIMUM AMOUNT OF ANNUAL AWARDS.—A grant awarded under this subsection may not be made in an amount that is more than $50,000 annually.

(7) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to local educational agencies with the highest percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(8) MATCHING FUNDS.—

(A) IN GENERAL.—The Secretary may not award a grant under this subsection unless the local educational agency agrees that, with respect to the costs to be incurred by such local educational agency in carrying out the grant activities, the local educational agency shall make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal funds required under subparagraph (A) may be cash or in kind, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

(9) ADMINISTRATIVE FUNDS.—A local educational agency that receives a grant under this subsection may use not more than 2 percent of the grant amount for administrative costs related to carrying out this subsection.

(10) PROGRESS AND EVALUATIONS.—At the completion of the grant period referred to in paragraph (4), a local educational agency shall provide the Secretary with information on how grant funds were spent and the status of implementation of the food allergy and anaphylaxis management guidelines described in subsection (b).

(11) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this subsection.

(12) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $30,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(d) VOLUNTARY NATURE OF GUIDELINES.—

(1) IN GENERAL.—The food allergy and anaphylaxis management guidelines developed by the Secretary under subsection (b) are voluntary. Nothing in this section or the guidelines developed by the Secretary under subsection (b) shall be construed to require a local educational agency to implement such guidelines.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may enforce an agreement by a local educational agency to implement food allergy and anaphylaxis management guidelines as a condition of the receipt of a grant under subsection (c).

TITLE II—DETECTION AND SURVEILLANCE

SEC. 201. RECOGNITION OF LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 109, is amended by adding at the end the following:

"SEC. 423. RECOGNITION OF LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

"(a) RECOGNITION OF LABORATORY ACCREDITATION.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

"(A) provide for the recognition of accreditation bodies that accredit laboratories, including laboratories run and operated by a State or locality, with a demonstrated capability to conduct analytical testing of food products; and

"(B) establish a publicly available registry of accreditation bodies, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies.

"(2) MODEL ACCREDITATION STANDARDS.—The Secretary shall develop model standards that an accreditation body shall require laboratories to meet in order to be included in the registry provided for under paragraph (1). In developing the model standards, the Secretary shall look to existing standards for guidance. The model standards shall include methods to ensure that—

"(A) appropriate sampling and analytical procedures are followed and reports of analyses are certified as true and accurate;

"(B) internal quality systems are established and maintained;

"(C) procedures exist to evaluate and respond promptly to complaints regarding analyses and other activities for which the laboratory is recognized;

"(D) individuals who conduct the analyses are qualified by training and experience to do so; and

"(E) any other criteria determined appropriate by the Secretary.

"(3) REVIEW OF ACCREDITATION.—To assure compliance with the requirements of this section, the Secretary shall—

"(A) periodically, or at least every 5 years, reevaluate accreditation bodies recognized under paragraph (1); and

"(B) promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section.

"(b) TESTING PROCEDURES.—Food testing shall be conducted by either Federal laboratories or non-Federal laboratories that have been accredited by an accreditation body on the registry established by the Secretary under subsection (a) whenever such testing is either conducted by or on behalf of an owner or consignee—

"(1) in support of admission of an article of food under section 801(a);

"(2) due to a specific testing requirement in this Act or implementing regulations;

"(3) under an Import Alert that requires successful consecutive tests; or

"(4) is so required by the Secretary as the Secretary deems appropriate.

The results of any such sampling or testing shall be sent directly to the Food and Drug Administration.

"(c) REVIEW BY SECRETARY.—If food sampling and testing performed by a laboratory run and operated by a State or locality that is accredited by an accreditation body on the

registry established by the Secretary under subsection (a) result in a State recalling a food, the Secretary shall review the sampling and testing results for the purpose of determining the need for a national recall or other compliance and enforcement activities.''.

(b) FOOD EMERGENCY RESPONSE NETWORK.—The Secretary, in coordination with the Secretary of Agriculture, the Secretary of Homeland Security, and State, local, and tribal governments shall, not later than 180 days after the date of enactment of this Act, and biennially thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services, a report on the progress in implementing a national food emergency response laboratory network that—

(1) provides ongoing surveillance, rapid detection, and surge capacity for large-scale food-related emergencies, including intentional adulteration of the food supply;

(2) coordinates the food laboratory capacities of State food laboratories, including the sharing of data between State laboratories to develop national situational awareness;

(3) provides accessible, timely, accurate, and consistent food laboratory services throughout the United States;

(4) develops and implements a methods repository for use by Federal, State, and local officials;

(5) responds to food-related emergencies; and

(6) is integrated with relevant laboratory networks administered by other Federal agencies.

SEC. 202. INTEGRATED CONSORTIUM OF LABORATORY NETWORKS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall maintain an agreement through which relevant laboratory network members, as determined by the Secretary of Homeland Security, shall—

(1) agree on common laboratory methods in order to facilitate the sharing of knowledge and information relating to animal health, agriculture, and human health;

(2) identify the means by which each laboratory network member could work cooperatively—

(A) to optimize national laboratory preparedness; and

(B) to provide surge capacity during emergencies; and

(3) engage in ongoing dialogue and build relationships that will support a more effective and integrated response during emergencies.

(b) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall, on a biennial basis, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the progress of the integrated consortium of laboratory networks, as established under subsection (a), in carrying out this section.

SEC. 203. BUILDING DOMESTIC CAPACITY.

(a) IN GENERAL.—

(1) INITIAL REPORT.—The Secretary shall, not later than 2 years after the date of enactment of this Act, submit to Congress a comprehensive report that identifies programs and practices that are intended to promote the safety and security of food and to prevent outbreaks of food-borne illness and other food-related hazards that can be addressed through preventive activities. Such report shall include a description of the following:

(A) Analysis of the need for regulations or guidance to industry.

(B) Outreach to food industry sectors, including through the Food and Agriculture Coordinating Councils referred to in section 111, to identify potential sources of emerging threats to the safety and security of the food supply and preventive strategies to address those threats.

(C) Systems to ensure the prompt distribution to the food industry of information and technical assistance concerning preventive strategies.

(D) Communication systems to ensure that information about specific threats to the safety and security of the food supply are rapidly and effectively disseminated.

(E) Surveillance systems and laboratory networks to rapidly detect and respond to food-borne illness outbreaks and other food-related hazards, including how such systems and networks are integrated.

(F) Outreach, education, and training provided to States to build State food safety and food defense capabilities, including progress implementing strategies developed under sections 110 and 205.

(G) The estimated resources needed to effectively implement the programs and practices identified in the report developed in this section over a 5-year period.

(2) BIENNIAL REPORTS.—On a biennial basis following the submission of the report under paragraph (1), the Secretary shall submit to Congress a report that—

(A) reviews previous food safety programs and practices;

(B) outlines the success of those programs and practices;

(C) identifies future programs and practices; and

(D) includes information related to any matter described in subparagraphs (A) through (G) of paragraph (1), as necessary.

(b) RISK-BASED ACTIVITIES.—The report developed under subsection (a)(1) shall describe methods that seek to ensure that resources available to the Secretary for food safety-related activities are directed at those actions most likely to reduce risks from food, including the use of preventive strategies and allocation of inspection resources. The Secretary shall promptly undertake those risk-based actions that are identified during the development of the report as likely to contribute to the safety and security of the food supply.

(c) CAPABILITY FOR LABORATORY ANALYSES; RESEARCH.—The report developed under subsection (a)(1) shall provide a description of methods to increase capacity to undertake analyses of food samples promptly after collection, to identify new and rapid analytical techniques, including techniques that can be employed at ports of entry and through Food Emergency Response Network laboratories, and to provide for well-equipped and staffed laboratory facilities.

(d) INFORMATION TECHNOLOGY.—The report developed under subsection (a)(1) shall include a description of such information technology systems as may be needed to identify risks and receive data from multiple sources, including foreign governments, State, local, and tribal governments, other Federal agencies, the food industry, laboratories, laboratory networks, and consumers. The information technology systems that the Secretary describes shall also provide for the integration of the facility registration system under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), and the prior notice system under section 801(m) of such Act (21 U.S.C. 381(m)) with other information technology systems that are used by the Federal Government for the processing of food offered for import into the United States.

(e) AUTOMATED RISK ASSESSMENT.—The report developed under subsection (a)(1) shall include a description of progress toward developing and improving an automated risk assessment system for food safety surveillance and allocation of resources.

(f) TRACEBACK AND SURVEILLANCE REPORT.—The Secretary shall include in the report developed under subsection (a)(1) an analysis of the Food and Drug Administration's performance in food-borne illness outbreaks during the 5-year period preceding the date of enactment of this Act involving fruits and vegetables that are raw agricultural commodities (as defined in section 201(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(r)) and recommendations for enhanced surveillance, outbreak response, and traceability. Such findings and recommendations shall address communication and coordination with the public and industry, outbreak identification, and traceback.

(g) BIENNIAL FOOD SAFETY AND FOOD DEFENSE RESEARCH PLAN.—The Secretary and the Secretary of Agriculture shall, on a biennial basis, submit to Congress a joint food safety and food defense research plan which may include studying the long-term health effects of food-borne illness. Such biennial plan shall include a list and description of projects conducted during the previous 2-year period and the plan for projects to be conducted during the following 2-year period.

SEC. 204. ENHANCING TRACEBACK AND RECORDKEEPING.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and representatives of State departments of health and agriculture, shall improve the capacity of the Secretary to effectively and rapidly track and trace, in the event of an outbreak, fruits and vegetables that are raw agricultural commodities.

(b) PILOT PROJECT.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary shall establish a pilot project in coordination with the produce industry to explore and evaluate new methods for rapidly and effectively tracking and tracing fruits and vegetables that are raw agricultural commodities so that, if an outbreak occurs involving such a fruit or vegetable, the Secretary may quickly identify the source of the outbreak and the recipients of the contaminated food.

(2) CONTENT.—The Secretary shall select participants from the produce industry to run projects which overall shall include at least 3 different types of fruits or vegetables that have been the subject of outbreaks during the 5-year period preceding the date of enactment of this Act, and shall be selected in order to develop and demonstrate—

(A) methods that are applicable and appropriate for small businesses; and

(B) technologies, including existing technologies, that enhance traceback and trace forward.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall report to Congress on the findings of the pilot project under subsection (b) together with recommendations for establishing more effective traceback and trace forward procedures for fruits and vegetables that are raw agricultural commodities.

(d) TRACEBACK PERFORMANCE REQUIREMENTS.—Not later than 24 months after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to establish standards for the type of information, format, and timeframe for persons to submit records to aid the Secretary in effectively and rapidly tracking and tracing, in the event of an outbreak, fruits and vegetables that are raw agricultural commodities. Nothing in this section shall be construed as giving the Secretary the authority to prescribe specific technologies for the maintenance of records.

(e) PUBLIC INPUT.—During the comment period in the notice of proposed rulemaking under subsection (d), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

(f) RAW AGRICULTURAL COMMODITY.—In this section, the term ''raw agricultural commodity'' has the meaning given that term in section 201(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(r)).

SEC. 205. SURVEILLANCE.

(a) DEFINITION OF FOOD-BORNE ILLNESS OUTBREAK.—In this section, the term ''food-borne illness outbreak'' means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a food.

(b) FOOD-BORNE ILLNESS SURVEILLANCE SYSTEMS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enhance food-borne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on food-borne illnesses by—

(A) coordinating Federal, State and local food-borne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(B) facilitating sharing of findings on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, and State and local agencies, and with the public;

(C) developing improved epidemiological tools for obtaining quality exposure data, and microbiological methods for classifying cases;

(D) augmenting such systems to improve attribution of a food-borne illness outbreak to a specific food;

(E) expanding capacity of such systems, including working toward automatic electronic searches, for implementation of fingerprinting strategies for food-borne infectious agents, in order to identify new or rarely documented causes of food-borne illness and submit standardized information to a centralized database;

(F) allowing timely public access to aggregated, de-identified surveillance data;

(G) at least annually, publishing current reports on findings from such systems;

(H) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(I) integrating food-borne illness surveillance systems and data with other biosurveillance and public health situational awareness capabilities at the state and federal levels; and

(J) other activities as determined appropriate by the Secretary.

(2) PARTNERSHIPS.—The Secretary shall support and maintain a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food industry, consumer organizations, and academia. Such working group shall provide the Secretary, through at least annual meetings of the working group and an annual public report, advice and recommendations on an ongoing and regular basis regarding the improvement of food-borne illness surveillance and implementation of this section, including advice and recommendations on—

(A) the priority needs of regulatory agencies, the food industry, and consumers for information and analysis on food-borne illness and its causes;

(B) opportunities to improve the effectiveness of initiatives at the Federal, State, and local levels, including coordination and integration of activities among Federal agencies, and between the Federal, State, and local levels of government;

(C) improvement in the timeliness and depth of access by regulatory and health agencies, the food industry, academic researchers, and consumers to food-borne illness surveillance data collected by government agencies at all levels, including data compiled by the Centers for Disease Control and Prevention;

(D) key barriers to improvement in food-borne illness surveillance and its utility for preventing food-borne illness at Federal, State, and local levels;

(E) the capabilities needed for establishing automatic electronic searches of surveillance data; and

(F) specific actions to reduce barriers to improvement, implement the working group's recommendations, and achieve the purposes of this section, with measurable objectives and timelines, and identification of resource and staffing needs.

(c) IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.—

(1) IN GENERAL.—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve food-borne illness outbreak response and containment.

(B) Accelerate food-borne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal-State partnerships to coordinate food safety and defense resources and reduce the incidence of food-borne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(F) Strengthen the capacity of State and local agencies to achieve the goals described in section 110.

(2) REVIEW.—In developing of the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

(d) FOOD SAFETY CAPACITY BUILDING GRANTS.—Section 317R(b) of the Public Health Service Act (42 U.S.C. 247b–20(b)) is amended—

(1) by striking ''2002'' and inserting ''2009''; and

(2) by striking ''2003 through 2006'' and inserting ''2010 through 2013''.

TITLE III—SPECIFIC PROVISIONS FOR IMPORTED FOOD

SEC. 301. FOREIGN SUPPLIER VERIFICATION PROGRAM.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

''SEC. 805. FOREIGN SUPPLIER VERIFICATION PROGRAM.

''(a) IN GENERAL.—

''(1) VERIFICATION REQUIREMENT.—Each United States importer of record shall perform risk-based foreign supplier verification activities in accordance with regulations promulgated under subsection (c) for the purpose of verifying that the food imported by the importer of record or its agent is—

''(A) produced in compliance with the requirements of section 419 or 420, as appropriate; and

''(B) is not adulterated under section 402 or misbranded under section 403(w).

''(2) IMPORTER EXCLUSION.—For purposes of this section, an 'importer of record' shall not include a person holding a valid license under section 641 of the Tariff Act of 1930 (19 U.S.C. 1641) (referred to as a 'customs broker') if the customs broker has executed a written agreement with another person who has agreed to comply with the requirements of this section with regard to food imported or offered for import by the customs broker.

''(b) GUIDANCE.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall issue guidance to assist United States importers of record in developing foreign supplier verification programs.

''(c) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations to provide for the content of the foreign supplier verification program established under subsection (a). Such regulations shall, as appropriate, include a process for verification by a United States importer of record, with respect to each foreign supplier from which it obtains food, that the imported food is produced in compliance with the requirements of section 419 or 420, as appropriate, and is not adulterated under section 402 or misbranded under section 403(w).

''(2) VERIFICATION.—The regulations under paragraph (1) shall require that the foreign supplier verification program of each importer of record be adequate to provide assurances that each foreign supplier to the importer of record produces the imported food employing processes and procedures, including risk-based reasonably appropriate preventive controls, equivalent in preventing adulteration and reducing hazards as those required by section 419 or section 420, as appropriate.

''(3) ACTIVITIES.—Verification activities under a foreign supplier verification program

under this section may include monitoring records for shipments, lot-by-lot certification of compliance, annual on-site inspections, checking the hazard analysis and risk-based preventive control plan of the foreign supplier, and periodically testing and sampling shipments.

''(d) RECORD MAINTENANCE AND ACCESS.—Records of a United States importer of record related to a foreign supplier verification program shall be maintained for a period of not less than 2 years and shall be made available promptly to a duly authorized representative of the Secretary upon request.

''(e) DEEMED COMPLIANCE OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.—An owner, operator, or agent in charge of a facility required to comply with 1 of the following standards and regulations with respect to such facility shall be deemed to be in compliance with this section with respect to such facility:

''(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

''(f) PUBLICATION OF LIST OF PARTICIPANTS.—The Secretary shall publish and maintain on the Internet Web site of the Food and Drug Administration a current list that includes the name of, location of, and other information deemed necessary by the Secretary about, importers participating under this section.''.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 109, is amended by adding at the end the following:

''(ss) The importation or offering for importation of a food if the importer of record does not have in place a foreign supplier verification program in compliance with section 805.''.

(c) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by adding ''or the importer of record is in violation of section 805'' after ''or in violation of section 505''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 302. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 301, is amended by adding at the end the following:

''SEC. 806. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

''(a) IN GENERAL.—Beginning not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

''(1) establish a program, in consultation with the Department of Homeland Security, to provide for the expedited review and importation of food offered for importation by United States importers who have voluntarily agreed to participate in such program; and

''(2) issue a guidance document related to participation and compliance with such program.

''(b) VOLUNTARY PARTICIPATION.—An importer may request the Secretary to provide for the expedited review and importation of designated foods in accordance with the program procedures established by the Secretary.

''(c) ELIGIBILITY.—In order to be eligible, an importer shall be offering food for importation from a facility that has a certification described in section 809(b). In reviewing the applications and making determinations on such requests, the Secretary shall consider the risk of the food to be imported based on factors, such as the following:

''(1) The nature of the food to be imported.

''(2) The compliance history of the foreign supplier.

''(3) The capability of the regulatory system of the country of export to ensure compliance with United States food safety standards.

''(4) The compliance of the importer with the requirements of section 805.

''(5) The recordkeeping, testing, inspections and audits of facilities, traceability of articles of food, temperature controls, and sourcing practices of the importer.

''(6) The potential risk for intentional adulteration of the food.

''(7) Any other factor that the Secretary determines appropriate.

''(d) REVIEW AND REVOCATION.—Any importer qualified by the Secretary in accordance with the eligibility criteria set forth in this section shall be reevaluated not less often than once every 3 years and the Secretary shall promptly revoke the qualified importer status of any importer found not to be in compliance with such criteria.

''(e) DEFINITION.—For purposes of this section, the term 'importer' means the person that brings food, or causes food to be brought, from a foreign country into the customs territory of the United States.''.

SEC. 303. AUTHORITY TO REQUIRE IMPORT CERTIFICATIONS FOR FOOD.

(a) IN GENERAL.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting after the third sentence the following: ''With respect to an article of food, if importation of such food is subject to, but not compliant with, the requirement under subsection (p) that such food be accompanied by a certification or other assurance that the food meets some or all applicable requirements of this Act, then such article shall be refused admission.''.

(b) ADDITION OF CERTIFICATION REQUIREMENT.—Section 801 (21 U.S.C. 381) is amended by adding at the end the following new subsection:

''(p) CERTIFICATIONS CONCERNING IMPORTED FOODS.—

''(1) IN GENERAL.—The Secretary, based on public health considerations, including risks associated with the food or its place of origin, may require as a condition of granting admission to an article of food imported or offered for import into the United States, that an entity specified in paragraph (2) provide a certification or such other assurances as the Secretary determines appropriate that the article of food complies with some or all applicable requirements of this Act, as specified by the Secretary. Such certification or assurances may be provided in the form of shipment-specific certificates, a listing of certified entities, or in such other form as the Secretary may specify. Such certification shall be used for designated food imported from countries with which the Food and Drug Administration has an agreement to establish a certification program.

''(2) CERTIFYING ENTITIES.—For purposes of paragraph (1), entities that shall provide the certification or assurances described in such paragraph are—

''(A) an agency or a representative of the government of the country from which the article of food at issue originated, as designated by such government or the Secretary; or

''(B) such other persons or entities accredited pursuant to section 809 to provide such certification or assurance.

''(3) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary may—

''(A) require that any certification or other assurance provided by an entity specified in paragraph (2) be renewed by such entity at such times as the Secretary determines appropriate; and

''(B) refuse to accept any certification or assurance if the Secretary determines that such certification or assurance is no longer valid or reliable.

''(4) ELECTRONIC SUBMISSION.—The Secretary shall provide for the electronic submission of certifications under this subsection.''.

(c) CONFORMING TECHNICAL AMENDMENT.—Section 801(b) (21 U.S.C. 381(b)) is amended in the second sentence by striking ''with respect to an article included within the provision of the fourth sentence of subsection (a)'' and inserting ''with respect to an article described in subsection (a) relating to the requirements of sections 760 or 761,''.

(d) NO LIMIT ON AUTHORITY.—Nothing in the amendments made by this section shall limit the authority of the Secretary to conduct random inspections of imported food or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported food.

SEC. 304. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.

(a) IN GENERAL.—Section 801(m)(1) (21 U.S.C. 381(m)(1)) is amended by inserting ''any country to which the article has been refused entry;'' after ''the country from which the article is shipped;''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart I of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 305. REVIEW OF A REGULATORY AUTHORITY OF A FOREIGN COUNTRY.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 302, is amended by adding at the end the following:

''SEC. 807. REVIEW OF A REGULATORY AUTHORITY OF A FOREIGN COUNTRY.

''The Secretary may review information from a country outlining the statutes, regulations, standards, and controls of such country, and conduct on-site audits in such country to verify the implementation of those statutes, regulations, standards, and controls. Based on such review, the Secretary shall determine whether such country can provide reasonable assurances that the food supply of the country is equivalent in safety to food manufactured, processed, packed, or held in the United States.''.

SEC. 306. BUILDING CAPACITY OF FOREIGN GOVERNMENTS WITH RESPECT TO FOOD.

(a) IN GENERAL.—The Secretary shall, not later than 2 years of the date of enactment of this Act, develop a comprehensive plan to expand the technical, scientific, and regulatory capacity of foreign governments, and their respective food industries, from which foods are exported to the United States.

(b) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Agriculture,

Secretary of State, Secretary of the Treasury, and the Secretary of Commerce, representatives of the food industry, appropriate foreign government officials, and nongovernmental organizations that represent the interests of consumers, and other stakeholders.

(c) PLAN.—The plan developed under subsection (a) shall include, as appropriate, the following:

(1) Recommendations for bilateral and multilateral arrangements and agreements, including provisions to provide for responsibility of exporting countries to ensure the safety of food.

(2) Provisions for electronic data sharing.

(3) Provisions for mutual recognition of inspection reports.

(4) Training of foreign governments and food producers on United States requirements for safe food.

(5) Recommendations to harmonize requirements under the Codex Alimentarius.

(6) Provisions for the multilateral acceptance of laboratory methods and detection techniques.

SEC. 307. INSPECTION OF FOREIGN FOOD FACILITIES.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 305, is amended by inserting at the end the following:

"SEC. 808. INSPECTION OF FOREIGN FOOD FACILITIES.

''(a) INSPECTION.—The Secretary—

''(1) may enter into arrangements and agreements with foreign governments to facilitate the inspection of foreign facilities registered under section 415; and

''(2) shall direct resources to inspections of foreign facilities, suppliers, and food types, especially such facilities, suppliers, and food types that present a high risk (as identified by the Secretary), to help ensure the safety and security of the food supply of the United States.

''(b) EFFECT OF INABILITY TO INSPECT.—Notwithstanding any other provision of law, food shall be refused admission into the United States if it is from a foreign facility registered under section 415 of which the owner, operator, or agent in charge of the facility, or the government of the foreign country, refuses to permit entry of United States inspectors, upon request, to inspect such facility. For purposes of this subsection, such an owner, operator, or agent in charge shall be considered to have refused an inspection if such owner, operator, or agent in charge refuses such a request to inspect a facility more than 48 hours after such request is submitted.''.

SEC. 308. ACCREDITATION OF QUALIFIED THIRD-PARTY AUDITORS.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 307, is further amended by adding at the end the following:

"SEC. 809. ACCREDITATION OF QUALIFIED THIRD-PARTY AUDITORS.

''(a) ACCREDITATION OF CERTIFYING AGENTS.—

''(1) IN GENERAL.—Beginning not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish and implement an accreditation system under which a foreign government, a State or regional food authority, a foreign or domestic cooperative that aggregates the products of growers or processors, or any other third party that the Secretary determines appropriate, may request to be accredited as a certifying agent to certify that eligible entities meet the applicable requirements of this Act.

''(2) REVIEW BY SECRETARY.—When establishing the accreditation system under paragraph (1), the Secretary shall review third-party accreditation systems in existence on the date of enactment of the FDA Food Safety Modernization Act, to avoid unnecessary duplication of efforts and costs.

''(3) REQUEST BY FOREIGN GOVERNMENT.—Prior to accrediting a foreign government as a certifying agent, the Secretary shall perform such reviews and audits of food safety programs, systems, and standards of the government as the Secretary deems necessary to determine that they are adequate to ensure that eligible entities certified by such government meet the requirements of this Act with respect to food manufactured, processed, packed, or held for import to the United States.

''(4) REQUEST BY STATE OR REGIONAL FOOD AUTHORITY.—Prior to accrediting a State or regional food authority as a certifying agent, the Secretary shall perform such reviews and audits of the training and qualifications of auditors used by the authority and conduct such reviews of internal systems and such other investigation of the authority as the Secretary deems necessary to determine that each eligible entity certified by the authority has systems and standards in use to ensure that such entity meets the requirements of this Act.

''(5) COOPERATIVES AND OTHER THIRD PARTIES.—Prior to accrediting a foreign or domestic cooperative that aggregates the products of growers or processors or any other third party that the Secretary determines appropriate as a certifying agent, the Secretary shall perform such reviews and audits of the training and qualifications of auditors used by the cooperative or party and conduct such reviews of internal systems and such other investigation of the cooperative or party as the Secretary deems necessary to determine that each eligible entity certified by the cooperative or party has systems and standards in use to ensure that such entity meets the requirements of this Act.

''(6) LIMITATION ON THIRD PARTIES.—The Secretary may not accredit a third party that the Secretary determines appropriate as a certifying agent unless each auditor used by such party prepares the audit report for an audit under this section in a form and manner designated by the Secretary. An audit report shall include—

''(A) the identity of the persons at the audited eligible entity responsible for compliance with food safety requirements;

''(B) the dates of the audit;

''(C) the scope of the audit; and

''(D) any other information required by the Secretary that relate to or may influence an assessment of compliance with this Act.

''(b) IMPORTATION.—As a condition of accrediting a foreign government, a State or regional food authority, a foreign or domestic cooperative that aggregates the products of growers or processors, or any other third party that the Secretary determines appropriate as a certifying agent, such government, authority, cooperative, or party shall agree to issue a written and electronic certification to accompany each food shipment made for import from an eligible entity certified by the certifying agent, subject to requirements set forth by the Secretary. The Secretary shall consider such certificates when targeting inspection resources under section 421.

''(c) MONITORING.—Following any accreditation of a certifying agent, the Secretary may at any time—

''(1) conduct an on-site audit of any eligible entity certified by the agent, with or without the certifying agent present; or

''(2) require the agent to submit to the Secretary, for any eligible entity certified by the agent, an onsite inspection report and such other reports or documents the agent requires as part of the audit process, including, for an eligible entity located outside the United States, documentation that the eligible is in compliance with any applicable registration requirements.

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

''(1) AUDITOR.—The term 'auditor' means an individual who—

''(A) is qualified to conduct food safety audits; and

''(B) has successfully completed any training requirements established by the Secretary for the conduct of food safety audits.

''(2) CERTIFYING AGENT.—The term 'certifying agent' means a foreign government, a State or regional food authority, a foreign or domestic cooperative that aggregates the products of growers or processors, or any other third party that conducts audits of eligible entities and that is accredited by the Secretary under this section.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means any entity in the food supply chain that chooses to be audited by a certifying agent.

''(e) AVOIDING CONFLICTS OF INTEREST WITH CERTIFYING AGENTS.—

''(1) IN GENERAL.—A certifying agent shall—

''(A) not be owned, managed, or controlled by any person that owns or operates an eligible entity to be certified by such agent;

''(B) have procedures to ensure against the use, in carrying out audits of eligible entities under this section, of any officer or employee of such agent that has a financial conflict of interest regarding an eligible entity to be certified by such agent; and

''(C) annually make available to the Secretary, disclosures of the extent to which such agent, and the officers and employees of such agent, have maintained compliance with subparagraphs (A) and (B) relating to financial conflicts of interest.

''(2) REGULATIONS.—The Secretary shall promulgate regulations not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act to ensure that there are protections against conflicts of interest between a certifying agent and the eligible entity to be certified by such agent. Such regulations shall include—

''(A) requiring that domestic audits performed under this section be unannounced;

''(B) a structure, including timing and public disclosure, for fees paid by eligible entities to certifying agents to decrease the potential for conflicts of interest; and

''(C) appropriate limits on financial affiliations between a certifying agent and any person that owns or operates an eligible entity to be certified by such agent.

''(f) FALSE STATEMENTS.—Any statement of representation made by an employee or agent of an eligible entity to an auditor of a certifying agent or a certifying agent shall be subject to section 1001 of title 18, United States Code.

''(g) RISKS TO PUBLIC HEALTH.—If, at any time during an audit, an auditor of a certifying agent discovers a condition that could cause or contribute to a serious risk to the public health, the auditor shall immediately notify the Secretary of—

''(1) the identification of the eligible entity subject to the audit; and

''(2) such condition.

''(h) WITHDRAWAL OF ACCREDITATION.—The Secretary may withdraw accreditation from a certifying agent—

''(1) if food from eligible entities certified by such agent is linked to an outbreak of human or animal illness;

''(2) following a performance audit and finding by the Secretary that the agent no longer meets the requirements for accreditation; or

''(3) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to ensure continued compliance with the requirements set forth in this section.

''(i) PERFORMANCE AUDITS AND RENEWAL.—To ensure that accreditation of a certifying agent continues to meet the standards of this section and this Act and to allow for the renewal of accreditation of such certifying agent, the Secretary shall—

''(1) audit the performance of such certifying agent on a periodic basis, not less than every 4 years, through the review of audit reports by such certifying agent and the compliance history, as available, of eligible entities certified by such certifying agent; and

''(2) any other measures deemed necessary by the Secretary.

''(j) PUBLICATION OF LIST OF CERTIFYING AGENTS.—The Secretary shall publish and maintain on the Internet Web site of the Food and Drug Administration a current list, including, the name, location and other information deemed necessary by the Secretary, of certifying agents under this section.

''(k) NEUTRALIZING COSTS.—The Secretary shall establish a method, similar to the method used by the Department of Agriculture, by which certifying agents reimburse the Food and Drug Administration for the work performed to accredit such certifying agents. The Secretary shall make operating this program revenue-neutral and shall not generate surplus revenue from such a reimbursement mechanism.

''(l) NO EFFECT ON SECTION 704 INSPECTIONS.—The audits performed under this section shall not be considered inspections under section 704.

''(m) NO EFFECT ON INSPECTION AUTHORITY.—Nothing in this section affects the authority of the Secretary to inspect any eligible entity pursuant to this Act.''.

SEC. 309. FOREIGN OFFICES OF THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall by October 1, 2010, establish an office of the Food and Drug Administration in not less than 5 foreign countries selected by the Secretary, to provide assistance to the appropriate governmental entities of such countries with respect to measures to provide for the safety of articles of food and other products regulated by the Food and Drug Administration exported by such country to the United States, including by directly conducting risk-based inspections of such articles and supporting such inspections by such governmental entity.

(b) CONSULTATION.—In establishing the foreign offices described in subsection (a), the Secretary shall consult with the Secretary of State and the United States Trade Representative.

(c) REPORT.—Not later than October 1, 2011, the Secretary shall submit to Congress a report on the basis for the selection by the Secretary of the foreign countries in which the Secretary established offices under subsection (a), the progress which such offices have made with respect to assisting the governments of such countries in providing for the safety of articles of food and other products regulated by the Food and Drug Administration exported to the United States, and the plans of the Secretary for establishing additional foreign offices of the Food and Drug Administration, as appropriate.

SEC. 310. FUNDING FOR FOOD SAFETY.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities in the Office of Regulatory Affairs of the Food and Drug Administration—

(1) $775,000,000 for fiscal year 2009; and

(2) such sums as may be necessary for fiscal years 2010 through 2013.

(b) INCREASED NUMBER OF FIELD STAFF.—To carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities of the Office of Regulatory Affairs of the Food and Drug Administration, the Secretary of Health and Human Services shall increase the field staff of such Centers and Office with a goal of not fewer than—

(1) 3,600 staff members in fiscal year 2009;

(2) 3,800 staff members in fiscal year 2010;

(3) 4,000 staff members in fiscal year 2011;

(4) 4,200 staff members in fiscal year 2012; and

(5) 4,600 staff members in fiscal year 2013.

SEC. 311. JURISDICTION; AUTHORITIES.

Nothing in this Act, or an amendment made by this Act, shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes and regulations;

(2) limit the authority of the Secretary of Health and Human Services to issue regulations related to the safety of food under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(3) impede, minimize, or affect the authority of the Secretary of Agriculture to prevent, control, or mitigate a plant or animal health emergency, or a food emergency involving products regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

By Mr. HATCH (for himself and Mr. DODD):

S. 3387. A bill to amend the Public Health Service Act with respect to pain care; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, I rise today to introduce the National Pain Care Policy Act of 2008. I am pleased to have worked with my colleague, Senator CHRISTOPHER DODD, on this legislation which will help to address barriers to pain care by enhancing coordination of research, improving healthcare provider education and training, and elevating public awareness of pain and pain management.

According to the American Pain Foundation, an estimated 75 million Americans suffer from either chronic or acute pain. Pain is the most common reason that people access the health care system and persistent pain can interfere with everyday life and make ordinary tasks seem impossible. Severe chronic pain also can hinder sleep, work, and social functions. Due to its very nature as a prominent feature of many chronic conditions, pain is said to affect more Americans than diabetes, heart disease and cancer combined.

Most pain can be relieved with proper treatment. This simple fact implies that the pain problems of these countless Americans can be easily fixed. Unfortunately, many people in pain face considerable barriers to accessing proper diagnosis, treatment, and management of their pain.

Health care professionals are, more often than not, inadequately trained regarding pain assessment and management, making it difficult for them to treat their patients' pain safely and effectively. As such, providers may be unfamiliar with current research and guidelines for appropriate pain care. Further, health care professionals may be hesitant to prescribe pain medications for pain management due to lack of knowledge regarding regulatory policies.

To make worse the problem, the National Institutes of Health, NIH, our country's premier institution for biomedical research, currently dedicates less than 1 percent of its research budget to pain research. Worse yet, this research is spread across multiple Institutes and centers without efficient coordination. Effective education is contingent upon adequate research.

Patients may also create for themselves barriers to pain care and management. As impractical as it seems, patients often do not tell their doctor about their pain because they do not want to complain or appear to be a nuisance. They also may avoid taking pain medicines because of addiction or dependency concerns which may be based on misinformation due to lack of education.

The National Pain Care Policy Act of 2008 will help to identify these barriers by authorizing an Institute of Medicine, IOM, Conference on Pain Care to evaluate the adequacy of pain assessment, treatment and management. The conference will establish an action agenda by which to address barriers and improve education and training.

The bill also authorizes permanently the Pain Consortium at the National Institutes of Health, NIH, to establish a coordinated clinical research agenda and promote pain research across NIH institutes, centers, and programs. The Consortium will convene annual conferences to make recommendations on pain research and activities at the NIH. The legislation also establishes a multidisciplinary Advisory Committee

The National Pain Care Policy Act of 2008 addresses the lack of pain care education by creating a grant program for the development and implementation of programs to educate and train

health care professionals in pain assessment and management. It also requires the Agency for Healthcare Research and Quality, AHRQ, to collect evidence-based practices regarding pain and disseminate such information to the pain care community.

This bill also will break down barriers to pain care access by raising awareness among people who suffer from pain, and helping them and their families find the proper information about pain management. A national pain management public outreach and awareness campaign will be developed and implemented by the Department of Health and Human Services, HHS, to focus on the significance of pain as a national public health problem.

The National Pain Care Policy Act of 2008 contains provisions that will help the millions of Americans who live everyday with pain by heightening awareness, enhancing coordination of research, and advancing education. Similar legislation was introduced in the House by Representatives LOIS CAPPS and MIKE ROGERS last year. The House bill is supported by more than 100 organizations in the pain care community, including the America Pain Society, the American Academy of Pain Medicine, and the American Cancer Society. I thank Senator DODD for his leadership on and interest in this issue, and I urge my colleagues to support our bill.

Mr. DODD. Mr. President, I rise today to join my colleague from Utah, Senator ORRIN HATCH, in introducing the National Pain Care Policy Act of 2008. This important legislation would make significant strides in the understanding and treatment of pain as a medical condition. Pain is the most common symptom leading to medical care and a leading health issue. Yet people suffering through pain often struggle to get relief because of a variety of issues. This is why we are introducing this important legislation.

Each year pain results in more than 50 million lost workdays estimated to cost the United States $100 billion. Beyond the economic impact, pain is a leading cause of disability, with back pain alone causing chronic disability in 1 percent of the population of this country. In the United States 40 million people suffer from arthritis, more than 26 million, ages 20 to 64, experience frequent back pain, more than 25 million experience migraine headaches, and 20 million have jaw and lower facial pain each year. It is estimated that 70 percent of cancer patients have significant pain as they fight the disease. And half of all patients in hospitals suffer through moderate to severe pain in their last days. As with many medical conditions, this is a problem that is likely to become worse as the baby boom generation approaches retirement and the population ages.

Sadly, though most pain can be relieved, it often is not. Many suffering patients are reluctant to tell their medical provider about the pain they are experiencing, for fear of being identified as a ''bad patient,'' and concern about addiction often leads patients to avoid seeking or using medications to treat their pain. But even if patients were more forthcoming about their condition, few medical providers are equipped to do something about it. Often they have not been trained in assessment techniques or pain management, and are unaware of the latest research, guidelines, and standards for treatment. There is also concern among most providers that prescribing treatment for pain will lead to greater scrutiny by regulatory agencies and insurers.

But we can do something about these barriers and help individuals suffering from pain. The National Pain Care Policy Act would lead to improvements in pain care across the country. The legislation would call for an Institute of Medicine conference on pain care to increase awareness of this issue as a public health problem, identify barriers to pain care and determine action for overcoming those barriers. A number of years ago, my good friend Senator HATCH helped establish a Pain Consortium at the National Institutes of Health to establish a coordinated pain research agenda. This legislation will codify that consortium and update its mission. The bill addresses the training and education of health care professionals through new grant programs at the Agency for Health Research and Quality, AHRQ, and the Health Resources and Services Administration, HRSA. And finally this legislation creates a national outreach and awareness campaign at the Department of Health and Human Services to educate patients, families, and caregivers about the significance of pain and the importance of treatment.

I want to thank Senator HATCH for his leadership on this issue and urge my colleagues to join us on this important effort to help the millions of Americans suffering from severe pain.

By Mr. DURBIN:

S. 3390. A bill to amend the National Voter Registration Act of 1993 to provide for the treatment of institutions of higher education as voter registration agencies; to the Committee on Rules and Administration.

Mr. DURBIN. Mr. President, I rise today to introduce the Student Voter Opportunity to Encourage Registration Act of 2008—the Student VOTER Act.

The success of America's experiment in democracy lies in broad participation and deep civic engagement. From the Reconstruction Amendments, to women's suffrage, to the abolition of the poll tax, and finally the ratification of the 26th amendment, we have witnessed a steady but difficult march toward a more inclusive nation.

To realize the full potential of these great strides, the Student VOTER Act provides a pathway to participation for America's youth.

The need for this bill is clear. Despite a small rise in youth voting in the current Presidential election cycle, the larger trend is unmistakable. Young voters—historically independent-minded—are far less likely to cast a ballot than older voters. In the 2004 Presidential election, only 47 percent of 18 to 24-year-old citizens voted, compared to 66 percent of citizens 25 and older. This marked the eighth straight Presidential contest in which less than half of these young Americans actually participated. In fact, the percentage of young Americans who vote today is lower than it was in the first Presidential election following the 26th amendment's ratification.

Several obstacles stand in the way of youth voting. Because so many students are first-time voters, they often are unfamiliar with how to register. In some States, first-time voters must register in person in order to cast an absentee ballot. For students who attend college outside of their home State or who do not have access to transportation, these requirements can be cumbersome, confusing, and insurmountable.

Of course, apathy contributes to the fact that young voters tend to stay home on election day. But studies show that when an effort is made to reach out to young voters, they will cast a ballot. If we fail to reach out to the youth, we may lose a generation of civically minded Americans.

Congress already tried to encourage youth voting with a provision in the Higher Education Act of 1998, which requires colleges and universities to make a ''good faith effort'' to register students to vote. Many universities fulfill that obligation. For example, even before orientation begins, Brown University in Providence provides its students with voter registration materials not only for Rhode Island but also for each student's home State.

Unfortunately, too many colleges and universities have failed to follow Brown's lead. According to a 2004 Harvard University study, only 17 percent of colleges and universities nationwide fully comply with the Higher Education Act. The health of our democracy suffers as a result.

The Student VOTER Act offers a straightforward solution: it requires colleges and universities that receive Federal funds to offer voter registration services to students. The Student VOTER Act simply amends the National Voter Registration Act of 1993, popularly known as the Motor Voter Act, to designate colleges and universities that receive Federal funds as voter registration agencies.

That designation is fitting. Our institutions of higher education are among the wealthiest in the world, and they lead the globe in producing Nobel laureates and scientific breakthroughs. But colleges and universities also have a special obligation to educate an active, informed citizenry.

The act does not impose a heavy burden on colleges and universities. We know this because the Student VOTER Act builds on the successful model of the Motor Voter Act, which brought voter registration to DMV offices across the country, adding 5 million voters—mainly independents—to the rolls in the 8 months after its passage. While some DMV offices simply mail completed registration forms to the appropriate clerk or registrar, others now use efficient, easy-to-use computer software to submit registrations electronically.

This means that the price tag of the Student VOTER Act to colleges and universities is at most a 42-cent stamp for each student. I know most of my fellow Senators would agree that this is not too high a price to pay for a lifetime of civic engagement.

In reality, costs should be even lower. Colleges and universities can provide voter registration services at student orientation or during class registration using the same technology that DMV offices already have implemented.

Like the Motor Voter Act, this bill should pass with broad bipartisan support. It is a low-cost, commonsense solution to the very real problem of low youth voter turnout. It represents a natural but modest extension of the Higher Education Act and the Motor Voter Act without changing or amending any other State or Federal voting regulations in any way.

The bill may also serve to depoliticize voter registration efforts on college campuses. Polls consistently show that young voters are less likely to identify with a political party than older voters. Polls generally show that more than 4 in 10 young voters identify as independents, with roughly 3 in 10 young voters identifying with each of the two major political parties. In a July 30, 2008 letter sent to Congress in support of this bill, the U.S. Student Association explained that under the present system, ''partisan student groups often become the main voter registrants, which can alienate undecided and independent voters. The Student VOTER Bill of 2008 seeks to institutionalize the dissemination of voting procedure and register more young people in a systematic and non-partisan capacity.''

In addition to the U.S. Student Association, this bill is supported by U.S. PIRG and the Student Association for Voter Empowerment, SAVE. In particular, I would like to recognize Matthew Segal, SAVE's founder and a Chicago native, with whom my office worked closely to prepare this bill.

I would also like to applaud the efforts of Representative JAN SCHAKOWSKY, a Democrat, and Representative STEVEN LATOURETTE, a Republican, who will introduce a companion bill today in the House of Representatives. The Student VOTER Bill of 2008 is a bipartisan effort that is an important step toward empowering our Nation's youth. I look forward to working with my Democratic and Republican colleagues in Congress to ensure its enactment into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3390

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Student Voter Opportunity To Encourage Registration Act of 2008'' or the ''Student VOTER Act of 2008''.

SEC. 2. TREATMENT OF UNIVERSITIES AS VOTER REGISTRATION AGENCIES.

(a) IN GENERAL.—Section 7(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5(a)) is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

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

''(C) each institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) in the State that receives Federal funds.''; and

(2) in paragraph (6)(A), by inserting ''or, in the case of an institution of higher education, with each registration of a student for enrollment in a course of study'' after ''assistance,''.

(b) AMENDMENT TO HIGHER EDUCATION ACT OF 1965.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by striking paragraph (23).

By Mr. REID (for himself and Mr. ENSIGN):

S. 3393. A bill to promote conservation and provide for sensible development in Carson City, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, today I rise with my good friend Senator ENSIGN to introduce the Carson City Vital Community Act of 2008.

The origins of this legislation can be found in Carson City's collaborative master planning effort, ''Envision Carson City.'' In 2004, the elected officials in Carson City started a dialogue with their citizens to determine how the city should grow and change over the next 20 years. At the end of a 2-year public process, city leaders had a clear message from their residents. The community wants to keep growth compact, maintain the integrity of the Bureau of Land Management (BLM) and Forest Service lands surrounding the town, enhance open space opportunities and maintain easy access to public lands. The Carson City Vital Community Act of 2008 was developed in close partnership with Carson City and other key stakeholders to help fulfill these goals.

Before I describe this legislation and its importance, it might be helpful for me to explain that Carson City is both a city and a county. It wasn't always this way. For over a hundred years the town of Carson City was the county seat of Ormsby County. But in 1969 the county dissolved and the government functions were consolidated into what we now simply call Carson City.

Like all but one of our counties in Nevada, Carson City is mostly Federal land. The town of Carson City is bounded on the west by Forest Service lands that stretch to the shores of Lake Tahoe and by BLM lands on the east. These open landscapes create a dramatic western backdrop for Nevada's State capital but also mean that the Federal Government is intimately involved in what would normally be local community decisions.

This legislation makes much needed adjustments to the pattern of Federal land ownership in Carson City. We have strived to make changes that will improve the ability of the Federal land management agencies to focus on their core goals. All too often, the BLM and the Forest Service are distracted from proper forest and range management by urban encroachment issues. We have a unique situation in Carson City where the community has offered to take on the responsibilities of managing the wildland-urban interface, while also offering to convey a major inholding to the Forest Service for incorporation into the Humboldt-Toiyabe National Forest. This is a major step in the right direction and hopefully will serve as a model for other communities around the west.

Our legislation also provides lands to the Washoe Tribe, strengthening the Tribe's conservation and commercial efforts in Carson City. Additionally, nearly 20,000 acres of BLM lands surrounding Carson City will be permanently withdrawn from future develop to protect local viewsheds and public access. All of these actions will move Carson City one step closer to realizing the vision that it worked hard to develop through a public process that has now spanned over four years.

Title I of this legislation aims to create a sensible land ownership pattern in Carson City, aligned with the community's vision of keeping growth compact and maintaining the integrity of the surrounding public lands. It also addresses two serious concerns facing the community: wildfires in the foothills of the Sierras and flooding along the Carson River.

Under this title, roughly 2,200 acres of Carson City land will be transferred to the Forest Service. This prime, forested land is far removed from Carson City and is surrounded by state park lands and the Humboldt-Toiyabe National Forest. Incorporating this large inholding into the Humboldt-Toiyabe will allow for improved management for wildlife habitat, watershed protection, and other important uses. It will also ensure that the land remains undeveloped and open for public access.

This title also makes important adjustments to the pattern of city and Federal lands on the west side of the town. Roughly 1,000 acres of Forest Service land bordering urban areas will be conveyed to Carson City as protected open space. This conveyance will let both Carson City and the Forest Service do what they do best. Carson City can more actively manage urban interface uses and the Forest Service can focus on their core responsibilities of resource protection and forest health.

Proper management of this buffer area between Carson City's neighborhoods and businesses and the broader public lands is an issue of great concern to the community. On July 14, 2004, thirty-one homes and three businesses were destroyed or damaged in the Waterfall Fire which spanned nearly 9,000 acres of public and private land. Through our legislation, the Forest Service land that currently borders neighborhoods will be conveyed to Carson City, allowing the city to take a more prominent role in managing fuel loads in this critical area.

There is a different threat on the east side of Carson Valley. The Carson River has a long history of dramatic flooding. Over the last 150 years the river has flooded over 30 times, with half of those floods causing extensive damage. Two 100-year flood events have struck just in the last decade, one of which caused over $5 million in damage. In a show of real vision and leadership, Carson City has started an aggressive campaign to acquire land along the Carson River, recognizing the value of protecting the natural function of the local floodplains.

Our legislation will enhance Carson City's efforts to acquire lands in the river corridor by conveying the 3,500-acre Silver Saddle Ranch and Prison Hill area from BLM to the city. Transferring these properties to Carson City will help create a large regional park along the Carson River, support the community's flood control efforts and address the community's call for open space. The city has been a key partner in the management of the Silver Saddle Ranch for over a decade. Along with the Friends of Silver Saddle, Carson City has taken the lead on the day-to-day management of the property, including providing law enforcement patrols and caring for facilities.

It is important to note that when this land is conveyed to the city it will come with conditions. The Federal Government will hold a conservation easement on these parcels to ensure that the scenic and natural qualities of the Silver Saddle Ranch and Prison Hill are protected in perpetuity. The details of the conservation easement, which will focus on protecting the river corridor and the important wildlife habitat associated with the property, will be worked out by BLM, Carson City and key stakeholders like Friends of Silver Saddle and The Nature Conservancy.

In addition to supporting Carson City's forward-looking plans for the Carson River and its floodplain, conveying the Silver Saddle and Prison Hill area to Carson City also makes sense from a resource management perspective. BLM's Carson City District Office manages over 5 million acres of public land in western Nevada and eastern California. Their strength is managing Nevada's wide open spaces—not urban interface. Carson City, on the other hand, has far more resources to bring to bear in managing the Silver Saddle Ranch and Prison Hill area. Carson City has over 20 employees working on parks and open space, including two park rangers. They also have contracts in place with some of Nevada's most respected natural resource experts. The BLM will also keep a light hand in the management of this property by virtue of the conservation easement.

There is one unique provision related to the Silver Saddle Ranch and Prison Hill conveyance that deserves special mention. A small section of this land was once owned by Carson City. This 62-acre property, known as the Bernhard parcel, was slated to be subdivided into 35 home sites in 2001. The BLM and Carson City both recognized that the acquisition of this land was a priority for the protection of the Carson River corridor. Carson City responded quickly and acquired the parcel for open space before it could be developed. Their purchase price in 2001 was roughly $1 million. Later, in 2006, the BLM purchased the Bernhard parcel from Carson City for fair market value, which by that time had reached $2.5 million.

Under this legislation, we transfer the Bernhard parcel back to Carson City as part of the Silver Saddle Ranch and Carson River Area. We feel it is important that Carson City pay back 25 percent of the $1.5 million profit they made on their transaction with the BLM. Why just 25 percent? The 25 percent reflects the remaining value of the land that is being conveyed back to Carson City after the conservation easement is taken into account. In western Nevada, conservation easements restricting development typically reduce property values by anywhere from 75 percent to 90 percent. We have required Carson City to come up with 25 percent, the most generous estimate of remaining value for the Bernhard parcel. When received, these funds will be placed into an endowment account for the BLM to use for the monitoring and enforcement of the conservation easement on the Silver Saddle Ranch and Prison Hill Area.

Our legislation also conveys roughly 1,700 acres of BLM land to Carson City for recreation and public purposes and open space. These are scattered parcels of BLM land in and around Carson City that would be used for primarily for parks, but also for flood control structures, municipal infrastructure like water tanks, and to give residents room to roam. Carson City already controls roughly a third of these acres through Recreation and Public Purpose Act leases. This bill would quickly and efficiently transfer these lands to the city.

Another provision of Title I deals with 53 acres of land that Carson City acquired from BLM years ago, under the Recreation and Public Purposes Act. The city now believes the land is better suited for commercial development. Although Carson City already owns these lands, by statute, if the city uses the land for something other than public purposes, the land reverts back to the BLM. Our legislation would remove the reversionary interest on these 50 acres so that Carson City can sell the land at an appropriate time. If the City decides to sell the land, we require that it be auctioned, with proceeds returning to the Carson City special account which provides funding for federal acquisition of sensitive lands and protection of noted cultural resources.

One of the parcels where the federal interest would be released is home to the Carson City Gun Club. Once on the edge of town, the shooting range is now surrounded by commercial development and the Eagle Valley Golf Course. Although our legislation would allow Carson City to sell this land, we have asked for and received a commitment that Carson City will not sell this property until the shooting facility has been relocated to another, more appropriate location.

The first title of our legislation also transfers 50 acres of Forest Service land to the BLM. The Forest Service is also authorized to develop and implement, in partnership with Carson City, a plan for managing its land in a way that minimizes the impact of flood events on nearby residential areas.

Under Title II, 150 acres of federal lands would be made available for sale through an open and competitive process. This includes the 50 acres transferred from the Forest Service to the BLM in Title 1. All of the lands identified for sale in our legislation are isolated or seriously impacted by nearby

commercial or residential development. Both agencies have concluded that these parcels should be disposed of and that this action is consistent with their respective management plans.

Similar to past Nevada land bills, this legislation directs the Secretary of Interior to reinvest the proceeds of these limited land sales back into important public projects. Ninety-five percent of the proceeds will be used to acquire environmentally sensitive lands in Carson City and to protect archaeological resources. The remaining five percent of the proceeds will go to Nevada's general education program.

This title also permanently withdraws nearly 20,000 acres of BLM lands in Carson City from land sales and mineral development. These same lands, located north and east of Carson City are already administratively withdrawn by the BLM. This bill would make the withdrawal permanent, preserving foothill views, open space and access to public lands, in line with ''Envision Carson City.''

Our bill also provides guidance that Off-Highway Vehicle (OHV) use on BLM lands in Carson City should be restricted to existing roads and trails until the BLM completes their travel management planning process. The Pine Nut Mountains east of Carson City are a favorite destination for local and visiting OHV enthusiasts. This provision will better protect this area until routes can be designated.

Finally, the second title of the bill opens a new avenue for Carson City to continue their conservation efforts along the Carson River. The Southern Nevada Public Land Management Act (SNPLMA) will be amended to authorize funds for Carson City to acquire land for parks and trails along the Carson River and to authorize conservation initiatives, also along the Carson River. In addition, we make a small change to SNPLMA which will only affect Washoe County. In the White Pine County bill of 2006 (P. L. 109–432), Washoe County was given access to SNPLMA through 2011 to acquire part of the Ballardini Ranch. The county has made good progress towards this acquisition, but may not make the 2011 deadline. We are pleased to extend the authorization to 2015.

Title III addresses the Washoe Tribe's pressing need for more land for residential and commercial development. Tribal lands adjacent to both of the colonies in Carson City, Stewart and Carson, would be expanded by this legislation. Carson Colony tribal lands would grow by over 280 acres. On this parcel, the lands located below the 5,200-foot elevation contour would be available for residential or commercial development. The lands above the 5,200-foot contour would only be available for traditional tribal uses, like ceremonial gatherings, hunting and plant collecting. Tribal lands at the Stewart Colony would grow by only 5 acres, all of which would be available for commercial and residential development.

In 2003, Senator ENSIGN and I passed legislation that conveyed 25 acres of Forest Service land at Skunk Harbor, on the shores of Lake Tahoe, to the Washoe Tribe. Unfortunately, the parcel was not accurately described in the legislation and consequently the land that was conveyed did not fully reflect our commitment to the Tribe. This bill includes a technical correction that will provide a long overdue fix to the Washoe Indian Tribe Trust Land Conveyance (P. L. 108–67).

Lastly, this bill directs the Forest Service to develop a cooperative agreement with the Washoe Tribe to ensure the Tribe's access across Forest Service land for their traditional ''lifeway'' walk to Lake Tahoe. For centuries the Washoe people have moved from the Pine Nut Mountains east of Carson City in the fall to Lake Tahoe in the summer. Our legislation ensures that they are able to continue this important tradition.

This bill, is built on years of public input. We believe it is a model piece of legislation and appreciate the support of our colleagues in this effort. We look forward to working with Chairman BINGAMAN, Ranking Member DOMENICI and the other distinguished members of the Energy and Natural Resources Committee to move this bill forward during the time we have remaining in this legislative session.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3393

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Carson City Vital Community Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PUBLIC CONVEYANCES

Sec. 101. Conveyances of Federal land and City land.
Sec. 102. Transfer of administrative jurisdiction from the Forest Service to the Bureau of Land Management.

TITLE II—LAND DISPOSAL

Sec. 201. Disposal of Carson City land.
Sec. 202. Disposition of proceeds.
Sec. 203. Withdrawal.
Sec. 204. Availability of funds.

TITLE III—TRANSFER OF LAND TO BE HELD IN TRUST FOR THE WASHOE TRIBE, SKUNK HARBOR CONVEYANCE CORRECTION, FOREST SERVICE AGREEMENT, AND ARTIFACT COLLECTION

Sec. 301. Transfer of land to be held in trust for Washoe Tribe.
Sec. 302. Correction of Skunk Harbor conveyance.
Sec. 303. Agreement with Forest Service.
Sec. 304. Artifact collection.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means Carson City Consolidated Municipality, Nevada.

(2) MAP.—The term ''Map'' means the map entitled ''Carson City, Nevada Area'', dated July 17, 2008, and on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the City.

(3) SECRETARY.—The term ''Secretary'' means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) with respect to other Federal land, the Secretary of the Interior.

(4) TRIBE.—The term ''Tribe'' means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

TITLE I—PUBLIC CONVEYANCES

SEC. 101. CONVEYANCES OF FEDERAL LAND AND CITY LAND.

(a) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), if the City offers to convey to the United States title to the non-Federal land described in subsection (b)(1) that is acceptable to the Secretary of Agriculture—

(1) the Secretary of Agriculture shall accept the offer; and

(2) not later than 180 days after the date on which the Secretary of Agriculture receives acceptable title to the non-Federal land described in subsection (b)(1), the Secretary of Agriculture and the Secretary of Interior shall convey to the City, subject to valid existing rights and for no consideration, except as provided in subsection (c)(1), all right, title, and interest of the United States in and to the Federal land or interest in land described in subsection (b)(2).

(b) DESCRIPTION OF LAND.—

(1) NON-FEDERAL LAND.—The parcels of non-Federal land referred to in subsection (a) are the approximately 2,260 acres of land administered by the City and identified on the Map as ''To the U.S. Forest Service''.

(2) FEDERAL LAND.—The parcels of Federal land referred to in subsection (a)(2) are—

(A) the approximately 1,012 acres of Forest Service land identified on the Map as ''To Carson City for Natural Areas'';

(B) the approximately 3,526 acres of Bureau of Land Management land identified on the Map as ''Silver Saddle Ranch and Carson River Area'';

(C) the approximately 1,746 acres of Bureau of Land Management land identified on the Map as ''To Carson City for Parks and Public Purposes''; and

(D) the approximately 53 acres of City land in which the Bureau of Land Management has a reversionary interest that is identified on the Map as ''Reversionary Interest of United States Released''.

(c) CONDITIONS.—

(1) CONSIDERATION.—Before the conveyance of the 62–acre Bernhard parcel to the City, the City shall deposit in the special account

established by section 202(b)(1) an amount equal to 25 percent of the difference between—

(A) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(B) the amount for which the Bernhard parcel was purchased by the Secretary on March 17, 2006.

(2) CONSERVATION EASEMENT.—As a condition of the conveyance of the parcels of land described in subsection (b)(2)(B), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to the parcels to protect, preserve, and enhance the conservation values of the parcels, consistent with subsection (d)(2).

(3) COSTS.—Any costs relating to the conveyance under subsection (a), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(d) USE OF LAND.—

(1) NATURAL AREAS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the parcel of land described in subsection (b)(2)(A) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the parcel of land in perpetuity.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the City may—

(i) conduct projects on the parcel of land to reduce fuels;

(ii) construct and maintain trails, trailhead facilities, and any infrastructure on the parcel of land that is required for municipal water and flood management activities; and

(iii) maintain or reconstruct any improvements on the parcel of land that are in existence on the date of enactment of this Act.

(2) SILVER SADDLE RANCH AND CARSON RIVER AREA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the parcel of land described in subsection (b)(2)(B) shall—

(i) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(ii) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the City may—

(i) construct and maintain trails and trailhead facilities on the parcel of land;

(ii) conduct projects on the parcel of land to reduce fuels;

(iii) maintain or reconstruct any improvements on the parcel of land that are in existence on the date of enactment of this Act; and

(iv) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(3) PARKS AND PUBLIC PURPOSES.—The parcel of land described in subsection (b)(2)(C) shall be managed by the City for—

(A) undeveloped open space; or

(B) recreation or other public purposes in accordance with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(4) REVERSIONARY INTEREST.—

(A) RELEASE.—The reversionary interest described in subsection (b)(2)(D) shall terminate on the date of enactment of this Act.

(B) CONVEYANCE BY CITY.—

(i) IN GENERAL.—If the City sells, leases, or otherwise conveys any portion of the land described in subsection (b)(2)(D), the sale, lease, or conveyance of land shall be—

(I) through a competitive bidding process; and

(II) except as provided in clause (ii), for not less than fair market value.

(ii) CONVEYANCE TO GOVERNMENT OR NONPROFIT.—A sale, lease, or conveyance of land described in subsection (b)(2)(D) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741.8 of title 43, Code of Federal Regulation (or successor regulations).

(iii) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale, lease, or conveyance of land under clause (i) shall be distributed in accordance with section 202(a).

(e) REVERSION.—If a parcel of land conveyed under subsection (a) is used in a manner that is inconsistent with the uses described in paragraph (1), (2), (3), or (4) of subsection (d), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(f) MISCELLANEOUS PROVISIONS.—

(1) IN GENERAL.—On conveyance of the non-Federal land under subsection (a) to the Secretary of Agriculture, the non-Federal land shall—

(A) become part of the Humboldt-Toiyabe National Forest; and

(B) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(2) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

SEC. 102. TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT.

(a) CONVEYANCE.—Notwithstanding the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as ''Parcel #1'' is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(b) COSTS.—Any costs relating to the transfer under subsection (a), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(c) USE OF LAND.—

(1) RIGHT-OF-WAY.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a right-of-way for the maintenance of flood management facilities located on the land.

(2) DISPOSAL.—The land referred to in subsection (a) shall be disposed of in accordance with section 201.

(3) DISPOSITION OF PROCEEDS.—The gross proceeds from the disposal of land under paragraph (2) shall be distributed in accordance with section 202(a).

TITLE II—LAND DISPOSAL

SEC. 201. DISPOSAL OF CARSON CITY LAND.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act, this title, and other applicable law, and subject to valid existing rights, conduct sales of the parcels of Federal land described in subsection (b) to qualified bidders.

(b) DESCRIPTION OF LAND.—The parcels of Federal land referred to in subsection (a) are—

(1) the approximately 103 acres of Bureau of Land Management land identified as ''Lands for Disposal'' on the Map; and

(2) the approximately 50 acres of Bureau of Land Management land identified as ''Parcel #1'' on the Map.

(c) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under subsection (a), the City shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(1) City zoning ordinances; and

(2) any master plan for the area approved by the City.

(d) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under subsection (a) shall be—

(1) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);

(2) unless otherwise determined by the Secretary, through a competitive bidding process; and

(3) for not less than fair market value.

(e) WITHDRAWAL.—Subject to valid existing rights, the Federal land described in subsection (b) is withdrawn from—

(1) all forms of entry and appropriation under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing and geothermal leasing laws.

(f) DEADLINE FOR SALE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in paragraphs (1) and (2) of subsection (b), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(2) POSTPONEMENT; EXCLUSION FROM SALE.—

(A) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall postpone or exclude from the sale under paragraph (1) all or a portion of the land described in paragraphs (1) and (2) of subsection (b).

(B) INDEFINITE POSTPONEMENT.—Unless specifically requested by the City, a postponement under subparagraph (A) shall not be indefinite.

SEC. 202. DISPOSITION OF PROCEEDS.

(a) IN GENERAL.—Of the proceeds from the sale of land under sections 101(d)(4)(B) and 201(a)—

(1) 5 percent shall be paid directly to the State for use in the general education program of the State; and

(2) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the ''Carson City Special Account'', and shall be available without further appropriation to the Secretary until expended to—

(A) reimburse costs incurred by the Bureau of Land Management for preparing for the sale of the Federal land described in section 201(b), including the costs of—

(i) surveys and appraisals; and

(ii) compliance with—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(II) sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(B) reimburse costs incurred by the Bureau of Land Management and Forest Service for preparing for, and carrying out, the transfers

of land to be held in trust by the United States under section 301;

(C) acquire land or an interest in environmentally sensitive land; and

(D) conduct an inventory of, evaluate, and protect unique archaeological resources (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) of the City.

(b) SILVER SADDLE ENDOWMENT ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the ''Silver Saddle Endowment Account'', consisting of such amounts are deposited under section 101(c)(1).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under section 101(c)(2).

(c) INVESTMENT OF ACCOUNTS.—

(1) IN GENERAL.—Amounts deposited as principal in the Carson City Special Account established by subsection (a)(2) and the Silver Saddle Endowment Account established by subsection (b)(1) shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(2) AVAILABILITY.—Any interest earned under paragraph (1) shall be—

(A) added to the principal of the applicable account; and

(B) expended in accordance with subsection (a)(2) or (b)(2), as applicable.

SEC. 203. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, the Federal land described in subsection (b) is permanently withdrawn from—

(1) all forms of entry and appropriation under the public land laws and mining laws;

(2) location and patent under the mining laws; and

(3) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 19,747 acres, which is identified on the Map as ''Urban Interface Withdrawal''.

(c) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(1) for administrative purposes; or

(2) to respond to an emergency.

SEC. 204. AVAILABILITY OF FUNDS.

Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))'' and inserting ''Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))'';

(2) in paragraph (3)(A)(v), by striking ''Clark, Lincoln, and White Pine Counties'' and inserting ''Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))'';

(3) in paragraph (4), by striking ''2011'' and inserting ''2015''; and

(4) by adding at the end the following:

''(5) LIMITATION FOR CARSON CITY.—Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives—

''(A) adjacent to the Carson River; or

''(B) within the floodplain of the Carson River.''.

TITLE III—TRANSFER OF LAND TO BE HELD IN TRUST FOR THE WASHOE TRIBE, SKUNK HARBOR CONVEYANCE CORRECTION, FOREST SERVICE AGREEMENT, AND ARTIFACT COLLECTION

SEC. 301. TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)—

(1) shall be held in trust by the United States for the benefit and use of the Tribe; and

(2) shall be part of the reservation of the Tribe.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 293 acres, which is identified on the Map as ''To Washoe Tribe''.

(c) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

(d) USE OF LAND.—

(1) GAMING.—Land taken into trust under subsection (a) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(2) TRUST LAND FOR CEREMONIAL USE AND CONSERVATION.—With respect to the use of the land taken into trust under subsection (a), the Tribe—

(A) shall limit the use of the land above the 5,200′ elevation contour to—

(i) traditional and customary uses; and

(ii) stewardship conservation for the benefit of the Tribe; and

(B) shall not permit any—

(i) permanent residential or recreational development on the land; or

(ii) commercial use of the land, including commercial development or gaming.

(3) TRUST LAND FOR COMMERCIAL AND RESIDENTIAL USE.—With respect to the use of the land identified as ''To Washoe Tribe'' on the Map, the Tribe shall limit the use of the land below the 5,200′ elevation to—

(A) traditional and customary uses;

(B) stewardship conservation for the benefit of the Tribe; and

(C)(i) residential or recreational development; or

(ii) commercial use.

(4) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under subsection (a), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

SEC. 302. CORRECTION OF SKUNK HARBOR CONVEYANCE.

(a) PURPOSE.—The purpose of this section is to amend Public Law 108–67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(b) TECHNICAL CORRECTION.—Section 2 of Public Law 108–67 (117 Stat. 880) is amended—

(1) by striking ''Subject to'' and inserting the following:

''(a) IN GENERAL.—Subject to'';

(2) in subsection (a) (as designated by paragraph (1)), by striking ''the parcel'' and all that follows through the period at the end and inserting the following: ''and to approximately 23 acres of land identified as 'Parcel #1' on the map entitled 'Skunk Harbor Conveyance Correction' and dated June 24, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0 (Lake Tahoe Datum).''; and

(3) by adding at the end the following:

''(b) SURVEY.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the trust land.

''(c) PUBLIC ACCESS AND USE.—Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection.''.

(c) DATE OF TRUST STATUS.—The trust land described in section 2(a) of Public Law 108–67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(d) TRANSFER.—The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as ''Parcel #2'' on the map entitled ''Skunk Harbor Conveyance Correction'' and dated June 24, 2008.

SEC. 303. AGREEMENT WITH FOREST SERVICE.

The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

SEC. 304. ARTIFACT COLLECTION.

(a) NOTICE.—At least 180 days before conducting any ground disturbing activities on the land identified as ''Parcel #2'' on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(b) AUTHORIZED ACTIVITIES.—On receipt of notice under subsection (a), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as ''Parcel #2'' on the Map.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. INHOFE:

S. 3395. A bill to provide for marginal well production preservation an enhancement; to the Committee on Finance.

Mr. INHOFE. Mr. President, a marginal well is defined as one which produces 15 barrels or less of oil per day. Yet, according to the Interstate Oil and Gas Compact Commission, IOGCC,

these marginal wells contribute nearly 18 percent of the oil and 9 percent of the natural gas produced in America.

In fact, marginal wells produced more than 335 million barrels of oil in 2006. That's equivalent to more than 60 percent as much as the United States imports annually from Saudi Arabia or 67 percent as much as the Nation imports annually from Venezuela. In my own State of Oklahoma, it is the small independents, basically mom-and-pop operations, that produce the majority of oil and natural gas, with 85 percent of Oklahoma's oil coming from marginal wells.

In addition to reducing our dependence on foreign oil, a producing well provides both State and Federal taxes, pays royalties to land and mineral owners, and keeps jobs and dollars on American soil and in American pockets. A plugged well provides none of this. On the contrary, the IOGCC reported that in 2006, plugged and abandoned marginal wells resulted in the loss of $1.77 billion in economic output, $369.2 million in earnings reductions, and 8,223 lost jobs.

These statistics testify to the importance of America's marginal well production. With gasoline prices at record highs, Congress must ensure that government policies do not discourage, and instead prolong and enhance, production from these low volume wells.

That is why today I am glad to join with my fellow Oklahoman, Congressman DAN BOREN, to introduce the Marginal Well Production Preservation and Enhancement Act. This bill will streamline and clarify government regulations, prolong economic feasibility, and enhance production volumes from marginal wells. Every onshore oil and gas well in the Nation eventually declines into marginal production. The Marginal Well Production Preservation and Enhancement Act ensures that the Nation's policies recognize and reflect the economic importance of marginal well production. It's good for America's small producers, as well as America's consumers.

By Mr. KOHL (for himself, Mr. DURBIN, Mr. KENNEDY, and Mr. CASEY):

S. 3396. A bill to amend the Public Health Service Act to provide grants or contracts for prescription drug education and outreach for healthcare providers and their parents; to the Committee on Health, Education, Labor, and Pensions.

Mr. KOHL. Mr. President, I rise today to introduce the Independent Drug Education and Outreach Act. Over the past year, the Committee on Aging has been taking a close look at the relationship between the pharmaceutical industry and our Nation's physicians. Not only does the interaction between these two parties seem to be fraught with conflicts of interest, but it is likely that the marketing methods employed by drug companies—and the manner in which they educate doctors about their products—have an impact on the rising costs of prescription drugs in America.

When it comes to knowing what treatment options are available to doctors, pharmaceutical sales reps are currently one of the most common ways physicians learn about the latest drugs on the market. However, these sales reps often seem to confuse educating with selling, and evidence shows that doctors' prescribing patterns can be heavily influenced by the sometimes biased information handed out by these sales representatives.

The Independent Drug Education and Outreach Act offers an alternative method of providing information to doctors. It's called academic detailing, and we believe it can have a positive impact on both quality and cost of healthcare nationwide. Academic detailing provides physicians and other prescribers with an objective source of unbiased information on all prescription drugs, based on scientific research certified by HHS. The information is presented to doctors in their own offices by trained clinicians and pharmacists. Academic detailing ensures that physicians have access to the most comprehensive data available on drug safety of the full array of pharmaceutical treatment options, including low-cost generic alternatives.

The proposed legislation would provide two sets of grants. The first grant program would create educational materials for doctors on the safety, efficacy, and cost of prescription drugs, including generic drugs and over-the-counter alternatives. A second set of up to ten grants would be used to dispatch trained medical staff—such as pharmacists, nurses, and other health care professionals—into physicians' offices to distribute and discuss the independent information. To ensure their neutrality, all grant recipients would be prohibited from receiving financial support from drug manufacturers.

When doctors are better informed about the full range of drugs available on the market, they are more likely to prescribe the most effective treatment, as opposed to the latest brand-name blockbuster drug. The result is also lower health care costs. A study in the *New England Journal of Medicine* projected that for every dollar spent on academic detailing, two dollars can be saved in drug costs, due in part to the increased use of generic drugs. In this way, a Federal academic detailing program will likely pay for itself, while saving the government, consumers, and employers a considerable amount of money.

I would like to thank my cosponsors in the Senate, Majority Whip DICK DURBIN, HELP Committee Chairman TED KENNEDY, and Senator BOB CASEY. I would also like to thank Representatives HENRY WAXMAN and FRANK PALLONE, who are introducing a companion bill today in the House. We stand together with the goal of providing doctors with unbiased information on prescription drugs, and ensuring Americans receive the quality health care they deserve.

Mr. DURBIN. Prescription drugs can restore health, prevent illness, and extend lives. But deciding whether to prescribe a drug, and which one, requires a careful balancing of potential benefits, risks, and costs.

Prescribing should not be determined by how heavily a drug is promoted by a pharmaceutical company. Sadly, this is largely what happens today.

Our health care system does not generate objective, easy-to-access information for doctors to guide them when it comes to prescribing options.

New drugs are constantly entering the marketplace, but there's very little objective information about what drug might be marginally safer or more effective than existing drugs.

Even the most vigilant doctors would be challenged to monitor the dozens of medical journals that could contain a helpful study comparing the safety and effectiveness of drugs.

The pharmaceutical industry has taken advantage of this information void.

It spends about $7 billion a year marketing to physicians and sends over 90,000 sales representatives, called detailers, to pitch their company's latest and most expensive drugs.

What the drug industry is doing is not education. It is promotion. And there's a big difference between the two.

The drug company sales representatives are hired more for their charisma than their scientific knowledge, and they provide doctors with information skewed to portray their company's product in the most favorable light.

The sales representatives arrive with free lunches and free drug samples. Lucrative speaking and consulting fees are possible for doctors who change their prescribing to the liking of a drug company.

The consequence of such a system is clear: an over-reliance on prescribing the latest, most expensive drugs even when existing drugs are as effective, as safe, or cost less.

The pain-reliever Vioxx provides a cautionary tale of what can happen when marketing prowess trumps evidence-based medicine.

Heavy marketing quickly made Vioxx a blockbuster drug with $3 billion a year in sales, despite a lack of evidence that it could provide any greater pain relief for most patients than Advil and despite early indications that it increased the risk of heart attacks. Many Americans needlessly paid more and placed themselves at

risk because the benefits of Vioxx were oversold and the risks minimized.

Another example is the marketing of calcium-channel blockers in 1990s. Heavy marketing increased the sales of the new patent-protected calcium-channel blockers but decreased sales of other blood-pressure drugs, such as thiazide diuretics and betablockers, that were cheaper and often more effective.

A more recent example is the cholesterol drug Vytorin. The new drug has been heavily marketed since it was introduced in 2004. But a study released earlier this year did not find that Vytorin was any better at limiting plaque buildup in the arteries than Zocor, an older cholesterol drug that recently came out in a lower-priced generic form.

We have to find a better way to educate physicians about prescription drug options and fill the void of medical information that the drug industry is now taking advantage of.

Part of the solution is academic detailing, an idea first developed by Jerry Avorn, a physician at Harvard Medical School and Brigham and Women's Hospital in Boston.

Academic detailing programs use some of the marketing tools that the drug industry has used so effectively, such as office visits to physicians and easy-to-read materials, but employs them to promote appropriate prescribing, based on an objective analysis of the medical literature.

These programs—which send trained nurses and pharmacists, armed with unbiased information, to doctors' office—have been shown to generate $2 in savings for every $1 that it costs to implement them.

Pennsylvania's PACE program is the State's pharmacy assistance program for low- and moderate-income seniors, and it runs the most notable publicly funded academic detailing program.

The PACE academic detailing program has reduced costs associated with the overuse of Nexium, an acid-reflux drug for which there are similar lower-cost alternatives, and reduced the use of Cox–2 inhibitors such as Vioxx.

Today, I am joining Senator KOHL and Senators KENNEDY and CASEY in introducing legislation that would promote additional academic detailing programs.

The Independent Drug Education and Outreach Act would provide funds to medical schools, schools of pharmacies, and others for the development of educational materials based on what unbiased, peer-reviewed medical literature says about appropriate prescribing for a particular condition.

The bill also would provide funds to ten governmental or non-profit groups to train nurses and pharmacists and to send them to physician offices to present and discuss this information directly with physicians.

The bill includes protections against financial conflicts of interest and calls on the Agency for Health Care Research and Quality to review the accuracy of the information provided to doctors.

The Independent Drug Education and Outreach Act would begin to fix one of the glaring shortcomings of our current health care system: the lack of a systematic way of disseminating information on the relative benefits, risks, and costs of various treatment options directly to doctors.

When it comes to prescription drugs, newer isn't necessarily better. In many cases, they are not.

We can no longer afford to rely on drug company salespersons to be doctors' primary source of information about new drugs.

I urge my colleagues to support this bill.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, and Mr. WHITEHOUSE)):

S. 3398. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am proud to join my colleagues in introducing the Medical Device Safety Act. This legislation reverses the Supreme Court's erroneous decision in Riegel v. Medtronic. There, the Court misread a statute designed to protect consumers by giving the Food and Drug Administration the authority to approve medical devices as preempting state tort claims when a medical device causes harm. Riegel prevents consumers from receiving fair compensation for injuries sustained, medical expenses incurred and lost wages, and it must be reversed.

Congressional action should be unnecessary. When Congress passed the Medical Device Amendments, or MDA, in 1976, it did so ''[t]o provide for the safety and effectiveness of medical devices intended for human use.'' In other words, Congress passed the MDA precisely to protect consumers from dangerous medical devices. Toward that end, Congress gave the FDA the authority to approve, prior to a product entering the market, certain medical devices. For over 30 years the MDA has been in effect, and over that period FDA regulation and tort liability have complemented each other in protecting consumers.

Given the MDA's purpose, and the fact it has operated successfully for 30 years, I was disheartened to find the Court twist the meaning of the statute to strip from consumers all remedies when a medical device fails. In contorted logic, the Court found that the FDA's requirements in approving a medical device preempted state laws designed to ensure that manufacturers marketed safe devices. In other words, the Court believes that a company's responsibility to its patients ends when it receives FDA approval. I strenuously disagree.

In fact, there is absolutely no evidence that Congress intended that under the MDA, consumers would lose their only avenue for receiving compensation for injuries caused by negligent or inadequately labeled devices. Not a single member or committee report articulated the view that the statute would preempt state tort law.

Nevertheless, because of the Court's decision, it is imperative that Congress act to ensure that those harmed by flawed medical devices can seek compensation. The bill introduced today addresses the Court's action by explicitly stating that actions for damages under state law are preserved. Specifically, it amends section 521 of the Federal Food, Drug, and Cosmetic Act to state that the section shall not be construed to modify or otherwise affect any action for damages or the liability of any person under the law of any State. And, the bill applies retroactively to the date of the enactment of the MDA, consistent with Congress's intent when it passed that act over 30 years ago. Practically, that means that it applies to cases pending on the date of enactment of this legislation or claims for injuries sustained prior to enactment.

The harm from Riegel, unless Congress acts, cannot be more real. Take Riegel itself. In 1996, Charles Riegel had an angioplasty performed on his right coronary artery. During the procedure, Mr. Reigel's surgeon used Medtronic's Evergreen Balloon Catheter. The catheter burst inside Mr. Reigel's artery, causing him severe and permanent injuries and disabilities.

Under our system of law, when someone is injured, he or she can normally seek redress from the entity that caused him or her harm. Yet, because of the Court's decision, Mr. Riegel and his wife will receive no compensation for the defective design and inadequate warning.

It is not just Mr. Riegel. In 2002, Gary Despain was implanted with a defective hearing aid Soundtec manufactured. While working as a welder, he suffered damage to his right ear, apparently as a result of interference between a magnet in his hearing device and some electronic welding equipment being used in the plant. The device caused severe ringing in his ear, but the labeling for the device failed to warn of this potential risk. Mr. Despain had to have the device surgically removed and he remains unemployed and disabled as a result of the device.

Nevertheless, two weeks after the Court's Riegel decision, Mr. Despain's lawsuit against Soundtec was dismissed and Mr. Despain has no ability to seek remedies for his injuries.

The result of Riegel, therefore, is that in the event the FDA does an inadequate job of inspecting and assuring the safety of medical devices—and because tort actions are now precluded—then consumers are left at extreme risk.

While FDA approval of medical devices, moreover, is important, it cannot be the sole protection for consumers. FDA approval is simply inadequate to replace the long-standing safety incentives and consumer protections that state tort law provides.

As a senior member of the Health, Education, Labor and Pension Committee, which has oversight over FDA, I have worked hard to ensure that the FDA performs its job. No matter how effective the FDA is, however, the FDA simply cannot guarantee that no defective, dangerous and deadly medical device will reach consumers. As the former Director of the FDA's Center for Devices and Radiological Health acknowledged, the FDA's ''system of approving devices isn't perfect, and that unexpected problems [with approved devices] do arise.'' In 1993, a House report identified a ''number of cases in which the FDA [had] approved devices that proved unsafe in use.''

The fact is, the FDA conducts the approval process with minimal resources and simply does not have adequate funds to genuinely ensure that devices are safe or to properly and effectively reevaluate approvals as new information becomes available.

Further, the FDA approval process is based on partial information. A principal shortcoming is that the device's manufacturer compiles the studies and data supporting an application, and the data is often unreliable. And, the FDA does not conduct independent investigations into a device's safety. A manufacturer, moreover, is not required to submit information about development of the device, including alternative designs, manufacturing methods and labeling possibilities that the manufacturer considered, but rejected.

In 1993, an FDA committee found flaws in the design, conduct and analysis of the clinical studies used to support applications that were ''sufficiently serious to impede the agency's ability to make the necessary judgments about [device] safety and effectiveness.'' It added, ''[o]ne of the main reasons [problems arise after approval] is that the data upon which we base our safety and effectiveness decisions isn't perfect.'' Likewise, in 1996, the Inspector General of the Department of Health and Human Services reported ''serious deficiencies . . . in the clinical data submitted as part of pre-market applications.''

FDA review, moreover, is a one-time event with no reevaluation and very little FDA oversight once a device reaches doctors and patients. In fact, even the best-designed and most reliable clinical studies by their very nature cannot duplicate all aspects and hazards of everyday use. Moreover, while manufacturers are supposed to report defects and injuries, the FDA has admitted that there is ''severe underreporting'' of defects and injuries.

Given the FDA's limitations, it is crucial that an individual have a right to seek redress. When defective medical devices reach the market, whether or not approved by the FDA, patients are often injured. Those injured are often left temporarily unable to work or to enjoy normal lives, and in many cases never fully recover. State tort law provides the only relief for patients injured by defective medical devices and should not be foreclosed.

Not only does access to State court mean that a person injured can receive fair compensation, but there are other advantages. Such suits aid in exposing dangers and serve as a catalyst to address their consequences. Through discovery, litigation can help uncover previously unavailable information on adverse effects of products that might not have been caught during the regulatory system. Litigants can demand documents and information on product risks that might not have been shared with the FDA. In this way, the public as a whole is alerted to dangers in medical products.

Finally, providing the ability to sue when injured provides an important incentive to manufacturers to use the utmost care. Additionally, threat of product liability suits creates continuing incentives for product manufacturers to improve the safety of their device, even after FDA approval.

The Court fundamentally misread Congress's intent in passing the Medical Device Amendments in 1976, and Reigel represents yet another victory by big business over consumers. Those injured, however, deserve to have their day in court and are entitled to compensation when they are injured by faulty medical devices, have medical expenses to pay and lost wages, regardless of whether FDA approved a device or not. We must reverse this erroneous decision and ensure that those who have suffered serious injury at the hands of others receive justice.

By Mrs. LINCOLN (for herself, Mr. SMITH, Ms. CANTWELL, Mr. CORNYN, Mrs. MURRAY, Mrs. DOLE, Ms. LANDRIEU, Mr. CHAMBLISS, Mr. WICKER, and Mr. VITTER):

S. 3399. A bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am very pleased to rise today to introduce the Timber Revitalization and Economic Enhancement Act II of 2008 with my good friend, Senator SMITH of Oregon. I also want to say a special thanks to our cosponsors, Senators CANTWELL, MURRAY, DOLE, CHAMBLISS, CORNYN, LANDRIEU, WICKER and VITTER.

This legislation has commonly been referred to as the TREE Act. I appreciate that Congress understood the importance of the TREE Act with its inclusion and enactment in the Farm Bill earlier this year. But, unfortunately, this tax policy is already set to expire in less than one year. So today, my colleagues and I introduce the TREE Act II to make this important forest policy permanent.

In my home State of Arkansas, the est products industry is a foundation of our economy and culture. More than 50 percent of Arkansas land is forested. Much of this is sustainably managed to create products we use every day. In addition, there are jobs associated with the growing of these forests and manufacture of these great products. More than 32,000 Arkansas men and women work in our woods, at our sawmills and in our paper mills. These are good jobs located in our small rural towns.

However, these jobs and this industry continue to face many challenges. The TREE Act II addresses one of these challenges. Just as it is important to have diversity in our forests, it is also important to maintain diversity in our forestry industry, and we must ensure that all business forms have the necessary tools so they can be successful in the global marketplace. Timber companies that are organized as corporations continue to be under intensifying pressure to reorganize. In that case, a corporation that owns substantial manufacturing facilities would be forced to sell some of those facilities and to make other structural changes in order to comply with the relevant tax rules that it would newly become subject to. This would be likely to cause disruptions in some of these communities and also would make it harder for U.S. companies to compete internationally.

In Arkansas, like so many other States across our Nation, a strong forest product industry is essential to having a strong economy. A permanent solution to the TREE Act II is imperative for this industry and supporting the jobs it provides. I look forward to working with my colleagues on the Senate Finance Committee to ensure this important tax policy is made permanent.

By Mr. FEINGOLD (for himself and Mr. WHITEHOUSE):

S. 3405. A bill to prohibit secret modifications and revocations of the law, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. FEINGOLD. Mr. President, today, the junior Senator from Rhode Island, Senator WHITEHOUSE, and I will introduce the Executive Order Integrity Act of 2008. The bill prevents secret changes to published Executive Orders by requiring the President to place a notice in the Federal Register when he has modified or revoked a published Order. Through this simple measure, the bill takes an important step toward stemming the growth of secret law in the executive branch.

The principle behind this bill is straightforward. It is a basic tenet of democracy that the people have a right to know the law. Indeed, the notion of ''secret law'' has been described in court opinions and law treatises as ''repugnant'' and ''an abomination.'' That is why the laws passed by Congress have historically been matters of public record.

But the law that applies in this country includes more than just statutes. It includes regulations, the controlling legal interpretations of courts and the executive branch, and certain Presidential directives. As we learned at a hearing of the Judiciary Committee's Constitution Subcommittee that I chaired in April, some of this body of executive and judicial law is increasingly being kept secret from the public, and too often from Congress as well. The Bush administration has concealed Department of Justice legal opinions, interpretations of the Foreign Intelligence Surveillance Court, and even the agency rule that requires Americans to show identification at airports.

The shroud of secrecy extends to Executive Orders and other Presidential directives that carry the force of law. The Federal Register Act requires the President to publish any Executive Orders that have general applicability and legal effect. But through the diligent efforts of my colleague Senator Whitehouse, we learned last December that the Department of Justice has taken the position that a President can ''waive'' or ''modify'' any Executive Order without any notice to the public or Congress—simply by not following it. In other words, even in cases where the President is required to make the law public, the President can change the law in secret.

The Office of Legal Counsel memorandum that contains this position is still classified, but Senator Whitehouse convinced the Department of Justice to declassify certain statements in the memorandum. The Senator from Rhode Island spoke on the floor last December, and many times since then, about these statements. They include the statement that ''[w]henever [the President] wishes to depart from the terms of a previous executive order,'' he may do so, because ''an executive order cannot limit a President.'' And he doesn't have to change the executive order, or give notice that he's violating it, because by ''depart[ing] from the executive order,'' the President ''has instead modified or waived it.''

Now, no one disputes that a President can withdraw or revise an Executive Order at any time; that is every President's prerogative. But abrogating a published Executive order without any public notice works a secret change in the law. Worse, because the published Order stays on the books, it actively misleads Congress and the public as to what the law is.

This is not just a hypothetical problem dreamed up by the Office of Legal Counsel. It has happened, and it could happen again. To list just one example, the administration's warrantless wiretapping program not only violated the Foreign Intelligence Surveillance Act; it was inconsistent with several provisions of Executive Order 12333, the longstanding executive order governing electronic surveillance and other intelligence activities. Apparently, the administration believed its actions constituted a tacit amendment of that Executive Order. And who knows how many other Executive Orders have been secretly revoked or amended by the conduct of this Administration.

The bill that Senator Whitehouse and I will introduce provides a simple solution to this problem. If the President revokes, modifies, waives, or suspends a published Executive Order or similar directive, notice of this change in the law must be placed in the Federal Register within 30 days. The notice must specify the Order or the provision that has been affected; whether the change is a revocation, a modification, a waiver, or a suspension; and the nature and circumstances of the change. If information about the nature and circumstances of the change is classified, it is exempt from the publication requirement, but the information still must be provided to Congress so that we, as legislators, know how the law has been changed.

That is what our bill does; now let me talk briefly about what our bill does not do. First, it does not expand the existing legal requirements, under the Federal Register Act, that determine which Executive Orders must be published. To the extent the Federal Register Act permits a certain amount of ''secret law'' in the form of unpublished Executive Orders, our bill leaves that framework in place.

Second, our bill does not require public notice when the President revokes or modifies an unpublished Executive Order—even if the substance of the unpublished order is well-known to Congress and even the American people. This bill is narrowly aimed at the situation in which the American people have been given official notice of one version of the law, but a different version is being implemented.

Third, the bill does not require the President to adhere to the terms of an Executive Order. Many scholars have argued that a President must adhere to a formally promulgated Executive Order unless or until the Order is formally withdrawn or amended, just as the head of an agency must adhere to the agency's regulations. I happen to agree. But this bill does not take a position on OLC's assertion that any deviation from the Executive Order by the President is a permissible amendment of that Order. It simply requires public notice that the amendment has occurred.

Fourth, the bill does not require the publication of classified information about intelligence sources and methods or similar information. The basic fact that the published law is no longer in effect, however, cannot be classified. On rare occasions, national security can justify elected officials keeping some information secret, but it can never justify lying to the American people about what the law is. Maintaining two different sets of laws, one public and one secret, is just that—deceiving the American people about what law applies to the government's conduct.

I commend Senator WHITEHOUSE for his tireless work to bring this issue to light, and I urge all of my colleagues in the Senate to support this modest effort to ensure the integrity of our published laws.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3405

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Executive Order Integrity Act of 2008''.

SEC. 2. REVOCATIONS, MODIFICATIONS, WAIVERS, AND SUSPENSIONS OF PRESIDENTIAL PROCLAMATIONS AND EXECUTIVE ORDERS.

Section 1505 of title 44, United States Code, is amended by adding at the end the following:

''(d) REVOCATIONS, MODIFICATIONS, WAIVERS, AND SUSPENSIONS OF PRESIDENTIAL PROCLAMATIONS AND EXECUTIVE ORDERS.—

''(1) NOTICE REQUIRED.—If the President, whether formally or informally, and whether through express order, conduct, or other means—

''(A) revokes, modifies, waives, or suspends any portion of a Presidential proclamation, Executive Order, or other Presidential directive that was published in the Federal Register; or

''(B) authorizes the revocation, modification, waiver, or suspension of any portion of such Presidential proclamation, Executive Order, or other Presidential directive;

notice of such revocation, modification, waiver, or suspension shall be published in the Federal Register within 30 days after the revocation, modification, waiver, or suspension, in accordance with the terms under paragraph (2).

''(2) CONTENT OF NOTICE.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), the notice required under paragraph (1) shall specify—

''(i) the Presidential proclamation, Executive Order, or other Presidential directive, and any particular portion thereof that is affected;

''(ii) for each affected directive or portion thereof, whether that directive or portion thereof was revoked, modified, waived, or suspended; and

''(iii) except where such information is classified, the specific nature and circumstances of the revocation, modification, waiver, or suspension.

''(B) REVISED EXECUTIVE ORDER.—Where the revocation, modification, waiver, or suspension of a Presidential proclamation, Executive Order, or other Presidential directive is accomplished through the publication in the Federal Register of a revised Presidential proclamation, Executive Order, or other Presidential directive that replaces or amends the one that was revoked, modified, waived, or suspended, that revised Presidential proclamation, Executive Order, or other Presidential directive shall constitute notice for purposes of paragraph (1).

''(3) CLASSIFIED INFORMATION.—If the information specified under paragraph (2)(A)(iii) is classified, such information shall be provided to Congress, using the security procedures established under section 501(d) of the National Security Act of 1947 (50 U.S.C. 413(d)), in the form of a classified annex delivered to—

''(A) the majority and minority leader of the Senate;

''(B) the Speaker, majority leader, and minority leader of the House of Representatives;

''(C) the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

''(D) if the information pertains to national security matters, the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as either authorizing or prohibiting the revocation, modification, waiver, or suspension of any Presidential proclamation, Executive Order, or other Presidential directive that was published in the Federal Register through means other than a formal directive issued by the President and published in the Federal Register.''.

By Mr. HARKIN (for himself, Mr. HATCH, Mr. KENNEDY, Mr. ENZI, Mr. SPECTER, Mr. OBAMA, Mr. MCCAIN, Mr. DODD, Mr. GREGG, Mrs. CLINTON, Mr. ALEXANDER, Mr. JOHNSON, Mr. ROBERTS, Mr. KERRY, Mr. COLEMAN, Mr. FEINGOLD, Ms. SNOWE, Mr. LEAHY, Mr. BURR, Mr. BROWN, Mr. SMITH, Mr. DURBIN, Ms. MURKOWSKI, Mr. LAUTENBERG, Mr. WARNER, Mr. SANDERS, Mr. BROWNBACK, Mr. REED, Mr. MARTINEZ, Ms. MIKULSKI, Mr. ISAKSON, Mr. CASEY, Mr. CRAIG, Mrs. MURRAY, Mr. BENNETT, Ms. LANDRIEU, Ms. COLLINS, Mr. BIDEN, Mr. ALLARD, Mr. NELSON of Florida, Mr. SUNUNU, Mr. CARDIN, Mr. THUNE, Mr. LEVIN, Mr. BARRASSO, Mrs. MCCASKILL, Mr. CRAPO, Mr. SCHUMER, Mr. STEVENS, Mr. SALAZAR, Mr. VOINOVICH, Mr. TESTER, Mr. COCHRAN, Mr. REID, Mr. LUGAR, and Mr. CHAMBLISS):

S. 3406. A bill to restore the intent and protections of the Americans with Disabilities Act of 1990; read the first time.

Mr. HARKIN. Mr. President, I am pleased to join with Senators HATCH, OBAMA, and MCCAIN in introducing the ADA Amendments Act of 2008. This bipartisan legislation will allow us to advance and fulfill the original promise of the Americans with Disabilities Act, which was signed into law 18 years ago this month.

I am especially grateful to the distinguished senior Senator from Utah, Senator HATCH, for his partnership and leadership in helping to craft our bill here in the Senate and to Senator KENNEDY for his career-long leadership in fighting for the rights of people with disabilities. Senator KENNEDY has worked from the beginning to help craft this bill.

This bill is similar to bipartisan legislation introduced in the other body by House Majority Leader STENY HOYER and Congressman JIM SENSENBRENNER. That bill passed by a 402–17 margin last month.

I am also grateful that, from the outset, these bills have been conceived and crafted in a spirit of genuine bipartisanship, with members of both parties coming together to do the right thing for all Americans with disabilities.

Of course, passage of the Americans with Disabilities Act was also a bipartisan effort. As chief sponsor in the Senate, I worked very closely with Senator Bob Dole and others on both sides of the aisle. We received invaluable support from President George Herbert Walker Bush and key members of his administration, including White House Counsel Boyden Gray, Attorney General Richard Thornburgh, and Transportation Secretary Sam Skinner.

The fact is that Americans of all walks of life take enormous pride in the progress we have made since the ADA was passed 18 years ago. Nobody wants to go backward.

The Americans with Disabilities Act was one of the landmark civil rights laws of the 20th century—a long-overdue emancipation proclamation for Americans with disabilities. Thanks to that law, we have removed most physical barriers to movement and access for more than 50 million Americans with disabilities. We have required employers to provide reasonable accommodations so that people with disabilities can have equal opportunity in the workplace. And we have advanced the four goals of the ADA—equality of opportunity, full participation, independent living, and economic self-sufficiency.

The reach—the triumph—of the ADA revolution struck home to me, some time back, when I attended a Washington convention of several hundred disability rights advocates, many with significant disabilities. They arrived in Washington on trains and airplanes built to accommodate people with mobility impairments. They came to the hotel on Metro and in regular busses, all seamlessly accessible by wheelchair. They navigated city streets equipped with curb cuts and ramps. The hotel where the convention took place was equipped in countless ways to accommodate people with disabilities. There was a sign language interpreter on the dais so that people with hearing disabilities could be full participants.

For those of us who do not have disabilities, these many changes are all but invisible. But for individuals with disabilities, they are transforming and liberating. So are provisions in the ADA outlawing discrimination against qualified individuals with disabilities in the workplace, and requiring employers to provide ''reasonable accommodations.''

But despite this progress, we face a challenge. In recent years, the courts have narrowed the definition of who qualifies as an ''individual with a disability.'' As a consequence, people with conditions that common sense tells us are disabilities are being told by courts that they are not in fact disabled, and are not eligible for the protections of the law. In a ruling last year, the 11th Circuit Court even concluded that a person with an intellectual disability was not ''disabled'' under the ADA.

When I explain to people what the Supreme Court has done, they are shocked. Impairments that the Court says are not to be considered disabilities under the law include amputation, intellectual disabilities, epilepsy, diabetes, muscular dystrophy, and multiple sclerosis.

In three rulings in 1999—Sutton v. United Airlines, Murphy v. United Parcel Service, and Albertson's v. Kirkingburg—the Court held that corrective and mitigating measures must be considered in determining whether an individual has a disability under the ADA.

In Sutton, the Supreme Court held that if a person is taking corrective measures to mitigate a physical or mental impairment, the effects of those measures must be taken into account when judging whether a person is ''disabled.'' Corrective measures could include anything from visual aids to a prosthesis. The Court went on to say that the approach adopted by the Equal Employment Opportunity Commission—that persons are to be evaluated in their hypothetical uncorrected state—was an impermissible interpretation of the ADA.

In Murphy, the Court applied the same analysis to medication used to treat hypertension, and concluded that an employee who was fired because he

had hypertension was not protected under the ADA, because medication alleviated some of his symptoms.

In Kirkingburg, the Supreme Court went further and declared that mitigating measures to be included in the determination of whether someone is disabled included not only artificial aids such as devices and medications, but also subconscious measures an individual may use to compensate for his or her impairment. Kirkingburg was an individual who was blind in one eye, and the court found that he was not ''disabled'' under the ADA.

Moreover, in another Supreme Court case, Toyota v. Williams 2002, the Court held that there must be a ''demanding standard for qualifying as disabled.'' This too, has resulted in a much more restrictive requirement than Congress intended. It has had the effect of excluding countless individuals with disabilities from the protections of the law.

Together, these Supreme Court cases have created a supreme absurdity: The more successful a person is at coping with a disability, the more likely it is for a court to find that they are no longer sufficiently disabled to be protected by the ADA. And if these individuals are no longer protected under the ADA, then their requests for a reasonable accommodation at work can be denied. Or they can be fired—without recourse.

Think about it this way: Imagine that you are an individual with a disability who has a job. Due to your disability, you take some medication or maybe you use an assistive device. The use of the medication or the assistive device allows you to be qualified to do your job. It's a job that you really love. At some point, you need to request a reasonable accommodation from your employer—maybe, if you have diabetes, it is 10 minutes a day to take your insulin and check your blood levels.

Or perhaps you use a prosthesis. Your employer says no, they don't want to give you an accommodation. Eventually you get fired as a result. When you go to court, your employer argues that you aren't really a person with a disability so you aren't entitled to the protections of the ADA. Then, under these Supreme Court cases, the employer prevails by convincing the court that because of the mitigating measure—the prosthesis—you can't meet the test of being ''disabled'' under the law.

So what are you supposed to do in these cases? If you don't take the medication or use the assistive device, then you are not qualified to do the job. On the other hand, if you stop taking the medication, or stop using your prosthesis, you will be considered a person with a disability under the ADA, but you will be unable to do your job.

What would you do? This is the Catch 22 situation that, today, confronts countless people with disabilities. This is clearly not what I intended, or what Congress intended, when we passed the ADA in 1990.

It boggles the mind that any court would rule that, for instance, multiple sclerosis or muscular dystrophy, is not a disability covered by the ADA. But that is where we are today. And that is why we are introducing this bill today.

This Senate bill builds on the success of the House bill. However, it seeks to broaden the definition of disability in a way that maximizes bipartisan consensus and minimizes unintended consequences.

Our bill leaves the ADA's familiar disability definition language intact: A person with a disability is one who has a physical or mental impairment that ''substantially limits'' one or more of the major life activities of the individual. It does not substitute the term ''materially restricts'' as in the House bill. Instead, the bill takes several specific and general steps that, individually and in combination, direct courts toward a more generous meaning and application of the definition.

This bill will overturn the basis for the reasoning in the Supreme Court decisions—the Sutton trilogy and the Toyota case—that have been so problematic for so many people with very real disabilities.

This bill fixes the ''mitigating measures'' problem by clearly stating that mitigating measures—like the medication or assistive devices I talked about earlier—are not to be considered in determining whether someone is entitled to the protections of the ADA.

This bill will make it easier for people with disabilities to be covered by the ADA because it effectively expands the definition of disability to include many more major life activities, as well as a new category of major bodily functions. This latter point is important for those with immune disorders, or cancer, or kidney disease, or liver disease, because they no longer need to show what specific activity they are limited in, in order to meet the statutory definition of disability.

This bill rejects the current EEOC regulation which says that ''substantially limits'' means ''significantly restricted'' as too high a standard. We indicate Congress's expectation that the regulation be rewritten in a less stringent way, and we provide the authority to do so.

This bill revives the ''regarded as'' prong of the definition of disability, and makes it easier for those with physical or mental impairments to be able to seek relief if they have been subjected to an adverse action because of their disability.

This bill has a broad construction provision which instructs the courts and the agencies that the definition of disability is to be interpreted broadly, to the maximum extent permitted by the ADA.

Mr. President, 18 years ago, the Americans with Disabilities Act passed with overwhelming bipartisan support. Likewise, today, with the introduction of this bill, we are building a strong bicameral, bipartisan majority to support the ADA Amendments Act of 2008.

Let me say, again, that I am grateful for the bipartisan spirit with which we are approaching this legislation. We have an opportunity to come together and make an important difference for millions of Americans with disabilities.

This bill also enjoys strong support out in the country. It is supported by most national disability organizations, as well as the U.S. Chamber of Commerce, the National Association of Manufacturers, the Society for Human Resource Management, and the Human Resources Policy Association.

I look forward to working with my colleagues on both sides of the aisle to pass this bill, and to advance and fulfill the original promise of the Americans with Disabilities Act.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3406

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''ADA Amendments Act of 2008''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act ''provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities'' and provide broad coverage;

(2) in enacting the ADA, Congress recognized that physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(3) while Congress expected that the definition of disability under the ADA would be interpreted consistently with how courts had applied the definition of a handicapped individual under the Rehabilitation Act of 1973, that expectation has not been fulfilled;

(4) the holdings of the Supreme Court in Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999) and its companion cases have narrowed the broad scope of protection intended to be afforded by the ADA, thus eliminating protection for many individuals whom Congress intended to protect;

(5) the holding of the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002) further narrowed the broad scope of protection intended to be afforded by the ADA;

(6) as a result of these Supreme Court cases, lower courts have incorrectly found in individual cases that people with a range of substantially limiting impairments are not people with disabilities;

(7) in particular, the Supreme Court, in the case of Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), interpreted the term ''substantially limits'' to require a greater degree of limitation than was intended by Congress; and

(8) Congress finds that the current Equal Employment Opportunity Commission ADA regulations defining the term ''substantially limits'' as ''significantly restricted'' are inconsistent with congressional intent, by expressing too high a standard.

(b) PURPOSES.—The purposes of this Act are—

(1) to carry out the ADA's objectives of providing ''a clear and comprehensive national mandate for the elimination of discrimination'' and ''clear, strong, consistent, enforceable standards addressing discrimination'' by reinstating a broad scope of protection to be available under the ADA;

(2) to reject the requirement enunciated by the Supreme Court in Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999) and its companion cases that whether an impairment substantially limits a major life activity is to be determined with reference to the ameliorative effects of mitigating measures;

(3) to reject the Supreme Court's reasoning in Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999) with regard to coverage under the third prong of the definition of disability and to reinstate the reasoning of the Supreme Court in School Board of Nassau County v. Arline, 480 U.S. 273 (1987) which set forth a broad view of the third prong of the definition of handicap under the Rehabilitation Act of 1973;

(4) to reject the standards enunciated by the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that the terms ''substantially'' and ''major'' in the definition of disability under the ADA ''need to be interpreted strictly to create a demanding standard for qualifying as disabled,'' and that to be substantially limited in performing a major life activity under the ADA ''an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives'';

(5) to convey congressional intent that the standard created by the Supreme Court in the case of Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002) for ''substantially limits'', and applied by lower courts in numerous decisions, has created an inappropriately high level of limitation necessary to obtain coverage under the ADA, to convey that it is the intent of Congress that the primary object of attention in cases brought under the ADA should be whether entities covered under the ADA have complied with their obligations, and to convey that the question of whether an individual's impairment is a disability under the ADA should not demand extensive analysis; and

(6) to express Congress' expectation that the Equal Employment Opportunity Commission will revise that portion of its current regulations that defines the term ''substantially limits'' as ''significantly restricted'' to be consistent with this Act, including the amendments made by this Act.

SEC. 3. CODIFIED FINDINGS.

Section 2(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;'';

(2) by striking paragraph (7); and

(3) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

SEC. 4. DISABILITY DEFINED AND RULES OF CONSTRUCTION.

(a) DEFINITION OF DISABILITY.—Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended to read as follows:

''SEC. 3. DEFINITION OF DISABILITY.

''As used in this Act:

''(1) DISABILITY.—The term 'disability' means, with respect to an individual—

''(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

''(B) a record of such an impairment; or

''(C) being regarded as having such an impairment (as described in paragraph (3)).

''(2) MAJOR LIFE ACTIVITIES.—

''(A) IN GENERAL.—For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

''(B) MAJOR BODILY FUNCTIONS.—For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

''(3) REGARDED AS HAVING SUCH AN IMPAIRMENT.—For purposes of paragraph (1)(C):

''(A) An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

''(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

''(4) RULES OF CONSTRUCTION REGARDING THE DEFINITION OF DISABILITY.—The definition of 'disability' in paragraph (1) shall be construed in accordance with the following:

''(A) The definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.

''(B) The term 'substantially limits' shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

''(C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

''(D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

''(E)(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—

''(I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

''(II) use of assistive technology;

''(III) reasonable accommodations or auxiliary aids or services; or

''(IV) learned behavioral or adaptive neurological modifications.

''(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

''(iii) As used in this subparagraph—

''(I) the term 'ordinary eyeglasses or contact lenses' means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

''(II) the term 'low-vision devices' means devices that magnify, enhance, or otherwise augment a visual image.''.

(b) CONFORMING AMENDMENT.—The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) is further amended by adding after section 3 the following:

''SEC. 4. ADDITIONAL DEFINITIONS.

''As used in this Act:

''(1) AUXILIARY AIDS AND SERVICES.—The term 'auxiliary aids and services' includes—

''(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

''(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

''(C) acquisition or modification of equipment or devices; and

''(D) other similar services and actions.

''(2) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.''.

(c) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents contained in section 1(b) of the Americans with Disabilities Act of 1990 is amended by striking the item relating to section 3 and inserting the following items:

''Sec. 3. Definition of disability.
''Sec. 4. Additional definitions.''.

SEC. 5. DISCRIMINATION ON THE BASIS OF DISABILITY.

(a) ON THE BASIS OF DISABILITY.—Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(1) in subsection (a), by striking ''with a disability because of the disability of such individual'' and inserting ''on the basis of disability''; and

(2) in subsection (b) in the matter preceding paragraph (1), by striking ''discriminate'' and inserting ''discriminate against a qualified individual on the basis of disability''.

(b) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Section 103 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting after subsection (b) the following new subsection:

''(c) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Notwithstanding section 3(4)(E)(ii), a covered entity

shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)) is amended—

(A) in the paragraph heading, by striking ''WITH A DISABILITY''; and

(B) by striking ''with a disability'' after ''individual'' both places it appears.

(2) Section 104(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12114(a)) is amended by striking ''the term 'qualified individual with a disability' shall'' and inserting ''a qualified individual with a disability shall''.

SEC. 6. RULES OF CONSTRUCTION.

(a) Title V of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201 et seq.) is amended—

(1) by adding at the end of section 501 the following:

''(e) BENEFITS UNDER STATE WORKER'S COMPENSATION LAWS.—Nothing in this Act alters the standards for determining eligibility for benefits under State worker's compensation laws or under State and Federal disability benefit programs.

''(f) FUNDAMENTAL ALTERATION.—Nothing in this Act alters the provision of section 302(b)(2)(A)(ii), specifying that reasonable modifications in policies, practices, or procedures shall be required, unless an entity can demonstrate that making such modifications in policies, practices, or procedures, including academic requirements in postsecondary education, would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations involved.

''(g) CLAIMS OF NO DISABILITY.—Nothing in this Act shall provide the basis for a claim by an individual without a disability that the individual was subject to discrimination because of the individual's lack of disability.

''(h) REASONABLE ACCOMMODATIONS AND MODIFICATIONS.—A covered entity under title I, a public entity under title II, and any person who owns, leases (or leases to), or operates a place of public accommodation under title III, need not provide a reasonable accommodation or a reasonable modification to policies, practices, or procedures to an individual who meets the definition of disability in section 3(1) solely under subparagraph (C) of such section.'';

(2) by redesignating section 506 through 514 as sections 507 through 515, respectively, and adding after section 505 the following:

''SEC. 506. RULE OF CONSTRUCTION REGARDING REGULATORY AUTHORITY.

''The authority to issue regulations granted to the Equal Employment Opportunity Commission, the Attorney General, and the Secretary of Transportation under this Act includes the authority to issue regulations implementing the definitions of disability in section 3 (including rules of construction) and the definitions in section 4, consistent with the ADA Amendments Act of 2008.''; and

(3) in section 511 (as redesignated by paragraph (2)) (42 U.S.C. 12211), in subsection (c), by striking ''511(b)(3)'' and inserting ''512(b)(3)''.

(b) The table of contents contained in section 1(b) of the Americans with Disabilities Act of 1990 is amended by redesignating the items relating to sections 506 through 514 as the items relating to sections 507 through 515, respectively, and by inserting after the item relating to section 505 the following new item:

''Sec. 506. Rule of construction regarding regulatory authority.''.

SEC. 7. CONFORMING AMENDMENTS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in paragraph (9)(B), by striking ''a physical'' and all that follows through ''major life activities'', and inserting ''the meaning given it in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)''; and

(2) in paragraph (20)(B), by striking ''any person who'' and all that follows through the period at the end, and inserting ''any person who has a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).''.

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on January 1, 2009.

Mr. HATCH. Mr. President, I am proud to rise today, as I did 18 years ago, and stand beside my good friend from Iowa, Senator HARKIN, to introduce legislation advancing opportunities for our disabled fellow citizens. Our commitment to that cause never ends. We must always remain open to learn from experience, to observe and evaluate how laws we put on the books work in practice, and to be ready to do our part with appropriate legislation. We are doing our part today by introducing the ADA Amendments Act.

The Americans with Disabilities Act is perhaps the most comprehensive piece of civil rights legislation we have ever enacted. It prohibits discrimination based on present, past, or perceived disabilities. It affirmatively requires accommodations in the workplace and modifications and assistance to ensure that persons with disabilities can access and enjoy places of public accommodation. That combination of the negative prohibition and the affirmative obligation makes the ADA truly unique and able to make such a positive contribution to the lives of so many across our great Nation.

This legislation responds to Supreme Court decisions that have had the effect of narrowing the ADA's definition of disability and thereby restricting its coverage. Its goal is to once again broaden the definition of disability in a way that maximizes bipartisan consensus and minimizes unintended consequences. I am sure that my friend from Iowa, Senator HARKIN, joins me in thanking so many people and organizations who have been part of this process, offering countless suggestions and ideas and input about how to achieve this goal.

This effort has been neither simple nor easy. Because the ADA is such a comprehensive statute, virtually any change we make can have effects in areas beyond where a problem might have occurred. In addition, Members on both sides of the aisle, with liberal or conservative perspectives, equally want to help the disabled but have very different views about how to do it.

And so the bill we introduce today is really the third phase in a process that began more than a year ago with introduction of the ADA Restoration Act and continued with passage last month of the House ADA Amendments Act. I am glad to say that it enjoys the support of the broad coalitions of disability and business groups that have provided valuable input and analysis along the way. It also takes steps to address concerns expressed by the education community. While the problems this legislation addresses arose in the employment arena, the solution this legislation represents will certainly impact the education arena.

Finally, let me say that like the original ADA, this bill is the result of negotiation and compromise on all sides. That is the nature of the legislative process and the more important the goal, the greater the effort to continue the process until we reach a good result. We have done that here and I hope and trust that when this legislation passes here and in the other body that the margin of the votes will reflect the breadth of the consensus behind this new effort to advance opportunities for the disabled to participate in all that this great country has to offer.

By Mr. BURR (for himself, Mr. WICKER, Mr. ALEXANDER, and Mr. INHOFE):

S. 3407. A bill to amend title 10, United States Code, to authorize commanders of wounded warrior battalions to accept charitable gifts on behalf of the wounded members of the Armed Forces assigned to such battalions; to the Committee on Armed Services.

Mr. BURR. Mr. President, in the years since the War on Terror began, we have seen the creation of new Wounded Warrior Battalions and Warrior Transition Battalions in the Marines and the Army. These units were built from the ground up with one purpose in mind: to ensure that seriously wounded service members receive the medical care and benefits that they have earned. The service personnel who command and administer these units are some of the most competent and dedicated professionals in our armed forces, and they deserve our praise.

These professionals have done much to improve the quality of care that is given to our Nation's wounded service members, but many of the young men and women who find themselves assigned to a Wounded Warrior Battalion still face a tough journey on their road to recovery. Thankfully, the challenges that these men and women face rarely go unnoticed in their communities. Over the past several years we have heard countless stories of private citizens, church congregations and other community groups stepping forward to

donate their time, money and other charitable gifts to our wounded service personnel. It is not uncommon to hear about donations of $10,000 or more being offered to help provide additional resources to help our wounded recover.

Unfortunately, the military's gift-acceptance rules have not been updated to take into account the generosity of the American people. For example, if a North Carolinian wished to provide a gift of just over $12,000 to the Wounded Warrior Battalion at Camp Lejeune, the acceptance paperwork for this donation would spend months working its way through a complicated bureaucracy before finally arriving on the desk of the Commandant of the Marine Corps. Our taxpayers and our wounded veterans are not being served very well when gifts of such a small dollar amount must be approved at the very highest levels of command.

That is why I am introducing the Friends of Wounded Warriors Act. This legislation will streamline the gift-acceptance process by empowering the commanders of Wounded Warrior Battalions and similar units with the authority to accept charitable gifts of up to $100,000 for the benefit of the members of their unit. This will enable these commanders to cut through the red tape that is currently the cause of needless delay in getting extra resources to our wounded service men and women. I hope you will join me in making a commitment to ensure that out-dated processes for accepting gifts do not stand in the way of the generosity of concerned citizens and communities seeking to contribute to the care of our wounded and ill service members.

By Mr. BAUCUS (for himself and Mr. CONRAD):

S. 3408. A bill to amend title XI of the Social Security Act to provide for the conduct of comparative effectiveness research and to amend the Internal Revenue Code of 1986 to establish a Comparative Effectiveness Research Trust Fund, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, in 2006, America spent more than $2 trillion on health care. By any standard, $2 trillion is an enormous figure. Health care accounts for 16 percent of our Nation's economy. That means that for every $100 in goods and services produced and consumed in America in 2006, $16 were for health care. And the health care share of the economy is expected to reach 20 percent in just 10 years.

These projections are cause for concern. If so much of our Nation's resources are devoted to heath care, we need to ask ourselves what we are—or are not—getting for it.

The answer is that we are getting a mixed bag of goods. Some patients receive medical treatments that work well. Some patients receive treatments that don't work well. In many cases, doctors and patients don't have enough reliable evidence to know whether treatments work or don't.

Of the $2 trillion spent on health in 2006, only 1/10 of 1 percent was spent to assess what works and what doesn't. At the Federal level, only $15 million was directly appropriated to compare the effectiveness of health interventions and services. People who purchase other goods—anything from cars to computers—use information to compare the value of the different products before they purchase. Physicians and patients deserve better. We should devote more than 1/10 of 1 percent of health spending to study how well health goods and services actually work.

Rapid innovation has led to an ever-changing array of new and sometimes expensive technologies. The age of personalized medicine and genetic engineering will provide even more choices for patients and their physicians. Indeed, patients and physicians can face great difficulty in choosing among treatment options.

But much of the information about those options is biased. Much information about those options is of poor quality. And for many treatments, there are large gaps in what is known to be most effective.

With a paucity of sound evidence, clinical guidelines and treatment protocols can vary widely. If there has ever been a need for better information—on what works, for which patients, under which circumstances—it is in this age of rapid innovation of technology.

Several august bodies—including the Institute of Medicine, the Medicare Payment Advisory Commission, and the Congressional Budget Office—have called on Congress to create a national entity charged with conducting research to determine what works in health care.

Today, I am proud to introduce the Comparative Effectiveness Research Act of 2008. I am joined by the Chairman of the Budget Committee, Senator CONRAD. He and I share a deep concern about rising health care costs. And we share a deep commitment to finding ways to address it.

This bill does what the experts suggest. It would create a new entity responsible for generating better information on the effectiveness of health care treatments.

Specifically, the bill would create a nonprofit corporation responsible for setting national priorities for comparative effectiveness research. The corporation, which would be called the Health Care Comparative Effectiveness Research Institute, would be a private entity. But it would be governed by a public-private sector Board of Governors. It would not be an agency of the Federal Government.

In addition to setting national priorities, the Institute would provide for the conduct of research studies that answer the most pressing questions about what works in health care. The Institute would have the authority to contract with experienced Federal agencies, such as the Agency for Healthcare Research and Quality, or AHRQ, and the National Institutes for Health, or NIH, or with private researchers if appropriate, for the conduct of the actual research. The Institute would also be charged with disseminating the findings of the research in ways that patients and providers can understand.

The Institute would be required to assess the full spectrum of health interventions, including pharmaceuticals, medical devices, medical procedures, medical services, and other therapies. This type of research is often called ''comparative effectiveness research,'' because it evaluates and compares the clinical effect of alternative medical treatments. This type of research provides better quality evidence concerning the best treatment, prevention, and management of the health conditions. Most importantly, this type of research helps patients, providers, and payers of health care to make more informed decisions.

While many experts have called for creation of a new entity, they do not specify how the entity should be structured. This bill would create a private, nonprofit institute rather than a new entity within the executive branch or legislative. Keeping it private would remove the potential for political influence on the development of national research priorities. Comparative effectiveness research will be more credible, and more useful, if it is done independently of political influence and with broad stakeholder input.

This bill includes stringent requirements for public input, transparency of process and findings, and integrity of the research. For example, the Institute would be required to publish its rules, proceedings, and reports on a public Internet site. Its meetings would be open to the public. It would be required to provide public comment periods at key stages, in addition to open forums to solicit and obtain public input on the Institute's activities.

This bill would also require accountability and government oversight of finances and the mission. The Institute would be subject to annual financial audits. And the Comptroller General would perform periodic audits of the activities of the Institute to ensure that the Institute would meet its statutory mission and would do so in a fair, open, and credible way.

Finally, this bill would provide a stable source of funding for the Institute. For the first 3 years, general revenues would be used to start up the Institute. In the 4th year, funding would move to

an all-payer system—from both public and private sources. Annual contributions would be made from the Medicare Trust Funds, from revenues generated by a fee on private health insurance policies, and from general revenues. The work of the new Institute would benefit Americans who receive health care through the public and private sources. Therefore, public and private sources should contribute to this type of research. The private insurance fee would be $1 per insured person per year. Funding from Medicare would also be $1 per beneficiary per year.

All sources of funding for the Institute would sunset after 10 years. That way, Congress could review a report from the Comptroller General on the value of the research to the public and private insurance sectors. Total funding for the first year would be $5 million, and funding would increase to $300 million a year by the year 2013.

It is high time that America invested more than a fraction of a percent to generate knowledge about what works in health care, to improve the efficiency and the quality of our health care system, and to give patients and doctors better information to make treatment decisions. It is high time that we built a foundation of evidence for the trillions of dollars spent on health in America each year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3408

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comparative Effectiveness Research Act of 2008''.

SEC. 2. COMPARATIVE EFFECTIVENESS RESEARCH.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new part:

''PART D—COMPARATIVE EFFECTIVENESS RESEARCH

''COMPARATIVE EFFECTIVENESS RESEARCH

''SEC. 1181. (a) DEFINITIONS.—In this section:

''(1) BOARD.—The term 'Board' means the Board of Governors established under subsection (f).

''(2) COMPARATIVE CLINICAL EFFECTIVENESS RESEARCH.—

''(A) IN GENERAL.—The term 'comparative clinical effectiveness research' means research evaluating and comparing the clinical effectiveness, risks, and benefits of 2 or more medical treatments, services, and items described in subparagraph (B).

''(B) MEDICAL TREATMENTS, SERVICES, AND ITEMS DESCRIBED.—The medical treatments, services, and items described in this subparagraph are health care interventions, protocols for treatment, procedures, medical devices, diagnostic tools, pharmaceuticals (including drugs and biologicals), and any other processes or items being used in the treatment and diagnosis of, or prevention of illness or injury in, patients.

''(3) COMPARATIVE EFFECTIVENESS RESEARCH.—The term 'comparative effectiveness research' means research evaluating and comparing the implications and outcomes of 2 or more health care strategies to address a particular medical condition.

''(4) CONFLICTS OF INTEREST.—The term 'conflicts of interest' means associations, including financial and personal, that may be reasonably assumed to have the potential to bias an individual's decisions in matters related to the Institute or the conduct of activities under this section.

''(5) INSTITUTE.—The term 'Institute' means the 'Health Care Comparative Effectiveness Research Institute' established under subsection (b)(1).

''(b) HEALTH CARE COMPARATIVE EFFECTIVENESS RESEARCH INSTITUTE.—

''(1) ESTABLISHMENT.—There is authorized to be established a nonprofit corporation, to be known as the ''Health Care Comparative Effectiveness Research Institute'' which is neither an agency nor establishment of the United States Government.

''(2) APPLICATION OF PROVISIONS.—The Institute shall be subject to the provisions of this section, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act.

''(3) FUNDING OF COMPARATIVE EFFECTIVENESS RESEARCH.—For fiscal year 2009 and each subsequent fiscal year, amounts in the Comparative Effectiveness Research Trust Fund (referred to in this section as the 'CERTF') under section 9511 of the Internal Revenue Code of 1986 shall be available, without further appropriation, to the Institute to carry out this section.

''(c) PURPOSE.—The purpose of the Institute is to improve health care delivered to individuals in the United States by advancing the quality and thoroughness of evidence concerning the manner in which diseases, disorders, and other health conditions can effectively and appropriately be prevented, diagnosed, treated, and managed clinically through research and evidence synthesis, and the dissemination of research findings with respect to the relative outcomes, effectiveness, and appropriateness of the medical treatments, services, and items described in subsection (a)(2)(B).

''(d) DUTIES.—

''(1) IDENTIFYING RESEARCH PRIORITIES AND ESTABLISHING RESEARCH PROJECT AGENDA.—

''(A) IDENTIFYING RESEARCH PRIORITIES.—The Institute shall identify national priorities for comparative clinical effectiveness research, taking into account factors, including—

''(i) disease incidence, prevalence, and burden in the United States;

''(ii) evidence gaps in terms of clinical outcomes;

''(iii) practice variations, including variations in delivery and outcomes by geography, treatment site, provider type, and patient subgroup;

''(iv) the potential for new evidence concerning certain categories of health care services or treatments to improve patient health and well-being, and the quality of care; and

''(v) the effect or potential for an effect on health expenditures associated with a health condition or the use of a particular medical treatment, service, or item.

''(B) ESTABLISHING RESEARCH PROJECT AGENDA.—

''(i) IN GENERAL.—The Institute shall establish and update a research project agenda to address the priorities identified under subparagraph (A), taking into consideration the types of research that might address each priority and the relative value (determined based on the cost of conducting such research compared to the potential usefulness of the information produced by such research) associated with such different types of research, and such other factors as the Institute determines appropriate.

''(ii) CONSIDERATION OF NEED TO CONDUCT A SYSTEMATIC REVIEW.—In establishing and updating the research project agenda under clause (i), the Institute shall consider the need to conduct a systematic review of existing research before providing for the conduct of new research under paragraph (2)(A).

''(2) CARRYING OUT RESEARCH PROJECT AGENDA.—

''(A) COMPARATIVE CLINICAL EFFECTIVENESS RESEARCH.—In carrying out the research project agenda established under paragraph (1)(B), the Institute shall provide for the conduct of appropriate research and the synthesis of evidence, in accordance with the methodological standards adopted under paragraph (9), using methods, including the following:

''(i) Systematic reviews and assessments of existing research and evidence.

''(ii) Clinical research, such as randomized controlled trials and observational studies.

''(iii) Any other methodologies recommended by the methodology committee established under paragraph (6) that are adopted by the Board under paragraph (9).

''(B)(i) CONTRACTS WITH FEDERAL AGENCIES AND INSTRUMENTALITIES.—The Institute shall give preference to agencies and instrumentalities of the Federal Government that have experience in conducting comparative clinical effectiveness research, such as the Agency for Healthcare Research and Quality, when entering into contracts for the management and conduct of research in accordance with the research project agenda established under paragraph (1)(B), to the extent that such contracts are authorized under the governing statutes of such agencies and instrumentalities.

''(ii) CONTRACTS WITH OTHER ENTITIES.—The Institute may enter into contracts with appropriate private sector research or study-conducting entities for the conduct of research described in clause (i).

''(iii) CONDITIONS FOR CONTRACTS.—A contract entered into under this subparagraph shall require that the agency, instrumentality, or other entity—

''(I) abide by the transparency and conflicts of interest requirements that apply to the Institute with respect to the research managed or conducted under such contract;

''(II) comply with the methodological standards adopted under paragraph (9) with respect to such research; and

''(III) take into consideration public comments on the study design that are transmitted by the Institute to the agency, instrumentality, or other entity under subsection (i)(1)(B) during the finalization of the study design and transmit responses to such comments to the Institute, which will publish such comments, responses, and finalized study design in accordance with subsection (i)(3)(A)(iii) prior to the conduct of such research.

''(iv) COVERAGE OF COPAYMENTS OR COINSURANCE.—A contract entered into under this subparagraph may allow for the coverage of copayments or co-insurance, or allow for other appropriate measures, to the extent that such coverage or other measures are necessary to preserve the validity of a research project, such as in the case where the research project must be blinded.

''(C) REVIEW AND UPDATE OF EVIDENCE.—The Institute shall review and update evidence on a periodic basis, in order to take into account new research and evolving evidence as they become available, as appropriate.

''(D) TAKING INTO ACCOUNT POTENTIAL DIFFERENCES.—Research shall—

''(i) be designed, as appropriate, to take into account the potential for differences in the effectiveness of health care treatments, services, and items as used with various subpopulations, such as racial and ethnic minorities, women, different age groups, and individuals with different comorbidities; and

''(ii) seek to include members of such subpopulations as subjects in the research as feasible and appropriate.

''(3) STUDY AND REPORT ON FEASIBILITY OF CONDUCTING RESEARCH IN-HOUSE.—

''(A) STUDY.—The Institute shall conduct a study on the feasibility of conducting research in-house.

''(B) REPORT.—Not later than 5 years after the date of enactment of this section, the Institute shall submit a report to Congress containing the results of the study conducted under subparagraph (A).

''(4) DATA COLLECTION.—

''(A) IN GENERAL.—The Secretary shall, with appropriate safeguards for privacy, make available to the Institute such data collected by the Centers for Medicare & Medicaid Services under the programs under titles XVIII, XIX, and XXI as the Institute may require to carry out this section. The Institute may also request and, if such request is granted, obtain data from Federal, State, or private entities.

''(B) USE OF DATA.—The Institute shall only use data provided to the Institute under subparagraph (A) in accordance with laws and regulations governing the release and use of such data, including applicable confidentiality and privacy standards.

''(5) APPOINTING ADVISORY PANELS.—

''(A) IN GENERAL.—The Institute may appoint permanent or ad hoc advisory panels as determined appropriate by the Institute to assist in the establishment and carrying out of the research project agenda under paragraphs (1) and (2), respectively. Panels may advise or guide the Institute in matters such as identifying gaps in and updating medical evidence and identifying research priorities and potential study designs in order to ensure that the information produced from such research is clinically relevant to decisions made by clinicians and patients at the point of care and may provide advice throughout the conduct of research.

''(B) COMPOSITION.—An advisory panel appointed under subparagraph (A) shall include representatives of clinicians and patients and may include experts in scientific and health services research, health services delivery, and the manufacture of health items who have experience in the relevant topic, project, or category for which the panel is established.

''(6) ESTABLISHING METHODOLOGY COMMITTEE.—

''(A) IN GENERAL.—The Institute shall establish a standing methodology committee to carry out the functions described in subparagraph (C).

''(B) APPOINTMENT AND COMPOSITION.—Members shall be appointed to the methodology committee established under subparagraph (A) by the Comptroller General of the United States. Members appointed to the methodology committee shall be experts in their scientific field, such as health services research, clinical research, comparative effectiveness research, biostatistics, and research methodologies. Stakeholders with such expertise may be appointed to the methodology committee.

''(C) FUNCTIONS.—Subject to subparagraph (D), the methodology committee shall work to develop and improve the science of comparative effectiveness research by undertaking the following activities:

''(i) Not later than 1 year after the date on which the members of the methodology committee are appointed under subparagraph (B), developing and periodically updating methodological standards regarding outcomes measures, risk adjustment, statistical protocols, evaluation of evidence, conduct of research, and other aspects of research and assessment to be used when conducting research on comparative clinical effectiveness (and procedures for the use of such standards) in order to help ensure accurate and effective comparisons. Such standards shall also include methods by which new information, data, or advances in technology are considered and incorporated into ongoing research projects by the Institute, as appropriate. In developing and updating methodological standards under this clause, the methodology committee shall ensure that such standards are scientifically based.

''(ii) Not later than 5 years after such date, examining the following:

''(I) Methods by which various aspects of the health care delivery system (such as benefit design and performance, and health services organization, management, and delivery) could be assessed and compared for their relative effectiveness, benefits, risks, advantages, and disadvantages in a scientifically valid and standardized way.

''(II) Methods by which cost-effectiveness and value could be assessed in a scientifically valid and standardized way.

''(D) CONSULTATION AND CONDUCT OF EXAMINATIONS.—

''(i) IN GENERAL.—Subject to clause (iii), in undertaking the activities described in subparagraph (C), the methodology committee shall—

''(I) consult or contract with 1 or more of the entities described in clause (ii); and

''(II) consult with stakeholders and other entities knowledgeable in relevant fields, as appropriate.

''(ii) ENTITIES DESCRIBED.—The following entities are described in this clause:

''(I) The Institute of Medicine of the National Academies.

''(II) The Agency for Healthcare Research and Quality.

''(III) The National Institutes of Health.

''(iii) CONDUCT OF EXAMINATIONS.—The methodology committee shall contract with the Institute of Medicine of the National Academies for the conduct of the examinations described in subclauses (I) and (II) of subparagraph (C)(ii).

''(E) REPORTS.—The methodology committee shall submit reports to the Board on the committee's performance of the functions described in subparagraph (C). Reports submitted under the preceding sentence with respect to the functions described in clause (i) of such subparagraph shall contain recommendations—

''(i) for the Institute to adopt methodological standards developed and updated by the methodology committee under such subparagraph; and

''(ii) for such other action as the methodology committee determines is necessary to comply with such methodological standards.

''(7) PROVIDING FOR A PEER-REVIEW PROCESS.—

''(A) IN GENERAL.—The Institute shall ensure that there is a process for peer review of the research conducted under this section. Under such process—

''(i) evidence from research conducted under this section shall be reviewed to assess scientific integrity and adherence to methodological standards adopted under paragraph (9); and

''(ii) a list of the names of individuals contributing to any peer-review process during the preceding year or years shall be made public and included in annual reports in accordance with paragraph (11)(D).

''(B) COMPOSITION.—Such peer-review process shall have been designed in a manner so as to avoid bias and conflicts of interest on the part of the reviewers and shall be composed of experts in the scientific field relevant to the research under review.

''(C) USE OF EXISTING PROCESSES.—In the case where the Institute enters into a contract or other agreement with another entity for the conduct or management of research under this section, the Institute may utilize the peer-review process of such entity if such process meets the requirements under subparagraphs (A) and (B).

''(8) DISSEMINATION OF RESEARCH FINDINGS.—

''(A) IN GENERAL.—The Institute shall disseminate research findings to clinicians, patients, and the general public in accordance with the dissemination protocols and strategies adopted under paragraph (9). Research findings disseminated—

''(i) shall convey findings of research so that they are comprehensible and useful to patients and providers in making health care decisions;

''(ii) shall discuss findings and other considerations specific to certain subpopulations, risk factors, and comorbidities, as appropriate;

''(iii) shall include considerations such as limitations of research and what further research may be needed, as appropriate;

''(iv) shall not include practice guidelines or policy recommendations; and

''(v) shall not include any data the dissemination of which would violate the privacy of research participants or violate any confidentiality agreements made with respect to the use of data under this section.

''(B) DISSEMINATION PROTOCOLS AND STRATEGIES.—The Institute shall develop protocols and strategies for the appropriate dissemination of research findings in order to ensure effective communication of such findings and the use and incorporation of such findings into relevant activities for the purpose of informing higher quality and more effective and efficient decisions regarding medical treatments, services, and items. In developing and adopting such protocols and strategies, the Institute shall consult with stakeholders concerning the types of dissemination that will be most useful to the end users of the information and may provide for the utilization of multiple formats for conveying findings to different audiences.

''(C) DEFINITION OF RESEARCH FINDINGS.—In this paragraph, the term 'research findings' means the results of a study, appraisal, or assessment.

''(9) ADOPTION.—Subject to subsection (i)(1)(A)(i), the Institute shall adopt the national priorities identified under paragraph (1)(A), the research project agenda established under paragraph (1)(B), the methodological standards developed and updated by the methodology committee under paragraph (6)(C)(i), any peer-review process provided under paragraph (7), and dissemination

protocols and strategies developed under paragraph (8)(B) by majority vote. In the case where the Institute does not adopt such national priorities, research project agenda, methodological standards, peer-review process, or dissemination protocols and strategies in accordance with the preceding sentence, the national priorities, research project agenda, methodological standards, peer-review process, or dissemination protocols and strategies shall be referred to the appropriate staff or entity within the Institute (or, in the case of the methodological standards, the methodology committee) for further review.

''(10) COORDINATION OF RESEARCH AND RESOURCES AND BUILDING CAPACITY FOR RESEARCH.—

''(A) COORDINATION OF RESEARCH AND RESOURCES.—The Institute shall coordinate research conducted, commissioned, or otherwise funded under this section with comparative clinical effectiveness and other relevant research and related efforts conducted by public and private agencies and organizations in order to ensure the most efficient use of the Institute's resources and that research is not duplicated unnecessarily.

''(B) BUILDING CAPACITY FOR RESEARCH.—The Institute may build capacity for comparative clinical effectiveness research and other relevant research and related efforts through appropriate activities, such as making payments, up to 5 percent of the amounts appropriated or credited to the CERTF under section 9511(b) of the Internal Revenue Code of 1986 with respect to the fiscal year, to The Cochrane Collaboration (or a successor organization) to support the infrastructure of The Cochrane Collaboration (or a successor organization) or to provide for sets of reviews related to a particular topic or associated with a particular review group.

''(C) INCLUSION IN ANNUAL REPORTS.—The Institute shall report on any coordination and capacity building conducted under this paragraph in annual reports in accordance with paragraph (11)(E).

''(11) ANNUAL REPORTS.—The Institute shall submit an annual report to Congress and the President, and shall make the annual report available to the public. Such report shall contain—

''(A) a description of the activities conducted under this section during the preceding year, including the use of amounts appropriated or credited to the CERTF under section 9511(b) of the Internal Revenue Code of 1986 to carry out this section, research projects completed and underway, and a summary of the findings of such projects;

''(B) the research project agenda and budget of the Institute for the following year;

''(C) a description of research priorities identified under paragraph (1)(A), dissemination protocols and strategies developed by the Institute under paragraph (8)(B), and methodological standards developed and updated by the methodology committee under paragraph (6)(C)(i) that are adopted under paragraph (9) during the preceding year;

''(D) the names of individuals contributing to any peer-review process provided under paragraph (7) during the preceding year or years, in a manner such that those individuals cannot be identified with a particular research project; and

''(E) a description of efforts by the Institute under paragraph (10) to—

''(i) coordinate the research conducted, commissioned, or otherwise funded under this section and the resources of the Institute with research and related efforts conducted by other private and public entities; and

''(ii) build capacity for comparative clinical effectiveness research and other relevant research and related efforts through appropriate activities.

''(F) any other relevant information (including information on the membership of the Board, advisory panels appointed under paragraph (5), the methodology committee established under paragraph (6), and the executive staff of the Institute, any conflicts of interest with respect to the members of such Board, advisory panels, and methodology committee, or with respect to any individuals selected for employment as executive staff of the Institute, and any bylaws adopted by the Board during the preceding year).

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Board shall carry out the duties of the Institute.

''(2) NONDELEGABLE DUTIES.—The activities described in subsections (b)(3)(D), (d)(1), and (d)(9) are nondelegable.

''(f) BOARD OF GOVERNORS.—

''(1) IN GENERAL.—The Institute shall have a Board of Governors, which shall consist of the following members:

''(A) The Secretary of Health and Human Services (or the Secretary's designee).

''(B) The Director of the Agency for Healthcare Research and Quality (or the Director's designee).

''(C) The Director of the National Institutes of Health (or the Director's designee).

''(D) 18 members appointed by the Comptroller General of the United States not later than 6 months after the date of enactment of this section, as follows:

''(i) 3 members representing patients and health care consumers.

''(ii) 3 members representing practicing physicians, including surgeons.

''(iii) 3 members representing agencies that administer public programs, as follows:

''(I) 1 member representing the Centers for Medicare & Medicaid Services who has experience in administering the program under title XVIII.

''(II) 1 member representing agencies that administer State health programs (who may represent the Centers for Medicare & Medicaid Services and have experience in administering the program under title XIX or the program under title XXI or be a governor of a State).

''(III) 1 member representing agencies that administer other Federal health programs (such as a health program of the Department of Defense under chapter 55 of title 10, United States Code, the Federal employees health benefits program under chapter 89 of title 5 of such Code, a health program of the Department of Veterans Affairs under chapter 17 of title 38 of such Code, or a medical care program of the Indian Health Service or of a tribal organization).

''(iv) 3 members representing private payers, of whom at least 1 member shall represent health insurance issuers and at least 1 member shall represent employers who self-insure employee benefits.

''(v) 3 members representing pharmaceutical, device, and technology manufacturers or developers.

''(vi) 1 member representing nonprofit organizations involved in health services research.

''(vii) 1 member representing organizations that focus on quality measurement and improvement or decision support.

''(viii) 1 member representing independent health services researchers.

''(2) QUALIFICATIONS.—

''(A) DIVERSE REPRESENTATION OF PERSPECTIVES.—The Board shall represent a broad range of perspectives and collectively have scientific expertise in clinical health sciences research, including epidemiology, decisions sciences, health economics, and statistics.

''(B) CONFLICTS OF INTEREST.—

''(i) IN GENERAL.—In appointing members of the Board under paragraph (1)(D), the Comptroller General of the United States shall take into consideration any conflicts of interest of potential appointees. Any conflicts of interest of members appointed to the Board under paragraph (1) shall be disclosed in accordance with subsection (i)(4)(B).

''(ii) RECUSAL.—A member of the Board shall be recused from participating with respect to a particular research project or other matter considered by the Board in carrying out its research project agenda under subsection (d)(2) in the case where the member (or an immediate family member of such member) has a financial or personal interest directly related to the research project or the matter that could affect or be affected by such participation.

''(3) TERMS.—

''(A) IN GENERAL.—A member of the Board appointed under paragraph (1)(D) shall be appointed for a term of 6 years, except with respect to the members first appointed under such paragraph—

''(i) 6 shall be appointed for a term of 6 years;

''(ii) 6 shall be appointed for a term of 4 years; and

''(iii) 6 shall be appointed for a term of 2 years.

''(B) LIMITATION.—No individual shall be appointed to the Board under paragraph (1)(D) for more than 2 terms.

''(C) EXPIRATION OF TERM.—Any member of the Board whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

''(D) VACANCIES.—

''(i) IN GENERAL.—Any member appointed to fill a vacancy prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

''(ii) VACANCIES NOT TO AFFECT POWER OF BOARD.—A vacancy on the Board shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

''(4) CHAIRPERSON AND VICE-CHAIRPERSON.—

''(A) IN GENERAL.—The Comptroller General of the United States shall designate a Chairperson and Vice-Chairperson of the Board from among the members of the Board appointed under paragraph (1)(D).

''(B) TERM.—The members so designated shall serve as Chairperson and Vice-Chairperson of the Board for a period of 3 years.

''(5) COMPENSATION.—

''(A) IN GENERAL.—A member of the Board shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(B) TRAVEL EXPENSES.—While away from home or regular place of business in the performance of duties for the Board, each member of the Board may receive reasonable travel, subsistence, and other necessary expenses.

''(6) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—The Board may—

''(A) employ and fix the compensation of an executive director and such other personnel as may be necessary to carry out the duties of the Institute;

''(B) seek such assistance and support as may be required in the performance of the duties of the Institute from appropriate departments and agencies of the Federal Government;

''(C) enter into contracts or make other arrangements and make such payments as may be necessary for performance of the duties of the Institute;

''(D) provide travel, subsistence, and per diem compensation for individuals performing the duties of the Institute, including members of any advisory panel appointed under subsection (d)(5), members of the methodology committee established under subsection (d)(6), and individuals selected to contribute to any peer-review process under subsection (d)(7); and

''(E) prescribe such rules, regulations, and bylaws as the Board determines necessary with respect to the internal organization and operation of the Institute.

''(7) MEETINGS AND HEARINGS.—The Board shall meet and hold hearings at the call of the Chairperson or a majority of its members. In the case where the Board is meeting on matters not related to personnel, Board meetings shall be open to the public and advertised.

''(8) QUORUM.—A majority of the members of the Board shall constitute a quorum for purposes of conducting the duties of the Institute, but a lesser number of members may meet and hold hearings.

''(g) FINANCIAL OVERSIGHT.—

''(1) CONTRACT FOR AUDIT.—The Institute shall provide for the conduct of financial audits of the Institute on an annual basis by a private entity with expertise in conducting financial audits.

''(2) REVIEW OF AUDIT AND REPORT TO CONGRESS.—The Comptroller General of the United States shall—

''(A) review the results of the audits conducted under paragraph (1); and

''(B) submit a report to Congress containing the results of such audits and review.

''(h) GOVERNMENTAL OVERSIGHT.—

''(1) REVIEW AND REPORTS.—

''(A) IN GENERAL.—The Comptroller General of the United States shall review the following:

''(i) Processes established by the Institute, including those with respect to the identification of research priorities under subsection (d)(1)(A) and the conduct of research projects under this section. Such review shall determine whether information produced by such research projects—

''(I) is objective and credible;

''(II) is produced in a manner consistent with the requirements under this section; and

''(III) is developed through a transparent process.

''(ii) The overall effect of the Institute and the effectiveness of activities conducted under this section, including an assessment of—

''(I) the utilization of the findings of research conducted under this section by health care decision makers; and

''(II) the effect of the Institute and such activities on innovation and on the health economy of the United States.

''(B) REPORTS.—Not later than 5 years after the date of enactment of this section, and not less frequently than every 5 years thereafter, the Comptroller General of the United States shall submit a report to Congress containing the results of the review conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

''(2) FUNDING ASSESSMENT.—

''(A) IN GENERAL.—The Comptroller General of the United States shall assess the adequacy and use of funding for the Institute and activities conducted under this section under the CERTF under section 9511 of the Internal Revenue Code of 1986. Such assessment shall include a determination as to whether, based on the utilization of findings by public and private payers, each of the following are appropriate sources of funding for the Institute, including a determination of whether such sources of funding should be continued or adjusted:

''(i) The transfer of funds from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841 to the CERTF under section 1182.

''(ii) The amounts appropriated under subparagraphs (A), (B), (C), (D)(ii), and (E)(ii) of subsection (b)(1) of such section 9511.

''(iii) Private sector contributions under subparagraphs (D)(i) and (E)(i) of such subsection (b)(1).

''(B) REPORT.—Not later than 8 years after the date of enactment of this section, the Comptroller General of the United States shall submit a report to Congress containing the results of the assessment conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

''(i) ENSURING TRANSPARENCY, CREDIBILITY, AND ACCESS.—The Institute shall establish procedures to ensure that the following requirements for ensuring transparency, credibility, and access are met:

''(1) PUBLIC COMMENT PERIODS.—

''(A) IN GENERAL.—The Institute shall provide for a public comment period of not less than 30 and not more than 60 days at the following times:

''(i) Prior to the adoption of the national priorities identified under subsection (d)(1)(A), the research project agenda established under subsection (d)(1)(B), the methodological standards developed and updated by the methodology committee under subsection (d)(6)(C)(i), the peer-review process generally provided under subsection (d)(7), and dissemination protocols and strategies developed by the Institute under subsection (d)(8)(B) in accordance with subsection (d)(9).

''(ii) Prior to the finalization of individual study designs.

''(B) TRANSMISSION OF PUBLIC COMMENTS ON STUDY DESIGN.—The Institute shall transmit public comments submitted during the public comment period described in subparagraph (A)(ii) to the entity conducting research with respect to which the individual study design is being finalized.

''(2) ADDITIONAL FORUMS.—The Institute shall, in addition to the public comment periods described in paragraph (1)(A), support forums to increase public awareness and obtain and incorporate public feedback through media (such as an Internet website) on the following:

''(A) The identification of research priorities and the establishment of the research project agenda under subparagraphs (A) and (B), respectively, of subsection (d)(1).

''(B) Research findings.

''(C) Any other duties, activities, or processes the Institute determines appropriate.

''(3) PUBLIC AVAILABILITY.—The Institute shall make available to the public and disclose through the official public Internet website of the Institute, and through other forums and media the Institute determines appropriate, the following:

''(A) The process and methods for the conduct of research under this section, including—

''(i) the identity of the entity conducting such research;

''(ii) any links the entity has to industry (including such links that are not directly tied to the particular research being conducted under this section);

''(iii) draft study designs (including research questions and the finalized study design, together with public comments on such study design and responses to such comments);

''(iv) research protocols (including measures taken, methods of research, methods of analysis, research results, and such other information as the Institute determines appropriate);

''(v) the identity of investigators conducting such research and any conflicts of interest of such investigators; and

''(vi) any progress reports the Institute determines appropriate.

''(B) Public comments submitted during each of the public comment periods under paragraph (1)(A).

''(C) Bylaws, processes, and proceedings of the Institute, to the extent practicable and as the Institute determines appropriate.

''(D) Not later than 90 days after receipt by the Institute of a relevant report or research findings, appropriate information contained in such report or findings.

''(4) CONFLICTS OF INTEREST.—The Institute shall—

''(A) in appointing members to an advisory panel under subsection (d)(5) and the methodology committee under subsection (d)(6), and in selecting individuals to contribute to any peer-review process under subsection (d)(7) and for employment as executive staff of the Institute, take into consideration any conflicts of interest of potential appointees, participants, and staff; and

''(B) include a description of any such conflicts of interest and conflicts of interest of Board members in the annual report under subsection (d)(11), except that, in the case of individuals contributing to any such peer review process, such description shall be in a manner such that those individuals cannot be identified with a particular research project.

''(j) RULES.—

''(1) GIFTS.—The Institute, or the Board and staff of the Institute acting on behalf of the Institute, may not accept gifts, bequeaths, or donations of services or property.

''(2) ESTABLISHMENT AND PROHIBITION ON ACCEPTING OUTSIDE FUNDING OR CONTRIBUTIONS.—The Institute may not—

''(A) establish a corporation other than as provided under this section; or

''(B) accept any funds or contributions other than as provided under this part.

''(k) RULES OF CONSTRUCTION.—

''(1) COVERAGE.—Nothing in this section shall be construed—

''(A) to permit the Institute to mandate coverage, reimbursement, or other policies for any public or private payer; or

''(B) as preventing the Secretary from covering the routine costs of clinical care received by an individual entitled to, or enrolled for, benefits under title XVIII, XIX, or XXI in the case where such individual is participating in a clinical trial and such costs would otherwise be covered under such title with respect to the beneficiary.

''(2) REPORTS AND FINDINGS.—None of the reports submitted under this section or research findings disseminated by the Institute shall be construed as mandates, guidelines,

or recommendations for payment, coverage, or treatment.

''TRUST FUND TRANSFERS TO COMPARATIVE EFFECTIVENESS RESEARCH TRUST FUND

''SEC. 1182. (a) IN GENERAL.—The Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841, in proportion (as estimated by the Secretary) to the total expenditures during such fiscal year that are made under title XVIII from the respective trust fund, to the Comparative Effectiveness Research Trust Fund (referred to in this section as the 'CERTF') under section 9511 of the Internal Revenue Code of 1986, the following:

''(1) For fiscal year 2012, an amount equal to 50 cents multiplied by the average number of individuals entitled to benefits under part A, or enrolled under part B, of title XVIII during such fiscal year.

''(2) For each of fiscal years 2013, 2014, 2015, 2016, 2017, and 2018, an amount equal to $1 multiplied by the average number of individuals entitled to benefits under part A, or enrolled under part B, of title XVIII during such fiscal year.

''(b) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any fiscal year beginning after September 30, 2013, the dollar amount in effect under subsection (a)(2) for such fiscal year shall be equal to the sum of such dollar amount for the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

''(1) such dollar amount for the previous fiscal year, multiplied by

''(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary before the beginning of the fiscal year.''.

(b) COORDINATION WITH PROVIDER EDUCATION AND TECHNICAL ASSISTANCE.—Section 1889(a) of the Social Security Act (42 U.S.C. 1395zz(a)) is amended by inserting ''and to enhance the understanding of and utilization by providers of services and suppliers of research findings disseminated by the Health Care Comparative Effectiveness Research Institute established under section 1181'' before the period at the end.

(c) COMPARATIVE EFFECTIVENESS RESEARCH TRUST FUND; FINANCING FOR TRUST FUND.—

(1) ESTABLISHMENT OF TRUST FUND.—

(A) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

''SEC. 9511. COMPARATIVE EFFECTIVENESS RESEARCH TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Comparative Effectiveness Research Trust Fund' (hereafter in this section referred to as the 'CERTF'), consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section and section 9602(b).

''(b) TRANSFERS TO FUND.—

''(1) APPROPRIATION.—There are hereby appropriated to the Trust Fund the following:

''(A) For fiscal year 2009, $5,000,000.

''(B) For fiscal year 2010, $25,000,000.

''(C) For fiscal year 2011, $75,000,000.

''(D) For fiscal year 2012—

''(i) an amount equivalent to the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans) for such fiscal year; and

''(ii) $75,000,000.

''(E) For each of fiscal years 2013, 2014, 2015, 2016, 2017, and 2018—

''(i) an amount equivalent to the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans) for such fiscal year; and

''(ii) $75,000,000.

The amounts appropriated under subparagraphs (A), (B), (C), (D)(ii), and (E)(ii) shall be transferred from the general fund of the Treasury, from funds not otherwise appropriated.

''(2) TRUST FUND TRANSFERS.—In addition to the amounts appropriated under paragraph (1), there shall be credited to the CERTF the amounts transferred under section 1182 of the Social Security Act.

''(3) LIMITATION ON TRANSFERS TO CERTF.—No amount may be appropriated or transferred to the CERTF on and after the date of any expenditure from the CERTF which is not an expenditure permitted under this section. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this chapter or in a revenue Act, and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

''(c) TRUSTEE.—The Secretary of Health and Human Services shall be a trustee of the CERTF.

''(d) EXPENDITURES FROM FUND.—Amounts in the CERTF are available, without further appropriation, to the Health Care Comparative Effectiveness Research Institute established by section 2(a) of the Comparative Effectiveness Research Act of 2008 for carrying out part D of title XI of the Social Security Act (as in effect on the date of enactment of the Comparative Effectiveness Research Act of 2008).

''(e) NET REVENUES.—For purposes of this section, the term 'net revenues' means the amount estimated by the Secretary of the Treasury based on the excess of—

''(1) the fees received in the Treasury under subchapter B of chapter 34, over

''(2) the decrease in the tax imposed by chapter 1 resulting from the fees imposed by such subchapter.

''(f) TERMINATION.—No amounts shall be available for expenditure from the CERTF after September 30, 2018, and any amounts in such Trust Fund after such date shall be transferred to the general fund of the Treasury.''.

(B) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

''Sec. 9511. Comparative Effectiveness Research Trust Fund.''.

(2) FINANCING FOR FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.—

(A) GENERAL RULE.—Chapter 34 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

''Subchapter B—Insured and Self-Insured Health Plans

''Sec. 4375. Health insurance.
''Sec. 4376. Self-insured health plans.
''Sec. 4377. Definitions and special rules.

''SEC. 4375. HEALTH INSURANCE.

''(a) IMPOSITION OF FEE.—There is hereby imposed on each specified health insurance policy for each policy year ending after September 30, 2011, a fee equal to the product of $1 (50 cents in the case of policy years ending during fiscal year 2012) multiplied by the average number of lives covered under the policy.

''(b) LIABILITY FOR FEE.—The fee imposed by subsection (a) shall be paid by the issuer of the policy.

''(c) SPECIFIED HEALTH INSURANCE POLICY.—For purposes of this section:

''(1) IN GENERAL.—Except as otherwise provided in this section, the term 'specified health insurance policy' means any accident or health insurance policy (including a policy under a group health plan) issued with respect to individuals residing in the United States.

''(2) EXEMPTION FOR CERTAIN POLICIES.—The term 'specified health insurance policy' does not include any insurance if substantially all of its coverage is of excepted benefits described in section 9832(c).

''(3) TREATMENT OF PREPAID HEALTH COVERAGE ARRANGEMENTS.—

''(A) IN GENERAL.—In the case of any arrangement described in subparagraph (B)—

''(i) such arrangement shall be treated as a specified health insurance policy, and

''(ii) the person referred to in such subparagraph shall be treated as the issuer.

''(B) DESCRIPTION OF ARRANGEMENTS.—An arrangement is described in this subparagraph if under such arrangement fixed payments or premiums are received as consideration for any person's agreement to provide or arrange for the provision of accident or health coverage to residents of the United States, regardless of how such coverage is provided or arranged to be provided.

''(d) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any policy year ending in any fiscal year beginning after September 30, 2013, the dollar amount in effect under subsection (a) for such policy year shall be equal to the sum of such dollar amount for policy years ending in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

''(1) such dollar amount for policy years ending in the previous fiscal year, multiplied by

''(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary of Health and Human Services before the beginning of the fiscal year.

''(e) TERMINATION.—This section shall not apply to policy years ending after September 30, 2018.

''SEC. 4376. SELF-INSURED HEALTH PLANS.

''(a) IMPOSITION OF FEE.—In the case of any applicable self-insured health plan for each plan year ending after September 30, 2011, there is hereby imposed a fee equal to $1 (50 cents in the case of plan years ending during fiscal year 2012) multiplied by the average number of lives covered under the plan.

''(b) LIABILITY FOR FEE.—

''(1) IN GENERAL.—The fee imposed by subsection (a) shall be paid by the plan sponsor.

''(2) PLAN SPONSOR.—For purposes of paragraph (1) the term 'plan sponsor' means—

''(A) the employer in the case of a plan established or maintained by a single employer,

''(B) the employee organization in the case of a plan established or maintained by an employee organization,

''(C) in the case of—

''(i) a plan established or maintained by 2 or more employers or jointly by 1 or more employers and 1 or more employee organizations,

''(ii) a multiple employer welfare arrangement, or

''(iii) a voluntary employees' beneficiary association described in section 501(c)(9),

the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan, or

''(D) the cooperative or association described in subsection (c)(2)(F) in the case of a plan established or maintained by such a cooperative or association.

''(c) APPLICABLE SELF-INSURED HEALTH PLAN.—For purposes of this section, the term 'applicable self-insured health plan' means any plan for providing accident or health coverage if—

''(1) any portion of such coverage is provided other than through an insurance policy, and

''(2) such plan is established or maintained—

''(A) by one or more employers for the benefit of their employees or former employees,

''(B) by one or more employee organizations for the benefit of their members or former members,

''(C) jointly by 1 or more employers and 1 or more employee organizations for the benefit of employees or former employees,

''(D) by a voluntary employees' beneficiary association described in section 501(c)(9),

''(E) by any organization described in section 501(c)(6), or

''(F) in the case of a plan not described in the preceding subparagraphs, by a multiple employer welfare arrangement (as defined in section 3(40) of Employee Retirement Income Security Act of 1974), a rural electric cooperative (as defined in section 3(40)(B)(iv) of such Act), or a rural telephone cooperative association (as defined in section 3(40)(B)(v) of such Act).

''(d) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any plan year ending in any fiscal year beginning after September 30, 2013, the dollar amount in effect under subsection (a) for such plan year shall be equal to the sum of such dollar amount for plan years ending in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

''(1) such dollar amount for plan years ending in the previous fiscal year, multiplied by

''(2) the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary of Health and Human Services before the beginning of the fiscal year.

''(e) TERMINATION.—This section shall not apply to plan years ending after September 30, 2018.

''SEC. 4377. DEFINITIONS AND SPECIAL RULES.

''(a) DEFINITIONS.—For purposes of this subchapter—

''(1) ACCIDENT AND HEALTH COVERAGE.—The term 'accident and health coverage' means any coverage which, if provided by an insurance policy, would cause such policy to be a specified health insurance policy (as defined in section 4375(c)).

''(2) INSURANCE POLICY.—The term 'insurance policy' means any policy or other instrument whereby a contract of insurance is issued, renewed, or extended.

''(3) UNITED STATES.—The term 'United States' includes any possession of the United States.

''(b) TREATMENT OF GOVERNMENTAL ENTITIES.—

''(1) IN GENERAL.—For purposes of this subchapter—

''(A) the term 'person' includes any governmental entity, and

''(B) notwithstanding any other law or rule of law, governmental entities shall not be exempt from the fees imposed by this subchapter except as provided in paragraph (2).

''(2) TREATMENT OF EXEMPT GOVERNMENTAL PROGRAMS.—In the case of an exempt governmental program, no fee shall be imposed under section 4375 or section 4376 on any covered life under such program.

''(3) EXEMPT GOVERNMENTAL PROGRAM DEFINED.—For purposes of this subchapter, the term 'exempt governmental program' means—

''(A) any insurance program established under title XVIII of the Social Security Act,

''(B) the medical assistance program established by title XIX or XXI of the Social Security Act,

''(C) any program established by Federal law for providing medical care (other than through insurance policies) to individuals (or the spouses and dependents thereof) by reason of such individuals being—

''(i) members of the Armed Forces of the United States, or

''(ii) veterans, and

''(D) any program established by Federal law for providing medical care (other than through insurance policies) to members of Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act).

''(c) TREATMENT AS TAX.—For purposes of subtitle F, the fees imposed by this subchapter shall be treated as if they were taxes.

''(d) NO COVER OVER TO POSSESSIONS.—Notwithstanding any other provision of law, no amount collected under this subchapter shall be covered over to any possession of the United States.''.

(B) CLERICAL AMENDMENTS.—

(i) Chapter 34 of such Code is amended by striking the chapter heading and inserting the following:

''CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES

''SUBCHAPTER A. POLICIES ISSUED BY FOREIGN INSURERS

''SUBCHAPTER B. INSURED AND SELF-INSURED HEALTH PLANS

''Subchapter A—Policies Issued By Foreign Insurers''.

(ii) The table of chapters for subtitle D of such Code is amended by striking the item relating to chapter 34 and inserting the following new item:

''CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES''.

SEC. 3. GAO REPORT ON NATIONAL COVERAGE DETERMINATIONS PROCESS.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the process for making national coverage determinations (as defined in section 1869(f)(1)(B) of the Social Security Act (42 U.S.C. 1395ff(f)(1)(B)) under the Medicare program under title XVIII of the Social Security Act. Such report shall include a determination whether, in initiating and conducting such process, the Secretary of Health and Human Services has complied with applicable law and regulations, including requirements for consultation with appropriate outside experts, providing appropriate notice and comment opportunities to the public, and making information and data (other than proprietary data) considered in making such determinations available to the public and to nonvoting members of any advisory committees established to advise the Secretary with respect to such determinations.

Mr. CONRAD. Mr. President, today I join my good friend and colleague, Senator BAUCUS, in introducing the Comparative Effectiveness Research Act of 2008. This proposal is the product of months of careful deliberations regarding the best way to expand the quality and quantity of evidence available to health consumers about the comparative clinical effectiveness of health care services and treatments. We have met with dozens of key stakeholders and thought leaders to discuss various aspects of this legislation. I am proud of the result. This legislation lays the groundwork for improving health care outcomes, enhancing patient safety, and reducing overall health care costs in the long-run.

As chairman of the Senate Budget Committee, I am acutely aware of the long-term budget challenges facing our nation. Health care spending is growing at an unsustainable rate. Although demographic changes associated with the retirement of the baby boom generation contribute to this spending growth, the most significant factor is growth in health care costs in excess of per capita GDP growth. According to Congressional Budget Office projections, by 2050, Medicare and Medicaid spending alone will consume 12 percent of our Nation's gross domestic product.

But excess growth in per capita health care costs is not just a challenge for Federal health spending and the federal budget. If we continue on the current trajectory, the private sector will also be overwhelmed by rising health care costs. In fact, total health care spending is projected to grow from about 16 percent of GDP in 2007—which is far higher than in other industrialized countries—to more than 37 percent of GDP in 2050.

Clearly, we need to address the underlying causes of rising health care costs, not just in the Medicare and Medicaid programs, but in the overall health care system. Simply cutting Medicare and Medicaid without making other changes will do little to solve the larger problem we face. As GAO Comptroller General David Walker pointed out in testimony before the House Budget Committee, in 2005, ''[F]ederal health spending trends should not be viewed in isolation from the health care system as a whole . . . . Rather, in order to address the long-term fiscal challenge, it will be necessary to find approaches that deal with health care cost growth in the overall health care system.''

A key problem we must confront is that our health care system does not

deliver care as efficiently or effectively as it should. In fact, the United States spends far more on health expenditures as a percent of GDP than any other country in the Organization for Economic Cooperation and Development. For example, the United States spent 16 percent of GDP on health expenditures in 2006, compared to 9 percent in Italy. And the disparity is even starker today. Despite this additional health care spending, health outcomes in the United States are no better than health outcomes in the other OECD countries. In fact, by some measures, they are worse.

We can and must find ways to deliver health care more efficiently, reduce ineffective or unnecessary care, and get better health outcomes without harming patients.

One solution is to generate better information about the relative effectiveness of alternative health strategies—and encourage patients and providers to use that information to make better choices about their health. Many newer, more expensive health care services and treatments are absorbed quickly into routine medical care—yet there is little evidence that these services and treatments are any more clinically effective than existing treatments and services.

The Federal Government currently funds some comparative effectiveness research through the Agency for Healthcare Research and Quality. The Effective Health Care Program has been a successful initiative, and we commend AHRQ for its work, but comparative effectiveness research is not the primary focus of any federal agency—nor is this federal funding occurring on a large-scale. The Congressional Budget Office, CBO, the Medicare Payment Advisory Commission, MedPAC, and the Institute of Medicine, IOM, have all discussed the positive impact of creating a new entity charged solely with conducting research on the comparative effectiveness of health interventions, including pharmaceuticals, medical devices, medical procedures, diagnostic tools, medical services and other therapies.

In its June 2007 report to Congress, MedPAC issued a unanimous recommendation that ''Congress should charge an independent entity to sponsor credible research on comparative effectiveness of health care services and disseminate this information to patients, providers, and public and private payers.''

And the Congressional Budget Office agrees. In a recent report, entitled, ''Research on the Comparative Effectiveness of Medical Treatments: Issues and Options for an Expanded Federal Role,'' CBO Director Peter Orszag wrote that, ''generating better information about the costs and benefits of different treatment options—through research on the comparative effectiveness of those options—could help reduce health care spending without adversely affecting health overall.''

The IOM also supports getting better information into the hands of patients and providers. As part of its report, ''Learning What Works Best: The Nation's Need for Evidence on Comparative Effectiveness in Health Care,'' the Institute concluded that,

> ''[A] SUBSTANTIALLY INCREASED CAPACITY TO CONDUCT AND EVALUATE RESEARCH ON CLINICAL EFFECTIVENESS OF INTERVENTIONS BRINGS MANY POTENTIAL OPPORTUNITIES FOR IMPROVEMENT ACROSS A WIDE SPECTRUM OF HEALTHCARE NEEDS.''

This bill that Senator BAUCUS and I are introducing today represents an important step in expanding comparative effectiveness research. The bill would significantly expand the conduct of comparative clinical effectiveness research to get better information into the hands of patients and providers in the hopes of improving health outcomes and reducing unnecessary or ineffective care.

The purpose of this bill is to provide health care providers and patients with objective and credible evidence about which health care treatments, services, and items are most clinically effective for particular patient populations. The research conducted under our bill would evaluate and compare the clinical effectiveness of two or more health care interventions, treatment protocols, procedures, medical devices, diagnostic tools, pharmaceuticals, and other processes or items used in the treatment or diagnosis of patients. Access to better evidence about what works best will help patients and health care providers make better-informed decisions about how best to treat particular diseases and conditions. Our hope is that the evidence generated by this research could lead to savings in the overall health care system over the long-term by allowing providers to avoid treatments that may be clinically ineffective, while at the same time improving health care outcomes.

Specifically, our bill creates a private, nonprofit corporation, known as the Health Care Comparative Effectiveness Research Institute, which would be responsible for organizing and implementing a national comparative effectiveness research agenda. In conducting the research, the Institute would contract with the Agency for Healthcare Research and Quality, the National Institutes of Health and other appropriate public and private entities and could use a variety of research methods, including clinical trials, observational studies and systematic reviews of existing evidence.

Many thought leaders on this issue, such as the Medicare Payment Advisory Committee, had concerns that a large entity within the Federal Government would be vulnerable to political interference that could hamper the Institute's credibility, and, therefore, limit the usefulness of its research. As a result, we chose a model outside of the Federal Government, but subject to government oversight.

In order to ensure that the information developed is credible and unbiased, our bill establishes a 21-Member Board of Governors to oversee the Institute's activities. Permanent board members would include the Secretary of Health and Human Services and the Directors of the Agency for Healthcare Research and Quality and the National Institutes of Health, NIH. The remaining 18 board members would be appointed by the Comptroller General of the United States and would include a balanced mix of patients, physicians, drug, device, and technology manufacturers, public and private payers, academic researchers, philanthropic organizations and quality improvement entities.

To ensure further credibility, the Institute is also required to appoint advisory panels of patients, clinicians, and other stakeholders that would assist in the development and carrying out of the research agenda; establish a methodology committee that would help create standards by which all research commissioned by the Institute must be conducted; create a peer review process through which all research findings must be assessed; and develop protocols to help translate and disseminate the evidence in the most effective, user-friendly way.

Moreover, Senator BAUCUS and I want to ensure that the operations of the Institute are transparent. Therefore, we built in a strong role for public comment prior to all key decisions made by the Institute. For example, the bill requires public comment periods prior to the approval of the overall research agenda and the individual study designs. In addition, the bill calls for periodic public forums to seek input, requires that all proceedings of the Institute be made public and available through annual reports, and requires that any conflicts of interest be made public and that board members recuse themselves from matters in which they have a financial or personal interest.

Because all health care users will benefit from this research, our legislation funds the Institute with contributions from both public and private payers. These contributions will include mandatory general revenues from the Federal Government, amounts from the Medicare Trust Funds equal to $1 per beneficiary annually, and amounts from a $1 fee per-covered life assessed annually on insured and self-insured health plans. Funding will ramp up over a series of years. By the fifth year, we expect the Institute's total annual funding to exceed $300 million per year and continue to grow thereafter.

The concept of an all-payer approach for comparative effectiveness research has been embraced by a number of health care experts. For example, on the subject of comparative effectiveness information in its June 2008 report, MedPAC stated: ''The Commission supports funding from federal and private sources as the research findings will benefit all users—patients, providers, private health plans, and federal health programs. The Commission also supports a dedicated funding mechanism to help ensure the entity's independence and stability. Dedicated broadly based financing would reduce the likelihood of outside influence and would best ensure the entity's stability . . .''

To ensure accountability for these funds and to the Institute's mission, our bill requires an annual financial audit of the Institute. In addition, the bill requires GAO to report to Congress every five years on the processes developed by the Institute and its overall effectiveness, including how the research findings are used by health care consumers and what impact the research is having on the health economy. Finally, the bill requires a review after eight years of the adequacy of the Institute's funding, which will include a review of the appropriateness and adequacy of each funding source.

Let me take a moment to address some of the criticisms that might be levied against this proposal. Some may say this Institute will impede access to care and will deny coverage for high-cost health care services. That is not the case. Our proposal explicitly prohibits the Institute from making coverage decisions or setting practice guidelines. It will be up to specialty societies and patient groups to use the research findings as they see fit. Moreover, to the extent that high-cost health care services or new technologies are studied by the Institute and found to be clinically ineffective compared to other services and technologies, such evidence will be made public to consumers and providers so that they can make the best possible health care decisions. Other critics may claim that this proposal will result in one-size-fits-all approach to comparative clinical effectiveness research. We recognize that different health care treatments may have different levels of effectiveness for different subpopulations. That is why our bill requires that the Institute's research be designed, as appropriate, to take into account the potential differences in the effectiveness of health care services as used with various subpopulations, such as women, racial and ethnic minorities, different age groups, and individuals with different comorbidities.

This bill is a balanced, carefully crafted proposal that has taken into consideration the recommendations of a broad range of stakeholders and thought-leaders. We welcome further discussion and suggested improvements. But we refuse to allow this proposal to get bogged down in political maneuvering or scare tactics. Our nation needs to ramp up comparative effectiveness research immediately to improve health outcomes and reduce ineffective and inefficient care.

Senator BAUCUS and I will work jointly to push for the expeditious enactment of this bill. I urge all of my colleagues to join our effort and cosponsor the Comparative Effectiveness Research Act of 2008. There is no time to waste.

By Mr. REID (for Mr. KENNEDY (for himself and Mr. GRASSLEY)):

S. 3409. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety and quality of medical products and enhance the authorities of the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRASSLEY. Mr. President, as Ranking Member of the Senate Finance Committee, I view my role as working to ensure the safety and well-being of the more than 80 million Americans who are beneficiaries of the Medicare and Medicaid programs. These programs spend a lot of taxpayers' money on prescription drugs and medical devices, and that money should be spent on drugs and devices that are safe and effective.

Over the last four years I have conducted extensive oversight of the Food and Drug Administration. I have reviewed and questioned how the FDA handles the pre-market review and post-market surveillance of drugs, biologics, devices and veterinary medicines to assess whether or not the agency is fulfilling its mission to protect the public health. As a result of my oversight activities, I identified serious problems at the FDA that included the quashing of scientific opinion within the agency, delays in informing the public of emerging safety problems, too cozy a relationship between the FDA and the industries it is supposed to regulate, and a failure to be adequately transparent and accountable to the public.

Last year, when the Senate Health, Education, Labor, and Pensions Committee and the House Energy and Commerce Committee were working on FDA legislation, I encouraged them to take that opportunity to reform, improve, and re-establish the FDA as the gold standard for drug safety. I believed the FDA needed additional tools, resources, and authorities to do its work.

The Congress passed the Food and Drug Administration Amendments Act last September. While we did not fix a fundamental problem at the FDA that's been shown through my investigations over the last few years, the new legislation did provide additional tools in FDA's toolbox to better protect the American people. It was a positive step toward restoring the public's trust in the FDA.

Today, I am here to talk about another FDA bill. Last summer, I started examining FDA's program for inspection of foreign pharmaceutical manufacturing plants. I expressed concerns to the FDA regarding, among other things, inspection funding, emerging exporters, and weaknesses in the inspection process.

An increasing amount of the drugs and active pharmaceutical ingredients (API) Americans use are being manufactured in foreign countries. Yet, as reported by the Government Accountability Office in November 2007, the Food and Drug Administration does not know how many foreign establishments are subject to inspection and the agency conducts relatively few inspections each year.

From fiscal year 2002 through fiscal year 2007, the FDA conducted fewer than 1,400 inspections of foreign pharmaceutical facilities, often focused in countries with few reported quality concerns. In China, the world's largest producer of active pharmaceutical ingredients, and where export safety appears to be a growing problem, only 11 inspections were conducted during FY 2007, compared to 14 in Switzerland, 18 in Germany, and 24 in France, all countries with advanced regulatory infrastructures. I was troubled by these numbers.

Then came the wake-up call in January of this year. FDA announced that Baxter International Inc. temporarily suspended production of its blood thinner heparin because of an increase in the reports of adverse events that may be associated with its drug. It was discovered that the active ingredient in heparin was contaminated and that the ingredient was produced at a facility in the People's Republic of China. Soon more recalls were announced. After several months, the FDA established a link between the contaminant found in heparin and the serious adverse events seen in patients that were given heparin. FDA's investigation of the source of the contamination highlighted significant weaknesses in oversight of the production and supply chain.

With limited inspection resources, the FDA is charged with ensuring the safety and efficacy of drugs and pharmaceutical ingredients produced in nearly every corner of the globe. To make matters worse, as the FDA's challenges multiply, its resources for foreign inspections are shrinking. It is troubling that the FDA is grossly under-resourced at a time when foreign production of drugs and active pharmaceutical ingredients is growing at

record rates. Adding to the difficulty of this task, it appears that many foreign pharmaceutical plants register with the FDA as a means to bolster their own standing and with no intention of exporting products to the United States market.

That is why I am introducing the Drug and Device Accountability Act today with Senator KENNEDY, chairman of the Committee on Health, Education, Labor, and Pensions.

This legislation would augment FDA's resources through the collection of registration and inspection fees. The bill also expands the agency's authority for ensuring the safety of drugs and medical devices, including foreign manufactured drugs and devices, by expanding FDA's authority to inspect foreign manufacturers and importers, allowing the FDA to issue subpoenas, and allowing the FDA to detain a device or drug when its inspectors have reason to believe the product is adulterated or misbranded.

In addition, the bill includes a provision that expands on an amendment I filed last spring to the Senate bill, S. 1082 Food and Drug Administration Revitalization Act. That amendment provided for a certification by drug manufacturers that the information submitted as part of a new drug or supplemental application is accurate.

Under the Drug and Device Accountability Act, individuals responsible for the submission of a drug or device application or a report related to safety or effectiveness would have to certify that the application or report is compliant with applicable regulations and not false or misleading. Civil as well as criminal penalties could be imposed for false or misleading certifications. I believe this is an important provision, especially in light of the troubling findings presented in the Journal of the American Medical Association in April. Based on a review of documents from recent litigation involving the pain medication Vioxx, the authors of those articles concluded that the maker of Vioxx was not forthcoming in its communication with the Food and Drug Administration about the mortality risks seen in clinical trials of Vioxx conducted in patients with Alzheimer disease or cognitive impairment.

Last year, Congress passed legislation that would strengthen FDA's ability to act on emerging safety problems. Now we need legislation that will enhance FDA's oversight of drugs and devices if the Agency is to ensure that America's increasingly foreign-produced drug and device supply is both safe and effective.

By Mr. AKAKA (for himself, Mr. SCHUMER, Mr. LIEBERMAN, and Mr. INOUYE):

S. 3410. A bill to authorize a grant program to provide for expanded access to mainstream financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. AKAKA. President, as a member of the Banking Committee, I have worked to improve the financial literacy of our country. My interest in financial literacy dates back to when my fourth grade teacher required me to have a piggy bank. We were made to understand how money saved, a little at a time, can grow into a large amount—enough to buy things that would have been impossible to obtain without savings. My experience with a piggy bank taught me important lessons about money management that have stayed with me throughout my life. More people need to be taught these important lessons so that they are better able to manage their resources.

Too many Americans lack basic financial literacy. Americans of all ages and backgrounds face increasingly complex financial decisions as members of the nation's workforce, managers of their families' resources, and voting citizens. Many find these decisions confusing and frustrating because they lack the tools necessary that would enable them to make wise, personal choices about their finances.

Without a sufficient understanding of economics and personal finance, individuals will not be able to appropriately manage their finances, effectively evaluate credit opportunities, successfully invest for long-term financial goals in an increasingly complex marketplace, or be able to cope with difficult financial situations. Unfortunately, today too many working families are struggling as they are confronted with increases in energy and food costs or the loss of a job.

It is essential that we work toward improving education, consumer protections, and empowering individuals and families through economic and financial literacy in order to build stronger families, businesses, and communities.

Today I am introducing the Improving Access to Mainstream Financial Institutions Act of 2008. This bill provides economic empowerment and educational opportunities for working families by helping bank the unbanked. It will also encourage the use of mainstream financial institutions for working families that need small loans. I thank my cosponsors, Senators SCHUMER, LIEBERMAN, and INOUYE.

Millions of working families do not have a bank or credit union account. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills, and send remittances. Many of the unbanked are low- and moderate-income families that can ill afford to have their earnings diminished by reliance on these high-cost and often predatory financial services. In addition, the unbanked are unable to save securely to prepare for the loss of a job, a family illness, a down payment on a first home, or education expenses.

My bill authorizes grants intended to help low- and moderate-income unbanked individuals establish bank or credit union accounts. Providing access to a bank or credit union account can empower families with tremendous financial opportunities. An account at a bank or credit union provides consumers with alternatives to rapid refund loans, check cashing services, and lower cost remittances. In addition, bank and credit union accounts provide access to saving and borrowing services.

Low- and moderate-income individuals are often challenged with a number of barriers that limit their ability to open up and or maintain accounts. Regular checking accounts may be too costly for some consumers unable to maintain minimum balances or unable to afford monthly fees. Poor credit histories may also hinder their ability to open accounts. By providing federal resources for product development, administration, outreach, and financial education, banks and credit unions will be better able to reach out and bank the unbanked.

The second grant program authorized by my legislation provides consumers with a lower cost, short term alternative to payday loans. Payday loans are cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Payday loans often have triple digit interest rates that range from 390 percent to 780 percent when expressed as an annual percentage rate. Loan flipping, which is a common practice, is the renewing of loans at maturity by paying additional fees without any principal reduction. Loan flipping often leads to instances where the fees paid for a payday loan well exceed the principal borrowed. This situation often creates a cycle of debt that is hard to break.

There is a great need for working families to have access to affordable small loans. My legislation would encourage banks and credit unions to develop payday loan alternatives. Consumers who apply for these loans would be provided with financial literacy and educational opportunities. Loans extended to consumers under the grant would be subject to the annual percentage rate promulgated by the National Credit Union Administration's, NCUA, Loan Interest Rates, currently capped at an annual percentage rate of 18 percent. Several credit unions have developed similar products. One example is the Windward Community Federal Credit Union in Kailua, on the island of Oahu, which has developed an affordable alternative to payday loans to help the U.S. Marines and the other members that they serve. I am very proud of the work done by the staff of

the Windward Community Federal Credit Union. This program was developed with an NCUA grant. More working families need access to affordable small loans. More needs to be done to encourage mainstream financial service providers to develop affordable small loan products. My legislation will help support the development of affordable credit products at bank and credit unions. Working families would be better off by going to their credit unions and banks, mainstream financial services providers, than payday loan shops.

I will work to enact this legislation so vital to empowering our citizens. In our current, modern, complex economy, not having a bank or credit union account severely hinders the ability of families to improve their financial condition or help them navigate difficult financial circumstances. Instead of borrowing money from payday lenders at outrageous fees, we need to encourage people to utilize their credit unions and banks for affordable small loans. Banks and credit unions have the ability to make the lives of working families better by helping them save, invest, and borrow at affordable rates.

Mr. President I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3410

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving Access to Mainstream Financial Institutions Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the same meaning as the term ''Native Corporation'' under section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(2) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' has the same meaning as in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)).

(3) FEDERALLY INSURED DEPOSITORY INSTITUTION.—The term ''federally insured depository institution'' means any insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(4) LABOR ORGANIZATION.—The term ''labor organization'' means an organization—

(A) in which employees participate;

(B) which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work; and

(C) which is described in section 501(c)(5) of the Internal Revenue Code of 1986.

(5) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' means any organization that—

(A) serves and represents the interests of Native Hawaiians; and

(B) has as a primary and stated purpose, the provision of services to Native Hawaiians.

(6) PAYDAY LOAN.—The term ''payday loan'' means any transaction in which a small cash advance is made to a consumer in exchange for—

(A) the personal check or share draft of the consumer, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

(B) the authorization of the consumer to debit the transaction account or share draft account of the consumer, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.

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

(8) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 3. EXPANDED ACCESS TO MAINSTREAM FINANCIAL INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary is authorized to award grants, including multi-year grants, to eligible entities to establish an account in a federally insured depository institution for low- and moderate-income individuals that currently do not have such an account.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section, if such an entity is—

(1) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, and is exempt from taxation under section 501(a) of such Code;

(2) a federally insured depository institution;

(3) an agency of a State or local government;

(4) a community development financial institution;

(5) an Indian tribal organization;

(6) an Alaska Native Corporation;

(7) a Native Hawaiian organization;

(8) a labor organization; or

(9) a partnership comprised of 1 or more of the entities described in the preceding subparagraphs.

(c) EVALUATION AND REPORTS TO CONGRESS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

SEC. 4. LOW COST ALTERNATIVES TO PAYDAY LOANS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary is authorized to award demonstration project grants (including multi-year grants) to eligible entities to provide low-cost, small loans to consumers that will provide alternatives to more costly, predatory payday loans.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such an entity is—

(1) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(2) a federally insured depository institution;

(3) a community development financial institution; or

(4) a partnership comprised of 1 or more of the entities described in paragraphs (1) through (3).

(c) TERMS AND CONDITIONS.—

(1) PERCENTAGE RATE.—For purposes of this section, an eligible entity that is a federally insured depository institution shall be subject to the annual percentage rate promulgated by the National Credit Union Administration's Loan Interest Rates under part 701 of title 12, Code of Federal Regulations (or any successor thereto), in connection with a loan provided to a consumer pursuant to this section.

(2) FINANCIAL LITERACY AND EDUCATION OPPORTUNITIES.—Each eligible entity awarded a grant under this section shall offer financial literacy and education opportunities, such as relevant counseling services or educational courses, to each consumer provided with a loan pursuant to this section.

(d) EVALUATION AND REPORTS TO CONGRESS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

SEC. 5. PROCEDURAL PROVISIONS.

(a) APPLICATIONS.—A person desiring a grant under section 3 or 4 shall submit an application to the Secretary, in such form and containing such information as the Secretary may require.

(b) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under section 3 or 4 may use not more than 6 percent of the total amount of such grant in any fiscal year for the administrative costs of carrying out the programs funded by such grant in such fiscal year.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, such sums as are necessary to carry out the grant programs authorized by this Act, to remain available until expended.

SEC. 7. REGULATIONS.

The Secretary is authorized to promulgate regulations to implement and administer the grant programs authorized by this Act.

NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS,
Arlington, VA, July 29, 2008.

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: I am writing on behalf of the National Association of Federal Credit Unions (NAFCU), the only national trade association that exclusively represents the interests of our nation's Federal credit unions, to applaud your leadership on working to get low- and moderate-income unbanked individuals into mainstream financial institutions, such as credit unions, and your continued commitment to financial literacy as demonstrated in the Improving Access to Mainstream Financial Institutions Act of 2008.

We believe it is important to help the unbanked set up credit union accounts that will allow these individuals to obtain the products and services that they need, such as lower cost check cashing and remittance services, as well as financial education to encourage savings and thank you for your efforts to help this cause.

Unfortunately, payday lending has also increasingly become a precarious problem for many Americans. People that find themselves in sudden need of a financial boost and

individuals unfairly subjected to higher mortgage payments with higher interest rates often rely on payday lenders to help cover their bills. These types of loans can worsen their current financial situation, making the consumer even more dependent than before. Despite our greatest efforts to prevent predatory lending in America, the evidence shows these deceptive practices still occur. Predators continue to target specific communities, such as low-income, minority, elderly and, in recent findings, the men and women of the United States military.

Luckily, credit unions continue to be part of the solution, not the problem. Many credit unions offer alternative loan programs that ensure the safety and financial reprieve that their members need. These loan programs offer consumers small unsecured loans with low interest rates and encourage financial responsibility. We greatly appreciate your continued support of these efforts.

NAFCU appreciates the opportunity to share our thoughts on this legislation and strongly support your dedication to this important matter. Please do not hesitate to contact me or NAFCU's Associate Director of Legislative Affairs, Amanda Slater at 703–522–4770 with any questions that you may have.

Sincerely,

FRED R. BECKER, Jr.,
President/CEO.

HAWAII CREDIT UNION LEAGUE,
Honolulu, HI, July 28, 2008.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of the Hawaii Credit Union League and its 93 affiliated credit unions representing approximately 811,000 members, I am writing in support of the proposed Improving Access to Mainstream Financial Institutions Act. This bill, which is targeted to assist low- and moderate-income unbanked individuals, would go a long way toward helping underserved people achieve financial stability and independence.

Today's volatile economic climate makes it difficult or even unrealistic for people of modest means to borrow money or open an account at an insured depository institution. This measure would establish grant programs within the Department of the Treasury to assist those who would otherwise be unqualified for banking services. In addition, this measure would provide financial literary education opportunities to those applying for loans. Financial education is an invaluable service that credit unions provide, and this legislation would open more doors to this service.

Please accept our gratitude for introducing legislation to help the unserved residents of our state and nation. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

DENNIS K. TANIMOTO,
President.

COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT,
Honolulu, HI, July 24, 2008.

Re Unbanked and Payday Lending

Hon. SENATOR DANIEL AKAKA,
Hart Senate Office Building,
Washington, DC.

ALOHA SENATOR AKAKA: The Council for Native Hawaiian Advancement is a nonprofit network of over 100 Native Hawaiian organizations. Its mission is to enhance the cultural, economic and community development of Native Hawaiians. We achieve our mission through policy advocacy, grant training, consultancy, leadership development and connecting resources to challenges in our communities.

We believe in policies that promote asset building that empowers low and moderate income families to increase financial asset management, home ownership and small business development.

Senator, there is a clear need for intermediary programming that helps low and moderate income families to connect with financial services, including deposit and savings accounts, as well as loan alternatives to high cost payday lending practices.

CNHA has developed asset building products that are moving families to financial self sufficiency. For example, we developed the Homestead Individual Development Accounts (HIDA) that is assisting 30 families to open savings accounts at First Hawaiian Bank, provides financial education and helps low income families to save toward the down payment on a home purchase on Hawaiian trust lands. We also developed the Home Ownership Assistance Program (HOAP), a statewide program of the State of Hawaii, Department of Hawaiian Home Lands to expand the reach and delivery of financial literacy counseling to thousands of families.

Currently, we are in the process of developing a dedicated Earned Income Tax Credit program to assist families in filing for this important tax credit to claim wages they have earned.

We support Federal legislation that will promote further connections between families and banking services, particularly, the ''unbanked''. We also know that payday lending continues to be a detriment to families on the lowest end of the income scale and would support assistance to place alternatives to these loans in the community development marketplace.

Mahalo for your consideration. If we can provide additional information, please contact me at any time at 808.596.8155 or via email at *robinhawaiiancouncil.org.*

Sincerely,

ROBIN PUANANI DANNER,
President and Chief Executive Officer.

HAWAI'I ALLIANCE FOR COMMUNITY-BASED ECONOMIC DEVELOPMENT,
Honolulu, HI, July 30, 2008

Re Support for ''Improving Access to Mainstream Financial Institutions Act of 2008''

Hon. DANIEL KAHIKINA AKAKA,
U.S. Senator for Hawai'i.

ALOHA SENATOR AKAKA: The Hawai'i Alliance for Community-Based Economic Development (HACBED) is pleased to support the bill titled, ''Improving Access to Mainstream Financial Institutions Act of 2008.''

Hawai'i needs comprehensive public policies to help people build assets. This should include a package of programs, tax incentives, regulatory changes, and other mechanisms to help people earn more, save more, protect hard earned assets, start businesses and become homeowners.

Assets are essential for three reasons:

To have financial security against difficult times; to create economic opportunities for oneself; and to leave a legacy for future generations to have a better life.

This legislation would create the following two grant programs within the Department of Treasury:

1. The first program would authorize grants intended to help low- and moderate-income unbanked individuals to establish bank or credit union accounts.

2. The second program would provide consumers with a lower cost, short term alternative to payday loans as well as financial education.

It is proven that ''banked'' households are better of financially and more likely to build and own assets than their ''unbanked'' counterparts. This bill will authorize grants to assist millions of families to enter the financial mainstream.

Programs that help low- and moderate-income unbanked individuals to establish bank accounts provide families with the opportunity to save and build their assets. Approximately 22 million U.S. households do not have a checking or savings account. These households depend on various high-cost, alternative financial service providers to meet their banking needs, including check-cashing stores, payday lenders, title lenders, rent-to-own stores, and tax preparers. Reliance on these types of financial services undermines a family's ability to survive as they can become trapped in a cycle of debt due to high fees and interest rates. These families' put nearly 13.3 billion dollars toward predatory lending scams annually.

By improving our families' access to mainstream services, we can enhance their financial security and success. Access to savings and checking accounts can provide a foundation for low- and moderate-families to begin accumulating assets. In addition, families are more likely to save for assets such as their children's college education, a home, retirement, and business startup costs. By entering the financial mainstream and having access to financial services, families are also able to establish credit and increase their access to buying power for the purchase of assets.

Payday loans and other financial services with high fees and interest rates undermine families' ability to truly save and build their assets. This bill will provide families with an alternative to payday loans as well as the opportunity to receive financial education.

Check cashing, or payday lending, is a short-term, high-interest loan that has the potential to severely impact consumers. Many consumers are often not aware of the annual percentage rate associated with the fee structure of payday loans causing millions of families to struggle to meet their most basic needs to survive.

It is extremely important to protect hard working families from financial services that are predatory in nature, and stripping them of their hard earned income. Particularly worrisome is the practice of targeting military families. According to the Center for Responsible Lending, active-duty military personnel are three times more likely than civilians to take out a payday loan and one in five active-duty personnel are payday borrowers.

The loans provided to families under the grant in this bill would be subject to the annual percentage rate promulgated by the National Credit Union Administration's (NCUA) Loan Interest Rates, which is currently capped at an annual percentage rate of 18 percent.

Several credit unions have developed similar products to assist families. In Hawai'i, the Windward Community Federal Credit Union has developed an affordable alternative to payday loans to help the Marines and the other members that they serve. This program was developed with an NCUA grant.

This bill will also provide financial education to families that apply for the loans.

As the financial market expands and becomes more complex, having a financial education is extremely important for every family. More than ever, financial education can help families navigate the maze of financial services that exist. Providing families with a financial education allows them to have choice and control over their finances so they are able to save and build assets.

We urge the Senate's favorable consideration of this bill that would give millions of low- and moderate-income families the opportunity to successfully enter the financial world.

Mahalo nui loa,

LARISSA MEINECKE,
Public Policy Associate.

By Mr. SANDERS (for himself, Mr. OBAMA, Mrs. CLINTON, Mr. KENNEDY, Mr. BROWN, Ms. MIKULSKI, Mr. CASEY, Mrs. BOXER, Mr. DURBIN, and Mr. INOUYE):

S. 3413. A bill to achieve access to comprehensive primary health care services for all Americans and to improve primary care delivery through an expansion of the community health center and National Health Service Corps programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANDERS. Mr. President, today there is some good news and some bad news. The bad news is that oil is at $123 a barrel and working people are paying $4 for a gallon of gas, and this coming winter residents of the Northeast could be paying over $5 for a gallon of heating oil.

But, there is some good news. Today, the CEOs of ExxonMobil, Shell, BP and ConocoPhillips are celebrating. They're feeling pretty good. And, they have good reason to feel that way.

ExxonMobil reported today that it made over $11.68 billion in profits over the 2nd quarter alone, breaking its own record for the largest quarterly profit of any American company in the history of the world.

But, ExxonMobil is not alone. Shell's 2nd quarter profit jumped by 33 percent to $11.56 billion; and BP's 2nd quarter profit jumped by 28 percent.

As a matter of fact, since George W. Bush and DICK CHENEY have been in office, the five largest oil companies have made over $640 billion in profits. This includes $212 billion for ExxonMobil; $157 billion for Shell; $125 billion for BP; $80 billion for ChevronTexaco; and $66 billion for ConocoPhillips.

Believe it or not, the Big 5 oil companies made more profits during the 2nd quarter, than they did during the entire year of 2002.

Now, with the exception of my Republican friends here in Congress, there are very few people in this country who believe the oil companies give one hoot about the well-being of the American people. Our Republican friends are saying that if we just give these huge oil companies more acres offshore to drill for oil, they will certainly do the right thing, as they always have, for the American people. Let's just trust those big oil companies because they are really staying up day after day, night after night, worrying about the well-being of the American people. That is what their full-page ads in the New York Times and all their ads on television are telling us.

Well, it is good to see there are at least some people in America who believe that. I don't, but apparently my Republican colleagues do.

Let me tell you, big oil companies are so concerned about Americans paying high prices for gas and oil that this is what they are doing with their profits:

In 2005, ExxonMobil gave its CEO, Lee Raymond, a $398 million retirement package—one of the richest compensation packages in corporate history. They weren't going out looking for new land to drill on, they weren't building more refineries, and they weren't working on energy efficiency. They gave their CEO a $398 million retirement package.

In 2006, Occidental Petroleum, gave its CEO, Ray Irani, over $400 million in total compensation.

The situation is so absurd and the greed of the oil companies is so outrageous that these companies are not only giving their executives huge compensation packages during their life here on earth, but they have also created a situation, if you can believe it, where these oil companies have carved out huge corporate payments to the heirs of senior executives if they die in office. I guess this is what happens when you have more money than you know what to do with.

According to the Wall Street Journal, if the CEO of Occidental Petroleum dies in office, his family will get $115 million. The family of the CEO of Nabors Industries, another oil company, would receive $288 million. This would be funny if it were not so pathetic in the sense of the impact this type of spending has on the American people.

Not only are huge oil companies using their record-breaking profits on big compensation benefits for their CEOs, but they are also spending large sums of money buying back their own stock. In other words, when they are making these very large profits, they are not going out drilling for more oil, as our Republican friends are suggesting.

In fact, While Americans are struggling to pay for the skyrocketing price of gasoline; big oil companies are having an entirely different problem. For the past seven years, big oil companies are struggling to figure out what they are going to do with all of their windfall profits.

Let me quote from a headline taken from the front page of the Wall Street Journal way back on July 30 of 2001, ''Pumping Money: Major Oil Companies Struggle to Spend Huge Hoards of Cash.'' According to this 2001 article, ''Royal Dutch/Shell Group said it was pumping out $1.5 million in profit an hour and sitting on more than $11 billion in the bank.'' That was in 2001. Since that time Shell's profits have more than tripled.

On April 18, 2005, Fortune Magazine published an article with the Headline ''Poor Little Rich Company,'' referring to ExxonMobil. According to this article, ''ExxonMobil CEO Lee Raymond, suddenly has a new anxiety: how to spend the windfall wrought by $55 a barrel oil. By the end of April [of 2005], Exxon will have a cash hoard of more than $25 billion. . . . At a time when domestic energy production is declining and drivers are paying a record $2.15 a gallon [remember, this was in 2005], American consumers, not to mention politicians, are likely to start focusing on whether Exxon is spending enough to find oil and gas. While Exxon is returning more money to shareholders via dividends and buying back more of its stock, its spending on drilling and other development activities actually declined in 2004—even though crude prices jumped by a third.'' That was when the price of oil was $55 a barrel and gas was $2.15 a gallon. Today oil is over $123 a barrel and gas is about $4 a gallon.

What is happening today? Big oil companies are spending even more on stock buybacks and CEO compensation and less on trying to produce more oil.

For example, ConocoPhillips recently announced that it plans to give all of the $12 billion in profits it made last year back to shareholders, paying more than $3 billion in dividends and spending the rest to buy back shares of its own stock. To put this in perspective the money that ConocoPhillips is spending on stock buybacks and dividends is enough to reduce the price of gas by 9 cents a gallon throughout the entire United States.

Now, I want my Republican friends to listen closely. They have been saying over and over again that big oil desperately needs all of these windfall profits to drill for more oil.

But, guess what? According to the CEO of ConocoPhillips, James Mulva, ''We like the discipline of the share repurchase. If we find that we have more cash flow, it's not really going to be going toward capital spending.'' In other words, ConocoPhillips won't use their windfall profits to drill for more oil, or invest in renewable energy, or explore for new sources of oil discoveries no matter how much their profits rise.

Overall, since 2005, the five biggest oil companies have made $345 billion in profits and spent over $250 billion buying back stock and paying dividends to shareholders.

Last year, ExxonMobil spent 850 percent more buying back its own stock

than it did on capital expenditures in the United States.

The $38 billion in windfall profits that ExxonMobil gave back to shareholders last year could have been used to reduce gas prices at the pump throughout the United States by 27 cents a gallon for the entire year.

Mr. President, let's not kid ourselves. One of the major reasons as to why Americans are getting ripped-off at the gas pump has to do with the tremendous power and influence that big oil companies have in the Congress. As a matter of fact, since 1998, the oil and gas industry has spent over $616 million on lobbying activities.

Who have they hired? Well, on April 8 of this year, The Hill reported that Chevron hired former Majority Leader Trent Lott, a Republican; former Senator John Breaux, a Democrat; their sons Chester Trent Lott, Jr. and John Breaux, Jr.; and Trent Boyles, who was Lott's Chief of Staff to lobby Congress on issues relating to trade, climate change, and energy taxes.

ExxonMobil has hired former Senator Don Nickles, a Republican from Oklahoma, who served in this body for 24 years, to lobby Congress on behalf of their issues.

These are just a few of the hundreds of lobbyists that big oil and gas companies have hired to influence Congress, many of them former Senators, former Congressmen, and former Congressional staffers.

That is one of the reasons why, among many other reasons, this Congress, in recent years, has decided to give some $18 billion in tax breaks to oil companies despite their record-breaking profits.

In addition, since 1990 big oil companies have made over $213 million in campaign contributions. And that is a simple fact.

Lo and behold, what we are hearing today—just coincidentally, no doubt—is that the most important thing we can do in terms of the energy crisis is to provide more land offshore for the oil companies to drill at a time when they already have some 68 million acres of leased land, which they are not drilling on today.

The American people want action, and there are some things we can do—not in 15 or 20 years but that we can do right now.

First, we need to impose a windfall profits tax on big oil companies so that they would be prohibited from gouging consumers at the gas pump.

Unfortunately, instead of taking away big oil's windfall profits and giving it back to the American people, Republicans want to provide even more tax breaks to big oil. In fact, Sen. MCCAIN has a plan that would give ExxonMobil a $1.5 billion tax break.

Now, we have heard Republicans give three reasons as to why they are opposed to a windfall profits tax.

First, Republicans claim that the last time Congress enacted a windfall profits tax in 1981 it had the effect of increasing our dependence on foreign oil. Wrong. Mr. President, when Congress repealed the windfall profits tax in 1988, the U.S. was importing 7.4 million barrels of oil a day. Today, the U.S. is importing over 13.4 million barrels of oil a day. We are far more dependent on foreign oil today without a windfall profits tax than we were 20 years ago when we had a windfall profits tax.

Secondly, my Republican friends tell us that the windfall profits tax didn't work because Congress repealed it in 1988. That is also wrong. While I would have structured it differently, the fact of the matter is that from 1981 until 1988 when the windfall profits tax was repealed, the price of oil fell from $35 a barrel to less than $15 a barrel. In addition, gas prices at the pump fell from $1.35 a gallon to 90 cents a gallon—a drop of 45 cents a gallon. And the Federal Government collected over $80 billion in revenue.

The reason why the windfall profits tax was repealed was due to low oil and gas prices, which makes perfect sense. If oil and gas prices are low, big oil companies are not making windfall profits and there is no need for a windfall profits tax. If gas prices at the pump were only 90 cents a gallon, I would be one of the first Senators to say we don't need a windfall profits tax. But, they are not. They are over $4 a gallon.

Finally, Republicans claim that big oil companies need to keep their windfall profits so that they can increase production and build more refineries. That particular argument is laughable.

Big oil companies have been making windfall profits for over seven long years—and they are not using these profits to build more refineries and they are not using it to expand production. Instead, they are using this money to buy back their own stock, increase dividends to their shareholders, and enrich their CEOs, as I have explained earlier.

Not only do we need to impose a windfall profits tax on these extremely powerful oil corporations, but we also have to address what I perceive is a growing understanding that Wall Street investment banks, such as Goldman Sachs, Morgan Stanley, JPMorgan Chase, and hedge fund managers are driving up the price of oil in the unregulated energy futures market. In other words, they are speculating on energy futures and driving up prices.

There are estimates that 25 to 50 percent of the cost of a barrel of oil is attributable to unregulated speculation on oil futures. We have heard from some leading energy economists, and we have heard from people in the oil industry themselves who tell us that 25 to 50 percent of the cost of a barrel of oil today is not due to supply and demand or the cost of production but is due to manipulation of markets and excessive speculation. In essence, Wall Street firms are making billions as they artificially drive up oil prices by buying, holding, and selling huge amounts of oil on dark unregulated markets.

Some of my Republican friends claim that the increase in the price of oil has nothing to do with speculation, but it is interesting to me that we have had executives of major oil companies—major oil companies—who have come before Congress and who are saying, ''Why is oil $125, $130, and $140 a barrel?'' Do you know what they say? The CEO of Royal Dutch Shell testified before Congress and said: ''The oil fundamentals are no problem. They are the same as they were when oil was selling for $60 a barrel.''

This is not some radical economist. It is not some left-winger. This is a guy who is the head of Royal Dutch Shell.

The CEO of Marathon Oil recently said: ''$100 oil isn't justified by the physical demand in the market.''

I know my Republican friends have a lot of respect for the oil industry, a great competence in them. They love them and give them huge tax breaks. So maybe they should listen to what some of these guys are saying in terms of oil speculation.

For those who believe that excessive speculation is not causing oil prices to climb higher, let me just say this. Over the past 7 years, Enron; BP; and Amaranth were caught redhanded manipulating the price of electricity; propane; and natural gas. Each time, supply and demand was to blame and each time the pundits were proven wrong. Excessive speculation; manipulation and greed were the cause. Enron employees are in jail for manipulating the electricity market in 2001; BP was forced to pay a $300 million fine for manipulating propane prices in 2004; and the Amaranth hedge fund collapsed after manipulating natural gas prices in 2006.

The Stop Excessive Speculation Act introduced by Majority Leader REID begins to seriously address this problem. We need to pass this bill as soon as possible.

The bottom line is that it is time for the United States Senate to say no to big oil companies and greedy hedge fund managers and yes to the American people.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 636—RECOGNIZING THE STRATEGIC SUCCESS OF THE TROOP SURGE IN IRAQ AND EXPRESSING GRATITUDE TO THE MEMBERS OF THE UNITED STATES ARMED FORCES WHO MADE THAT SUCCESS POSSIBLE

Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. MCCAIN, Mr. ENZI, Mr. MARTINEZ, Mr. BOND, Mr. WICKER, Mr. CORNYN, Mr. CRAPO, Mr. ALLARD, Mr. THUNE, Mr. BARRASSO, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 636

Whereas, by the end of 2006, it had become clear that, despite exceptional efforts and sacrifices on the part of the United States Armed Forces in Iraq, the United States was pursuing a failed strategy in Iraq;

Whereas, by the end of 2006, large-scale sectarian violence was accelerating throughout Iraq, al Qaeda had established significant safe havens there, militias sponsored by the Government of Iran had seized effective control of large swaths of Iraq, and the Government of Iraq was suffering from political paralysis;

Whereas, by the end of 2006, insurgents and death squads were killing more than 3,000 civilians in Iraq each month and coalition forces were sustaining more than 1,200 attacks each week;

Whereas, in December 2006, the Iraq Study Group warned that ''the United States is facing one of its most difficult and significant international challenges in decades'' in Iraq and that ''Iraq is vital to regional and even global stability, and is critical to U.S. interests'';

Whereas, in December 2004, Osama bin Laden said the following of the war in Iraq: ''The most important and serious issue today for the whole world is this Third World War. . . . The world's millstone and pillar is Baghdad, the capital of the caliphate.'';

Whereas, on January 10, 2007, in an address to the Nation, President George W. Bush acknowledged that the situation in Iraq was ''unacceptable'' and announced his intention to put in place a new strategy, subsequently known as ''the surge'';

Whereas President Bush nominated and the Senate confirmed General David H. Petraeus as the Commander of Multi-National Forces-Iraq, a position he assumed on February 10, 2007;

Whereas General Petraeus, upon assuming command, and in partnership with Lieutenant General Raymond Odierno, the Commander of Multi-National Corps-Iraq, and United States Ambassador to Iraq Ryan Crocker, developed a comprehensive civil-military counterinsurgency campaign plan to reverse Iraq's slide into chaos, defeat the enemies of the United States in Iraq, and, in partnership with the Iraqi Security Forces and the Government of Iraq, reestablish security across the country;

Whereas, under the previous strategy, the overwhelming majority of United States combat forces were concentrated on a small number of large forward operating bases and were not assigned the mission of providing security for the people of Iraq against insurgents, terrorists, and militia fighters, in part because there were insufficient members of the United States Armed Forces in Iraq to do so;

Whereas, as an integral component of the surge, approximately 5 additional United States Army brigades and 2 United States Marine Corps battalions were deployed to Iraq;

Whereas, as an integral component of the surge, members of the United States Armed Forces were deployed out of large forward operating bases onto small bases throughout Baghdad and other key population centers, partnering with the Iraqi Security Forces to provide security for the local population against insurgents, terrorists, and militia fighters;

Whereas additional members of the United States Armed Forces began moving into Iraq in January 2007 and reached full strength in June 2007;

Whereas, as a consequence of the additional forces needed in Iraq, in April 2007 the United States Army added 3 months to the standard year-long tour for all active duty soldiers in Iraq and Afghanistan, and the United States Marine Corps added 3 months to the standard 6-month tour for all active duty Marines in Iraq and Afghanistan;

Whereas, as an integral component of the surge, members of the United States Armed Forces began simultaneous and successive offensive operations, in partnership with the Iraqi Security Forces, of unprecedented breadth, continuity, and sophistication, striking multiple enemy safe havens and lines of communication at the same time;

Whereas, as an integral component of the surge, additional members of the United States Armed Forces were deployed to Anbar province to provide essential support to the nascent tribal revolt against al Qaeda in that province;

Whereas those additional members of the United States Armed Forces played a critical role in the success and spread of anti-Qaeda Sunni tribal groups in Anbar province and subsequently in other regions of Iraq;

Whereas, since the start of the surge in January 2007, there have been marked and hopeful improvements in almost every political, security, and economic indicator in Iraq;

Whereas, in 2007, General Petraeus described Iraq as ''the central front of al Qaeda's global campaign'';

Whereas, in 2008, as a consequence of the success of the surge, al Qaeda has been dealt what Director of Central Intelligence Michael Hayden assesses as a ''near strategic defeat'' in Iraq;

Whereas, as a consequence of the success of the surge, militias backed by the Government of Iran have been routed from major population centers in Iraq and no longer control significant swaths of territory;

Whereas, as a consequence of the success of the surge, sectarian violence in Iraq has fallen dramatically and has been almost entirely eliminated;

Whereas, as a consequence of the success of the surge, overall insurgent attacks have fallen by approximately 80 percent since June 2007 and are at their lowest level since March 2004;

Whereas, as a consequence of the success of the surge, United States casualties in Iraq have dropped dramatically and United States combat deaths in Iraq in July 2008 were lower than in any other month since the beginning of the war;

Whereas, as a consequence of the success of the surge, the Government of Iraq has made significant strides in advancing sectarian reconciliation and achieving political progress, including the passage of key benchmark legislation;

Whereas, as a consequence of the success of the surge, the Iraqi Security Forces have improved markedly and approximately 70 percent of Iraqi combat battalions are now leading operations in their areas; and

Whereas, as a consequence of the success of the surge, General Petraeus concluded in 2008 that conditions on the ground in Iraq could permit the additional brigades and battalions dispatched to Iraq in 2007 as part of the surge to be safely redeployed without replacement, and all such brigades and battalions have been successfully withdrawn without replacement: Now, therefore, be it

Resolved, That the Senate—

(1) commends and expresses its gratitude to the men and women of the United States Armed Forces for the service, sacrifices, and heroism that made the success of the troop surge in Iraq possible;

(2) commends and expresses its gratitude to General David H. Petraeus, General Raymond Odierno, and Ambassador Ryan Crocker for the distinguished wartime leadership that made the success of the troop surge in Iraq possible;

(3) recognizes the success of the troop surge in Iraq and its strategic significance in advancing the vital national interests of the United States in Iraq, the Middle East, and the world, in particular as a strategic victory in a central front of the war on terrorism; and

(4) recognizes that the hard-won gains achieved as a result of the troop surge in Iraq are significant but not yet permanent and that it is imperative that no action be taken that jeopardizes those gains or dishonors the service and sacrifice of the men and women of the United States Armed Forces who made those gains possible.

SENATE RESOLUTION 637—TO HONOR THE VISIONARY AND EXTRAORDINARY WORK OF LOS ALAMOS NATIONAL LABORATORY AND IBM ON THE ROADRUNNER SUPERCOMPUTER

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 637

Whereas on May 26, 2008, the Roadrunner supercomputer of the Los Alamos National Laboratory broke a historic barrier by being powerful enough to run at a petaflop, 1,000,000,000,000,000 calculations per second, making the Roadrunner supercomputer the fastest computer in the world;

Whereas International Business Machines Corporation (referred to in this resolution as ''IBM'') and Los Alamos National Laboratory overcame the challenges of technological innovation to achieve a petaflop ahead of schedule;

Whereas the Roadrunner supercomputer will enable the United States to tackle new and more challenging problems;

Whereas the Roadrunner supercomputer will be primarily devoted to national security in the United States and will be used for ensuring the safety and reliability of the weapons stockpile of the United States and for research in astrophysics, materials science, energy research, medicine, and biotechnology;

Whereas Cell-based supercomputer technology of IBM is the most energy efficient in the world;

Whereas the new high-performance computing capabilities enabled by hybrid Opteron-Cell machines of IBM in the Roadrunner supercomputer of Los Alamos National Laboratory enhance and improve United States competitiveness;

Whereas from maintaining employment records for millions of people of the United States, to providing technology to help the United States run the Ballistic Missile Early Warning System, land on Mars, end the physical testing of atomic weapons, and now help national security by ensuring the safety of the nuclear weapons stockpile of the United States and researching issues of critical importance such as human genome science and climate change, the partnership of IBM with the Federal Government and the dedication of that partnership to solving critical problems that are seemingly impossible have remained unrivaled and relentless for more than 80 years;

Whereas the Roadrunner supercomputer is the most recent achievement of long-standing science and technology leadership of Los Alamos National Laboratory, from the Manhattan Project to the role of the Laboratory today as a premier national security science laboratory; and

Whereas, the Roadrunner supercomputer funding was initiated with $35,000,000 in the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103): Now, therefore, be it

Resolved, That the Senate honors the visionary and extraordinary work of Los Alamos National Laboratory and IBM for—

(1) pushing the barriers of science and providing the United States with historical high-performance computing capabilities that will allow some of the most challenging problems in science and engineering to be solved; and

(2) achieving the capability to make petaflop calculations, which—

(A) is considered a crucial milestone internationally;

(B) is considered a sign of the competitiveness of the United States in the critical new area of high-performance computing capability; and

(C) will allow the United States to solve even bigger and more complex problems from the safety of the nuclear deterrent of the United States to human genome science and climate change.

Mr. DOMENICI. Mr. President, I come to the floor today to introduce a resolution to recognize the achievement of a major scientific milestone by two great American institutions—Los Alamos National Laboratory and IBM—to build the first supercomputer to break the ''petaflop'' barrier in supercomputing. A petaflop is a million, billion calculations per second. Think of that—a million, billion calculations in a second. If every human being on the planet were given a calculator it would take 50 years to do what this supercomputer can do in a single day.

This supercomputer is called the ''Roadrunner'' and was developed cooperatively by the Los Alamos National Laboratory and IBM—two American institutions which have a long and prestigious history in delivering major technological breakthroughs for the Nation.

The Roadrunner is the fastest computer in the world. It more than doubles the previous record. We can be very proud this achievement for American science and technology. It highlights the essential role our national laboratories play in advancing the state of the art for high performance computing—a vital component of our national security and scientific leadership.

Every year, computing power increases at a pace set by America's national laboratories. From developing advanced computing architectures and algorithms, to creating effective means for storing and viewing the enormous amounts of data generated by these machines, the laboratories have made high performance computing a reality.

These applications go well beyond security and basic science. The laboratories have worked hard to transition these capabilities to academia and industry, simulating complex industrial processes and their environmental impact, including global climate change.

Collaborations with the private sector have also driven down the cost, so that now high performance does not mean high expense. This has had an enormous impact, placing advanced computing within reach of an ever wider circle of users.

These achievements did not happen by accident. They required planning, commitment and follow through. Indeed, the Roadrunner began as an earmark in the fiscal year 2006 appropriations bill. Congress must ensure that the world class simulation capabilities within the complex are maintained and investments are made to drive future innovation.

We must continue to raise the bar, giving our best and brightest new goals to work toward, ensuring that America will retain its technical leadership in advanced computing.

I hope my colleagues will join me in recognizing Los Alamos National Laboratory and IBM for reaching yet another milestone in supercomputing.

In particular, I want to commend the members of the Roadrunner team.

From Los Alamos: Sriram Swaninarayan, Paul Henning, Adolfy Hoisie, Guy Dimonte, Darren Kerbyson, Brian Albright, Tim Germann, Ben Bergen, Ken Koch, Manuel Vigil, Randal Rheinheimer, Parks Fields, John Cerutti.

From IBM: Nicholas Donofrio, Cornell Wright, William Zeitler, David Turek, Don Grice, and Catherine Crawford.

Participants from academia included Steven Zuker of Yale University and James DiCarlo from the Massachusetts Institute of Technology.

Congratulations on a job well done.

Top 10 Fastest Supercomputers in the World (June 2008).

Name, Location, Speed (TFlop/s).

1. Roadrunner (IBM), Los Alamos, NM (NNSA), 1026.0.
2. Blue Gene/L (IBM), Livermore, CA (NNSA), 478.2.
3. Blue Gene/P (IBM), Argonne, IL (DOE), 450.3.
4. Ranger (Sun), Univ. of Texas, TX, 326.0.
5. Jaguar (Cray), Oak Ridge, TN (DOE), 205.0.
6. JUGENE (IBM), Juelich, Germany, 180.0.
7. Encanto (SGI), NMCAC, NM, 133.2.
8. EKA (HP), TATA SONS, India, 132.8.
9. Blue Gene/P (IBM), IDRIS, France, 112.5.
10. SGI Altix ICE (SGI), Total Exploration, France, 106.1.

SENATE RESOLUTION 638—SUPPORTING LEGISLATION PROMOTING IMPROVED HEALTH CARE AND ACCESS TO HEALTH CARE FOR WOMEN

Ms. STABENOW (for herself and Mr. OBAMA, Ms. KLOBUCHAR, Ms. CANTWELL, Mrs. MCCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mrs. CLINTON, Mrs. BOXER, Mr. KENNEDY, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 638

Whereas women are the health care decisionmakers for themselves and their families;

Whereas women want affordable health care they can count on throughout life transitions, such as starting a family, job changes, part-time and full-time work, divorce, caring for an elderly or sick family member, having a major disease, or retiring;

Whereas women with good health coverage worry about keeping their coverage and access to their providers;

Whereas women are more likely to seek essential preventive and routine care than are men, are more likely to have a chronic health condition, and are more likely to take a prescription drug on a daily basis;

Whereas women pay 68 percent more than men for out-of-pocket medical costs, due in large part to reproductive health care needs;

Whereas more than half of underinsured women (53 percent) and ⅔ of uninsured women (68 percent) forego needed care, and about half of the underinsured (45 percent) and uninsured (51 percent) report difficulty paying medical bills;

Whereas, in 2004, 1 in 6 women with individual coverage reported postponing or going without needed care because she couldn't afford it;

Whereas high-deductible health plans are often targeted to young women as an inexpensive health coverage option, but fail to cover pregnancy-related care, the most expensive health event most young families face and the leading reason for hospital stays;

Whereas 75,000,000 adults (42 percent of the under-65 population) had either no insurance or inadequate insurance in 2007, up from 35 percent in 2003;

Whereas 47,000,000 people, nearly 16 percent of the United States population, are uninsured, including 17,000,000 adult women ages

18 to 64 (18 percent) and 9,000,000 children (12 percent);

Whereas the Institute of Medicine estimated that lack of health insurance coverage resulted in 18,000 excess deaths in the United States in 2000 (a number which the Urban Institute estimates grew to 22,000 by 2006) and that acquiring health insurance reduces mortality rates for the uninsured by 10 to 15 percent;

Whereas uninsured women with breast cancer are 30 to 50 percent more likely to die from the disease, and uninsured women are 3 times less likely to have had a Pap test in the last 3 years, with a 60 percent greater risk of late-stage cervical cancer;

Whereas 13 percent of all pregnant women are uninsured, making them less likely to seek prenatal care in the 1st trimester and to receive the optimal number of visits during their pregnancies, and 31 percent more likely to experience an adverse health outcome after giving birth;

Whereas the lack or inadequate use of prenatal care is associated with pregnancy-related mortality rates 2 to 3 times higher and infant mortality rates 6 times higher than that of women receiving early prenatal care, as well as increased risk of low birthweight and preterm birth;

Whereas heart disease is the leading cause of death for both women and men, but women are less likely to receive lifestyle counseling, diagnostic and therapeutic procedures, and cardiac rehabilitation and more likely to die or have a 2nd heart attack, demonstrating inequalities in access to care;

Whereas health care disparities persist, leaving Hispanic and Native American women and children 3 times more likely and African Americans nearly twice as likely to be uninsured as non-Hispanic Whites;

Whereas, in 2005, nearly 80 percent of the female population infected with the human immunodeficiency virus (HIV) was Black or Hispanic, and the incidence rates of HIV and acquired immunodeficiency syndrome (AIDS) are dramatically higher for Black and Hispanic women and adolescents (60.2 and 15.8 per 100,000, respectively) than for White women and adolescents (3.0 per 100,000);

Whereas women are less likely than men to be insured through their jobs and more likely to be insured as a dependent, making them more vulnerable to insurance loss in the event of divorce or death of a spouse;

Whereas 64 percent of uninsured women are in families with at least 1 adult working full-time;

Whereas health care costs are increasingly unaffordable for working families and employers, with employer-sponsored health insurance premiums increasing 87 percent since 2000;

Whereas America's 9,100,000 women-owned businesses employ 27,500,000 people, contribute $3,600,000,000 to the economy, and face serious obstacles in obtaining affordable health coverage for their employees;

Whereas the lack of affordable health coverage creates barriers for women who want to change jobs or create their own small businesses;

Whereas health care professionals and workers—a significant portion of whom are women—have a stake in achieving reform that allows them to provide the highest quality care for their patients;

Whereas 56 percent of all caregivers are women;

Whereas the United States spends twice as much on health care as the median industrialized nation, our health care system ranks near the bottom on most measures of health status among the 30 developed nations of the Organisation for Economic Co-operation and Development (OECD), and 37th in overall health performance among 191 nations; and

Whereas the National Institutes of Medicine (NIH) estimates that the cost of achieving full insurance coverage in the United States would be less than the loss in economic productivity from existing coverage gaps: Now, therefore, be it

Resolved, That the Senate commits to pass, and urges the President sign into law, within the next 18 months, legislation that guarantees health care for all women and health care for all people of the United States and that—

(1) recognizes the special role that women play as health care consumers, caregivers, and providers;

(2) guarantees inclusion of health care benefits essential to achieving and maintaining good health, including comprehensive reproductive health, pregnancy-related, and infant care;

(3) promotes primary and preventive care, including family planning, contraceptive equity, and care continuity;

(4) provides a choice of public and private plans and direct access to a choice of doctors and health providers that ensures continuity of coverage and a delivery system that meets the needs of women;

(5) eliminates health disparities in coverage, treatment, and outcomes on the basis of gender, culture, race, ethnicity, socioeconomic status, health status, and sexual orientation;

(6) shares responsibility for financing among employers, individuals, and the government while taking into account the needs of small businesses;

(7) ensures that access to health care is affordable;

(8) enhances quality and patient safety;

(9) promotes administrative efficiency, reduces unnecessary paperwork, and is easy for health care consumers and providers to utilize; and

(10) ensures a sufficient supply of qualified providers through expanded medical and public health education and adequate reimbursement.

Ms. STABENOW. Mr. President, I rise today to issue a challenge on the need to reform health care. The resolution I am introducing today with my friend and colleague, Representative JAN SCHAKOWSKY, calls on Congress to send a plan to the next President that will ensure high-quality and affordable health care for women and for all. I also am proud to be joined by my colleagues, Senators OBAMA, KLOBUCHAR, CANTWELL, MCCASKILL, MIKULSKI, MURRAY, CLINTON, BOXER, and KENNEDY.

We spend twice as much on health care as any other industrialized nation, yet we have an unacceptably high number of Americans without health insurance—nearly 50 million. Millions more are also underinsured and have less coverage than they need. We are blessed with the best doctors, nurses, and other health providers in the world but rank 43rd in the world in infant mortality.

We are all in this together. From working families to the uninsured, from multinational corporations to small businesses, we all face challenges in making sure Americans get the quality, affordable health care they need, when they need it. Rising costs are crippling our businesses and our economy. Health care costs make large businesses, like Michigan's automakers, less competitive globally and threaten the survival of small firms.

We must ensure that no child is denied doctor visits, no pregnant woman has to choose between prenatal care and her rent, and no working family pays high premiums every month only to find that the care they most need isn't covered. And we need to end health care disparities that affect women. For example, heart disease is a leading cause of death for both women and men but women are less likely to receive lifestyle counseling or other medical intervention and more likely to die or have a second heart attack.

Women understand these hard choices and are calling on Congress to find a solution. As mothers with young children, women with aging parents, small business owners, health professionals and health care consumers, women confront problems in our health care system every day.

We are pleased to have the support of numerous groups representing physicians, women, and families, including the American College of Obstetricians and Gynecologists, Planned Parenthood, the National Women's Law Center, and the National Partnership for Women and Families.

There is much work to be done to change our health care system and it is going to take everyone's best effort, working together, to achieve it. America's families, businesses, and providers cannot wait any longer. This resolution is a first step and a signal that we need to roll up our sleeves and get to work.

SENATE RESOLUTION 639—RECOGNIZING THE BENEFITS OF TRANSPORTATION IMPROVEMENTS ALONG THE UNITED STATES ROUTE 36 CORRIDOR TO COMMUNITIES, INDIVIDUALS, AND BUSINESSES IN COLORADO

Mr. SALAZAR (for himself and Mr. ALLARD) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 639

Whereas the Colorado communities of Westminster, Louisville, Superior, Broomfield, Denver, and Boulder have united in support of transportation improvement along the United States Route 36 corridor (in this preamble referred to as the "U.S. 36 Corridor");

Whereas communities in Denver, Adams, Broomfield, Jefferson, and Boulder counties, which have experienced unprecedented levels of growth since the early 1990s, are connected by the U.S. 36 Corridor;

Whereas the area's rapid growth has outpaced its transportation needs and is impeding the efficient movement of people and goods;

Whereas the U.S. 36 Corridor exemplifies the congestion challenges facing the fastest-growing sections of States in the American West;

Whereas the U.S. 36 Corridor is a dynamic travel corridor with bi-directional travel to and from the multiple communities throughout the day;

Whereas addressing congestion along the U.S. 36 Corridor is critical to the work and school commutes of thousands of Coloradans between communities in the Denver metropolitan area and Boulder;

Whereas the Colorado Department of Transportation and the Regional Transportation District, in conjunction with the Federal Highway Administration and the Federal Transit Administration, have been studying multimodal transportation improvements between Denver and Boulder in the U.S. 36 Corridor environmental impact statement since 2003;

Whereas public comments received in the process of developing the environmental impact statement sought a transportation solution that further reduced the impacts on the community and the environment, minimized project costs, and improved mobility of people and goods;

Whereas the U.S. 36 Corridor project, as developed through the environmental impact statement process, is a national model for congestion mitigation measures, which may combine tolling, public transit, technology, teleworking, and bikeway options that can be quickly implemented and have an immediate impact;

Whereas the U.S. 36 Corridor could become a premier transportation corridor, complete with bus rapid transit, high occupancy vehicle lanes, and safe bicycling lanes;

Whereas the U.S. 36 Corridor project represents a thoughtful, comprehensive approach to congestion on the Nation's roadways;

Whereas a record of decision will be issued in 2009, which will permit construction to commence on the U.S. 36 Corridor project;

Whereas the U.S. 36 Corridor project was among the highest ranked congestion mitigation proposals submitted under the Department of Transportation's Urban Partnership Agreement Program; and

Whereas it is important that Congress find innovative ways to fund regionally significant transportation projects, especially projects that will improve air quality, expand transportation choice, reduce congestion, and provide access to bicycle and pedestrian facilities: Now, therefore, be it

Resolved, That the Senate—

(1) commends the members of the Mayors and Commissioners Coalition, the Colorado Department of Transportation, the Regional Transportation District, and the businesses that support 36 Commuting Solutions, a public-private nonprofit organization, for their commitment, dedication, and efforts to proceed with the United States Route 36 corridor project;

(2) recognizes the benefits for mobility, the environment, and quality of life that would be gained by investing in transportation improvements along the United States Route 36 corridor, throughout Colorado and elsewhere; and

(3) supports Federal transportation investments along United States Route 36, throughout Colorado, and elsewhere that reduce congestion, reduce carbon emissions, improve mobility, improve access to transit for bicyclists and pedestrians, reduce vehicle miles traveled, reduce dependence on foreign oil, support mass transit, include intelligent transportation systems, and implement travel demand management strategies.

SENATE RESOLUTION 640—EXPRESSING THE SENSE OF THE SENATE THAT THERE SHOULD BE AN INCREASED FEDERAL COMMITMENT TO PUBLIC HEALTH AND THE PREVENTION OF DISEASES AND INJURIES FOR ALL PEOPLE IN THE UNITED STATES

Mr. CARDIN (for himself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 640

Whereas the United States has the highest rate of preventable deaths among 19 industrialized countries and lags behind 28 other members of the United Nations in life expectancy;

Whereas various research studies suggest that nearly 60 percent of premature deaths in the United States are attributable to environmental conditions, social circumstances, or behavioral choices that could be prevented;

Whereas more money is spent each year on health care in the United States than in any other country in the world;

Whereas, of the more than $2,200,000,000,000 spent on health care in the United States each year, less than 4 cents out of every dollar are spent on improving public health and preventing diseases and injuries;

Whereas chronic diseases are the leading cause of preventable death and disability in the United States, accounting for 7 out of every 10 deaths and killing more than 1,700,000 people in the United States each year;

Whereas those often preventable chronic diseases account for approximately 75 percent of health care spending in the United States each year, including more than 96 cents out of every dollar spent under the Medicare program and more than 83 cents out of every dollar spent under the Medicaid program;

Whereas those chronic diseases cost the United States an additional $1,000,000,000,000 each year in lost productivity and are a major contributing factor to the overall poor health that is placing the Nation's economic security and competitiveness in jeopardy;

Whereas the number of people with chronic diseases is rapidly increasing, and it is estimated that by 2050 nearly half of the population of the United States will suffer from at least one chronic disease if action is not taken;

Whereas the use of clinically-based preventive services has been demonstrated to prevent or result in early detection of cancer and other diseases, save lives, and reduce overall health care costs; and

Whereas research has shown that investing in community-level interventions that promote and enable proper nutrition, increased access to physical activity, and smoking cessation programs can prevent or mitigate chronic diseases, improve quality of life, increase economic productivity, and reduce health care costs: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that, in order to reduce the disease burden and health care costs associated with preventable diseases and injuries, it is imperative that the United States strengthen its public health system—

(A) to provide all people in the United States with the information, resources, and environment necessary to make healthier choices and live healthier lives; and

(B) to protect all people in the United States from health threats beyond their control, such as bioterrorism, natural disasters, infectious disease outbreaks, and environmental hazards;

(2) commits to creating public health strategies to eliminate health disparities and improve the health of all people in the United States, regardless of race, ethnicity, or socioeconomic status;

(3) supports the prioritizing of public policies focusing on the prevention of disease and injury;

(4) calls for community-based programs to support healthy lifestyles, including programs that promote proper nutrition and increased access to physical activity;

(5) urges the expansion of clinical preventive activities, including screenings and immunizations; and

(6) pledges to help significantly improve the health of all people in the United States by supporting increased investment in Federal public health programs.

Mr. CARDIN. Mr. President, I rise today to introduce a resolution promoting increased investment in preventive health and public health.

Our Nation's annual health expenditures have reached the astonishing total of $2.2 trillion, or approximately $7,000 for each American. Our health expenditures also represent 16 percent of the gross domestic product. That's a higher percentage of GDP than any other nation as well as a higher amount per capita.

But what are we getting for our health care dollars? Rankings from the Organisation for Economic Cooperation and Development, OECD, consistently show the United States ranking far behind most other industrialized countries in overall health status, in infant health as measured by infant mortality rates, and in life expectancy.

And if we examine the distribution of expenditures, it becomes apparent that we are dedicating the lion's share of resources to a few, chronic diseases, such as diabetes, and hypertension. From 1987 to 2000, while our overall health care spending doubled, spending on strokes nearly quadrupled and spending on hypertension rose from $8 billion to $23 billion a year. Chronic diseases are the leading cause of preventable death and disability, and are responsible for more than 1.7 million deaths each year. They are particularly costly for publicly-funded insurance programs, accounting for 96 cents of every Medicare dollar and 83 cents of every Medicaid dollar. Project HOPE has estimated that by the year 2050, nearly half the population of the United States will develop at least one chronic disease if we do not act.

But analyses also show that of the money spent on health care, fewer than 4 cents of every dollar are dedicated to public health and prevention. We need

to prioritize public health and preventive approaches if we are to have a healthier America.

We already know that early detection can save lives, reduce costs, and result in a more efficient health care system for all of us. One prominent example is colorectal cancer screening. Colorectal cancer is the number two cancer killer in the United States. This year, an estimated 148,000 new cases will be diagnosed and more than 52,000 Americans will die from the disease.

The risk of colorectal cancer begins to increase after the age of 40 and rises sharply at the ages of 50 to 55, at which point the risk doubles with each succeeding decade. Despite advances in surgical techniques and adjuvant therapy, there has been only a modest improvement in survival for patients who present with advanced cancers.

The good news is that colorectal cancer can be prevented, and is highly treatable when discovered early. Most cases of the disease begin as non-cancerous polyps which can be detected and removed during routine screenings—preventing the development of colorectal cancer. Screening tests also save lives even when they detect polyps that have become cancerous by catching the disease in its earliest, most curable stages. The cure rate is up to 93 percent when colorectal cancer is discovered early.

We must also promote changes in lifestyles, community-based interventions, to improve our health status. This means encouraging and enabling proper nutrition, increasing our level of physical activity, supporting smoking cessation programs for those who smoke now, and educating youth about the dangers of smoking.

Trust for America's Health has just released a report entitled ''Prevention for a Healthier America.'' Among its conclusions is that ''an investment of $10 per person per year in community-based programs to increase physical activity, improve nutrition, and prevent smoking and other tobacco use could save the country more than $16 billion annually every five years . . . a return of $5.60 for every $1. Of the $16 billion, Medicare could save more than $5 billion, Medicaid could save more than $1.9 billion, and private payers could save more than $9 billion.''

It is clear that to make a real difference in America's health status, and to produce a far more efficient health care system, the answer is to use our health care resources more wisely. That means investing in the clinically-based and community-based interventions that will prevent the serious, chronic illnesses that are draining our health care resources now.

Finally, Mr. President, I want to thank Senator CLINTON for joining me in introducing this resolution. Her knowledge of and expertise in health care are unparalleled, and I am very appreciative of her support. I urge all my colleagues to support this resolution.

SENATE RESOLUTION 641—CONGRATULATING THE FOCUS ON THE FAMILY RADIO PROGRAM FOR ITS INDUCTION INTO THE NATIONAL RADIO HALL OF FAME

Mr. BROWNBACK (for himself, Mr. DEMINT, Mr. HATCH, Mr. INHOFE, Mr. MARTINEZ, Mr. ROBERTS, and Mr. MCCONNELL) submitted the following resolution; which was referred to the Committee on Commerce, Science and Transportation.

S. RES. 641

Whereas the National Radio Hall of Fame & Museum was created to commemorate significant figures in the world of radio, a medium that has been integral to American society since the early 20th century;

Whereas a key element of the mission of the National Radio Hall of Fame & Museum is to recognize and showcase contemporary talent from diverse radio programming formats;

Whereas, each November since 1992, significant radio figures have been honored for their excellence in the field of radio by being inducted into the National Radio Hall of Fame;

Whereas James C. Dobson, Ph.D., is founder and chairman of Focus on the Family;

Whereas the Focus on the Family radio program first aired in 1977 and now is heard through more than 3,000 radio outlets in North America and in 27 languages in over 160 other countries;

Whereas the Focus on the Family radio program has benefitted the lives of families and individuals across the United States and around the world;

Whereas the Focus on the Family radio program has been named as a 2008 inductee to the National Radio Hall of Fame; and

Whereas the Focus on the Family radio program is the first faith-based radio program to receive this honor: Now, therefore, be it

Resolved, That the Senate congratulates the Focus on the Family radio program, its staff, and its founder and chairman, James Dobson, for their excellence in radio programming and the program's worthy induction into the National Radio Hall of Fame.

SENATE RESOLUTION 642—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 642

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into tax haven financial institutions, their formation and administration of offshore entities and accounts for use by U.S. clients, and the impact of those activities on tax compliance in the United States;

Whereas, the Subcommittee has received a number of requests from law enforcement and regulatory agencies for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into tax haven financial institutions, their formation and administration of offshore entities and accounts for use by U.S. clients, and the impact of those activities on tax compliance in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5258. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5258. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, after line 17, insert the following:

TITLE II—HOME ENERGY ASSISTANCE

SEC. 21. SHORT TITLE.

This title may be cited as the ''Home Energy Assistance Today Act''.

SEC. 22. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

In addition to any amounts appropriated under any other provision of Federal law, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2008—

(1) $1,265,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $1,265,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

SEC. 23. DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).''.

(b) PRIMARY PRODUCT.—Section 199(c)(4)(B) of such Code is amended by adding at the end the following flush sentence:

''For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 31, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. REID. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs and the House Committee on Homeland Security Subcommittee on Emergency Communications, Preparedness, and Response be authorized to meet during the session of the Senate on Thursday, July 31, 2008, at 1 p.m. to conduct a joint hearing entitled ''Lessons Learned: Ensuring the Delivery of Donated Goods to Survivors of Catastrophes.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, July 31, 2008, at 9:30 a.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 31, 2008 in room 406 of the Dirksen Senate Office Building at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, July 31, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 31, 2008, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, July 31, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, July 31, 2008, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 31, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, July 30, 2008 from 10:30 a.m.–12:30 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Consolidation in The Pennsylvania Health Insurance Industry: The Right Prescription?'' on Thursday, July 31, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, July 31, 2008, at 9:30 a.m., to conduct a hearing entitled, ''Offline and Off-budget: The Dismal State of Information Technology Planning in the Federal Government.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, July 31, 2008, at 2 p.m., to conduct a hearing entitled, ''A Reliance on Smart Power—Reforming the Foreign Assistance Bureaucracy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that members of my staff—Brian Chelcen and Peter Quaranto—be granted floor privileges for the remainder of this Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. I ask unanimous consent that a fellow in Senator BINGAMAN's office, Michele Mazzocco, be given floor privileges during this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I, too, ask unanimous consent to extend floor privileges to Ann Clough for the remainder of the consideration of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBYAN CLAIMS RESOLUTION ACT

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3370, introduced earlier today by Senators BIDEN, LUGAR, LAUTENBERG, WARNER, LEAHY, and LEVIN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3370) to resolve pending claims against Libya by United States nationals, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BIDEN. Mr. President, today, with the passage of the Libyan Claims Resolution Act, the United States moves closer to a comprehensive resolution of all outstanding claims by U.S. nationals against Libya for its support for terrorism over several decades. These claims include, most notably, the Pan Am 103 bombing over Lockerbie, Scotland, which killed 270 innocent human beings in December 1988 and the bombing of the LaBelle discotheque in Berlin in April 1986 in which two American military personnel were killed and scores more injured. There are many other pending claims involving attacks against Americans that are attributable to Libya. These, too, will be resolved by this legislation. Although less well known in the public's memory, they were no less devastating to their victims and no less an affront to humanity.

For several months now, the Bush administration has been negotiating with the Government of Libya on a comprehensive settlement to compensate American victims of Libyan terror. The State Department has reported to us in recent days that an agreement has been reached but has not yet been signed. I commend the fine effort of Assistant Secretary of State David Welch and Deputy Legal Adviser Jonathan Schwartz, who led the U.S. delegation in these very difficult negotiations. Signature on the agreement awaits action by Congress, and that is what we are doing today.

The agreement will provide full compensation to pay settlements already reached in the Pan Am 103 and LaBelle cases and enough funds to ensure that every American claimant in these cases involving Libyan terrorism will receive financial compensation comparable to the Pan Am 103 and LaBelle settlements. No U.S. taxpayer money will be used to pay these claims. The regime in Libya is notoriously unpredictable, so there is a chance that the deal could fall apart. But there is reason to believe that the Libyan leader, Colonel Qadhafi, has decided it is in his interest to settle all of these cases, rather than let them languish in court for years or decades, at the expense of progress in the Libyan-American relationship. Should the government of Libya change its position and fail to provide the complete funding, the victims will retain their full rights to proceed with their legal challenges.

But before Libya is willing to sign the agreement, it wants legal assurances that upon providing the full funding it will be immune from further legal repercussions stemming from these cases. This legislation, if signed into law by the President, provides such assurances, allowing the deal to go forward. It authorizes the Secretary of State to work with the Libyans to set up the funding mechanism. It assures the Libyans that if and only if full compensation has been paid to all American victims of Libyan terrorism, they will be immune from further claims of this nature. And it assures the American claimants that their lawsuits will not be extinguished unless the funding promised by the agreement is provided.

If this bill is approved by the House, Congress will have joined with the President to solve an issue of national and international importance, while protecting the interests of its nationals who have valid claims against Libya. Under the Constitution, there is no question the executive and the legislative branches have the authority to work together in this manner to settle claims so as to help the hundreds of American claimants who will benefit from this initiative. This cooperative effort—and the prompt bipartisan support for it—is also a good example of how the two branches should work together to advance our national interests.

I wish to be clear about what my support for this legislation means and does not mean. It is clearly in the interest of the United States to develop better relations with Libya. Libya is an important country as a gateway between Europe and Africa, which shares a border with the Darfur region of Sudan, and is a member of OPEC. Colonel Qadhafi appears to have made a break with his past support for terrorism and efforts to acquire weapons of mass destruction. That is good news for Libya, for the United States, and for the world.

It also is a powerful demonstration that diplomatic engagement, backed up with sanctions and incentives, can change the behavior of countries whose policies threaten our interests. There is a lesson in here for more productive approaches we could have taken earlier with other problematic countries. It is important for countries like Iran, North Korea, and Syria that pursue malevolent policies to see that there is a roadmap back into the international community if they modify their behavior. In short, the model of normalization with Libya, if applied to other cases, can prove that our goal is conduct change, not regime change and can actually produce that change.

For these reasons, I support the nascent Libyan-American agreement to comprehensively settle all outstanding American claims against Libyan terrorism. Libya's renunciation of its weapons of mass destruction programs and its previous support for terrorism is something all of us should welcome. I support the carefully calibrated movement toward the full normalization of bilateral relations.

But it should be underscored that this legislation does not exonerate or excuse Libya for its despicable and cowardly support for terrorism. I hope that the agreement can provide a modicum of justice and closure for the victims of Libyan terrorism and their families. But it is small consolation indeed and will not bring back the lives that have been lost, nor undo the suffering endured by survivors.

Neither does today's legislation indicate a shift in my views of the fundamental nature of the Qadhafi regime. Yes, Americans are interested in Libya's external behavior. But we are also concerned about the human rights conditions within Libya. Though his support for terrorists has ended, Qadhafi's Libya remains a police state that brooks no political opposition. Four decades after coming to power in a military coup, Qadhafi continues to rule by personal fiat. He may have had a change of mind about Libya's policies, but I doubt that it has been matched by a change of heart.

It is critical that the Bush administration pursue a broader engagement with the Libyan people and civil society. This relationship must be about more than securing contracts for American oil companies. We have learned the hard way that our vital interests can be threatened by relationships that ignore the huge deficiencies in governance and basic freedoms in many Middle Eastern countries and are based exclusively on commercial and security interests. So I am disappointed that this comprehensive claims settlement agreement is not accompanied by a comprehensive plan to engage Libyan society. I urge the Bush administration to put as much energy into developing such a plan as it did in the negotiations for a claims settlement.

For more than 4 years, I have called for the release of Fathi Eljahmi, a courageous Libyan democracy advocate with serious health problems whose only crime was to speak truth to power. Though the change in direction in Libyan foreign policy in the last few years is as commendable as it is remarkable, Mr. Eljahmi's continuing captivity is a reminder that basic fundamental freedoms such as rule of law and the freedom of speech do not exist inside Libya. As I have made it clear to Colonel Qadhafi, the future of the Libyan-American relationship, at least as far as this Senator is concerned, will be affected by the Libyan Government's treatment of Mr. Eljahmi. I urge the Libyan Government to release him unconditionally and immediately, and to end the harassment of his family.

Engagement does not mean that we surrender our values. Engagement means we are in a stronger position to advance our values and to secure real change. I urge the Bush administration to use this opportunity to assert America's interests in a broader relationship that will put Libya on a more sustainable, and more democratic, path.

Mr. LEAHY. Mr. President, I am pleased that the Senate has unanimously passed legislation that, in conjunction with an international agreement being finalized between the United States and Libya, will at long last provide full and fair compensation to those United States nationals who have terrorism-related claims against Libya. I commend Senator FRANK LAUTENBERG, who has been working hard for years to try to get justice for these victims of terror, as well as the other cosponsors who have enabled this important legislation to win Senate approval.

This legislation takes a critical step in securing the final payment of settlement amounts already reached by the victims of the Pan Am 103 Lockerbie bombing and the LaBelle discotheque bombing, as well as fair compensation for all other similar claims against Libya. It has wide support among victims' rights groups, and it will be an important step in restoring relations between the United States and Libya.

I urge the House to work quickly to pass this legislation so that we can send this bill to the President's desk.

Mr. LEVIN. Mr. President, I join with Senators BIDEN, LUGAR, LAUTENBERG, WARNER, and LEAHY today in submitting the Libya Claims Resolution Act.

During last year's consideration of the Defense authorization bill, I joined with Senator LAUTENBERG and 31 other cosponsors in unanimously adding a provision which allowed victims of terrorism to seek redress in U.S. courts against foreign states whose officials or agents commit acts of terrorism, by establishing a private right of action under the sovereign immunity exception for state sponsors of terrorism.

I supported the LAUTENBERG amendment to the Defense authorization bill out of concern over Libya's backing out of a settlement agreement with the victims and families of victims of the 1986 bombing of the La Belle Discotheque in Berlin, Germany. On April 5, 1986, Libya directed its agents to execute a terrorist attack in West Berlin for the sole purpose of killing as many American military personnel as possible. The La Belle Discotheque was known to be frequented by large numbers of U.S. military personnel. The bombing of the discotheque occurred at a time when 260 people, including U.S. military personnel, were present. When the bomb detonated, two U.S. soldiers were killed and over 90 U.S. soldiers were injured.

Since shortly after the National Defense Authorization Act was enacted in January 2008, and in direct response to the Lautenberg provision, the Libyans approached the State Department about securing a comprehensive settlement of claims against Libya brought by American victims of acts of terrorism.

Under the proposed international agreement the United States would receive sufficient funding to pay the two large outstanding settlements with Libya—the Pan Am 103 families' settlement and the La Belle Discotheque settlement—as Congress has requested in previous legislation. In addition, Libya would provide sufficient funds to ensure fair compensation of the other pending claims for acts of terrorism.

In return for this comprehensive claims settlement, the United States will need to assure Libya that it will not face further terrorism-related litigation in U.S. courts. This legislation, the Libya Claims Resolution Act, will restore Libya's sovereign immunity—once the United States has received the agreed funding.

With the enactment of this legislation, the international agreement can be concluded quickly and the money channeled to American claimants. According to the State Department, the Pan Am and La Belle claimants should receive their settlements shortly after the agreement is signed, ending years of waiting for just compensation form Libya.

I commend the State Department for its efforts to bring these claims to a resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read three times and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3370) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3370

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Libyan Claims Resolution Act''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives;

(2) the term ''claims agreement'' means an international agreement between the United States and Libya, binding under international law, that provides for the settlement of terrorism-related claims of nationals of the United States against Libya through fair compensation;

(3) the term ''national of the United States'' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(4) the term ''Secretary'' means the Secretary of State; and

(5) the term ''state sponsor of terrorism'' means a country the government of which the Secretary has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

SEC. 3. SENSE OF CONGRESS.

Congress supports the President in his efforts to provide fair compensation to all nationals of the United States who have terrorism-related claims against Libya through a comprehensive settlement of claims by such nationals against Libya pursuant to an international agreement between the United States and Libya as a part of the process of restoring normal relations between Libya and the United States.

SEC. 4. ENTITY TO ASSIST IN IMPLEMENTATION OF CLAIMS AGREEMENT.

(a) DESIGNATION OF ENTITY.—

(1) DESIGNATION.—The Secretary, by publication in the Federal Register, may, after consultation with the appropriate congressional committees, designate 1 or more entities to assist in providing compensation to nationals of the United States, pursuant to a claims agreement.

(2) AUTHORITY OF THE SECRETARY.—The designation of an entity under paragraph (1) is within the sole discretion of the Secretary, and may not be delegated. The designation shall not be subject to judicial review.

(b) IMMUNITY.—

(1) PROPERTY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary designates any entity under subsection (a)(1), any property described in subparagraph (B) of this paragraph shall be immune from attachment or any other judicial process. Such immunity shall be in addition to any other applicable immunity.

(B) PROPERTY DESCRIBED.—The property described in this subparagraph is any property that—

(i) relates to the claims agreement; and

(ii) for the purpose of implementing the claims agreement, is—

(I) held by an entity designated by the Secretary under subsection (a)(1);

(II) transferred to the entity; or

(III) transferred from the entity.

(2) OTHER ACTS.—An entity designated by the Secretary under subsection (a)(1), and any person acting through or on behalf of such entity, shall not be liable in any Federal or State court for any action taken to implement a claims agreement.

(c) NONAPPLICABILITY OF THE GOVERNMENT CORPORATION CONTROL ACT.—An entity designated by the Secretary under subsection (a)(1) shall not be subject to chapter 91 of title 31, United States Code (commonly known as the ''Government Corporation Control Act'').

SEC. 5. RECEIPT OF ADEQUATE FUNDS; IMMUNITIES OF LIBYA.

(a) IMMUNITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, upon submission of a certification described in paragraph (2)—

(A) Libya, an agency or instrumentality of Libya, and the property of Libya or an agency or instrumentality of Libya, shall not be subject to the exceptions to immunity from jurisdiction, liens, attachment, and execution contained in section 1605A, 1605(a)(7), or 1610 (insofar as section 1610 relates to a judgment under such section 1605A or 1605(a)(7)) of title 28, United States Code;

(B) section 1605A(c) of title 28, United States Code, section 1083(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 342; 28

U.S.C. 1605A note), section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (28 U.S.C. 1605 note), and any other private right of action relating to acts by a state sponsor of terrorism arising under Federal, State, or foreign law shall not apply with respect to claims against Libya, or any of its agencies, instrumentalities, officials, employees, or agents in any action in a Federal or State court; and

(C) any attachment, decree, lien, execution, garnishment, or other judicial process brought against property of Libya, or property of any agency, instrumentality, official, employee, or agent of Libya, in connection with an action that would be precluded by subparagraph (A) or (B) shall be void.

(2) CERTIFICATION.—A certification described in this paragraph is a certification—

(A) by the Secretary to the appropriate congressional committees; and

(B) stating that the United States Government has received funds pursuant to the claims agreement that are sufficient to ensure—

(i) payment of the settlements referred to in section 654(b) of division J of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2342); and

(ii) fair compensation of claims of nationals of the United States for wrongful death or physical injury in cases pending on the date of enactment of this Act against Libya arising under section 1605A of title 28, United States Code (including any action brought under section 1605(a)(7) of title 28, United States Code, or section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (28 U.S.C. 1605 note), that has been given effect as if the action had originally been filed under 1605A(c) of title 28, United States Code, pursuant to section 1083(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 342; 28 U.S.C. 1605A note)).

(b) TEMPORAL SCOPE.—Subsection (a) shall apply only with respect to any conduct or event occurring before June 30, 2006, regardless of whether, or the extent to which, application of that subsection affects any action filed before, on, or after that date.

(c) AUTHORITY OF THE SECRETARY.—The certification by the Secretary referred to in subsection (a)(2) may not be delegated, and shall not be subject to judicial review.

AUTHORIZING PRODUCTION OF RECORDS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 642 submitted earlier today by Senators REID and MCCONNELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 642) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received requests from various law enforcement and regulatory agencies, seeking access to records that the Subcommittee obtained during its recent investigation into tax haven financial institutions, their formation and administration of offshore entities and accounts for use by U.S. clients, and the impact of those activities on tax compliance in the United States.

This resolution would authorize the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the Subcommittee in the course of its investigation, in response to these requests and any similar requests from government entities and officials with a legitimate need for the records.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 642) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 642

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into tax haven financial institutions, their formation and administration of offshore entities and accounts for use by U.S. clients, and the impact of those activities on tax compliance in the United States;

Whereas, the Subcommittee has received a number of requests from law enforcement and regulatory agencies for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into tax haven financial institutions, their formation and administration of offshore entities and accounts for use by U.S. clients, and the impact of those activities on tax compliance in the United States.

MEASURE READ THE FIRST TIME—S. 3406

Mr. DURBIN. Mr. President, I understand that S. 3406, introduced earlier today by Senator HARKIN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3406) to restore the intent and protections of the Americans with Disabilities Act of 1990.

Mr. DURBIN. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 110–181, appoints the following individual to the Commission on Wartime Contracting: Robert J. Henke of Virginia.

ORDERS FOR FRIDAY, AUGUST 1, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Friday, August 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to S. 3001, the Defense authorization bill, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10:20 p.m., adjourned until Friday, August 1, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

DEBORAH HERSMAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2013. (REAPPOINTMENT)

DEPARTMENT OF STATE

SUNG Y. KIM, OF CALIFORNIA, A FOREIGN SERVICE OFFICER OF CLASS ONE, FOR THE RANK OF AMBASSADOR

DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR THE SIX PARTY TALKS.

DEPARTMENT OF THE TREASURY

ANTHONY W. RYAN, OF MASSACHUSETTS, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE ROBERT K. STEEL, RESIGNED.

THE JUDICIARY

JOHN J. THARP, JR., OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE MARK R. FILIP, RESIGNED.

J. RICHARD BARRY, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, VICE WILLIAM H. BARBOUR, JR., RETIRED.

THOMAS MARCELLE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE FREDERICK J. SCULLIN, JR., RETIRED.

ELECTION ASSISTANCE COMMISSION

GINEEN BRESSO BEACH, OF FLORIDA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2009, VICE CAROLINE C. HUNTER, RESIGNED.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. FRELINGHUYSEN. Madam Speaker, in compliance with new ''earmark'' disclosure procedures adopted by the House Republican Conference, I hereby provide the following information regarding a request for funding I made of the House Appropriations Committee for inclusion in H.R. 6599, the Military Construction—VA Appropriations Act for Fiscal Year 2009.

Specifically, the project will be included in Title 1, Military Construction—Army.

H.R. 6599 includes $9.9 million for Phase 1 of the Ballistic Evaluation Facility (66725) in the Fiscal Year 2009 National Defense Authorization Act. The entity to receive the funding for this project is the United States Army, specifically the Armament Research Development and Engineering Center (ARDEC) located at Picatinny Arsenal, Picatinny, New Jersey, 07806–5000.

The actual design and construction will be executed by the U.S. Army Corps of Engineers.

The funding will be used for planning, design and construction of a state-of-the-art Ballistic Experimentation Facility (BEF) for Large Caliber Armaments at Picatinny Arsenal. This process will produce a one-of-kind research and testing facility which will reduce Army's operational overhead and maintenance costs and improve safety for Army employees. The use of U.S. taxpayer funding is justified because this construction will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

As this funding will be provided to the United States Army, the requirement of matching funds is not applicable.

IN HONOR OF ALEX MISTRI

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. GALLEGLY. Madam Speaker, I rise in honor of Alex Mistri, a former U.S. House of Representatives staffer who left the legislative branch to serve with honor and distinction as President Bush's Special Assistant to the President for Legislative Affairs.

I have known many White House legislative liaisons in my 22 years as a U.S. Representative. Of all those who have served the four presidents I have worked with, Alex Mistri stands out as the most professional, dedicated and skilled.

Alex recently left the White House to work for the State Department at our embassy in Baghdad. He is joined there by his wife, Amy McKennis Mistri. I have no doubt Alex will be an asset to both our government and the Iraqi people.

Alex began his service as Special Assistant for Legislative Affairs to the President in February 2005. As one of the President's principal liaisons to the House, Alex's primary responsibility was to develop, coordinate and execute White House strategy on legislative issues. Alex specialized in issues related to national security, homeland security, international affairs and tax policy. As a senior member of the Permanent Select Committee on Intelligence and Foreign Affairs, I developed a very strong and productive working relationship with Alex.

Part of Alex's effectiveness, no doubt, arose from his familiarity with congressional procedures. Prior to his service in the White House, Alex served as chief of staff for Congressman BILL SHUSTER. In that role, Alex was the congressman's chief political and legislative advisor with daily responsibility for the management of the office.

From the mid-'90s until taking his position as Congressman SHUSTER's chief of staff, Alex worked as legislative director to Congressman ROBIN HAYES, legislative assistant to Senator Lauch Faircloth, and press aide to Senator Alfonse D'Amato.

Madam Speaker, I know my colleagues join me in thanking Alex for many years of laudable service to the House, Senate and administration, and in wishing him great success in Iraq.

IN TRIBUTE TO JOAN LEE

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. MATSUI. Madam Speaker, I rise today in tribute to Joan Lee, a dear friend, tireless volunteer and community leader who recently passed away. Joan served as the Convener for the Sacramento Gray Panthers and was an admired advocate for seniors and people with disabilities. As her family and friends gather to honor and remember her wonderful life, I ask all my colleagues to join me in saluting one of Sacramento's most well-respected figures.

Joan was a prominent leader in the Sacramento Region, and her death leaves a tremendous void in leadership in the fight for the rights of seniors, people with disabilities and those with mental health needs. Joan's determined and effective advocacy was evident through her early work with the Gray Panthers of California, where she was widely recognized as a thoughtful policy advocate. Later, along with other leaders, Joan helped form and convene the local Sacramento Gray Panthers chapter, which now meets regularly at the Hart Senior Center.

Through her advocacy at the local, State and national levels, Joan became an important ambassador between diverse groups and helped devise strategies for healthcare reform. Joan was a stalwart for progressive causes, and her passion and commitment to these issues resonated in her advocacy. While in her mid-50's, Joan returned to college and earned a degree in Gerontology. She then used her knowledge to fight for the rights of older adults on many fronts, including creating an innovative long term care program in Northern California and successfully advocating for medical schools to have required courses in gerontology.

At the Federal level, Joan often stood next to me and my late husband Congressman Bob Matsui in the fight against cuts to Medicare. She also was an articulate voice during the implementation of the Medicare Part D prescription drug program, offering insights on how to improve the program. Joan was an active member of the OuRx coalition, which links low income seniors with prescription drug discount plans. Furthermore, she never wavered in the fight to preserve the integrity of the Social Security program.

At the State Capitol, Joan became someone who was known in the corridors of power. She served on many policymaking groups, including the Olmstead Advisory Committee. The Committee was in charge of implementing the landmark 1999 U.S. Supreme Court ''Olmstead Decision'' which requires States to take steps to avoid the unnecessary institutionalization of seniors and people with disabilities. From advocating for an accessible and affordable health care system to ensuring Medicare is responsive to our Nation's seniors needs, Joan always stood up for what is right.

Madam Speaker, as Joan Lee's husband Arnie Godmintz, her children John, David and Cleo and her friends gather to honor her wonderful legacy and countless contributions, I am honored to pay tribute to her. I ask all my colleagues to pause and join me in paying respect to an extraordinary loving woman, Joan Lee.

IN HONOR OF THE DEPLOYMENT OF THE WASHINGTON ARMY NATIONAL GUARD 161ST INFANTRY BATTALION, 81ST BRIGADE COMBAT TEAM

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to join with the citizens of the Fifth Congressional District, State of

Washington in recognition of the 161st Infantry Battalion, 81st Brigade Combat Team, Washington Army National Guard as it prepares for its second one-year tour of duty in Iraq since its mobilization in 2003. Soldiers of the 81st Brigade Combat Team will be responsible for convoy security and force protection missions throughout Iraq, where they previously deployed in 2004 and 2005.

From its inception, the mission of the National Guard has been the defense of our Nation's borders. However, since the terrorist attacks of September 11, 2001 the defense of our borders has become an "away game" as our military has taken the fight to the enemy. No less involved has been the Army National Guard.

The Chief of the National Guard Bureau, Army Lieutenant General H. Steven Blum reported that at one point in the war on terror, National Guard members made up almost half of the ground forces in Iraq and since 9/11, more than 400,000 Guardsmen have been mobilized in support of operations Iraqi Freedom and Enduring Freedom.

Every aspect of a military mission is critical to its success and each one of these Guardsmen has committed time for pre-deployment training, leaving family and business behind to prepare themselves for a mission of historic and global significance.

We are grateful to these citizen soldiers and we thank them for their selfless-service in peacetime and war, here in this Nation and throughout the world. Their simple love of country and dedication to liberty compels them to serve this great nation and so today we recognize their commitment, sacrifice and courage in their willingness to protect and defend our Nation in the Global War on Terrorism.

We are also grateful for the sacrifice of family members who also pay a price for freedom. We may never be able to adequately thank our soldiers and their families but we must always support them. It is with a deep sense of pride, Madam Speaker, I invite my colleagues to join me in thanking the members of the 161st Infantry Battalion, 81st Brigade Combat Team for their service.

HOUSE REPUBLICANS INTRODUCE ENERGY LEGISLATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. WILSON of South Carolina. Madam Speaker, last week House Republicans introduced the American Energy Act—an all-of-the-above approach to reduce energy prices for hard-working Americans and their families.

Our Nation is increasingly dependent on foreign oil. This endangers our economy and our national security. The billions we send overseas to buy foreign oil should be spent investing in American-made energy by exploring for our own resources in an environmentally sound way.

We also need to expand our research into alternative, renewable energy sources like biomass, hydrogen, wind, solar, and nuclear power while encouraging American consumers to conserve. Our bill does all of this.

I urge the House Democrat leadership to join with us before adjournment to promote an American energy program. The American people deserve this opportunity to have their voices heard.

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

MR. ALVIN G. RANDOLPH

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. POE. Madam Speaker, today I am proud to honor the life of Mr. Alvin G. Randolph who passed away June 23, 2008. Mr. Randolph was a businessperson, a fine father, and served his community. He also played a role in desegregating the Lamar State College of Technology in 1956, giving a countless number of youth an equal opportunity for education no matter their race.

Alvin was born in Orange, Texas, as the third of eleven children. He graduated from high school in 1943 and enrolled in Prairie View College shortly afterwards, where he worked as a repair person for room and board. He put his education on hold to serve his country when he was drafted into World War II as an officer candidate. After his service to his country, he returned home and attended Jefferson Junior College where he earned his real estate broker's license.

At the same time, there was a tremendous social revolution happening in the United States. In 1954, the U.S. Supreme Court decided the landmark case Brown vs. Board of Education, naming separate educational facilities inherently unequal and setting the stage for integration and the Civil Rights Movement. This opened the doors to schools and universities across the nation but there was still a segment of the population that was set on keeping them closed.

As African-American students walked up to the doors of their new universities, they were often greeted with protests and picket lines and Lamar State College of Technology was no different. Nevertheless, Alvin and 25 other black students enrolled and were accepted to Lamar's campus of 5,455 students. They battled the almost riotous conditions and paved the way to an equal education for a student of any race.

Randolph earned his business degree in 1958 and went on to study property law at Texas Southern University. He worked as a real estate broker, homebuilder, and life insurance underwriter. With his wife Jerodine, they had five children. He was active in both the Northside and Eleventh Street Churches of Christ and served on the Board of Directors at the L.L. Melton YMCA. He passed away at the age of 80.

On behalf of the Second Congressional District of Texas, I honor Mr. Alvin Randolph for his courage in the face of tremendous adversity. He helped make our world a better place to live, and I applaud his unwavering service and dedication to the community. Alvin Randolph is a true American hero.

HONORING MIKE RAMBO

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. MARCHANT. Madam Speaker, I rise today to honor Michael Dean Rambo of Colleyville, Texas. Michael was an outstanding husband, father, and Scout Master for Troop 28. He educated and guided the youth of his community for a number of years. Michael was always looking for the opportunity to give back to the community in which he lived. He loved his family and friends and they loved him.

Michael was a remarkable friend, neighbor, and public servant with infinite talents and gifts which he shared with all who had the honor to know him. He was an expert in ornithology, astronomy, computer architecture, math, and photography.

Michael always had a childlike wonder and awe of the world around him, an insatiable thirst for knowledge, and a relentless desire for understanding. He was constantly observing everything that the world had to offer. His example and enthusiasm made those around him want to learn more, to do more, and be more.

Michael was always up for a challenge and was always willing to lend a hand. He volunteered on the Longhorn Council for over fifteen years. He was the Cubmaster for Pack 254 before taking the lead roll for Troop 28. Michael was the guiding light for Troop 28 for twelve years, and under Rambo's leadership, Troop 28 earned Colleyville's first Service Award. Michael once said, "When I took over the Scoutmaster role, I felt I was taking responsibility for a living breathing organism.

Among Michael's many other accomplishments, he earned Eagle Scout honors at the age of thirteen. He earned a Select Student in Science and Math Degree from Stephen F. Austin State University in Nacogdoches, Texas. He went on to earn a master's degree in Computer Engineering at the University of Texas at Arlington in Arlington, Texas. Michael was also a three time recipient of The Presidents Volunteer Service Award (2005, 2006, 2007), winner of the 2006 McKesson Corporation Neil Harlan community service award.

His favorite people were his sons, Charles Patrick Rambo and Aaron Michael Rambo, and his wife, Mary Margaret Jameson Rambo. Michael loved to visit the Grand Canyon where he hiked, rafted, and photographed its splendor on multiple occasions. His greatest desire was to travel in space. On May 31, 2008, a photograph of Michael was carried in the flight book of mission specialist Ronald J. Garan aboard the space shuttle *Discovery* on mission STS–124.

Michael Rambo selflessly served the community, loved his family and friends, and enjoyed life to the fullest. He was a role model of superior citizenship who made a tremendous impact on countless lives.

TRIBUTE TO DETECTIVE GARY EDENHOFER

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. HIGGINS. Madam Speaker, I am pleased today to honor the accomplishments of Detective Gary Edenhofer of the Cheektowaga Police Department.

Detective Edenhofer began his law enforcement career as a patrol officer on the midnight shift. He is now retiring as a detective after 31 years with the force.

Throughout his career Gary has worked on several high-profile cases including robberies and homicides. The Western New York community is greatly appreciative for the increased security Detective Edenhofer has offered them.

Gary Edenhofer leaves behind a great legacy, as his career is marked by several highlights. In 1989 he was recognized by the Town Board for arresting suspects who had burglarized a gun store. He also received commendations in 2005 for his work investigating the abduction of a man left locked in a car trunk.

Madam Speaker, I thank you for this opportunity to honor Detective Edenhofer's career with the Cheektowaga Police Department, and I ask you to join me in wishing him the best of luck in his future endeavors.

FLIGHT 458

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. POE. Madam Speaker, flying the friendly skies seems to be increasingly out of reach for most travelers. I, like many other Americans, am a frequent flyer and have been fortunate enough to have always arrived at my destination safely. Because of the quick action of pilots Captain David Skidmore, 1st Officer Michael Nelson Jr. and the crew of Continental flight 458 on July 22, 2008 this statement still holds true. Captain David Skidmore, has worked for Continental Airlines for seven years and recently completed his Captain's training in December of 2007. 1st Officer Michael Nelson Jr. has been with Continental since May 2008.

When our plane suddenly lost altitude and cabin pressure on Tuesday afternoon, the pilots regained control of the aircraft without hesitation. As I, along with the 117 other people, including 6 other members of Congress, aboard the D.C.-bound flight from Houston, TX put on our oxygen masks we imagined the possibilities. While the plane took a steep dissent at rapid speed, Captain David Skidmore and 1st Officer Michael Nelson Jr. remained calm under the pressure.

Although faced with a possibly dire situation, the pilots were able to safely make an emergency landing in New Orleans. We landed with the fire trucks lining the runway—just like in the movies. From the time when our flight began experiencing difficulties to when we were on the ground 20 minutes later, the pilots and crew flawlessly executed their emergency procedures. Continental Airlines made travel arrangements for all 117 passengers and put us on three different flights to D.C. We arrived in Washington about six hours later. The members of Congress did miss votes however. Ironically, one bill was to upgrade aviation safety. The bill passed unanimously without the missing seven members of Congress. No doubt, if present I would have voted yes on this bill H.R. 6493.

The pilot's combined experience, along with the flight crew's quick action, is truly commendable. I am fortunate, as a passenger, to have been in the care of such capable pilot's as Captain David Skidmore, and 1st Officer Michael Nelson Jr.

And that's just the way it is.

HONORING THE REVITALIZATION OF YOUNGSVILLE (ROY) ORGANIZATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, today I rise to recognize the Revitalization of Youngsville (ROY) organization and their extraordinary efforts to promote energy conservation in Warren County, Pennsylvania.

In response to the rising food and energy costs, the members of ROY started an innovative project in their community called ''Night Out/Lights Out.'' Starting June 1st, members have been asking residents to turn off all of their lights, televisions, computers and other electrical appliances from 7 to 9 p.m. every Sunday during the summer in an effort to cut electric costs and promote awareness of rising electric and fuel prices. The secondary purpose of the event is to encourage residents to go outside and socialize with their neighbors.

This simple, yet innovative solution to the looming energy crisis is a great example of how every American can do his or her part to conserve energy. In addition to helping local citizens reduce their energy consumption, this program has revived a deep sense of community among the residents of Youngsville.

Madam Speaker, I hope my colleagues will join me in congratulating the members of ROY on their successes thus far and encourage them to continue their efforts to promote energy conservation and awareness.

THE BENEFITS OF PHYSICAL AND HEALTH EDUCATION FOR OUR NATION'S CHILDREN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. KUCINICH. Madam Speaker, I would like to thank Chairman MILLER for his continued commitment to comprehensive education and ensuring that all children have access to the resources that will help them become healthy and productive adults. I would also like to thank my friends Congressman RON KIND and Congressman ZACH WAMP for their persistence in encouraging healthier lifestyles and choices for our nation's youth.

The problem of childhood obesity is well-documented, and we are all familiar with the statistics: 32 percent of the nation's children are overweight, 16 percent are obese, and the Department of Health and Human Services estimates that the figure will exceed 20 percent by 2010. ''Adult onset'' diabetes has become a misnomer: incidence of type II has doubled in youth. As computers, cell phones, video game systems, and other types of technology become more prevalent in America's homes, children are redefining ''recreation'' away from physical activity and toward sedentary activities.

Responses to this epidemic abound, and they need to be supported and enhanced. Youth need more regular physical activity, parents must make healthier decisions regarding family diet, exposure to technology must be monitored and regulated, and nutrition education must be a component of elementary and middle school curricula.

At the same time, however, I believe if we are to combat this problem effectively we must also understand and address the causes of the problem. One of the causes that particularly distresses me, and one that receives relatively little attention, is the aggressive and predatory marketing of food and beverages to children and adolescents.

In 2006 the Institute of Medicine reported that it is estimated that more than $10 billion annually is spent marketing food and beverages to youth; the vast majority of that money is spent marketing items with marginal or no nutritive value. Do they get a bang for the buck? Food and beverage sales to children and youth exceed $27 billion annually. They wouldn't do it if it didn't work.

While television remains the most popular medium for marketing, food and beverage companies have been industrious, to say the least, in creating new means to market their products and create branding opportunities. Product placement in movies, video games, music videos, and even news broadcasts ensure exposure to brands and products despite best efforts to avoid commercials and print advertisements. Banner and pop-up advertisements on the internet intrude on children's surfing routinely, despite the best software protections. Sponsorship at school sporting events, advertisements in school newspapers and in prepackaged media, and snacks in vending machines ensure that children are exposed to products and brands throughout the school day. We are fast approaching the day, if we aren't there already, when children find respite from food and beverage marketing only as they close their eyes to sleep.

This is not harmless advertising. Food and beverage marketing uses the best research available about brain development to ensure that their products are exposed to minds not yet fully developed. Again the Institute of Medicine reports that research tells us that humans develop consumption motives and values at an early age. In other words, developing brand allegiances early in life is profitable. The report also tells us that children

have widely varied abilities to separate factual information from persuasive content and those abilities develop at different ages. In other words, it is easy to convince children that a product is healthy.

I firmly believe that if we are to help our children cultivate healthier lifestyle habits and make better nutrition choices, we must protect them from marketing practices whose primary function is to encourage increased consumption of unhealthy products. Any policy response to the youth obesity epidemic must include concrete ways to regulate the exposure of children and adolescents to food and beverage marketing.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. UDALL of Colorado. Madam Speaker, I was not present for the vote on this resolution (H. Con. Res. 398), despite my best efforts to reach the House floor in time to do so.

Had those efforts been successful, I would have voted "no," because I think we should not adjourn or recess this week until completing action on legislation to revise our national energy policies—something that has not yet occurred.

I left on an early flight out of Colorado this morning in an effort to reach the House in time for that vote. My flight landed just as the vote began.

As soon as I got in the car, I called the cloakroom to advise that I was en route, and asked that the vote be held open until I arrived. I was no more than 10 minutes from the Capitol, and I was aware the vote was being held open already—as the first vote of the day, apparently in an effort to give Members additional time to arrive and cast their votes.

However, the vote was completed as I entered the Capitol. I regret that my request that the vote be held open was not honored and that I was not able to cast my vote even though I was only seconds short of being able to do so.

HONORING THE CAREER AND SERVICE OF MARTHA FLORES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. ROS-LEHTINEN. Madam Speaker, I humbly honor a dear friend and a strong community activist, Martha Flores, who has done so much to improve our South Florida area and who relentlessly promotes the cause of human rights. Miami-Dade County has honored Martha by naming the segment of 8th Street and SW 42 Ave after her. This is a testament to her dedication and service to our community. After leaving her native Cuba to escape Fidel Castro's communist regime, she established deep roots in Miami. She has been the producer and host of a nightly radio program, "La Noche y Usted (The Night and You), which has earned the greatest audience of all nightly Spanish talk shows in South Florida.

In recognition of her indelible impact on the community, Martha Flores was the first woman enshrined in the "Calle Ocho Walk of Fame." Throughout her distinguished career, she has received many accolades, but this has not deterred her from her main objective: to humbly serve her community. One of her first radio shows, "La Voz de la Mujer (the Voice of a Woman)," was the first Spanish radio program that raised issues concerning the plight of Cuban exiles. She never forgot her homeland and for nearly 50 years now she has been at the forefront, while working alongside numerous community organizations, of bringing to light the repression of Castro's Cuba.

Martha Flores has selflessly given of her time and resources to volunteer for many humanitarian causes including the League Against Cancer and League Against Blindness. In addition, she also helped St. Jude Children's Research Hospital raise much needed funds. She has been instrumental in bringing public attention and awareness to the needs of the elderly and disabled adults through her radio program and volunteerism. She will also be the first ever recipient of the Claude Pepper Memorial Award in the Media category.

Martha has also made her radio show available to those who work on behalf of a free and independent Cuba, the sacred land of her birth. She sends a nightly message of hope and solidarity to her multitude of fans, many from the oppressed island nation.

Once again, I would like to congratulate Martha Flores for her recent honor as well as for all the service and activism she has undertaken. South Florida is honored to have her and the example she has given all of us.

IN RECOGNITION OF CHAD WATSON'S SERVICE TO THE U.S. MARINE CORPS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. HUNTER. Madam Speaker, I rise today to pay tribute to the service and sacrifice of Cpl Chad Michael Watson who lost a leg in an improvised explosive device attack. While on patrol in the Anbar province in Iraq on November 29, 2006, Chad's vehicle came under attack and he was severely wounded and later lost his right leg.

The son of Mike and Gina Watson, Chad was born in Mount Zion, Illinois on February 8, 1983. He attended Mount Zion High School graduating in 2004. Chad joined the Marine Corps May 17, 2004 and was trained as an infantryman. Following his initial training he deployed to Iraq with Charlie Company, 1st Infantry Battalion, and 24th Marines where he served until his injury.

During the twenty months of recovery, Chad maintained a positive and even uplifting attitude which reflected well among those fellow marines and soldiers passing through the recovery process at Walter Reed Army Medical Center. Mr. Albert Caswell of the U.S. Capitol Guide Service, a friend of his, penned the following poem as a fitting tribute to Chad for his sacrifice and unrelenting commitment to his long and enduring recovery.

BREAKING CHAD. . .

Breaking Bad!
Breaking Chad! He's Good, but he's the good king of Bad. . .
A Marine's Marine, one Fine Fighting Machine! The kind of son, you wish you had!
First in boot camp. . .
First in his class in military school . . . training with his brothers in arms, as number one he'd rule. . .
Wherever hearts of courage roam, men like Chad have come home with but their hearts of heroism full. . .
A Hero who went off to war. . .
Who lost a leg, but came back with so much more!
With his courage full, over our hearts he rules . . . as he takes us all to school . . . is that not what heaven is for?
Upon, battlefields of honor seen!
Running towards death, as he was strong . . . fast and lean . . . a real bad fighting machine! Upon the scene!
The kind of guy you'd fight for and not ask why . . . ready to die for you and his United States Marines!
For in our Country Tis of Thee. . .
There have been many heroes such as these who heard the call . . . who did not pause, as did he!
Who are but rough & ready, while in the face of hell were ever steady . . . for their colors did not run, you see!
And now his new fight. . .
To rebuild his life, with his fine and future wife . . . teaching us all what is right!
'Oh what a heck of a sight, bringing tears to eyes . . . as he does not ask why . . . bringing to our world his light!
SORRY!
Is a word, from him . . . you shall never hear! For he is man of courage and convictions so very clear!
Which will teach us, which will reach us . . . into our souls so beseech us here!
In our lives, and in our times. . .
What have we've so done, which so survives . . . which will live on long after we have died?
For it's all about what we've said and done, and for whom we've so bled. . . . Which tells the world, Who Am I!
For in That Moment of Truth. . .
How will you break? What is your truth? All in your actions you take, as so lies the proof!
You may stand, or you may run! You may fade, or shine like the morning sun! In heroic truth!
How will you break?
What steps will you take? What hearts will you break? While all in your actions state. . .
God is Good, and God is Great . . . all in heroes as Chad he creates!
Uraaaahh Jar head. . .
You have fought and you have bled . . . Breaking Bad . . . all in what your fine heart has said!
What a hero is, and what you must have to break great and break bad in the fight ahead . . .

CELEBRATING THE 60TH ANNIVERSARY OF THE INTEGRATION OF THE UNITED STATES ARMED FORCES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. DAVIS of Illinois. Madam Speaker, as a member of the Congressional Black Caucus I would like to honor the 60th anniversary of the integration of the United States Armed Forces, which began on July 26, 1948. When talking about an issue that happened in the past, we tend to think of it as something that happened overnight or that it was easy. Integrating the military was not at all easy, but it was a critical step to moving our nation forward in terms of civil rights.

President Harry S Truman initiated the effort to integrate the Armed Forces at the request of many black civil rights leaders. Not too many people expected the President to embrace integration within the military. Truman was born in Missouri, and his opinion on the issue was that of any average Missourian of his time. However, as he learned about the atrocities that were being committed against blacks, especially against those that had served in World War II, he became much more committed to civil rights issues and integrating the military. Indeed, President Truman outlined in his administration's policies key civil rights efforts, including forming agencies to address voting rights and fair employment. The most progressive of his actions was the desegregation of the U.S. Armed Forces, which was proposed by the President's Committee on Civil Rights.

Support, however, did not come readily from Congress which was uninterested in civil rights issues. Indeed, the civil rights of Truman's priorities drew widespread criticism from Southern Democrats. Members of the military also were skeptical, with particular concern about legislation that would end racism overnight rather than more gradually. The argument offered by opponents was that, if blacks were allowed to be integrated into the Armed Forces, many whites would not want to join. Proponents of integration countered that the Federal government must take a leadership role in integrating; if Congress did not integrate Federal jobs, the private sector would definitely avoid doing so. To achieve advances in civil rights, Truman appointed The President's Committee on Civil Rights, which was charged to determine how to strengthen and improve Federal, State, and local laws to safeguard civil rights. The Committee identified multiple policies for Congressional action; however, Truman asserted that civil rights in the services fell under executive purview. On July 26, 1948, Truman signed Executive Order 9981 which mandated equal treatment and opportunity for black members in the Armed Forces. In the end, it was through the commitment and persistence of various leaders that we have an integrated military.

The world would be a different place today if such proposals were not made against the status quo. The integration of the Armed Forces served as an instrument of social change. As we see from the civil rights movement, sometimes the best choices require going against the majority. So, tip my hat to the many leaders who made the integration of the military a reality, and I celebrate this integration on the occasion of the 60th anniversary of its enactment.

INTRODUCING THE ''PROHIBITING THE DEPARTMENT OF LABOR'S SECRET RULE ACT''

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. GEORGE MILLER of California. Madam Speaker, today I am introducing a bill to stop the Department of Labor from proceeding with a new proposed rule that would seriously undermine the ability of the Federal Government to protect workers' health. The Department's proposal is the product of a flawed, politicized process.

On July 7, 2008, the Department of Labor submitted a proposed regulation entitled ''Requirements for DOL Agencies' Assessment of Occupational Health Risks'' to the Office of Management and Budget, OMB, for E.O. 12866 regulatory review.

This proposal is being made in contravention of a number of rules and processes. No notice of this rule was published in the semiannual Regulatory Agenda as required under Executive Order 12866. Furthermore, unlike all other DOL regulatory submissions to OMB, the information provided on the OMB Web site did not originally contain the rule's abstract, legal authority, timetable, agency contact, and other information required by the Executive Order. Although the intent is to finalize this rule before the end of the Bush administration, this submission violated the White House's own directive prohibiting submission of new regulations to OMB after June 1 except in ''extraordinary circumstances.''

What are the ''extraordinary circumstances'' that are being used to rush through this last minute, secret regulation on a subject as arcane and technical as ''risk assessment?'' Assessing risk is the backbone of any OSHA or MSHA standard that addresses hazards posed by chemicals or other health hazards. Changing the assumptions underlying risk assessment to those favored by industry can seriously erode the effectiveness of all future OSHA or MSHA standards far beyond the life of this administration.

The Department claims that this proposal was not published in the most recent regulatory agenda because when the last regulatory agenda was issued, they had not yet decided whether they would issue a proposal. But the Washington Post has revealed that they have been working on this regulation as far back as September 2007, when they paid $349,000 to outside consultants to conduct a study of the risk-assessment process.

The entire proposal appears to have been designed and originated by political appointees at the Department of Labor, bypassing the real experts at OSHA and MSHA. According to the Washington Post, when a draft was finally shown to health scientists in MSHA and OSHA, they objected to both the legality and substance of the proposal and suggested that the proposal not be issued. The political appointees at the Department went ahead anyway.

In the last 7½ years, the Department has only managed to issue one health standard—and that was done under court order. It has failed to meet its own deadlines on regulations to protect workers against the health effects of silica, against the health effects of beryllium, or against the serious health effects of diacetyl, which causes popcorn lung.

Yet, suddenly, the Department of Labor has decided that further weakening the ability of OSHA or MSHA to issue any future health standards has become its highest priority.

No one is arguing that OSHA or MSHA do not need guidance for risk assessment. But the Department of Labor already has such guidance. This new regulation, however, which clearly has the potential to weaken worker protections, will be codified, binding all future administrations. Other agencies that have such guidance, such as the Environmental Protection Agency, note that ''because the science of risk assessment continues to develop rapidly . . . risk assessments will be modified to use different approaches if appropriate.''

The new Labor regulation, on the other hand, would add an entire additional layer of review to the already overstressed regulatory process by requiring notice and comments for all risk-related studies before a proposal can be issued. This would be in addition to numerous economic reviews, small business reviews, OMB reviews, public comments and public hearings that are already required before a standard is issued.

This Congress will not stand for further weakening of worker protections, particularly when it's done secretly—as this administration heads out of town. This bill would forbid the Department of Labor from issuing, administering or enforcing any rule, regulation, or requirement derived from the proposal submitted to the Office of Management and Budget. The Department's proposal is the product of a flawed, politicized process that has failed to properly consider the views of experts or the consequences for workplace health.

I urge my colleagues to support this bill.

PILOT MOUNTAIN STATE PARK CELEBRATES 40TH ANNIVERSARY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. FOXX. Madam Speaker, I rise today in celebration of the 40th anniversary of Pilot Mountain State Park in Surry County, North Carolina.

Pilot Mountain rises above the North Carolina Piedmont to a height of 2,421 feet and has been a local landmark since the first settlers came to the region. It's been said that climbers can see more than 3,000 square miles of beautiful North Carolina country from the peak when skies are clear.

The mountain received the name Pilot Mountain in 1753 and the State of North Carolina designated the mountain a State park in 1968. Before becoming North Carolina's 14th State park, it was privately owned and changed hands many times.

Pilot Mountain is a distinctive and beautiful piece of North Carolina's natural heritage. Its peak, a bald crop of quartzite, stands in stark contrast to the farmland and wooded areas that surround it.

According to local lore, the Saura Indian tribe employed the mountain as a very intuitive guide to the outlying lands and it is their use of the mountain that may have contributed to its eventual naming.

Today the Pilot Mountain State Park takes in more than 3,600 acres and attracts more than 400,000 visitors a year. It is undoubtedly one of North Carolina's greatest natural treasures and I join the county and State in celebrating 40 years of conservation and public enjoyment of this wonderful State park.

CONGRATULATING BUSKEN BAKERY

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mrs. SCHMIDT. Madam Speaker, I rise today to congratulate Busken Bakery on their 80th birthday. Busken Bakery is truly an American success story. From humble beginnings, Busken's has grown into a Cincinnati institution through hard work, innovation, and a commitment to the local community.

Joseph and Daisie Busken began their business in 1928, opening their first bakery in the Hyde Park neighborhood of Cincinnati. Their goals were modest. According to Busken's website, Joseph Busken was just looking for a way to feed his family and keep them happy. During the Great Depression, when other companies were failing, Busken's survived by offering products that their customers loved.

Following World War II, Joseph's son, Joe, Jr., entered the family baking business and began making his mark. Joe, Jr., streamlined production and expanded business to local grocery stores. He introduced the city's first 24-hour drive-in bakery and began offering dinner rolls—something unheard of at that time. Some of Joe, Jr.'s other touches are still in existence today, such as his recipe for double-butter coffee cake. Today, Busken Bakery is still run by family including: Page Busken, chairman of the board, Brian Busken, senior vice-president, and Dan Busken, CEO. And, the family has continued to change and innovate with the times. On a personal note, I must admit my favorite Busken item is the Maysville chocolate brownie.

Madam Speaker, please join me in celebrating the rich history of Busken's Bakery and wishing the entire Busken family continued success in years to come.

TRIBUTE TO RESIDENTIAL OPPORTUNITIES

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. UPTON. Madam Speaker, it is with great pleasure that I rise today in honor of Residential Opportunities Incorporated of Kalamazoo, Michigan, to commemorate their 30th anniversary.

Residential Opportunities was incorporated in December of 1977 to address growing concerns regarding the lack of a standard of care for developmentally disabled adults. Based on the principle of normalization, Residential Opportunities began establishing group homes in an effort to combine an independent living experience with a high standard of care. Since that time, ROI has expanded their programs, and this year alone has improved the quality of life for 648 people.

Today, Residential Opportunities operates Homestead Housing Service, which helps find safe, affordable housing; Stone Cottage, a 24–hour residential and support center for military veterans; and Home Health Aide, which provides in-home support to developmentally disabled children. In addition to these endeavors, ROI operates 21 group homes that currently serve 148 of Southwest Michigan's most vulnerable adults.

I would like to extend my sincere gratitude to the staff and caregivers of Residential Opportunities Incorporated, whose compassion, dedication, and strength has brightened the lives of so many. I am confident that the 30 years of good works provided by ROI is just the tip of the iceberg, and we can expect many more years of exceptional care and service to come.

TRIBUTE TO DR. YUHUA WANG

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. CORRINE BROWN of Florida. Madam Speaker, I would like to pay tribute to Dr. Yuhua Wang, who has been recognized as a great artist and sculptor.

Dr. Wang was born in China, and permanently resides in the United States. Since 2000, she has worked as a visiting professor of oriental arts in the College of Liberal Arts at Auburn University, where she has received several commendation certificates for excellent work performance.

In August 2008, Dr. Wang's book entitled World's Highest-Level Color Paintings and Ink-Wash Paintings will be published and distributed worldwide by International Arts Publishing. Dr. Wang has meticulously and delicately applied fine-brushwork and oil colors on hand-sculpted coral and cobblestones which have become treasures of the world.

In the history of Chinese art, her lotus flower paintings are unsurpassed and are extremely valuable. In addition to being proficient in Chinese paintings, she is a highly talented sculptor whose themes are nature's mountains, rocks and plants. Dr. Wang's skills in the creation of colors, paintings and sculptures have reached the acme of perfection in their exquisiteness, elegance and beauty.

Dr. Wang, who takes great pleasure in helping others, is a selfless person whose moral character is noble, which is evidenced by the numerous awards and honors she has received. She has made great contributions to the development of cultural exchange between the East and West. Through her practice of Buddhism; Professor Wang benefits humanity and all living beings.

Madam Speaker, I invite my colleagues to join me in paying tribute to Dr. Yuhua Wang, an outstanding artist and scholar, who has chosen to make her home here in the United States because she has heartfelt love for its people.

PAYING TRIBUTE TO LEW AND AMY KIRSCHNER

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. HINCHEY. Madam Speaker, I am please to congratulate my constituents, Lew and Amy Kirschner, on the occasion of their 50th wedding anniversary. Mr. and Mrs. Kirschner are venerated members of our community, and I am proud to recognize their commitment to each other.

Amy and Lew Kirschner are a remarkable couple, who have dedicated themselves to each other and to the greater good of their community. In each endeavor they undertake, their remarkable sense of purpose and loyalty shines through. Over the years they have invested much of their time in serving their community in various manners. Lew's work on the boards of many area organizations and Amy's dedication to a variety of community based organizations has kept them at the heart of all of the most pressing issues facing our city. Their advice and firm support have been invaluable.

Lew and Amy have truly achieved a tremendous accomplishment in being able to look back and celebrate fifty-years of shared love, personal growth and hard work, knowing that they have remained steadfast in their commitment to one another, their family and their community.

Madam Speaker, I have had the pleasure of knowing and working with Lew and Amy for more than thirty years. They have been good friends and outstanding citizens. I am pleased to be able to recognize and congratulate them on this momentous occasion.

CONGRATULATIONS TO UNITED SPACE SCHOOL PROGRAM

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. PAUL. Madam Speaker, on August 5 the Foundation for International Space Education (FISE) will host United Space School

Day at the University of Texas Medical Branch (UTMB) in Galveston, Texas. The United Space School Day is a summer science camp/health careers promotion activity coordinated by the East Texas Area Health Education Center (AHEC). The United Space School Day's activities will focus on the education pathways appropriate for students interested in careers in life sciences, aerospace medicine, and bioastronautics.

United Space School Day is just one part of FISE's United Space School program. The United Space School program, established in 1994, is the major way FISE carries out its mission of providing space-based academic instruction to pre-collegiate students from across America and around the world who are interested in science, engineering, technology, or mathematics careers. The United Space School gives these students the opportunity to learn from some of the space industry's leading experts. Participants in the programs follow a curriculum specially designed to provide appropriate training and development by instructors qualified and knowledgeable in the proper disciplines.

As the students visit the various educational venues and participate in the space-related learning initiatives, they are exposed to myriad examples of space-related careers as well as careers in industries that support the space programs. United Space School students also benefit from daily one-on-one interaction with leading aerospace professionals from the National Aeronautics and Space Administration (NASA) or the Johnson Space Center (JSC), and the supporting aerospace community.

United Space School participants are also given a unique ''hands on'' learning experience through the development of a Manned Mission to Mars Project. United Space School's organization, schedule, and curriculum are designed to provide the structure, knowledge, resources, mentoring, and appropriate settings to complete the Manned Mission to Mars project.

Madam Speaker, FISE's United Space School program is doing invaluable work in preparing the next generation of scientists and aerospace engineers. I would not be surprised if future breakthroughs in space technology came from alumni of the United Space School program. It is therefore my pleasure to extend my congratulations to the United Space School program on the occasion of the United Space School Day. I also extend my thanks to NASA, the Johnson Space Center, the University of Texas Medical Branch at Galveston, East Texas AHEC, and all the volunteers who help make the United Space School program possible.

EARMARK DECLARATION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. LATTA. Madam Speaker, I submit the following:

Requesting Member: Congressman ROBERT E. LATTA.

Bill Number: HR. 6599: Military Construction and Veterans' Affairs Appropriations Act.

Account: Department of Defense; Army National Guard.

Legal Name of Requesting Entity: Ohio National Guard.

Address of Requesting Entity: 2825 West Dublin Granville Road, Columbus, Ohio 43235.

Description of Request: Provide $2 million in P-341 (unspecified minor military construction) funds pursuant to Title 10 US Code 2805, to construct a new 80-bed barracks at the Ohio National Guard's Camp Perry Training Site, Port Clinton, OH. The request will increase the readiness of our servicemen and women in the Ohio National Guard and help them better prepare for the challenges they face both at home and abroad.

PERSONAL EMPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast a vote on the following legislative measure on July 15, 2008. If I were present for the roll call vote, I would have voted Yea on the following:

Roll No. 491, July 15, 2008: On Passage, Objections of the President Not Withstanding: H.R. 6331, To amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

TRIBUTE TO MARK COVERT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. BLUMENAUER. Madam Speaker, I rise today to honor Mark Covert who, on July 23rd, marked the 40th anniversary of an unparalleled running streak. Covert, a running coach and former elite athlete, has run at least one mile every day since July 23rd 1968. Overall, he has run 140,045 miles—and counting—since the streak began. The United States Running Streak Association lists Mark Covert as the current U.S. leader for the longest continuous streak.

Although he currently lives in Lancaster, California, where he coaches the Antelope Valley College cross country and track teams, Covert's streak is actually a significant part of Oregon history. One of the most important ''daily runs'' of the streak came in 1972, when Covert ran in the U.S. Olympic Marathon Trials at the University of Oregon, in Eugene. Even though he just missed making the team, he still made history by being the first athlete to cross a finish line wearing an unusual pair of shoes with rubber soles that were made on a waffle iron.

These so-called ''moon shoes'' were invented in the kitchen of an enterprising entrepreneur named Bill Bowerman. Bowerman, along with his partner Phil Knight, based an entire company and, indeed, an entire fitness movement, on these revolutionary shoes. The company, of course, is Nike, and Covert was one of the first employees in the early 1970s. He has stayed true to the legacy by running 117,028 miles in Nikes over the years.

The partnership continued at this year's Olympic Track and Field Trials—held, once again, at the University of Oregon's historic Hayward Field—where Nike sold T-shirts honoring two different athletes—legendary Oregon runner Steve Prefontaine and, you guessed it, Mark Covert.

As an important part of the U.S. running movement in its early years, Mark Covert's place in history was already secure. Now, through his current unmatched running streak, he continues to inspire and motivate thousands of runners around the country and around the world. I'd like to thank him for his commitment and urge my colleagues to do the same.

RECOGNIZING THE CONTRIBUTIONS OF JOEY QUINTO

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. SOLIS. Madam Speaker, I rise today to recognize the achievements of Joey Quinto, publisher of the California Journal for Filipino Americans.

Mr. Quinto was born and educated in the Philippines, where he received a Bachelor of Science in Marketing from San Beda College in Manila, Philippines. He also graduated from the Minority Business Executive Programs of the Tuck School of Business at Dartmouth in Hanover, New Hampshire. Mr. Quinto now resides with his wife Carlyn and daughter Carlette in Palos Verdes, California.

Mr. Quinto's contributions to the advancement of the API community are many. He began his professional career in California in 1984 as a mortgage banker. As a publisher, his weekly newspaper advances the interests of the API community and appropriately addresses local, consumer and business news, and community events. He is also a member of several community organizations. These include the Los Angeles Minority Business Opportunity Committee and The Greenlining Coalition.

His contributions have been widely recognized. Mr. Quinto is the recipient of the Award for Excellence in Journalism during the Fourth Annual Asian Pacific Islander Heritage Awards in celebration of the Asian Pacific Islander American Heritage Month. This award recognizes prominent APIs that have excelled in bringing pertinent news to the API community. He previously was listed among the Star Suppliers of the Year of the Southern California Regional Purchasing Council in 1999, received the Minority Media Award from the U.S. Small Business Administration in 1997, and has also earned a leadership award from the Filipino American Chamber of Commerce based in Los Angeles.

Madam Speaker, I hope that my colleagues will join me in congratulating Joey Quinto for his years of service to the API community. Through his tireless work effort he has demonstrated that the American dream is possible.

SUPPORTING NATIONAL INTERNET SAFETY MONTH

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. STUPAK. Madam Speaker, I rise in support of H. Res. 1260, a resolution in support of the goals and ideals of ''National Internet Safety Month''. This is an issue I have personally been working on for a number of years through the Subcommittee on Oversight and Investigations.

Through the Subcommittee's investigation, we've been able to influence significant changes in the industry, including better filtering and reporting efforts among Internet Service Providers, social networking sites, and other content providers.

We have also discovered a number of alarming statistics, for example:

One in five children report receiving a sexual solicitation over the Internet, more than 3.5 million pornographic images of American children are in circulation on the Internet, and the sale of these images over the Internet represents a billion dollar industry.

The anonymity provided by the Internet to those that seek to exploit and harm children and the lightning pace data is transmitted provides a Congress with significant policy challenges.

While we've made some progress in the last few years, I feel that we've only begun to address the scope of this problem.

By recognizing National Internet Safety Month, we remind ourselves how important it is for Congress to remain committed and vigilant to ensure that the Internet is a safe place for children.

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. LEVIN. Madam Speaker, I was also unavoidably absent yesterday during rollcall votes 534, 535 and 536. Had I been present, I would have voted ''yea'' on rollcall 534 to require the Secretary of Homeland Security to conduct a pilot program using mobile biometric identification tools to identify terrorists and other individuals who pose risks to border security; ''yea'' on rollcall 535 to require each federal agency to include a telephone number in its collection of information in order to assist people with filling out government forms; and ''yea'' on rollcall 536 to establish an ombudsman within the Department of Veterans Affairs.

IN HONOR OF YASH PAUL SOI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. PALLONE. Madam Speaker, I rise today to honor Yash Paul Soi, a devoted leader who has worked tirelessly to advance and promote Indian culture. Mr. Soi has been an exemplary spokesman and ambassador for the causes of India and its people in the United States.

Mr. Soi has committed himself to supporting the Asian-Indian community through the advancement of Indian cultural activities. He has been recognized as an Indian cultural icon and his Indian music radio program has been vastly influential. His work in bringing Indian issues to the media forefront presented him with the opportunity to interview Indian Prime Minister Indira Gandhi, President Jimmy Carter, and many other distinguished world figures. Additionally, Mr. Soi has contributed to American society through his work to bring Indian arts to many of our Nation's most famous stages.

As a founder and former President of the Federation of Indian Associations (FIA), Mr. Soi performed the essential role of representing Indian groups in New York, New Jersey, and Connecticut. Under his leadership the FIA has thrived and is now known for its annual India Day Parade that goes down New York City's Madison Avenue, the largest celebration of Indian Independence Day outside of India.

As a graduate of Utah State University and Columbia University, Mr. Soi has brought his knowledge and experience to improving his community, as well as the communities of many others. In 2002, he was honored with an ''Outstanding Community Service Award'' for his tireless service to the Indian-American community. He was also a beacon of hope in the fight to bring democracy to the people of Guyana and supported efforts which led to that nation's first free elections.

Madam Speaker, I sincerely hope that my colleagues will join me in honoring Yash Paul Soi. His leadership and perseverance have improved Indian-American understanding and will long serve as a shining example of what can be accomplished by the determined human spirit.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 6599, Military Construction and Veterans Affairs Appropriations Act, 2009.

Requesting Member: Congressman HAROLD ROGERS.

Bill Number: H.R. 6599.

Account: MILCON, Army National Guard.

Legal Name of Requesting Entity: Kentucky Department of Military Affairs.

Address of Requesting Entity: Boone National Guard Center, 100 Minuteman Parkway, Frankfort, Kentucky 40601.

Description of Request: Provide directed funding of $7.836 million to complete construction of the Readiness Center Phase 3—London Joint Support Operations Center located in Laurel County, Kentucky. Of this amount, $646,200 is scheduled for design cost and $208,000 is for supervision, inspection, and overhead costs. This third and final phase of construction will include administrative space, aircraft hangar space, and paving for hangar aprons, taxiways, and aircraft parking. Aircraft will include various fixed wing aircraft and helicopters, OH-58s, UH-60s, and a C-130. The project is required to fully house the Joint Support Operations equipment and personnel in one facility located in the vicinity of operations. Currently the operation is spread over several facilities approximately 100 miles apart. At the conclusion of this project, the unit will be able to respond quicker and in a much more efficient manner which will allow a greater return on investment funds spent on the operation.

TRIBUTE TO CPL MIGUEL RODRIGUEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Cpl. Miguel Rodriguez on his retirement from the Texas Department of Public Safety, where he served his State and country honorably for 28 years.

In his 28 years with the Department of Public Safety, Corporal Rodriguez performed a multitude of tasks, such as serving as field training officer in the induction of new officers to the Department, training them on driving, firearms, and accident reconstruction. He helped foster the training of Mexican highway patrolmen, served on interview promotional board for troopers, and worked as chairman on grievance board hearings. Corporal Rodriguez also served on security staff for President George Bush, Sr., on his visit to the University of Texas at Austin. His awards include the District Commander Award, Region Commanders Award, Commanders Accommodations, and Quarter Century Club.

Madam Speaker, I am honored to have had this time to recognize the dedication and commitment of Cpl. Miguel Rodriguez to the State of Texas, and to the United States of America upon his retirement from the Texas Department of Public Safety.

HONORING THE LIFE OF GEORGE R. SAMPLE, JR.

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, I rise today to recognize and honor

the life of George R. Sample, Jr. of Corry, Pennsylvania.

Born and raised in Pennsylvania, Mr. Sample was the longtime publisher of the Corry Journal and had worked there daily since he graduated from college up until becoming ill a few months before he passed away. This outstanding newspaperman got his start in journalism serving as the managing editor of the Collegian newspaper at Pennsylvania State University, where he completed his bachelor's degree in 1946. Throughout his career he strived to make newspapers better.

In the 1960s, Mr. Sample was one of the founders of what would eventually become the American Publishing Co., which was later sold to Hollinger International. He served as vice chairman for Hollinger's American Publishing Co. and was credited for making improvements to the Chicago Sun-Times and the Jerusalem Post. He also created the family-run Sample News Group, which owned two newspapers in Maine and five in Pennsylvania.

In addition to being a well-respected local publisher, George Sample, Jr. was very involved in other aspects of the Corry community. As longtime chairman of the city's Golf Commission, he was known as the driving force behind the North Hills Municipal Golf Course, Corry's top-notch course that has become a vibrant attraction for the community. Much of the course's growth and success can be attributed to Mr. Sample's efforts.

The life of George Sample, Jr. serves as a role model for us all to follow. He cared about his community and was always working to improve the city.

Madam Speaker, I hope my colleagues will join me in commemorating the life of George Sample, Jr.

HONORING THE CITY OF FOREST PARK, GEORGIA ON ITS 100TH ANNIVERSARY

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. SCOTT of Georgia. Madam Speaker, I rise today to recognize the City of Forest Park for reaching their 100th Anniversary. Forest Park began as Forest Station/Astor on just one square mile of land chartered in 1908. This early community was mostly comprised of farming families, but quickly grew as Forest Park became an important railroad stop close to the bustling hub of Atlanta. Although the railroad gradually lost its more prominent role in the area, the people of Forest Park worked with the railroad and with their neighbors to find new opportunities for themselves and for their community. Their perseverance and hard work have paid off, helping to make Forest Park one of the largest cities in Clayton County and an important center of commerce for Georgia and the Southeast.

Today Forest Park is home to over 21,000 dedicated and productive citizens. This diverse community deserves our commendation for setting a positive example for Georgia and our great nation as a whole. I praise Forest Park for its commitment to its citizens through an outstanding police and fire department, school system, and overall community atmosphere. I also applaud Forest Park for fostering strong and affordable community recreation and leisure programs. These activities serve to bring people of all backgrounds and experiences together in friendship and collaboration. I am proud to see these endeavors encouraging a healthy and dynamic environment for the citizens of Forest Park and promoting positive community values throughout the area.

Forest Park will be holding a centennial celebration for just this purpose on August 14th, 15th, and 16th. This celebration will not only serve as a time of fun and enjoyment, but will also educate the public on the rich history of Forest Park. I also look forward to the increased participation and partnership of the citizenry, public institutions, and local businesses during this time and trust this close connection will continue into the future as it has for the past 100 years. This commemoration of the 100th anniversary of Forest Park is sure to be an enjoyable and fruitful enterprise for all involved.

I would further like to laud the dedicated efforts of Mayor Corine Deyton, and City Council members Sparkle Adams, Debbie Youmans, Maudie McCord, Donald Judson, and Linda Lord for their just and spirited public service in the governing of the City of Forest Park. Congratulations on reaching this 100 year milestone are also certainly due to the citizens of Forest Park. Without their tenacity and resolve, Forest Park would certainly not be the active and vibrant city that it is today. I wish them well in continuing to enrich the lives of their neighbors and in maintaining a beautiful and prosperous community for the 100, 200, 300 years to come.

In closing, I wish the City of Forest Park a Happy 100th Birthday. As the U.S. Representative to the 13th District of Georgia, I honor the City of Forest Park, its leaders, and its inhabitants for reaching this milestone and look forward to the continuation of its proud legacy.

TRIBUTE TO SHANNON GOOD

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. DEGETTE. Madam Speaker, I rise to recognize the accomplishments and distinguished public service of Shannon Good, my Legislative Director and former Deputy Chief of Staff. Shannon is a trusted advisor and friend. It saddens me to announce that she is leaving my office to pursue her own endeavors. Her tenure has been defined not only by a standard of professionalism that distinguishes exceptional legislative directors, but by a deep and abiding commitment to fairness, high ethical standards and the best interests of the 1st Congressional District of Colorado and this Nation.

Shannon is a Denver native and graduated from East High School and later graduated from Smith College in Northampton, Massachusetts. Shannon has been active in politics for years, volunteering on various local and national campaigns, including mine. Prior to joining my staff, she worked in the Washington, DC office of Governmental Relations for Salomon Brothers where she tracked legislation for Wall Street analysts.

Effective and committed legislative staff is essential to democratic governance. Few people recognize the magnitude and consequence of their contributions—- particularly of those intrepid staff members who actually manage the legislative work we do. Shannon's keen intellect, judgment and common sense have been invaluable to me in dealing not only with the issues all of us face, but in guiding my legislative agenda for the past nine years. She has contributed in no small measure to much of the legislation that best serves this Nation. Her work on legislation protecting our Nation's safety net hospitals, simplifying the enrollment process and expanding presumptive eligibility for children in Medicaid, expanding energy efficiency requirements to improve our Nation's energy policy, expanding FDA and USDA authority to ensure food safety and her invaluable work on the "Stem Cell Research Enhancement Act" are but a few of her most noteworthy contributions. Shannon has been my point person for moving significant national legislation through committee and the House. Numerous other staff members from many offices have come to rely upon her for information and guidance on a variety of issues. Shannon is one of the staff experts in the House on women's reproductive health. Any time an issue related to reproductive health has arisen, whether in major legislation or buried in a motion to recommit or an amendment, many in Washington have sought out Shannon's counsel. Furthermore, Shannon Good has excelled in recognizing and cultivating the talents and skills of my legislative team, both past and present, and she commands their respect and admiration. My District Office staff admire not only her exceptional capabilities, but her directness and understanding of the issues and challenges local offices face.

Shannon is a valued member of my staff and her competence, discernment and measure will be greatly missed. She has been an abiding source of wisdom and prudent counsel. She has done the people's work without pretension and burnished a reputation for decency and professionalism. Shannon is a public servant in the finest sense and her contributions are rich in consequence. My office and indeed, the United States House of Representatives, are losing a valued resource and friend. Please join me in commending Shannon Good, a distinguished public servant and legislative professional. Her character, leadership and dedication have done much to build a better future for all of us.

A TRIBUTE HONORING THE McLEOD-SANDSTROM WEDDING

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to extend my best wishes to two young Americans who are starting their new

life together this weekend. On Saturday, August 2, 2008, Allison Claire McLeod and Nathaniel Lee Sandstrom will be joined in matrimony surrounded by their loving family and friends at Preston Hall in Baltimore, Maryland.

Allie and Nate, as their family and friends call them, currently live in Baltimore but were both born in the Midwest. In fact, they describe themselves as, ''A balanced combination of Midwestern salt-of-the-earth values and Columbia, MD-born neighborliness . . .''

Allie was born in Cleveland, Ohio on May 23, 1980. Her mother, Karen Jean McLeod, is a retired elementary school teacher's assistant for the Columbia School District in Maryland, and her father, Robert John McLeod, is a meteorologist for the National Weather Service. When Allie was three years old, her father's work transferred the McLeod family to Columbia, MD. The family would relocate to Boise, Idaho for several years before eventually returning to Columbia. Back in Maryland, Allie attended Wilde Lake High School. At Wilde Lake, Allie participated on the school's volleyball and lacrosse teams and was active in Students for a Better World. After high school Allie went on to study at Towson University in Maryland.

Nate was born in Appleton, Wisconsin on July 12, 1979. His mother, Vicki Lynn Kessler, is a minister at St. Paul United Church of Christ in Denver, Iowa, and his father, Kent Lee Sandstrom, is a professor at the University of Northern Iowa (UNI). Nate's family relocated to Waterloo, Iowa when his father began working at UNI. Nate attended Cedar Falls High School and was active in baseball, band and the school newspaper. He attended Iowa State University and UNI and then moved to Maryland to complete his studies at Towson University.

It was at Towson University where the future bride and groom eventually met. The two young students belonged to the same circle of college friends, and after an initial period as good friends, the couple started dating. Their relationship blossomed and Allie and Nate became a couple. When Nate enrolled in graduate school at the University of Illinois Urbana Champaign, the couple both relocated to the Midwest. After two years in Illinois, the couple returned to Maryland in 2006 and set up home in Baltimore.

The couple enjoys spending time with family and friends, camping, and cheering on the Washington Redskins, among other activities. They were engaged on May 23, 2007, and the newlywed couple will make their home in the Federal Hill neighborhood of Baltimore. Their many friends say Allie and Nate are very well suited for each other, and their families already consider each of them a member of the family.

Allie and Nate will be joined in their wedding celebration in Baltimore's historic neighborhood of Mount Vernon by guests from across town and across the country. Family and friends are traveling from California, Illinois, Iowa, Wisconsin, New York, and South Carolina among other states. Special participants in the wedding ceremony will be Katharine Elizabeth McLeod, the bride's maid of honor; Philip Sandstrom, the groom's best man; and the other members of the wedding party: Tracey Bounds, Becca Dougherty, Kelly Neale, Lindsay Thomasson, Mark Goldman, Andrew McLeod, Patrick Newstrom, and Matt Schaffer. When they take their wedding vows, Allie and Nate will have the added honor of having Nate's mother, the Reverend Kessler, perform the ceremony.

Madam Speaker, I offer my best wishes to the McLeod and Sandstrom families, their friends and guests for a very happy and memorable celebration. To Allie and Nate, I offer the sentiment and gifts which George Bailey offered the Martini family as they moved into their new home in the classic film, It's a Wonderful Life, ''Bread! That their house may never know hunger. Salt! That life may always have flavor. And wine! That joy and prosperity may reign forever.'' Lastly, I wish that throughout their wonderful life together, Allie and Nate will always have an abundance of what St. Paul wrote of in his letter to the Corinthians, ''faith, hope, and love; and the greatest of these is love.''

THANKING THE SKENTARIS FAMILY FOR THEIR SERVICE TO THE HOUSE

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. BERKLEY. Madam Speaker, I rise today to say farewell to the Skentaris Family, the operators of the food service in the Ford House Office Building, and to thank them for their fifteen years of outstanding service to the United States House of Representatives.

Jordan Skentaris, the patriarch of the family business, came to the United States through Ellis Island from Greece on April 17, 1955. Jordan began his food service career in New York City and eventually settled in Fayetteville, North Carolina, where his family operated restaurants for 30 years. In January 1993, Jordan, his lovely wife Soula, and their wonderful children—daughter Artemis and son Christopher—began their service to the House in the Ford House Office Building. Their unwavering commitment to serve the needs of every customer to the fullest extent possible no matter who they are—and regardless of their political affiliation—has endeared them to Members, House staff, Capitol Police and visitors. This was particularly evident as the Skentaris family made sure their customers and employees were taken care of during 9/11 and anthrax. Since the Ford Building was closed for weeks following the anthrax attack, this was no easy task, but they persevered and found a way to keep continuity of service without missing a beat to the customers and community they so value.

Many times we hear people say that Capitol Hill is a family. I would like to say that the Skentaris family has not only been part of the Capitol Hill family, they have become my family. Many of the customers who pass through the cafeteria daily are greeted by name. Jordan, Soula, Artemis and Christopher can be proud of the level of service they provide to their customers each and every day.

On behalf of the entire House community, we bid a fond farewell to the Skentaris family and extend our deepest appreciation for their dedication and outstanding contributions to the U.S. House of Representatives. We wish them much success in their future endeavor at the Voice of America where I, my staff and hundreds of others will follow them—not only for their delicious food, but for the warmth and considerate service they provide to all who enter. They will be sincerely missed.

THE DAILY 45: A HERO DIES TO SAVE OTHERS AS A GUNMAN ENTERS A CHURCH

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the U.S. Last weekend, the nation's attention was riveted by the shocking act of a gunman who felt comfortable walking into a church, on Sunday, and opening fire. This incident, at the Tennessee Valley Unitarian Universalist Church, was especially horrific because of the loss of life—two, to date—as well as the long-term scars it will leave on the children who were participating in a choral presentation for their families and friends.

As sometimes happens in these incidents, there was a hero involved who martyred himself to protect others. Such was the case, this time, as church members told police that 60-year-old Greg McKendry, without blinking an eye, saw what was happening and, literally, placed his body in the line of fire. I extend a heartfelt prayer to the church community, Mr. McKendry's family and the other victims whose sense of peace was violated.

Americans of conscience must come together to stop the senseless death of ''The Daily 45.'' When will we say ''enough is enough, stop the killing!''

IN HONOR OF CELEBRATING THE SERVICE OF MR. GREGORY M. DIAMOND

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. DEGETTE. Madam Speaker, I rise today to pay tribute to Gregory M. Diamond, a dear friend and colleague who had served for over 10 distinguished years as my District Director in the First Congressional District of Colorado.

Greg grew up in Denver as the son of Greek and Canadian immigrants. Both of his parents worked extremely hard to establish themselves in the United States instilling within Greg a tireless work ethic, an acumen for equality, an exceptional attention to detail, and a sharp mind for finance, politics, and sympathy for the human condition.

Greg's leadership abilities shined through early when he was elected Head Boy at Denver East High School. Greg moved on to attend the University of Denver earning a Bachelor of Arts in Political Economy during the turbulent 1960's. This era of frustration with the Vietnam War and society's status quo inspired Greg to become involved in the University's anti-war and civil rights movements, imbedding a desire for social justice and fairness and the pursuit of public policies to benefit all people throughout his working life.

Greg earned a Masters of Science in Judicial Administration at the University of Denver College of Law and worked for a few years in the Wayne County Court System in Detroit, Michigan.

When his father became ill, Greg returned to Colorado to work in the family restaurant in the Cherry Creek neighborhood of Denver. In 1988, Greg became greatly inspired by the presidential campaign of Michael Dukakis and joined the Colorado Coordinated Campaign. In addition to sharing Greek heritage with Governor Dukakis, Greg admired his practical yet inclusive style of governing and fiscal policies.

Dukakis' loss was a disappointing blow for Greg, but he had caught the political bug. He moved on to manage a U.S. Senate primary, and worked in senior capacities on various other presidential, congressional, state, local and referenda campaigns, including the bond election to build Denver International Airport, where he met his future wife Faye, to whom he has been married for 16 years.

In 1991, Greg began his career in public policy, serving in former Governor Roy Romer's cabinet in the Office of Energy Conservation, then four years as the Deputy State Treasurer under former Colorado State Treasurer Gail Schoettler. He finished up his years in the Governors Office of Economic Development as a Science and Technology Advisor.

Greg is unique individual and a tower in Denver and Colorado politics in a District with a multitude of strong political personalities. In a city defined by a history of rough-and-tumble politics and a varied electorate, with their own political desires, Greg has managed to fly above the fray gaining the respect, admiration, and trust of the diverse constituencies of the First Congressional District.

Greg has the enviable ability to actively listen to constituents concerns and to frame their arguments and the political realities in ways only a seasoned political mind and public policy analyst could. Greg will long be remembered for his extensive briefings and memos for District meetings which were exhaustively researched and supplied with extensive supporting materials. In any meeting I attended with Greg, I was confident I was well briefed and any issue or argument would be at my fingertips. Greg is also an eloquent writer, penning many of our offices tributes and speeches.

There is also no doubt Greg was extremely popular in Colorado politics and in the broader Denver community. Any meeting or reception I would attend with Greg, constituents, business, and political leaders would joke with Greg and regale me bout some past shared experience. Greg would always return the favor with his hearty infectious laughter filling the room.

Greg is fondly regarded by his District Office staff, many of whom he hired. The high retention rate in my District Office is a great tribute to Greg who treated his employees with respect, compassion, and a sense of humor which often kept the staff on their toes. Greg related well to young and older employee alike, always interested in what everyone had to say, encouraging staff for good deeds done, but also willing to guide staffers back in line when they went astray.

Greg leaves my office in the height of his career, rising with me as a first term Representative to the Dean of the Colorado Congressional Delegation. I am deeply indebted to him for his service, guidance, and enduring commitment to the residents of the First Congressional District of Colorado.

At the end of the day, there is one main reason we come to serve in this body: to help the people we represent and to improve their communities and livelihoods to the best of our abilities. It is with the assistance of such exceptional staff members as Greg Diamond that we are able to achieve these goals. There are thousands of Coloradans and residents of Denver, Englewood, Sheridan, and Cherry Hills Village whose lives have been touched by Greg's dedication and service.

I ask you and our colleagues to join me as I thank Greg for his 10 years of service to the First District, express my gratitude for his long friendship and congratulate him as he enters a new phase of his public service.

TRIBUTE TO SAMUEL SNOW

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to pay honor and tribute to the memory of Samuel Snow, of Leesburg, Florida.

In 1944, Samuel Snow was among a group of black American soldiers involved in the largest and longest U.S. Army court martial of World War II.

Mr. Snow, then a 19-year-old Army private, and 42 other black troops were tried at Fort Lawton in Seattle for the death of an Italian Army prisoner of war. All 43 were accused of rioting, while three of the GIs were charged with first degree murder. Mr. Snow was one of two men still alive to tell the story.

Mr. Snow enlisted in the U.S. Army in 1944, in New Orleans. His enlistment helped fill a need for black soldiers to fill segregated units to be shipped to Japan. As Snow packed to get ready to be shipped out, a fight broke out between a large number of black soldiers and Italian POWs.

Only two attorneys were appointed. They had just two weeks to prepare a defense and no access to key evidence. After the Army's longest court martial of World War II, 28 soldiers were convicted—and it was all wrong. 13 acquitted and charges against two others were dropped.

He spent a year in confinement. This was the largest court martial during the war, and the only time blacks were tried for alleged lynching. Mr. Snow was issued an ultimatum: Go to prison or receive a dishonorable discharge.

Last October, the Army overturned those convictions after Seattle author Jack Hamann's investigation proved the soldiers were unjustly tried in his book ''On American Soil.'' Their convictions were all set aside. On Saturday, July 26, the Army officially apologized in a ceremony at Fort Lawton in Seattle in front of family and friends of 28 of the soldiers. Only 2 of them are still alive and Sam Snow was determined to attend the ceremony.

Mr. Snow travelled to Seattle from Florida and was admitted to a Seattle hospital Friday night. He smiled when his son Ray read the honorable discharge petition to him following the Saturday ceremony. At 12:45 a.m. Sunday, Samuel Snow died of congestive heart failure.

His son, Ray Snow, who traveled with him to Seattle, said ''Getting that honorable discharge was more important than his health.''

Sam Snow, on a previous visit to Fort Lawton, said that ''we hope this never happens again and I am proud to be an American.''

Samuel Snow was a speaker at my Veterans Braintrust at the Congressional Black Caucus Annual Legislative Conference this past September. His is very moving story and if there is one thing to learn, it is that we must always be vigilant against injustice.

He is survived by his loving wife, Margaret Snow; son, Ray; grandchildren, Maurice Snow, Denise S. Norwood, Marvin J. and Ray L. Snow; and three great-grandchildren.

EARMARK DECLARATION

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mrs. DRAKE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Project Name: Fire and Emergency Services Station

Requesting Member: Representative THELMA DRAKE

Bill Number: H.R. 6599

Account: Military Construction, Navy

Legal Name of Requesting Entity: Representative THELMA DRAKE

Address of Requesting Entity: Naval Station Norfolk, VA, USA

Description of Request: Accelerate funding of $9,960,000 for a Fire and Emergency Services station located at Naval Station Norfolk, Virginia.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. CASTLE. Madam Speaker, I submit the following:

Name of Project: Physical Fitness Center

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 6599

Legal Name of Requesting Entity: Dover Air Force Base

Address of Requesting Entity: Dover, DE

Project Description: The existing fitness center at Dover AFB is not large enough to accommodate the needs of all personnel in sports, wellness, and fitness programs. A new facility is necessary to meet the Air Force's new requirements and emphasis on physical fitness, health, and wellness. The existing facility is insufficient to accommodate year-round use necessary for mission readiness. The new facility will provide for an additional gymnasium and fitness rooms, as well as incorporating a Health and Wellness Center. The project has been included in the President's FY09 Budget Request.

Name of Project: Information Operations Communication Facility

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 6599

Legal Name of Requesting Entity: Dover Air Force Base

Address of Requesting Entity: Dover, DE

Project Description: The current Delaware National Guard Information Operations Unit operates from a cramped, overloaded, inadequate facility. Because of the specialized nature of this new mission, there are no facilities on the New Castle Air National Guard base that can accommodate the unit. Without a new facility, the unit will not be capable of properly training or supporting active combat missions with respect to intelligence, surveillance, and reconnaissance. This project has been included in the President's FY09 Budget Request.

CONGRATULATING LINDA NELSON

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate my friend Linda Nelson on her retirement as President of the Iowa State Education Association (ISEA). Linda was elected President of the ISEA by nearly all of the 500 delegates at their annual meeting in 2004 and was re-elected in 2006. During her 4 year tenure as President Linda proved to be a strong and effective leader for the 34,000 members of the ISEA.

Linda has been active in the ISEA throughout her teaching career. At the local association level, Linda took on many leadership roles including president, executive board member, Governmental Affairs Committee chair, and building representative. Linda's passion for teaching and politics lead her to become involved in ISEA's Political Action Committee were she served in several different positions. In 1992, Linda was elected to the Iowa House of Representatives where she spent four years fighting for teachers all across Iowa. Most importantly, Linda has dedicated her life to being an educator and has been a good friend and mentor to her fellow ISEA members, teaching colleagues and her students.

I'm happy to report that this fall Linda will be returning to her teaching duties at Carter Lake Elementary School in Council Bluffs. Linda taught 4th grade at Carter Lake for 31 years before being elected ISEA President. I congratulate her on all of her success and wish her the best in all of her future endeavors.

TRIBUTE TO THE HUMBOLDT COUNTY FAIR

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize the Humboldt County Fair on its 150th year anniversary this year, recognized from July 23 to July 27, 2008. The Humboldt County Fair is located in Dakota City, Iowa and serves the approximate 10,000 residents of the county in North Central Iowa.

In 1858, the 300 people living in Humboldt County wanted to get together for a social event offering opportunities to display prize produce and compete at the skills of farming. The first Humboldt County Fair was held in Dakota City on October 5, 1858. The best livestock and agricultural products of the county were on display, showcasing the pride and competitive spirit of America as well as prospects for future agricultural prosperity.

The town of Springvale, larger than Dakota City, attempted to relocate the fair in 1866. But Charles Bergk, a prominent citizen, offered to donate 15 acres of land, furnish enough lumber to fence the entire tract, and dig a well if the fair was held in Dakota City. And so the fair remained in Dakota City.

The fair of 1912 was not a success, and there were fears that the end of the county fair was near. A group of Humboldt's leading citizens organized the Humboldt Get-Together Club and met at MacNamara's Drug Store to discuss the situation. They developed a plan to not only continue the fair but make it bigger and better.

Throughout the many years, the Humboldt County Fair has thrived and kept the county together with community fellowship, celebration and camaraderie. I congratulate the Humboldt County Fair on this historic anniversary. It is an honor to represent the past and current members of the county fair board in the United States Congress. I wish the Humboldt County Fair and Humboldt community an equally storied future.

EARMARK DECLARATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. YOUNG of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 6599, Military Construction and Veterans Affairs Appropriations Act for FY 2009.

Account: Military Construction, Army National Guard.

Legal Name of Requesting Entity: Florida Army National Guard.

Address of Requesting Entity: 400 S. Monroe Street, Tallahassee, Florida 32399.

Description of Request: Provide an earmark of $20,907,000 for construction of Phase IV of the Regional Training Institute (RTI), Project Number 120191, located at Camp Blanding, Starke, Florida 32091. It is my understanding that the Florida Army National Guard (FLARNG) and Army National Guard readiness will be affected if the school cannot adequately accomplish its mission to educate and train soldiers. This final phase will finish construction of the remaining 65,000 square feet of billeting, all remaining infrastructure, supporting facilities, and all necessary work not completed in the prior phases to support and house students attending the courses at the training institute.

SENATE—*Friday, August 1, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O give thanks to the Lord, for He is good; His steadfast love endures forever. (Psalm 118:1)

As we approach the August break, we thank You, Lord, for the physical, mental, and spiritual energy which enables our lawmakers to do their work. We praise You for the efforts of honorable men and women who relentlessly pursue good for all people. Thank You for the wise and patient leaders who seek to guide their parties to just and equitable decisions. Thank You also for the tireless labors of dedicated office and Senate staffs and for the pages who give indispensable support to the legislative process.

Father, we thank You that the Senate is a family and that in spite of our differences, we belong to You and to each other. For all of Your wonderful gifts to us, we give You praise.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 1, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3001, which the clerk will report by title.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, we are going to be on the Defense authorization bill during today's period of debate. Senators will be allowed to speak for up to 10 minutes each. That is the order. Is that order in effect now or do I need to ask consent for that?

The ACTING PRESIDENT pro tempore. The Senator is correct, the order is in effect now.

MEASURE PLACED ON THE CALENDAR—S. 3406

Mr. REID. Mr. President, S. 3406 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3406) to restore the intent and protections of the Americans with Disabilities Act of 1990.

Mr. REID. Mr. President, I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

ANIMAL DRUG USER FEE AMENDMENTS OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6432.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6432) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program, to establish a program of fees relating to generic new animal drugs, to make certain technical corrections to the Food and Drug Administration Amendments Act of 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, that there be no further debate, and that any statements relating to the bill be printed in the RECORD.

Mr. ENZI. Mr. President, I rise today in support of H.R. 6432, a bill that reauthorizes the Animal Drug User Fee Act, or ADUFA, and create a new user fee for the approval of generic animal drugs. This bill also addresses the use of antibiotics in animals, and technical corrections to last year's Food and Drug Administration Amendments Act.

Like human drugs, animal drugs must be shown to be safe and effective before they can be marketed. An animal drug can take 7 to 10 years to develop, at a cost of $100 million or more. ADUFA supports the review of animal drugs by authorizing FDA to collect fees for animal drug applications, and for the establishments, products, and sponsors associated with these products.

This program is similar to the user fee programs for human drugs and medical devices which we renewed last year. Like those programs, ADUFA expires October 1. If we do not act on this bill, 60 valuable FDA employees could be laid off. Even if we simply delay renewal of this program, those employees will receive a ''reduction in force,'' or RIF notice, indicating they might be let go. Many will make that possibility a reality, and leave the agency, taking their talent with them.

ADUFA has been a success. The program has eliminated the review backlog for new animal drugs, improved the timeliness and predictability of reviews, and improved communication between companies and the FDA throughout the process. The renewal of this program will continue to enhance FDA review capacity, including more support for increasingly complex reviews. Also, there is a growing backlog of premarket inspections of foreign animal drug producing facilities, which is a very timely issue. The renewal of ADUFA would better prioritize those inspections, and eliminate the backlog, helping to keep our animal drug supply safe.

The renewal of this important animal health program would nearly double funding levels to $98 million over 5 years. I want to be clear that the renewal of this program does not speed up the review of new animal drugs. It

holds FDA to the same performance goals for review times—it just keeps review times from getting slower.

The bill we are considering today contains another important advance for animal drugs. Under the Food, Drug and Cosmetic Act, FDA is required to review and act on generic animal drug applications within 180 days. Unfortunately, in fiscal year 2007, the average review time for generic animal drug applications was 570 days, and there was a backlog of 446 of these submissions. Without Congressional action, the proposed target for action in fiscal year 2009 is 700 days—nearly 2 years. This is an untenable position.

We all know that FDA is seriously underfunded. Like many of you, I would prefer that appropriations be used to fund the agency's activities. But that is simply not in the offing. An appropriated dollar is better than a user fee dollar, but a user fee dollar is better than no dollar at all. The Animal Generic Drug User Fee Act under consideration today would create a new program to fund the reviews of animal generic drugs. This program will lead to progressive improvements in performance, with the time for review and action on submissions decreasing each year.

If we do not proceed with this initiative, our farmers, ranchers, veterinarians and pet owners like you and me will not be able to capture the savings that result from generic animal drug use. I want to point out that even with the creation of this new user fee, the performance goals do not return animal generic drug review times to the statutory requirement of 180 days. By fiscal year 2013, the fifth year of the program, the proposed review target is 270 days. Once again, the best we can do is to keep things from getting much worse as quickly.

The bill before us today also includes a section expanding and streamlining the reporting of the amount of antibiotics that are used to treat animals that are sold annually and the label information about those antibiotics. This reporting language is a carefully crafted compromise between the farmer, rancher and veterinarian communities on one side and those who think the FDA has inadequate information to assess the potential public health impact of antibiotic use on the other. I appreciate the House Members and staff and outside groups who worked together to achieve this agreement.

Finally, this bill contains just two of several changes necessary to properly implement the Food and Drug Administration Amendments Act of 2007. As with any large piece of legislation, there are some technical corrections necessary to fix inadvertent errors in the law.

These technical corrections are critical to ensuring that key drug safety and transparency provisions in the bill work as intended. I am disappointed that we could not complete agreement on a package in time to attach the package to ADUFA. I am even more discouraged that the House chose to cherry-pick just the technical corrections they wanted and attach those instead.

But given the approaching deadline for renewing ADUFA, we cannot afford to hold this important program hostage to unrelated provisions. I intend to continue pressing for passage of a full package of technical corrections. I appreciate Chairman DINGELL's commitment to continuing to meet and work on this, and I look forward to preparing a full package of technical corrections that can be accepted by both Houses and go into effect.

I thank my colleagues for their hard work on these proposals. We have some work still ahead of us, but the bill before us today contains much that is good. I strongly urge my colleagues to support final passage.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 6432) was ordered to a third reading, was read the third time, and passed.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following items en bloc: Calendar Nos. 913 through 920.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to these measures be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CEECEE ROSS LYLES POST OFFICE BUILDING

The bill (S. 3241) to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building,'' was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3241

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

SECTION 1. CEECEE ROSS LYLES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, shall be known and designated as the ''CeeCee Ross Lyles Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''CeeCee Ross Lyles Post Office Building''.

DOCK M. BROWN POST OFFICE BUILDING

The bill (H.R. 4210) to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building,'' was ordered to a third reading, read the third time, and passed.

CHI MUI POST OFFICE BUILDING

The bill (H.R. 5477) to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building,'' was ordered to a third reading, read the third time, and passed.

PRIVATE FIRST CLASS DAVID H. SHARRETT II POST OFFICE BUILDING

The bill (H.R. 5483) to designate the facility of the United States Postal service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First class David H. Sharrett II Post Office Building,'' was ordered to a third reading, read the third time, and passed.

CORPORAL BRADLEY T. ARMS POST OFFICE BUILDING

The bill (H.R. 5631) to designate the facility of the United States Postal service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building,'' was ordered to a third reading, read the third time, and passed.

KENNETH JAMES GRAY POST OFFICE BUILDING

The bill (H.R. 6061) to designate the facility of the United States Postal service located at 219 East Main Street in West Frankfort, Illinois, as the ''Kenneth James Gray Post Office Building,'' was ordered to a third reading, read the third time, and passed.

GERALD R. FORD POST OFFICE BUILDING

The bill (H.R. 6085) to designate the facility of the United States Postal service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building,'' was ordered to a third

reading, read the third time, and passed.

JOHN P. GALLAGHER POST OFFICE BUILDING

The bill (H.R. 6150) to designate the facility of the United States Postal service located at 14500 Lorain Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building,'' was ordered to a third reading, read the third time, and passed.

DESIGNATING SENATOR PRYOR AS ACTING PRESIDENT PRO TEMPORE

Mr. REID. Mr. President, I had the good fortune in the Senate of serving with David Pryor, the Senator from Arkansas. He was a member of the Finance Committee and other very responsible positions, including the Ethics Committee. He was, I believe, what the stereotype of a Senator should be. He worked hard and he is very smart. He was so easy to get along with. I do not think I have ever served with a better legislator in my life than David Pryor.

Unfortunately for Arkansas and our country, he was taken ill. He had a very severe heart attack and decided not to run for reelection. He is doing well. He is healthy. I talk to him on occasion. Whenever I go to Arkansas, I see him. But what a wonderful man to know.

The reason I mention that, fortunately for the people of Arkansas, his son MARK has replaced him. MARK has all the same characteristics as his dad. He is a man with a lot of humility. He works very hard. He knows the legislative process. He was attorney general of the State of Arkansas. He is an outstanding lawyer.

There were a lot of reasons we were able to complete that most significant legislation last night, the Consumer Product Safety Modernization Act. But it is the most sweeping improvement of the law that has taken place since the law was passed some 40 years ago. It was done under the direction of Senator INOUYE. But Senator INOUYE gives credit to MARK PRYOR who worked so hard to arrive at the solution he did, which was a piece of legislation that passed overwhelmingly in this body.

So, Mr. President, with that brief background, I ask unanimous consent that Senator PRYOR be designated as Acting President pro tempore of the Senate for the purpose of signing the conference report to accompany H.R. 4040, the Consumer Product Safety Modernization Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED—Continued

Mr. HATCH. Mr. President, what is the parliamentary state?

The ACTING PRESIDENT pro tempore. The Senate is on the motion to proceed to S. 3001, with Senators permitted to speak for up to 10 minutes.

Mr. HATCH. Thank you, Mr. President.

Will the Chair please let me know when 9 minutes has expired.

The ACTING PRESIDENT pro tempore. The Senator will be notified.

UNITED STATES ECONOMY

Mr. HATCH. Mr. President, yesterday the Government released the second quarter performance of the U.S. economy, and I am sorry to say the report looks dismal. I, along with the rest of Americans, am outraged that Congress will depart shortly for a 5-week recess without addressing the most pressing issue of this Congress: our ailing economy and in particular energy. During this past month, we have passed bills to provide $50 billion for support of international programs to combat HIV/AIDS, for Medicare, and to improve FISA. This past week, we finally passed a bill that addresses a sector of our economy by revamping Fannie Mae and Freddie Mac. I certainly believe we can and should have done more than that.

In November of 2006, my party lost the majority in Congress, in both the House of Representatives and in the Senate. The Democrats ran on a platform of change, what they called ''A New Direction For America.'' The Democrats pledged to push forward a 100-hour agenda that touted a change in ethics, an increase in the minimum wage, and a rollback in subsidies for the oil and gas industry. Look where that ''direction'' has led us. The price of energy has skyrocketed, the housing market has deteriorated, and the unemployment rate is on the rise. Across the Nation, we are feeling the effects of the crumbling economy. Yesterday, Bennigans and Steak & Ale restaurants have filed for bankruptcy, and Starbucks has recently announced the closing of 600 stores across America. It is time for the majority to wake up and smell the coffee.

Viewing this chart, it is no wonder why the congressional approval ratings are at an alltime low, at 12 percent. Congressional approval: 12 percent. Congress has failed to act when Americans need it the most.

At the end of 2006, when the Republicans controlled Congress, the average retail price of regular unleaded gasoline, according to the Energy Information Administration, was $2.59. Look where it is today.

In June of this year, the average price of regular unleaded gasoline hit an average of $4.06. Our friends on the other side have done absolutely nothing to address the rising costs of energy, and we are going home without having done so. We have proposed increasing the supply off our coasts, extending the expiring energy tax incentives, and reducing our dependence on foreign oil by providing alternative energy resources. The majority refuses to provide any solid bipartisan solutions because they keep insisting on their perverse let's-grow-the-Government, pay-as-you-go rules and combating the oil and gas industry as though they are the evil cause of everything. The fact is the Government does not produce one drop of oil. It does not drill one exploration well. It does not refine even 1 gallon of gasoline, and it doesn't build 1 foot of pipeline. Somehow, though, my colleagues on the other side of the aisle think every answer to dropping gas prices is more Government—more Government moratoria on drilling, more taxes on energy companies, more regulation of the commodity markets, more moratoriums on the development of oil shale, where we have somewhere between 800 billion and 2 trillion barrels of oil that can be recovered. It is doable. Estonia has been doing it for the last 80 years. Brazil has been doing it for the last three decades. We can do it, but there is a moratorium that doesn't expire until September, and now the Democrats want to put another moratorium on it—just on preparing the rules pursuant to which we can develop these vast resources that would help bring prices down. It wouldn't happen overnight, but I tell you one thing, if we went and tried to do all these things and we announced we were going to do them, I believe gas prices would automatically come down quite a bit more than they are right now.

This past week, the majority leader brought a bill to the floor to curtail oil price speculation, and while this was a start, my party tried to amend this bill to provide real solutions, ranging from expanding offshore drilling to boosting oil shale production. We were prevented from offering these various amendments, which was an opportunity to increase energy supply and to send the rest of the world a message that we are going to get serious about helping ourselves instead of sending $700 billion every year off some shore for offshore oil.

Across the Capitol, the House refuses to even bring up legislation involving offshore drilling. I do not know how I can return home to my home State of

Utah and explain to constituents such as Bill Howard, a farmer who has to increase the price of his cattle and hogs to combat fuel costs, that we cannot do anything about the soaring gas prices unless it is paid for and hurts the oil and gas industry. Americans need affordable energy now.

If we look at the results of Democratic policies on job growth in our country, we are met with the same disappointment. Here is where we are. The unemployment rate in 2006 was 4.4 percent. Today it is up to 5.5 percent.

Less jobs means people spend less. When we spend less, companies start cutting back, laying off employees, and reducing employee salaries. This causes us to spend even less and the vicious economic cycle continues. We need to put more money back into the taxpayers' pockets over a long period of time in order to create a virtuous economic cycle. Among the tax extenders bill, which has failed to pass the Senate again and again, is the research tax credit. Seventy percent of research tax credit dollars are used for wages of R&D employees. That is creating jobs. I have been the champion of the R&D tax credit, along with Senator BAUCUS, for years.

We should provide tax relief not through economic stimulus packages or on a year-to-year basis but over a long period of time so the taxpayers can depend on this relief. That is why it is so important that when we talk about economic stimulus, we should look at solutions rather than rebate checks and bailouts, such as repealing the alternative minimum tax and making certain tax cuts permanent such as the research tax credit.

Looking toward the housing market, we still are puzzled why the majority has not provided solutions to help the economy. We have been hit hard by the housing market in my home State. St. George, in the southwestern part of Utah, and Provo, UT, were among the top ten fastest-growing metro areas in the United States between 2000 and 2006, with a growth of 39.8 percent and 25.9 percent respectively. As you can see, our economy has all kinds of foreclosures; in Utah we are up to 141 percent. That is twice the national increase from a year ago.

Last week, my friends on the other side of the aisle pushed through a housing bill that some estimate will provide a temporary financial housing lifeline by benefiting only 13 percent of the estimated 300,000 homeowners who will likely lose their homes in the next year. I supported earlier versions of the bill, but as it moved through the process and took on new provisions, my reservations grew. There is more to be said about the bill than I have time for now, but I have a statement in the RECORD on the subject. Let me say I think too many people and organizations that do not deserve it will be bailed out by what is now housing law.

I am also concerned that some of the provisions in the bill are shortsighted. For example, we created a new regulator for Fannie Mae and Freddie Mac, which is fine, but then we created what could possibly become a huge taxpayer-funded backstop, to put it nicely. Some have proposed that we cut the Government's ties to Fannie and Freddie, make them truly private companies, and incentivize more competition. Maybe we need to start the discussion now so taxpayers are not on the hook should future crises arise. We are on the brink of a recession and we need leadership.

The Democrats' ''New Direction For America'' has led us down a road to economic hardship and Americans deserve to have the economy driving on all cylinders. With the government-sponsored housing enterprises, high energy and food prices, and the instability of financial institutions, we are in a state of economic slowdown. But there is hope.

Much like today, when I came to the Senate over 30 years ago, the unemployment rate was rising, inflation was accelerating, and the GDP was beginning to decline. The economy was a major problem facing Americans. In response, we provided long-term solutions to our ailing economy by lowering taxes and increasing investment and growth. While the economy today is bleak, I believe there is hope because we have been here before. However, I do not know why the majority has not addressed this dire situation before adjourning.

There are some real problems facing the American economy, and together we can deal with them.

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. HATCH. Thank you, Mr. President.

Most of these problems are self-inflicted, due to some major financial mistakes in our country. Congress has passed some legislation aimed at improving our economy, but these short-term, bandaid solutions will eventually exacerbate the increasing deficit, and we will find ourselves back in the same situation. More spending certainly is not the answer.

When we return from our August recess, I encourage Congress to debate how we can fix our ailing economy. I believe we can take steps toward reducing unemployment, slowing inflation, and increasing investment and growth. I also believe we need to look at reforming our Tax Code. Our tax system has become burdensome and overly complicated. It discourages investment at a time when we desperately need it most. For too long we have delayed addressing our economy, and we owe a lot better service to our fellow Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. I ask unanimous consent to speak for 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OIL COMPANY PROFITS

Mr. WHITEHOUSE. Let me begin by saying, as we leave for our August recess very shortly, what a pleasure it has been for me to serve with the distinguished Senator from Utah on the Judiciary Committee during these first months of my first term in this body. I would respond to what he has said by suggesting that if he and his colleagues would actually let us lead, we would be able to solve a lot of the problems he discussed and that were indicated on those graphs. However, instead of letting us lead, they have embarked on a strategy of creating gridlock in this institution with—I think at this point we are at 92 or more filibusters—which is the world record in the history of this country—and climbing. I think what has happened to this body is my colleagues on the other side have made the decision that the record of George Bush is hopeless, the Republican message is shot, and their only salvation is to call down a pox on both our Houses and try to disable this institution, try to prevent us from doing essentially anything. It also has the added benefit of allowing the Executive more leeway, and it confers more power on George Bush, which I think is a mistake, given the way the record has shown his judgments have worked out.

For instance, take a look at what has happened in the Bush economy every day and getting worse and worse. Since George Bush and DICK CHENEY took office in 2001, wages in America have remained stagnant, as the very distinguished Senator from Ohio knows very well. Wages in America remain stagnant, oil and gas prices have risen sharply, and troubles in the housing market have made it harder and harder for families to stay in their homes. One would not have thought very long ago that America was a country in which tens of thousands of Americans would be thrown out of their own homes, but there we are.

Even those well off enough to own stock have seen the consequences of the Bush economy. In the Clinton years, the Dow Jones industrial average climbed 129 percent. In the Bush years, it has climbed exactly 0.7 percent. I ask my colleagues on the other side of the aisle whether they think their investor friends would prefer 129 percent capital gains and then paying a fair tax on those capital gains or whether they would prefer having big fights about what the capital gains tax rate is, but nobody makes any money.

While American families and American workers struggle in the Bush

economy, there is one special, favored industry that is laughing all the way to the bank. Eight years of two oilmen in the White House has brought over $4-a-gallon gasoline for American consumers and absolutely grotesque profits for the biggest oil companies.

Yesterday, once again, the largest of these international giants—ExxonMobil—announced recordbreaking profits. ExxonMobil's second-quarter profits were the highest in the company's history. They were the highest in the history of the entire oil industry. In fact, Exxon's $11.7 billion profits for this last quarter were the highest corporate profits in the history of the United States. These profits, indeed, are the highest in the history of the universe as we know it.

Think about that: $11.7 billion in just 3 months. The U.S. Department of Transportation estimates that there are 250 million passenger vehicles in the United States. Exxon's $11.7 billion second-quarter profits amount to a quarterly tax of $47 on every car and truck in the country. That is just for one quarter. If you have ever wondered where the $60 or the $80 or even the $100 that it might cost to fill your tank goes, take a look at this. Gas prices are definitely going up; there is no doubt about that. We all experience the pain at the pump. But compared to how gas prices are going up, look at what is happening to oil company profits. As gas prices have risen, oil company profits have soared. If Exxon continues to reap profits at this level, in 2008 alone, you will pay for every car a $188 oil profits fee to ExxonMobil per car—$188 on every car in America—for the profit.

That is not counting the hundreds of billions of dollars raked in by the four other major international oil companies doing business in our country.

We are facing a true energy crisis. Instead of working with us to solve it, our colleagues on the other side of the aisle continue to fight for oil company profits.

Drilling off of our pristine coasts—and I come from the ocean State of Rhode Island—won't produce a drop of oil for a decade and won't significantly lower gas prices even then. These facts have no affect on our colleagues. Make no mistake about it, more drilling means higher profits for Exxon, Shell, BP, and especially for DICK CHENEY's former employer, Halliburton, which provides drilling products and services.

Exxon is committed to an oil economy that has no future for this country. They earned $11.7 billion in profits in the last 3 months, but in the 4 years between 2003 and 2007, Exxon spent just $20 million on research and development of alternative and renewable transportation fuel technologies. That is $20 million in 4 years, which is $5 million a year. That $5 million a year is $1.25 million a quarter. If you compare $1.25 million a quarter to $11.7 billion in profits, what you find out is that for every $10,000 in profit ExxonMobil makes, it spends $1 on alternative fuels. I am sure that in Ohio the Presiding Officer is seeing the same advertisements we are seeing in Rhode Island—wonderful Exxon ads with scientists and molecules, telling us how they are investing in the future. But it is $1 for every $10,000 they put in their pockets.

A recent Wall Street Journal article reported that the big oil companies spent $52.5 million on advertisements to burnish their images in the first quarter of the year. That is an annualized rate of $200 million in ads. Of course, many of these environmental ads say: We are green now, just watch us. Well, if you assume that of that $52.5 million, a quarter of it was Exxon, that is $12.5 million. If you assume that just a quarter of that 12.5 was spent on green ads and the rest on other stuff, that is $3 million. That means they spend three times as much advertising their green research as they do actually doing their green research. It is the biggest sham in the world.

I hope when Americans see these ads in magazines and elsewhere they know they are being had. It is $1 in research, $3 in advertising about it, and $10,000 in profits. That is the ratio. That is not a ratio anybody should be very proud of. If only Exxon and the other oil giants would devote some of their advertising budget to R&D, then we might be better off. We don't need sham solutions. We need results.

Yesterday, I signed on to a letter authored by our assistant majority leader, Senator DURBIN of Illinois, to request of President Bush to release about 10 percent—or 70 million barrels—from the Strategic Petroleum Reserve. That sale would immediately lower gas prices and generate over $8 billion, which is money that could be used to invest in alternative sources of energy for real—not the phony show ExxonMobil is putting on—so that we can finally move away from our oil-addicted economy. But so far, no action. Indeed, yesterday, we tried to pass a Defense authorization bill to support our troops in the field, in harm's way. The Republicans voted against the bill, abandoning our troops for big oil. Big oil is making big money, and that is the Republicans' priority. I urge President Bush to end the rhetoric, put the troops first, get off of big oil's wagon, and let's get together to solve this problem for real.

I thank the chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FAILURE OF LEADERSHIP

Mr. MCCONNELL. Mr. President, all across America today, people are looking to Capitol Hill with astonishment. They are wondering how it is even possible that lawmakers who have been hearing from their constituents for months about the burden of record-high gas prices could fail to work out a sensible response.

I don't blame them. High gas prices have triggered a crisis in American homes and in the broader economy, and the American people have a right to expect their elected representatives to do something about it.

Every crisis is a call for leadership, and this one was no different. This was an opportunity for the Democrats who control Congress to demonstrate courage and resolve. They squandered it. In their hunt for more seats in Congress and control of the White House, they took the path of least resistance. They decided that they could increase their hold on Congress by avoiding tough votes, and then blaming the mess that followed on a party that wasn't even in charge.

While Republicans were working out a legislation solution that addressed high gas prices head on, Democrats embarked on a concerted effort of pointing fingers and casting blame. Americans were looking for answers, and the Democrat answer was to make everyone accountable but themselves.

First came the energy producers, who were threatened with higher taxes that would have passed along to consumers, making the problem worse. Then came the foreign oil producers, who were threatened with lawsuits unless they increased production, even though America sits on massive energy reserves that dwarf their own.

Finally, it was the speculators. Citing the testimony of a lawyer whose previous statements on energy provoked a stinging bipartisan rebuke, the Democrats claimed that writing a few new regulations for speculators would solve the energy crisis. Republicans agree that we need greater transparency in the market and more cops on the beat. But the notion that speculators alone have led to a dramatic surge in gas prices is, according to every serious person, completely and totally absurd.

The chairman of the Federal Reserve has rejected the idea that speculators alone were the cause of the oil shock. Warren Buffett, a prominent Democrat and perhaps the most successful investor of our generation, has said speculators alone are not the problem. The 27-member International Energy Agency said speculators alone are not the problem. T. Boone Pickens, who has been cited by both sides in this debate, has said unequivocally that speculators alone were not the problem.

When asked about high gas prices, all the experts seem to agree on two things: first, that speculators alone are not the problem. And second, that the high price of gas is primarily the result

of increased demand and static supply. Increase supply, and the price of gas will go down. Keep it static and prices will continue to rise. That is why even the liberal New York Times derided the Democrats' speculators-only approach as a ''misbegotten plan.''

Republicans didn't invent the law of supply and demand. It's as old as commerce itself. And it has the virtue of being perfectly straightforward: any serious proposal for bringing down high gas prices would have to increase supply. And any serious proposal that aims to decrease our dependence on Middle East oil would have to increase supply here at home.

Every expert in America tells us that Americans will be dependent on fossil-fuels for decades to come. And until the day when we're all plugging in our cars or using alternative fuels, Americans can't be expected to shoulder the crushing burden of ever increasing gas prices. Congress has a responsibility to act, and that action must involve a comprehensive approach.

This is why Republicans put together a solution to this crisis that seeks, first of all, to accelerate the day when America will no longer be dependent on foreign sources of oil. We do this in our plan by addressing not only the principal cause of rising fuel prices—insufficient supply—but also by promoting new energy technologies, such as plug-in hybrid cars and trucks.

We heard the concerns of the American people, brought together the best ideas from both sides of the aisle, and pressed forward, confident that here was a solution that would be embraced by Americans and acceptable to a majority in Congress who could claim shared credit for the result. But, in the end, the Democrat Leadership showed it would rather cast blame than share success.

Americans are wondering why the Democrat Leadership voted to leave town last night without proposing a comprehensive solution of their own to $4-a-gallon gasoline. And they deserve an honest answer. The moment that gas prices became a major issue here in Washington, Democrats started to build a protective blockade around their Presidential nominee.

Rather than come up with a comprehensive solution that would do something to lower the price of gas, they set out to insulate their candidate from ever having to take a difficult vote on the issue. They have done this because their nominee opposes expanding the domestic energy supply. Recall that his initial response to high energy costs was that Americans would have to learn to turn their air conditioners down and consume fewer calories.

He has stated publicly that high gas prices are only a problem because America didn't have enough time to adjust to them. And just this week the junior Senator from Illinois unveiled his own comprehensive solution to the high price of gas: ''We could save all the oil that they're talking about getting off drilling,'' he said, ''If everybody was just inflating their tires and getting regular tune-ups.''

This is the proposal of the man that Democrats in Congress want to lead us through the Nation's energy crisis: regular tune-ups. This is the answer the junior Senator from Illinois has proposed to the patients at the Woodland Dialysis Center in Elizabethtown, KY, who are now limiting their treatments because they can't afford the cost of getting to them. This is Senator OBAMA's answer to $4-a-gallon gas: issue some new regulations and go to Jiffy Lube.

Add it to the growing list of laughably inadequate proposals that our Democrat friends have brought forward over the last few months. Some of them wanted to sue foreign countries as a way of forcing them to open up their supplies. Others proposed tax incentives for riding bicycles to work. But Senate Democrats really outdid themselves earlier this summer when they showed off a two-seat, electric-powered Tessla Roadster. It gets excellent mileage, and any American family can buy one of its own for a mere $109,000. These are the kinds of solutions we have heard from the other side.

Over the last few weeks, the time for real action arrived. And when it did, the Democratic leadership blocked and stalled every attempt to advance a real solution to the energy crisis. They canceled appropriations hearings out of fear that a deep-sea exploration amendment to lower gas prices would be offered. They offered a speculation-only bill, which no serious person thinks is in itself the answer to $4-a-gallon gas. And then over the last 7 days, they tried to take us off the issue of high gas prices seven times. Seven times they have tried to take us off the issue of high gas prices, taunting Republicans for standing on principle rather than taking the bait. In every case, Republicans refused to turn their backs on the people at the pump.

These last few weeks were a time for decision, and the Democrats made theirs. When Americans demanded action, the Democrats played games. They changed the topic so the man they want to lead our country would not have to make a public decision about high gas prices.

Some on the other side may think this kind of behavior is acceptable. They might think it makes sense to block the Senate minority from offering a balanced solution to high gas prices in order to protect one Senator and the 20 percent of Americans who think we should not use more energy from American soil. We couldn't disagree more.

When faced with a crisis, the Democratic leadership opted instead to follow the political playbook of the senior Senator from New York who recently told a reporter that Democrats should wait until after Inauguration Day—when he hopes to see a Democrat in the White House—before doing anything about high gas prices.

This is precisely the kind of statement that frustrates the American people. They have waited for a solution long enough. They should not have to wait another day.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MIDWESTERN DISASTER RELIEF

Mr. GRASSLEY. Mr. President, for the benefit of leaders' offices, after I am done speaking about the flood situation in Iowa, I have been asked by the leader to make a unanimous consent request in regard to E-Verify. So I want to notice the offices about what I am going to do. It will be down the road, in half an hour or so.

Mr. President, last night I came to the floor to ask for unanimous consent on the tax bill we referred to as the Midwest flood disaster tax relief package. I was denied unanimous consent to bring that up. I did not make a long justification for the necessity of doing that, but I wish to speak to that point now. I am not going to further ask unanimous consent the same as I did last night; I am just going to speak about why I did it last night and why it was essential.

There is one thing I want to put in the RECORD at this point, and it is in regard to one of the points that was made by the Senator from Illinois last night, Mr. DURBIN, the Democratic whip. He said one of the reasons for denying my request for the tax relief package I am talking about for flood victims in the Midwest is because similar provisions were contained in S. 3335, the Jobs, Energy, Families, and Disaster Relief Act of 2008, and that bill did not get 60 votes. Obviously, it didn't get 60 votes for the reason a lot of other bills have not gotten 60 votes on the floor of the Senate: We in the minority want to stay on the No. 1 problem affecting this country; that is, the high cost of gasoline and the energy crisis that is facing the Nation. We want the majority party to give us opportunities to offer amendments to increase the supply of energy in this country as opposed to paying $140 a barrel to buy oil and import it from overseas, giving money to nations that want to train terrorists to kill Americans. That is the reason S. 3335 did not

get 60 votes. So we are technically on the Energy bill.

But one of the things he said about that bill was to leave the impression that S. 3335 did everything that needs to be done for the disaster relief in the Midwest, and it doesn't, and I made that point last night, so I am not going to repeat that.

But even if S. 3335 had passed, we had previously had a Statement of Administration Policy, and I am only going to quote one sentence from a longer Statement of Administration Policy that I am going to put in the RECORD, and that sentence is this: ''However, due to other objections to the bill, should it be presented to the President in its current form, his senior advisers would recommend a veto.'' So I think that when we are under a situation where we have the trauma of floods and people being homeless because of the flooding situation in the Midwest, it doesn't do much good to pass a piece of legislation that is going to be vetoed by the White House anyway.

The point I was trying to make last night is that we shouldn't be adjourning for our summer August break and not taking care of things in the Midwest the very same way we took care of the situation for New Orleans caused by Katrina. Of course, the point is that the legislation we seek for the Midwest is the same as the legislation we sought and we actually accomplished for New Orleans.

Mr. President, I ask unanimous consent to have printed in the RECORD the full Statement of Administration Policy from which I quoted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, July 30, 2008.

STATEMENT OF ADMINISTRATION POLICY

S. 3335—JOBS, ENERGY, FAMILIES, AND DISASTER RELIEF ACT OF 2008

The Administration supports responsible and timely alternative minimum tax (AMT) relief as proposed in the President's Budget. Congress should act quickly to protect 26 million American taxpayers from an unwelcome tax increase and to avoid repeating the unnecessary administrative complexity caused by congressional delay in 2007. In addition, the Administration supports the extension of the tax credit for research and experimentation (R&E) expenses, incentives for charitable giving, subpart F active financing and look-through exceptions, and the new markets tax credit. In its FY 2009 Budget, the Administration proposed that several of these provisions be made permanent, including the R&E tax credit. However, due to other objections to the bill, should it be presented to the President in its current form, his senior advisors would recommend a veto.

The Administration strongly supports continuation of tax incentives for renewable energy, and in fact the President recently proposed a more effective approach that would reform today's complicated mix of incentives to make the commercialization and use of new, lower emission technologies more competitive. The President's proposal would consolidate this mix into a single expanded program that would be carbon-weighted, technology-neutral, and long-lasting. This policy would make lower emission power sources less expensive relative to higher emission sources while taking into account our Nation's energy security needs. It would take the government out of picking technology winners and losers in this emerging market. And it would provide a positive and reliable market signal for technology investment and investment in domestic manufacturing capacity and infrastructure.

Overall, the Administration does not believe that efforts to avoid tax increases on Americans need to be coupled with provisions to increase revenue. Although the Senate has avoided pairing AMT relief with tax increases, the bill contains a host of objectionable provisions. The Administration strongly opposes the provision in the bill that would subject U.S. companies to continued double taxation by further delaying the effect of new rules for allocating worldwide interest for foreign tax credit purposes. The Administration also strongly opposes the provision in the bill that would treat U.S. citizens with deferred compensation from certain employers—in all industries—more unfavorably than other U.S. citizens. Together, these provisions would increase tax burdens, undermine the competitiveness of U.S. workers and businesses, and could have adverse effects on the U.S. economy. The Administration also opposes the continued expansion of tax-credit bonds and the reinstatement of the exclusion from tax of amounts received under qualified group legal services plans. The Administration urges Congress to eliminate all such provisions from the final bill.

The Administration also strongly opposes the provision in the bill to increase cash balances in the Highway Account of the Highway Trust Fund by transferring $8 billion from the General Fund. It is a longstanding principle that highway construction and maintenance should be funded by those who use the highway system. Instead, this provision is both a gimmick and a dangerous precedent that shifts costs from users to taxpayers at large. Moreover, the provision would unnecessarily increase the deficit and would place any hope of future, responsible constraints on highway spending in jeopardy. This provision is unnecessary, because the Administration has proposed a responsible alternative that protects taxpayers.

Finally, the Administration objects to a budget gimmick in the bill that would raise revenues by modifying the tax treatment of deferred compensation over the current budget window, but allow this provision to expire so that it, like the new rules for allocating worldwide interest for foreign tax credit purposes, will return to be available as a ''revenue-raiser'' in next year's ten-year budget window. These types of gimmicks, done for so-called ''pay as you go'' reasons, harm the integrity of the tax code and increase uncertainty for taxpayers.

Mr. GRASSLEY. Mr. President, before I speak to the point, just so you know, in Iowa the flood situation is very much in the headlines. I think one of the problems we are having in the Midwest, in getting Congress to pay attention to the problems that remain from the flooding of June, is that it is not constantly on television. It is not on television all the time. Of course, for 2 months, 3 months, the situation in New Orleans was constantly on television, and Congress responded.

Mr. President, I see the whip here, and maybe I said something to which he wants to react. If he does, I would be happy to yield for that purpose.

Mr. DURBIN. I will wait until the Senator has completed. I would like to make a statement.

Mr. GRASSLEY. Anyway, we have here in the Des Moines Register a headline that says, ''Storm Hit One in Five School Districts,'' and then it has reports on how much it is going to cost to fix the schools. We have another headline here that says, ''At Least $30 Million Needed to Repair Roads,'' as an example.

Then we have a statement that was printed in the Davenport newspaper that was written by Charlotte Eby. I am not going to quote the whole thing. I just want to speak to parts of it.

While Congress puts off consideration of the flood relief bill, it looks like the Iowa legislature will be rolling up its sleeves to help out Iowa flood victims.

It speaks about a growing sense that the Iowa legislature has to step in.

The delay of a Federal response by Congress could also push back the State response, a development that left Iowans angry.

It quotes the minority leader of the Iowa senate. Ron Wieck, Republican of Sioux City, said action cannot wait, and if that means a special session, he is for it. It doesn't quote him, but it says he is appalled that Congress will go home for the summer recess without passing a Federal flood relief package when floods left people in the Midwest homeless.

Then the last paragraph is not anybody's quote except the author's, Charlotte Eby:

Maybe the U.S. Senate majority leader Harry Reid and House speaker Nancy Pelosi ought to walk the streets of Cedar Rapids. They would think twice about heading home for their August recess without lending a helping hand.

Then I have a quote from Congressman KING, who went to Cedar Rapids, I think, as recently as Monday of this week. He says:

This is Katrina. I have walked into and out of those buildings (in New Orleans) and I tell you, you wouldn't be able to tell the difference.

He means telling the difference between the destruction that went on in New Orleans in the 2005 hurricane and what happened in Cedar Rapids in June when it was hit by a 500-year flood.

I do applaud Senator OBAMA because he was in Cedar Rapids yesterday campaigning, and he was also very attentive to the problems of Cedar Rapids in his town meeting. He said he came there and wanted to listen. I have not heard reports on what questions he received, what complaints he received.

He may have been talking just to a friendly audience—I don't know. But he did say that he was there to listen, and I hope after he has listened to the situation in Cedar Rapids that he will tell friends in the Congress of the United States that we need to act quickly. I hope he would say we should have acted this week—which action now, of course, is impossible because we are breaking for our summer break.

I am here once again to discuss the plight of my fellow Iowans and many others throughout the Midwest following a series of deadly tornadoes, storms, and floods. It is a multiple disaster, tornadoes and floods, and not just floods. Iowa has 99 counties. Of those, 80 counties have been designated as a disaster area by FEMA.

When looking at a map of Iowa, it is much easier to count the few counties that are not disaster areas than the vast majority that are disaster areas. Every weekend except for this past weekend since we were in session, I have been back in Iowa to meet with people affected by the storm and to see the devastation for myself. As I noted last week, estimates of damage are in the billions of dollars and are climbing every day.

I thought nothing could match my frustration at seeing so many Iowans in such great need, but the fact that we have not been able to act upon both the appropriations bill, as well as this tax bill, has frustrated me. It seems because we do not see the storm on television all the time that there is an apparent lack of desire to help the Midwest recover from these deadly tornadoes, storms, and floods, quite contrary to the quick action that Congress took after Katrina.

Before I go further, I want to display a few pictures of the flooding. The first will show one of many railroad bridges that was severely damaged. Businesses such as the one in this picture rely on this railroad track, this bridge, to receive their inputs and move their goods. Throughout Iowa there are similar bridges that are damaged. Iowa railroads play a vital part in moving our agricultural products and goods, to do it efficiently, and obviously in a more energy-efficient way. This infrastructure is important for Iowa's interstate commerce and international trade.

I have another picture that shows the museum of art at the University of Iowa, Iowa City. This is the museum of art. I believe I have heard from the university officials that this building is going to have to be torn down.

The next picture shows flooding along the Iowa River. You can see the tops of buildings. These are homes and businesses of people who just want their lives back. They are not asking for anything extraordinary or excessive, but they are in need of help to recover and rebuild. They are, in a sense, asking for the same help that New Orleans got after Katrina.

I would like to use the phrase ''so that they can get things back to normal.'' However, it is very difficult to use that phrase. It will take years before Iowa recovers, and it will not be the same, although we will still be a very strong State.

I can share, for example, the story of my hometown of New Hartford, a community of 670 just west of Waterloo, IA. An F5 tornado ripped through this area, destroying a whole section of town. The floods then came and inundated the town. Out of 270 homes in New Hartford, IA, 240 had damage or were destroyed. Businesses were also harshly affected. Many of them are trying to decide if they want to stay in business or if they can afford to stay in business. Several have already decided not to reopen.

The town I lived around all my life as a farm boy—and still as a farmer—will never be back to normal. It won't ever be the same. I think we will have a thriving community but, quite frankly, it won't be the same.

The next chart shows you a picture of downtown Cedar Rapids. I am talking about a 500-year flood. The previous flood record was about 19 feet. Levees could take up to 22 feet. But I think this flood got as high as 31 feet and has been referred to as a 500-year flood.

As you look at this picture, think of all the homes and businesses that are severely damaged and destroyed. Downtown Cedar Rapids is not going to be the same. Since Cedar Rapids and other places in Iowa are not popular as vacation spots as are other cities, you probably haven't seen or heard much of the devastation except for the week of television when it was actually underwater. I can assure everyone that the people of Iowa and the Midwest deserve the same consideration that was given to the people of New York after 9/11 and the people of the gulf coast after the hurricanes of 2005.

Last week I touched on how the response to the Midwest disasters has been different from the response to other disasters. I would like to elaborate on that point. These are some of the same points I made last night, but I only took about 2 minutes to make these points.

On August 29, Hurricane Katrina made landfall on the gulf coast, causing widespread devastation. The Congress was in recess at the time; however, the Republican Congress and the Senate Finance Committee sprang into action immediately at the staff level, even before we got back the day after Labor Day. We immediately started working with the Governors of the affected States and set out goals that we hoped to accomplish when we finally came back into session.

On September 28, 2005, less than a month——

The ACTING PRESIDENT pro tempore. The Senator is speaking under a 10-minute limit.

Mr. GRASSLEY. I ask unanimous consent to continue my speech for as much time as I might consume.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. I would like to respond when the Senator is finished. Can he give some indication when he might finish?

Mr. GRASSLEY. Yes. About 7 or 8 minutes, I think.

Mr. DURBIN. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Iowa is recognized.

Mr. GRASSLEY. On September 28, less than a month after Hurricane Katrina, I chaired a hearing entitled, ''Hurricane Katrina: Community Rebuilding Needs and Effectiveness of Past Proposals.'' Governor Blanco of Louisiana, Governor Barbour of Mississippi, and Governor Riley of Alabama all participated.

On October 6, 2005, I chaired another hearing titled ''The Future of the Gulf Coast Using Tax Policy to Help Rebuild Businesses and Communities and Support Families.'' Treasury Secretary Snow testified at that hearing.

Congress also passed tax legislation very quickly. The Katrina Emergency Relief Act of 2005 was signed by the President on September 23, 2005. This unoffset package cost more than $6 billion. That package was followed up by the Gulf Opportunity Zone Act of 2005, which was signed by President Bush in December of 2005. This unoffset package was scored to cost around $8.6 billion. Neither of these packages were subject to a rollcall vote in the Senate, but both were passed by unanimous consent.

I want to make it clear that we did the right thing by setting aside our planned agenda to help the people affected by hurricanes as quickly as we could. Some of the people still living on the gulf coast still need our help, and we should be helping them, and some of these tax provisions in what we call the extenders package continue some of that help. Passing these bills without offsets was also the right thing to do. As any of my staffers can tell you, I am very careful with the money. However, when people are suffering from a massive natural disaster, it is no time to be a cheapskate.

I am also very frustrated by the desire of some House Democrats to offset this tax relief package for Iowans and other Midwesterners because that is a double standard. We did not demand offsets when we were trying to help New Orleans. I am not asking for anything more than the same consideration that was given to the victims of other major disasters.

I have learned lessons from previous tax disaster packages. We learned we

need to tailor the relief so more is targeted specifically for those who suffered damages and really need the assistance. Therefore, the package I introduced, that I tried to get unanimous consent on last night, called the Midwestern Disaster Tax Relief Act of 2008, provides targeted assistance to families and businesses in 10 States throughout the central United States to help those who suffered damage from these deadly storms and floods, to help them rebuild their lives.

The estimated cost of the bill is less than $4 billion. We need to be prudent with our Federal money, and as I stated, my tax package is targeted to those who suffered loss and is a reasonable cost to help these victims of the storms and floods in the 10 States that were affected. From that standpoint, that is something we have learned in the last 3 years from the package that was passed after Katrina.

There were people who took advantage of some provisions who were not harmed by the natural disaster, so we have tailored this bill so that only people who were harmed by the flood situation are the ones we will help. We had Senators HARKIN, BOND, MCCASKILL, COLEMAN, KLOBUCHAR, DURBIN, OBAMA, ROBERTS, BROWNBACK, LUGAR, and BAYH all as original cosponsors of this bill. In the House, the Iowa Congressional Delegation introduced a companion bill, and the list of the original cosponsors to this bill shows this is a very bipartisan package. We all recognize the need for targeted relief for the Midwest. The problem seems to be the ability to get the bill up in a timely fashion like we did in the case of New Orleans. I have been hearing that the Democratic leadership in the House is insisting that the package be offset, which is completely different than how we responded to disasters in the past when we didn't worry about offsets. Normally when we have emergencies, they are emergencies; you get the bill passed to help the people who need it.

Just yesterday the Senate voted against cloture on an extenders package put forward by Senate Democrats. It purported to include disaster relief. I am taken aback that the Senate Democrats would politicize the suffering of so many people just to try to get an extenders bill passed. The disaster relief in that bill was watered down. It provided substantially less assistance for Iowa and the other States in the central portion of the United States.

The Senator from Illinois is here, and I hope he hears that because I want to emphasize that that bill is quite a bit different and doesn't do as much good. It is not targeted. It is not helping people who need to be helped right now.

Its authors were apparently motivated by the twin misconceptions that the Midwestern disasters are not as severe as they really are and that we should undertake generic tax relief at the expense of the Midwest.

When I say the proponents of the Democratic extender package think the disaster is not as severe as they are, I say that noting that their package provided less assistance to the Midwest than my bipartisan tax-targeted disaster tax bill did provide.

The Democratic disaster package also had a higher revenue score than my package. I told you we tried to scale this back so we did not make the same mistakes we did in the case of Katrina, where a lot of people who did not get hurt by the disaster were able to take advantage of it—not our intention. But because we probably hastened it through to get help to Katrina victims, some people took advantage of it.

We tailored this so only people who have a disaster can benefit from it. It had a higher revenue score, as I said, than the Democratic alternative. They included the whole country instead of disasters that have not occurred. I am not arguing that we should look at putting generic assistance into the Tax Code to assist States when Federal disasters are declared the future. It seems to me that is a worthy thing for us to be discussing.

However, I do not think it is right to slow down the help for the Midwest because you want a broader national policy. People in the Midwest and Iowa are suffering now and have been for almost 2 months. They have experienced a severe event that was well above the 500-year flood level. This is an extraordinary disaster. We need the help right now.

The proper time to make a thorough a review of how we generally respond to disasters should not come at the expense of a specific massive natural disaster that has occurred and the people need immediate assistance. The author of the disaster package put forward in the Democrat's extender bill may have meant well, but I cannot help but feel that Iowa and the Midwest would be getting the short end of the stick.

Their disaster package also included a provision that only benefitted New York, at a cost of more than $1 billion. This is the second-largest provision in that disaster relief package, when people are literally trying to rebuild their homes, their businesses, and lives in the Midwest. It is simply insulting and disgraceful to use the misery of others to play politics and gamesmanship at a time when we should be able to put politics aside, as we did in September 2005, to help people going through extraordinarily difficult times.

However, there are apparently some who, because we do not see this on television or because they have other agendas, want to take advantage to get more. At the same time, I am trying to get help for my constituents.

The correct question to put is simply: How can I help?

The best course of action would be for the House and Senate to pass the Midwestern Disaster Tax Relief Act of 2008 and do it as we did in September 2005; do it by unanimous consent.

We can discuss general disaster response as well, but right now the people of Iowa are suffering and the Midwest is suffering as well. We have a moral obligation to help them as we helped the people and citizens of New York after 9/11 and the gulf coast when they needed help.

If anyone honestly believes Iowans do not deserve our help, then please come down to the floor, state your views, talk about it. I will encourage anyone who has doubts about the severity of this disaster to do like Senator OBAMA did yesterday, come to Iowa and I will be glad to take you around when you can come.

I am ready to yield the floor, but I had previously made a statement that I was going to make a unanimous consent request on the immigration bill. I am not going to do that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, when Senator GRASSLEY comes to the floor and speaks of the Midwestern need, he speaks of an issue of which I have intimate personal knowledge. In 1993, it was my district, my congressional district, inundated by these floods.

I spent countless hours and days working with the brave volunteers and the National Guard and others to try to save buildings and homes and farms, filling sandbags and doing everything we could to fight off the flooding of the Illinois River and the Mississippi River.

This flood, which was not supposed to occur 15 years later, matched the intensity of the 1993 flood, in some places it overwhelmed the intensity in others, particularly in the State of Iowa. The scenes Senator GRASSLEY has depicted on the floor and have been described to me by Senator HARKIN are absolutely heartbreaking.

Cedar Rapids and so many other communities were devastated. I wish to make a point for the RECORD. It is this: In the 26 years I have served in the House and the Senate, I have never—repeat never—voted against emergency disaster relief for any part of our country.

I have felt that when that occurs, we need to come together as an American family and help others, even if it did not affect my State of Illinois. Time and again, I have voted for that disaster relief, believing the day might come when I would need it for the people I represented. I sincerely believe that. I believe that what Senator GRASSLEY has offered, in terms of additional assistance for Iowa, and perhaps even for my State, in the style that was offered to Katrina victims may be a good idea. I have not had a chance to

study it. But I am inclined to support it.

I believe it could be a valuable addition to the assistance which we provided.

I wish to make it clear from the outset that what I am about to say does not reflect the fact that I could end up cosponsoring the bill offered by Senator GRASSLEY and work and vote for it and probably will before it is all over.

But I cannot understand what happened here last night. The Senate adjourned. We passed the adjournment resolution. Virtually everyone had gone. The floor was empty but for Senator GRASSLEY, myself and maybe one other Member and the Presiding Officer.

Then, at 10 o'clock at night, Senator GRASSLEY came on the floor and made a unanimous consent request for this assistance for Iowa. Now, he is the ranking member of the Senate Finance Committee. I do not serve on that committee. What he is asking for would be a measure that would be considered by his committee. I looked around for Senator BAUCUS, the chairman of the committee who works with Senator GRASSLEY. He had left for the evening, as most other Members had.

To think that at that moment in time, with virtually no one in the Senate, after the adjournment resolution had been passed, when the chairman of the Senate Finance Committee was not on the floor, the Senator came and made his request.

Now, any Senator can make any request at any time. But it was not made at a moment in time where one might expect success. This is a matter that should have been brought up weeks ago, weeks ago by the Senator from Iowa, and so many others, in the Senate Finance Committee, resolved and brought to the floor.

But it was not until the Chamber was empty late at night that it was brought up. I spoke on behalf of Senator BAUCUS and I objected. I did because it concerned me that the day before, we had a measure on the floor to not only help Iowa, which truly needs help, but to help Illinois, to help all the States that have encountered disasters during the course of this last year.

Senator GRASSLEY's request relates primarily to the Midwestern area, which I am part of, and to disasters which occurred after May 20. There are many States that have faced many disasters which would not be helped by Senator GRASSLEY's bill. He made that conscious choice. He wanted to help his own State and, of course, he would. I would want to help my State first too.

But in the scheme of things, do we not owe an obligation to other States that have faced disasters to try to treat them fairly as well? How can some Senators on the Republican side come and vote against disaster relief on Wednesday or Thursday, and then come the next day and say: I want my own version of the bill—late at night—let's make sure we get it passed.

The Senate does not work that way and it should not. We should be conscious of the disasters across the United States and be evenhanded. Now, the Senator raised my name in the debate this morning, referring to me as the majority whip. I had not planned on being on the Senate floor. But my staff said: The Senator from Iowa is making reference to you. I came to the floor. I wanted to make sure the RECORD is complete and at least reflects my own views of what happened last night and what should happen moving forward.

The Senator from Iowa said this morning, and I wish to quote what he said because I think it is very important. The Senator from Iowa, in describing why he voted against S. 3335, which includes the energy tax extenders, $8 billion for the highway trust fund so 400,000 jobs across America would not be lost; money to protect families from the alternative minimum tax penalties; the Wellstone Mental Health Parity Bill; and, disaster assistance for the State of Iowa, the Senator voted against that.

This morning here is how he explained it:

> We, the minority, want to stay on the No. 1 problem affecting this country and, that is, the high cost of gasoline and the energy crisis that is facing the Nation.

That is how he explained his vote against the measure. Yet he comes to the floor and asks the Senate to move off that energy matter so his bill can pass. The Senator cannot have it both ways. You cannot have it both ways, when we bring a bill to the floor to help the State of Iowa and other disaster-stricken States and you vote against it saying, ''I do not want to move off the Energy bill,'' and then, while we are still on the Energy bill, make a unanimous consent to move off it to help your State.

If we are going to be fair to all the States that have faced disasters, then we should pass this bill. I am going to give you a chance to help Iowa now.

UNANIMOUS CONSENT REQUEST—H.R. 6049

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 767, H.R. 6049, the Renewable Energy Job Creation Act of 2008, that the amendment at the desk, the text of which is S. 3335, be considered and agreed to; the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRASSLEY. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Illinois has the floor.

Mr. DURBIN. I yield to Senator GRASSLEY for the purpose of his explaining his objection so the Senator's objection is in the RECORD. But do I not want to surrender the floor. Is that possible?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, yes, I will take that opportunity. I hope I get to have an opportunity to offer a unanimous consent request as well for our side of the aisle, if you want to be completely fair. In the last few weeks in this body, we have not necessarily been fair.

So let me take advantage of the majority whip's invitation to respond. First of all, he knows, because he is in the leadership, that I gave the majority party information, at least 48 hours ago, and maybe 72 hours ago, that this week I was going to seek a unanimous consent request, and all day yesterday we were denied that opportunity, even at the point before adjournment and my speaking to Leader REID about when can I do my unanimous consent request.

You know what I was told? After the adjournment resolution. So do not say I did not make an attempt to do it and do not say you did not know about it. If you wanted to cooperate with us, we could have had that cooperation. But there does not seem to be that sort of comity in the Senate anymore.

Another point you made was that I had a chance to work for a tax relief package for flood victims. The bill you voted for and you asked unanimous consent on did less for your constituents than the legislation we had been working on for 2 weeks.

Then, he brings up the point about not working through committee. Well, most of the work on this bill has been so we can get a consensus package, working with even Chairman RANGEL's staff, so it is not only bipartisan but bicameral, so we can put together something and get it done very quickly in the same consensus manner that we were able to help the victims of New Orleans.

Then, the other reason: Why would the Senator from Illinois cosponsor our bill if it was not the right bill for his State and for the Midwest and for this disaster?

We have always tried to do things as quickly as can be done when people hurt. That is why when we got back after Katrina—on Tuesday or Wednesday—we had $10 billion that we were going to give to New Orleans. Before the end of the week was up, it was $60 billion, in 2005.

Now, do you think the committee had an opportunity to work its will on that? No. They were responding to need. Don't you think your constituents hurt across from Burlington? They may be still underwater. I do not

know. A couple weeks ago, they were when I was talking on the radio station. In Burlington you had constituents who still had just the roofs of houses showing. Don't you think they need help right now?

So I think, first of all, proceduralwise, either the majority whip does not know what is going on when I notify his cloakroom that I am going to offer it or else he does not care or he wants to mislead.

The second thing is, he is not voting for the bills and pushing the bills that will help his constituents the most, and we still do not have the relief.

So that is my response to the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. DURBIN. Mr. President, I would just say to the Senator from Iowa, I was not part of his conversation with the majority leader as to when he was going to offer his unanimous consent request. He offered it after the chairman of the Finance Committee had left and virtually all the members had left.

Whether he had an opportunity to do that before, I do not know. He did not make a request of me. I was not aware of it. But he certainly met with Senator BAUCUS during the course of this week and had ample opportunity to raise this issue. It is something that should have been resolved between the two of them before Senator BAUCUS left. I think he would understand, as I do, that is a problem for Senator BAUCUS to be gone and to make a unanimous consent request.

One thing the Senator from Iowa did not say was why he objected to this bill. Again, he voted against it. Now he objected again—this bill that does contain assistance for my State and his State because of the recent flood disaster. The simple reason is, he disagrees with many of the other provisions of this bill and decided he would vote against it. That is his right as a Senator.

I will tell him again, I may find his bill that he is offering today to be the right bill for my State and for his State as well and support him. Even if his unanimous consent request prevailed today, the House is gone. We will be gone in just a matter of hours. Nothing is going to happen to his request until we return in September.

Maybe after the August break, and a little bit of time and reflection, we can come back and find what we need; that is, a bipartisan approach to helping a lot of innocent victims of this flooding in the Midwest and victims of other disasters across the United States.

As much as I feel for my own home State and his State of Iowa, there are many other disaster victims who need a helping hand as well. I think we ought to consider all of them when we return.

So at this point, Mr. President, I am going to yield the floor and say to the Senator from Iowa, we have worked closely on things before. But when he raised my name on the Senate floor this morning, when I was not present, I felt I had to come down and explain what happened last night and the situation we find ourselves in today.

UNANIMOUS CONSENT REQUEST—S. 2291

Mr. President, I have one unanimous consent request to ask, which I do not think has an objection.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 869, S. 2291, the Plain Language in Government Communications Act; that an Akaka substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRASSLEY. Mr. President, on behalf of Senator BENNETT, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The senior Senator from Iowa is recognized.

UNANIMOUS CONSENT REQUEST—S. 3322

Mr. GRASSLEY. Mr. President, before the Senator from Illinois leaves the floor, I want to ask unanimous consent to bring up a bill to which he is probably going to object. But I want him to know that people on this side of the aisle want to move things along.

Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 3322, and the Senate proceed to its immediate consideration. I ask unanimous consent that the Grassley amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and the bill be held at the desk pending further House action.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, this is the same request that was made last night.

On behalf of Senator BAUCUS, the chairman of the Senate Finance Committee, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, thank you very much.

ENERGY

Mr. President, I rise this morning to talk about an issue we have talked a lot about in the Senate for weeks and now months, literally, and we have not reached a resolution on it. It is the question of energy and gasoline and what has been happening to our economy, what has been happening to our families.

There is plenty of blame to go around. I am not here to do that today. But I do think that anything we talk about—and certainly anything we legislate on—has to pass two tests. One test is, will it provide short-term relief to families or short-term help to the economy? And, will it help long term? If it does not pass the short-term and/or the long-term test, we should not be doing it. That is kind of the frame of what I want to use to talk about some of the issues I am going to raise this morning.

Mr. DORGAN. Mr. President, will the Senator yield for a unanimous consent request?

Mr. CASEY. Sure.

Mr. DORGAN. Mr. President, I apologize for interrupting the Senator.

I ask unanimous consent that I be recognized following the Senator's remarks for 20 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. CASEY. Mr. President, I thank the Senator from North Dakota for reminding me what I promised I would do.

Mr. President, I want to talk about this issue in terms of short term and long term because one thing that has been missing from this debate, frankly, on both sides, is sometimes not nearly enough honesty—a lot of charges and countercharges, a lot of finger pointing, and not enough progress. I think for one party or the other in the Senate to blame the other is not productive, nor is it accurate.

So let's talk about short term and long term. There are some things we can do short term to help this problem. No one here has a magic wand to say if we take this action, gas prices are going to go down in the next couple of weeks. Anyone who says that is probably not telling the truth—maybe not even over the course of a couple of months. But there are some things we should try to help in the short term before we abandon that and say all we can do is look to the long term, which we all know is renewable energy and all of these strategies. But let's talk about the short term.

I think yesterday a number of Senators—I think the total is 36; I will stand corrected if I am wrong about that—at least 35 or 36 Senators wrote to the President of the United States. Mr. President, I ask unanimous consent that the July 31 letter to the President regarding the Strategic Petroleum Reserve be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 31, 2008.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing today to urge you to use your emergency authority

to immediately release oil from the Strategic Petroleum Reserve. Virtually no other action you could take would have as positive or as immediate an impact at the pump, lowering fuel prices for American consumers and businesses. Unlike other proposals put forward in recent days that would take 8 to 10 years to affect the price of gasoline, an announcement of plans to release oil from the Reserve could cause a decline in oil prices within hours. A similar announcement made by your father, President George H. W. Bush, in 1991 led oil prices to decline within a day of the announcement, even though the actual release of oil did not occur for two weeks.

For the past two months, U.S. gasoline prices have topped $4.00 per gallon—at least $1 more than just a year ago. Diesel fuel has been even more expensive, now averaging $4.60 a gallon. This has had a devastating effect on American families and businesses. Although gasoline prices have risen 165 percent since you have taken office, average gross income has increased only approximately 24 percent. High transportation costs are adding to higher prices in our stores and supermarkets, too.

Fuel prices have risen in direct response to rising crude oil prices. The 40-percent increase in oil prices since the beginning of the year is unprecedented, given that there have been no unusual world supply disruptions. Instead, growing worldwide demand, flat production, and uncontrolled market speculation have put upward pressure on oil prices. This crisis constitutes a severe energy supply interruption. It requires an immediate response, and you hold it in your power to authorize a release from the Strategic Petroleum Reserve that will immediately supplement our crude oil supply and break the cycle of spiraling speculation.

The Government Accountability Office recommended in a hearing before the Senate Committee on Energy and Natural Resources on February 26, 2008, that the Department of Energy hold 10 percent of its Strategic Petroleum Reserve inventory in heavy crude oil. The lack of heavy, sour crude oil in the Reserve inventory poses a problem for refiners that use this kind of oil, refiners upon whom we would rely in the case of an emergency supply disruption. The Department has acknowledged the benefit of holding heavier crude oil in its inventory and stated its intent to acquire heavy crude oil as it expands its inventory capacity.

We ask that you take immediate action to begin to implement this modernization of the Reserve by releasing 70 million barrels of light, sweet crude oil, about 10 percent of the current Reserve inventory.

This would have an immediate effect on oil and gasoline prices, unlike proposals that would open new federal land and offshore areas for drilling, which would not add oil to the market for many years.

At an appropriate time in the future, the Reserve should be replenished with lower-grade, heavy crude oil, in accordance with the GAO's recommendation. Market conditions are favorable for this exchange of light for heavy crude, as the current high price differential between these two crude types would allow the Department to generate considerable revenue.

Given the benefits this step offers for the mission of the Strategic Petroleum Reserve and the relief it would provide to Americans suffering from record high fuel costs, we urge you to direct the Department of Energy to release light, sweet crude oil from the reserve to help Americans at the pump now.

Thank you for your consideration of this matter.

Sincerely,

Dick Durbin, Harry Reid, Bill Nelson, John Kerry, Amy Klobuchar, Kent Conrad, Debbie Stabenow, Dianne Feinstein, Herb Kohl, Barbara Boxer, Sherrod Brown, ——— ———.

Mr. CASEY. I won't read the whole letter, and I won't read all the signatures. But here is how the letter starts. The first line of the letter reads:

Dear Mr. President:

We are writing today—

Meaning yesterday—

to urge you to use your emergency authority to immediately release oil from the Strategic Petroleum Reserve.

It goes on later in that paragraph to say:

A similar announcement made by your father, President George H.W. Bush, in 1991 led oil prices to decline within a day of the announcement, even though the actual release of oil did not occur for two weeks.

So when that happened in 1991, oil prices went down very rapidly. The same happened with this President Bush in the aftermath of Hurricane Katrina. So what we ask is that the President—he does not need Congress; he does not need to get a consensus in Washington—the President has the authority today to release oil from the Strategic Petroleum Reserve.

So the letter, toward the end, says:

We ask that you take immediate action to begin to implement this modernization of the Reserve by releasing 70 million barrels of light, sweet crude oil, about 10 percent of the current Reserve inventory.

So I am quoting in part from the letter, but the point is, the President of the United States today—today—has all the power and the authority to take that action. Will it be a magic wand? No. Will it immediately lower prices? Probably not. But it has the potential because of the precedents of what happened before—the recent history on this—to bring down prices. So that is something that is short term that the President could do right now. I hope he would do that.

But let's talk about long term. One thing we all agree upon, both sides of the aisle, we can fight and we can point fingers and we can have arguments and debates—and it is OK to debate—but one thing we all agree on, no matter what party we are in—and this is something the American people understand in their gut; they get this and they understand this—we have to take steps now that we should have taken 10 years ago or maybe 20 or 25 years ago that we did not take to reduce our dependence on foreign oil and to get to this question of renewables.

We had that chance a couple of times in the last 18 months. We had that chance just a few days ago, but it was blocked. A lot of people in this body voted for it. We did not get enough votes, but here is what was blocked.

Let me run through a quick list because sometimes when these votes occur and the vote is announced we forget what was voted on. Here is what was blocked a couple days ago: a new consumer tax credit for the purchase of plug-in electric vehicles, to move that tax credit from $3,000 to $5,000, plug in electric vehicles, that was blocked; a 1-year extension of a wind power tax credit, that was blocked; a 3-year extension of biomass, geothermal, and other renewable energy tax credits, that was blocked; an extension of the 30-percent investment tax credit for solar energy, that was blocked; an extension of the 10-percent investment tax credit for fuel cells, that was blocked; a 5-year extension of the tax deduction for energy-efficient commercial buildings—we know we have to do that—that was blocked; a 3-year extension of the tax credit for energy-efficient appliances, that was blocked.

So on issue after issue that gets to this question of reducing our dependence on foreign oil, getting off of oil generally—not just foreign oil but getting off of the dependence on oil—working on all of those renewable energy strategies that everybody in the country knows we have to do, they were blocked a couple days ago, and we should remind people who are paying attention to this issue that actually happened.

We have a debate currently about speculation. I am not going to spend a lot of time on that. It is not a magic wand. I have said that before. But it is one of the ways—probably more long term than short term, but it is one of the ways we have to provide some relief long term.

So these are strategies that, whether it is speculation, cracking down, and providing more sunlight—that is all we are asking for, is to say: If you want to make a lot of money in the market, and we have a commodity futures entity that regulates your conduct, we want to give them the authority to provide sunlight to that transaction. That is all we are asking. That is all we are asking on speculation.

So speculation passes maybe both but at least one of the short-term/long-term tests—one of that two-part test. This letter to the President on the Strategic Petroleum Reserve—that certainly passes the short-term test that we can get some short-term help. It is not all the relief we want, not a magic wand, but it can provide some help.

So what else do we need to talk about?

We have been talking and talking a lot about drilling. Let's put some facts on the table. Some of these facts have not been on the table. It is important to do that. I know there are a lot of people out there saying: If we could just drill, we could have some relief provided. I would argue—and I think there is a lot of evidence to show this—that the drilling argument put forth by the other side does not pass the short-

term test and does not pass the long-term test. It does not pass either test, and we know that.

Here is what should be on the table in terms of facts. All these years since the President has been in office, the price of gasoline has gone up, and in my home State of Pennsylvania people are paying more in a year—almost $2,800 more—for gasoline than they were when the administration started. OK. That is just a fact. We know the price of gasoline has gone up. Everyone understands that.

But while the price of gasoline was going up over the last couple years, guess what else was going up. This has not been talked about much. There has been a 361-percent increase in oil drilling. So we have increased oil drilling a lot. Some might argue we have never drilled more. There has been a 361-percent increase in oil drilling since the President came into office, and yet the price of gasoline has gone up at the same time. So this idea that oil drilling has been restricted or limited is contrary to the facts.

So how can that be? If the other side keeps talking about ''drilling leading to relief,'' how can it be that we have had that increase, and whether you measure it by the increase in drilling or the leases, we have had a dramatic increase in the number of leases. So that is fact No. 1, a 361-percent increase in oil drilling since the administration started.

Here is another fact: Seventy-nine percent of America's recoverable oil reserves are already open for drilling. Seventy-nine percent are open—open for business right now. So there is plenty of drilling going on; in fact, it has accelerated. Yet the price of gasoline has gone up.

Regarding the 24-percent versus 3-percent argument that I and others have made, the Washington Post had a chart on Sunday, July 27, page A–8, and I have the chart right here, a chart in red. It reads very simply: The percent of the world's oil consumed by the United States in 2007: 24.4 percent. So we are consuming more of the world's oil. It is up to 24 percent. So if you want to drill your way to that 24 percent of the world's oil—because that is what the other side is saying—then we must be, I guess, hoping to produce enough to get there. Well, we know America has only 3 percent of the world's oil reserves, so no matter what we do on drilling, even if we add to the massive increase we have had in drilling, it is not going to get us to the 24.4 percent consumption. That is why we have to get renewables.

So when people across America say we can't drill our way out of it, that is not just a nice little phrase, it is the truth. You can't get to 24.4 percent if you only have 3 percent of the reserves, no matter what you do on drilling.

Finally—and I won't spend a lot of time on this, but it is relevant to the discussion—one party involved but that hasn't checked in on the debate to give us a little help is the oil companies. Members of the House and Senate are debating and sometimes fighting, the American people are arguing about this, and all the while this debate is going on, guess who is getting our tax money—tens of billions—and guess who is also doing pretty well on their quarterly profits. Big oil. I have said it before and I will say it again. President Kennedy was right. Once in a while, we have to ask ourselves, what can we do for our country? I have to ask Mr. Big Oil: What are you doing for your country? While we are having this debate and while everyone is frustrated by gas prices—and rightfully so—what is big oil doing?

Well, here is what they are doing. ExxonMobil released their quarterly profits: in one quarter, almost $12 billion in profits, and we are giving them tax breaks. So they get all the drilling they need, they are getting our tax money, their quarterly profit is $11 billion, and they are not checking in. They are not saying, you know what—or we are not saying to them with legislation—we want to do it, I want to do it, but we don't have enough votes on the other side to do it. We are not saying: You know what, Mr. Big, with big oil profits, you have enough. You have enough tax breaks, you have enough places to drill. You have enough profits. You have enough. It is time for Mr. Big Oil to give a little, to help us a little as we debate this, because until they check in and until they help the American people, or until we force them to help the American people, we are going to be missing a lot of opportunities.

I will conclude with this. I think we should continue this important debate. I am happy the majority leader, who I think has shown great leadership on this issue, has continued to work in a bipartisan way and wants to have a summit, a meeting with both parties. That is important to get something done. I think we can. If we don't start dealing with facts and start dealing with that test, what will help us short term but, more importantly, what is going to help us long term—and that is renewables—until we get to the question of renewables and until more people on the other side start voting to incentivize the creation of renewable sources of energy, we are not going to make much progress. So I think we need to focus on that test and we need to make sure we are working in a bipartisan way to try to bring some relief to American families.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized for 20 minutes.

CHINA

Mr. DORGAN. Mr. President, I come today as a United States Senator, but also as the co-chairman of the Congressional-Executive Commission on China. I wish to tell my colleagues that the Congress created the Congressional-Executive Commission on China in the year 2000 to monitor China's compliance with international human rights standards and to encourage the development of the rule of law there. I am proud to be a co-chairman of the Congressional Executive Commission on China. I think the role it performs is an extremely important one.

I come to the Senate floor today in that role. I also come as well to say that at a time when there is so much criticism of almost everybody in the political system—and I have done my share of differing with various people in politics—I come today to say to President Bush that I very much appreciate the actions he took this week when he met with several dissidents from China, all of whom have been imprisoned in China for exercising the fundamental human right of free speech.

The President met with the dissidents for the same reason I come to the floor of the Senate this morning. One week from today, the 2008 Summer Olympics begin. It is a great pageantry and a great celebration, in many ways. It is a celebration of athletic achievement from all around the globe. We will have many Americans representing our country and demonstrating their individual achievements on the field of sport. We will have basketball players and tennis players and gymnasts and track and field participants. They will participate in these wonderful Olympic games that occur every 4 years.

The Olympic games at this time, a week from now, will be held in the country of China. There was dispute about that and concern about China hosting the Olympics, but China convinced the International Olympic Committee that it would make significant progress in areas that reflect the ideals of the Olympics—especially human rights and human dignity. Because of the commitments it made, China was awarded the Olympic Games for 2008. This is, it seems to me, not only an opportunity for athletes from our country and around the world to compete in sport, but it is also an opportunity, given that the Games will be held this year in China, for our country and for other countries to appeal to the Chinese government to open its system to greater human rights. It is also an opportunity to strongly urge the Chinese government at this point to address the issue of so many of its citizens—many of whom are its best and brightest citizens—sitting in dark prison cells, having been sent to prison for exercising the right of free speech.

China is an extraordinary country. You cannot understand the wonder of China without visiting it. You can't

help but stand on the Great Wall of China and think about the history of this incredibly interesting country. Visiting China is an extraordinary experience. But, it is also the case that China is not an open society.

Our Congressional-Executive Commission on China has the largest database of prisoners, the most complete database of Chinese political prisoners that is accessible and searchable by the public. Why do we keep that database? So we can shine a bright light into the darkest cells of China, for those who have been imprisoned by the Chinese for exercising the right of free assembly and free speech, and to say to them: The world knows you are there. You are not forgotten.

The international community has the opportunity at this moments during these Olympics to speak up and speak out. I complimented President Bush for meeting with the dissidents this week. I think it was exactly the right thing to do. I compliment him and support him for what he said to the dissidents. He said to the dissidents that he intended to not only care about freedom and liberty, but when he traveled to China, and to talk to the Chinese about freedom and liberty.

All of the people President Bush met with this week have spent years in Chinese jails for advocating on behalf of religious freedom, human rights, freedom of speech in China. So when the President travels to China for the opening of the Olympics, it is vital, it seems to me—and I think I speak for the entire Congress—to say it is vital that the President express in the strongest terms possible to the Chinese that they need to address the human rights problems in their country that have been so deeply disturbing to the rest of the world.

As I indicated, we have the names of 807 political prisoners known or believed to be currently detained, imprisoned or under house arrest. These 807 records of Chinese people in jail are a subset of the nearly 4,500 records in the Political Prisoner Database. The rest of the records reflect release, death, or escape.

Our commission works very hard to get information out about those who are being held in some of the darkest cells in China. We want the world to pay attention. The President of the United States committing to go to China and to talk to the Chinese leaders about these people is very important. We have sent President Bush the list of 807 prisoners now in Chinese prisons. Let me go through a few of them, because I think it is important to attach faces and names to this list of 807 people.

This man is named Hu Jia. Hu Jia is a courageous activist who was jailed last December by Chinese authorities because he was invited to speak at a European Parliament hearing. At the hearing, he made comments in his testimony that were critical of China hosting the Olympics. The result was that he was put in a Chinese prison. His wife and infant daughter—and you see his wife and daughter in this photograph—were placed under house arrest for several months. In April, Hu Jia was sentenced to 3½ years in prison for inciting subversion of state power. Let me describe the charge again: ''Inciting subversion of state power.''

I recently talked to a man who testified at that same European Parliament hearing and along with Mr. Hu Jia. This man, however, is not in prison because he is not a Chinese citizen. He also just expressed himself like Hu Jia. At the request of a hearing of the European Parliament, he testified and expressed himself. He expressed criticism of China for being chosen to host the Olympics. For that, Mr. Hu Jia will spend 3½ years in a Chinese prison.

The next photograph is a photograph of Yang Chunlin. He has been repeatedly detained for helping farmers seek compensation for lost land in China. Last summer he organized a petition entitled ''We Want Human Rights, Not The Olympics.'' He was subsequently arrested and he was charged for inciting subversion of state power. We are told that he has suffered severe beatings, causing damage to his eyesight, all for the purpose of speaking out, exercising the right of free speech. He is a very courageous Chinese citizen who simply wants the opportunity to speak freely.

Finally, Mr. Ye Guozhu. He is pictured in this photograph alone. Three generations of his family were evicted from their Beijing home in 2003 to make way for the Olympic-related construction that occurred in Beijing. In 2004, because three generations of his family were evicted from their homes, he applied for permission to organize a protest against other alleged forced evictions in connection with preparations for the Olympics. He was arrested. He has been sentenced to 4 years in prison.

Let me describe the charge. The charge for which he is serving 4 years in a Chinese prison is ''provoking and making trouble.'' Because three generations of his family had been evicted from their homes to make room for the Olympics, he decided to circulate a petition to organize a protest against other alleged forced evictions, and he is now serving 4 years in prison. We are told he has repeatedly been tortured. He finished his sentence, by the way, and was supposed to be released from prison this week. But his release has been further delayed, presumably, because the Olympics are near.

The President of the United States—and only the President—has the power to shine the brightest light in the world into the dark cells in China and say to these courageous Chinese citizens that you are not alone. This country knows about you, about your struggle, and about your efforts to secure freedom of speech and other fundamental human rights.

We have said to the Chinese Government we want progress. They made representations to the Olympic Committee, in exchange for being able to host the Olympics, that they would make progress on human rights. I have shown photographs of some very courageous Chinese citizens who now sit in Chinese prisons precisely because their human rights have been violated.

Again, I thank President Bush for meeting with the dissidents this past week. I am someone who, from time to time, doesn't agree with President Bush. I am often critical of his work. But today I commend him for meeting with the dissidents who had previously served time in prison in China. He met with them at the White House this week. It was the right thing to do. He made commitments to those dissidents that he is going to do all he can. I hope he will—when he goes to China—take that torch of liberty and freedom to President Hu in China and say that our country will not ignore these prisoners, we will not pretend they don't exist. China has a responsibility to move toward greater human rights.

So this is the moment. I hope very much that President Bush will do what he told the Chinese dissidents he will. I commend him for that, and I hope that not just in the next 7 days, when the Olympics are prepared to start, but also during the Olympics and during the President's visit, he will offer some hope and encouragement to those who now spend their time in a dark prison cell for having the temerity to try to speak the truth in China.

I strongly feel that if we miss this moment, we will have missed something very important. I support the Olympics. They are a wonderful opportunity for the world. But I strongly believe that when the Olympics are held in a country such as China, and the Government there makes certain representations about human rights not only to the Olympic Committee but also to those who will attend the Olympics, and especially the President of the United States, who will meet with President Hu, that he will bring that message of freedom, liberty, and human rights to the Chinese Government and describe our expectation and the expectation of the international community that their citizens be allowed full and genuine freedom.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from North Dakota has 6 minutes 20 seconds.

ENERGY

Mr. DORGAN. Mr. President, I wish to make a couple comments about energy. There has been a lot of discussion

all week—in fact, the last several weeks—on energy, and the reason is obvious. When you see the runup and doubling of price of gas and oil in a year, the American people are pretty apoplectic about that. They wonder what can they do to respond to it. How do I afford to fill my gas tank to go to work? The airlines wonder: How do we afford to put jet fuel in the airplanes we fly? The truckers wonder: How do I fill the saddle tanks and be able to afford it? The farmers wonder: How do I fill the fuel tanks for the harvest? This is a big hit to the American economy.

The first step is to do the obvious thing. I have a letter, for example, from the chief executive officer of an oil refining company called Tesoro. They don't produce oil; they have to buy oil like everybody else to refine it. He believes there is a dramatic amount of excess speculation in the oil market. We need to wring out the excess speculation from the commodity markets. Seventy-one percent of what is happening in the oil futures market has nothing to do with people who want oil. They don't want a can of oil, a 5-gallon can or even a quart. They want to trade paper and make money. That market is broken and has been taken over by speculators. We should set that market right and wring out the excess speculation in that market. We have testimony before the committee that doing that can reduce the price of oil and gas by 20 to 40 percent. That is step 1. We ought to do the easy things, and then a lot of other things.

My colleagues say drill. I say absolutely. Conservation is the cheapest form of energy. Saving a barrel is the same as producing a barrel. We waste a lot. Producing and drilling and conservation and efficiency. Every light switch we turn on, every thermostat, everything we do can be much more efficient and lose much less energy, no question about that. Conservation, efficiency, production—and especially a game-changing approach away from every 15 years shuffling in here like bags of wind in blue suits, talking about the plan we had 15 years ago and 15 years before that and 15 years before that.

How about finding new energy and moving toward hydrogen fuel cell vehicles? Hydrogen is everywhere. Water vapor would come out of the tailpipe. Wouldn't that be wonderful? Battery storage technology, with substantial research, and moving to electric cars. How about doing all these things? Solar, wind, biomass, geothermal—we have so many opportunities. We can round up all the money we spend on all of it and research a different energy future, which equals what we spend in the war in Iraq in 40 hours. We ought to do everything and do it well; but we ought to decide that if we are addicted—and President Bush says we are—what do you do with an addict? Do you say I will quit tomorrow and pass the bottle tonight? That is not what you do. You decide you are going to have something that is game changing. You are going to go to a different kind of energy future.

I wish to make a final point that is very important. I support increased production, all those things. But my colleagues in the Senate have blocked—some of them in the minority—through eight votes, our determination to provide tax incentives for renewable energy. Renewable energy is so important, and we put into place permanent, robust tax incentives in 1916 to say that if you look for oil and gas, God bless you, we need it. If you find it, you will get tax incentives. We have done that for almost a century. Do you know what we did for people who tried to go find and produce wind, solar, and other renewable forms? We put into place tax incentives in 1992—short term, kind of shallow—and we extended them five times, and we let them expire three times. Start, stop, stutter step. The fact is, we shut off all the investment every time they stop. They are set to expire at the end of the year. The minority has blocked, eight times, the extension of the tax incentives so we can move toward a different energy future.

If we don't understand that when 65 percent of your oil comes from Saudi Arabia, Iraq, Kuwait, and Venezuela and outside our country and that makes America vulnerable—if we don't understand that, we ought to go back to bed; you don't need to wake up. It has been pretty disconcerting to see people thumb their suspenders and stick out their stomachs and say we need to drill another hole someplace. We suck 85 million barrels of oil a day out of this planet, and 21 million barrels of that are destined for this country. We use one-fourth of every drop of oil pulled out of this planet every day, and almost 65 percent of it comes from outside our country. If you don't understand the vulnerability of that, then you don't have the capability to understand very much, in my judgment.

We need a robust, aggressive, new energy future. It must include virtually everything, but at its root and at its foundation, it must have a game-changing device that says that 10 years from now we are going to have a different energy mix, a different construct.

Yesterday, I said John F. Kennedy didn't hang around in the early sixties and say: I am thinking of sending a person to the Moon or I am going to try to send a person to the Moon or I hope we can send a person to the Moon. That is not what he said. He said that by the end of the decade, we are going to have a person walking on the Moon. How about saying that in this country now on energy?

By the end of the next 10 years, we will have substantially changed this country's energy mix, and we are going to make the investments necessary to do it, so we are not shuffling around here 10 years from now with the same tired arguments I call ''yesterday forever.'' How about something that does advance this country's long-term interest in energy? Let's do everything we can at this point. In the meantime, let's set a goal and meet the goal as a country that makes us less dependent on foreign oil and move to a different kind of energy future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I am heading home for town meetings this weekend. There is no question that the dominant subject is going to be all the economic hurt we are certainly seeing in Oregon and across the country. People are concerned about their gas bills and their food bills and medical bills.

Yesterday, Senator GRASSLEY and I, in an effort to look at a fresh approach to holding down gas bills, released what we call a discussion draft, in an effort to solicit ideas and input from people who have expertise on this subject, about how we might change the tax laws so as to not encourage speculation in the oil business.

The current Tax Code gives speculators tax incentives to bid up the price of oil. Essentially, the current tax law distorts our markets. It favors one set of buyers and sellers over another. Senator GRASSLEY and I are going to be seeking ideas and suggestions over the month-long August recess in the hope that in the fall, when the Senate reconvenes, Democrats and Republicans can come together on a bipartisan basis and come up with more sensible tax policies, so we don't have a tax system that, in effect, creates incentives to drive up the price of gasoline.

We have put out this proposal, and it is on my Web site. Again, we call it a discussion draft. It is, in fact, just that—a way to gather ideas and input and make sure people have a chance to be heard.

On another economic hot button issue that is burning a hole in the pockets of our people, I wish to spend a few minutes talking about health care. One of the reasons health care is so expensive is that we pay for so much inefficiency in our health care system. This year, we are going to spend about $2.3 trillion on American health care. Dr. Peter Orszag, the head of the CBO, estimates that about $700 billion of that $2.3 trillion is essentially spent on health care of little or no value. So we have to find ways to root out some of

this inefficient health care spending if we are going to hold the costs down.

Yesterday, a very remarkable hearing was held in the Senate Finance Committee on which I serve. Senator BAUCUS, chairman of the committee, to his credit, made it clear that he is going to dig into these big issues. It is clear, once again, that the Tax Code, as it relates to health care, is clearly driving up the cost for American families and for our people. In effect, the Tax Code encourages inefficient expenditures in American health. We have writeoffs for employers. We have breaks for individuals but they are not shared by all. The $250 billion that is spent through these tax rules disproportionally goes to the most affluent in our society, rather than the people who need it the most.

If you live, for example, in a small town in Ohio or a small town in Oregon, here is the way it works with the Tax Code: If you are well-off and you have a fancy health care plan, you can tuck a whole lot of your compensation into that health plan tax-free. So in a town in Ohio or Oregon, if you are going to buy a pair of designer eyeglasses or get a designer smile, you can write off the cost of those Cadillac benefits. But if you are somebody in a small Oregon town or in Ohio who has no health care, you don't get those writeoffs.

It is unfair. It encourages inefficiency because the typical worker is in the dark about their health care. Even if they have a plan, most of the time they don't have the choice. Most individuals don't have a chance to hold down their health care costs the way we do as Members of Congress. As Members of Congress, we get to choose between a host of private plans. If you are lucky enough to have some employer coverage in our country, you hardly ever have a choice, No. 1, and, No. 2, if your money is being spent inefficiently, there isn't anything you can do about it as an individual. In fact, most people don't even realize the reason their take-home pay doesn't go up is because all of their potential increase in take-home pay when they are more productive seems to go to health care. In fact, Dr. Orszag of the Congressional Budget Office has said there is so much inefficiency in the health care system that nothing much is going to change until people realize they are losing out on take-home pay because their take-home pay goes to pay for their health care.

What we have said as a group in the Senate—eight Democratic Senators and eight Republican Senators—is we want to change this system that is so profoundly unfair to working people and also rewards inefficiency. What we have proposed in our legislation—the Healthy Americans Act—is to take away the Federal tax subsidies for the Cadillac health care plans and use that money instead so every family in America can get a progressive deduction of $15,000 annually to buy their health care.

It is our view that this amounts to a trifecta. Health care would be fairer because we would have taken away those Cadillac tax breaks and given them to the middle-class folks who are having difficulty affording their health care. It would be more efficient because people would have choices of their private health coverage and have new incentives to make purchases carefully. And there would be a progressive way to finance extending coverage for more of our people.

I have watched with great interest the effort in Pennsylvania where wonderful people, such as Governor Rendell and committed State legislators, have been trying to expand coverage. One of the reasons it is hard to do at the State level is there is no progressive way to finance some of the extra coverage for people who are uninsured or underinsured.

We have found that progressive financing in the Healthy Americans Act because we take away the tax breaks for those Cadillac plans used for designer eyeglasses or new smiles, or whatever, and we move that money to hard working families in Oregon and Pennsylvania and Ohio for expanded coverage.

Our approach, as was noted by the head of the Joint Committee on Taxation, would give 80 percent of the American people a tax cut. A typical family spends about $12,000 buying their private health insurance, if they can afford it. We would give a tax cut to 80 percent of the American people with our approach.

The Senator from Pennsylvania and I sat in on a very good meeting yesterday describing some of the questions that accompany making change on big economic issues. People want to know how do you make sure it is not so confusing and your family doesn't get lost in red tape. For example, in health care, people want to know: If I like what I have, can I keep it? I like the idea of looking at alternatives, but if I have a plan and I like it and my employer wants to continue to offer it, can I do it?

What we said in the Healthy Americans Act, sponsored by 16 of us in the Senate, was absolutely. If you want to keep what you have and your employer wants to keep offering it, so be it. But if your employer wants more choices and if you as a worker want more choices, we also provide that kind of opportunity. That is why I have said our proposal operates very much like what all of us—the Senator from Pennsylvania, the Senator from Ohio, and myself—have in the Congress. There is a period of time when we get to choose between the various private insurance policies. The insurers cannot cream skim. They cannot cherry pick and take only healthy people and send everybody who has a health problem somewhere else. We do that in the Healthy Americans Act. With our approach, we can get a lot more for our health care dollar. A lot of people in this country, say if they work for a small employer where they do not have much bargaining power or they are out on their own, cannot get that today.

We set this up so it looks, in terms of its operations, pretty much like the way it works for us as Members of Congress in terms of making our private choices. There are places you can call for help in choosing a plan. And giving everyone these kinds of private choices injects competition and new opportunities to hold down costs into the system.

The issue we talked about yesterday in the Senate Finance Committee, the Federal tax rules, I would guess there is probably not 1 out of 100 people in the United States who knows much about this. But this is one of the biggest programs run by the Federal Government. It comes to about $250 billion a year. And to have the money go out the door in a way that so wildly favors the most fortunate and encourages inefficiency at the same time strikes me as bizarre.

Yesterday, under the leadership of Chairman BAUCUS and Senator GRASSLEY, conversation was started about a topic that I think is essential to this issue of fixing American health care. If we do it right, there is the opportunity for expanding coverage in a progressive way so that the next time, for example, the Pennsylvania legislature wrestles with this issue—this issue that Governor Rendell and Pennsylvania legislators tackled this last year and could not pass legislation on—they would be able to say some changes were made in Federal policy so as to fund in a progressive way some of the changes that need to be made.

There is no question this needs to be done in a careful and deliberate way. We are talking about changing something that started in the 1940s. In the 1940s, it probably made a lot of sense. We were not dealing with a global economy, and people would go to work in Oregon or Pennsylvania at a young age and stay put until you gave them a gold watch and a retirement dinner. The typical worker today changes their job 11 times by the time they are in their early forties. So they need a portable health plan they can take from place to place. We have done that in the Healthy Americans Act as well.

Chairman BAUCUS made a very important point in terms of making sure this is explained to people in a more simple and straightforward way than it has been in the past, certainly than as it was explained in 1993. Then fundamentally it has to be a commitment the Congress makes to our people to

say: If you like what you have and employers want to keep offering it, they can do it. I hope they will. But nearly 7 percent of the employers have gotten out of the health business altogether in the last few years and thousands more have heaped on the copayments and the deductibles in the last few years.

We need to have more choices, and 16 Members of the Senate are working toward this goal. This is the first time in the history of this debate, in 60 years of the Senate debating this issue, there has ever been a piece of legislation where a large number of Democrats and Republicans have come together. Senator BENNETT in particular, the Senator from Utah, a member of the Republican leadership, deserves enormous credit for his efforts to help find common ground.

Now we have a chance for the debate as we go into September, with Chairman BAUCUS holding additional hearings in September, and all our colleagues being home and folks asking: What is going to be done about health care? We have a chance now to start that discussion about what it is going to take to fix American health care.

I submit that when people talk about their bills, they are talking about their gas bill, they are talking about their food bill, they are talking about their medical bill, and that medical bill is pumped up—that is the only way you can characterize it—by $700 billion worth of spending that is inefficient and is of little or no value. The Federal Tax Code, as we heard from three of the experts yesterday, props up all that inefficiency. So reforming those Federal tax rules, as we seek to do in the Healthy Americans Act, is a key part of the solution.

I thank Chairman BAUCUS for his leadership for being willing to tackle an issue that lots of people, frankly, have ducked in past years. And I submit that finding a bipartisan solution to these outdated, unfair tax rules—rules that show how broken the health care system is—is a key to holding down the costs that people are so upset about and assure that we attain our goal, which is all Americans have high-quality affordable health care.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I have been in the House of Representatives and the Senate now for about a little over 15 years. One thing you can count on that I have seen over and over is you can always count on Republicans to stand up for Big Oil. We can look in recent memory. We can look at the Energy bill 3 years ago—earlier than that. We can look at the plan Vice President CHENEY wrote in the White House bringing in all the energy executives, not bringing in consumer groups, not bringing in environmentalists, not bringing in small businesses that are hit so hard by high energy costs, not bringing in truckers, not bringing in people who are paying the bills, but bringing in the producers, writing an energy plan, that legislation then written by Big Oil and other big energy producers, pushed through a Republican House of Representatives 3 years ago and a Republican Senate, having given the President everything he wanted on an energy policy.

That is obviously the best example of how always in my 15 years here I have seen Republicans protecting Big Oil. Most recently in the last year and a half, as the Senator from Pennsylvania said so well earlier, we have seen eight filibusters blocking any proposals we have had on energy—short-term proposals, medium-term proposals, long-term proposals.

As the Presiding Officer, Senator CASEY from Pennsylvania, talked about, there is no silver bullet, but there are things we can do immediately. We can open the Strategic Petroleum Reserve, sell 10 percent of the oil from that Reserve, bringing down prices pretty quickly. We can go after the speculators. I am not sure Senator CASEY said this, but the President's Justice Department could go after the oil industry for some of the price gouging that many of us in this body, and probably most of the American public—certainly people in Steubenville and Lima and Zanesville, OH—think the oil companies are engaged in. We can do those things.

A few minutes ago, when I was the Presiding Officer, I heard the minority leader say that the Democrats are offering legislation claiming it is only speculation that is driving up prices. We have never done that. We have said: Yes, speculation is a big part of it. Senator DORGAN said speculation is like a washcloth: you wring it out and you will get an immediate 20, 30, or 40 percent price decrease overall just by wringing out the speculation.

But what the other side never talks about is that it is not just that we want to deal with speculation and open the Strategic Petroleum Reserve and have the Justice Department go after the increasingly, immensely profitable oil industry on price gouging, but we also have a very specific long-term energy plan.

As Senator DORGAN said, President Kennedy didn't say: Let's think about going to the Moon. He said: We are going to put a man on the Moon. It was the early 1960s, and he said we could do it by the end of the decade. And he did it. It happened by July 1969. I was 16 then. We had just gotten our first color television, I remember. My brother had convinced my parents that because of the Moon landing, we should get a color television. My parents didn't really know this wasn't going to be in color, but it was a good move by my brother, I must admit. But I remember looking up in the sky and not seeing anything other than the big white Moon, but how exciting it was that we could do this.

The same thing could be true with the President on alternative energy. That is what the Democratic majority has been trying repeatedly to do, to take the money President Bush, Vice President CHENEY, and the Republican majorities in each U.S. House gave to big oil in 2005 in the Energy bill and put it into alternative energy development.

Senator WHITEHOUSE, speaking earlier this morning, mentioned that for every $10,000 in profits Exxon has made, only $1 of the $10,000 has gone to research and development for alternative energy and $3 has gone into advertising how green they are and how much they are doing on alternative energy. Senator CASEY talked about the incredible increase in oil drilling in the last few years; that the oil companies are drilling plenty, but they understand how to keep prices up.

So I am for more drilling, but I am not for drilling in the Outer Continental Shelf. I am for the oil companies drilling on the 68 million acres of Federal lands on which they already have leases. Let's do that first, and let's see where we are on that discussion of drilling. We can't drill ourselves out of this, it is clear.

Last point, Mr. President, and then I wish to speak for a moment about something related to energy; that is, throughout my time in the House of Representatives and the Senate in the last 15 or so years, I have always noticed that oil prices go up when one of four things happens: Either there is a refinery fire or there is a pipeline outage or there is a major catastrophe, such as Katrina, or there is an international incident that disrupts the flow of oil to our country. It is either a major refinery fire, a major pipeline outage, a major disaster such as Hurricane Katrina, or a major international incident that disrupts the flow of oil to our country.

None of those things has happened in the last couple of years. Sure, China and India are using more oil, and that is a long-term, huge issue in terms of the oil crisis, but to see the kinds of oil spikes we have seen in the last year and to look at what we have seen, frankly, in the 8 years of two oilmen in the White House—we know that story—nothing has happened that should have caused oil prices to go up that dramatically. If anything, that absolutely shows it is all, in large part, about

speculation, and it is about the price gaming of the system that the oil industry and Wall Street have done.

As we talk about energy, we often talk about what that means to our Nation's infrastructure. Today marks the 1-year anniversary of the I–35 bridge collapse in Minneapolis. Our freshman colleague, Senator KLOBUCHAR, has spoken eloquently about that and what we need to do about that. It took the lives, as we remember, of 13 people and injured nearly 100.

The Minnesota bridge collapse was a rude awakening to Americans about the current state of our critical infrastructure and the importance of improving all aspects of bridge safety. Corrosion, for example, which causes metal in bridges to rust and ultimately weaken, is a significant problem for our Nation's bridges but one that is resolvable if addressed by Congress.

In 1998, there was an amendment to ISTEA, the highway bill. Congress commissioned a report about the cost of corrosion—a report from the Federal Highway Administration—and that report to Congress, conducted by CC Technologies of Dublin, OH, a community near Columbus, has estimated that corrosion costs the Nation an unbelievable 3-plus percent of gross domestic product annually, or $442 billion last year. In my State alone, corrosion ultimately cost Ohio taxpayers, in damage to bridges and highways and other infrastructure, $15.1 billion. For bridges alone, this country spent $13 billion and $500 million in Ohio in 2007. In that same report, the FHA estimated a third of that cost could be prevented through existing corrosion-control technologies.

There are many bills pending before this Congress that would lessen or prevent future corrosion of our Nation's infrastructure.

S. 3319 requires that any proposal to the Department of Transportation for bridge construction or modification or renovation include a corrosion mitigation and prevention plan. When a State highway department submits a proposal to the Department of Transportation about this, under this legislation—there is no demand or other mandate—it must include a corrosion mitigation and prevention plan that looks at how much money it will cost to do the corrosion prevention and mitigation and see how much money over the next 10, 20, or 30 years the taxpayers will save because these bridges will last longer and will be safer in the ensuing years. This plan would incorporate existing technologies to enhance the safety of bridges and save Ohio and the Nation billions of dollars a year at a time when highway funding is suffering severely from a dramatic rise in construction cost.

The reason I talked earlier about energy and connected it to these highway issues and bridge issues and water and sewer issues is that the gas tax—which certainly funds much of our highway and bridge infrastructure, the construction and maintenance—the tax dollars are not increasing, and it is because it is not a percentage of the cost of oil, of the cost of gas, it is the cost per gallon of gas purchased. So as people are using less, revenues are down, and obviously construction costs are up as asphalt and other oil-based materials are included in the construction.

S. 3316, a separate piece of legislation I have introduced, would provide a 50-percent tax credit to companies for the design, materials, and installation of corrosion-mitigation technology. The tax credits would encourage further work in corrosion mitigation, expanding beyond bridges to include all kinds of infrastructure affected by corrosion, including drinking water and sewer systems, motor vehicles, pipelines, and defense infrastructure.

I know that the Senator from Pennsylvania, when he is in Erie or Sharon, close to my State, or when he is in eastern or central Pennsylvania, hears over and over from mayors, as I do, about the problems with infrastructure and what that means to the cost of people's water and sewer bills. Mayor Coleman of Columbus told me months ago what he was facing—more importantly, what consumers, what homeowners and renters in Columbus are facing—with the increased cost of water and sewer bills because of demands from the Federal Government on what we need to do to guarantee safe drinking water, demands local governments want to meet but at costs which they simply can't bear. So homeowners see double-digit increases in the cost of their water and sewer.

I met recently with the mayor of Defiance, Mayor Armstrong, in northwest Ohio at a roundtable—one of the hundred or so roundtables I have conducted in most of Ohio's 88 counties—and I talked to him about what these costs are meaning to him in terms of sewer and water bills for residents of Defiance and Defiance County.

A few months before that, I had a roundtable with the mayors of Fremont, Paulding, and Perrysburg, again in northwestern Ohio. Mayor Overmyer of Fremont, Mayor White of Paulding, and Mayor Evans of Perrysburg, where the meeting was conducted—Perrysburg City Hall in Wood County—were all telling me about the immense costs they were facing and, again, more importantly, their constituents were facing with the high cost of water and sewer.

Corrosion protection plans of this type can make a big difference in relieving the cost of all kinds of infrastructure. The new I–35 bridge project is under heightened scrutiny from everybody—public officials, the media, and obviously Minnesotans who travel that bridge regularly to and from work. Their new bridge will be equipped with the best technology available, including built-in sensors to measure corrosion.

With all these bridge projects in other places, we should have this level of attention and they should be outfitted with robust safety technology and anticorrosion technology. The technology is pretty far down the road. We are able to do an awful lot of things to arrest and almost stop corrosion and the aging of these bridges. Our legislation will not just utilize the technology that is available now, but it will spur on new technologies to arrest bridge corrosion.

Anticorrosion and corrosion-detection measures save money and lives. It is nothing but shortsighted to bypass such measures. For too long, we have governed in a way that has sort of gotten us through the day, thinking that we have to figure out how to get through today and not looking ahead. Business doesn't look often enough beyond the next quarter, and government doesn't look often enough beyond the next election cycle. This is an opportunity for the Nation to use its research and development talent to address the unnecessary and enormously costly burden we bear as our infrastructure rusts away and needs to be replaced.

We remember the Minnesota bridge collapse of 1 year ago. This body can honor the memory of those who died there and learn our lesson from looking ahead and helping local and State governments adopt these anticorrosion measures. It will ultimately save lives and billions of taxpayer dollars. It is something we can do, and it is something we should begin today.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSING AND ECONOMIC RECOVERY ACT OF 2008

Mr. DODD. Mr. President, I wish to take a few minutes, if I may, before we conclude business here today, and then basically I guess we will be in either adjournment or recess until the first week in September. I wish to take a moment or so and review the events of the past number of weeks, culminating in the vote a week or so ago on the housing legislation. Of course, the Presiding Officer played a very important and supportive role, and I appreciate immensely his participation on the Banking Committee and the effort we made together to achieve what I think is a fairly historic piece of legislation.

The news from the housing and financial markets continues to be grim. Unfortunately, the new Case-Schiller

Index—which most people are familiar with and which is used to determine the level of home values—Case-Schiller data earlier this week shows that home prices were down 15.8 Percent from May of last year, including a .9-percent, 1-month drop in the month of May alone. The 10-city price index, which dates to 1988, dropped 16.9 percent, its sharpest decline on record since those numbers have been kept over the last 20 years. All 20 cities measured by the index showed annual declines in home values, and 10 cities have suffered double-digit percentage declines over the last year.

Job data is not any better, I am sad to point out. It shows a loss of 50,000 jobs. The unemployment rate now is at 5.7 percent.

Earlier this week, the President signed the Housing and Economic Recovery Act. I am grateful to him for that signature. He earlier indicated he was going to veto the bill but changed his mind. I, for one, appreciate that change of mind, because I think it is an important message to send to markets about the importance of this bill. I wish to quickly point out that the President didn't like every provision in this bill, nor did I necessarily, for that matter, but he signed it into law and for that we are grateful.

This legislation is a crucial response to the ongoing housing and economic crisis. Most of the legislation took effect immediately upon it being signed into law by the President. Already, the new regulator for the housing GSEs is on the job. We are not even a week into the bill and he is already there, preparing to write the numerous new regulations required by this law.

On Tuesday, before the President even signed the bill, I met with members of the oversight board of the new HOPE for Homeowners program: the Chairman of the Federal Reserve, Chairman Bernanke; the Chairman of the Federal Deposit Insurance Corporation, Sheila Bair; the Secretary of the Treasury, Secretary Paulson; and the Secretary of Housing and Urban Development, Secretary Preston. We all met in my office as the oversight board. I urged them to get to work immediately. They assured me they were doing that. In fact, the very next day they were having the very first meeting of the oversight board. I commend them for that. Anywhere from 400,000 to 600,000 families can keep their homes if, in fact, that program works as we all hope it will.

Next week, my staff is meeting with HUD staff to push them to complete the regulations to get out the $3.9 billion in Community Development Block Grant funds. For Connecticut, as well as Pennsylvania and other States, these dollars could be very valuable in restoring neighborhoods and homes that have been foreclosed, getting them back on the market and producing those tax revenues every community needs in order to provide services to its people. The law requires HUD to have a formula for the distribution of this money ready in 60 days, and I intend to make sure this deadline is met, hence the reason for the meeting with the HUD staff.

The Housing and Economic Recovery Act has a number of provisions that will make a real difference in people's lives, and I want my colleagues to be able to explain them to their constituents as they travel around their States over the next several weeks. First and foremost, the bill establishes the HOPE for Homeowners Act to help 400,000 families keep their homes. It does so after asking both lenders and borrowers to make financial sacrifices, and it does so at absolutely no cost to taxpayers. This program will become effective on October 1.

In addition to providing a much stronger regulator, the bill increases the loan limits for Fannie Mae and Freddie Mac to $625,000. These GSEs—government-sponsored enterprises—along with the Federal Housing Administration, have been about the only sources of mortgage credit available to most Americans. This will make this credit more widely available to more families seeking to buy or to refinance their homes.

The bill modernizes and expands the Federal Housing Administration programs, raising the loan limits from $362,000 to $625,000, so that 98 percent of the counties in our country and 85 percent of the population of our Nation will have access to this very critical program. FHA has proved its value over and over again, particularly in the current crisis, as it has continued to be a stable source of mortgage credit, even while many of the lenders have failed. By raising these loan limits, that credit line now becomes available, as I said, to more than 85 percent of the population of our country.

The bill also includes a permanent, affordable housing fund financed by Fannie Mae and Freddie Mac. This is the first time ever in the history of our Nation we have established a permanent affordable housing program. Ninety percent of these dollars will go for the construction of rental housing. This will take a little time to get in place and will not immediately come on line as other provisions of the bill will, but for the long-term needs of our country, including the ability to build affordable housing every single year as a result of GSE money, is going to provide great relief for those who can't afford a home, those who are starting out and need to have affordable rental housing.

The bill includes new protections for elderly homeowners taking out the FHA-insured reverse mortgages so they are not deceived into using the proceeds from these loans to buy expensive and needless insurance products. It will require mortgage brokers to be licensed. Again, that is a major reform in this legislation.

The bill expands the ability of the VA housing programs. It includes a number of provisions to help our returning veterans coming back from Iraq and Afghanistan and elsewhere to save their homes from foreclosure. Tragically, you would be amazed at how many of our service men and women serving in harm's way are at risk of losing their properties while they are serving overseas. This bill changes that by providing new housing benefits to our veterans.

The legislation includes $3.9 billion, as I mentioned, in Community Development Block Grant funds. These are dollars that go directly back to our communities to allow them to rehabilitate homes and revitalize neighborhoods that have been devastated by the foreclosure problem. Remember, 8,000 to 9,000 people every day end up in foreclosure—8,000 to 9,000 homes every day. Certain neighborhoods in our States and in our cities have been literally devastated by foreclosures. These dollars will help to get those neighborhoods back on their feet.

Finally, the bill includes $150 million in counseling money to organizations out there trying to bring lenders and borrowers together.

Let me take advantage of this moment to urge my colleagues to do what I am going to be doing in my own State, and that is doing public service announcements, asking my media outlets on a daily basis to inform people as to what they can do. If they are delinquent in their mortgages, they may very well qualify for this program we have passed in the Congress, where they can save that house. It is not going to be free of charge; they are going to have some obligations to meet. It is not for everyone. You have to be an owner-occupier. It is not for speculative investments people have made. I urge people to call their banks, call one of these nonprofits, call the office of your Congressman or Senator, and they will tell you how to get in touch with them, but don't allow another month or two to go by on a delinquent basis. You may end up losing a home that you need to have, and it is possible to save that property if you will step up.

So I urge my colleagues, if they are interested in doing what they can for their constituents in the month of August, to find the time to talk about this program, let your constituents know it exists, urge them to step forward, urge your lenders to be in touch with borrowers to see if we can't avoid the kind of continuing foreclosure issues that are going to make our economic recovery difficult.

I will end on this note: The heart of our economic problems, whether it is

the unemployment problems, the staggering lack of commercial development that is going on, the problem with student loans—all of it relates back to the foreclosure issue. The sooner we can stop this hemorrhaging of foreclosures in the country, the quicker we are going to get back on our feet economically. So this is not just about saving homes or keeping people in their homes; it is also dealing with the contagion effect that has spread over to other aspects of our economy.

I wanted to take advantage of these closing moments to talk about the bill, to talk about what is in it, and urge our colleagues—Democrats, Republicans—whether you are for the bill or against the bill, there is an opportunity now to make a difference for the people you represent.

With that, Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISSED ENERGY OPPORTUNITIES

Ms. CANTWELL. Mr. President, I rise today to put some facts on the table about the high cost of energy. I know many of my colleagues have left town, but some are still here. And even though today is August 1, I doubt that it is the last we are going to hear on this debate. I expect that we will hear about it all during August.

I come to the floor this afternoon to just put a few last remarks into the RECORD about what I think this debate has been about and what I think it will be about when we return. I know some of my colleagues have put out statements today about what they think we should do in moving forward. I think it is very important to address the issue of the high cost of energy and to put forth a realistic plan for our country to move forward.

Many times this week we heard the slogan: Find more and use less. It reminds me of the slogans we hear on oil company commercials who spend hundreds of millions of dollars saying things such as ''beyond petroleum,'' and ''look at the future we are planning.'' They are spending all of that money trying to convince us they have a plan, when in reality they are keeping us addicted to oil.

Mr. President, now is not the time to worry about big oil. They just posted astronomical second quarter profits. ExxonMobil alone made about $130 million a day—not bad for a hard day's work impacting consumers. In fact, since the Bush Administration came into office, oil industry profits have totaled $641 billion. And as this chart shows every year's profit was greater than the last.

The complexity of this issue is that many colleagues really think that drilling more is going to solve our nation's energy crisis. But the clear facts is it is not going to; drilling more will just continue to add to the profits of these companies at a time when we should be investing in clean energy solutions.

So now is not the time to give the American people the false hope that drilling is going to have any effect on oil prices or provide any drop of relief at the pump. Now is not the time to play politics and to try to continue to play the blame game.

Instead now is the time to realize that our economy can't take much more of this. We simply have to get off of oil. It is time, after 8 years of an administration with a dead-end oil policy, that we understand the long-term cost of our addiction to oil and how it is strangling our economy and our vitality. Because unless we change course, and change course soon, we soon will be sending $1 trillion abroad to cover our foreign oil addiction. No amount of drilling—no amount—in the United States will change that fact.

Just a few years ago I would come to the floor and talk about how we were 50-percent dependent, heading toward 60-percent dependent on foreign oil. Now we are talking about being 70-percent dependent and even more unless we change course.

I think it is safe to say that the last 8 years of this administration has done great damage to the continuation of our addiction to foreign oil. We have tried their approach. It doesn't work. So what we need to do today is move ahead.

We need to admit the United States consumes one-quarter of the world's oil but only has less than 2 percent of the world's oil reserves. We will never, ever be able to affect the world oil price. Even if we drilled in every corner of God's creation in the United States, we would not be able to affect the world price of oil.

Americans can do the math. They know we need to be aggressively putting new policies into place that will make us a 21st century leader in new energy solutions. That is what we should be doing in the Senate as well.

Unfortunately, it seems as though many of my colleagues aren't doing this simple math. Instead, they are trying to exploit the current crisis and convince us that we should continue this oil addiction. That the answer is to give big oil one of their top legislative priorities—one they have wished for for several decades breaking the quarter-century-old moratorium on drilling off of America's pristine coast.

Pro-drilling advocates and certainly the President of the United States seem perfectly comfortable perpetrating what I think is a cruel hoax on the American people. They are willing to imply, to insinuate, and to outright pretend that drilling off our coastlines will help provide some relief at the pump. They are willing to pretend that drilling will somehow lessen our dangerous dependence on foreign oil.

Though my colleagues on the other side of the aisle do not like to admit this, the American people can listen to experts at the Department of Energy who say:

> Access to the Pacific, Atlantic, and eastern Gulf Coast regions would not have a significant impact on domestic crude oil and natural gas production or prices before 2030.

We heard that 2030 is the magic year by which drilling in the Outer Continental Shelf would produce supply. But our own Energy Information Administration said that access to the Pacific, Atlantic, and eastern gulf coast regions would not have a significant impact on the price before 2030.

I know we had a lot of discussion about the psychological impact, but oil industry experts have testified before Congress that the notion of more drilling would have no psychological effect on world oil prices. That is from oil analysts who have written books about oil and covered it for many years.

But even in 22 years the offshore drilling scheme will not provide consumers relief. This is what the Energy Information Administration said:

> Because oil prices are determined on the international market, any impact on average wellhead prices is expected to be insignificant.

So the notion that somehow our drilling is going to help us relieve the price when we are such a small player on the world market is really a hoax. We are not going to be able to have any significant impact on the price.

Even if we drilled in every last corner of our great Nation it would not have any impact. We will never be able to drill our way out of the fact that our addiction to oil leaves critical aspects of our economy in the hands of OPEC.

We do not have 22 years to wait. We need to be aggressive in getting off oil and move ahead. I know many of my colleagues really think the drilling that has been talked about here will provide relief, and they assume that oil companies would invest the tens of billions of dollars it would take to drill up and down our coastlines. I guess we should ignore for the moment that these same oil companies are not even utilizing 83 percent of the leases they already have.

But the truth is that all the drilling will do, even post-2030, is lead to 1 percent of what the United States needs. That is right, if we go ahead and lift the moratorium on Outer Continental Shelf drilling and that process starts and we get to 2030, the United States will still need over 22 million barrels of oil a day. That is what our growth rate is expected to be under the status quo. Drilling in the 600-million-acre moratorium areas would only meet 1 percent

of U.S. needs in 2030. All that money, all that risk of catastrophic spills, all the years of waiting, and that is the payoff—1 percent.

It is not good enough, and the American people need and deserve better solutions. That is what, when we return, we have to focus on.

There is a way out of this hole. It is definitely not drilling deeper, and it is time to say enough is enough and that we have to change course. My colleagues who use a chart that says ''Find More, Use Less'' on the other side of the aisle have the same empty slogan as those oil company ads that pretend they are the solution.

In fact, I think the solution my colleagues on the other side of the aisle ought to consider is: Find more and hold up less. They ought to hold up less legislation that allows us to move forward on a renewable energy strategy. Find more renewable energy and sources of power and production for the United States that can impact the price consumers are paying now, can impact what they are going to have to pay in 2009, and what they can do to get us moving off our oil addiction.

I say hold up less, because if we look at what has happened in the last year or two, we have had many proposals to move ahead off oil and on to clean energy sources that would have impacted the price at the pump. In fact, what this chart shows is the dozen times the other side of the aisle held up critical clean energy bills.

Starting in June of 2007, when we had a $28 billion clean energy package that we tried to pass. This bill would have eliminated some of the subsidies that oil companies got embedded in the Tax Code, because if we are at $126 or $140 a barrel of oil, it is pretty hard to argue that oil companies still need tax incentives.

One of the best parts of this legislative package created a consumer tax credit of up to $7,500 toward the purchase of plug-in electric vehicle. That was a provision I authored with Senator HATCH and Senator OBAMA. I know many of my colleagues on the other side of the aisle have talked a lot recently about the great promise of plug-in hybrids and electric vehicles as a way to get us off our addiction to oil.

I talked about that 1 percent that was going to be supplied by drilling by 2030. If we invested in plug-in electric vehicles over roughly the same period of time, using electricity from our grid for fuel, we could have a 50-percent reduction in the amount of foreign oil we would need to import.

So the Republican plan by 2030 is to drill everywhere to reduce foreign oil needs by 200,000 barrels of oil per day. Our plan, which is investment in clean and alternative energy solutions, like the plug-in electric vehicles would reduce foreign oil imports by 6.5 million barrels of oil a day over the same time period.

The difference is unbelievable what we could have achieved if the Republicans would have stopped holding up these policies.

And my colleagues on the other side of the aisle are saying: We are not supporting plug-in electric vehicles unless you give us offshore drilling. They are saying we are holding hostage the great ideas and promise of the future of reducing our oil dependence unless you agree to continue the old, insane practices of giving incentives to oil companies with record profits to continue to provide the non-solutions to one of our nation's greatest problems.

It is time to get the solutions out of the hands of the oil companies and into the hands of the American public who want tools to reduce their oil consumption.

Literally, my colleagues voted no for cars that could get over 100 miles per gallon on the equivalent of $1 of gasoline. That is right, that is what a plug-in hybrid will get you. That analysis and study is there, that our nation's electricity grid today has enough spare capacity to power 70 percent of cars on the road today if they were electric hybrids. So instead of paying $3.99 for a gallon of gas, you would only pay about one dollar for the same amount of electricity.

This was just one realistic proposal the majority offered to move our nation to where we need to go. But every time they vote no on one of these proposals, we slow up the process. Voting no in June of 2007 was holding us up to going to that transition.

So I am glad other people on the other side of the aisle realize the promise of plug-in electrics, but they are not voting to help us break through and implement these solutions that could help us today and break the shackles of big oil.

As I mentioned, this was a bipartisan bill that Senators HATCH, OBAMA, and I introduced over a year ago. Our bill provides scalable credits that increase up to $15,000 for large vehicles. We had this big discussion about what cars Americans drive, how big, how small, safety issues, farm vehicles, big transportation vehicles. The great thing about plug-in hybrids and battery technology moving us forward is we can put those in any size vehicle. We are not going to be limited to a small car. The legislation would also provide assistance for automakers and parts manufacturers to retool their facilities to speed up the transition time.

So the Hatch-Cantwell-Obama bill would have been very progressive in getting solutions out into the marketplace that could have gotten us toward that goal we need to get to quickly.

Unfortunately, in December of 2007, there was another blocked attempt for us to change this policy. In December of last year, the majority of Senate Republicans blocked what would have created a renewable electricity standard. That is something even President Bush, when he was Governor of Texas, supported and today Texas is the nation's largest wind energy producer for our country. But Republican obstructionism cost us over 90,000 megawatts of new renewable energy capacity by 2020. That is the equivalent of 135 new coal-fired powerplants.

If they had not blocked this legislation in December of last year, we could have been on our way in 2020 to reducing the amount of coal-fired powerplants that we would have had in our country and getting on to renewable wind energy. The billions of dollars in clean energy investment, tens of thousands of jobs could be making an incredible positive impact, more so than any drilling offshore could ever be.

Then, just a few days later, there was another blocked attempt to move toward a clean energy transition when Republicans blocked a smaller clean energy tax incentive package that also would have ended subsidies to the big oil companies that have made these record profits. Even this scaled-back approach was too much for big oil, and they basically made their voice heard on Capitol Hill. Big oil refused to give up what was $13 billion in unwarranted tax breaks over 10 years, despite hundreds of billions in profits over the last 8 years.

Mr. President, the American people should know that Senators that voted against that bill voted against solar power, against wind power, against making homes and our commercial buildings more efficient. Against incentives for homeowners to lower their home heating and cooling bills and against making the electricity grid smarter, less prone to blackouts, and against plug-in vehicles.

Last February, there was another successful effort to block $6 billion of clean energy tax incentives on the stimulus bill. This time we gave up and said: You know what, forget the oil company subsidies, we would like to get rid of them, but you don't want to get rid of them, so let's put this as part of the stimulus package and let's stimulate our economy by moving forward. The stimulus bill reported by the Finance Committee had $6 billion in clean energy incentives that would have provided a short-term extension of expiring tax credits and help us stimulate the clean energy economy instead of having it bleed a slow death.

But we failed to pass that legislation. It would have helped us with the creation of 100,000 green-collar jobs and $20 billion in energy investment over the next year. If $20 billion was not stimulus and 100,000 green energy jobs, I don't know what was. Yet that was another big hold on our ability to move forward.

The bottom line is, we cannot keep up this slogan of saying: Find more,

use less. We need to find more clean energy and hold up less legislation that will let us get there. Quit holding hostage clean energy legislation that is the truer predictor of domestic energy production, of if we are going to continue to be hostage to foreign oil, of if we are going to make progress of moving the United States forward. But again our colleagues held us up on moving to that legislation.

In fact, it was interesting that during the time of this vote, some of my colleagues were actually out campaigning at a solar plant. The CEO at the solar plant during that debate said:

> The only question before us today is if the Senate, which is debating an economic stimulus bill at this very moment, understands green and can be green. Federal tax credits for solar energy are about to expire which will send the growing solar energy into a tailspin, especially here in California. But the Senate can ensure we keep the economic engine moving forward and extend the solar tax credits as part of the economic stimulus bill.

We know what the result was. We didn't pass that legislation. And the blockage continued.

In June of this year, blocking continued on a tri-partisan bill on the Senate floor. That is right, a climate change bill authored by an Independent, Republican, and a Democrat that would have had a low carbon fuel standard in it that would have saved an estimated 5 million barrels of oil per day by 2020. That is equal to nearly 85 percent of our daily oil imports from OPEC. Another missed opportunity, because that legislation didn't pass.

On June 10, we had another opportunity to try to pass clean energy legislation that would have helped us in reducing our critical energy needs. There were hundreds of businesses that were up here on the Hill asking for us to pass this legislation, telling us that new job creation and reduction of fuel costs depended on it, and yet, again, we had a blockage of this legislation. And it seemed, in fact, that many people cared more about the hedge fund managers' ability to use offshore accounts to avoid paying taxes than they did whether we were going to solve this energy problem by making an investment in new energy. So again we had a blocked vote that prohibited us from taking action and taking our country in a new direction.

That same day we tried a second vote and again were blocked in a comprehensive effort to get oil companies to either reinvest a portion of their astronomical profits into these needed areas of infrastructure or pay the tax so we could help clean energy solutions. And you guessed it, it was also blocked and held up.

About 6 weeks ago, on June 17, there was another blocked attempt when we tried to come up with a resolution to the long overdue extensions of clean energy tax incentives. Again, a strict party-line discipline maintained a filibuster, and companies across America started to lose hope that we were going to keep this investment cycle.

The problem is, without the tax incentives every year, where we have failed to produce a coherent policy on clean energy, we have seen astronomical drops in investment. As this chart of wind energy investment shows there was a 73-percent drop in 2001 to 2002, and a 77-percent drop from 2003 to 2004, the two times Congress allowed the Production Tax Credit to expire. And this is where we have gotten in 2007—this level of investment in wind energy resources. Yet now it is collapsing right in front of us because certain Senators would not pass legislation to make continued investments and continued predictable policy that the clean energy industry can use to put up new power plants.

In fact, around this time I got a letter from a company that I think illustrates the mistake we made. It came from a solar company named Abengoa and the Arizona Public Service, a local utility company. They told me that the Senate's failure to pass clean energy tax incentives was going to lead to the cancellation of a 280-megawatt concentrating solar plant near Phoenix. That is a $1 billion investment down the drain, and 2,000 construction jobs that will not happen, as well as 80 full-time jobs lost that would have run the plant.

So we tried many times, but they continued blocking these critical bills. The filibustering just this week just further illustrates this issue.

It is frustrating because we have even heard from those who have been in the oil industry such as T. Boone Pickens and others who say that unless we aggressively act to reduce our dependence on oil and get off of foreign petroleum, we could see, as Mr. Pickens told us at one of our Senate hearings last week, $300-a-barrel oil.

I don't think any of my colleagues want to see that. So I hope my colleagues go home and understand that our future lies in providing opportunities to find more renewable production, not drilling hoaxes. I hope they will quit holding clean energy hostage for the oil company executives; quit holding up the good legislation that could move our country forward.

I hope my colleagues will come back to the Senate in September with the notion in mind that reducing by 50 percent our dependence on foreign oil by accelerating the transition to plug-in electric vehicles should be our goal. That they will realize that holding up good legislation hostage for the 1 percent—the 1 percent—we might get from our Outer Continental Shelf drilling is risking our country's future.

This is the time to make the transition, and I hope my colleagues will hear that and understand it is not time to keep perpetrating hoaxes backed by and focused on by the oil companies. Rather its time to stop the politics and get serious about implementing a plan that gets our country off our dependence on oil. So I hope when we get back in September the other side of the aisle will quit holding up these critical clean energy bills and work with us to move forward on a desperately needed new energy strategy for the United States that will provide real price relief for Americans.

I thank the Presiding Officer, and I yield the floor.

RAILROAD SAFETY ENHANCEMENT ACT

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2095, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2095) to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous material releases, to authorize the Federal Railroad Safety Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. CANTWELL. Mr. President, I ask unanimous consent that a Lautenberg-Smith substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5259) was agreed to. (The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2095), as amended, was read the third time and passed.

ELWOOD ''BUD'' LINK DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 2245 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2245) to designate the Department of Veterans Affairs outpatient clinic in

Wenatchee, Washington, as the Elwood ''Bud'' Link Department of Veterans Affairs Outpatient Clinic.

There being no objection, the Senate proceeded to consider the bill.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2245) was ordered to a third reading, was read the third time, and passed.

SSI EXTENSION FOR ELDERLY AND DISABLED REFUGEES ACT

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 2608 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2608) to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH. Mr. President, I rise to extend my appreciation that the Senate will pass the ''SSI Extension for Elderly and Disabled Refugees Act.'' I thank Chairman BAUCUS and Senator GRASSLEY for their help in moving this important legislation to the President. This is a bill that I introduced in the Senate with Senator KOHL and it will make a significant impact in helping our most vulnerable asylees and refugees. I also want to thank Senator SPECTER for his tremendous support of this bill and help in negotiating a final package. The passage of this bill sends a message that we have not and will not turn our back on those whom we have welcomed to our country.

As many of you may know, Congress modified the Supplemental Security Income—SSI—program to include a 7-year time limit on the receipt of benefits for refugees and asylees. To allow adequate time for asylees and refugees to become naturalized citizens, Congress provided the 7-year time limit before the expiration of SSI benefits. Unfortunately, the naturalization process often takes longer than 7 years. Applicants are required to live in the United States for a minimum of 5 years prior to applying for citizenship. In addition to that time period, their application process often can take 3 or more years before there is resolution.

Because of this time delay, many individuals are trapped in the system and faced with the loss of their SSI benefits. In fact, by the end of 2008 more than 30,000 elderly and disabled refugees will have lost their benefits and more than 19,000 are projected to lose their benefits in the coming years.

Many of these individuals are elderly refugees who fled persecution or torture in their home countries. They include Jewish refugees fleeing religious persecution in the former Soviet Union, Iraqi Kurds fleeing the Saddam Hussein regime, Cubans and Hmong people from the highlands of Laos who served on the side of the United States military during the Vietnam War. They are elderly and unable to work, and have become reliant on their SSI benefits as their primary income. To penalize them because of delays encountered through the bureaucratic process seems unjust and inappropriate.

The administration, in its fiscal year 2009 budget, acknowledged the necessity of correcting this problem by dedicating funding to extend refugee eligibility for SSI beyond the 7-year limit. This legislation builds upon those efforts by allowing an additional 2 years of benefits for elderly and disabled refugees, asylees, and other qualified humanitarian immigrants, including those whose benefits have expired in the recent past.

The Senate version requires that eligible individuals demonstrate that they are moving toward citizenship in order to gain the additional 2-year extension of benefits. While the Act provides flexibility to the Social Security Administration—SSA—and the Department of Homeland Security—DHS—in developing a procedure whereby they can verify an applicant's eligibility for the extension of benefits, it is our intent that whatever procedure SSA and DHS establish, it does not impose any undue burdens or barriers on the benefactors of this Act.

Additionally, the bill allows benefits to be extended for a third year for those refugees who are awaiting a decision on a pending naturalization application. These policies are limited to 2011 and are completely offset in cost by a provision that will allow the Department of Labor to recapture federal funds that are the result of unemployment insurance fraud.

I again thank my colleagues for their support of this bill and for its passage.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Smith substitute at the desk be agreed to, the bill as amended be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5260) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 2608), as amended, was read the third time and passed.

The amendment (No. 5261) was agreed to, as follows:

Amend the title so as to read; ''An Act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2009 and 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud.''.

BRUCE W. CARTER DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs by discharged from further consideration of H.R. 4918 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4918) to name the Department of Veterans Affairs medical center in Miami, Florida, as the ''Bruce W. Carter Department of Veterans Affairs Medical Center.''

There being no objection, the Senate proceeded to consider the bill.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table with to intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4918) was ordered to be read a third time, was read the third time, and passed.

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

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6340, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6340) to designate the Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, as the ''Charles L. Brieant, Jr., Federal Building and United States Courthouse.''

There being no objection, the Senate proceeded to consider the bill.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6340) was ordered to be read a third time, was read the third time, and passed.

HUBBARD ACT

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6580, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6580) to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I rise in support of the Hubbard Act.

This important legislation helps our service men and women in uniform who are the ''sole survivor''—only surviving child in a family in which one of their family members has died or been killed due to their military service. Under the current ''sole survivor'' policy of the Armed Forces, there are no standard benefits available to those who separate from the Armed Forces under this policy.

The legislation corrects a flaw, allowing sole survivors to qualify for a standard set of Federal benefits that are generally available to other veterans.

I would like to comment on the bill's other provision. Section 9 would repeal the dollar limitations on contributions to funeral trusts. In the Senate, this provision was authored by the Senator from Utah, Mr. HATCH. It has been included to offset the additional spending associated with the bill's sole survivor provisions.

As I have consistently said in the past, the Senate Finance Committee is not a piggy bank for the other committees to dip into to pay for their new spending proposals. My preference would have been to have the sole survivor provisions in this legislation funded by spending reductions by the committees of jurisdiction.

I have been told that option was not available for this bill.

The funeral trust provision under Section 9, is a taxpayer favorable provision. It is a purely voluntary provision. It helps people who want to put more money aside in trust to provide for their funeral.

Unlike prior revenue raisers proposed by the majority that would impose tax increases on unsuspecting Americans, this revenue offset is strongly supported by those who would pay the additional tax.

As I said previously, my strong preference would be to not use the tax code to pay for higher spending. However, there is strong support for the funeral trust provision and it is favorable to taxpayers.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6580) was ordered to be read a third time, was read the third time and passed.

DTV BORDER FIX ACT OF 2008

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 886, S. 2507.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2507) to address the digital television transition in border states.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''DTV Border Fix Act of 2008''.

SEC. 2. CONTINUATION OF ANALOG BROADCASTING ALONG COMMON BORDER WITH MEXICO.

Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the end the following:

''(D) CONTINUATION OF ANALOG BROADCASTING ALONG COMMON BORDER WITH MEXICO.—

''(i) IN GENERAL.—Notwithstanding any other provision of this section, any television station that has been granted a full-power television broadcast license that authorizes analog television service prior to February 17, 2009, that is licensed by the Commission to serve communities located within 50 miles of the United States common border with Mexico, and that can establish to the satisfaction of the Commission that such station's continued broadcasting of television service in analog is in the public interest, shall during the period beginning on the date of enactment of the DTV Border Fix Act of 2008, and ending February 17, 2014—

''(I) be entitled to the renewal of such station's television broadcast license authorizing analog television service; and

''(II) operate such television service on a channel between 2 and 51.

''(ii) CONDITIONS.—The rights, privileges, and obligations described under clause (i) shall only be extended if the following requirements are satisfied:

''(I) Any channel used for the distribution of analog television service shall not—

''(aa) prevent the auction of recovered spectrum pursuant to paragraph (15);

''(bb) prevent the use of recovered spectrum for any public safety service pursuant to section 337(a)(1);

''(cc) encumber or interfere with any channel reserved for public safety use, as such channels are designated in ET Docket No. 97–157; and

''(dd) prevent the Commission from considering or granting a request for waiver submitted for public safety service prior to the date of enactment of the DTV Border Fix Act of 2008.

''(II) Each station described in clause (i) operates on its assigned analog channel, as of February 16, 2009, if such channel—

''(aa) is between 2 and 51;

''(bb) has not previously been assigned to such station or any another station for digital operation after the digital transition required under subparagraph (A); and

''(cc) could be used by such station for broadcasting analog television service after the digital transition required under subparagraph (A) without causing interference to any previously authorized digital television stations.

''(III) If such station does not meet the requirements under subclause (II) for operation on its assigned analog channel, as of February 16, 2009, such station may request, and the Commission shall promptly act upon such request, to be assigned a new channel for broadcasting analog television service, provided that such newly requested channel shall—

''(aa) be between channels 2 and 51; and

''(bb) allow such station to operate on a primary basis without causing interference to—

''(AA) any other analog or digital television station; or

''(BB) any station licensed to operate in any other radio service that also operates on channels between 2 and 51.

''(iii) MUTUALLY EXCLUSIVE APPLICATIONS.—If mutually exclusive applications are submitted for the right to use a channel in order to broadcast analog television service pursuant to this subparagraph, the Commission shall—

''(I) award the authority to use such channel for such purpose through the application of the procedures established under this section; and

''(II) give due consideration to any resolution procedures established by the Commission.''.

Ms. CANTWELL. I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5262) was agreed to, as follows:

On page 7, line 7, strike ''2014'' and insert ''2013''.

On page 10, line 18, strike the quotation mark and the second period and insert the following:

''(E) LIMITATION ON EXTENSION OF CERTAIN LICENSES.—The Commission shall not extend or renew a full-power television broadcast license that authorizes analog television service on or after February 17, 2013.''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2507), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2507

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''DTV Border Fix Act of 2008''.

SEC. 2. CONTINUATION OF ANALOG BROADCASTING ALONG COMMON BORDER WITH MEXICO.

Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the end the following:

''(D) CONTINUATION OF ANALOG BROADCASTING ALONG COMMON BORDER WITH MEXICO.—

''(i) IN GENERAL.—Notwithstanding any other provision of this section, any television station that has been granted a full-power television broadcast license that authorizes analog television service prior to February 17, 2009, that is licensed by the Commission to serve communities located within 50 miles of the United States common border with Mexico, and that can establish to the satisfaction of the Commission that such station's continued broadcasting of television service in analog is in the public interest, shall during the period beginning on the date of enactment of the DTV Border Fix Act of 2008, and ending February 17, 2013—

''(I) be entitled to the renewal of such station's television broadcast license authorizing analog television service; and

''(II) operate such television service on a channel between 2 and 51.

''(ii) CONDITIONS.—The rights, privileges, and obligations described under clause (i) shall only be extended if the following requirements are satisfied:

''(I) Any channel used for the distribution of analog television service shall not—

''(aa) prevent the auction of recovered spectrum pursuant to paragraph (15);

''(bb) prevent the use of recovered spectrum for any public safety service pursuant to section 337(a)(1);

''(cc) encumber or interfere with any channel reserved for public safety use, as such channels are designated in ET Docket No. 97–157; and

''(dd) prevent the Commission from considering or granting a request for waiver submitted for public safety service prior to the date of enactment of the DTV Border Fix Act of 2008.

''(II) Each station described in clause (i) operates on its assigned analog channel, as of February 16, 2009, if such channel—

''(aa) is between 2 and 51;

''(bb) has not previously been assigned to such station or any another station for digital operation after the digital transition required under subparagraph (A); and

''(cc) could be used by such station for broadcasting analog television service after the digital transition required under subparagraph (A) without causing interference to any previously authorized digital television stations.

''(III) If such station does not meet the requirements under subclause (II) for operation on its assigned analog channel, as of February 16, 2009, such station may request, and the Commission shall promptly act upon such request, to be assigned a new channel for broadcasting analog television service, provided that such newly requested channel shall—

''(aa) be between channels 2 and 51; and

''(bb) allow such station to operate on a primary basis without causing interference to—

''(AA) any other analog or digital television station; or

''(BB) any station licensed to operate in any other radio service that also operates on channels between 2 and 51.

''(iii) MUTUALLY EXCLUSIVE APPLICATIONS.—If mutually exclusive applications are submitted for the right to use a channel in order to broadcast analog television service pursuant to this subparagraph, the Commission shall—

''(I) award the authority to use such channel for such purpose through the application of the procedures established under this section; and

''(II) give due consideration to any resolution procedures established by the Commission.

''(E) LIMITATION ON EXTENSION OF CERTAIN LICENSES.—The commission shall not extend or renew a full-power television broadcast license that authorizes analog television service on or after February 17, 2013.''.

GREAT LAKES INTERSTATE COMPACT

Ms. CANTWELL. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S.J. Res. 45 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the joint resolution by title.

The assistant clerk read as follows:

A joint resolution (S.J. Res. 45) expressing the consent and approval of Congress to an interstate compact regarding water resources in the Great Lakes-St. Lawrence River Basin.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. KOHL. Mr. President, I wanted to talk to today about the Great Lakes-St. Lawrence River Basin Water Resources Compact. The compact enjoys broad bipartisan support, including all 8 Great Lakes States, Canadian provinces Ontario and Quebec, and 150 business and environmental groups.

The Great Lakes are one of America's national treasures and one of the natural wonders of the world. Holding 20 percent of the worlds freshwater, the Great Lakes play a vital role in the daily lives of the people of Wisconsin providing drinking water, jobs, energy, shipping, and recreation. Something that important to our prosperity needs to be conserved so that future generations can benefit.

The compact before us does just that. It is a binding agreement among the Great Lakes States to implement a conservation standard for regulating water withdrawals from the Great Lakes Basin. Specifically, the compact protects the Great Lakes by banning new or increased diversions outside of the Great Lakes basin. The compact also requires each State to implement water conservation measures, which will promote efficient water use and minimize waste.

Not too long ago we faced the specter of foreign companies exporting water out of the lakes—threatening our environment. This compact is a response to those threats, making it clear that the Lakes are not to be exploited. As a cosponsor of this resolution, I am pleased the Senate passed this important compact.

Mr. VOINOVICH. Mr. President, I rise to today in support of S.J. Res. 45, the Great Lakes—St. Lawrence River Basin Water Resources Compact. During the course of adoption of the Compact by the respective State legislatures, an issue arose concerning the intent and interpretation of section 4.11.2 of the Compact's Decision-Making Standard relating to the scale and scope of impacts that would be deemed sufficiently significant such to preclude approval of a withdrawal proposal. It is my understanding that the intent of the drafters of the Compact is expressed in a memorandum prepared by Dr. Sam Speck, Chair of the Council of Great Lakes Governors Annex 2001 Working Group, dated December 5, 2005, and I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 5, 2005.

To: George Kuper, President and CEO, Council of Great Lakes Industries.

From: Sam Speck, Director, Ohio Department of Natural Resources, Chair, Great Lakes Governors' and Premiers' Water Management Working Group.

You and other stakeholder representatives have raised concerns regarding three specific sections of the November 10 drafts of the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact). On behalf of the Working Group, I would like to provide you with a description of our intent with respect to these sections. Please share this memo with other interested parties.

CONCERNS AND RESPONSES

Please note that all Section references below are to the November 10 drafts of the compact and ''your submission'' mean the joint submission from the Council of Great Lakes Industries and the National Wildlife Federation dated October 9, 2005. Each ''concern'' below is the text that you submitted to us and the ''response'' is on behalf of the Working Group.

1. CONCERN: The ''grandfathering'' of existing users.

The ''grandfathering'' issue has been known—and industry widely believes agreed to—since the beginning of the deliberations. But, there are major problems with current language:

(a.) The current baseline from which ''new'' or ''increased'' will be determined is unnecessarily unclear/imprecise and potentially constraining (Section 4.12.2 ii). An industrial capital investment made in any part of a facility's water withdrawal system must be permitted to operate at the capacity for

which it was designed and built, no matter if other parts of the water treatment or distribution system may require enlargement. Above all, this section will generate wide dissatisfaction and a decided lack of support if it is not clarified.

(b.) There is no provision for challenging/correcting the list of existing withdrawers—and the grandfathered withdrawal quantities—that will be created by each Party which may omit users or cite incorrect quantities. Some will believe that if they are inadvertently left off such a list they will not be considered for an existing use at some point in the future.

Response

(a.) In your submission to the Working Group, you proposed that existing Withdrawals would be determined as follows:

''The existing Withdrawal will be determined by the [larger] of either the applicable Withdrawal limitation in any permit authorizing the Withdrawal; or, the physical capacity of the withdrawal system facility (which includes Withdrawal capacity, treatment capacity, and other capacity limiting factors) as of the effective date of the Compact.''

The Working Group's intent and effect of Section 4.12.2 of the Compact is consistent with your submission. Each State will have the flexibility of choosing either to use the permitted amount or capacity limiting factors for determining existing withdrawals.

We encourage interested stakeholders to work with the individual States to help them determine which approach to use when identifying existing water withdrawals.

(b.) The individual States will have the authority to create the process for developing and maintaining lists of existing water withdrawals. It is our understanding that States intend to use processes similar to those that have been used for other management and regulatory initiatives with opportunities for public participation, appeals and due process. All interested stakeholders are encouraged to work with the individual States as they develop these processes to ensure that the lists are accurate.

2. CONCERN: Change to a mandatory requirement not understood.

A very recent change to a decision-making standard (Section 4.11.2)—a substitution of ''and'' instead of ''of'' as the conjunctive in the last phrase—changes the entire meaning of the provision and sets up a situation where a significant impact on a few feet of a stream could be viewed as a bar to permitting. Hopefully this is just a ''typo.'' If not, this constitutes a considerable and unsupportable change in intent of the section.

Response

The Working Group's intent is consistent with your submission regarding the scope of evaluating ''no significant adverse impacts.'' To clarify, a ''Source Watershed'' is the watershed of a Great Lake or the St. Lawrence River. Therefore, requiring that there be no significant adverse impacts to a Source Watershed means that, for example, there be no significant adverse impacts to the Lake Michigan watershed.

In your submission to the Working Group, your proposed criterion included in your Section 4.9.2 read as follows:

''The Consumptive Use [or] Withdrawal . . . will be implemented so as to ensure that the Proposal. . . .will result in no significant individual or cumulative adverse impacts to the quantity or quality of the *Waters and Water Dependent Natural Resources of the applicable Source Watershed*.'' [Emphasis added.]

With this language and the corresponding definitions, your submission would require that there be no significant individual or cumulative adverse impacts at both the Basin-wide and Source Watershed (e.g. Lake Michigan watershed) scale.

In the Compact, the definition of ''Water and Water Dependent Natural Resources'' (Section 1.2) reads as follows:

''Water Dependent Natural Resources means the interacting components of land, Water and living organisms affected by the *Waters of the Basin*.'' [Emphasis added.]

And the definition ''Waters of the Basin'' reads in the Compact as follows (Section 1.2):

''Waters of the Basin or Basin Water means the Great Lakes and *all* streams, rivers, lakes, connecting channels and other bodies of water, including tributary groundwater, within the Basin.'' [Emphasis added.]

Accordingly, when a reference is made to the ''Water Dependent Natural Resources,'' a reference is effectively made to all of the water of the Great Lakes Basin. Therefore, in Section 4.11.2 of the Compact, the use of the word ''and'' in place of ''of'' simply clarifies that, in addition to your explicit requirement that there be no significant adverse impacts to the Water Dependent Natural Resources of the Source Watershed, there be no significant adverse impacts to the Great Lakes—St. Lawrence River Basin as a whole.

In conclusion, the intent and effect of the language included by the Working Group is consistent with the intent and effect of the language provided in your submission.

3. CONCERN: Inappropriate unilateral Council authority.

As currently drafted, it appears that the Council can revise all the carefully crafted provisions of this Compact (Section 3.1, 2nd Para.) without any public or State legislative review. This threatens the stability of secure access which is so critical to industry. The odds are legislators would not appreciate this delegation of legislative authority either. At best there are significant differences of opinion as to how this section reads. At worse, the Council has reserved the right to change, by unanimous vote and without affirmative legislative action of the Parties, the Standard. We suspect it is a lack of clarity and can easily be remedied.

Response

This is an incorrect interpretation of the referenced paragraph. The second paragraph of Section 3.1 of the Compact does not allow the Compact Council to ''unilaterally'' revise the Standard of Review and Decision without any public or State legislative review. The second paragraph of Section 3.1 states that:

The Council may revise the Standard of Review and Decision, after consultation with the Provinces and upon *(1)* unanimous vote of all Council members, *(2)* by regulation duly adopted in accordance with Section 3.3 of this Compact and *(3)* in accordance with each Party's respective statutory authorities and applicable procedures. [Italicized numbers added]

Therefore, before any revision can be made to the Standard of Review and Decision, ALL of the following steps must take place:

(1) Unanimous vote of all Council members. The Council consists of all eight Great Lakes Governors (see Section 2.2). Therefore, all eight Governors must approve any proposed revision to the Standard of Review and Decision. Any single Governor may veto a proposed revision to the Standard of Review and Decision.

(2) Regulation duly adopted in accordance with Section 3.3 of this Compact. Section 3.3.1 states in part that: Any rule or regulation of the Council . . . shall be adopted *only after public notice and hearing*. [Emphasis added] A contention that changes can be made without public notice and hearing is incorrect.

(3) In accordance with each Party's respective statutory authorities and applicable procedures. Any proposed revision must be done in accordance with the appropriate statutes, rules and regulations in each and every State. Each State will have the opportunity to determine what the appropriate rules may be.

It is difficult to envision a case where there would be no public hearings or input in any of the States on a proposed revision to the Standard of Review and Decision. All of the States currently have in place procedures that must be followed before regulations can come into force. In some instances, these procedures include legislative review of the proposed regulations.

Therefore, an interpretation that there could be a ''unilateral'' revision to the Standard or Review and Decision is erroneous. Each State legislature has significant ability to decide under what circumstances the Standard of Review and Decision may be revised because of the requirement that the revision be adopted in accordance with each Party's respective statutory authorities and applicable procedures.

CONCLUSION

We appreciate your concerns and we hope that this clarification regarding the Working Group's intent is helpful. As always, if there are questions please do not hesitate to contact me or other Working Group members. We appreciate your continued partnership in our shared efforts to protect the Great Lakes—St. Lawrence River Basin.

Ms. CANTWELL. I ask unanimous consent that a Levin amendment be agreed to; the joint resolution, as amended, be read a third time and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5263) was agreed to, as follows:

(Purpose: To clarify the authority of Congress)

On page 63, strike lines 4 through 11 and insert the following:

(1) Congress consents to and approves the interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin described in the preamble;

(2) until a Great Lakes Water Compact is ratified and enforceable, laws in effect as of the date of enactment of this resolution provide protection sufficient to prevent Great Lakes water diversions; and

(3) Congress expressly reserves the right to alter, amend, or repeal this resolution.

The joint resolution (S.J. Res. 45), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 45), as amended, with its preamble, reads as follows:

S.J. RES. 45

Whereas the interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin reads as follows:

"AGREEMENT

"Section 1. The states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin and the Commonwealth of Pennsylvania hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by the respective state legislatures and consent by the Congress of the United States as follows:

"GREAT LAKES—ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT

"ARTICLE 1

"SHORT TITLE, DEFINITIONS, PURPOSES AND DURATION

"Section 1.1. Short Title. This act shall be known and may be cited as the ''Great Lakes—St. Lawrence River Basin Water Resources Compact.''

"Section 1.2. Definitions. For the purposes of this Compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

"Adaptive Management means a Water resources management system that provides a systematic process for evaluation, monitoring and learning from the outcomes of operational programs and adjustment of policies, plans and programs based on experience and the evolution of scientific knowledge concerning Water resources and Water Dependent Natural Resources.

"Agreement means the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement.

"Applicant means a Person who is required to submit a Proposal that is subject to management and regulation under this Compact. **Application** has a corresponding meaning.

"Basin or **Great Lakes—St. Lawrence River Basin** means the watershed of the Great Lakes and the St. Lawrence River upstream from Trois-Rivières, Québec within the jurisdiction of the Parties.

"Basin Ecosystem or **Great Lakes—St. Lawrence River Basin Ecosystem** means the interacting components of air, land, Water and living organisms, including humankind, within the Basin.

"Community within a Straddling County means any incorporated city, town or the equivalent thereof, that is located outside the Basin but wholly within a County that lies partly within the Basin and that is not a Straddling Community.

"Compact means this Compact.

"Consumptive Use means that portion of the Water Withdrawn or withheld from the Basin that is lost or otherwise not returned to the Basin due to evaporation, incorporation into Products, or other processes.

"Council means the Great Lakes—St. Lawrence River Basin Water Resources Council, created by this Compact.

"Council Review means the collective review by the Council members as described in Article 4 of this Compact.

"County means the largest territorial division for local government in a State. The County boundaries shall be defined as those boundaries that exist as of December 13, 2005.

"Cumulative Impacts mean the impact on the Basin Ecosystem that results from incremental effects of all aspects of a Withdrawal, Diversion or Consumptive Use in addition to other past, present, and reasonably foreseeable future Withdrawals, Diversions and Consumptive Uses regardless of who undertakes the other Withdrawals, Diversions and Consumptive Uses. Cumulative Impacts can result from individually minor but collectively significant Withdrawals, Diversions and Consumptive Uses taking place over a period of time.

"Decision-Making Standard means the decision-making standard established by Section 4.11 for Proposals subject to management and regulation in Section 4.10.

"Diversion means a transfer of Water from the Basin into another watershed, or from the watershed of one of the Great Lakes into that of another by any means of transfer, including but not limited to a pipeline, canal, tunnel, aqueduct, channel, modification of the direction of a water course, a tanker ship, tanker truck or rail tanker but does not apply to Water that is used in the Basin or a Great Lake watershed to manufacture or produce a Product that is then transferred out of the Basin or watershed. **Divert** has a corresponding meaning.

"Environmentally Sound and Economically Feasible Water Conservation Measures mean those measures, methods, technologies or practices for efficient water use and for reduction of water loss and waste or for reducing a Withdrawal, Consumptive Use or Diversion that i) are environmentally sound, ii) reflect best practices applicable to the water use sector, iii) are technically feasible and available, iv) are economically feasible and cost effective based on an analysis that considers direct and avoided economic and environmental costs and v) consider the particular facilities and processes involved, taking into account the environmental impact, age of equipment and facilities involved, the processes employed, energy impacts and other appropriate factors.

"Exception means a transfer of Water that is excepted under Section 4.9 from the prohibition against Diversions in Section 4.8.

"Exception Standard means the standard for Exceptions established in Section 4.9.4.

"Intra-Basin Transfer means the transfer of Water from the watershed of one of the Great Lakes into the watershed of another Great Lake.

"Measures means any legislation, law, regulation, directive, requirement, guideline, program, policy, administrative practice or other procedure.

"New or Increased Diversion means a new Diversion, an increase in an existing Diversion, or the alteration of an existing Withdrawal so that it becomes a Diversion.

"New or Increased Withdrawal or Consumptive Use means a new Withdrawal or Consumptive Use or an increase in an existing Withdrawal or Consumptive Use.

"Originating Party means the Party within whose jurisdiction an Application or registration is made or required.

"Party means a State party to this Compact.

"Person means a human being or a legal person, including a government or a non-governmental organization, including any scientific, professional, business, non-profit, or public interest organization or association that is neither affiliated with, nor under the direction of a government.

"Product means something produced in the Basin by human or mechanical effort or through agricultural processes and used in manufacturing, commercial or other processes or intended for intermediate or end use consumers. (i) Water used as part of the packaging of a Product shall be considered to be part of the Product. (ii) Other than Water used as part of the packaging of a Product, Water that is used primarily to transport materials in or out of the Basin is not a Product or part of a Product. (iii) Except as provided in (i) above, Water which is transferred as part of a public or private supply is not a Product or part of a Product. (iv) Water in its natural state such as in lakes, rivers, reservoirs, aquifers, or water basins is not a Product.

"Proposal means a Withdrawal, Diversion or Consumptive Use of Water that is subject to this Compact.

"Province means Ontario or Québec.

"Public Water Supply Purposes means water distributed to the public through a physically connected system of treatment, storage and distribution facilities serving a group of largely residential customers that may also serve industrial, commercial, and other institutional operators. Water Withdrawn directly from the Basin and not through such a system shall not be considered to be used for Public Water Supply Purposes.

"Regional Body means the members of the Council and the Premiers of Ontario and Québec or their designee as established by the Agreement.

"Regional Review means the collective review by the Regional Body as described in Article 4 of this Compact.

"Source Watershed means the watershed from which a Withdrawal originates. If Water is Withdrawn directly from a Great Lake or from the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. If Water is Withdrawn from the watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively, with a preference to the direct tributary stream watershed from which it was Withdrawn.

"Standard of Review and Decision means the Exception Standard, Decision-Making Standard and reviews as outlined in Article 4 of this Compact.

"State means one of the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio or Wisconsin or the Commonwealth of Pennsylvania.

"Straddling Community means any incorporated city, town or the equivalent thereof, wholly within any County that lies partly or completely within the Basin, whose corporate boundary existing as of the effective date of this Compact, is partly within the Basin or partly within two Great Lakes watersheds.

"Technical Review means a detailed review conducted to determine whether or not a Proposal that requires Regional Review under this Compact meets the Standard of Review and Decision following procedures and guidelines as set out in this Compact.

"Water means ground or surface water contained within the Basin.

"Water Dependent Natural Resources means the interacting components of land, Water and living organisms affected by the Waters of the Basin.

"Waters of the Basin or Basin Water means the Great Lakes and all streams, rivers, lakes, connecting channels and other bodies of water, including tributary groundwater, within the Basin.

"Withdrawal means the taking of water from surface water or groundwater. **Withdraw** has a corresponding meaning.

"Section 1.3. Findings and Purposes.

''The legislative bodies of the respective Parties hereby find and declare:

''1. Findings:

''a. The Waters of the Basin are precious public natural resources shared and held in trust by the States;

''b. The Waters of the Basin are interconnected and part of a single hydrologic system;

''c. The Waters of the Basin can concurrently serve multiple uses. Such multiple uses include municipal, public, industrial, commercial, agriculture, mining, navigation, energy development and production, recreation, the subsistence, economic and cultural activities of native peoples, Water quality maintenance, and the maintenance of fish and wildlife habitat and a balanced ecosystem. And, other purposes are encouraged, recognizing that such uses are interdependent and must be balanced;

''d. Future Diversions and Consumptive Uses of Basin Water resources have the potential to significantly impact the environment, economy and welfare of the Great Lakes—St. Lawrence River region;

''e. Continued sustainable, accessible and adequate Water supplies for the people and economy of the Basin are of vital importance; and,

''f. The Parties have a shared duty to protect, conserve, restore, improve and manage the renewable but finite Waters of the Basin for the use, benefit and enjoyment of all their citizens, including generations yet to come. The most effective means of protecting, conserving, restoring, improving and managing the Basin Waters is through the joint pursuit of unified and cooperative principles, policies and programs mutually-agreed upon, enacted and adhered to by all Parties.

''2. Purposes:

''a. To act together to protect, conserve, restore, improve and effectively manage the Waters and Water Dependent Natural Resources of the Basin under appropriate arrangements for intergovernmental cooperation and consultation because current lack of full scientific certainty should not be used as a reason for postponing measures to protect the Basin Ecosystem;

''b. To remove causes of present and future controversies;

''c. To provide for cooperative planning and action by the Parties with respect to such Water resources;

''d. To facilitate consistent approaches to Water management across the Basin while retaining State management authority over Water management decisions within the Basin;

''e. To facilitate the exchange of data, strengthen the scientific information base upon which decisions are made and engage in consultation on the potential effects of proposed Withdrawals and losses on the Waters and Water Dependent Natural Resources of the Basin;

''f. To prevent significant adverse impacts of Withdrawals and losses on the Basin's ecosystems and watersheds;

''g. To promote interstate and State-Provincial comity; and,

''h. To promote an Adaptive Management approach to the conservation and management of Basin Water resources, which recognizes, considers and provides adjustments for the uncertainties in, and evolution of, scientific knowledge concerning the Basin's Waters and Water Dependent Natural Resources.

''Section 1.4. Science.

''1. The Parties commit to provide leadership for the development of a collaborative strategy with other regional partners to strengthen the scientific basis for sound Water management decision making under this Compact.

''2. The strategy shall guide the collection and application of scientific information to support:

''a. An improved understanding of the individual and Cumulative Impacts of Withdrawals from various locations and Water sources on the Basin Ecosystem and to develop a mechanism by which impacts of Withdrawals may be assessed;

''b. The periodic assessment of Cumulative Impacts of Withdrawals, Diversions and Consumptive Uses on a Great Lake and St. Lawrence River watershed basis;

''c. Improved scientific understanding of the Waters of the Basin;

''d. Improved understanding of the role of groundwater in Basin Water resources management; and,

''e. The development, transfer and application of science and research related to Water conservation and Water use efficiency.

''ARTICLE 2

''ORGANIZATION

''Section 2.1. Council Created.

''The Great Lakes—St. Lawrence River Basin Water Resources Council is hereby created as a body politic and corporate, with succession for the duration of this Compact, as an agency and instrumentality of the governments of the respective Parties.

''Section 2.2. Council Membership.

''The Council shall consist of the Governors of the Parties, ex officio.

''Section 2.3. Alternates.

''Each member of the Council shall appoint at least one alternate who may act in his or her place and stead, with authority to attend all meetings of the Council and with power to vote in the absence of the member. Unless otherwise provided by law of the Party for which he or she is appointed, each alternate shall serve during the term of the member appointing him or her, subject to removal at the pleasure of the member. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as an original appointment for the unexpired term only.

''Section 2.4. Voting.

''1. Each member is entitled to one vote on all matters that may come before the Council.

''2. Unless otherwise stated, the rule of decision shall be by a simple majority.

''3. The Council shall annually adopt a budget for each fiscal year and the amount required to balance the budget shall be apportioned equitably among the Parties by unanimous vote of the Council. The appropriation of such amounts shall be subject to such review and approval as may be required by the budgetary processes of the respective Parties.

''4. The participation of Council members from a majority of the Parties shall constitute a quorum for the transaction of business at any meeting of the Council.

''Section 2.5. Organization and Procedure.

''The Council shall provide for its own organization and procedure, and may adopt rules and regulations governing its meetings and transactions, as well as the procedures and timeline for submission, review and consideration of Proposals that come before the Council for its review and action. The Council shall organize, annually, by the election of a Chair and Vice Chair from among its members. Each member may appoint an advisor, who may attend all meetings of the Council and its committees, but shall not have voting power. The Council may employ or appoint professional and administrative personnel, including an Executive Director, as it may deem advisable, to carry out the purposes of this Compact.

''Section 2.6. Use of Existing Offices and Agencies.

''It is the policy of the Parties to preserve and utilize the functions, powers and duties of existing offices and agencies of government to the extent consistent with this Compact. Further, the Council shall promote and aid the coordination of the activities and programs of the Parties concerned with Water resources management in the Basin. To this end, but without limitation, the Council may:

''1. Advise, consult, contract, assist or otherwise cooperate with any and all such agencies;

''2. Employ any other agency or instrumentality of any of the Parties for any purpose; and,

''3. Develop and adopt plans consistent with the Water resources plans of the Parties.

''Section 2.7. Jurisdiction.

''The Council shall have, exercise and discharge its functions, powers and duties within the limits of the Basin. Outside the Basin, it may act in its discretion, but only to the extent such action may be necessary or convenient to effectuate or implement its powers or responsibilities within the Basin and subject to the consent of the jurisdiction wherein it proposes to act.

''Section 2.8. Status, Immunities and Privileges.

''1. The Council, its members and personnel in their official capacity and when engaged directly in the affairs of the Council, its property and its assets, wherever located and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by the Parties, except to the extent that the Council may expressly waive its immunity for the purposes of any proceedings or by the terms of any contract.

''2. The property and assets of the Council, wherever located and by whomsoever held, shall be considered public property and shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by executive or legislative action.

''3. The Council, its property and its assets, income and the operations it carries out pursuant to this Compact shall be immune from all taxation by or under the authority of any of the Parties or any political subdivision thereof; provided, however, that in lieu of property taxes the Council may make reasonable payments to local taxing districts in annual amounts which shall approximate the taxes lawfully assessed upon similar property.

''Section 2.9. Advisory Committees.

''The Council may constitute and empower advisory committees, which may be comprised of representatives of the public and of federal, State, tribal, county and local governments, water resources agencies, water-using industries and sectors, water-interest groups and academic experts in related fields.

''ARTICLE 3

''GENERAL POWERS AND DUTIES

''Section 3.1. General.

''The Waters and Water Dependent Natural Resources of the Basin are subject to the sovereign right and responsibilities of the Parties, and it is the purpose of this Compact to provide for joint exercise of such powers of sovereignty by the Council in the common interests of the people of the region, in the manner and to the extent provided in this Compact. The Council and the Parties shall use the Standard of Review and Decision and procedures contained in or adopted pursuant to this Compact as the means to exercise their authority under this Compact. The Council may revise the Standard of Review and Decision, after consultation with

the Provinces and upon unanimous vote of all Council members, by regulation duly adopted in accordance with Section 3.3 of this Compact and in accordance with each Party's respective statutory authorities and applicable procedures.

The Council shall identify priorities and develop plans and policies relating to Basin Water resources. It shall adopt and promote uniform and coordinated policies for Water resources conservation and management in the Basin.

"Section 3.2. Council Powers.

''The Council may: plan; conduct research and collect, compile, analyze, interpret, report and disseminate data on Water resources and uses; forecast Water levels; conduct investigations; institute court actions; design, acquire, construct, reconstruct, own, operate, maintain, control, sell and convey real and personal property and any interest therein as it may deem necessary, useful or convenient to carry out the purposes of this Compact; make contracts; receive and accept such payments, appropriations, grants, gifts, loans, advances and other funds, properties and services as may be transferred or made available to it by any Party or by any other public or private agency, corporation or individual; and, exercise such other and different powers as may be delegated to it by this Compact or otherwise pursuant to law, and have and exercise all powers necessary or convenient to carry out its express powers or which may be reasonably implied therefrom.

"Section 3.3. Rules and Regulations.

''1. The Council may promulgate and enforce such rules and regulations as may be necessary for the implementation and enforcement of this Compact. The Council may adopt by regulation, after public notice and public hearing, reasonable Application fees with respect to those Proposals for Exceptions that are subject to Council review under Section 4.9. Any rule or regulation of the Council, other than one which deals solely with the internal management of the Council or its property, shall be adopted only after public notice and hearing.

''2. Each Party, in accordance with its respective statutory authorities and applicable procedures, may adopt and enforce rules and regulations to implement and enforce this Compact and the programs adopted by such Party to carry out the management programs contemplated by this Compact.

"Section 3.4. Program Review and Findings.

''1. Each Party shall submit a report to the Council and the Regional Body detailing its Water management and conservation and efficiency programs that implement this Compact. The report shall set out the manner in which Water Withdrawals are managed by sector, Water source, quantity or any other means, and how the provisions of the Standard of Review and Decision and conservation and efficiency programs are implemented. The first report shall be provided by each Party one year from the effective date of this Compact and thereafter every 5 years.

''2. The Council, in cooperation with the Provinces, shall review its Water management and conservation and efficiency programs and those of the Parties that are established in this Compact and make findings on whether the Water management program provisions in this Compact are being met, and if not, recommend options to assist the Parties in meeting the provisions of this Compact. Such review shall take place:

''a. 30 days after the first report is submitted by all Parties; and,

''b. Every five years after the effective date of this Compact; and,

''c. At any other time at the request of one of the Parties.

''3. As one of its duties and responsibilities, the Council may recommend a range of approaches to the Parties with respect to the development, enhancement and application of Water management and conservation and efficiency programs to implement the Standard of Review and Decision reflecting improved scientific understanding of the Waters of the Basin, including groundwater, and the impacts of Withdrawals on the Basin Ecosystem.

"ARTICLE 4

"WATER MANAGEMENT AND REGULATION

"Section 4.1. Water Resources Inventory, Registration and Reporting.

''1. Within five years of the effective date of this Compact, each Party shall develop and maintain a Water resources inventory for the collection, interpretation, storage, retrieval exchange, and dissemination of information concerning the Water resources of the Party, including, but not limited to, information on the location, type, quantity, and use of those resources and the location, type, and quantity of Withdrawals, Diversions and Consumptive Uses. To the extent feasible, the Water resources inventory shall be developed in cooperation with local, State, federal, tribal and other private agencies and entities, as well as the Council. Each Party's agencies shall cooperate with that Party in the development and maintenance of the inventory.

''2. The Council shall assist each Party to develop a common base of data regarding the management of the Water Resources of the Basin and to establish systematic arrangements for the exchange of those data with other States and Provinces.

''3. To develop and maintain a compatible base of Water use information, within five years of the effective date of this Compact any Person who Withdraws Water in an amount of 100,000 gallons per day or greater average in any 30-day period (including Consumptive Uses) from all sources, or Diverts Water of any amount, shall register the Withdrawal or Diversion by a date set by the Council unless the Person has previously registered in accordance with an existing State program. The Person shall register the Withdrawal or Diversion with the Originating Party using a form prescribed by the Originating Party that shall include, at a minimum and without limitation: the name and address of the registrant and date of registration; the locations and sources of the Withdrawal or Diversion; the capacity of the Withdrawal or Diversion per day and the amount Withdrawn or Diverted from each source; the uses made of the Water; places of use and places of discharge; and, such other information as the Originating Party may require. All registrations shall include an estimate of the volume of the Withdrawal or Diversion in terms of gallons per day average in any 30-day period.

''4. All registrants shall annually report the monthly volumes of the Withdrawal, Consumptive Use and Diversion in gallons to the Originating Party and any other information requested by the Originating Party.

''5. Each Party shall annually report the information gathered pursuant to this Section to a Great Lakes—St. Lawrence River Water use data base repository and aggregated information shall be made publicly available, consistent with the confidentiality requirements in Section 8.3.

''6. Information gathered by the Parties pursuant to this Section shall be used to improve the sources and applications of scientific information regarding the Waters of the Basin and the impacts of the Withdrawals and Diversions from various locations and Water sources on the Basin Ecosystem, and to better understand the role of groundwater in the Basin. The Council and the Parties shall coordinate the collection and application of scientific information to further develop a mechanism by which individual and Cumulative Impacts of Withdrawals, Consumptive Uses and Diversions shall be assessed.

"Section 4.2. Water Conservation and Efficiency Programs.

''1. The Council commits to identify, in cooperation with the Provinces, Basin-wide Water conservation and efficiency objectives to assist the Parties in developing their Water conservation and efficiency program. These objectives are based on the goals of:

''a. Ensuring improvement of the Waters and Water Dependent Natural Resources;

''b. Protecting and restoring the hydrologic and ecosystem integrity of the Basin;

''c. Retaining the quantity of surface water and groundwater in the Basin;

''d. Ensuring sustainable use of Waters of the Basin; and,

''e. Promoting the efficiency of use and reducing losses and waste of Water.

''2. Within two years of the effective date of this Compact, each Party shall develop its own Water conservation and efficiency goals and objectives consistent with the Basin-wide goals and objectives, and shall develop and implement a Water conservation and efficiency program, either voluntary or mandatory, within its jurisdiction based on the Party's goals and objectives. Each Party shall annually assess its programs in meeting the Party's goals and objectives, report to the Council and the Regional Body and make this annual assessment available to the public.

''3. Beginning five years after the effective date of this Compact, and every five years thereafter, the Council, in cooperation with the Provinces, shall review and modify as appropriate the Basin-wide objectives, and the Parties shall have regard for any such modifications in implementing their programs. This assessment will be based on examining new technologies, new patterns of Water use, new resource demands and threats, and Cumulative Impact assessment under Section 4.15.

''4. Within two years of the effective date of this Compact, the Parties commit to promote Environmentally Sound and Economically Feasible Water Conservation Measures such as:

''a. Measures that promote efficient use of Water;

''b. Identification and sharing of best management practices and state of the art conservation and efficiency technologies;

''c. Application of sound planning principles;

''d. Demand-side and supply-side Measures or incentives; and,

''e. Development, transfer and application of science and research.

''5. Each Party shall implement in accordance with paragraph 2 above a voluntary or mandatory Water conservation program for all, including existing, Basin Water users. Conservation programs need to adjust to new demands and the potential impacts of cumulative effects and climate.

"Section 4.3. Party Powers and Duties.

''1. Each Party, within its jurisdiction, shall manage and regulate New or Increased Withdrawals, Consumptive Uses and Diversions, including Exceptions, in accordance with this Compact.

''2. Each Party shall require an Applicant to submit an Application in such manner and with such accompanying information as the Party shall prescribe.

''3. No Party may approve a Proposal if the Party determines that the Proposal is inconsistent with this Compact or the Standard of Review and Decision or any implementing rules or regulations promulgated thereunder. The Party may approve, approve with modifications or disapprove any Proposal depending on the Proposal's consistency with this Compact and the Standard of Review and Decision.

''4. Each Party shall monitor the implementation of any approved Proposal to ensure consistency with the approval and may take all necessary enforcement actions.

''5. No Party shall approve a Proposal subject to Council or Regional Review, or both, pursuant to this Compact unless it shall have been first submitted to and reviewed by either the Council or Regional Body, or both, and approved by the Council, as applicable. Sufficient opportunity shall be provided for comment on the Proposal's consistency with this Compact and the Standard of Review and Decision. All such comments shall become part of the Party's formal record of decision, and the Party shall take into consideration any such comments received.

''Section 4.4. Requirement for Originating Party Approval.

''No Proposal subject to management and regulation under this Compact shall hereafter be undertaken by any Person unless it shall have been approved by the Originating Party.

''Section 4.5. Regional Review.

''1. General.

''a. It is the intention of the Parties to participate in Regional Review of Proposals with the Provinces, as described in this Compact and the Agreement.

''b. Unless the Applicant or the Originating Party otherwise requests, it shall be the goal of the Regional Body to conclude its review no later than 90 days after notice under Section 4.5.2 of such Proposal is received from the Originating Party.

''c. Proposals for Exceptions subject to Regional Review shall be submitted by the Originating Party to the Regional Body for Regional Review, and where applicable, to the Council for concurrent review.

''d. The Parties agree that the protection of the integrity of the Great Lakes—St. Lawrence River Basin Ecosystem shall be the overarching principle for reviewing Proposals subject to Regional Review, recognizing uncertainties with respect to demands that may be placed on Basin Water, including groundwater, levels and flows of the Great Lakes and the St. Lawrence River, future changes in environmental conditions, the reliability of existing data and the extent to which Diversions may harm the integrity of the Basin Ecosystem.

''e. The Originating Party shall have lead responsibility for coordinating information for resolution of issues related to evaluation of a Proposal, and shall consult with the Applicant throughout the Regional Review Process.

''f. A majority of the members of the Regional Body may request Regional Review of a regionally significant or potentially precedent setting Proposal. Such Regional Review must be conducted, to the extent possible, within the time frames set forth in this Section. Any such Regional Review shall be undertaken only after consulting the Applicant.

''2. Notice from Originating Party to the Regional Body.

''a. The Originating Party shall determine if a Proposal is subject to Regional Review. If so, the Originating Party shall provide timely notice to the Regional Body and the public.

''b. Such notice shall not be given unless and until all information, documents and the Originating Party's Technical Review needed to evaluate whether the Proposal meets the Standard of Review and Decision have been provided.

''c. An Originating Party may:

''i. Provide notice to the Regional Body of an Application, even if notification is not required; or,

''ii. Request Regional Review of an application, even if Regional Review is not required. Any such Regional Review shall be undertaken only after consulting the Applicant.

''d. An Originating Party may provide preliminary notice of a potential Proposal.

''3. Public Participation.

''a. To ensure adequate public participation, the Regional Body shall adopt procedures for the review of Proposals that are subject to Regional Review in accordance with this Article.

''b. The Regional Body shall provide notice to the public of a Proposal undergoing Regional Review. Such notice shall indicate that the public has an opportunity to comment in writing to the Regional Body on whether the Proposal meets the Standard of Review and Decision.

''c. The Regional Body shall hold a public meeting in the State or Province of the Originating Party in order to receive public comment on the issue of whether the Proposal under consideration meets the Standard of Review and Decision.

''d. The Regional Body shall consider the comments received before issuing a Declaration of Finding.

''e. The Regional Body shall forward the comments it receives to the Originating Party.

''4. Technical Review.

''a. The Originating Party shall provide the Regional Body with its Technical Review of the Proposal under consideration.

''b. The Originating Party's Technical Review shall thoroughly analyze the Proposal and provide an evaluation of the Proposal sufficient for a determination of whether the Proposal meets the Standard of Review and Decision.

''c. Any member of the Regional Body may conduct their own Technical Review of any Proposal subject to Regional Review.

''d. At the request of the majority of its members, the Regional Body shall make such arrangements as it considers appropriate for an independent Technical Review of a Proposal.

''e. All Parties shall exercise their best efforts to ensure that a Technical Review undertaken under Sections 4.5.4.c and 4.5.4.d does not unnecessarily delay the decision by the Originating Party on the Application. Unless the Applicant or the Originating Party otherwise requests, all Technical Reviews shall be completed no later than 60 days after the date the notice of the Proposal was given to the Regional Body.

''5. Declaration of Finding.

''a. The Regional Body shall meet to consider a Proposal. The Applicant shall be provided with an opportunity to present the Proposal to the Regional Body at such time.

''b. The Regional Body, having considered the notice, the Originating Party's Technical Review, any other independent Technical Review that is made, any comments or objections including the analysis of comments made by the public, First Nations and federally recognized Tribes, and any other information that is provided under this Compact shall issue a Declaration of Finding that the Proposal under consideration:

''i. Meets the Standard of Review and Decision;

''ii. Does not meet the Standard of Review and Decision; or,

''iii. Would meet the Standard of Review and Decision if certain conditions were met.

''c. An Originating Party may decline to participate in a Declaration of Finding made by the Regional Body.

''d. The Parties recognize and affirm that it is preferable for all members of the Regional Body to agree whether the Proposal meets the Standard of Review and Decision.

''e. If the members of the Regional Body who participate in the Declaration of Finding all agree, they shall issue a written Declaration of Finding with consensus.

''f. In the event that the members cannot agree, the Regional Body shall make every reasonable effort to achieve consensus within 25 days.

''g. Should consensus not be achieved, the Regional Body may issue a Declaration of Finding that presents different points of view and indicates each Party's conclusions.

''h. The Regional Body shall release the Declarations of Finding to the public.

''i. The Originating Party and the Council shall consider the Declaration of Finding before making a decision on the Proposal.

''Section 4.6. Proposals Subject to Prior Notice.

''1. Beginning no later than five years of the effective date of this Compact, the Originating Party shall provide all Parties and the Provinces with detailed and timely notice and an opportunity to comment within 90 days on any Proposal for a New or Increased Consumptive Use of 5 million gallons per day or greater average in any 90-day period. Comments shall address whether or not the Proposal is consistent with the Standard of Review and Decision. The Originating Party shall provide a response to any such comment received from another Party.

''2. A Party may provide notice, an opportunity to comment and a response to comments even if this is not required under paragraph 1 of this Section. Any provision of such notice and opportunity to comment shall be undertaken only after consulting the Applicant.

''Section 4.7. Council Actions.

''1. Proposals for Exceptions subject to Council Review shall be submitted by the Originating Party to the Council for Council Review, and where applicable, to the Regional Body for concurrent review.

''2. The Council shall review and take action on Proposals in accordance with this Compact and the Standard of Review and Decision. The Council shall not take action on a Proposal subject to Regional Review pursuant to this Compact unless the Proposal shall have been first submitted to and reviewed by the Regional Body. The Council shall consider any findings resulting from such review.

''Section 4.8. Prohibition of New or Increased Diversions.

''All New or Increased Diversions are prohibited, except as provided for in this Article.

''Section 4.9. Exceptions to the Prohibition of Diversions.

''1. Straddling Communities. A Proposal to transfer Water to an area within a Straddling Community but outside the Basin or outside the source Great Lake Watershed

shall be excepted from the prohibition against Diversions and be managed and regulated by the Originating Party provided that, regardless of the volume of Water transferred, all the Water so transferred shall be used solely for Public Water Supply Purposes within the Straddling Community, and:

''a. All Water Withdrawn from the Basin shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use. No surface water or groundwater from outside the Basin may be used to satisfy any portion of this criterion except if it:

''i. Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;

''ii. Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;

''iii. Maximizes the portion of water returned to the Source Watershed as Basin Water and minimizes the surface water or groundwater from outside the Basin;

''b. If the Proposal results from a New or Increased Withdrawal of 100,000 gallons per day or greater average over any 90-day period, the Proposal shall also meet the Exception Standard; and,

''c. If the Proposal results in a New or Increased Consumptive Use of 5 million gallons per day or greater average over any 90-day period, the Proposal shall also undergo Regional Review.

''2. Intra-Basin Transfer. A Proposal for an Intra-Basin Transfer that would be considered a Diversion under this Compact, and not already excepted pursuant to paragraph 1 of this Section, shall be excepted from the prohibition against Diversions, provided that:

''a. If the Proposal results from a New or Increased Withdrawal less than 100,000 gallons per day average over any 90-day period, the Proposal shall be subject to management and regulation at the discretion of the Originating Party.

''b. If the Proposal results from a New or Increased Withdrawal of 100,000 gallons per day or greater average over any 90-day period and if the Consumptive Use resulting from the Withdrawal is less than 5 million gallons per day average over any 90-day period:

''i. The Proposal shall meet the Exception Standard and be subject to management and regulation by the Originating Party, except that the Water may be returned to another Great Lake watershed rather than the Source Watershed;

''ii. The Applicant shall demonstrate that there is no feasible, cost effective, and environmentally sound water supply alternative within the Great Lake watershed to which the Water will be transferred, including conservation of existing water supplies; and,

''iii. The Originating Party shall provide notice to the other Parties prior to making any decision with respect to the Proposal.

''c. If the Proposal results in a New or Increased Consumptive Use of 5 million gallons per day or greater average over any 90-day period:

''i. The Proposal shall be subject to management and regulation by the Originating Party and shall meet the Exception Standard, ensuring that Water Withdrawn shall be returned to the Source Watershed;

''ii. The Applicant shall demonstrate that there is no feasible, cost effective, and environmentally sound water supply alternative within the Great Lake watershed to which the Water will be transferred, including conservation of existing water supplies;

''iii. The Proposal undergoes Regional Review; and,

''iv. The Proposal is approved by the Council. Council approval shall be given unless one or more Council Members vote to disapprove.

''3. Straddling Counties. A Proposal to transfer Water to a Community within a Straddling County that would be considered a Diversion under this Compact shall be excepted from the prohibition against Diversions, provided that it satisfies all of the following conditions:

''a. The Water shall be used solely for the Public Water Supply Purposes of the Community within a Straddling County that is without adequate supplies of potable water;

''b. The Proposal meets the Exception Standard, maximizing the portion of water returned to the Source Watershed as Basin Water and minimizing the surface water or groundwater from outside the Basin;

''c. The Proposal shall be subject to management and regulation by the Originating Party, regardless of its size;

''d. There is no reasonable water supply alternative within the basin in which the community is located, including conservation of existing water supplies;

''e. Caution shall be used in determining whether or not the Proposal meets the conditions for this Exception. This Exception should not be authorized unless it can be shown that it will not endanger the integrity of the Basin Ecosystem;

''f. The Proposal undergoes Regional Review; and,

''g. The Proposal is approved by the Council. Council approval shall be given unless one or more Council Members vote to disapprove.

A Proposal must satisfy all of the conditions listed above. Further, substantive consideration will also be given to whether or not the Proposal can provide sufficient scientifically based evidence that the existing water supply is derived from groundwater that is hydrologically interconnected to Waters of the Basin.

''4. Exception Standard. Proposals subject to management and regulation in this Section shall be declared to meet this Exception Standard and may be approved as appropriate only when the following criteria are met:

''a. The need for all or part of the proposed Exception cannot be reasonably avoided through the efficient use and conservation of existing water supplies;

''b. The Exception will be limited to quantities that are considered reasonable for the purposes for which it is proposed;

''c. All Water Withdrawn shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use. No surface water or groundwater from the outside the Basin may be used to satisfy any portion of this criterion except if it:

''i. Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;

''ii. Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;

''d. The Exception will be implemented so as to ensure that it will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin with consideration given to the potential Cumulative Impacts of any precedent-setting consequences associated with the Proposal;

''e. The Exception will be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures to minimize Water Withdrawals or Consumptive Use;

''f. The Exception will be implemented so as to ensure that it is in compliance with all applicable municipal, State and federal laws as well as regional interstate and international agreements, including the Boundary Waters Treaty of 1909; and,

''g. All other applicable criteria in Section 4.9 have also been met.

''Section 4.10. Management and Regulation of New or Increased Withdrawals and Consumptive Uses.

''1. Within five years of the effective date of this Compact, each Party shall create a program for the management and regulation of New or Increased Withdrawals and Consumptive Uses by adopting and implementing Measures consistent with the Decision-Making Standard. Each Party, through a considered process, shall set and may modify threshold levels for the regulation of New or Increased Withdrawals in order to assure an effective and efficient Water management program that will ensure that uses overall are reasonable, that Withdrawals overall will not result in significant impacts to the Waters and Water Dependent Natural Resources of the Basin, determined on the basis of significant impacts to the physical, chemical, and biological integrity of Source Watersheds, and that all other objectives of the Compact are achieved. Each Party may determine the scope and thresholds of its program, including which New or Increased Withdrawals and Consumptive Uses will be subject to the program.

''2. Any Party that fails to set threshold levels that comply with Section 4.10.1 any time before 10 years after the effective date of this Compact shall apply a threshold level for management and regulation of all New or Increased Withdrawals of 100,000 gallons per day or greater average in any 90 day period.

''3. The Parties intend programs for New or Increased Withdrawals and Consumptive Uses to evolve as may be necessary to protect Basin Waters. Pursuant to Section 3.4, the Council, in cooperation with the Provinces, shall periodically assess the Water management programs of the Parties. Such assessments may produce recommendations for the strengthening of the programs, including without limitation, establishing lower thresholds for management and regulation in accordance with the Decision-Making Standard.

''Section 4.11. Decision-Making Standard.

''Proposals subject to management and regulation in Section 4.10 shall be declared to meet this Decision-Making Standard and may be approved as appropriate only when the following criteria are met:

''1. All Water Withdrawn shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use;

''2. The Withdrawal or Consumptive Use will be implemented so as to ensure that the Proposal will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources and the applicable Source Watershed;

''3. The Withdrawal or Consumptive Use will be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures;

''4. The Withdrawal or Consumptive Use will be implemented so as to ensure that it

is in compliance with all applicable municipal, State and federal laws as well as regional interstate and international agreements, including the Boundary Waters Treaty of 1909;

''5. The proposed use is reasonable, based upon a consideration of the following factors:

''a. Whether the proposed Withdrawal or Consumptive Use is planned in a fashion that provides for efficient use of the water, and will avoid or minimize the waste of Water;

''b. If the Proposal is for an increased Withdrawal or Consumptive use, whether efficient use is made of existing water supplies;

''c. The balance between economic development, social development and environmental protection of the proposed Withdrawal and use and other existing or planned withdrawals and water uses sharing the water source;

''d. The supply potential of the water source, considering quantity, quality, and reliability and safe yield of hydrologically interconnected water sources;

''e. The probable degree and duration of any adverse impacts caused or expected to be caused by the proposed Withdrawal and use under foreseeable conditions, to other lawful consumptive or non-consumptive uses of water or to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin, and the proposed plans and arrangements for avoidance or mitigation of such impacts; and,

''f. If a Proposal includes restoration of hydrologic conditions and functions of the Source Watershed, the Party may consider that.

''Section 4.12. Applicability.

''1. Minimum Standard. This Standard of Review and Decision shall be used as a minimum standard. Parties may impose a more restrictive decision-making standard for Withdrawals under their authority. It is also acknowledged that although a Proposal meets the Standard of Review and Decision it may not be approved under the laws of the Originating Party that has implemented more restrictive Measures.

''2. Baseline.

''a. To establish a baseline for determining a New or Increased Diversion, Consumptive Use or Withdrawal, each Party shall develop either or both of the following lists for their jurisdiction:

''i. A list of existing Withdrawal approvals as of the effective date of the Compact;

''ii. A list of the capacity of existing systems as of the effective date of this Compact. The capacity of the existing systems should be presented in terms of Withdrawal capacity, treatment capacity, distribution capacity, or other capacity limiting factors. The capacity of the existing systems must represent the state of the systems. Existing capacity determinations shall be based upon approval limits or the most restrictive capacity information.

''b. For all purposes of this Compact, volumes of Diversions, Consumptive Uses, or Withdrawals of Water set forth in the list(s) prepared by each Party in accordance with this Section, shall constitute the baseline volume.

''c. The list(s) shall be furnished to the Regional Body and the Council within one year of the effective date of this Compact.

''3. Timing of Additional Applications. Applications for New or Increased Withdrawals, Consumptive Uses or Exceptions shall be considered cumulatively within ten years of any application.

''4. Change of Ownership. Unless a new owner proposes a project that shall result in a Proposal for a New or Increased Diversion or Consumptive Use subject to Regional Review or Council approval, the change of ownership in and of itself shall not require Regional Review or Council approval.

''5. Groundwater. The Basin surface water divide shall be used for the purpose of managing and regulating New or Increased Diversions, Consumptive Uses or Withdrawals of surface water and groundwater.

''6. Withdrawal Systems. The total volume of surface water and groundwater resources that supply a common distribution system shall determine the volume of a Withdrawal, Consumptive Use or Diversion.

''7. Connecting Channels. The watershed of each Great Lake shall include its upstream and downstream connecting channels.

''8. Transmission in Water Lines. Transmission of Water within a line that extends outside the Basin as it conveys Water from one point to another within the Basin shall not be considered a Diversion if none of the Water is used outside the Basin.

''9. Hydrologic Units. The Lake Michigan and Lake Huron watersheds shall be considered to be a single hydrologic unit and watershed.

''10. Bulk Water Transfer. A Proposal to Withdraw Water and to remove it from the Basin in any container greater than 5.7 gallons shall be treated under this Compact in the same manner as a Proposal for a Diversion. Each Party shall have the discretion, within its jurisdiction, to determine the treatment of Proposals to Withdraw Water and to remove it from the Basin in any container of 5.7 gallons or less.

''Section 4.13. Exemptions.

''Withdrawals from the Basin for the following purposes are exempt from the requirements of Article 4.

''1. To supply vehicles, including vessels and aircraft, whether for the needs of the persons or animals being transported or for ballast or other needs related to the operation of the vehicles.

''2. To use in a non-commercial project on a short-term basis for firefighting, humanitarian, or emergency response purposes.

''Section 4.14. U.S. Supreme Court Decree: Wisconsin et al. v. Illinois et al.

''1. Notwithstanding any terms of this Compact to the contrary, with the exception of Paragraph 5 of this Section, current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water by the State of Illinois shall be governed by the terms of the United States Supreme Court decree in Wisconsin et al. v. Illinois et al. and shall not be subject to the terms of this Compact nor any rules or regulations promulgated pursuant to this Compact. This means that, with the exception of Paragraph 5 of this Section, for purposes of this Compact, current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water within the State of Illinois shall be allowed unless prohibited by the terms of the United States Supreme Court decree in Wisconsin et al. v. Illinois et al.

''2. The Parties acknowledge that the United States Supreme Court decree in Wisconsin et al. v. Illinois et al. shall continue in full force and effect, that this Compact shall not modify any terms thereof, and that this Compact shall grant the parties no additional rights, obligations, remedies or defenses thereto. The Parties specifically acknowledge that this Compact shall not prohibit or limit the State of Illinois in any manner from seeking additional Basin Water as allowed under the terms of the United States Supreme Court decree in Wisconsin et al. v. Illinois et al., any other party from objecting to any request by the State of Illinois for additional Basin Water under the terms of said decree, or any party from seeking any other type of modification to said decree. If an application is made by any party to the Supreme Court of the United States to modify said decree, the Parties to this Compact who are also parties to the decree shall seek formal input from the Canadian Provinces of Ontario and Québec, with respect to the proposed modification, use best efforts to facilitate the appropriate participation of said Provinces in the proceedings to modify the decree, and shall not unreasonably impede or restrict such participation.

''3. With the exception of Paragraph 5 of this Section, because current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water by the State of Illinois are not subject to the terms of this Compact, the State of Illinois is prohibited from using any term of this Compact, including Section 4.9, to seek New or Increased Withdrawals, Consumptive Uses or Diversions of Basin Water.

''4. With the exception of Paragraph 5 of this Section, because Sections 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12 (Paragraphs 1, 2, 3, 4, 6 and 10 only), and 4.13 of this Compact all relate to current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Waters, said provisions do not apply to the State of Illinois. All other provisions of this Compact not listed in the preceding sentence shall apply to the State of Illinois, including the Water Conservation Programs provision of Section 4.2.

''5. In the event of a Proposal for a Diversion of Basin Water for use outside the territorial boundaries of the Parties to this Compact, decisions by the State of Illinois regarding such a Proposal would be subject to all terms of this Compact, except Paragraphs 1, 3 and 4 of this Section.

''6. For purposes of the State of Illinois' participation in this Compact, the entirety of this Section 4.14 is necessary for the continued implementation of this Compact and, if severed, this Compact shall no longer be binding on or enforceable by or against the State of Illinois.

''Section 4.15. Assessment of Cumulative Impacts.

''1. The Parties in cooperation with the Provinces shall collectively conduct within the Basin, on a Lake watershed and St. Lawrence River Basin basis, a periodic assessment of the Cumulative Impacts of Withdrawals, Diversions and Consumptive Uses from the Waters of the Basin, every 5 years or each time the incremental Basin Water losses reach 50 million gallons per day average in any 90-day period in excess of the quantity at the time of the most recent assessment, whichever comes first, or at the request of one or more of the Parties. The assessment shall form the basis for a review of the Standard of Review and Decision, Council and Party regulations and their application. This assessment shall:

''a. Utilize the most current and appropriate guidelines for such a review, which may include but not be limited to Council on Environmental Quality and Environment Canada guidelines;

''b. Give substantive consideration to climate change or other significant threats to Basin Waters and take into account the current state of scientific knowledge, or uncertainty, and appropriate Measures to exercise

caution in cases of uncertainty if serious damage may result;

''c. Consider adaptive management principles and approaches, recognizing, considering and providing adjustments for the uncertainties in, and evolution of science concerning the Basin's water resources, watersheds and ecosystems, including potential changes to Basin-wide processes, such as lake level cycles and climate.

''2. The Parties have the responsibility of conducting this Cumulative Impact assessment. Applicants are not required to participate in this assessment.

''3. Unless required by other statutes, Applicants are not required to conduct a separate cumulative impact assessment in connection with an Application but shall submit information about the potential impacts of a Proposal to the quantity or quality of the Waters and Water Dependent Natural Resources of the applicable Source Watershed. An Applicant may, however, provide an analysis of how their Proposal meets the no significant adverse Cumulative Impact provision of the Standard of Review and Decision.

"ARTICLE 5

"TRIBAL CONSULTATION

"Section 5.1. Consultation with Tribes.

''1. In addition to all other opportunities to comment pursuant to Section 6.2, appropriate consultations shall occur with federally recognized Tribes in the Originating Party for all Proposals subject to Council or Regional Review pursuant to this Compact. Such consultations shall be organized in the manner suitable to the individual Proposal and the laws and policies of the Originating Party.

''2. All federally recognized Tribes within the Basin shall receive reasonable notice indicating that they have an opportunity to comment in writing to the Council or the Regional Body, or both, and other relevant organizations on whether the Proposal meets the requirements of the Standard of Review and Decision when a Proposal is subject to Regional Review or Council approval. Any notice from the Council shall inform the Tribes of any meeting or hearing that is to be held under Section 6.2 and invite them to attend. The Parties and the Council shall consider the comments received under this Section before approving, approving with modifications or disapproving any Proposal subject to Council or Regional Review.

''3. In addition to the specific consultation mechanisms described above, the Council shall seek to establish mutually-agreed upon mechanisms or processes to facilitate dialogue with, and input from federally recognized Tribes on matters to be dealt with by the Council; and, the Council shall seek to establish mechanisms and processes with federally recognized Tribes designed to facilitate on-going scientific and technical interaction and data exchange regarding matters falling within the scope of this Compact. This may include participation of tribal representatives on advisory committees established under this Compact or such other processes that are mutually-agreed upon with federally recognized Tribes individually or through duly-authorized intertribal agencies or bodies.

"ARTICLE 6

"PUBLIC PARTICIPATION

"Section 6.1. Meetings, Public Hearings and Records.

''1. The Parties recognize the importance and necessity of public participation in promoting management of the Water Resources of the Basin. Consequently, all meetings of the Council shall be open to the public, except with respect to issues of personnel.

''2. The minutes of the Council shall be a public record open to inspection at its offices during regular business hours.

"Section 6.2. Public Participation.

''It is the intent of the Council to conduct public participation processes concurrently and jointly with processes undertaken by the Parties and through Regional Review. To ensure adequate public participation, each Party or the Council shall ensure procedures for the review of Proposals subject to the Standard of Review and Decision consistent with the following requirements:

''1. Provide public notification of receipt of all Applications and a reasonable opportunity for the public to submit comments before Applications are acted upon.

''2. Assure public accessibility to all documents relevant to an Application, including public comment received.

''3. Provide guidance on standards for determining whether to conduct a public meeting or hearing for an Application, time and place of such a meeting(s) or hearing(s), and procedures for conducting of the same.

''4. Provide the record of decision for public inspection including comments, objections, responses and approvals, approvals with conditions and disapprovals.

"ARTICLE 7

"DISPUTE RESOLUTION AND ENFORCEMENT

"Section 7.1. Good Faith Implementation.

''Each of the Parties pledges to support implementation of all provisions of this Compact, and covenants that its officers and agencies shall not hinder, impair, or prevent any other Party carrying out any provision of this Compact.

"Section 7.2. Alternative Dispute Resolution.

''1. Desiring that this Compact be carried out in full, the Parties agree that disputes between the Parties regarding interpretation, application and implementation of this Compact shall be settled by alternative dispute resolution.

''2. The Council, in consultation with the Provinces, shall provide by rule procedures for the resolution of disputes pursuant to this section.

"Section 7.3. Enforcement.

''1. Any Person aggrieved by any action taken by the Council pursuant to the authorities contained in this Compact shall be entitled to a hearing before the Council. Any Person aggrieved by a Party action shall be entitled to a hearing pursuant to the relevant Party's administrative procedures and laws. After exhaustion of such administrative remedies, (i) any aggrieved Person shall have the right to judicial review of a Council action in the United States District Courts for the District of Columbia or the District Court in which the Council maintains offices, provided such action is commenced within 90 days; and, (ii) any aggrieved Person shall have the right to judicial review of a Party's action in the relevant Party's court of competent jurisdiction, provided that an action or proceeding for such review is commenced within the time frames provided for by the Party's law. For the purposes of this paragraph, a State or Province is deemed to be an aggrieved Person with respect to any Party action pursuant to this Compact.

''2. a. Any Party or the Council may initiate actions to compel compliance with the provisions of this Compact, and the rules and regulations promulgated hereunder by the Council. Jurisdiction over such actions is granted to the court of the relevant Party, as well as the United States District Courts for the District of Columbia and the District Court in which the Council maintains offices. The remedies available to any such court shall include, but not be limited to, equitable relief and civil penalties.

''b. Each Party may issue orders within its respective jurisdiction and may initiate actions to compel compliance with the provisions of its respective statutes and regulations adopted to implement the authorities contemplated by this Compact in accordance with the provisions of the laws adopted in each Party's jurisdiction.

''3. Any aggrieved Person, Party or the Council may commence a civil action in the relevant Party's courts and administrative systems to compel any Person to comply with this Compact should any such Person, without approval having been given, undertake a New or Increased Withdrawal, Consumptive Use or Diversion that is prohibited or subject to approval pursuant to this Compact.

''a. No action under this subsection may be commenced if:

''i. The Originating Party or Council approval for the New or Increased Withdrawal, Consumptive Use or Diversion has been granted; or,

''ii. The Originating Party or Council has found that the New or Increased Withdrawal, Consumptive Use or Diversion is not subject to approval pursuant to this Compact.

''b. No action under this subsection may be commenced unless:

''i. A Person commencing such action has first given 60 days prior notice to the Originating Party, the Council and Person alleged to be in noncompliance; and,

''ii. Neither the Originating Party nor the Council has commenced and is diligently prosecuting appropriate enforcement actions to compel compliance with this Compact.

The available remedies shall include equitable relief, and the prevailing or substantially prevailing party may recover the costs of litigation, including reasonable attorney and expert witness fees, whenever the court determines that such an award is appropriate.

''4. Each of the Parties may adopt provisions providing additional enforcement mechanisms and remedies including equitable relief and civil penalties applicable within its jurisdiction to assist in the implementation of this Compact.

"ARTICLE 8

"ADDITIONAL PROVISIONS

"Section 8.1. Effect on Existing Rights.

''1. Nothing in this Compact shall be construed to affect, limit, diminish or impair any rights validly established and existing as of the effective date of this Compact under State or federal law governing the Withdrawal of Waters of the Basin.

''2. Nothing contained in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective Parties relating to common law Water rights.

''3. Nothing in this Compact is intended to abrogate or derogate from treaty rights or rights held by any Tribe recognized by the federal government of the United States based upon its status as a Tribe recognized by the federal government of the United States.

''4. An approval by a Party or the Council under this Compact does not give any property rights, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to or over any land belonging to or held in trust

by a Party; neither does it authorize any injury to private property or invasion of private rights, nor infringement of federal, State or local laws or regulations; nor does it obviate the necessity of obtaining federal assent when necessary.

"Section 8.2. Relationship to Agreements Concluded by the United States of America.

''1. Nothing in this Compact is intended to provide nor shall be construed to provide, directly or indirectly, to any Person any right, claim or remedy under any treaty or international agreement nor is it intended to derogate any right, claim, or remedy that already exists under any treaty or international agreement.

''2. Nothing in this Compact is intended to infringe nor shall be construed to infringe upon the treaty power of the United States of America, nor shall any term hereof be construed to alter or amend any treaty or term thereof that has been or may hereafter be executed by the United States of America.

''3. Nothing in this Compact is intended to affect nor shall be construed to affect the application of the Boundary Waters Treaty of 1909 whose requirements continue to apply in addition to the requirements of this Compact.

"Section 8.3. Confidentiality.

''1. Nothing in this Compact requires a Party to breach confidentiality obligations or requirements prohibiting disclosure, or to compromise security of commercially sensitive or proprietary information.

''2. A Party may take measures, including but not limited to deletion and redaction, deemed necessary to protect any confidential, proprietary or commercially sensitive information when distributing information to other Parties. The Party shall summarize or paraphrase any such information in a manner sufficient for the Council to exercise its authorities contained in this Compact.

"Section 8.4. Additional Laws.

''Nothing in this Compact shall be construed to repeal, modify or qualify the authority of any Party to enact any legislation or enforce any additional conditions and restrictions regarding the management and regulation of Waters within its jurisdiction.

"Section 8.5. Amendments and Supplements.

''The provisions of this Compact shall remain in full force and effect until amended by action of the governing bodies of the Parties and consented to and approved by any other necessary authority in the same manner as this Compact is required to be ratified to become effective.

"Section 8.6. Severability.

''Should a court of competent jurisdiction hold any part of this Compact to be void or unenforceable, it shall be considered severable from those portions of the Compact capable of continued implementation in the absence of the voided provisions. All other provisions capable of continued implementation shall continue in full force and effect.

"Section 8.7. Duration of Compact and Termination.

''Once effective, the Compact shall continue in force and remain binding upon each and every Party unless terminated. This Compact may be terminated at any time by a majority vote of the Parties. In the event of such termination, all rights established under it shall continue unimpaired.

"ARTICLE 9

"EFFECTUATION

"Section 9.1. Repealer.

''All acts and parts of acts inconsistent with this act are to the extent of such inconsistency hereby repealed.

"Section 9.2. Effectuation by Chief Executive.

''The Governor is authorized to take such action as may be necessary and proper in his or her discretion to effectuate the Compact and the initial organization and operation thereunder.

"Section 9.3. Entire Agreement.

''The Parties consider this Compact to be complete and an integral whole. Each provision of this Compact is considered material to the entire Compact, and failure to implement or adhere to any provision may be considered a material breach. Unless otherwise noted in this Compact, any change or amendment made to the Compact by any Party in its implementing legislation or by the U.S. Congress when giving its consent to this Compact is not considered effective unless concurred in by all Parties.

"Section 9.4. Effective Date and Execution.

''This Compact shall become binding and effective when ratified through concurring legislation by the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin and the Commonwealth of Pennsylvania and consented to by the Congress of the United States. This Compact shall be signed and sealed in nine identical original copies by the respective chief executives of the signatory Parties. One such copy shall be filed with the Secretary of State of each of the signatory Parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the Council upon its organization. The signatures shall be affixed and attested under the following form:

''In Witness Whereof, and in evidence of the adoption and enactment into law of this Compact by the legislatures of the signatory parties and consent by the Congress of the United States, the respective Governors do hereby, in accordance with the authority conferred by law, sign this Compact in nine duplicate original copies, attested by the respective Secretaries of State, and have caused the seals of the respective states to be hereunto affixed this _____ day of (month), (year).'': Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) Congress consents to and approves the interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin described in the preamble;

(2) until a Great Lakes Water Compact is ratified and enforceable, laws in effect as of the date of enactment of this resolution provide protection sufficient to prevent Great Lakes water diversions; and

(3) Congress expressly reserves the right to alter, amend, or repeal this resolution.

TENTH ANNIVERSARY OF UNITED STATES EMBASSIES BOMBINGS

Ms. CANTWELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 912, S. Res. 618.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 618) recognizing the 10th anniversary of the bombings of the United States Embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens of the United States, Kenya, and Tanzania whose lives were claimed as a result of the al Qaeda led terrorist attacks.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 618) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 618

Whereas on August 7, 1998, the al Qaeda terrorist group, led by Osama bin Laden, organized nearly simultaneous vehicular bombing attacks on the United States embassies in Nairobi and Dar es Salaam;

Whereas approximately 4,000 people were injured in the Nairobi bombing, including 14 United States citizens, 13 Foreign Service Nationals, and 2 contractors;

Whereas 213 people were killed in the bombing in Nairobi, including victims who were employees of the United States Government, or were family members of employees of the United States Government, namely—

(1) the following United States citizens: Nathan Aliganga, Julian Bartley, Sr., Julian Bartley, Jr., Jean Dalizu, Molly Hardy, Kenneth Hobson, Prabhi Kavaler, Arlene Kirk, Dr. Mary Louise Martin, Michelle O'Connor, Sherry Olds, and Uttamlal (Tom) Shah;

(2) the following Foreign Service Nationals: Chrispin W. Bonyo, Lawrence A. Gitau, Hindu O. Idi, Tony Irungu, Geoffrey Kalio, G. Joel Kamau, Lucy N. Karigi, Francis M. Kibe, Joe Kiongo, Dominic Kithuva, Peter K. Macharia, Francis W. Maina, Cecelia Mamboleo, Lydia M. Mayaka, Francis Mbugua Ndungu, Kimeu N. Nganga, Francis Mbogo Njunge, Vincent Nyoike, Francis Olewe Ochilo, Maurice Okach, Edwin A.O. Omori, Lucy G. Onono, Evans K. Onsongo, Eric Onyango, Sellah Caroline Opati, Rachel M. Pussy, Farhat M. Sheikh, Phaedra Vrontamitis, Adams T. Wamai, Frederick M. Yafes; and

(3) the following contractors: Moses Namayi and Josiah Odero Owuor;

Whereas 85 people were injured in the Dar es Salaam bombing, including 2 United States citizens and 5 Foreign Service Nationals;

Whereas 1 Foreign Service National working at the Dar es Salaam embassy, Saidi Rogarth, is still listed by the Department of State as missing;

Whereas 11 people were killed in the Dar es Salaam bombing, including—

(1) Yusuf Ndange, a Foreign Service National; and

(2) the following contractors: Abdulrahaman Abdalla, Paul E. Elisha, Abdalla Mnyola, Abbas William Mwilla, Bakari Nyumbu, Mtendeje Rajabu, Ramadhani Mahundi, and Dotto Ramadhani;

Whereas damage to both buildings was extensive, rendering the facilities unusable;

Whereas the outpouring of aid and assistance from the people and Governments of Kenya and Tanzania was widespread and greatly appreciated by the people of the United States;

Whereas security guards at both embassies acted bravely on the day of the bombings, protecting the lives and property of citizens of the United States, Kenya, and Tanzania;

Whereas the United States embassies in both Nairobi and Dar es Salaam have been rebuilt;

Whereas the United States Government is partnering with the people and Governments of Kenya and Tanzania to help both countries obtain a more democratic future;

Whereas 12 of the suspects indicted in the case have either been killed, captured, or are serving life sentences without parole; and

Whereas the United States Government continues to search for the remaining suspects, including Osama bin Laden: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the tenth anniversary of the al Qaeda bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania;

(2) mourns the loss of those who lost their lives in these tragic and senseless attacks, especially those who were employed by the embassies;

(3) remembers the families and colleagues of the victims whose lives have been forever changed by the loss endured on August 7, 1998;

(4) expresses its deepest gratitude to the people of Kenya and Tanzania for their gracious contributions and assistance following these attacks;

(5) reaffirms its support for the people of Kenya and Tanzania in striving for future opportunity, democracy, and prosperity; and

(6) reaffirms its resolve to defeat al Qaeda and other terrorist organizations.

WELCOMING HOME FARC HOSTAGES

Ms. CANTWELL. I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 627 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 627) welcoming home Keith Stansell, Thomas Howes, and Marc Gonsalves, three citizens of the United States who were held hostage for over 5 years by the Revolutionary Armed Forces of Colombia, FARC, after their plane crashed on February 13, 2003.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 627) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 627

Whereas a Congressional Resolution in 2007 (S. Con. Res. 53) condemned the kidnapping and hostage-taking of three citizens of the United States, Keith Stansell, Thomas Howes, and Marc Gonsalves for over four years by the FARC, and demanded their immediate and unconditional release;

Whereas the Senate expresses sorrow at the murder of Tom Janis by the FARC, another citizen of the United States that was on the downed aircraft, and Luis Alcedes Cruz, a member of the Colombian military, as well as citizens of the United States who died during a hostage search mission in 2003;

Whereas the Government of Colombia carried out a historic rescue mission on July 2, 2008, freeing 15 hostages who the FARC had kidnapped and held in captivity, including these three citizens of the United States, Ingrid Betancourt, and military and police personnel of Colombia;

Whereas the armed forces of Colombia planned, led, and executed the rescue operation without a single gunshot;

Whereas the United States Government played a key supportive role in the rescue mission by the armed forces of Colombia;

Whereas the FARC is designated as a foreign terrorist organization by the Department of State and the European Union;

Whereas the FARC utilizes kidnappings for ransom, extortion, and the drug trade to finance its activities;

Whereas the FARC committed atrocities against citizens of both Colombia and the United States;

Whereas the FARC has kidnapped at least 36 citizens of the United States since 1980, and killed 10 citizens of the United States;

Whereas the FARC currently holds an estimated 700 people as hostages; and

Whereas over 50 FARC leaders have been indicted in the United States for drug trafficking: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes Keith Stansell, Thomas Howes, and Marc Gonsalves home to the United States after being held for over five years by the Revolutionary Armed Forces of Colombia (FARC);

(2) celebrates with the families and relatives of the hostages who kept faith despite being unsure of the fates of their family members for more than five years;

(3) expresses gratitude to the Government of Colombia and the armed forces of Colombia for successfully rescuing the hostages, and applauds the effective contribution of the United States Government to this effort;

(4) calls for the immediate release of all hostages held by the FARC and other armed terrorist groups in Colombia; and

(5) urges the FARC to lay down their weapons and reject terrorism.

NATIONAL TRUANCY PREVENTION MONTH

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 924, S. Res. 624.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 624) designating August 2008 as ''National Truancy Prevention Month.''

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 624) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 624

Whereas public schools in the United States are facing a dropout crisis, with approximately 1,200,000 students not graduating from high school on time and only 70 percent of students earning high school diplomas;

Whereas truancy has been shown to be the first and best indicator that a child will drop out of school, use marijuana for the first time, and commit juvenile crimes by the age of 15;

Whereas the incidence of truancy in a recent national survey found that 11 percent of eighth grade students, 16 percent of tenth grade students, and 35 percent of twelfth grade students reported skipping 1 or more days of school during the previous 30 days;

Whereas chronic truants often miss more days of school than they attend;

Whereas absentee rates relate directly to graduation rates and are highest in public schools in urban areas;

Whereas truant eighth graders are more likely to say they do not believe they will graduate from high school or attend college than their peers who attend regularly;

Whereas truancy has been found to be a risk factor for substance abuse, teen pregnancy, and school dropout;

Whereas the average annual income for a high school dropout in 2005 was $17,299, compared to $26,933 for a high school graduate;

Whereas it has been demonstrated that when truancy is addressed, there is a reduction in the rates of daytime crime, juvenile crime, drug use, and delinquency;

Whereas effective truancy reduction programs can take many forms and can be implemented in many different settings, including in schools, courts, and through community programs;

Whereas truancy prevention programs focused on middle grade students are key to preventing future dropouts; and

Whereas truancy reduction programs are highly cost effective, reduce juvenile and adult crime, and save taxpayer money: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 2008 as ''National Truancy Prevention Month'';

(2) recognizes the significant harm of chronic truancy to the youth of the United States;

(3) acknowledges the work being done by truancy prevention programs throughout the United States to help at-risk youth; and

(4) encourages law enforcement, school officials, the judiciary, community leaders, and the business community to work together to address truancy.

NATIONAL AIRBORNE DAY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Judiciary

Committee be discharged and the Senate now proceed to the consideration of S. Res. 625.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 625) designating August 16, 2008, as National Airborne Day.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 625) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 625

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16 marks the anniversary of the first official Army parachute jump on August 16, 1940, an event that validated the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those airborne units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, the 325th and 327th Glider Infantry, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment;

Whereas the modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), the 173rd Airborne Brigade, and the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affairs missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States airborne forces, all have achieved distinction by earning the right to wear the airborne's ''Silver Wings of Courage'', thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troops;

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people; and

Whereas, since the airborne community celebrates August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 would be an appropriate day to recognize as National Airborne Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2008, as ''National Airborne Day''; and

(2) calls on the people of the United States to observe ''National Airborne Day'' with appropriate programs, ceremonies, and activities.

SUPPORTING THE GOALS AND IDEALS OF THE INTERNATIONAL YEAR OF SANITATION

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 775, H. Con. Res. 318.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 318) supporting the goals and ideals of the International Year of Sanitation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 318) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—S. 3430

Ms. CANTWELL. Mr. President, I understand that S. 3430, introduced earlier today by Senator COBURN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3430) to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

Ms. CANTWELL. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

EMMETT TILL UNSOLVED CIVIL RIGHTS CRIME ACT

Mr. COBURN. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Atlanta Journal-Constitution, which profiles Mr. Alvin Sykes. Mr. Sykes and I have worked closely together to reach a compromise on this bill, and I would like the story of his life and his work on this legislation to be part of the record.

I would also ask unanimous consent to have printed in the RECORD a message from Mr. Sykes to me, expressing support for the compromise.

Finally, I ask unanimous consent to have printed in the RECORD three letters. The first is to the bill's sponsor,

Senator CHRIS DODD, explaining my objection to the legislation. The letter is dated June 25, 2007. The second is a subsequent letter to Senator DODD, seeking a UC agreement for floor time on the bill, dated June 19, 2008. The third is a similar letter to Senator REID, sent the same day.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal-Constitution, Jun. 3, 2007]

CIVIL RIGHTS-ERA MURDER CASES: ''ANOTHER DAY FOR JUSTICE''—SELF-TAUGHT LEGAL EXPERT ALVIN SYKES IS ON A QUEST TO GET LONG-UNPURSUED SUSPECTS INTO COURT BEFORE IT'S TOO LATE

(By Drew Jubera)

JACKSON, MISS.—A fourth-floor courtroom filled here last week much the way Southern courtrooms now fill every few years for a civil rights-era murder case.

The 71-year-old defendant, James Seale, requested headphones as he sat with his lawyers during jury selection so he could hear the proceedings.

The former crop duster and reputed Klansman is charged with kidnapping and conspiracy in connection with the May 2, 1964, abduction and killings of two black teenagers. The bodies of Henry Dee and Charles Moore were found in the Mississippi River, tied to a Jeep engine block.

Seale has pleaded not guilty to the federal charges.

Also inside the downtown courthouse: aging relatives of the murdered boys, including Thomas Moore, 63, a Vietnam veteran who worked almost a decade to get his brother's moldering case reopened.

Before entering this historic scene and sitting in a rear pew, Alvin Sykes tugged at his blue-jean jacket, stroked his scraggly goatee and exhaled.

''Another day for justice,'' said Sykes, an improbable presence at yet another improbable decades-old case.

Sykes, a high school dropout and practicing Buddhist who once lived in a homeless shelter and learned the law reading books in public libraries, has become both a catalyst and an inspiration during the 11th-hour rush to reopen these old murder cases before the killers die off.

Since 1989, authorities in Mississippi and six other states have re-examined 29 civil rights-era murders, with 28 resulting arrests and 22 convictions.

The FBI has uncovered 51 more killings, and the Southern Poverty Law Center has a list of 127 race-related killings between 1954 and 1968.

It's in this atmosphere that Sykes has brokered meetings with people as various as U.S. senators, district attorneys and victims' relatives to seek long-delayed justice.

His behind-the-scenes maneuvering was key to the FBI's reinvestigation of the infamous 1955 murder of Emmett Till, a black Chicago teen brutally killed after he allegedly whistled at a white woman in Money, Miss. (Earlier this year, a Mississippi grand jury did not return an indictment in the case.)

Sykes also generated the idea for legislation now before Congress that grew out of the reopening of that now-52-year-old slaying. Commonly known as the Till Bill, and sponsored in the House of Representatives by Rep. John Lewis (D–Ga.), it would fund a separate unit in the Justice Department devoted to investigating civil rights-era crimes.

''He's a warrior,'' said Moore of the mild-mannered Sykes, whom he credits with inspiring him while he sought justice for his brother. ''Every now and then a person comes along who you say, 'Where'd this guy come from?' Alvin's one of those guys. He might not have this degree or that background, but he has a lot of dedication and inner strength.''

Added Margaret Burnham, a Northeastern University law professor who recently invited Sykes to speak at a conference in Boston about civil rights-era cases, co-sponsored by Harvard University, ''He's a completely self-taught man who's incredibly skilled at knowing what buttons to push, when to push them and what cases the government might respond to. He's better at it than hundreds of people I've met in my long life as a civil rights lawyer.

''He brings a passion and insight to the work that would be extraordinary for anybody—a university-trained academic or lawyer—but it's particularly extraordinary given his personal history.''

Sykes was born to a 14-year-old at a home for unwed mothers, then taken in by a single 48-year-old friend of the family in Kansas City, Mo. He was sickly, in and out of hospitals with epilepsy, and says around age 11 he was sexually abused by a couple that lived across the street.

His formal education was spotty—he spent three years at Boys Town, the facility for at-risk kids in Omaha—then left school for good at 16.

He lived briefly with his biological mother—he thought for years she was a cousin—but says she was an alcoholic and rarely employed. He ran into her years later when he was homeless. She lived at the same shelter.

But Sykes calls leaving school the start of his education. Working nights managing a band, he spent his days holed up in a library. ''Education was important to me—that's the reason I left school,'' he said. ''The administration was more concerned with students getting a piece of paper than an education. So I started teaching myself.''

He also sat in on trials, watching legal strategies, researching what he didn't understand. He became involved in a federal desegregation case with the Kansas City public schools and befriended a Justice Department official. ''I learned about cases and the system and started applying it to real matters,'' he said.

Sykes' work as a victims' advocate became locally renowned after a string of Kansas City musicians were murdered in the late '70s and early '80s. When a white defendant was acquitted of beating a prominent black musician to death, Sykes went back to the library with the victim's wife. ''It was like in the movies,'' he recalled. ''We just kept opening books. Then 10 minutes before closing time, I found it.''

Sykes unearthed an obscure federal statute that allowed the defendant to be prosecuted on a civil rights violation. He sent everything he found to Justice Department lawyer Richard Roberts, now a federal judge in Washington, who got an indictment. The defendant was convicted and received a life sentence.

''His seriousness of purpose was impressive,'' Roberts said. ''It made answering his phone calls much more attractive.''

Sykes had worked for or founded a variety of local victims' rights groups, rarely living on more than $10,000 a year, when in 2003 he read a story about Till's mother wanting her son's case reopened. Two documentarians also suggested there were living suspects beyond the two men, now dead, who were acquitted of the 14-year-old's murder but later bragged about it in an article.

Sykes and Donald Burger, a retired Justice Department official who befriended Sykes during the school desegregation case, met with Mamie Till-Mobley in Chicago and talked about pursuing the case. Till-Mobley died days later, after co-founding, with Sykes and others, the Emmett Till Justice Campaign.

''Alvin was the aggressor,'' said Wheeler Parker, 68, who traveled with Till, his cousin, from Chicago to Mississippi in 1955. ''Don had more contacts and knowledge, but Alvin had the aggressiveness and nerve to pursue it. The fire's in his belly.''

Sykes arranged a meeting in Oxford, Miss., with a U.S. attorney, the district attorney who would prosecute the case, a Till relative and documentarian Keith Beauchamp. The FBI soon agreed to investigate the case for local authorities.

''He was a very adept facilitator,'' recalled Jim Greenlee, the U.S. attorney. ''Without his efforts, the chances for the investigation being reopened would have been much less. I call him a catalyst.''

During the Till investigation, Sykes became aware of dozens of other cold cases from that era. He couldn't create a justice campaign for each one, so he envisioned a unit within the Justice Department with the money, resources and expertise to investigate them all. He sold the idea to Missouri's conservative Republican Sen. Jim Talent, who introduced the so-called Till Bill in 2005.

Talent, who credits Sykes with the initial idea, lost re-election last year, and the original bill stalled. But the Emmett Till Unsolved Civil Rights Crime Act has been reintroduced by Reps. Lewis and Kenny Hulshof (R–Mo.) in the House and Sens. Chris Dodd (D–Conn.) and Patrick Leahy (D–Vt.). It provides $11.5 million annually to look into the era's unsolved murders, and political observers say its chances now look good. Many give Sykes credit.

''He has played the role of public advocate on Capitol Hill to remind legislators who may not have experienced the tragedy of segregation and racial discrimination that unsolved crimes against African-Americans have left an intolerable stain on our democracy,'' said Brenda Jones, spokeswoman for Lewis. ''He has helped remind many members of Congress that we must take steps to right these wrongs.''

Leaving the Jackson courthouse during a break in the Seale trial, which continues with jury selection this week, Sykes shook his head.

''I was sitting there thinking, 'When I was 16, it was just like this.' I was sitting in a courtroom, getting an education.''

Sykes sometimes wishes he could return to the music business, make a better living, have a better life. Living off donations, some speaking fees and a book Till's mother wrote that he sometimes sells out of a bag, he doesn't even own a car. Friends drove him to Jackson.

But he says he can't leave the cause yet. There are still too many low-profile cases he worries will stay lost. Even the Till case languished five decades without a reinvestigation.

''The thing that gets me [maddest] in terms of the Till case,'' he said, ''is the realization that [the two killers who were acquitted on murder charges] could have been tried for kidnapping before they died.

''I have a chip on my shoulder about all the people more knowledgeable than me who could have pursued that case. On my more benevolent days, I say they just didn't know the law enough. On my most cynical days, I say it was just too much work.''

SYKES' SUCCESSES

Sykes' behind-the-scenes maneuvering was key to the FBI's reinvestigation of the 1955 murder of Emmett Till.

Sykes generated the idea for legislation that would create a separate unit in the Justice Department devoted to civil rights-era crimes.

DECADES-OLD CRIMES

Since 1989, officials in Mississippi and other states have taken another look:

29: Number of murders re-examined

28: Number of arrests made

22: Number of guilty verdicts

JULY 31, 2008.

DEAR SENATOR COBURN: First allow me to extend our appreciation and admiration for you and your staff for assistance and communication with us concerning S. 535, the Emmett Till Unsolved Civil Rights Crime Act. While we still believe that the hold that you placed on our bill was not the good way to effect the institutional change in the manner that the United States Senate does business, we do appreciate the open lines of communication and respect that your staff, in particular Brooke Bacak and Tim Tardibono, have shown in negotiating with us on proposed language and conditions that would address your concern and minimize the loss we have suffered from going this route. Therefore our Board of Directors has voted to endorse a unanimous consent agreement that would include the latest draft language that rectifies the concerns with the controversy over the Attorney having authority to reprogram funds from one congressionally directed fund to another by eliminating all reference to reprogramming and replacing with prioritizing spending request if Congress does not fully fund the Till Bill. Furthermore we support you having the right to submit this language as an amendment in the cloture vote process as long as the floor debate time is limited and that you would not replace your hold on our bill if your amendment fails. Nothing in this request is meant to criticize the Senate Leadership on the enormous work that they have done to craft and advocate for the passage of this bill, especially the good work of Patrick Grant in Senator Dodd's office and Darrell Thompson in Senate Majority leader Harry Reid's office who has kept hope alive on this historic bill. However we firmly believe that truth and justice can be best achieved by opening and maintaining effective lines of communication and searching for a win-win justice seeking solution. We further believe that since you started this by placing your hold on our bill, you should be the one to finish it. Therefore the Emmett Till Justice Campaign, Inc. requests that you make an overture to the Democratic Leadership and the sponsors of the Till Bill by introducing the Emmett Till Unsolved Civil Rights Crime Act, as proposed amended, under the Unanimous Concent Agreement outlined above tonight in the interest of time, truth and justice.

Sincerely, in the pursuit of justice, I am,

ALVIN SYKES,
President,
Emmett Till Justice Campaign, Inc.

U.S. SENATE,
Washington, DC, June 25, 2007.

Senator CHRISTOPHER J. DODD,
Russell Senate Office Building,
Washington, DC.

DEAR CHRIS: As you know, I have not agreed to a unanimous consent request for the Senate to approve S. 535/H.R. 923, not because I disagree with the well intended motives of the legislation, but because it violates the principles I use to evaluate every piece of legislation. I sent you and the other members of the Senate a copy of these principles in February.

Among these principles are: If a bill creates or authorizes a new federal program or activity, it must not duplicate an existing program or activity; and if a bill authorizes new spending, it must be offset by reductions in real spending elsewhere.

Your bill both creates a new government program that duplicates an existing program and authorizes new government spending without offsetting the costs.

The bill authorizes $115 million over 10 years to investigate murders committed before 1970 that have gone unpunished. Perhaps you are unaware, but the Department of Justice initiated an effort over a year ago to do just this.

In February 2006, a full year before you introduced your bill, the U.S. Attorney General and the FBI director announced a partnership with the NAACP, the Southern Poverty Law Center and the National Urban League to investigate unsolved crimes from the civil rights era. Attorney General Alberto Gonzales has pledged that ''The Justice Department is committed to investigating and prosecuting civil-rights era homicides for as long as it takes and as far as the law allows—because there is no statute of limitations on human dignity and justice.''

According to the FBI, ''in February 2006, the FBI enacted an initiative to identify hate crimes that occurred prior to December 1969, and resulted in death.'' The Bureau's 56 field offices have been directed to re-examine their unsolved civil rights cases and determine which ones could still be viable for prosecution. The FBI has partnered with a number of state and local authorities, civic organizations, and community leaders to re-examine old files. Since the initiative began, the FBI has received nearly 100 such referrals. The FBI is continuing to assess each referral for its investigative and legal viability and, given the updated investigative and forensic tools, move forward in investigating these cases.

The Department of Justice is not lacking resources either. At the end of Fiscal Year 2006, the Department had $2.5 billion in unobligated balances, which is unspent money. The Department is expected to have $1.6 billion in unobligated balances at the end of Fiscal Years 2007 and 2008.

Because the FBI is already working on this issue and the Justice Department has billions of unspent dollars, I am unsure why creating new government programs and authorizing more than $100 million in new spending is necessary.

If authorizing more spending for this ongoing effort, however, is necessary, we could pay for it with unspent Department funds or with offsets from existing lower priority spending, as I have proposed doing.

I realize that many members of the Senate do not care about our national debt which is why it is nearly $9 trillion. Most Senators, including you, voted to kill a Sense of Senate resolution stating that Congress has a moral obligation to offset the cost of new Government programs and initiatives. You even voted to fund the infamous ''Bridges to Nowhere'' in Alaska which cost half a billion dollars!

So while you may not concern yourself with our national debt or the impact of adding to it, I do. That it why I was very disappointed that you issued a press statement last week claiming that I am ''delaying this bill's passage under false pretense.''

If you really care about this issue and the economic future of our nation, I would hope that you would actually discuss the matter directly with me instead of holding press conferences and issuing press releases. In fact, my office did make an offer to your staff to find a way to pay for this bill, which was rejected.

If you have any interest in passing this bill in a fiscally responsible manner, please contact me. In the meantime, you can rest assured that the Attorney General and the FBI are already conducting the investigations that your bill seeks to address.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

U.S. SENATE,
Washington, DC, June 19, 2008.

Senator CHRISTOPHER J. DODD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DODD: As you are aware, I am ready to enter into a unanimous consent agreement on S. 535, the Emmett Till Unsolved Civil Rights Crime Act. This weekend marks the anniversary of the murders of three civil rights workers in Mississippi, and I believe it is an opportune time for the Senate to give this bill the vote it deserves. To that end, I have offered four amendments for your consideration. Unfortunately, until you agree to allow me to offer these amendments on the floor, the Senate is prevented from moving to the bill. My hope is that we can resolve this issue soon, so that the Senate may consider S. 535 immediately.

I have always supported the admirable goal of this legislation: namely, to ensure that perpetrators of heinous civil rights cold case crimes are finally brought to justice. I was pleased to learn of the Government's efforts to identify and prosecute these crimes, initiated a full year before your bill was introduced. It remains my desire to see these efforts continue, but I insist that they be done in a fiscally responsible manner.

My concerns with this bill have always involved its cost, and I have worked consistently to identify possible offsets. I made known these concerns as early as August 2006, when the measure was first considered by the Senate Judiciary Committee. At that time, the bill's sponsor worked with me to find an agreeable offset; however, our proposals were ultimately rejected by an unnamed Senator. In June 2007, I had another opportunity to explain my concerns when the bill again came before the Committee. Additionally, more than three months before I publicly objected to your request for unanimous consent to consider the bill on the floor, I sent you a letter explaining in detail my position on the bill. Finally, in October 2007, I offered an amendment to provide $1.68 million to investigate and prosecute unsolved civil rights crimes by transferring funds from other wasteful programs. That amendment was defeated after a majority of the Senate, including 11 of the bill's sponsors, voted to table it.

Even if I had not been so vocal about this bill in the 109th Congress, the letter I sent to

you and all of my Senate colleagues in February 2007 should have left no doubt about my position this year. That letter outlined the principles I use to evaluate legislation, which include: If a bill creates or authorizes a new federal program or activity, it must not duplicate an existing program or activity; and if a bill authorizes new spending it must be offset by reductions in real spending elsewhere.

Because S. 535 both creates a new, duplicative government program and authorizes new government spending without offsetting the costs, you had ample notice—long before you hotlined the bill—that I would object.

Because of the knowledge you had about negotiations that occurred in the previous Congress, my staff's earlier failed efforts to negotiate an offset with your staff, and my own public statements, there has been a consistent understanding of my willingness to allow the full Senate to consider S. 535. My only desire is to be permitted to offer amendments to the bill. I regret that my position has been unfairly—and incorrectly—characterized as an insurmountable obstacle to final passage.

Although my office has not been contacted by yours (or any other bill sponsors) since before the press conference you held to question my intentions on this bill, I have been in frequent contact with the Emmett Till Justice Campaign. That Campaign is undoubtedly the bill's greatest supporter, and the persistent efforts of President Alvin Sykes have outdone any member of the Senate, both in character and enthusiasm. It has been my privilege to work directly with Mr. Sykes, and it is to his credit that so much progress has been made these past few months. We could all stand to learn from his example.

In short, the purpose of this letter is to secure your commitment to a UC agreement allowing me to offer four amendments to S. 535 during floor debate. If you will do so, I am prepared to take up the bill immediately. Especially given the timeliness of this weekend's memorials commemorating the 44th anniversary of the deaths of three civil rights martyrs, I see no reason for further delay.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

U.S. SENATE,
Washington, DC, June 19, 2008.

Senator HARRY REID,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR REID: The purpose of this letter is to reiterate my willingness to enter into a unanimous consent agreement allowing floor consideration of S. 535, the Emmett Till Unsolved Civil Rights Crime Act. I understand that your staff, along with that of the bill's sponsor, is still considering the four amendments I have proposed as a condition of my consent. My hope is that we can resolve this issue soon, so that the Senate may consider S. 535 immediately.

I have been disappointed in the progress of this bill. Although I made known my specific concerns over the bill's cost as early as August 2006, my intentions have repeatedly been questioned both by members of the media and the Senate. The attacks have been disingenuous, as I have always supported the admirable goal of this legislation: namely, to ensure that perpetrators of heinous civil rights cold case crimes are finally brought to justice. Consistent with the position I have taken toward all legislation authorizing new spending in the 110th Congress, I exercised my right to withhold consent on S. 535.

I have, however, always made known my willingness to work with bill sponsors on identifying needed offsets. Because they have been unwilling to accept my offers and have shown no willingness to otherwise negotiate, the Senate must now consider the bill on the floor. In order for this to happen, we must reach an agreement as to time and amendments. I have put forth my request for consent to offer four amendments and continue to await a response.

Although my office has not been contacted since last year by any Senator seeking to move this bill, I have been in frequent contact with the Emmett Till Justice Campaign. That Campaign is undoubtedly the bill's greatest supporter, and the persistent efforts of President Alvin Sykes have outdone any member of the Senate, both in character and enthusiasm. It has been my privilege to work directly with Mr. Sykes, and it is to his credit that so much progress has been made these past few months. We could all stand to learn from his example.

This weekend marks the 44th anniversary of the murders of three civil rights workers in Mississippi. The occasion makes consideration of this bill especially timely, and I want to make clear that I support prompt consideration. Please give me a response on my request to offer four amendments so that the Senate is able to take up S. 535 as soon as possible.

Thanks,

TOM A. COBURN, M.D.,
U.S. Senator.

Ms. CANTWELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE ACCOMPLISHMENTS

Mr. REID. Mr. President, in 2004, when I was selected by my peers as the Democratic leader, the first public appearance I made following the vote we had, I walked out to the press and said I would rather dance than fight. I still feel that way. I was elected to the Senate because the people of Nevada knew I was a good Democrat but that I always would eagerly reach across the table and find common ground wherever possible. I guess I learned that in the courtroom in working cases. You have to be willing to compromise in the law, as you do in politics. I have a strong conviction, that is true.

There is no better example of that than my relationship with JOHN ENSIGN. JOHN ENSIGN, the junior Senator from Nevada, and I had a bitter race in 1998. He was a Member of Congress. I was a sitting Senator. He ran against me. That was a close race. No one ever thought we would wind up in the Senate together, but as fortune spins, Senator Bryant unexpectedly decided not to run for reelection, and JOHN ENSIGN was able to come to the Senate.

For 8 years, we have worked to develop a relationship that has turned into a strong friendship. JOHN ENSIGN and I, though we disagree on some political issues, never, ever publicly or privately discuss our differences politically.

I mention that because we need in the Senate to work together. Even though we may have different political views on different aspects of Government, we need to work together. It may not be apparent to those who watch the daily skirmishes of the Senate from afar, but I try to approach every issue in this Congress with the same eagerness to find common ground that I do working with Senator ENSIGN.

There have been occasions—not often enough—where Republican colleagues have joined Democrats in the pursuit of progress. When they have chosen that path, we have, together, accomplished some very good things for the American people, even in this work period, which has seen some bitter partisanship. While it will be remembered probably for the Republican obstructionism that has occurred, we can still look and find examples of significant bipartisan compromise.

At a time when we see such interesting things around the country that need so much help, we have been able to pass legislation in one area of great concern: housing. We passed a comprehensive housing bill. The housing crisis has been uprooting families and wreaking havoc in neighborhoods across the country for far too long. It was a struggle to get this bill passed. Never in the history of the country, I am told, has there been a bill that has passed the Congress where we have had seven filibusters on one bill—the same bill—at the same time. We had one filibuster right after the other, seven of them, but we finally got to the finish line on housing. It is a good piece of legislation. Some 8,500 families who receive foreclosure notices every day will not be confronted with that in many instances because of the legislation we passed.

During this work period, we also passed the Medicare doctors fix—the salvation of Medicare is what it was—and we did that by overriding the senseless veto by the President of the United States. We were only able to do that because right down here stood Senator TED KENNEDY, a man who should not have been here. He was not supposed to be flying. He wasn't supposed to be around crowds, and of course there were lots of crowds that were here—everyone wanted to be around him—and he stood here and cast the deciding vote that broke the impasse. We had 60 votes. After we got 60 votes, the Republicans in good will joined and allowed us to save Medicare. It took the courage of TED KENNEDY, rising from his sick bed against doctors' orders, to cast the deciding vote. Because he did, and enough Republicans joined with us, we renewed the

long-held American promise that the elderly, the disabled and the orphans and widows will receive the health care they need.

We also passed, during this work period, a bill that is a test to America's charity and moral authority in the world, the so-called PEPFAR bill. This legislation provides an unprecedented level of support for the fight against AIDS in Africa. It is not often I have occasion to praise the President, but he did a good job on this, and I commend him for helping us. I am glad that even after we had struggles for months at a time, Senate Republicans joined with the President and Senate Democrats to choose to end their obstruction and allow us to pass that legislation.

Late yesterday, we wrapped up work on an important piece of legislation. We did it at the end of this work period. In fact, we did it on two important pieces of legislation: consumer product safety and the higher education bill, both very important pieces of legislation. At a time when parents are rightly more concerned than ever about the safety of the toys they buy for their children, the consumer product safety legislation gives parents and all consumers new assurance that the goods we buy are fully tested and approved for safe use. That applies to the stereotype, which is the toys the children use in America, but it is far broader than that. With rare exception, it is everything we consume in America today now will be safe.

The Higher Education Act had not been reauthorized in some 10 years until last night. Of course, it was long overdue, but since we passed it, millions of bright young American minds will have the opportunity to unlock the doors of opportunity a college education provides.

Our country will be stronger for every one of the bills we passed this work period—every one of them. I wish we had passed a lot more. Those we did are important. I am glad we did it. As with any legislation, when you pass a bill, there are lots of accolades to be passed around. When you don't pass a bill, there is a lot of blame to go around.

I feel a lot of disappointment, though, when I think back upon this work period and wonder what might have been, what might we have accomplished if our Republican colleagues had decided to dance with us more often than fight. We could have gone a long way toward solving America's energy crisis. Yesterday was a microcosm for why the Senate failed to do so. Democrats came to the floor to offer seven different energy initiatives. Our plan would tackle every piece of the energy puzzle: Increasing supply with more domestic production, meaning increasing supply with more American production; reducing demand by investing in clean and renewable alternatives; going after those who keep oil prices artificially high for their own financial gain; and helping those in need pay their skyrocketing heating bills.

Earlier today, a group of 10 Senators—5 Republicans, 5 Democrats—indicated they had done some work to come up with a proposal that they think would help the energy crisis. I have been kept informed of how this has been progressing, and I am glad they have worked on what they did. They have worked very hard. There are many good ideas. Do I agree with everything they did? No, I don't agree with everything, but even the 10 don't agree with everything in the package.

I look forward to working with them. We are going to work with this group in a number of different ways. First of all, the information we got from them is important. I am going to hold a summit in Las Vegas on August 19—an energy summit, a clean energy summit. President Clinton will be there, Mayor Bloomberg, T. Boone Pickens, the Governors of Utah, Arizona, Colorado. We have people from the private sector, the public sector coming to talk about what we can do to wean ourselves from fossil fuel.

Also, the week we get back in September, we are going to have an energy summit of Democrats, a bipartisan energy summit, to see if there is any way we can work together to move forward—move forward on things that are so important to this country, such as having multiple year energy tax credits so we can wean ourselves from the fossil fuels and look to the Sun, the wind, and geothermal for our energy. I certainly hope we can do that.

Republicans have said no to every proposal we have made. Because they did, the American people will have to wait for short- and long-term solutions to the energy crisis. That truly is unfortunate.

With more Republican cooperation, we could have passed mental health parity. That is so important. It is a bipartisan bill to ensure equal access to health care for people with mental illness. We were prevented from doing that.

With more Republican cooperation, we could have passed a package of 13 bipartisan bills that Republicans blocked. That package includes the Emmett Till unsolved crimes bill which would help heal old wounds and provide the Department of Justice and the FBI tools needed to effectively investigate and possibly solve civil rights-era murders.

The Runaway and Homeless Youth Act would provide grants for health care, education and workforce programs and housing programs for runaway and homeless youth.

The combating child exploitation bill would provide grants to train law enforcement to use technology to track individuals who trade in child pornography and establish an Internet crimes against children task force.

The Christopher and Dana Reeve Paralysis Act would enhance cooperation in research, rehabilitation, and quality of life with people who suffer from paralysis.

LIHEAP, a bill that was called Cool In Summer, Warm In Winter Act to provide relief to the aged, the disabled, and the poor so they can have energy assistance to cool their homes in summertime, heat their homes in the wintertime—the Republicans turned it down.

We were amazed that Republicans said no to these bills and many others, but they did, and that is unfortunate.

The list of critical priorities we could have done something about with even a small degree of Republican cooperation is no longer available to us now. It would have been nice if we could have done the list. The list of things we copuld have done is far longer than I can recite today, but I say that because Republicans chose the path of obstruction. The good we did is far outweighed by the good that could have been. Of course, that is disappointing to all of us.

When you strip away the differences between the McCain Republican approach to energy and the Democratic approach to high gas prices, you find the Republican policy is the Exxon policy, and our policy is an energy policy. The Republicans have a one-word policy: drill. That is the Exxon policy. Our approach, the Democratic approach is No. 1, drill where appropriate, but also develop competition for oil by encouraging solar, wind, geothermal. The Republicans say no because it will lower oil prices, and that is not what Exxon wants. Our policy is to increase the supply now by releasing oil from the Strategic Petroleum Reserve. The Republicans say no because it will lower oil prices and that is not what Exxon wants.

No. 3, we say go after financial speculators. The Republicans say no because that would lower the price of oil, and that is not what Exxon wants.

No. 4, we say invest in new car battery technology. The Republicans say no because that will lower oil prices, and that is not what Exxon wants.

The Republicans' affection for Exxon explains why they say no to even allowing us to debate issues that are so important. No, no, no is what Exxon wants—to keep oil prices high.

That is too bad.

When we return in September, we need to get right back to work. We have just a few weeks to get a lot done. Perhaps by then, though, the political winds will blow in a different direction, and the Republicans will return with a new willingness to work together. If they do, we can work out a bipartisan plan on energy that meets our country's near- and long-term needs.

We can send the American people a new economic stimulus bill to help families make ends meet and strengthen an economy that has now lost jobs every month this year.

We can pass the Defense authorization bill that provides our military with the funds they need to keep our country safe. It takes care of those who serve us bravely with an across-the-board 3.9-percent military pay raise and major investments in the physical safety and mental health of our troops, not the least of which is attempting to rebuild the military which is in a state of distress because of the Iraq war.

We can pass a Military Construction/Veterans Affairs appropriations bill to maintain and upgrade military facilities, build better military family housing, and ensure the care our veterans deserve.

We can pass a Defense appropriations bill to keep our Armed Forces prepared for combat and peacetime missions, relieve the strain of constant 12- and now 15-month deployments, and support highly classified initiatives in the fight against terrorism.

With the Presidential election drawing near, our time will be short. But with new cooperation from our Republican colleagues, we can do all this—and pass several other important bipartisan bills already passed by the House of Representatives.

So I wish all my colleagues well in their August travels. I know we are all weary from the long, difficult work period.

I also know the fights that await our return won't be easy. I hope a month back home will give our Republican colleagues a new appreciation for how America needs badly the changes they have blocked.

Our hands remain outstretched. Our eagerness to seek common ground remains as strong as ever. We will fight if we must, but we would much rather dance.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. RES. 624

Mr. REID. Mr. President, I ask unanimous consent that the Senate record reflect the Senate adoption of Calendar No. 924, S. Res. 624, as reported by committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

50TH ANNIVERSARY OF THE CROSSING OF THE NORTH POLE BY THE USS ''NAUTILUS''

Mr. DODD. Mr. President, I rise today, joined by my colleagues Senators LIEBERMAN, REED, and WHITEHOUSE, to mark the 50th anniversary of a momentous occasion in our Nation's maritime history, an occasion that truly launched the American Navy into the Nuclear Age. On August 3, 1958, the USS *Nautilus*, the world's first nuclear powered submarine, became the first vessel to travel under the North Pole. The intrepid crewmen of the *Nautilus* received a Presidential Unit Citation for their service, and Operation Sunshine, as it was called, provided a powerful boost to American morale following the Soviet launch of Sputnik. Today, we mark this important milestone with a resolution honoring the *Nautilus*'s historic feat.

The USS *Nautilus*'s Arctic voyage was a remarkable feat of American naval engineering, demonstrating the evolution of submarines from slow underwater ships to warships that could submerge for many weeks and travel through varied depths and conditions, maintaining travel speeds of 20–25 knots. Submarines, as was proven that day, would pursue unconventional courses to achieve incredible results, in this case, traveling a much shorter distance than was thought possible, to reach strategically important destinations on the other side of the globe.

But most important, it marked a major milestone for our nuclear Navy, which would lead to other developments, such as submarines powered by single pressurized water reactors, and an aircraft carrier, USS *Enterprise*, powered by eight reactor units in 1960.

While the *Nautilus*'s successful voyage was an inspiration to all America, it serves a particularly important point of pride to our submariners, as well as the engineers and shipbuilders of the Electric Boat Division of General Dynamics, who have built our Nation's nuclear submarines in Connecticut for more than four decades. As a young boy, I attended the launch of the USS *Nautilus* in Groton, CT; and had the honor to witness my late mother christening the USS *Stimson*. My first cousin, Bill McAree, was one of the chosen few to serve in the nuclear submarine force under Admiral Rickover, and for 34 years, I have had the distinct pleasure of representing the home State of our Nation's premier undersea warfare facilities, including Naval Submarine Base New London.

As we commemorate the 50th anniversary of this important voyage, we must also look forward to the future of American naval power. As nations around the world continue to enlarge their own submarine fleets, the U.S. ability to travel freely and swiftly beneath the waves represents a critically important component of U.S. seapower. Today, our submarine fleet is contributing invaluable surveillance and reconnaissance to our warfighters, and providing an important platform for operations in what the Navy calls ''the littorals,'' or coastal areas. Our military has no more stealthy means for delivering power than the submarine, carrying Navy SEAL teams to enemy territory undetected, or traveling to specific locations to launch cruise missiles. Submarines are not merely weapons of war, they are tools of statecraft, providing critical intelligence to policymakers and serving as a critical deterrent to promote stability throughout the globe. And it is submarines' demonstrated ability to traverse the world undetected, at any point in the ocean, even the North Pole, that makes the work of our silent service, our submariners, so critically important to our national security.

As we look back on the first 50 years of America's nuclear submarine program, the United States must be ready to continue the great legacy of the USS *Nautilus*, its crewmen, shipwrights, and designers, and remain in the forefront of submarine development.

COSPONSORSHIP—S. 3406

Mr. HATCH. Mr. President, through an oversight of our two offices we neglected to add Senator DOLE as an original cosponsor to this act when we introduced it last night. Senator DOLE is a leader on disability issues and should be commended for her and her husband's commitment to individuals with disabilities.

Mr. HARKIN. Mr. President, I want to apologize to the Senator from North Carolina for this oversight. Our legislation, S. 3406, enjoys broad support among advocates for individuals with disabilities, and I want everyone in that community to know that Senator DOLE intended to be an original cosponsor of this measure. We look forward to working closely with her and the rest of our colleagues to pass this measure when the Senate reconvenes in September.

RETIREMENT OF GENERAL RICHARD A. CODY

Mr. LEAHY. I rise to commend GEN Richard A. Cody, the Vice Chief of Staff of the Army, on his retirement. General Cody is one of the Nation's finest military officers, and, with a career

that spans over 36 years in the Army, he leaves behind a stronger, more experienced, and more professional fighting force. Vermont is proud to call General Cody a native, and there is little doubt that his time growing up in our State capital, Montpelier, instilled in him a deep sense of loyalty and public service.

From the day of his commissioning to his last formal day in the service, General Cody made an indelible mark as an aviator, not just as an officer who could wield an Apache or Blackhawk with impressive precision and skill, but as a leader who inspired other aviators and maintainers to do their best. He competently led such prestigious and capable aviation units as the 160th Special Operations Regiment and the 101st Airborne Division. In the early stages of the first gulf war, he headed up one of the earliest and strategically critical aerial attacks, paving the way for subsequent air and ground forces. He amassed an impressive 5,000 hours of flight time.

It was that quality to inspire and to lead through example that elevated General Cody to the higher ranks of the U.S. Army. His service as the Vice Chief of Staff has coincided with ongoing wars in Iraq and Afghanistan, and he has helped the Army restructure and reequip itself for that challenging undertaking. He has always been open about the Army's needs, clearly informing the service's civilian leaders, the media, and Congress about the tools necessary to carry out its missions. He has been involved in some vigorous debates in the Pentagon, out of which emerged sensible approaches to activation and equipping of the Reserves, including the National Guard. He always has in mind his view—built through that experience and knowledge—of what is best for the Army and the country. He is an articulate spokesperson and fierce advocate.

General Cody has always kept one foot in Vermont where his family has such strong roots, particularly around Montpelier where he was born and raised. Few in the State have not purchased a car at Cody Chevrolet, which is owned and operated by the General's family. He and his lovely wife Vicki have two proud sons, Capt. Clint Cody and Capt. Tyler Cody, both Apache pilots in the Army. His immediate family has had the chance to spend considerable time in the State, experiencing the deep patriotism that runs through the Green Mountains and the Champlain Valley. It was only fitting that Norwich University, the Nation's oldest military academy, recently honored General Cody.

General Cody has been open about the challenges that the Army faces. His forthright manner is matched only by the quiet energy he brings to tackling problems aggressively. He is the model Army officer, a doer as much as a thinker, a loyalist as much as someone speaking straight. As he retires, I know there are many in the Army, officers and enlisted, who will continue to strive to replicate the path that he blazed with such dynamic energy. I know he will continue to be engaged with the Army, and, for that—and, above all, that incredible 36 years of service—Vermont and the whole United States are grateful.

MEDICAL DEVICE SAFETY ACT

Mr. LEAHY. Mr. President, I am proud to join Senator KENNEDY and other Senators in the introduction of this legislation. The bill that we introduced yesterday will correct a decision of the Supreme Court that misconstrued the intent of Congress and cut off access to our Nation's courts for citizens injured or killed by defective medical devices.

The Senate Judiciary Committee held a hearing on June 11 to examine the way in which the Supreme Court's decisions in the areas of retirement benefits and consumer product safety have consistently trended against the rights of consumers and in favor of big business. In many cases that have profound effects on the lives of ordinary Americans, the Court has either ignored the intent of Congress, or sided with a Federal agency's flawed interpretation of a congressional statute's preemptive froce to disadvantage consumers.

It is regrettable that an anonymous Republican Senator objected on procedural grounds to the committee completing that hearing. And it is disappointing that the same party that engages in so much partisan rhetoric complaining about activist judges refuses to hear about the judicial activism when it comes from the judges whose activism they embrace as sound judicial philosophy. The impact of the decisions that were the focus of that hearing are being felt by Americans today, whether they are prohibited from seeking redress in the courts for an injury caused by a defective product, or left without remedies to enforce rights granted by Congress relating to nondiscrimination, or retirement and health care benefits.

The bill we introduce today is an important step to correcting the Supreme Court's erroneous reading of Congress' intent in enacting the medical device amendments of 1976. Where the Court reaches to the extent it did in the Riegel decision to find Federal preemption contrary to what Congress intended, Congress is compelled to act. This legislation will make explicit that the preemption clause in the medical device amendments that the Court relied upon does not, and never was intended to preempt the common law claims of consumers injured by a federally approved medical device.

As I noted in the Judiciary Committee's recent hearing, many of the Court's decisions that have the most far reaching impact on Americans' wallets, retirement and health benefits, or access to justice, are the least publicized. But Americans should be deeply concerned when decisions of the Supreme Court override the policy judgments made by their elected representatives in Congress and negatively affect their day-to-day lives in significant ways. The extraordinary power to preempt State law and regulation lies with Congress alone. And as the Supreme Court has said on many occasions, the fundamental inquiry into whether a Federal statute preempts State law is the intent of Congress. I hope the introduction of this legislation sends the strong signal that some Senators intend to hold the Court to its own often-repeated pronouncements about this important principle.

THE FEDERAL AVIATION ADMINISTRATION EMPLOYEE RETENTION ACT

Mr. INHOFE. Mr. President, I was pleased to join Senator LAUTENBERG yesterday in introducing S. 3416, The Federal Aviation Administration Employee Retention Act. I am supporting Senator LAUTENBERG in his efforts to correct what I believe is a very unfair process imposed upon employees of the Federal Aviation Administration, FAA, by Congress.

Essentially, S. 3416 will correct the collective bargaining process Congress established for FAA employees in the FAA Reauthorization Act of 1996—Public Law 104–264—in which we inserted ourselves as arbitrators in labor disputes. Under the 1996 act, if the FAA and the union with whom they are in negotiation can not reach an agreement, then Congress has 60 days to intervene and if we do not, the FAA is able to impose its terms on the employees. Mr. President, this is not fair, it has not worked and it is time that we correct it.

In addition to the widely published dispute between the FAA and the National Air Traffic Controllers Association, NATCA, the Professional Aviation Safety Specialists, PASS, also have been unable to negotiate a new contract with the FAA. Furthermore, in my State of Oklahoma, there has been an 8-year disagreement between the FAA and the FAA Academy Instructors represented by the Professional Association of Aeronautical Center Employees, PAACE. It is my understanding from PAACE that FAA has basically refused to come to the bargaining table, which has resulted in year to year extensions of an 8-year-old contract. This is not right.

The very reasonable procedure established by S. 3416 will provide both sides in a labor dispute with a means to resolve disagreements by allowing FAA

employees the same collective bargaining protections that employees covered under the National Labor Relations Board currently have. The bill provides the option of resolving disputes through the Federal Mediation and Conciliation Service or through mutual agreement on an alternative procedure. If no agreement is reached, then matters of disagreements will be presented to the Federal Services Impasses Panel for binding arbitration.

Finally, the bill would require both sides go back to the negotiating table for any ''personnel management system implemented'' by the FAA Administrator on or after July 10, 2005. In other words, contract negotiations between FAA, NATCA and PASS are restarted with a 45-day deadline. If no agreement is reached, then there is an additional 90 days for binding arbitration.

As a pilot I am well acquainted with the exceptional work done by the employees of the FAA and I know firsthand that our aviation system is only as good as these employees. They deserve the right to bargain in good faith on their employment contracts. This bill will give them that opportunity.

Thank you, Senator LAUTENBERG, for introducing this bill, and I hope we get an opportunity to debate it very soon.

REMEMBERING SENATOR JESSE HELMS

Mr. ENZI. Mr. President, I join with my colleagues in the Senate and the House, and with the people whose lives he touched all across the Nation, in saying how sorry I was to learn of the passing of Jesse Helms on July 4. He was a remarkable man, and he has left his mark on the United States that he loved so very much and the State of North Carolina that he served with great pride. He will not be forgotten.

Jesse Helms was an American in every sense of the word—one who was firmly and staunchly dedicated to the principles upon which our country was founded. Those principles guided him through his life and helped him to make every difficult decision that confronted him in his 86 years of life.

Jesse Helms was an established force in the Senate by the time I arrived. As a freshman Senator I knew I had a lot to learn and I was able to learn a lot from him as we served together and worked on several issues that meant a great deal to us both. We didn't always agree, but I always found him to be a man of his word who said what he meant and meant what he said. You always knew where you stood with him and when he said ''Yes'' you knew that you could count on him to do what he said he would.

Many of us come to Washington hoping to change Washington. Then, with the passage of time, we find that instead of changing Washington, Washington has changed us. How we are changed says a lot about us and our commitment to the principles and values that motivated us to run for the Senate in the first place.

That kind of change is only natural and, for many of us, the changes that occur help us to see other viewpoints and perspectives and make it possible for us to work with Members on both sides of the aisle so we can achieve common goals and work for the best interests of the United States and the American people.

Like so many of us, Jesse Helms was changed by his experience in the Senate. One of the most notable examples was the President's foreign AIDS relief package we worked on together.

For years Jesse was opposed to providing any assistance to countries fighting the AIDS epidemic. Some thought he would always oppose any kind of relief. Then, Bono, who is a powerful advocate for the cause, made an appointment to see Jesse Helms so he could share the human side of the problem with him.

I guess no one had been able to put a human face on the AIDS epidemic for him before. However Bono was able to do it, he was able to touch Jesse's heart and convince him that the need was real—and the right thing to do. In response, Jesse was big enough to admit that he had been wrong. After Bono's presentation, Jesse decided to work on a proposal that would provide the needed funds to fight AIDS in Africa. The proposal was passed and signed into law, and thanks in part to his support, countless lives were saved. It is no coincidence that the reauthorization of this legislation that he worked so hard to pass was recently enacted into law by President Bush. It is a part of his legacy that will continue on after him and make a difference all over the world for many years to come.

That is but one facet of his character, and one we are all familiar with. And, now that he has been taken from us, we will all take with us many more memories that come from our service with Jesse Helms in the Senate.

A lot of what we remember about Jesse Helms and his service in the Senate would surprise those who only knew him by reputation because people thought he was a tough guy. But when you met him, you quickly came to see that he was a friendly person. He enjoyed greeting the tourists he met in the Halls and he made them all feel welcome because he always had a kind word for everyone he met. Those who worked here in the Capitol liked him because he treated them all with kindness and respect.

At the top of Jesse's list were those who work with us to help the House and Senate function as it should—especially the pages. I don't think Jesse Helms ever missed a chance to say ''Thank you!'' to the pages for their service to the Congress. That was just one of the ways that Jesse honored the Senate's traditions and respected the office he was elected to hold.

I remember a story he told me about his first Senate race. The campaign was in full swing, but Jesse's numbers didn't look too good. Then one day he ran into a fellow Mason who handed him a Masonic lapel pin. ''Here,'' he said. ''Wear this during your campaign and I guarantee you that you will win.''

He took his friend's advice and wore the pin every day. Then, when the votes were counted, Jesse was the newly elected Senator from North Carolina.

He told me that story while we were in the cloakroom and I was watching him put a new back on the pin that now showed a lot of use. I told him that I was a Mason, too. As he put the pin back on his lapel, he told me that he had worn that pin every day since his friend gave it to him during that first Senate campaign.

As I came to know him, I saw that Jesse and I shared a great fondness and appreciation for the youth organizations that are recognized by the Congress. He knew that they were teaching our kids things they weren't going to be getting any other way. He knew that these groups were helping our kids learn how to be good citizens and good students and to stand up for the things they believed in. He knew that they were helping to prepare our young people for the challenges they would face in school and later, in life.

One organization we both worked to support was the Boy Scouts. He was a strong supporter of Scouting and he stood up for them whenever they were unfairly criticized or attacked. His response to each attack was to craft a bill that protected the promotion of volunteerism, values and faith to ensure those valuable lessons would continue to be taught to the Scouts.

That is just one example of Jesse's commitment to the values that meant so very much to him. That is why he was able to get a lot of things done over the years. His success was based on his strong foundation of values and beliefs that he would stand fast on and that was enough for him to win on most occasions. Watching him in action on the floor or in committee taught me that conviction counts, especially when you are firm and comfortable in what you believe.

Jesse was a kind, soft spoken, effective, persistent and successful individual. He paid attention to people and they responded to him—in North Carolina and across the country. Another of his great political secrets was his understanding that a problem always appears bigger if it is your own. That's why the people of his State sent him back to the Senate for five terms. He

listened to the people of North Carolina, he understood them, and he made their problems his own.

Now that the last chapter of his life has been written, Jesse Helms' record speaks for itself. It reflects the fact that he was never concerned with being popular or taking positions because they mirrored the results of the latest poll. His focus was always on doing what was right—because it was the right thing to do. I think he owes his perspective on life to some advice his father gave him that helped to shape his character and point him toward his destiny. Jesse would often share his father's words with others, ''The Lord does not require you to win, but he does require you to try.''

Jesse never forgot what his father told him. In fact, he lived those words by putting them into practice every day. No matter the odds or how impossible the situation was, Jesse stayed true to the life lesson his father taught him many years ago.

Now that he has been taken from us, it will be for others to judge his place in history and the impact his life had on the Nation. Whatever is decided, for me and for so many others, the record will show that Jesse Helms didn't always win, but he never let the fear of losing keep him from fighting for a cause he believed in. For Jesse Helms, the glory came not from victory, but from giving all he had in a noble effort in support of a worthy cause.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am a firm believer that Americans need to find alternatives to foreign oil and reliance on fossil fuels. But, instead of more domestic production, I believe Americans need to diversify in their approach, and not simply rely on alternative places to find oil and fossil fuels. Instead, the focus should be upon ingenuity, for example instead of water producing electricity, why not windmills, or wind energy? I grew up seeing fields of windmills on drives from Los Angeles to Palm Springs. Also, Boise is one of the most bicycle friendly cities, although you'd never know it by commuting on our poor streets that have completely ineffective bicycle commuting lanes. Instead of oil and gasoline, encourage people to bike to work by offering an expanded commuter tax credit. And, we have absolutely NO public transportation system. Why not focus on a systematic expansion of public transportation? As for home electricity and the like, why not an expanded tax credit on ''going green?'' I learned about the energy certification for your home when my family was building our new house, but it costs almost $3,000 to get your home tested to qualify for the tax credit, which is not worth it. Plus, energy efficient appliances and technology generally costs more. Why isn't such technology more cost effective? Why are we not encouraged to do more? If green technology costs more, in order to encourage its use and mainstream applications, there has to be financial encouragement to install it in order to offset the high up-front costs.

As for transportation, this summer, I cannot afford to buy a new car, even though I am a solid middle class citizen. Food prices have skyrocketed for my family, I have to pay for daycare for the summer, and I own a 10-year-old gas guzzling SUV, which is probably not worth much on a trade in anymore what with the high gas prices. But I live only 2 miles from work. The lack of public transportation has forced me to consider a different alternative, and that is biking to work. I am lucky because my employer (the federal government, by the way) is required to provide lockers and shower facilities on site, so I can bike in, shower, and go to work. I have encouraged my children to join me, and they are biking with me to summer camp as well. Unfortunately, this is the first summer I have been able to do this, because transporting my children to daycare was just about impossible without a car before this. Yet, most other nations have alternative transportation, and a totally different day care system, and because cycling is the norm it is much safer. I think the problem is deeper than just gas or oil prices. It is our own selfishness that has gotten us here, because we have never been forced to consider the alternatives.

I hope that a comprehensive approach to this problem will be focused on, instead of just a quick financial fix for segments of the population. It is hurting us all. And until Congress and our nation focuses on the more widespread issues, our approach to everyday life won't change. Because it is not just energy costs . . . it is more than that, and God forbid Congress forgets about the other problems, such as health care, child care, education, affordable housing, and the lack of appropriate services for those that are now falling behind because wages cannot keep up.

KIRSTEN.

As a kid, Congress said they were solving an 'energy-crisis,' and by the time I could drive, cars would get 100 mpg, jet-packs would be available by 1975, there would be a resort at ''LunaCity'' on the Moon by 1980, Mars by 1990, and Alpha Centauri by 2000.

Today, Congress says they are 'solving' an 'energy-crisis,' and if I just 'believe' in them, I will be 'delivered' from the valleys of shadows and death.

Please note, Mr. Karzai's diversion of cross-border Pakistani Talibani 'marauding-hoards,' and the House of Saud's past-due promises to pump more oil, while Congress spins their wheels-in-wheels-in-wheels of deceptions, is not 'solving' anything. Use of strategic reserves at this critical juncture is probably not a wise move, although I wish for the Clinton days of $0.89 cent/gal diesel. Your entire branch of government is completely out of control. THAT is the solution.

CLAYTON, *Priest River*.

I have 4 teenage boys that are big and are growing fast. The increased energy costs have significantly increased the cost of almost all goods. Most noticeably, our food bill has nearly doubled since the first of the year. We are desperately looking for any means to economize.

Although I am able to ride my bike to work and have taken several steps to minimize our fuel bills, we are feeling the crunch of increased petroleum costs. We have aging parents that are in need of more of our attention. Unfortunately, our parents are over 400 miles away, so it costs us over $180 dollars to make the trip to see them and to try to help them take care of their homes and properties.

It makes sense to me that the rising cost of fuel would affect our economy. My salary is not increasing, and with the cost of goods and fuel increasing, we are only able to make ends meet by not buying other things. This trend would seem to hurt other businesses that are depending on people like me to be buying their goods.

I am an Electrical Engineer and I am very disturbed over the push to skip nuclear power and move solely to renewable energy. The wind and solar power options available today will not meet our energy needs. Unfortunately, our country was behind in providing the needed supply of energy when the recent acceleration in energy costs began. I do believe that renewable technologies like wind and solar can play an important role in meeting future energy needs, but I think we need to provide a plan that sees these technologies mature and become less expensive through manufacturing advances. I believe we need to develop nuclear and clean-burning coal as stop-gap measures to allow the renewable technologies to advance to the point where they are more cost effective. If we try to move strictly to renewable energy sources, I am concerned that we will face energy shortages, or will further reduce consumer spending power by having to put our money in the more expensive renewable energy sources.

GENE.

This is one subject I completely agree with you on. The U.S. Congress has to act to allow drilling where we know we have oil reserves. The stupidest statement I have ever heard from Congress, which I have recently heard repeatedly, is that we cannot solve our energy crisis by drilling. That is about like saying we cannot solve a food shortage by planting more crops!

Last month I spent over $760 on gasoline and my wife spent several hundred [dollars] also. We do not have the option of using public transportation and we need larger vehicles on our farms. As a farmer, while currently enjoying good prices, we are seeing a big chunk of the increased income eaten up in fuel costs. If crop prices were to return to ''normal'' levels, it would devastate Idaho farms. Thanks for your help on this important issue.

KEITH, *Blackfoot*.

Honestly, I do not want to tell a story about how I am affected by high energy

prices—it is obvious. I think the last thing we need is to talk about it more. The ways to lower prices are out there and the Congress knows it. Just get it done. Just as communism caused us to fight with all our American might at home and around the world to preserve our nation, so also must we view our nation's energy as a cause worth pursuing with all our sweat and synapses. If not, our nation will lose the strength, the hope, the dream that has raised so many generations of Americans before.

Please, please do not talk anymore. Do something. You should receive many reply emails. Several will have great ideas (wind, solar, hydrogen, nuclear, oil). Pick the ideas with the most promise and encourage their production and then stay out of those geniuses' way and watch what the American people can do.

JOSH, *Idaho Falls.*

Too many people have this backwards. Most agree there is a limited amount of oil we can get. We need to save our reserves and use up the foreign oil first. Then when the foreign oil is nearly used up we will still have some to aid in the transition to other sources or energy. Save our oil and use up foreign oil first.

The last one standing with some oil wins.

CARL.

I am an Idaho Farmer. I have been deeply concerned about the prices of fuel in Idaho. The price of fuel has affected the cost of almost every aspect of farming from fertilizer to chemicals, tires, etc. The list goes on and on. The price of labor has all gone up because people cannot afford to work for less. My generation might be the last generation of farmers in Idaho. I personally have two sons and have encouraged them to find another way to make a living because the cost of starting up and the cost of farming are too prohibitive. There is no way that they can make it with the price of fuels. I guess my story is that the family farm is on its way out of Idaho. The families of America hold this nation together. If you break up the family, the United States will break as well. I guess the only way to get Congress to do anything is to wait for their stomachs to growl. Otherwise, if you eat you are involved in farming. No farms—no food!

LORN.

First, thank you for some leadership on this issue. I will be brief. My family and I just completed an auto trip to Montana and back. Fuel costs were averaging $4.05/gallon of regular. The costs of travel will have a significant effect on my family's recreation this year. We also have a small airplane and AV gas is now $6.30 in our area meaning it now costs $63.00 per hour just in fuel costs to fly the airplane my family and I have enjoyed for years. Unfortunately at these prices our boating costs have risen considerably. Grocery costs have risen. Freight costs are going up along with the airfares for the airlines. The selling price for my airplane and boat if I were to sell them are going down. Many families are selling their RVs because they just cannot afford to recreate like they used to.

Finally I have just retired after 31 years in my company. I have a small pension and have had to cut drastically on my anticipated lifestyle already. I had planned to teach flying lessons as a part-time job but the marketability of flight instruction may very well be priced out of the range of many prospective students.

I feel that the government and Congress have had since 1972 to get a grip on this problem and have done nothing except band-aid and pass the buck. We need to get real, drill whenever and wherever we need to immediately and reverse our current bad policy on nuclear energy. We cannot remain forever relying on petroleum but we need cogent policies to help us get to the next best thing for our energy needs.

We also need to put a cap on the speculating by the commodity traders that are driving up the prices daily. And, although I hate to say it, maybe we need to regulate a few more of those items that affect us working people so much on a daily basis, like utilities, phone service, cable costs and fuel.

MIKE, *Pocatello.*

Thank you for providing this forum to express my views about energy prices in our fine state, their impact, and solutions. I unequivocally believe that our present asset-depleting condition is a direct result of 30-plus years of disastrous, foolhardy legislation from Congress that has made it impossible for America's brilliant innovators to make us energy independent. Yes, the price of gas is leading my family to really think about every trip in the car, but I do not want a band-aid government solution to replace the free market. The following is what I believe is critical to our national security, as well as comfort at the pump:

(1) Deregulate and allow drilling in all its forms everywhere, right now! Admit to decades of failed, self-destructive policy and move on.

(2) Encourage, through generous incentives, the building of refineries everywhere, right now!

(3) Remove all legislative obstacles to the building of nuclear plants and encourage, through generous incentives, their construction everywhere, right now!

Senator, what is frightening and of tremendous concern for myself and many citizens, perhaps yourself as well, is our global competitors, friend and foe alike, are rapidly growing and tapping into their own energy sources, nuclear and petroleum, and America has become weak and dependent. It is sickening and dangerous. This must be reversed, immediately! Congress needs to remember that American interests, both short and long-term, must at all times be placed above those of other countries or the so-called ''international community.'' There is no one else on the globe looking out for us. Senator, you need to do it. Thank you for your excellent work on behalf of your constituents.

MICHAEL, *Post Falls.*

My husband and I live in the country outside of Rexburg and have to drive almost ten miles to get to town. My husband is a full-time college student and works part-time. I also have a part-time job and it is a struggle to fill up our gas tanks every few weeks. Gas prices are shooting up but our incomes are as small as ever.

My father is a farmer and has tractors, trucks, and other machinery to fuel. He has no choice. He needs those machines to do his work, but it is just so expensive.

Something needs to be done about the cost of fuel and energy and it needs to be done now! We need to stop relying on other countries to fuel our cars. We need to start using more alternative fuel and energy sources. We have the means but do we have the motivation? I hope so.

REGENCY, *Rexburg.*

You are correct regarding the adverse affect that the rising cost of fuel has on the lives of all Americans including the citizens of Idaho.

We must drill for oil on American soil and pump from the wells we have capped, mine clean coal in Utah and elsewhere, use wind for energy where it pays, create more fuel efficient engines, engineer better batteries for electric cars, make affordable solar power options available where possible . . . and thank God for the clean source of power we get from our hydro-electric dams.

We are a nation that was blessed by God with an abundance of natural resources. However, if we don't develop them and use what we have been provided with, and yet continue to complain, we are fools.

The cost of fuel is showing its effect on our small business in that orders are down and costs are up. It now costs double what it did two years ago to get to and from work, purchase some of our materials, and pick up those materials from our suppliers. We have tried not to pass the rising cost of shipping on to our customers as it is already high and keeps some people from purchasing our product. Therefore, we take a cut in our normal profit and that means less money in our pockets to spend on other products and services that we would like to have and use locally.

I work in town and there is absolutely no public transportation available in this area. It is a small town in the mountains of Idaho and I drive seven miles each way to work every day. Many workers must drive ten to twenty miles each way and it is eating into their family budgets. Now the price of fuel is taking its toll on food costs. Prices are getting ridiculously high and I cannot imagine trying to feed a family these days. I believe in less government. But there is something wrong with these high fuel costs; they are unjustified and the government does need to get to the bottom of it and put a stop to it now.

The last thing that should be done is to put a higher tax on our fuel and energy costs. The people who suffer the most from this problem are our elderly population (and disabled) who are on fixed incomes. Now they must choose whether to fill the oil tank (pay the electric bill) or to eat . . . we have gone sadly astray from the United States of America in which I grew up, and we had better get back to our roots of belief and our Constitution.

I believe in helping others and it is a fact that Americans are the most generous citizens on earth, giving to others even in other nations freely on a regular basis; no nation on earth gives more. However, as a country we must stop sending money to other countries in the world that have problems or disasters and start taking care of our own problems, infrastructure, and disasters. I do not believe in socialism, but we should provide for our elderly who provided for us. I am sick of seeing our government pledge billions of dollars of taxpayer money to countries that hate us. It is wrong and foolish. . . .

We have got a mess on our hands. Our Congress and Senate need to stand up for what is right . . . and protect and defend the U.S. Constitution as they swore to do. Quit being swayed by interest groups, and money. Stand for what is good for our Country not what is good for their pocketbook. We need some men and women with character and honor . . . I hope you will be a man of character and honor and serve this nation as is needed. May God bless and help you in this fight.

MRS. KENNETH.

REMEMBERING BABE RUTH

Mr. DODD. Mr. President, I rise today to honor the life and career of Babe Ruth, one of America's greatest baseball players. The man we know as Babe Ruth, was born on February 6, 1895, as George Herman Ruth, Jr. and passed away 60 years ago on August 16, 1948. In his obituary, the New York Times called him ''a figure unprecedented in American life. A born showman off the field and a marvelous performer on it, he had an amazing flair for doing the spectacular at the most dramatic moment.'' Although he played his last season in 1935, Ruth still holds the records for all-time highest slugging percentage. Ruth's 714 career homers and his consistent dominance in the batter's box rightly earned him the nickname, ''The Sultan of Swat.''

However, Babe Ruth was more than a superior ballplayer. Although his dramatically big swing earned him a place in the record books, Mr. Ruth was a figure of legendary proportions who permanently changed the game of baseball and made it a fixture in American life. His famous ''called'' shot in the 1932 World Series is so ingrained in our national memory and baseball lore that even our youngest children playing tee-ball in backyards across the country seek to emulate this iconic moment.

Mr. Ruth was also famous for his generosity, working for the Red Cross during World War II, organizing charity golf tournaments with longtime adversary Ty Cobb, appearing at benefits, and buying more than $100,000 in war bonds. A year before his death, he established the Babe Ruth Foundation, which provided assistance to disadvantaged children. Linda Ruth Tosetti, Mr. Ruth's granddaughter, is a resident of Connecticut, and today I would like to remember her grandfather, one of the greatest sports legends in our Nation's history.

ADDITIONAL STATEMENTS

90TH BIRTHDAY OF MAURY ALBERTSON

• Mr. ALLARD. Mr. President, today I honor Colorado State University professor Maury Albertson in recognition of his 90th birthday on August 30, 2008.

Dr. Albertson has distinguished himself in countless ways throughout his extensive and renowned career. He has been a devout champion of civic responsibility, a selfless servant to others, and a man who has changed lives worldwide through his compassion and understanding of other peoples and cultures.

As a young professor in 1960, Dr. Albertson and his team of scholars and students won a contract to study the option and assess the likelihood of creating an International Youth Corps, which laid the groundwork for the creation of the Peace Corps. He later went on to coauthor ''New Frontiers for American Youth'' that put forth the basic design for the Peace Corps.

Throughout his many years as a consultant for the World Bank, the United Nations Development Program, the Agency for International Development, and others, Dr. Albertson organized and advanced innovative projects involving sanitation, water resource development, village development, small industry development, and research and education.

A true believer in the philosophy of local empowerment, Dr. Albertson founded and currently serves as president of Village Earth, an international organization that has trained villages and NGOs in 15 countries in the methods of sustainable village development. Remarkably, in 1993, Dr. Albertson convened an international conference on sustainable village development, attended by over 350 people from 34 countries. It was an extraordinary success.

In May, 2006, Colorado State University awarded Dr. Albertson an honorary Doctor of Humane Letters in recognition of his exceptional contributions to industry and developing nations. This was a well-deserved honorary degree for Dr. Albertson.

Mr. President, I am proud the Senate has recognized the many accomplishments of Dr. Maury Albertson, a distinguished professor and true humanitarian.•

HONORING MOUNTAIN HOME AIR FORCE BASE

• Mr. CRAPO. Mr. President, I am pleased to recognize the outstanding accomplishments of the 366th Fighter Wing at Mountain Home Air Force Base in my home State of Idaho. The Gunfighters at Mountain Home earned the Air Force Meritorious Unit Award for the 17-month period from January 1, 2007, to May 31, 2008. The award is presented to active duty, Reserve and Guard units for exceptionally meritorious conduct in several areas, including outstanding services for at least three months during military operations against an armed enemy, outstanding devotion to duty and superior performance of exceptionally difficult tasks setting them apart from other units with similar missions. This award was established following September 11.

According to the 366th Fighter Wing Commander, COL James S. Browne, the Gunfighters earned this prestigious honor for exceptional conduct in direct support of combat operations in Iraq and Afghanistan, which include the historical deployment of Mountain Home AFB's F–15E Strike Eagles to Bagram Airfield, Afghanistan, as well as its direct support of 600 close air support missions over the Iraq. I offer my congratulations to all members of the 366th, and commend them on a job that continues to be extremely well done. Idaho is very proud of her Air Force personnel, and remains honored to be the host of these men and women who make Idaho home during their military service. The Gunfighters' outstanding accomplishments in earning this reward reflect well on them, their units, their families and their adopted state. This award demonstrates, yet again, the outstanding commitment that our Mountain Home Air Force Base airmen have to their mission, their excellence in support and execution of the strategic goals of our military mission overseas and their unwavering defense of our Nation.•

TRIBUTE TO RETIRED BRIGADIER GENERAL KENNETH M. TAYLOR

• Mr. INHOFE. Mr. President, all of us know what happened at Pearl Harbor on December 7, 1941. We have seen and read about the brave men and women who fought that day. Today, I rise to pay special tribute to one of those men, Kenneth M. Taylor a retired U.S. Air Force brigadier general, a fighter pilot, war hero, and, of course, a Sooner.

Seventy years ago, Ken Taylor graduated from high school in Hominy, OK, and entered the University of Oklahoma, as a pre-law student. Like many college students in 1938, he was enjoying life with his fraternity brothers but could not avoid thinking about what was happening in Europe, the South Pacific and Asia. He believed America would be going to war in the next year or two and wanted his first choice should his country go to war. He joined the Army Air Corps in 1940 and graduated from the U.S. Army Air Corps Training Center at Brooks Field near San Antonio, TX, on April 25, 1941. Second Lieutenant Taylor requested to fly fighters and, in June 1941, he was assigned to the 47th Pursuit Squadron at Wheeler Army Airfield in Honolulu, HI.

After arriving at Wheeler Field, Lieutenant Taylor met another pilot, George Welch, from Wilmington, DE, and they became close friends. Taylor and Welch were both assigned to fly the Curtiss P–40B Warhawk, a single-engine, single-seat, fighter and ground attack aircraft. On the ground, they were seen as goof-offs and a nuisance to West Pointers. However, the commander of the 47th Pursuit Squadron, Captain Gordon Austin, said he immediately recognized their extraordinary skills as pilots and made them flight leads.

About 3 a.m. on December 7, Taylor and Welch were just returning from their Saturday evening on the town. Just before 8 a.m., Taylor was awakened by low-flying planes and explosions. He jumped out of bed, quickly put on his tuxedo pants from the night

before, and ran into the street to see Japanese planes firing and dropping bombs on the base. He called Haleiwa Auxiliary air field where 18 P–40B fighters were located and, without orders, he told the ground crews to get two P–40 fighters armed and ready for takeoff. Enroute to Haleiwa, Taylor and Welsh were strafed by Japanese aircraft as they made their 10 mile trek to Haleiwa in Taylor's new Buick. At the airstrip, they climbed into their Curtiss P–40B Warhawk fighters and headed towards Barber's Point at the southwest tip of Oahu. Unfortunately, the aircraft only had .30-caliber gunnery practice ammo.

Initially, Taylor and Welsh saw an unarmed group of American B–17 Flying Fortress bombers who were arriving from the mainland but then spotted twelve Japanese torpedo dive bombers near Ewa Mooring Mast Field, a Marine base near Pearl Harbor. Lieutenant Taylor shot down two dive bombers and was able to damage another before running out of ammunition and returned with Welsh to Wheeler Field to rearm with .50-caliber bullets. On the ground at Wheeler, several senior officers climbed up on the wings of their aircraft and told them to disperse their aircraft and do not go up again. Luckily, as Lieutenant Taylor explained later, a second wave of Japanese aircraft flew over and ''the brass'' ran for safety. With fuel and ammo, Taylor and Welsh took to the air again straight into the wave of Japanese aircraft attacking Wheeler Field.

As Taylor headed for a group of Japanese aircraft, he found himself in the middle of a line of Japanese planes. A bullet from a plane behind him came through his canopy about an inch from his head, hit the trim tab, went though his left arm and exploded. One piece of shrapnel went through his left arm and another piece went into his leg, ruining his tux pants. Taylor reflected on the injuries in a 2001 interview, saying ''It was of no consequence; it just scared the hell out of me for a minute.'' A few years after the interview, he received two slugs from his crew chief that had been found behind his seat. Welch saw Taylor's predicament and shot down the plane on his friend's tail, likely saving his life. Both pilots continued their aerial combat until they had chased the Japanese planes off the north shore and again were out of ammunition.

Fourteen different American pilots were able to take off during the surprise attack on Pearl Harbor and recorded 10 Japanese aircraft kills. Lieutenant Taylor was credited with two kills and two probables. On December 13, 1941, the U.S. War Department named Lieutenants Taylor and Welsh as the official first two heroes of World War II and both were awarded the Distinguished Flying Cross on January 8. When asked about his actions that day, Taylor reflected, ''I wasn't in the least bit terrified, and let me tell you why: I was too young and too stupid to realize that I was in a lot of danger.'' Lieutenant Taylor went on to a record total of six career kills, designating him as a flying ace.

Ken Taylor served for 27 years of active duty before joining the Alaska Air National Guard in 1967. He has commanded at all levels, retiring as a brigadier general in 1971. His Pearl Harbor experience was portrayed in the 1970 film ''Tora! Tora! Tora!'' and the 2001 film ''Pearl Harbor.'' Ken passed away on 25 November 2006 just a few days shy of his 65th birthday. He is buried at Arlington National Cemetery.

I am honored to be able to present this small tribute to an American hero whose leadership and bravery ensured our Nation and its people remain free and strong. We must never forget the sacrifices of those who have gone before us as well as those who are sacrificing today. I offer my sincere thanks and appreciation to Ken Taylor and his family for his service to our great Nation.●

CONGRATULATING THE CITY OF PLYMOUTH, MINNESOTA

● Ms. KLOBUCHAR. Mr. President, I wish to congratulate the city of Plymouth, MN, for being named the ''Best City in America'' by the staff and writers of Money Magazine.

Because of this recognition, the country now knows what the residents of Plymouth, MN, have already known: that Plymouth is an exceptional place to live and grow, rich in culture and character.

The median household costs of single family homes in Plymouth allow families to responsibly purchase homes that are appropriate to their needs. When looking for educational or entertainment opportunities though, residents of Plymouth have access to a wide array of events at the Hilde Performance Center and other entertainment venues, as well as 40 public parks, 100 miles of trails, and half a dozen large lakes to swim, fish, and run around. With over 104 libraries within 15 miles, it is no surprise that the Plymouth public school system is ranked among the top three districts in a State renowned for education leadership. There are also 27 colleges, universities, and professional schools within a few miles of the city, exemplifying why 83 percent of Plymouth's citizens attended college.

Plymouth is not only the best city in America because of its proximity to arts, education, and the outdoors, it is also home to a healthy and thriving economy and active local government. The 50,000 jobs created in the city of Plymouth aids in independent business development, low crime rates, and allows for greater access to heath care options, so critical to Plymouth's low rates of diabetes and hypertension. Plymouth's local government recently led an effort to have a ''green roof'' and rain gardens installed when City Hall was expanded, thereby reducing greenhouse gases and mitigating the impact of pollution through water runoff.

Acknowledging this city's many successes, today I encourage other communities to follow the lead of Plymouth, MN, and encourage business leadership, civic investment, and community cohesiveness through its commerce, government, schools, entertainment, and health care initiatives.●

TRIBUTE TO TOM J. MORRIS

● Ms. LANDRIEU. Mr. President, I would like to take a few minutes to reflect upon the memory of Tom J. Morris, a true hero to the men and women of Louisiana. Tom died while traveling on vacation with his wife Denise in Boston last Friday morning. As an individual who shares his commitment to civil service and the State of Louisiana, I wanted to honor his truly inspiring career. For the last 19 years, Tom was the CEO for the United Way of Southwest Louisiana, Inc., in Lake Charles. In sum, he had a combined 30 years of service with the United Way and was considered a leader in the community of Lake Charles, particularly in the wake of Hurricanes Katrina and Rita. As you know, United Way is a nonprofit organization dedicated to nurturing the future generations and youth of the United States. Tom Morris was a man who represented the convictions of this Nation's youth, by bringing together communities and organizations in order to solve today's dilemmas. Louisiana is still in the wake of the hurricanes, and his dedicated assistance to victims, as well as the general community, will be sorely missed. His efforts to inspire young volunteers and assist in hurricane recovery are still considered vital to the reconstruction of local communities in Louisiana. To his family and his wife Denise, I extend my condolences and my prayers. Tom Morris's efforts are truly inspirational and will always be remembered, not only by the men and women of southwest Louisiana but by also by the Nation as a whole.●

ANNIVERSARY OF THE DITCHLEY FOUNDATION

● Mr. LUGAR. Mr. President, I am pleased to have the opportunity to pay tribute to the work of the Ditchley Foundation on the occasion of the 50th anniversary of its founding.

Since the foundation's inception in 1958, several of my colleagues, on both sides of the aisle and in both Chambers of the Congress, have taken part in the conferences held at Ditchley Park. This beautiful 18th century country

house a few miles outside of Oxford, England, was used as a weekend retreat by Prime Minister Winston Churchill and Averill Harriman, then U.S. Ambassador to Great Britain, during the frequent bombings of London during World War II. Today, Ditchley Park is home to around a dozen conferences each year on topics of relevance to transatlantic relations and international policy concerns in general. This series includes a keynote annual address given by a distinguished lecturer every summer.

This year's lecture gathering was especially noteworthy during this anniversary year. Individuals from a number of fields and countries attended, including our former colleague in the House of Representatives, now president emeritus of New York University, Dr. John Brademas. Dr. Brademas is himself a trustee of the Ditchley Foundation and was for several years chairman of the American Ditchley Foundation.

The current chairman is Rita E. Hauser, president of the Hauser Foundation and a former member of the President's Foreign Intelligence Advisory Board. Further, the executive director of American Ditchley is John J. O'Conner, vice chancellor and secretary of the State University of New York.

At the annual lecture on July 11, 2008, chairman of the Ditchley Foundation and former Prime Minister of the United Kingdom John Major made the following introductory remarks, which I would like to share with my colleagues. I ask to have the remarks printed in the RECORD.

The material follows.

''Ditchley is one of the hidden gems of the Transatlantic relationship.

It doesn't feature in Presidential speeches or Prime Ministerial briefing. Mercifully, it is not a plaything of the media: but its role as a clearing house for ideas; a forum for debate and discussion; and a magnet for policymakers gives it a unique status. It is the intellectual expression of 'soft power' and a tribute to the pre-eminence of reason and rational debate.

Of course—you all know that: it is why you are here. All of you know Ditchley, are committed to Ditchley, care about its future and have contributed generously to ensure it. For that—I thank you most warmly; it is a delight to see you all here this evening. My only regret is that many others—who also care for Ditchley and have been enormously generous to it—could not be here to join us. In their absence, I thank them, too, for all their support.

On Ditchley's 50th Anniversary, I think it worthwhile to look at its role.

My father was half-American. Brought up in the United States he drilled into me as a boy the importance of the Transatlantic relationship. His affection for it was emotional—but the economic, political and military case is even stronger. And yet we cannot take this for granted; it is not necessarily a fixed star in the firmament. Geography hugs Britain to her neighbors in Europe, and so does trade.

Trade and real politik turn American eyes to the East: there is no room for complacency. The most successful alliance in history is not immutable. It needs cherishing to keep it in good order.

Ditchley plays a role in this. And why is that? It is, of course, because thoughtful minds—lifting debate from the ephemeral to the eternal—see the importance (and the self-interest if you like) of nurturing Transatlantic ties.

But there is a further reason why Ditchley plays a role—a more prosaic reason. It is because one man saw the importance of the subject and had the vision to establish Ditchley in order to do something about it. That man was David Wills. Today, we remember and honour his vision, his commitment and his generosity. He saw the need—forgive the unintended pun—and he willed the means. David Wills is the Father of Ditchley and the effect of his invisible hand is evident in the continuing and instinctive relationship of trust that we take for granted across the Atlantic.

He chose wisely, too, in entrusting his legacy to Lady Wills and Catherine Wills. No one could have cared for Ditchley more, and their generosity has always been outstanding. I don't simply mean generosity in material terms—though certainly that, for the Wills family were by far the largest contributors to our recent fundraising campaign—but also their personal commitment in time and involvement. They are the living embodiment of Ditchley. I believe they can be satisfied that their actions have helped bind the ties that keep us safe and prosperous.

Following Sir John's remarks, the annual lecture was delivered by an eminent British scholar and scientist, Professor Martin Rees, a member of the House of Lords. President of the Royal Society, Lord Rees of Ludlow is also Master of Trinity College, Cambridge University, and Astronomer Royal. The address by Lord Rees, in full, was as follows:

Last year, Brent Scowcroft stood at this podium as Ditchley Lecturer. It's daunting to follow him. I'll take as my text his concluding words:

''If we behave wisely, prudently and in close strategic cooperation with each other, the 21st century could be the best yet in the rather dismal history of mankind.''

This is the 50th anniversary of the Ditchley Foundation, and I've been asked to offer a scientist's perspective on the next fifty years. As an astronomer, I often get mistakenly described as an astrologer—but I cast no horoscopes and have no crystal ball. My message will be that the Promethean power of science offers greater opportunities than ever before—for the developing and the developed world. We can indeed be optimistic: we can surely expect huge economic and social advances, especially in Asia. But there will be new challenges and vulnerabilities to contend with.

THE LAST 50 YEARS

Fifty years ago no-one here could confidently have predicted the geopolitical landscape of today. And scientific forecasting is just as hazardous. Three of today's most remarkable technologies had their gestation in the 1950s. But nobody could then have guessed how pervasively they would shape our lives today.

It was in 1958 that Jack Kilby of Texas Instruments and Robert Noyce of Fairchild Semiconductors built the first integrated circuit—the precursor of today's ubiquitous silicon chips, each containing literally billions of microscopic circuit elements. This was perhaps the most transformative single invention of the past century.

A second technology with huge potential began in Cambridge in the 1950s, when Watson and Crick discovered the bedrock mechanism of heredity—the famous double helix. This discovery launched the science of molecular biology, opening exciting prospects in genomics and synthetic biology.

And it's just over 50 years since the launch of Sputnik. This event started the 'space race', and led President Kennedy to inaugurate the programme to land men on the Moon. Kennedy's prime motive was of course superpower rivalry—cynics could deride it as a stunt. But it was an extraordinary technical triumph—especially as NASA's total computing power was far less than in a single mobile phone today. And it had an inspirational aspect too: it offered a new perspective on our planet. Distant images of Earth—its delicate biosphere of clouds, land and oceans contrasting with the sterile moonscape where the astronauts left their footprints—have, ever since the 1960s, been iconic for environmentalists.

Most of us here are old enough to recall the Apollo programme. But it's nearly 40 years since Neil Armstrong's 'first small step'. To young people today, however, this is ancient history: they know that the Americans went to the Moon, just as they know the Egyptians built pyramids, but the motives for these two enterprises may seem equally baffling.

There was no real follow-on after Apollo: there is no practical or scientific motive adequate to justify the huge expense of NASA-style manned spaceflight, and it has lost its glamour. But unmanned space technology has flourished, giving us GPS, global communications, environmental monitoring and other everyday benefits, as well as an immense scientific yield. But of course there is a dark side. Its initial motivation was to provide missiles to carry nuclear weapons. And those weapons were themselves the outcome of a huge enterprise, the Manhattan project, that was even more intense and focused than the Apollo programme.

Soon after World War II, some physicists who had been involved in the Manhattan project founded a journal called the Bulletin of Atomic Scientists, aimed at promoting arms control. The 'logo' on the Bulletin's cover is a clock, the closeness of whose hands to midnight indicates the Editorial Board's judgement on how precarious the world situation is. Every year or two, the minute hand is shifted, either forwards or backwards.

It was closest to midnight at the time of the Cuban Missile Crisis. Robert MacNamara spoke frankly about that episode in his confessional movie 'Fog of War'. He said that ''We came within a hairbreadth of nuclear war without realising it. It's no credit to us that we escaped—Khrushchev and Kennedy were lucky as well as wise''. Indeed on several occasions during the Cold War the superpowers could have stumbled towards armageddon.

When the Cold War ended, the Bulletin's clock was put back to 17 minutes to midnight. There is now far less risk of tens of thousands of H-bombs devastating our civilisation. Indeed one clear reason for sharing Brent Scowcroft's optimism is that the greatest peril to confront the world from the 1950s to the 1980s—massive nuclear annihilation—has diminished.

But the clock has been creeping forward again. There is increasing concern about nuclear proliferation, and about nuclear weapons being deployed in a localised conflict. And Al Qaida-style terrorists might some day acquire a nuclear weapon. If they did, they would willingly detonate it in a city, killing tens of thousands along with themselves, and millions would acclaim them as heroes.

And the threat of a global nuclear catastrophe could be merely in temporary abeyance. I'm diffident about even mentioning such matters to an audience where there's so much experience and expertise. But during this century, geopolitical realignments could be as drastic as those during the last century, and could lead to a nuclear standoff between new superpowers that might be handled less well—or less luckily—than the Cuba crisis was.

The nuclear age inaugurated an era when humans could threaten the entire Earth's future—what some have called the 'anthropocene' era. We'll never be completely rid of the nuclear threat. But the 21st century confronts us with new perils as grave as the bomb. They may not threaten a sudden world-wide catastrophe—the doomsday clock is not such a good metaphor—but they are, in aggregate, worrying and challenging.

I want briefly to address some of these themes, and then, near the end of my lecture, to comment on the role of science and scientists in the policy arena.

ENERGY AND CLIMATE

High on the global agenda are energy supply and energy security. These are crucial for economic and political stability, and linked of course to the grave issue of long-term climate change.

Human actions—mainly the burning of fossil fuels—have already raised the carbon dioxide concentration higher than it's ever been in the last half million years. Moreover, according to 'business as usual' scenarios, it will reach twice the pre-industrial level by 2050, and three times that level later in the century. This much is entirely uncontroversial. Nor is there significant doubt that CO_2 is a greenhouse gas, and that the higher its concentration rises, the greater the warming—and, more important still, the greater the chance of triggering something grave and irreversible: rising sea levels due to the melting of Greenland's icecap; runaway greenhouse warming due to release of methane in the tundra, and so forth.

There is a substantial uncertainty in just how sensitive the temperature is to the CO_2 level. The climate models can, however, assess the likelihood of a range of temperature rises. It is the 'high-end tail' of the probability distribution that should worry us most—the small probability of a really drastic climatic shift. Climate scientists now aim to refine their calculations, and to address questions like: Where will the flood risks be concentrated? What parts of Africa will suffer severest drought? Where will the worst hurricanes strike?

The 'headline figures' that the climate modellers quote—2, 3 or 5 degrees rise in the mean global temperature—might seem too small to fuss about. But two comments should put them into perspective.

First, even in the depth of the last ice age the mean temperature was lower by just 5 degrees. Second, the prediction isn't a uniform warming: the land warms more than the sea, and high latitudes more than low. Quoting a single figure glosses over shifts in global weather patterns that will be more drastic in some regions than in others, and could involve relatively sudden 'flips' rather than steady changes.

Nations can adapt to some of the adverse effects of warming. But the most vulnerable people—in, for instance, Africa or in Bangladesh—are the least able to adapt.

The science of climate change is intricate. But it's a doddle compared to the economics and politics. Global warming poses a unique political challenge for two reasons. First, the effect is non-localised: the CO_2 emissions from this country have no more effect here than they do in Australia, and vice versa. That means that any credible regime whereby the 'polluter pays' has to be broadly international.

Second, there are long time-lags—it takes decades for the oceans to adjust to a new equilibrium, and centuries for ice-sheets to melt completely. So the main downsides of global warming lie a century or more in the future. Concepts of intergenerational justice then come into play: How should we rate the rights and interests of future generations compared to our own? What discount rate should we apply?

In his influential 2006 report for the UK government, Nicholas Stern argued that equity to future generations renders a 'commercial' discount rate quite inappropriate. Largely on that basis he argues that we should commit substantial resources now, to pre-empt much greater costs in future decades.

There are of course precedents for long-term altruism. Indeed, in discussing the safe disposal of nuclear waste, experts talk with a straight face about what might happen more than 10,000 years from now, thereby implicitly applying a zero discount rate. To concern ourselves with such a remote 'post-human' era might seem bizarre. But all of us can surely empathise at least a century ahead. Especially in Europe, we're mindful of the heritage we owe to centuries past; history will judge us harshly if we discount too heavily what might happen when our grandchildren grow old.

To ensure a better-than-evens chance of avoiding a potentially dangerous 'tipping point'; global CO_2 emissions must, by 2050, be brought down to half the 1990 level. This is the target espoused by the G8. It corresponds to two tons of CO_2 per year from each person on the planet. For comparison, the current European figure is about 10, and the Chinese level is already 4. To achieve this target without stifling economic growth—to turn around the curve of CO_2 emissions well before 2050—is a huge challenge. The debates last week in Japan indicated the problems—especially how to bring India and China into the frame. The great emerging economies have not caused the present problem, but if they develop in as carbon-intensive a way as ours did, they could swamp and negate any measures taken by the G8 alone.

Realistically, however, there is no chance of reaching this target, nor of achieving real energy security, without drastically new technologies. Though I'm confident that these will have emerged by the second half of the century, the worry is that this may not be soon enough.

Efforts to develop a whole raft of techniques for economising on energy, storing it and generating it by 'clean' or low-carbon methods, deserve a priority and commitment from governments akin to that accorded to the Manhattan project or the Apollo moon landing. Current R and D is far less than the scale and urgency demands. To speed things up, we need a 'shotgun approach'—trying all the options. And we can afford it: the stakes are colossal. The world spends around 7 trillion dollars per year on energy and its infrastructure. The U.S. imports 500 billion dollars worth of oil each year.

I can't think of anything that could do more to attract the brightest and best into science than a strongly proclaimed commitment—led by the U.S. and Europe—to provide clean and sustainable energy for the developing and the developed world.

Even optimists about prospects in solar energy, advanced biofuels, fusion and other renewables have to acknowledge that it will be at least 40 years before they can fully 'take over'. Coal, oil and gas seem set to dominate the world's every-growing energy needs for at least that long. Last year the Chinese built 100 coal-fired power stations. Coal deposits representing a million years' accumulation of primeval forest are now being burnt in a single year.

Coal is the most 'inefficient' fossil fuel in terms of energy generated per unit of carbon released. Annual CO_2 emissions are rising year by year. Unless this rising curve can be turned around sooner, the atmospheric concentration will irrevocably reach a threatening level.

So an immediate priority has to be a coordinated international effort to develop carbon capture and storage—CCS. Carbon from power stations must be captured before it escapes in the atmosphere; and then piped to some geological formation where it can be stored without leaking out. It's crucial to agree a timetable, and a coordinated plan for the construction of CCS demonstration plants to explore all variants of the technology. To jump-start such a programme would need up to 10 billion dollars a year of public funding worldwide (preferably as part of public-private partnerships). But this is a small price to pay for bringing forward, by five years or more, the time when CCS can be widely adopted and the graph of CO_2 emissions turned around.

What is the role of nuclear power in all this? The concerns are well known—it is an issue where expert and lay opinions are equally divided. I'm myself in favour of the UK and the U.S. having at least a replacement generation of power stations—and of R and D into new kinds of reactors. But the non-proliferation regime is fragile, and before being relaxed about a world-wide programme of nuclear power, one would surely require the kind of fuel bank and leasing arrangement that has been proposed by Mohamed el Baradei at the IAEA.

NATURAL RESOURCES AND POPULATION

Energy security and climate change are the prime 'threats without enemies' that confront us. But there are others. High among these is the threat to biological diversity caused by rapid changes in land use and deforestation. There have been 5 great extinctions in the geological past; human actions are causing a 6th. The extinction rate is 1000 times higher than normal, and increasing. We are destroying the book of life before we have read it.

Biodiversity—manifested in forests, coral reefs, marine blue waters and all Earth's other ecosystems—is often proclaimed as a crucial component of human wellbeing and economic growth. It manifestly is: we're clearly harmed if fish stocks dwindle to extinction; there are plants whose gene pool might be useful to us. And massive destruction of the rain forests would accelerate global warming. But for environmentalists these 'instrumental'—and anthropocentric—arguments aren't the only compelling ones.

For them, preserving the richness of our biosphere has value in its own right, over and above what it means to us humans.

Population growth, of course, aggravates all pressures on energy and environment. Fifty years ago the world population was below 3 billion. It has more than doubled since then, to 6.6 billion. The percentage growth-rate has slowed, but the global figure is projected to reach 8 or even 9 billion by 2050. The excess will almost all be in the developing world.

There is, incidentally, a global trend from rural towards urban living. More than half the world's population is now urban—and megacities are growing explosively.

There is an extensive literature on the 'carrying capacity' of our planet—on how many people it can sustain without irreversible degradation. The answer of course depends on lifestyle. The world could not sustain its present population if everyone lived like present-day Americans or Europeans. On the other hand, the pressures would plainly be eased if people travelled little and interacted via super-internet and virtual reality. And, incidentally, if they were all vegetarians: it takes 13 pounds of corn to make one pound of beef.

If population growth continues even beyond 2050, one can't be other than exceedingly gloomy about the prospects. However, there could be a turnaround. There are now more than 60 countries in which fertility is below replacement level—it's far below in, for instance, Italy and Singapore. In Iran the fertility rate has fallen from 6.5 in 1980 to 2.1 today. We all know the social trends that lead to this demographic transition—declining infant mortality, availability of contraceptive advice, women's education, and so forth.

If the transition quickly extended to all countries, then the global population could start a gradual decline after 2050—a development that would surely be benign.

There is, incidentally, one 'wild card' in all these long-term forecasts. This is the possibility that the average lifespan in advanced countries may be extended drastically by some biomedical breakthrough.

The prognosis is especially bleak in Africa, where there could be a billion more people in 2050 than there are today. It's worth quoting some numbers here. A hundred years ago, the population of Ethiopia was 5 million. It is now 75 million (of whom 8 million need permanent food aid) and will almost double by 2050. Quite apart from the problem of providing services, there is consequent pressure on the water resources of the Nile basin.

Over 200 years ago, Thomas Malthus famously argued that populations would rise until limited by food shortages. His gloomy prognosis has been forestalled by advancing technology, the green revolution and so forth, but he could be tragically vindicated in Africa. Continuing population growth makes it harder to break out of the poverty trap—Africa not only needs more food, but a million more teachers annually, just to keep standards level. And just as today's population couldn't be fed by yesterday's agriculture, a second green revolution may be needed to feed tomorrow's population.

But the rich world has the resources, if the will is there, to enhance the life-chances of the world's billion poorest people—relieving the most extreme poverty, providing clean water, primary education and other basics. This is a precondition of achieving in Africa the demographic tradition that has occurred elsewhere. The overseas aid from most countries, including the U.S., is far below the UN's target of 0.7 percent of GNP. It would surely be shameful, as well as against even our narrow self-interests, if the Millennium Goals set for 2015 were not met.

(To inject a pessimistic note in parenthesis, the meagre underfunding of overseas aid, even in a context where the humanitarian imperative seems so clear, augurs badly for the actual implementation of the measures needed to meet the 2050 carbon emission targets—generally quoted as around 1 percent of GNP—where the payoff is less immediately apparent.)

SOME NEW VULNERABILITIES

Infectious diseases are mainly associated with developing countries—but in our interconnected world we are now all more vulnerable. The spread of epidemics is aggravated by rapid air travel, plus the huge concentrations in megacities with fragile infrastructures.

Whether or not a pandemic gets global grip may hinge on the efficiency of worldwide monitoring—how quickly a Vietnamese or Sudanese poultry farmer can diagnose or report any strange sickness.

In our everyday lives, we have a confused attitude to risk. We fret about tiny risks: carcinogens in food, a one-in-a-million chance of being killed in train crashes, and so forth. But we're in denial about others that should loom much larger. If we apply to pandemics the same prudent analysis that leads us to buy insurance—multiplying probability by consequences—we'd surely conclude that measures to alleviate this kind of extreme event need higher priority. A global pandemic could kill tens of millions and cost many trillions of dollars.

This thought leads me to new vulnerabilities of a different kind: vulnerabilities stemming from the misuse of powerful technologies—either through error or by design. Biotechnology, for instance, holds huge promise for health care, for enhanced food production, even for energy. But there is a downside.

Here's a quote from the American National Academy of Sciences: ''Just a few individuals with specialized skills . . . could inexpensively and easily produce a panoply of lethal biological weapons. . . . The deciphering of the human genome sequence and the complete elucidation of numerous pathogen genomes . . . allow science to be misused to create new agents of mass destruction'.''

Not even an organized network would be required: just a fanatic, or a weirdo with the mindset of those who now design computer viruses—the mindset of an arsonist. The techniques and expertise for bio or cyber attacks will be accessible to millions.

We're kidding ourselves if we think that technical expertise is always allied with balanced rationality: it can be combined with fanaticism—not just the traditional fundamentalism that we're so mindful of today, but new age irrationalities. I'm thinking of cults such as the Raelians: and of extreme eco-freaks, animal rights campaigners and the like. The global village will have its village idiots.

In a future era of vast individual empowerment, where even one malign act would be too many, how can our open society be safeguarded? Will there be pressures to constrain diversity and individualism? Or to shift the balance between privacy and intrusion? These are stark questions, but I think they are deeply serious ones. (Though—to inject a slightly frivolous comment—the careless abandon with which younger people put their intimate details on Facebook, and the broad acquiescence in ubiquitous CCTV, suggests that in our society there will be surprisingly little resistance to loss of privacy.)

Developments in cyber, bio or nano-technology will open up new risks of error or terror. Our global society is precariously dependent on elaborate networks—electricity grids, air traffic control, the internet, just-in-time delivery and so forth—whose collapse could stress it to breaking point. It's crucial to ensure maximal resilience of all such systems.

At the start of this lecture, I cited three technologies that now pervade our lives in ways quite unenvisioned 50 years ago. Likewise, by extrapolating from the present, I have surely missed the qualitatively greatest changes that may occur in the next 50.

The great science-fiction writer Arthur C. Clark opined that any ultra-advanced technology was indistinguishable from magic. Everyday consumer items like Sony game stations, sat-nav and Google would have seemed magic 50 years ago.

In the coming decades, there could be qualitatively new kinds of change. One thing that's been unaltered for millennia is human nature and human character. But in this century, novel mind-enhancing drugs, genetics, and 'cyberg' techniques may start to alter human beings themselves. That's something qualitatively new in recorded history.

And we should keep our minds open, or at least ajar, to concepts on the fringe of science fiction—robots with many human attributes, computers that make discoveries worthy of Nobel prizes, bioengineered organisms, and so forth. Flaky Californian futurologists aren't always wrong.

Opinion polls in England show that people are generally positive about science's role, but are concerned that it may 'run away' faster than we can properly cope with it. Some commentators on biotech, robotics and nanotech worry that when the genie is out of the bottle, the outcome may be impossible to control. They urge caution in 'pushing the envelope' in some areas of science.

The uses of academic research generally can't be foreseen: Rutherford famously said, in the mid-thirties, that nuclear energy was 'moonshine'; the inventors of lasers didn't foresee that an early application of their work would be to eye surgery; the discoverer of x-rays was not searching for ways to see through flesh. A major scientific discovery is likely to have many applications—some benign, others less so—none of which was foreseen by the original investigator.

We can't reap the benefits of science without accepting some risks—the best we can do is minimize them. Most surgical procedures, even if now routine, were risky and often fatal when they were being pioneered. In the early days of steam, people died when poorly designed boilers exploded.

But something has changed. Most of the 'old' risks were localized. If a boiler explodes, it's horrible but there's an 'upper bound' to just how horrible. In our ever more interconnected world, there are new risks whose consequences could be so widespread that even a tiny probability is unacceptable.

There will surely be a widening gulf between what science enables us to do, and what applications it's prudent or ethical actually to pursue—more doors that science could open but which are best kept closed.

There are already scientific procedures—human reproductive cloning, synthetic biology and the rest—where regulation is called for, on ethical as well as prudential grounds. And there will be more. Regulations will need to be international, and to contend with commercial pressures—and they may

prove as hard to enforce as the drug laws. If one country alone imposed regulations, the most dynamic researchers and enterprising companies would migrate to another that was more permissive. This is happening already, in a small way, in primate and stem cell research.

THE INTERNATIONAL SCIENTIFIC COMMUNITY

Some comments, now, on the role of the scientific community. Science is the only truly global culture: protons, proteins, and Pythagoras's theorem are the same from China to Peru. Research is international, highly networked, and collaborative. And most science-linked policy issues are international, even global—that's certainly true of those I've addressed in this lecture.

This is primarily an Anglo-American gathering, so I hope it's not out of place to emphasis that our two countries have been the most successful in creating and sustaining world-class research universities. These institutions are magnets for talent—both faculty and students—from all over the world, and are in most cases embedded in a 'cluster' of high-tech companies, to symbiotic benefit.

By 2050, China and India should at least gain parity with Europe and the US—they will surely become the 'centre of gravity' of the world's intellectual power. We will need to aim high if we are to sustain our competitive advantage in offering cutting-edge 'value added'.

It's a duty of scientific academies and similar bodies to ensure that policy decisions are based on the best science, even when that science is still uncertain and provisional; this is the Royal Society's role in the UK and that of the National Academy of Sciences in the US. The academies of the G8 + 5 countries are playing an increasing role in highlighting global issues. And one thinks of consortia like the IPCC, and bodies like the WHO.

In this country, an ongoing dialogue with parliamentarians on embryos and stem cells has led to a generally-admired legal framework. On the other hand, the GM crops debate went wrong here because we came in too late, when opinion was already polarized between eco-campaigners on the one side and commercial interests on the other. I think we have recently done better on nanotechnology, by raising the key issues early. It's necessary to engage with the public 'upstream' of any legislation or commercial developments.

We need to point out that the resources and expertise devoted to applications of science are not deployed optimally. Some subjects have had the 'inside track' and gained disproportionate resources; huge sums, for instance, are still devoted to new weaponry. On the other hand, environmental projects, renewable energy, and so forth, deserve more effort. In medicine, the focus is disproportionately on cancer and cardiovascular studies, the ailments that loom largest in prosperous countries, rather than on the infections endemic in the tropics.

Policy decisions—whether about energy, GM technology, mind-enhancing drugs or whatever—are never solely 'scientific': strategic, economic, social, and ethical ramifications enter as well. And here scientists have no special credentials. Choices on how science is applied shouldn't be made just by scientists. That's why everyone needs a 'feel' for science and a realistic attitude to risk—otherwise public debate won't rise above the level of tabloid slogans.

Scientists nonetheless have a special responsibility. We feel there is something lacking in parents who don't care what happens to their children in adulthood, even though this is largely beyond their control. Likewise, scientists shouldn't be indifferent to the fruits of their ideas—their intellectual creations. They should try to foster benign spin-offs—and of course help to bring their work to market when appropriate. But they should campaign to resist, so far as they can, ethically dubious or threatening applications. And they should be prepared to engage in public debate and discussion.

I mentioned earlier the atomic scientists in World War II. Many of them—and I've been privileged to know some, such as Hans Bethe and Joseph Rotblat—set a fine example. Fate had assigned them a pivotal role in history. They returned with relief to peacetime academic pursuits. But they didn't say that they were 'just scientists' and that the use made of their work was up to politicians. They continued as engaged citizens—promoting efforts to control the power they had helped unleash. We now need such individuals—not just in physics, but across the whole range of applicable science.

A COSMIC PERSPECTIVE

My special subject is astronomy—the study of our environment in the widest conceivable sense. And I'd like to end with a cosmic perspective.

It is surely a cultural deprivation to be unaware of the marvelous vision of nature offered by Darwinism and by modern cosmology—the chain of emergent complexity leading from a still-mysterious beginning to atoms, stars, planets, biospheres and human brains able to ponder the wonder and the mystery. And there's no reason to regard humans as the culmination of this emergent process. Our Sun is less than half way through its life. Any creatures witnessing the Sun's demise, here on earth or far beyond, won't be human—they'll be as different from us as we are from bacteria.

But, even in this cosmic time-perspective—extending billions of years into the future, as well as into the past—this century may be a defining moment. It's the first in our planet's history where one species—ours—has Earth's future in its hands.

I recalled earlier the image of our Earth viewed from space. Suppose some aliens had been watching our planet—a 'pale blue dot' in a vast cosmos, for its entire history, what would they have seen?

Over nearly all that immense time, 4.5 billion years, Earth's appearance would have altered very gradually. The continents drifted; the ice cover waxed and waned; successive species emerged, evolved and became extinct.

But in just a tiny sliver of the Earth's history—the last one millionth part, a few thousand years—the patterns of vegetation altered much faster than before. This signaled the start of agriculture. The changes accelerated as human populations rose.

But then there were other changes, even more abrupt. Within fifty years—little more than one hundredth of a millionth of the Earth's age, the carbon dioxide in the atmosphere began to rise anomalously fast. The planet became an intense emitter of radio waves (the total output from all TV, cellphone and radar transmissions).

And something else unprecedented happened: small projectiles lifted from the planet's surface and escaped the biosphere completely. Some were propelled into orbits around the Earth; some journeyed to the Moon and planets.

If they understood astrophysics, the aliens could confidently predict that the biosphere would face doom in a few billion years when the Sun flares up and dies. But could they have predicted this unprecedented spike less than half way through the Earth's life—these human-induced alterations occupying, overall, less than a millionth of the elapsed lifetime and seemingly occurring with runaway speed?

If they continued to keep watch, what might these hypothetical aliens witness in the next hundred years? Will a final spasm be followed by silence? Or will the planet itself stabilize? And will some of the objects launched from the Earth spawn new oases of life elsewhere?

The answers will depend on us, collectively—on whether we can, to quote Brent Scowcroft again, 'behave wisely, prudently.' ''●

TRIBUTE TO SERGEANT PEYTON WILLIAMS

● Mr. SESSIONS. Mr. President, today I pay tribute to SGT Peyton Williams, a constituent of mine from Wetumpka, AL. Sergeant Williams was selected as the Marine of the Year for the Second Marine Division. Out of the over 20,000 marines who comprise the Second Division, Sergeant Williams was selected for his outstanding performance in Operation Iraqi Freedom, OIF. This prestigious award signifies that Sergeant Williams represents the best of what a U.S. Marine should be.

Later this month, Governor Bob Riley will proclaim August 21, 2008, as Sergeant Peyton Williams Day in the State of Alabama. I would like to express my pride in his accomplishment, and appreciation for his service to our Nation in Iraq. Sergeant Williams contributed to the success of the counterinsurgency in the Al Anbar province. His work there was critical to our success in our current operations and he serves as an example to his fellow marines and an inspiration to all young Alabamians who will follow him in service as members of the military.

According to his company commander, CPT Brian Cillessen, ''Peyton has more talent by accident than most Marines learn in a career. He is a great American who has served his country well, and I am proud to have the honor to serve with him and would welcome the opportunity in the future.''

I would like to echo Captain Cillessen's praise of Sergeant Williams, it is Marines like him who have ensured the success of the surge strategy. I believe that with dedicated marines like Sergeant Williams in the force, victory is not only possible in our current operations in Iraq, it is certain.

And so, I applaud Sergeant Williams' hard work, and I look forward to hearing more great things about this fine son of Alabama.●

TRIBUTE TO THE UNIVERSITY OF ALABAMA AT BIRMINGHAM

● Mr. SESSIONS. Mr. President, today I recognize the University of Alabama at Birmingham, UAB, a place known

for its outstanding, world-renowned HIV/AIDS research and treatment. Dr. Michael Saag directs the Center for AIDS Research at UAB, which was established in 1988 by the National Institute for Allergy and Infectious Diseases to stimulate research and scientific advancement concerning AIDS and HIV. This program was initiated in 1998 and currently includes 20 centers funded through a consortium of six National Institutes of Health. Under Dr. Saag's exceptional leadership, the UAB Center for AIDS Research has grown dramatically as shown by its increase in total research funding, from $2.9 million dollars in 1988 to over $90 million currently.

UAB has a remarkable program in Zambia, the Center for Infectious Disease Research, headed up by Dr. Jeff Stringer. The UAB Zambia program, which receives funding through the President's Emergency Program for AIDS Relief, PEPFAR, is treating over 170,000 patients, with up to 100,000 patients on ARV treatment.

Dr. Stringer and his remarkable team have also worked vigorously with the Zambian Government to deliver ''prevention of mother-to-child HIV transmission'' services to over 500,000 women in Zambia, preventing tens of thousands of infants from being born with HIV. The UAB HIV prevention and treatment service units support 175 public health facilities in four of the nine provinces of Zambia. Prevention of mother-to-child transmission services are offered in 154 clinics and hospitals.

HIV care and treatment services are offered in 46 sites, and include a comprehensive cervical cancer screening program that has screened over 5,000 women in its first year. Research has shown a direct connection between HIV and cervical cancer among women, and groundbreaking work in the field has demonstrated the importance of screening HIV-infected women for cervical cancer, especially in resource-poor countries of the world. Dr. Groesbeck Parham and his group from UAB/ CIDRZ, using PEPFAR resources, have led the way in creating mechanisms to screen large numbers of women in Zambia, saving thousands of lives.

The UAB Zambia program also provides HIV testing to TB patients, and TB screening for all HIV patients in a comprehensive, integrated TB/HIV initiative.

I applaud the fine work UAB is doing, and I know that their service has saved thousands of lives. This is a prime example of the clear, positive results we have seen come about through PEPFAR, and one major reason I worked to ensure that new PEPFAR legislation preserves the focus on treatment that has undoubtedly contributed to its success.

I am proud of the role UAB has played on an international level in striving to provide top-notch treatment, as well as research to continuously improve on that treatment for Alabama, the nation, and the world, over the past 20 years.●

HONORING DR. EPHRAIM ZUROFF

● Mr. SMITH. Mr. President, I rise today to commend Dr. Ephraim Zuroff and the Simon Wiesenthal Center for their efforts to track down the last Nazi war criminals from World War II. Their work is enormously important, both in bringing the guilty to justice and preventing future acts of genocide. The statute of limitations does not, must not, expire on crimes against humanity. Earlier this year, I introduced the World War II War Crimes Accountability Act with Senator NELSON, which I hope will help Dr. Zuroff and the Simon Wiesenthal Center in their noble effort.

One of the main targets of this effort is Sandor Kepiro, who is charged with the 1942 killing of about 1,000 Jews, Gypsies, and Serbs in Novi Sad, Serbia. Kepiro allegedly committed these crimes while serving as a Hungarian police captain during World War II. He was convicted in 1944, but the verdict was annulled when the Nazis invaded Hungary. He was convicted again in 1946, in absentia, but escaped before serving his sentence. In 2007, a Hungarian court ruled that Kepiro could not be charged again for his alleged crimes. He is now living in Hungary, and the government continues to investigate the circumstances of his WWII activities. The Hungarian government must summon the political will to bring Kepiro to justice. Inaction is not an option.

The Simon Wiesenthal Center launched Operation: Last Chance in 2002, to identify and assist in the prosecution of the remaining Nazi war criminals still at large. Dr. Zuroff, who has been leading this effort, should be highly commended for his outstanding efforts in bringing the most guilty Nazis to justice. Of these, Kepiro is near the top of his list.

Even today, the crimes of people like Kepiro in the service of pro-Nazi regimes strain our understanding of hate. National Socialist Germany today is an icon remembered only for its brutality, its mantra of genocide, and its culture of racism. And those last Nazis, who are waiting out their last days under the coming twilight, must not be allowed to go quietly into the night, as did too many of their victims. For the souls that were lost, and even more for those that remain, there must be justice. I commend Dr. Zuroff and the Simon Wiesenthal Center in the highest possible terms, and urge the United States Government to do all it can to help them in their cause.●

RECOGNIZING JORDAN FINK

● Mr. THUNE. Mr. President, today I recognize Jordan Fink, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the state of South Dakota over the past several weeks.

Jordan is a graduate of Tripp-Delmont High School in Tripp, SD. Currently he is attending South Dakota State University, where he is majoring in biology. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jordan for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING JAMIE LOFTUS

● Mr. THUNE. Mr. President, today I recognize Jamie Loftus, an intern in my Rapid City, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Jamie is a graduate of Stevens High School in Rapid City, SD. Currently he is attending Black Hills State University, where he is majoring in accounting. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jamie for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING KELSEY MCKAY

● Mr. THUNE. Mr. President, today I recognize Kelsey McKay, an intern in my Rapid City, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Kelsey is a graduate of T.F. Riggs High School in Pierre, SD. Currently she is attending the College of Saint Benedict, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kelsey for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING MICHAEL MERRY

● Mr. THUNE. Mr. President, today I recognize Michael Merry, an intern in my Washington, DC office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Michael is a graduate of Washington High School in Sioux Falls, SD. Currently he is attending the University of South Dakota, where he is majoring in

finance and economics. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Michael for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING SHARAYAH SLAUGHTER

● Mr. THUNE. Mr. President, today I recognize Sharayah Slaughter, an intern in my Rapid City, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Sharayah is currently a student at Douglas High School in Box Elder, SD. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Sharayah for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING ROBERT STORK

● Mr. THUNE. Mr. President, today I recognize Robert Stork, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Robert is a graduate of Washington High School in Sioux Falls, SD, and of the University of Iowa, where he majored in communication studies. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Robert for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING ALLISON VOELKER

● Mr. THUNE. Mr. President, today I recognize Allison Voelker, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Allison is a graduate of Canton High School in Canton, SD, and of Biola University, where she majored in psychology. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Allison for all of the fine work she has done and wish her continued success in the years to come.●

HONORING THE WINNER SCHOOL DISTRICT

● Mr. THUNE. Mr. President, today I honor the Winner School District for being awarded the 2008 Secretary of Defense Employer Support Freedom Award. This award is the highest recognition given by the U.S. Government to employers for their outstanding support of their employees who serve in the National Guard and Reserve.

The Winner School District is one of only 15 employers nationwide to be honored with this prestigious award. The support, encouragement, and flexibility that they provide to their employees who are called to serve their country in the South Dakota National Guard illustrates their deservedness for this high honor. The Winner School District serves as a fine example of South Dakotans coming together to support the cause of freedom around the world. The Winner School District goes the extra mile to accommodate our servicemen and women and thus ensure a safer, more secure America.

Today, I rise with the entire State of South Dakota to commend the Winner School District for their commitment to serving our State and our Armed Forces.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sun nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:33 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 674. An act to amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009.

H.R. 1338. An act to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

H.R. 4255. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide assistance to the Paralympic Program of the United States Olympic Committee, and for other purposes.

H.R. 6083. An act to authorize funding to conduct a national training program for State and local prosecutors.

H.R. 6208. An act to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''.

H.R. 6221. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans, and for other purposes.

H.R. 6225. An act to amend title 38, United States Code, relating to equitable relief with respect to a State or private employer, and for other purposes.

H.R. 6309. An act to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level, and for other purposes.

H.R. 6437. An act to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the ''Corporal Alfred Mac Wilson Post Office''.

H.R. 6633. An act to evaluate and extend the basic pilot program for employment eligibility confirmation and to ensure the protection of Social Security beneficiaries.

The message also announced that the House has passed the following bills, without amendment:

S. 3294. A bill to provide for the continued performance of the functions of the United States Parole Commission.

S. 3295. A bill to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes.

S. 3370. An act to resolve pending claims against Libya by United States nationals, and for other purposes.

The message also announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note), amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2651 note), and the order of the House of January 4, 2007, the Speaker reappoints the following member on the part of the House of Representatives to the Commission on International Religious Freedom for a two-year term ending May 14, 2010: Ms. Elizabeth H. Prodromou of Boston, Massachusetts, to succeed herself.

ENROLLED BILL SIGNED

At 1:15 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4040. An act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

Pursuant to the order of today, August 1, 2008, the enrolled bill was signed by the Senator from Arkansas (Mr. PRYOR).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 674. An act to amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009; to the Committee on Veterans' Affairs.

H.R. 1108. An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1338. An act to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2452. To amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3021. To direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4255. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide assistance to the Paralympic Program of the United States Olympic Committee, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5057. To reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5464. An act to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes; to the Committee on the Judiciary.

H.R. 5569. To extend for 5 years the EB-5 regional center pilot program, and for other purposes; to the Committee on the Judiciary.

H.R. 5570. To amend the Immigration and Nationality Act with respect to the special immigrant nonminister religious worker program, and for other purposes; to the Committee on the Judiciary.

H.R. 6083. An act to authorize funding to conduct a national training program for State and local prosecutors. to the Committee on the Judiciary.

H.R. 6208. An act to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6221. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6225. An act to amend title 38, United States Code, relating to equitable relief with respect to a State or private employer and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6295. To enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage; to the Committee on Commerce, Science, and Transportation.

H.R. 6309. An act to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6382. An act to make technical corrections related to the Pension Protection Act of 2006, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 6437. An act to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the ''Corporal Alfred Mac Wilson Post Office''; to the Committee on Homeland Security and Governmental Affairs.

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

H.R. 6633. An act to evaluate and extend the basic pilot program for employment eligibility confirmation and to ensure the protection of Social Security beneficiaries; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 296. Concurrent resolution expressing support for the designation of August 2008 as ''National Heat Stroke Awareness Month'' to raise awareness and encourage prevention of heat stroke; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 358. Concurrent resolution commending the members of the Nevada Army and Air National Guard and the Nevada Reserve members of the Armed Forces for their dedicated, unselfish, and professional service, commitment, and sacrifices to the State of Nevada and the United States during more than five years of deployments to and in support of Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3406. A bill to restore the intent and protections of the Americans with Disabilities Act of 1990.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2964. An act to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes.

H.R. 3548. An act to enhance citizen access to Government information and services by establishing plain language as the standard style for Government documents issued to the public, and for other purposes.

H.R. 5540. An act to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network.

H.R. 6531. An act to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3430. A bill to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7354. A communication from the Deputy Under Secretary of Defense for Logistics and Materiel Readiness, transmitting, pursuant to law, a report entitled ''National Defense Stockpile Annual Materials Plan for Fiscal Year 2009 and 4 Years''; to the Committee on Armed Services.

EC–7355. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois'' (FRL No. 8696-3) received on July 31, 2008; to the Committee on Environment and Public Works.

EC–7356. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List'' (FRL No. 8699-1) received on July 31, 2008; to the Committee on Environment and Public Works.

EC–7357. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mississippi: Final Authorization of State Hazardous Waste Management Program'' (FRL No. 8699-7) received on July 31, 2008; to the Committee on Environment and Public Works.

EC–7358. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf Air Regulations Update to Include New York State Requirements'' (FRL No. 8688-3) received on July 31, 2008; to the Committee on Environment and Public Works.

EC–7359. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus thuringiensis Vip3Aa Proteins in Corn and Cotton; Exemption from the Requirement of Tolerance'' (FRL No. 8374-2) received on July 31, 2008; to the Committee on Environment and Public Works.

EC–7360. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Difenoconazole; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 8375-5) received on July 31, 2008; to the Committee on Environment and Public Works.

EC–7361. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Dodine; Pesticide Tolerances'' (FRL No. 8367-5) received on July 31, 2008; to the Committee on Environment and Public Works.

EC–7362. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Amendment to Massachusetts' State Implementation Plan for Transit System Improvements'' (FRL No. 8691-5) received on July 31, 2008; to the Committee on Environment and Public Works.

EC–7363. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana'' (FRL No. 8698-7) received on July 31, 2008; to the Committee on Environment and Public Works.

EC–7364. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas, El Paso County Carbon Monoxide Redesignation to Attainment, and Approval of Maintenance Plan'' (FRL No. 8699-9) received on July 31, 2008; to the Committee on Environment and Public Works.

EC–7365. A communication from the Regulation Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Hospice Wage Index for Fiscal Year 2009'' (RIN0938-AP14) received on July 31, 2008; to the Committee on Finance.

EC–7366. A communication from the Regulation Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2009'' (RIN0938-AP19) received on July 31, 2008; to the Committee on Finance.

EC–7367. A communication from the Regulation Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for Fiscal Year 2009'' (RIN0938-AP11) received on July 31, 2008; to the Committee on Finance.

EC–7368. A communication from the Regulation Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled, ''Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2009 Rates; Payments for Graduate Medical Education for Affiliated Teaching Hospitals in Certain Emergency Situations; Changes to Disclosure of Physician Ownership in Hospitals and Physician Self-Referral Rules; and Collection of Information Regarding Financial Relationships Between Hospitals'' (RIN0938-AP15) received on July 31, 2008; to the Committee on Finance.

EC–7369. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-121–2008-128); to the Committee on Foreign Relations.

EC–7370. A communication from the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report entitled, ''HHS Determination Concerning a Petition to Add Members to the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000; Determination Concerning a Petition for Employees from Sandia National Laboratory, Livermore, California''; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 702. A bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs (Rept. No. 110–436).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 789. A bill to prevent abuse of Government credit cards (Rept. No. 110–437).

By Mr. BIDEN, from the Committee on Foreign Relations, with amendments:

S. 2166. A bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes (Rept. No. 110-438).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2449. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes (Rept. No. 110–439).

S. 2840. A bill to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications (Rept. No. 110–440).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 3169. A bill to authorize United States participation in, and appropriations for the United States contribution to, the eleventh replenishment of the resources of the African Development Fund (Rept. No. 110–441).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2533. A bill to enact a safe, fair, and responsible state secrets privilege Act (Rept. No. 110–442).

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 3445. An original bill to impose sanctions with respect to Iran, to provide for the divestment of assets in Iran by State and local governments and other entities, to identify locations of concern with respect to transshipment, reexportation, or diversion of certain sensitive items to Iran, and for other purposes (Rept. No. 110–443).

By Mr. BAUCUS, from the Committee on Finance:

Report to accompany S.J. Res. 41, A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (Rept. No. 110–444).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 3418. A bill to prohibit discrimination in State taxation of multichannel video programming distribution services; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 3419. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDEN:

S. 3420. A bill to require the Federal Communications Commission to auction spectrum for a free and open access wireless service; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY:

S. 3421. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate for charitable purposes to the standard mileage rate established by the Secretary of the Treasury for business purposes; to the Committee on Finance.

By Mr. BROWN:

S. 3422. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a traceability system for food, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 3423. A bill to provide for equity in the award of military decorations and citations for service in the Armed Forces since March 20, 2003, and for other purposes; to the Committee on Armed Services.

By Mrs. MURRAY:

S. 3424. A bill to amend the Homeland Security Act of 2002 to clarify that matching funds are not required under the State Homeland Security Grant Program or the Urban Area Security Initiative; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DODD (for himself, Mr. REED, Mr. KERRY, Mr. CARPER, Mrs. CLINTON, and Mr. BIDEN):

S. 3425. A bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. VOINOVICH, Mr. WHITEHOUSE, Mr. AKAKA, and Mr. DURBIN):

S. 3426. A bill to amend the Foreign Service Act of 1980 to extend comparability pay adjustments to members of the Foreign Service assigned to posts abroad, and to amend the provision relating to the death gratuity payable to surviving dependents on Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad; to the Committee on Foreign Relations.

By Mr. WICKER (for himself, Mr. COCHRAN, Mr. MARTINEZ, and Mr. VITTER):

S. 3427. A bill to amend the Internal Revenue Code of 1986 to provide a credit for hurricane mitigation expenditures, and to provide a credit for the increased insurance premiums of certain homeowners as a result of hurricane events; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. VOINOVICH, and Mrs. DOLE):

S. 3428. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to facilitate the accelerated development and deployment of advanced safety systems for commercial motor vehicles; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. ENSIGN, Mr. FEINGOLD, and Mr. DODD):

S. 3429. A bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions; to the Committee on Finance.

By Mr. COBURN:

S. 3430. A bill to provide for the investigation of certain unsolved civil rights crimes, and for other purposes; read the first time.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. BINGAMAN, and Mr. SANDERS)):

S. 3431. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself, Mr. KENNEDY, and Mr. OBAMA):

S. 3432. A bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BIDEN (for himself, Mr. HAGEL, Mr. CASEY, Mr. VOINOVICH, and Mr. WEBB):

S. 3433. A bill to ensure that any agreement with Iraq containing a security commitment or arrangement is concluded as a treaty or is approved by Congress; to the Committee on Foreign Relations.

By Mr. DURBIN:

S. 3434. A bill to combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through physical and online retail marketplaces; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. BAUCUS, Mr. TESTER, and Mr. CONRAD):

S. 3435. A bill to allow certain participants in the conservation reserve program to participate in the critical feed use program of the Secretary of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WICKER (for himself and Mr. COCHRAN):

S. 3436. A bill to expand the eligible premium refund opportunities for persons who, as a result of new mapping data do not reside in a special flood hazard area; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mr. WHITEHOUSE, Mr. HAGEL, Mr. FEINGOLD, and Mr. WYDEN):

S. 3437. A bill to limit the use of certain interrogation techniques, to require notification of the International Committee of the Red Cross of detainees, to prohibit interrogation by contractors, and for other purposes; to the Select Committee on Intelligence.

By Ms. LANDRIEU:

S. 3438. A bill to prohibit the use of funds for the establishment of National Marine Monuments unless certain requirements are met; to the Committee on Commerce, Science, and Transportation.

By Mr. SALAZAR (for himself, Mr. CRAPO, and Mr. WYDEN):

S. 3439. A bill to provide for duty free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Ms. KLOBUCHAR):

S. 3440. A bill to amend title 49, United States Code, to enhance aviation safety; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mrs. FEINSTEIN):

S. 3441. A bill to provide certain requirements for the siting, construction, expansion, and operation of liquefied natural gas import terminals, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself and Ms. SNOWE):

S. 3442. A bill to reauthorize the National Oilheat Reliance Alliance Act of 2000, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 3443. A bill to amend the Federal Water Pollution Control Act to update a program to provide assistance for the planning, design, and construction of treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows, and to require the Administrator of the Environmental Protection Agency to update certain guidance used to develop and determine the financial capability of communities to implement clean water infrastructure programs; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 3444. A bill to provide for upgrading security at civilian nuclear facilities and of nuclear materials that could be used to construct a dirty bomb; to the Committee on Environment and Public Works.

By Mr. DODD:

S. 3445. An original bill to impose sanctions with respect to Iran, to provide for the divestment of assets in Iran by State and local governments and other entities, to identify locations of concern with respect to transshipment, reexportation, or diversion of certain sensitive items to Iran, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. MENENDEZ (for himself, Mr. SALAZAR, Mr. SMITH, Mr. LAUTENBERG, Mr. STEVENS, and Ms. STABENOW):

S. 3446. A bill to amend the Internal Revenue Code of 1986 to defer the tax on the gain on the sale of certain telecommunications and media businesses, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:

S. 3447. A bill to reprogram $15,000,000 in savings in the Jackson Barracks military construction to the Department of the Interior for the Historic Preservation Fund of the National Park Service for the purpose of restoring Jackson Barracks to its pre-Hurricane Katrina status as a national historic treasure; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 3448. A bill to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 3449. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mr. FEINGOLD):

S. Res. 643. A resolution calling for greater dialogue between the Dalai Lama and the Government of China regarding rights for the people of Tibet, and for other purposes; to the Committee on Foreign Relations.

By Mr. BURR (for himself and Mrs. FEINSTEIN):

S. Res. 644. A resolution designating September 2008 as ''National Child Awareness Month'' to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by these charities and organizations on behalf of children and youth as a positive investment in the future of the United States; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. Res. 645. A resolution honoring the life of Anne Legendre Armstrong; to the Committee on the Judiciary.

By Mr. SHELBY (for himself and Mrs. LINCOLN):

S. Res. 646. A resolution recognizing and supporting the goals and ideals of National Runaway Prevention Month; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mrs. MURRAY, Mr. SPECTER, Mr. COLEMAN, Mr. STEVENS, and Mr. HATCH):

S. Res. 647. A resolution designating September 9, 2008, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. REED, and Mr. WHITEHOUSE):

S. Res. 648. A resolution recognizing the 50th anniversary of the crossing of the North Pole by the USS *Nautilus* (SSN 571) and its significance in the history of both our Nation and the world; to the Committee on Armed Services.

By Ms. CANTWELL (for herself and Mr. SMITH):

S. Res. 649. A resolution designating September 18, 2008, as ''National Attention Deficit Disorder Awareness Day''; to the Committee on the Judiciary.

By Mr. REED (for himself, Mr. BAUCUS, Mr. WHITEHOUSE, and Mr. TESTER):

S. Res. 650. A resolution recognizing the importance of National Neighbor Day, National Good Neighbor Day, and National Neighborhood Day; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mrs. BOXER, Mr. BROWN, Mr. CARDIN, Mr. CORNYN, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. MARTINEZ, Ms. MIKULSKI, Mr. OBAMA, Mr. SESSIONS,

Mr. SHELBY, Mr. VITTER, and Mr. VOINOVICH):

S. Res. 651. A resolution honoring the National Aeronautics and Space Administration on the 50th anniversary of its establishment; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 689

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 689, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 771

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 950

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 950, a bill to develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Nino events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1070

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1287

At the request of Mr. SMITH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1287, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due.

S. 2227

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2227, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle school models for struggling students, and for other purposes.

S. 2330

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2330, a bill to authorize a pilot program within the Departments of Veterans Affairs and Housing and Urban Development with the goal of preventing at-risk veterans and veteran families from falling into homelessness, and for other purposes.

S. 2469

At the request of Mr. INOUYE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2469, a bill to amend the Communications Act of 1934 to prevent the granting of regulatory forbearance by default.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 2510, supra.

S. 2511

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2511, a bill to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship.

S. 2579

At the request of Mr. INOUYE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2667

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2667, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 2920

At the request of Mr. KERRY, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 3012

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 3012, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012.

S. 3187

At the request of Mr. HAGEL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3187, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 3208

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3208, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for clean coal technology, and for other purposes.

S. 3269

At the request of Mr. WYDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3269, a bill to require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes.

S. 3325

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3337

At the request of Mr. ROBERTS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3337, a bill to require the Secretary of Agriculture to carry out conservation reserve program notice CRP-598, entitled the ''Voluntary Modification of Conservation Reserve Program (CRP) Contract for Critical Feed Use''.

S. 3362

At the request of Mr. KERRY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Ohio

(Mr. BROWN) were added as cosponsors of S. 3362, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

S. 3375

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3375, a bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes.

S. 3398

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 3398, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

S. 3401

At the request of Mr. GRAHAM, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3401, a bill to provide for habeas corpus review for terror suspects held at Guantanamo Bay, Cuba, and for other purposes.

S. 3406

At the request of Mr. HARKIN, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Michigan (Ms. STABENOW), the Senator from Wisconsin (Mr. KOHL), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990.

S. 3407

At the request of Mr. BURR, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 3407, a bill to amend title 10, United States Code, to authorize commanders of wounded warrior battalions to accept charitable gifts on behalf of the wounded members of the Armed Forces assigned to such battalions.

S. RES. 622

At the request of Mr. GRAHAM, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Res. 622, a resolution designating the week beginning September 7, 2008, as ''National Historically Black Colleges and Universities Week''.

S. RES. 625

At the request of Mr. HAGEL, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Dakota (Mr. THUNE), the Senator from Montana (Mr. BAUCUS) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Res. 625, a resolution designating August 16, 2008, as National Airborne Day.

S. RES. 636

At the request of Mr. LIEBERMAN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. Res. 636, a resolution recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the members of the United States Armed Forces who made that success possible.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. REED, Mr. KERRY, Mr. CARPER, Mrs. CLINTON, and Mr. BIDEN):

S. 3425. A bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today along with Senators JACK REED, JOHN KERRY, TOM CARPER, HILLARY RODHAM CLINTON, and JOE BIDEN to introduce the Sunscreen Labeling Protection Act of 2008, or the SUN Act. I thank them for their support of this legislation and have enjoyed working with them on the issue of sunscreen labeling. This is an issue I have been working on for more than a decade. I also want to thank the many outside organizations who support this legislation including the American Cancer Society, the Melanoma Research Foundation, and many others as well as the leading U.S. manufacturers of sunscreen, Banana Boat and Hawaiian Tropic.

As we head into yet another steamy, sweltering summer locally in Washington, DC, and as Americans throughout the country hit the outdoors to enjoy a relaxing time at beaches, backyard barbeques and parks, we cannot forget how important it is to protect our skin from the sun's damaging rays.

However, I am profoundly disappointed to report that yet another summer is passing us by without adequate sunscreen labeling to protect consumers from harmful ultraviolet radiation, including UVA and UVB. Americans are being left in the lurch by the inaction of the Food and Drug Administration, which has failed to issue comprehensive and consistent standards for measuring and labeling sunscreen products for their protective value and for guarding against false claims on sunscreen products.

Americans may be surprised to learn that the Sun Protection Factor, SPF, number on the sunscreen they buy at their local convenience store or supermarket measures only the level of UVB protection provided by the sunscreen. It does not include a measure of the level of UVA protection. UVB has long been associated with sunburn while UVA has been recognized as a deeper penetrating radiation that contributes to skin cancer. While many products claim to offer UVA protection, that claim is not backed by enforceable, FDA-recommended standards by which those claims can be substantiated.

The FDA's standards for sunscreen testing and labeling lag 30 years behind our knowledge of the dangers of sun exposure. Research tells us that individual risk of melanoma, the most serious form of skin cancer, is associated with the intensity of sunlight that a person receives over a lifetime. In 2008, it is estimated there will be more than 1 million new cases of skin cancers and 62,480 new cases of melanoma, the deadliest form of skin cancer. Tragically, there will be as many as 8,420 deaths from melanoma this year.

Many sunscreen products carry claims that they protect against cancer-causing UVA rays, but without FDA action to set standards for testing and labeling, these claims can't be validated. Indeed, an analysis released earlier this summer found that many sunscreen products have misleading labels that make unsubstantiated claims.

Senator JACK REED of Rhode Island and I, along with many of my colleagues on both sides of the aisle, have repeatedly urged the FDA—for over a decade now—to follow through with its development of standards. We have written letters to the FDA dating back more than ten years, we have made phone calls, we have asked questions at hearings, and we even directed the FDA to issue final labeling for UVA and UVB in the fiscal year 2006 Agriculture Appropriations bill.

The American Cancer Society, the American Academy of Dermatology, and numerous other organizations speak of the value of using sunscreen to protect our skin from damaging UVA and UVB rays as an important step in preventing skin cancer. For years, we have heard their repeated cries for industry-wide standards that will help Americans protect themselves from a preventable cause of cancer. And still there is no final action by the FDA.

The public deserves better. If you take one look at the startling numbers of Americans who will be diagnosed with skin cancer this year and who will

likely die from this disease, it is clear that the public must know that what they read on the label of a sunscreen product represents a scientifically valid claim of protection from both UVA and UVB radiation.

Almost a year ago, the FDA issued a proposed rule that would set standards for testing and labeling sunscreen that includes UVA and UVB. I applaud this progress. It was a long time in coming. But I must reiterate that until the proposed rule is finalized, consumers and manufacturers lack an enforceable, consistent and comprehensive standard for testing and labeling of sunscreen products.

That is why I am introducing the SUNscreen Labeling Protection Act of 2008, or the SUN Act. This simple, straightforward bill gives the FDA 180 days from the date of enactment to finalize the proposed rule for comprehensive labeling, including formulation, testing and labeling requirements for both UVA and UVB, after which point the proposed rule would become effective.

I cannot emphasize enough the importance of this issue. The public continues to be misled by false claims that cannot be effectively challenged because there are no enforceable FDA standards for measuring and labeling UVA protection.

If the FDA would finalize its proposed rule including UVA and UVB protection, this legislation would not be necessary. But, a year and an entire summer season has nearly passed since the rule was proposed, as have decades of inaction prior to the proposed rule even being issued. All the while, consumers have gone without the information and protection they need which is what makes this legislation so critical.

I urge my colleagues to support this critically important bill.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

CANCER ACTION NETWORK,
July 30, 2008.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: On behalf of the volunteers and supporters of the American Cancer Society Cancer Action Networks℠ (ACS CAN), the partner advocacy organization of the American Cancer Society, we want to express our thanks for your leadership in introducing the Sunscreen Labeling Protection Act of 2008 (SUN Act). The SUN Act will direct the Food and Drug Administration (FDA) to issue final regulations related to labeling for sunscreen products.

Skin cancer is the most common of all cancer types with more than one million skin cancer diagnoses each year in the United States. Because exposure to ultraviolet (UV) radiation from the sun is the most important known risk fact for skin cancers, we believe this long-awaited proposal from the FDA will better inform consumers on the value and limits of sunscreen use.

We have provided extensive comments on the FDA proposed rules to ensure that the new regulations will require the most accurate and user-friendly presentation of sun protection possible on sunscreen products. The majority of skin cancers are caused primarily by UVB rays, and we know that UV exposure from the sun increases the risk of skin cancer, premature skin aging and other skin damage. Therefore, it is important to decrease UV exposure by wearing protective clothing, seeking shade whenever possible, and using a sunscreen with a high enough SPF Value to protect against some level of both UVB and UVA rays. ACS CAN believes that by raising the highest labeled sun protection factor (SPF) Value from 30 to 50 and including a UVA protection measure, consumers will be able to better select their protection level.

ACS CAN views cancer prevention as the most important attribute of sunscreens, and there is now convincing evidence that consistent use of appropriate sunscreens will result in the prevention of squamous cell carcinoma of the skin and may lower melanoma risk. Hence it is our strong conviction that all sunscreen packages must note the importance of applying sunscreen before going into the sun and reapplying as needed. We hope the new FDA regulations will help to achieve this by requiring a principle display panel on packages that is simple and easy for consumers to read, so they have clear directions on sun safety to make the most appropriate choice about protection levels.

Again, ACS CAN is encouraged that the SUN Act may finally lead to implementation of new regulations related to sunscreen labeling, and we look forward to working with Congress and the FDA to provide consumers with the most accurate and forthright information regarding sun protection and sunscreen use. If we can ever be of assistance or provide information, please contact Kelly Green Kahn, Associate Director, Federal Relations.

Sincerely,

DANIEL E. SMITH,
President,
DICK WOODRUFF,
Senior Director, Federal Relations.

CITIZENS FOR SUN PROTECTION,
Washington, DC, July 30, 2008.

Hon. CHRISTOPHER DODD,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD, On behalf of the Citizens for Sun Protection, an organization of parents, cancer survivors, healthcare professionals, business advocates and community leaders, joined together to advocate for stronger standards for sunscreen protection, I am writing you to express our strong support for the Sunscreen Labeling Protection Act of 2008 (SUN Act). This legislation would provide for the enactment within 180 days of the sunscreen standards rule that was first proposed by the Food and Drug Administration (FDA) in August 2007, and has yet been acted upon. We applaud your leadership in advancing federal sunscreen standards to protect Americans against cancer-causing UVB and UVA rays.

The delay in upgrading U.S. sunscreen standards, which has dragged on for now close to 20 years, can no longer be tolerated. Several other countries, including the European Union, already have strong sunscreen standards that provide protection from both UVA and UVB rays for their citizens. Your legislation will assure that the FDA issues final standards for UVA and UVB protection within 180 days of enactment and thus provide Americans with vitally important protection against skin cancer, premature aging, and skin damage.

A comprehensive FDA rule would require that sunscreen manufacturers properly label products so consumers will know the level of protection provided in the sunscreen they use for themselves and their families. Today, the average American using sunscreens that are commercially available in this country mistakenly believes that the product is providing equal protection for both UVB and UVA exposure. In reality Sun Protection Factor designations only apply only to UVB rays, those that primarily cause sunburn, and do not protect against UVA rays which cause skin cancer and other skin damage.

Compelling facts drive the need for change: According to the American Cancer Society one million new cases of skin cancer will be diagnosed in the United States this year and over 10,000 Americans will die from the disease. Every year the FDA proposal is delayed leaves our citizens at increased risk. It is critical to the health and welfare of the U.S. public to have access to strong, protective sunscreens they can trust. On behalf of the Citizens for Sun Protection, I wish to once again affirm our strong support for the SUN Act. We applaud your efforts to establish strong standards and an accurate labeling system for UVA and UVB protection in the United States.

Sincerely,

ROBERT F. HURLEY,
Executive Director.

ENVIRONMENTAL WORKING GROUP,
Washington, DC, July 30, 2008.

Hon. CHRISTOPHER J. DODD,
Chair, Subcommittee on Children and Families, Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the summer sun is upon us, we are again reminded of the need to ensure that sunscreens protect consumers from the damaging rays of both ultraviolet A (UVA) and ultraviolet B (UVB) radiation. The Food and Drug Administration first proposed to set safety standards in 1978, yet failed to act. That is why EWG supports the Sunscreen Labeling Protection Act of 2008, The SUN Act, which would require FDA to finalize sunscreen safety standards within 6 months, ending 30 years of delay.

The need for these standards is clear. A recent EWG study found that 85 percent of sunscreens that we tested do not offer enough protection from UV rays, are made with potentially harmful ingredients, or have not been tested for safety. Many products on the market present obvious safety and effectiveness concerns, including one of every seven that does not protect from UVA radiation. Overall we identified 143 products that offer very good sun protection with ingredients that present minimal health risks to users. Many sunscreens: lack UVA protection; break down in the sun; make questionable product claims, i.e. ''waterproof''; contain nano-scale materials that raise questions; and absorb into the blood.

These problems are aggravated by the fact that FDA has not finalized comprehensive sunscreen safety standards, called the ''Sunscreen Monograph,'' they began drafting 30 years ago. It took FDA 29 years to propose a Sunscreen Monograph. It has been nearly a year and it has yet to finalize the Monograph. EWG hopes it will do so quickly, but

after 30 years of delay, we must ensure consumers get the protections they believe they are getting.

We commend you for your continued leadership in this area and the introduction of The SUN Act. We look forward to working with you to ensure its quick passage.

Sincerely,

RICHARD WILES
Executive Director.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. BINGAMAN, and Mr. SANDERS)):

S. 3431. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today, along with Senators KENNEDY and SANDERS, to introduce the Time for Innovation Matters in Education, or TIME Act, of 2008. This bill would improve and expand students' instructional time, while ensuring rigorous standards, as a means to help close the academic achievement gap that exists for so many of our disadvantaged students.

The fundamental principle underlying this bill is that the amount of instructional time provided by the vast majority of school calendars is simply inadequate for today's students and teachers. Teachers need more time to plan and deliver instruction, and students need more time for 21st century learning.

The demands on 21st century learners reflect the rapid increase in technological advances that we have all experienced in the last 30 or 40 years. Twenty first century learning demands an increase in the rigor of mathematics and science education, and the acquisition of subject area knowledge in areas that simply did not exist years ago, such as computer literacy. These increased demands should not be met at the expense of ignoring other subjects such as social studies, art, and physical education. Yet, these other areas are often ignored to allow for time for some of the major academic subjects. That is the consequence of failing to match the gradual increase in educational demands with a corresponding increase in instructional time.

Instead, here we are in the 21st century, continuing to adhere to a school calendar that was established over 100 years ago, and which was designed to accommodate a predominantly agricultural society. In nearly every State, the school calendar is based on approximately 180 or fewer instructional days, or on approximately 1000 instructional hours, per school year. This means that American students are spending fewer than 20 percent of their waking hours in school.

In the recent National Research Council report entitled, How People Learn, the authors comment on the importance of being realistic about the amount of time it takes to learn complex subject matter. Simply put, they note that ''significant learning takes major investments of time.'' The TIME Act is an initial investment that will provide teachers and students with the expanded opportunities they need to achieve high quality instruction and learning. We know that time needs are significant if our students are to achieve a 21st century education.

Although all students are likely to benefit from expanded learning time, we must prioritize these opportunities for students who are most at risk for poor academic achievement. International reports like the PISA study demonstrate that although American students, as a group, have poor academic achievement relative to students in other industrialized nations, this disparity is most pronounced for students that are overrepresented among our Nation's poor. In fact, the 2006 PISA report shows that achievement scores for White, non-Hispanic students meet or exceed average scores reported across participating nations, whereas the average scores for Black or Hispanic students are well below that average.

Likewise, although research has demonstrated that all students are at risk for losing educational gains during the extended summer breaks that are currently the norm for most schools, children from low income households experience significantly greater achievement losses during summer breaks because they lack opportunities to attend the quality summer programs available to their less disadvantaged peers. Each year, this disparity contributes to the growing achievement gap. Researchers have shown us that these out-of-school experiences account for most of the achievement difference observed by 9th grade, which in turn influences when and whether students will graduate from high school and attend postsecondary school. Investing in more time during the school year can help to diminish these achievement gaps, improve graduation rates, and make a lasting difference in these students' lives.

But effective expanded learning opportunities require more than just more time. The time must be well spent. Students must be appropriately engaged in their learning, and teachers must have the training and support to use the longer school time effectively. Researchers have identified that expanded learning time benefits teachers, by providing more opportunities for cooperative planning and more time to individualize instruction. Involved students and teachers are critical to successful expanded learning time programs, and both benefit from effective programming.

States have begun to explore expanded learning programs, and have demonstrated their effectiveness. In Massachusetts, 10 schools converted their calendars to expand the mandatory number of school days and the number of hours within a school day. Outcomes include not only increased student achievement, but greater school satisfaction among parents, teachers, and students. In my own State of New Mexico, expanded learning initiatives have been pursued, in the form of longer school days or additional school days throughout the year. Early reports demonstrate increased achievement in math and reading, beyond grade-level expectations. Unfortunately, the funds available for these initiatives are limited to voluntary participation. We must make these programs become a regular part of the school day for all students and teachers, particularly those who are greatest risk for academic failure.

Most districts and State educational agencies do not have the capacity or infrastructure to guide, support, and fund expanded learning day programs, but good models for turning around low-performing schools do exist. Federal support can be used to build States' and schools' capacity based on evidence from such models.

Towards this goal, the TIME Act will: provide incentives for States and local educational agencies to develop plans for research-based, sustainable, and replicable expanded learning programs, for high-priority schools, with a focus on increasing rigorous and varied instructional opportunities for students and teachers; allow local educational agencies to determine appropriate objectives of their extended learning programs, such as increasing math and science scores for all students, enhance art or physical education, or increase academic English proficiency for English language learners; encourage States to take a leadership role and deliver technical assistance to schools that implement such programs; encourage schools to form partnerships with organizations that have successful track records in supporting or delivering effective expanded learning programs; and promote research on expanded learning program implementation, through local, State, and national data collection efforts. The results of these evaluations can inform best practices for future delivery of expanded learning models to additional schools.

I would like to thank Chairman KENNEDY for his leadership on this legislation, and for his ongoing commitment to enhancing educational opportunities for all Americans; particularly our most disadvantaged youths. Moreover, Senator KENNEDY's State of Massachusetts is a leader in school-wide expanded learning initiatives. Massachusetts has demonstrated that expanded learning enhances students' success, and it has done so in formerly struggling schools in some of the State's poorest school districts.

The TIME Act expands upon these models of success by promoting similar initiatives across the country. I hope that this legislation will be incorporated into reauthorization of the Elementary and Secondary Education Act, and I urge my colleagues to support it.

Like my colleagues Senator KENNEDY and SANDERS, I believe that all students deserve the time needed for a quality education. I also believe that all schools should expand well beyond their current limited calendar, especially if America is to maintain and increase its competitive edge in the global economy. We must invest in a systematic approach to improving schools so that every child graduates prepared for success. The TIME Act is an initial investment toward this goal.

By Mr. BIDEN (for himself, Mr. HAGEL, Mr. CASEY, Mr. VOINOVICH, and Mr. WEBB):

S. 3433. A bill to ensure that any agreement with Iraq containing a security commitment or arrangement is concluded as a treaty or is approved by Congress; to the Committee on Foreign Relations.

Mr. BIDEN. Today I join a bipartisan group of Senators in introducing the Iraq Security Agreement Act of 2008. This bill, consistent with the Constitution of the United States, prohibits the Bush administration from entering into a binding security agreement with Iraq without the approval of Congress. It would also prohibit the obligation of any funds to implement such an agreement.

I regret that I am compelled to introduce this legislation. If the President had embarked on these negotiations in a more responsible manner—by being clear about the objective, by ensuring that the agreements would not tie the hands of the next administration, by actively consulting with Congress as a partner in the process—this bill would be unnecessary. But the Administration has done none of these things, and so my colleagues and I want to ensure that Congress, and thus the American people, is brought into the process.

Let me take a step back and summarize how we got to this point. From October 2003 until the present day, the American military presence in Iraq has been authorized under international law through a series of UN Security Council Resolutions. Last November, President Bush and Prime Minister Maliki signed a ''Declaration of Principles,'' which set out a framework for our countries to negotiate, by yesterday—July 31, 2008—agreements governing cooperation in the political, economic and security spheres. The Declaration indicated that the two countries would not seek to renew the United Nations mandate for American troops in Iraq past December 31, 2008. Among other things, the Declaration contemplates ''providing security assurances and commitments to the Republic of Iraq to deter foreign aggression against Iraq'' and supporting Iraq ''in its efforts to combat all terrorist groups,'' including Al-Qaeda, Saddamists, and ''all other outlaw groups regardless of affiliation.'' In other words, all the folks fighting in Iraq and killing each other.

The Declaration may result in two pacts. One would be a ''Strategic Framework Agreement'' that will ''set the broad parameters of the overall bilateral relationship in every field,'' according to the U.S. Ambassador to Iraq, Ryan Crocker. This might be better titled ''What the United States will do for Iraq,'' because it consists mostly of a series of promises that flow in one direction—promises by the United States to a sectarian government that has thus far failed to reach the political compromises necessary to build a stable country.

The second agreement is a ''Status of Forces Agreement'' or SOFA, governing the presence of U.S. forces in Iraq, including their entry into the country and the immunities to be granted to them under Iraqi law. The administration claims that this agreement is mostly ''routine'' because we have SOFAs with over 90 countries around the globe. But conditions our soldiers face in Iraq are far from ''routine,'' despite recent improvements in security. Moreover, this SOFA would be much broader than the typical SOFA, from what we know. It would provide us with access to bases from which our military would operate, provisions that are usually in a separate facilities or ''basing'' agreement. This SOFA would also deal with contractor immunity, would permit U.S. forces to engage in combat operations in Iraq, and would provide authority for detaining insurgents. This is not a typical SOFA.

One of these agreements will reportedly contain a ''security arrangement''—a pledge by the United States to consult on next steps if Iraq is threatened. The Administration suggests that such an agreement is unremarkable, and that it does not bind the United States. But at a time when we have over 100,000 troops on the ground, an expansive program to train and equip Iraqi forces, and multiple U.S. military facilities, the pledge is, in reality, little different from a binding security commitment. Certainly, the government of Iraq and its people will perceive that we are signing up to defend Iraq against external threats.

Yesterday's deadline has apparently not been met. The New York Times reports, however, that the Bush administration and Iraqi government are close to an agreement. But Congress still remains largely in the dark.

We have not seen draft language. We do not definitively know which portions of the agreement will be binding, and which will not be. We are not in a position to evaluate whether the agreement will create obligations—either legal or political—that will constrain the next administration, whether Democratic or Republican. The President cannot make such a sweeping commitment on his own authority. Congress must grant approval. The legislation we introduce today requires that Congress be made part of the process.

I have often stated that no foreign policy can be sustained without the informed consent of the American people. More than 5 years ago, President Bush went to war in Iraq without gaining that consent—by overstating the intelligence and understating the difficulty, cost and duration of the mission.

In the final months of his term, President Bush is once again acting without the informed consent of the American people, putting us on a course to commit the Nation to a new phase of a long war in Iraq, and thereby bind his successors to his vision of U.S. policy in Iraq. By these agreements, the President will make it harder for his successor to change course.

Let me be clear. I support the concept of a Status of Forces Agreement with Iraq. But not at the cost of limiting our operational latitude or making security commitments—legal or political—that are not approved by Congress.

Administration officials have indicated that the Iraqi government is resisting the inclusion of key provisions that U.S. forces need in order to operate in Iraq. Given the difficulty of securing Iraq's consent to the broad authorities that the United States now has by virtue of the U.N. Security Council Resolutions, I believe the best option for the United States at this juncture is to seek an extension of the current United Nations Security Counsel resolution for Iraq.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3433

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iraq Security Agreement Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On November 26, 2007, President George W. Bush and Prime Minister of Iraq Nouri al-Maliki signed the Declaration of Principles for a Long-Term Relationship of Cooperation and Friendship Between the Republic of Iraq and the United States of America (in this Act referred to as the ''Declaration of Principles''), with the goal of concluding a final agreement or agreements between the

United States and Iraq by July 31, 2008, ''with respect to the political, cultural, economic, and security spheres.''

(2) The Declaration of Principles contemplates the United States ''providing security assurances and commitments to the Republic of Iraq to deter foreign aggression.''

(3) In 1992, pursuant to section 1457 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404c), the executive branch submitted a report to Congress on then-existing security commitments and arrangements.

(4) The report described in paragraph (3) defined a ''security commitment'' as an ''obligation, binding under international law, of the United States to act in the common defense in the event of an armed attack on that country.'' The report noted that all current security commitments of the United States are ''embodied in treaties which receive the advice and consent of the Senate.''

(5) The report defined a ''security arrangement'' as a ''pledge by the United States to take some action in the event of a threat to that country's security. Security arrangements typically oblige the United States to consult with a country in the event of a threat to its security. They may appear in legally-binding agreements, such as treaties or executive agreements, or in political documents, such as policy declarations by the President, Secretary of State or Secretary of Defense.''

(6) The United States Ambassador to Iraq, Ryan Crocker, has stated that the agreements to be concluded as anticipated by the Declaration of Principles will ''deal with the status of U.S. and coalition forces in Iraq past 2008'' and ''set the broad parameters of the overall bilateral relationship in every field''.

(7) On November 26, 2007, Assistant to the President and Deputy National Security Advisor for Iraq and Afghanistan, Lieutenant General Douglas Lute, stated, ''We don't anticipate now that these negotiations [under the Declaration of Principles] will lead to . . . formal inputs from Congress.''

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) any agreement that sets forth the ''broad parameters of the overall bilateral relationship [as between the United States and the Republic of Iraq] in every field,'' particularly one that includes a security commitment or arrangement provided to the Republic of Iraq by the United States, would result in serious military, political, and economic obligations for the United States, and thus, consistent with past practice, should involve a joint decision by the executive and legislative branches; and

(2) a short-term extension of the mandate of the Multi-National Force in Iraq (currently provided by United Nations Security Council Resolution 1790 (2007)), would, in concert with Iraqi law, provide United States forces with the authorities, privileges, and immunities necessary for those forces to carry out their mission in Iraq.

SEC. 4. ANNUAL REPORT ON SECURITY AGREEMENTS.

(a) REPORTS REQUIRED.—Not later than 180 days after date of the enactment of this Act, and every February 1 thereafter, the President shall submit to the appropriate congressional committees a report (in both classified and unclassified form) on United States security commitments to, and arrangements with, other countries.

(b) CONTENT.—Each report submitted under subsection (a) shall include the following:

(1) The text, and a description, of each security commitment to, or arrangement with, one or more other countries, whether based upon—

(A) a formal document (including a mutual defense treaty, a status of forces agreement, a pre-positioning arrangement or agreement, an access agreement, or a non-binding declaration or letter); or

(B) an expressed policy, whether expressed orally or in writing.

(2) An assessment of the need to continue, modify, or discontinue each of those commitments and arrangements in view of the changing international security situation.

SEC. 5. CONSULTATION WITH CONGRESS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall consult with the appropriate congressional committees about the negotiations pursuant to the Declaration of Principles. After the initial consultation, the Secretary of State and the Secretary of Defense shall keep such committees fully and currently informed regarding the status of the negotiations. Prior to finalizing any agreement that includes a security commitment or security arrangement with Iraq, the Secretary of State should provide the text of the agreement to the appropriate congressional committees.

SEC. 6. PROHIBITIONS.

(a) PROHIBITION ON ENTRY INTO FORCE OF CERTAIN AGREEMENTS.—No agreement containing a security commitment to, or security arrangement with, the Republic of Iraq, may enter into force except pursuant to Article II, section 2, clause 2 of the Constitution of the United States (relating to the making of treaties) or unless authorized by a law enacted on or after the date of the enactment of this Act pursuant to Article I, section 7, clause 2 of the Constitution (relating to the enactment of laws).

(b) PROHIBITION ON USE OF FUNDS.—No funds may be obligated or expended to implement an agreement containing a security commitment to, or security arrangement with, the Republic of Iraq, unless it enters into force pursuant to Article II, section 2, clause 2 of the Constitution of the United States or is authorized by a law enacted on or after the date of the enactment of this Act pursuant to Article I, section 7, clause 2 of the Constitution.

(c) POINT OF ORDER.—It shall not be in order for either House of Congress to consider any bill, resolution, amendment, or conference report that provides budget authority for the implementation of an agreement entered into in contravention of subsection (a).

SEC. 7. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Foreign Relations of the Senate;

(3) the Committee on Armed Services of the House of Representatives; and

(4) the Committee on Foreign Affairs of the House of Representatives.

By Mr. DURBIN:

S. 3434. A bill to combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through physical and online retail marketplaces; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise to discuss legislation that I am introducing today, the it Combating Organized Retail Crime Act of 2008.

This bill addresses a persistent and growing problem that costs retailers billions of dollars and poses serious health and safety risks for consumers. Organized retail crime involves the coordinated theft of large numbers of items from retail stores with the intent to resell those items. Typically, crime organizations hire teams of professional shoplifters to steal over-the-counter drugs, health and beauty aids, designer clothing, razor blades, baby formula, electronic devices and other items from retail stores. Using sophisticated means for evading anti-theft measures, and often the assistance of employees at stores, the thieves target 10–15 stores per day. They steal thousands of dollars worth of items from each store and deliver the items to a processing and storage location. There, teams of workers sort the items, remove anti-theft tracking devices, and remove labels that identify the items with a particular store. In some instances, they change the expiration date, replace the label with that of a more expensive product, or dilute the product and repackage the modified contents in seemingly-authentic packaging. The items are then stored in a warehouse, often under poor conditions that result in the deterioration of the contents.

Organized retail crime rings typically sell their stolen merchandise in different markets, including flea markets, swap-meets, and online auction sites. Online sales are of particular concern, since the internet reaches a worldwide market and allows sellers to operate anonymously and maximize return. A growing number of multi-million dollar organized retail crime cases involve internet sales. For example, in Florida recently law enforcement agents arrested 20 people in a $100 million case involving the sale of stolen health and beauty aids on an online auction site and at flea markets.

Organized retail crime has a variety of harmful effects. Retailers and the FBI estimate that it costs retailers billions of dollars in revenues and costs states hundreds of millions of dollars in sales tax revenues. With respect to certain products, such as baby formula and diabetic test strips, improper storage and handling by thieves creates a serious public safety risk when the products are resold. The proceeds of organized retail crime are often used to finance other forms of criminal behavior, including gang activity and drug trafficking.

The Combating Organized Retail Crime Act would address this problem in several ways. First, it would toughen the criminal code's treatment of organized retail crime by refining certain offenses to capture conduct that is currently being committed by individuals engaged in organized retail crime, and

by requiring the U.S. Sentencing Commission to consider relevant sentencing guideline enhancements.

Second, the bill would require physical retail marketplaces, such as flea markets, and online retail marketplaces, such as auction websites, to review the account of a seller and file a suspicious activity report with the Justice Department when presented with documentary evidence showing that the seller is selling items that were illegally obtained. If the physical or online retail marketplace is presented with clear and convincing evidence that the seller is engaged in such illegal activity, it must terminate the activities of the seller. This requirement will lead to greater cooperation between retail marketplaces, retailers and law enforcement, and will result in an increased number of organized retail crime prosecutions.

Third, the bill would require high-volume sellers on online auction sites (meaning sellers that have obtained at least $10,000 in annual gross revenues on the site) to display a physical address, post office box, or private mail box registered with a commercial mail receiving agency. This requirement will help online buyers get in touch with sellers, and assist law enforcement agents who wish to identify people who may be selling stolen goods online. It is analogous to a provision in the federal CAN–SPAM Act, which also requires persons who send mass emails to disclose their physical addresses.

This legislation has broad support in the retail industry in my home state of Illinois and nationwide. It is supported by the Illinois Retail Merchants Association, the National Retail Federation, the Retail Industry Leaders Association, the Food Marketing Institute, the National Association of Chain Drug Stores, and the Coalition to Stop Organized Retail Crime, whose members include such retail giants as Home Depot, Target, Wal-Mart, Safeway, Walgreens, and Macy's.

In summary, the Combating Organized Retail Crime Act addresses a serious problem that hurts businesses that are struggling to survive in a weak economy, and that harms consumers who unknowingly purchase stolen items that have been subjected to tampering. It heightens the penalties for organized retail crime, shuts down criminals who are selling stolen goods, and places valuable information about illegal activity into the hands of law enforcement. This bill is a big step forward in the fight against a nationwide problem, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3434

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Combating Organized Retail Crime Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Organized retail crime involves the coordinated acquisition of large volumes of retail merchandise by theft, embezzlement, fraud, false pretenses, or other illegal means from commercial entities engaged in interstate commerce, for the purpose of selling or distributing such illegally obtained items in the stream of commerce. Organized retail crime is a growing problem nationwide that costs American companies and consumers billions of dollars annually and that has a substantial and direct effect upon interstate commerce.

(2) The illegal acquisition and black-market sale of merchandise by persons engaged in organized retail crime result in an estimated annual loss of hundreds of millions of dollars in sales and income tax revenues to State and local governments.

(3) The illegal acquisition, unsafe tampering and storage, and unregulated redistribution of consumer products such as baby formula, over-the-counter drugs, and other items by persons engaged in organized retail crime pose a health and safety hazard to consumers nationwide.

(4) Investigations into organized retail crime have revealed that the illegal income resulting from such crime often benefits persons and organizations engaged in other forms of criminal activity, such as drug trafficking and gang activity.

(5) Items obtained through organized retail crime are resold in a variety of different marketplaces, including flea markets, swap meets, open-air markets, and Internet auction websites. Increasingly, persons engaged in organized retail crime use Internet auction websites to resell illegally obtained items. The Internet offers such sellers a worldwide market and a degree of anonymity that physical marketplace settings do not offer.

SEC. 3. OFFENSES RELATED TO ORGANIZED RETAIL CRIME.

(a) TRANSPORTATION OF STOLEN GOODS.—The first undesignated paragraph of section 2314 of title 18, United States Code, is amended by inserting after ''more,'' the following: ''or, during any 12-month period, of an aggregate value of $5,000 or more during that period,''.

(b) SALE OR RECEIPT OF STOLEN GOODS.—The first undesignated paragraph of section 2315 of title 18, United States Code, is amended by inserting after ''$5,000 or more,'' the following: ''or, during any 12-month period, of an aggregate value of $5,000 or more during that period,''.

(c) FRAUD IN CONNECTION WITH ACCESS DEVICES.—Section 1029(e)(1) of title 18, United States Code, is amended by inserting ''Universal Product Code label,'' after ''code,''.

(d) REVIEW AND AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR OFFENSES RELATED TO ORGANIZED RETAIL CRIME.—

(1) REVIEW AND AMENDMENT.—

(A) IN GENERAL.—The United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, shall review and, if appropriate, amend the Federal sentencing guidelines (including its policy statements) applicable to persons convicted of offenses involving organized retail crime, which is the coordinated acquisition of large volumes of retail merchandise by theft, embezzlement, fraud, false pretenses, or other illegal means from commercial entities engaged in interstate commerce for the purpose of selling or distributing such illegally obtained items in the stream of commerce.

(B) OFFENSES.—Offenses referred to in subparagraph (A) may include offenses contained in—

(i) sections 1029, 2314, and 2315 of title 18, United States Code; or

(ii) any other relevant provision of the United States Code.

(2) REQUIREMENTS.—In carrying out the requirements of this subsection, the United States Sentencing Commission shall—

(A) ensure that the Federal sentencing guidelines (including its policy statements) reflect—

(i) the serious nature and magnitude of organized retail crime; and

(ii) the need to deter, prevent, and punish offenses involving organized retail crime;

(B) consider the extent to which the Federal sentencing guidelines (including its policy statements) adequately address offenses involving organized retail crime to sufficiently deter and punish such offenses;

(C) maintain reasonable consistency with other relevant directives and sentencing guidelines;

(D) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges; and

(E) consider whether to provide a sentencing enhancement for those convicted of conduct involving organized retail crime, where such conduct involves—

(i) a threat to public health and safety, including alteration of an expiration date or of product ingredients;

(ii) theft, conversion, alteration, or removal of a product label;

(iii) a second or subsequent offense; or

(iv) the use of advanced technology to acquire retail merchandise by means of theft, embezzlement, fraud, false pretenses, or other illegal means.

SEC. 4. SALES OF ILLEGALLY OBTAINED ITEMS IN PHYSICAL OR ONLINE RETAIL MARKETPLACES.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 2323. ONLINE RETAIL MARKETPLACES.

''(a) DEFINITIONS.—As used in this section, the following definitions shall apply:

''(1) HIGH VOLUME SELLER.—The term 'high volume seller' means a user of an online retail marketplace who, in any continuous 12-month period during the previous 24 months, has entered into—

''(A) multiple discrete sales or transactions resulting in the accumulation of an aggregate total of $20,000 or more in gross revenues; or

''(B) 200 or more discrete sales or transactions resulting in the accumulation of an aggregate total of $10,000 or more in gross revenues.

''(2) INTERNET SITE.—The term 'Internet site' means a location on the Internet that is accessible at a specific Internet domain name or address under the Internet Protocol (or any successor protocol), or that is identified by a uniform resource locator.

''(3) ONLINE RETAIL MARKETPLACE.—The term 'online retail marketplace' means an Internet site where users other than the operator of the Internet site can enter into transactions with each other for the sale or

distribution of goods or services, and in which—

''(A) such goods or services are promoted through inclusion in search results displayed within the Internet site;

''(B) the operator of the Internet site—

''(i) has the contractual right to supervise the activities of users with respect to such goods or services; or

''(ii) has a financial interest in the sale of such goods or services; and

''(C) in any continuous 12-month period during the previous 24 months, users other than the operator of the Internet site collectively have entered into—

''(i) multiple discrete transactions for the sale of goods or services aggregating a total of $500,000 or more in gross revenues; or

''(ii) 1,000 or more discrete transactions for the sale of goods or services aggregating a total of $250,000 or more in gross revenues.

''(4) OPERATOR OF AN ONLINE RETAIL MARKETPLACE.—The term 'operator of an online retail marketplace' means a person or entity that—

''(A) operates or controls an online retail marketplace; and

''(B) makes the online retail marketplace available for users to enter into transactions with each other on that marketplace for the sale or distribution of goods or services.

''(5) OPERATOR OF A PHYSICAL RETAIL MARKETPLACE.—The term 'operator of a physical retail marketplace' means a person or entity that rents or otherwise makes available a physical retail marketplace to transient vendors to conduct business for the sale of goods, or services related to such goods.

''(6) PHYSICAL RETAIL MARKETPLACE.—The term 'physical retail marketplace' may include a flea market, indoor or outdoor swap meet, open air market, or other similar environment, and means a venue or event in which physical space is made available not more than 4 days per week by an operator of a physical retail marketplace as a temporary place of business for transient vendors to conduct business for the sale of goods, or services related to such goods; and

''(A) in which in any continuous 12-month period during the preceding 24 months, there have been 10 or more days on which 5 or more transient vendors have conducted business at the venue or event; and

''(B) does not mean and shall not apply to an event which is organized and conducted for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers, and no part of the gross receipts or net earnings from the sale or exchange of goods or services, whether in the form of a percentage of the receipts or earnings, salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event.

''(7) STRUCTURING.—The term 'structuring' means to knowingly conduct, or attempt to conduct, alone, or in conjunction with or on behalf of 1 or more other persons, 1 or more transactions in currency, in any amount, in any manner, with the purpose of evading categorization as a physical retail marketplace, an online retail marketplace, or a high volume seller.

''(8) TEMPORARY PLACE OF BUSINESS.—The term 'temporary place of business' means any physical space made open to the public, including but not limited to a building, part of a building, tent or vacant lot, which is temporarily occupied by 1 or more persons or entities for the purpose of making sales of goods, or services related to those goods, to the public. A place of business is not temporary with respect to a person or entity if that person or entity conducts business at the place and stores unsold goods there when it is not open for business.

''(9) TRANSIENT VENDOR.—The term 'transient vendor' means any person or entity that, in the usual course of business, transports inventory, stocks of goods, or similar tangible personal property to a temporary place of business for the purpose of entering into transactions for the sale of such property.

''(10) USER.—The term 'user' means a person or entity that accesses an online retail marketplace for the purpose of entering into transactions for the sale or distribution of goods or services.

''(11) VALID PHYSICAL POSTAL ADDRESS.—The term 'valid physical postal address' means—

''(A) a current street address, including the city, State, and Zip code;

''(B) a Post Office box that has been registered with the United States Postal Service; or

''(C) a private mailbox that has been registered with a commercial mail receiving agency that is established pursuant to United States Postal Service regulations.

''(b) SAFEGUARDS AGAINST SALES OF ILLEGALLY-OBTAINED ITEMS.—

''(1) DUTIES OF OPERATORS OF PHYSICAL RETAIL MARKETPLACES AND ONLINE RETAIL MARKETPLACES TO CONDUCT ACCOUNT REVIEWS AND FILE SUSPICIOUS ACTIVITY REPORTS.—In the event that an operator of a physical or online retail marketplace is presented with documentary evidence showing that a transient vendor of the physical retail marketplace, a user of the online retail marketplace, or a director, officer, employee, or agent of such transient vendor or user, has used or is using the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses or other illegal means, or has engaged in or is engaging in structuring, the operator shall—

''(A) not later than 15 days after receiving such evidence—

''(i) file a suspicious activity report with the Attorney General of the United States; and

''(ii) not later than 5 days after filing the report, notify any person or entity that presented the documentary evidence that the operator filed the report; and

''(B)(i) initiate a review of the account of such transient vendor or user for evidence of illegal activity; and

''(ii) as soon as possible, but not later than 45 days after receiving such evidence—

''(I) complete this review; and

''(II) submit the results of such account review to the Attorney General.

''(2) DUTIES OF OPERATORS OF PHYSICAL RETAIL MARKETPLACES AND ONLINE RETAIL MARKETPLACES TO TERMINATE SALES ACTIVITY.—

''(A) IN GENERAL.—If an operator of a physical retail marketplace or an online retail marketplace reasonably determines that, based on the documentary evidence presented to it or the account review conducted by it under paragraph (1), there is clear and convincing evidence that a transient vendor of the physical retail marketplace, a user of the online retail marketplace, or a director, officer, employee or agent of such transient vendor or user, has used or is using the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means, or has engaged in or is engaging in structuring, the operator shall, not sooner than 21 days and not later than 45 days after submitting the results of the account review to the Attorney General pursuant to paragraph (1), either—

''(i) terminate the ability of the transient vendor to conduct business at the physical retail marketplace or terminate the ability of the user to conduct transactions on the online retail marketplace, and notify the Attorney General of such action; or

''(ii)(I) request that the transient vendor or user present documentary evidence that the operator reasonably determines to be clear and convincing showing that the transient vendor or user has not used the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means, or has not engaged in or is not engaging in structuring; and

''(II)(aa) if the transient vendor or user fails to present such information within 45 days of such request, terminate the ability of the transient vendor to conduct business at the physical retail marketplace or terminate the ability of the user to conduct transactions on the online retail marketplace, and notify the Attorney General of such action; or

''(bb) if the transient vendor or user presents such information within 45 days, then the operator shall report such information to the Attorney General and notify the transient vendor or user that the operator will not terminate the activities of the transient vendor or user.

''(B) ATTORNEY GENERAL AUTHORIZATION.—The Attorney General or a designee may, with respect to the timing of the operator's actions pursuant to this paragraph, authorize the operator in writing to take such action prior to 21 days after submitting the results of the account review to the Attorney General or direct the operator in writing and for good cause to delay such action to a date later than 45 days after submitting the results of the account review.

''(3) DOCUMENTARY EVIDENCE.—The documentary evidence referenced in paragraphs (1) or (2)—

''(A) shall refer to 1 or more specific items, individuals, entities or transactions allegedly involved in theft, embezzlement, fraud, false pretenses, or other illegal activity; and

''(B) shall be—

''(i) video recordings;

''(ii) audio recordings;

''(iii) sworn affidavits;

''(iv) financial, accounting, business, or sales records;

''(v) records or transcripts of phone conversations;

''(vi) documents that have been filed in a Federal or State court proceeding; or

''(vii) signed reports to or from a law enforcement agency.

''(4) RETENTION OF RECORDS.—

''(A) RETAIL MARKETPLACES.—Each operator of a physical retail marketplace and each operator of an online retail marketplace shall maintain—

''(i) a record of all documentary evidence presented to it pursuant to paragraph (1) for 3 years from the date the operator received the evidence;

''(ii) a record of the results of all account reviews conducted pursuant to paragraph (1), and any supporting documentation, for 3 years from the date of the review; and

''(iii) a copy of any suspicious activity report filed with the Attorney General pursuant to this subsection, and the original supporting documentation concerning any report that it files, for 3 years from the date of the filing.

''(B) ONLINE RETAIL MARKETPLACE.—Each operator of an online retail marketplace shall maintain, for 3 years after the date a user becomes a high volume seller, the name, telephone number, e-mail address, valid physical postal address, and any other identification information that the operator receives about the high volume seller.

''(5) CONFIDENTIALITY OF REPORTS.—No operator of a physical retail marketplace or online retail marketplace, and no director, officer, employee or agent of such operator, may notify any individual or entity that is the subject of a suspicious activity report filed pursuant to paragraph (1), or of an account review performed pursuant to paragraph (1), of the fact that the operator filed such a report or performed such an account review, or of any information contained in the report or account review.

''(6) HIGH VOLUME SELLERS.—

''(A) VALID POSTAL ADDRESS.—An operator of an online retail marketplace shall require each high volume seller to display a valid physical postal address whenever other information about the items or services being sold by the high volume seller is displayed on the online retail marketplace. Such valid physical postal address must be displayed in a format clearly visible to the average consumer.

''(B) FAILURE TO PROVIDE.—In the event that a high volume seller has failed to display a valid physical postal address as required in this paragraph, the operator of the online retail marketplace shall—

''(i) within 15 days notify the user of its duty to display a valid physical postal address; and

''(ii) if 45 days after providing this initial notification the user still has not displayed a valid physical postal address, shall—

''(I) terminate the ability of the user to conduct transactions on marketplace; and

''(II) file within 15 days a suspicious activity report with the Attorney General of the United States.

''(7) CONTENTS OF SUSPICIOUS ACTIVITY REPORTS.—A suspicious activity report submitted by an operator to the Attorney General pursuant to paragraph (1) or (6) shall contain the following information:

''(A) The name, address, telephone number, and e-mail address of the individual or entity that is the subject of the report, to the extent known.

''(B) Any other information that is in the possession of the operator filing the report regarding the identification of the individual or entity that is the subject of the report.

''(C) A copy of the documentary evidence and other information that led to the filing of the report pursuant to paragraph (1) or (6).

''(D) A detailed description of the results of the account review conducted pursuant to paragraph (1).

''(E) Such other information as the Attorney General may by regulation prescribe.

''(c) VOLUNTARY REPORTS.—Nothing in this section prevents an operator of a physical retail marketplace or online retail marketplace from voluntarily reporting to a Federal, State, or local government agency any suspicious activity that such operator believes is relevant to the possible violation of any law or regulation, provided that the operator also complies with the requirements of this section.

''(d) STRUCTURING.—No individual or entity shall engage in structuring as defined in this section.

''(e) ENFORCEMENT BY ATTORNEY GENERAL.—

''(1) IN GENERAL.—Any individual or entity who knowingly commits a violation of, or knowingly fails to comply with the requirements specified in, paragraph (1), (2), (4), (5), (6), or (7) of subsection (b), or subsection (d), shall be liable to the United States Government for a civil penalty of not more than $10,000 per violation.

''(2) FALSE STATEMENTS.—

''(A) INTENT TO INFLUENCE AN OPERATOR.—Any person who knowingly makes any material false or fictitious statement or representation with the intent to influence an operator of a physical retail marketplace or an operator of an online retail marketplace to file a suspicious activity report under subsection (b) shall be liable to the United States Government for a civil penalty of not more than $10,000 per violation.

''(B) SUSPICIOUS ACTIVITY REPORT.—Any person who knowingly and willfully makes any material false or fictitious statement or representation in any suspicious activity report required under subsection (b) may, upon conviction thereof, be subject to liability under section 1001.

''(f) ENFORCEMENT BY STATES.—

''(1) CIVIL ACTION.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person or entity who has committed or is committing a violation of this section, the attorney general, official, or agency of the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

''(A) to enjoin further violation of this section by the defendant;

''(B) to obtain damages on behalf of the residents of the State in an amount equal to the actual monetary loss suffered by such residents; or

''(C) to impose civil penalties in the amounts specified in subsection (e).

''(2) WRITTEN NOTICE.—

''(A) IN GENERAL.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Attorney General of the United States, including a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action.

''(B) ATTORNEY GENERAL ACTION.—Upon receiving a notice respecting a civil action under subparagraph (A), the Attorney General of the United States shall have the right—

''(i) to intervene in such action;

''(ii) upon so intervening, to be heard on all matters arising therein; and

''(iii) to file petitions for appeal.

''(3) STATE POWERS PRESERVED.—For purposes of bringing any civil action under this subsection, nothing in this chapter shall prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(4) PENDING FEDERAL ACTION.—Whenever a civil action has been instituted by the Attorney General of the United States for violation of any rule prescribed under subsection (e), no State may, during the pendency of such action instituted by the Attorney General of the United States, institute a civil action under this subsection against any defendant named in the complaint in such action for any violation alleged in such complaint.

''(5) JURISDICTION.—

''(A) IN GENERAL.—Any civil action brought under this subsection in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28.

''(B) PROCESS.—Process in an action under this subsection may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

''(g) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be interpreted to authorize a private right of action for a violation of any provision of this section, or a private right of action under any other provision of Federal or State law to enforce a violation of this section.''.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 113 of title 18, United States Code, is amended by inserting after the item for section 2322 the following:

''2323. Online retail marketplaces.''.

SEC. 5. NO PREEMPTION OF STATE LAW.

No provision of this Act, including any amendment made by this Act, shall be construed as indicating an intent on the part of Congress to occupy the field in which that provision or amendment operates, including criminal penalties, to the exclusion of any State law on the same subject matter that would otherwise be within the authority of the State, unless there is a positive conflict between that provision or amendment and that State law so that the 2 cannot consistently stand together.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act take effect 120 days after the date of the enactment of this Act.

By Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mr. WHITEHOUSE, Mr. HAGEL, Mr. FEINGOLD, and Mr. WYDEN):

S. 3437. A bill to limit the use of certain interrogation techniques, to require notification of the International Committee of the Red Cross of detainees, to prohibit interrogation by contractors, and for other purposes; to the Select Committee on Intelligence.

Mrs. FEINSTEIN. Mr. President, today, Senators ROCKEFELLER, WHITEHOUSE, HAGEL, FEINGOLD and I introduce legislation to end coercive interrogations and secret detentions by the Central Intelligence Agency.

These practices have brought shame to our Nation, have harmed our ability to fight the war on terror, and, I believe, violate U.S. law and international treaty obligations.

It is time to repudiate torture and secret disappearances. It is time to end the outsourcing of coercive interrogations to the lowest bidder. It is time to return to the norms and values that have driven the United States to greatness for decades, but have been tarnished in the past 7 years.

It is now public knowledge that the Bush administration, in the Vice President's words, turned to ''the dark

side.'' The ''gloves came off.'' In the name of counterterrorism, the CIA resorted to waterboarding—an interrogation technique invented in the Spanish Inquisition to force false confessions and punish enemies.

In a mistaken effort to gain better intelligence, the CIA used this same technique that the Justice Department has prosecuted and the State Department has decried overseas. The administration used warped logic and faulty reasoning to say waterboarding technique was not torture. It is.

Waterboarding is the only technique to be publicly confirmed by this administration. There are others that have not been acknowledged but are still authorized for use. This has to end.

But we will never turn this sad page in our Nation's history until all coercive techniques are banned, and are replaced with a single, clear, uniform standard across the United States Government.

That standard is the one set out in the Army Field Manual. Its techniques work for the military and for the Federal Bureau of Investigation. If the CIA would abide by its terms, it would work for the CIA as well.

The first provision in this legislation requires the Intelligence Community to follow the Army Field Manual. That is already the law for the Department of Defense.

It is supported by 43 retired generals and admirals and by a bipartisan group of former Secretaries of State and Defense, Ambassadors, and national security advisors.

Majorities in both houses of Congress passed this provision earlier this year, sending a clear message that we do not support coercive interrogations. Regrettably, the President's veto stopped it from becoming law.

The second provision in this legislation requires that access to any detainee being held by the intelligence community be provided to members of the International Committee of the Red Cross.

Access by the ICRC is a hallmark of international law and is required by the Geneva Conventions. We believe that granting access to the ICRC is the best way to ensure that the same right will be afforded to U.S. forces if they are ever captured overseas.

But ICRC access has been denied at CIA black sites in the war on terror. This has, in part, opened the door to the abuses in detainee treatment. Independent access prevents abuses like we witnessed at Abu Ghraib and Guantanamo Bay. It is time that the same protection is in place for the CIA as well, in the well-established rules that the military has used for years.

Finally, this legislation contains a ban on contractor interrogators at the CIA. As General Hayden has testified, the CIA uses outside contractors to conduct these interrogations.

We should not be using coercive interrogation techniques at all. But I firmly believe that outsourcing these interrogations to private companies is a way to diminish accountability and to avoid getting the Agency's hands dirty. I also believe that the use of contractors leads to more brutal interrogations than if they were done by Government employees.

We remain a nation at war, and credible, actionable intelligence remains a cornerstone of our war effort. But that is not what the CIA detention and interrogation program has provided.

Every single experienced interrogator tells us that coercive techniques will get someone to say what the interrogator wants to hear. But that doesn't make it true.

In fact, coercive interrogations and the threat of torture produced the information that Saddam Hussein was providing al Qaeda with WMD training. That wasn't true, but it helped lead us to war in Iraq.

Military and FBI interrogators also tell us that when they build a rapport with a detainee, they get more information, and more valuable information, than when it is coerced.

Beyond that, our Nation has paid an enormous price because of these interrogations. They cast shadow and doubt over our ideals and our system of justice. Our enemies have used our practices to recruit more extremists. Our key global partnerships, crucial to winning the war on terror, have been strained.

Look at two of our closest allies in the world. The British Parliament no longer trusts U.S. assurances that we will not torture detainees. The Canadian Government recently added the United States to its list of nations that conduct torture.

This is not the country that we want to be. Torture and disappearances do not befit the nation that I know.

It is time to restore America's integrity.

It will take time to resume our place as the world's beacon of liberty and justice. This bill will put us on that path and start the process. I urge its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3437

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Restoring America's Integrity Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) INSTRUMENTALITY.—The term ''instrumentality'', with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 3. LIMITATION ON INTERROGATION TECHNIQUES.

No individual in the custody or under the effective control of personnel of an element of the intelligence community or instrumentality of an element of the intelligence community, regardless of nationality or physical location of such individual or personnel, shall be subject to any treatment or technique of interrogation not authorized by the United States Army Field Manual on Human Intelligence Collector Operations.

SEC. 4. NOTIFICATION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS.

(a) REQUIREMENT.—The head of an element of the intelligence community or an instrumentality of such element who detains or has custody or effective control of an individual shall notify the International Committee of the Red Cross of the detention of the individual and provide access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

SEC. 5. PROHIBITION ON INTERROGATIONS BY CONTRACTORS.

The Director of the Central Intelligence Agency may not permit a contractor or subcontractor to the Central Intelligence Agency to carry out an interrogation of an individual. Any interrogation carried out on behalf of the Central Intelligence Agency shall be conducted by an employee of such Agency.

By Ms. LANDRIEU:

S. 3438. A bill to prohibit the use of funds for the establishment of National Marine Monuments unless certain requirements are met; to the Committee on Commerce, Science, and Transportation.

Ms. LANDRIEU. Mr. President, I introduce this bill today to prevent misuse of the Antiquities. Act of 1906 to create very large marine monuments. The Antiquities Act was intended to protect landmarks, not create the largest protected areas in the United States unilaterally without congressional assent.

The Bush administration acted covertly to convey protected status to 139,000 square miles of the northwestern Hawaiian Islands. In so doing, the administration short-circuited the extensive Marine Sanctuaries process that was already underway and notified the delegation only after the press conference. Now they have turned their attention to the Gulf of Mexico.

We learned that the President, with mixed support from his top advisors, is considering using his authorities under the Antiquities Act to unilaterally and permanently declare ''marine monuments'' in various locations of the U.S.

Exclusive Economic Zone. Some of these areas are in my backyard—in the Gulf of Mexico—but other areas of the Atlantic and Pacific are also under consideration.

I certainly understand the need to conserve and appropriately manage our most sensitive and vulnerable marine areas, which can serve as nurseries for fish stocks and provide critical habitat for other important species. That is why I support the processes Congress established in the National Marine Sanctuaries Act. But any declarations of new or additional protected status to marine areas should continue to follow the scientific and public processes outlined in the Sanctuaries Act. This is a good process that allows all affected parties—from the environmental community to recreational fishermen to the oil and gas industries—to have a say.

By Ms. LANDRIEU:

S. 3447. A bill to reprogram $15,000,000 in savings in the Jackson Barracks military construction to the Department of the Interior for the Historic Preservation Fund of the National Park Service for the purpose of restoring Jackson Barracks to its pre-Hurricane Katrina status as a national historic treasure; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I introduce this bill today to restore historic Jackson Barracks in New Orleans to its pre-Hurricane Katrina status as a national historic treasure. Jackson Barracks represents the rich military history of New Orleans, and indeed our great State. However, the rebuilding of the structures on this significant garrison has been hindered by bureaucratic roadblocks and gaps in funding. This bill directly addresses those challenges.

As you know, Hurricane Katrina brought torrential floods and driving winds to New Orleans and the surrounding region. The devastation from the storm touched every structure at Jackson Barracks. The original Jackson Barracks consists of 14 Antebellum Garrison Structures built between 1834 and 1835. These historic buildings were not spared and suffered tremendous damage.

There is a pressing need to complete the restoration and renovation of the barracks. Jackson Barracks requires additional renovations and restorations that are not within the scope of the Federal Emergency Management Agency hurricane restoration funding. With the agreement of the Chief, National Guard Bureau and the Secretary of the Interior, this bill would reprogram the savings from several military construction projects elsewhere on Jackson Barracks to assist in the completion of historic preservation at the post.

I ask the support of my colleagues in enabling the National Park Service to aid in the restoration of Jackson Barracks through the Historic Preservation Fund. I am not asking for additional dollars, but rather that the money that was saved on previous projects be recommitted and used for this vital need.

By Ms. LANDRIEU:

S. 3448. A bill to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise today to introduce legislation to reauthorize the Cane River National Heritage Area Commission and modify the boundaries of the heritage area. In 1994, Congress recognized this area as one of the nation's cultural and historic treasures. In the 1700s, Creole culture flowered across the stunning landscapes of the Cane River, and the Creole culture continues to enliven the region to this day. In terms of beauty, it is not only the landscape but the Creole architecture from that time period that charms visitors. Today, the 35 mile region includes the Cane River Creole National Historical Park, seven national historic landmarks, three state historic sites, and 24 properties listed on the National Register of Historic Places.

Anchored by the city of Natchitoches, which traces its history to a French colonial settlement established in 1714 near the Natchitoches Indian village on the Red River, the region's colonial forts, Creole plantations, churches, cemeteries, archeological sites, historic transportation routes, and commercial centers provide a unique view into Louisiana's past.

I am proud to represent the people of Louisiana by asking the 110th Congress to reauthorize this National Heritage Area and reaffirm the importance of the Cane River Creole culture as a nationally significant element of American heritage.

This should not be a difficult task. Congress has once before agreed to establish a Cane River Creole National Historical Park to serve as the focus of interpretive and educational programs on the history of the Cane River area and to assist in the preservation of certain historic sites along the river. Now, I ask this Congress to do it again by reauthorizing the Cane River National Heritage Area.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3448

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cane River National Heritage Area Reauthorization Act of 2008''.

SEC. 2. CANE RIVER NATIONAL HERITAGE AREA.

(a) BOUNDARIES.—Section 401 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–21) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following:

''(4) fostering compatible economic development;

''(5) enhancing the quality of life for local residents; and''; and

(2) in subsection (c), by striking paragraphs (1) through (6) and inserting the following:

''(1) the area generally depicted on the map entitled 'Revised Boundary of Cane National Heritage Area Louisiana', numbered 494/80021, and dated May 2008;

''(2) the Fort Jesup State Historic Site; and

''(3) as satellite site, any properties connected with the prehistory, history, or cultures of the Cane River region that may be the subject of cooperative agreements with the Cane River National Heritage Area Commission or any successor to the Commission.''.

(b) CANE RIVER NATIONAL HERITAGE AREA COMMISSION.—Section 402 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–22) is amended—

(1) in subsection (b)—

(A) by striking ''19'' and inserting ''23'';

(B) in paragraph (4), by inserting ''the Natchitoches Parish Tourist Commission and other'' before ''local'';

(C) in paragraph (7), by striking ''Concern Citizens of Cloutierville'' and inserting ''Village of Cloutierville'';

(D) in paragraph (13), by striking ''are landowners in and residents of'' and inserting ''own land within the heritage area'';

(E) in paragraph (16)—

(i) by striking ''one member'' and inserting ''2 members''; and

(ii) by striking ''and'' at the end; and

(F) by redesignating paragraph (17) as paragraph (19); and

(G) by inserting after paragraph (16) the following:

''(17) 2 members, 1 of whom represents African American culture and 1 of whom represents Cane River Creole culture, after consideration of recommendations submitted by the Governor of Louisiana;

''(18) 1 member with knowledge of tourism, after consideration of recommendations by the Secretary of the Louisiana Department of Culture, Recreation and Tourism; and''.

(2) in subsection (c)(4), by striking '', such as a non-profit corporation,'';

(3) in subsection (d)—

(A) in paragraph (5), by striking ''for research, historic preservation, and education purposes'' and inserting ''to further the purposes of title III and this title'';

(B) in paragraph (6), by striking ''the preparation of studies that identify, preserve, and plan for the management of the heritage area'' and inserting ''carrying out projects or programs that further the purposes of title III and this title''; and

(C) by striking paragraph (8) and inserting the following:

''(8) develop, or assist others in developing, projects or programs to further the purposes of title III and this title;''; and

(4) in the third sentence of subsection (g), by inserting '', except that if any of the organizations specified in subsection (b) ceases to exist, the vacancy shall be filled with an at-large member'' after ''made''.

(c) PREPARATION OF THE PLAN.—Section 403 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–23) is amended by adding at the end the following:

''(d) AMENDMENTS.—

''(1) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the heritage area shall be reviewed by the Secretary and approved or disapproved in the same manner as the management plan.

''(2) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds made available under this title to implement an amendment to the management plan until the Secretary approves the amendment.''.

(d) TERMINATION OF HERITAGE AREA COMMISSION.—Section 404 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–24) is amended—

(1) in subsection (a), by striking ''the day occurring 10 years after the first official meeting of the Commission'' and inserting ''August 5, 2025''; and

(2) in the third sentence of subsection (c), by striking '', including the potential for a nonprofit corporation,''.

By Ms. LANDRIEU:

S. 3449. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise today to introduce legislation entitled the Lower Mississippi River National Historic Site Study Act. This bill will direct the Secretary of the Interior to study the suitability and feasibility of designating sites in Plaquemines Parish along the Lower Mississippi River Area as a unit of the National Park System. To be eligible for favorable consideration as a unit of the National Park System, an area must possess nationally significant natural, cultural or recreational resources. The Lower Mississippi River area in Plaquemines Parish meets and exceeds these criteria.

I am proud to come to the floor today to introduce this bill. Anyone who has visited Plaquemines Parish knows that it is one of the Nation's unique treasures. The natural beauty there at the mouth of the Mississippi is impossible to describe, but impossible not to love. The area is rich in history, and it is a preserve for one of the nation's most unique cultural mélanges.

That mix began after the Native Americans in the region began to intermingle with the Spanish explorers who traveled along the banks of the river in the 1500s. In 1682, René-Robert Cavelier de LaSalle claimed all the land drained by the Mississippi for France area. In 1699, the area became the site of the first fortification on the Lower Mississippi River, known as Fort Mississippi. Since then, it has been the home to 10 different fortifications, including Fort St. Philip and Fort Jackson.

Fort St. Philip, originally built in 1749, proved to be instrumental during the Battle of New Orleans by blocking the British Navy from going up river. Fort Jackson was built at the request of General Andrew Jackson and partially constructed by famous local Civil War General P.G.T. Beauregard. This fort was the site of the famous Civil War battle know as the ''Battle of Forts'' which is also referred to as the ''night the war was lost.''

As this glimpse of the region's military history shows, the Lower Plaquemines region is of national cultural and historical significance.

There are also many other important and unique attributes to this area. This area is home to the longest continuous river road and levee system in the U.S. It is also home to the ancient Head of Passes site, Plaquemines Bend, geological features and two national wildlife refuges.

Finally, the area has a rich cultural heritage. Over the years, many different cultures have made this area home including Creoles, Europeans, Indians, Yugoslavs, African-Americans and Vietnamese. These cultures have worked together to create the infrastructure for transportation of our Nation's energy which is being produced by these same people out in the Gulf of Mexico off our shores. They have also created a fishing industry that contributes to Louisiana's economy.

I think it is easy to see why this area would make an excellent addition to the National Park Service. I hope that my colleagues will join me in supporting this bill which simply allows the National Park Service to study the suitability and feasibility of bringing this area into the system. I look forward to working with my colleagues to quickly enact this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3449

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lower Mississippi River National Historic Site Study Act of 2008''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Lower Mississippi area located south of New Orleans, Louisiana, which is known as ''Plaquemines Parish'', has great historical significance;

(2) from the earliest Spanish explorers traveling along the banks of the Lower Mississippi River in the 1500's, to Robert de LaSalle claiming all of the land drained by the Lower Mississippi River in 1682, to the petroleum, fisheries, and transportation industries of today, the area is one of the most unique areas in the continental United States;

(3) while, in 1699, the area became the site of the first fortification on the Lower Mississippi River, known as ''Fort Mississippi'', it has since been home to 10 different fortifications, more than a dozen light houses, and several wildlife refuges, quarantine stations, and pilot stations;

(4) of particular interest to the area are—

(A) Fort St. Philip, originally built in 1749, at which, during the Battle of New Orleans, the British navy was blocked from going up river and a victory for the Colonial Army was ensured; and

(B) Fort Jackson, built across from Fort St. Philip at the request of General Andrew Jackson and partially constructed by famous local Civil War General P.G.T. Beauregard, which was the site of the famous Civil War battle known as the ''Battle of the Forts'', which is also referred to as the ''night the war was lost'';

(5) the area is—

(A) at the end of the longest continuous river road and levee system in the United States; and

(B) a part of the River Road highway system;

(6) lower Plaquemines Parish is split down the middle by the Mississippi River, surrounded on 3 sides by the Gulf of Mexico, and crossed by numerous bayous, canals, and ditches;

(7) Fort Jackson and Fort St. Philip are located on—

(A) an ancient Head of Passes site; and

(B) 1 of the most historic areas on the Lower Mississippi River known as ''Plaquemines Bend'';

(8) the modern Head of Passes is only 21 miles south of Fort Jackson and Fort St. Philip where the Mississippi River splits into a bird foot delta to travel the last 20 miles to the Gulf of Mexico;

(9) there are numerous geological features that are unique to a large river mouth or delta that could make a national park in the area a particularly intriguing attraction;

(10) the coastal erosion, subsidence, river hydraulics, delta features, fresh, salt, and brackish water marshes, and other unique features of the area could be an effective classroom for the public on the challenges of protecting our river and coastal zones;

(11) the area includes the beginning of the Mississippi River flyway, which is—

(A) 1 of the most pristine eco-sites in the United States; and

(B) the site of 2 national wildlife refuges and 1 state wildlife refuge;

(12) the area is culturally diverse in history, population, industry, and politics;

(13) many well-known characters lived or performed deeds of great notoriety in the area;

(14) in the area, Creoles, Europeans, Indians, Yugoslav, African-Americans, and Vietnamese all worked together to weave an interesting history of survival and success in a very treacherous environment;

(15) the area has tremendous tourism potential, particularly for historical tourism and eco-tourism, because of the location, pristine ecosystems, and past indifference of the local government to promote tourism in the area; and

(16) since Hurricane Katrina, the local government in the area has—

(A) passed a resolution strongly supporting a national park study; and

(B) shown an interest in developing tourism in the area.

SEC. 3. DEFINITIONS.

In this Act:

(1) STUDY AREA.—

(A) IN GENERAL.—The term ''Study Area'' means the Lower Mississippi River area in the State of Louisiana.

(B) INCLUSIONS.—The term ''Study Area'' includes Fort St. Philip and Fort Jackson, the Head of Passes, and any related and supporting historical, natural, cultural, and recreational resources located in Plaquemines Parish, Louisiana.

(2) SECRETARY.—The term ''Secretary'' mean the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. STUDY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the State of Louisiana and interested groups and organizations, shall complete a special resource study that—

(1) evaluates—

(A) the national significance of the Study Area; and

(B) the suitability and feasibility of designating the Study Area as a unit of the National Park System, to be known as the ''Lower Mississippi River National Park'';

(2) includes cost estimates for the acquisition, development, operation, and maintenance of the Study Area; and

(3) identifies alternatives for management, administration, and protection of the Study Area.

(b) CRITERIA.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

SEC. 5. REPORT.

On completion of the study under section 4, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 643—CALLING FOR GREATER DIALOGUE BETWEEN THE DALAI LAMA AND THE GOVERNMENT OF CHINA REGARDING RIGHTS FOR THE PEOPLE OF TIBET, AND FOR OTHER PURPOSES

Mr. SMITH (for himself and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 643

Whereas, on April 25, 2008, China's official news agency Xinhua expressed the willingness of the Government of China to meet with envoys of the Dalai Lama;

Whereas, on May 4, 2008, Special Envoy of His Holiness the Dalai Lama Lodi Gyari and Envoy Kelsang Gyaltsen met with Chinese Executive Vice Minister Zhu Weiqun and Executive Vice Minister Sithar for one day of talks, in which the Government of China alleged that the Dalai Lama instigated the March 2008 unrest in autonomous Tibetan areas of China, and was sabotaging the Olympic Games;

Whereas Hu Jintao, General Secretary of the Communist Party of China, released a statement after this meeting saying that his Government of China was committed to a ''serious'' dialogue with the Dalai Lama;

Whereas, at the United States-European Union (EU) Summit on June 10, 2008, the United States and the European Union issued a joint statement welcoming the decision by the Government of China to hold talks with representatives of the Dalai Lama, and urged ''both parties to move forward with a substantive, constructive and results-oriented dialogue at an early date'';

Whereas the Envoys of His Holiness the Dalai Lama's Kelsang Gyaltsen and Lodi Gyari visited Beijing from June 30 to July 3, 2008, to conduct the seventh round of the Tibetan-Chinese dialogue;

Whereas, during these talks, the Government of China issued a new set of demands, including that the Dalai Lama prove that he does not support Tibetan independence or disruption of the Olympic Games in Beijing;

Whereas the Dalai Lama has stated multiple times he does not favor the independence of Tibet and is instead seeking negotiations to address the legitimate grievances of, and provide genuine autonomy for, the Tibetan people within the People's Republic of China, and is committed to non-violence;

Whereas the Dalai Lama has repeatedly and publicly declared his support for the Olympic Games in China, as well as his intention to attend the opening ceremony, if invited;

Whereas, at the conclusion of the July round of talks, officials of the Government of China did not accept a proposal by the representatives of the Dalai Lama to agree to a joint statement supporting a continuation of the dialogue process;

Whereas Special Envoy Lodi Gyari said on July 5, 2008, that the talks with the Government of China, called for by the international community, were ''disappointing and difficult'';

Whereas, in contrast to the opinion of Special Envoy Lodi Gyari, President George W. Bush said on July 6, 2008, that ''it looks like there's some progress, at least in the talks with the Dalai Lama'';

Whereas officials of the Government of China subsequently stated that the talks with the Dalai Lama's envoys are only about the Dalai Lama's personal future, rather than about the future of Tibet;

Whereas the Office of the Dalai Lama on July 17, 2008, restated its position that the talks are about ''the future of 6,000,000 Tibetans in Tibet and not His Holiness the Dalai Lama'';

Whereas, on July 11, 2008, the European Parliament adopted a resolution that ''welcomes the resumption of contacts, after the events of March 2008 in Lhasa, between the representatives of the Dalai Lama and the Chinese authorities'' and ''encourages the two parties to intensify these contacts so as to establish the bases for mutual trust, without which it will be impossible to arrive at a mutually acceptable political solution'';

Whereas, on the official stage during the Olympic torch's relay through Lhasa on June 21, 2008, China's Communist Party chief in the Tibet Autonomous Region (TAR), Zhang Qingli, said, ''Tibet's sky will never change and the red flag with five stars will forever flutter high above it. ... [W]e will certainly be able to totally smash the splittist schemes of the Dalai Lama clique.'';

Whereas, in reference to Zhang Qingli, the International Olympics Committee said in a rare rebuke that it ''regrets that political statements were made during the closing ceremony of the torch relay in Tibet''; and

Whereas China's People's Armed Police troops have been sent to monasteries in Tibetan areas to give monks ''relevant information'' about the Olympics, and Chinese authorities have stepped up ''patriotic education'' campaigns designed to conform the religious practices of Tibetan Buddhists to Communist Party rules, including forcing monks and nuns to denounce the Dalai Lama: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Dalai Lama or his representatives and the Government of the People's Republic of China to begin earnest negotiations, without preconditions, to provide for a mutually agreeable solution that addresses the legitimate grievances of, and provides genuine autonomy for, the Tibetan people;

(2) urges that the talks in October 2008 between the Government of China and the Dalai Lama should focus on the welfare, cultural, political, and religious autonomy of the Tibetan people, and not on the person of the Dalai Lama;

(3) affirms that the human rights of Tibetans and their right to practice religion free of government regulation is not an internal matter of any one country;

(4) urges the President to take a more personal and engaged interest in the successful conclusion of these negotiations, both unilaterally and in coordination with United States allies; and

(5) calls on the United States Government to press the Government of China—

(A) to respect freedom of speech and freedom of association, as required by international law and as enshrined in the Constitution of China and to release those who have committed no crime other than peaceful protest; and

(B) to end the ''patriotic education'' campaign against lay and clerical Tibetans and allow Tibetans to practice their religion freely.

Mr. SMITH. Mr. President, I rise today to introduce a resolution with my colleague, Senator FEINGOLD, supporting the human rights and religious freedom of Tibetans.

Last March, I was one of many people worldwide who watched as Tibetan demonstrations in China exploded into violence. These protests reflected longstanding frustration with the harsh measures imposed on Tibetans by the Government of China. Among other harassment, Tibetans can be required to undergo propaganda-based ''political education,'' detained without judicial due process, and are forbidden from possessing pictures of the Dalai Lama. After the March 2008 unrest, much of the international community urged China and the Dalai Lama to enter a positive, results-based dialogue on the human rights of Tibetans living. Unfortunately, these pleas have apparently fallen on deaf ears in Beijing. After the

latest round of Tibetan-Chinese dialogue from June 30 to July 3, the Tibetan representatives expressed disappointment that the two sides could not even agree on a joint resolution calling for more talks. Progress, it seems, has been almost non-existent.

As a result, Senator FEINGOLD and I are introducing a resolution urging that the talks—real, results-oriented talks—continue. We also call for the United States to press the Government of China to make a serious commitment to the human rights and religious freedom of Tibetans living on its soil, and an end to forced ''political education'' of Tibetans. The aim of the dialogue between the Government of China and the Dalai Lama must include an end to harassment of lay and religious Tibetans, and genuine autonomy for ethnically Tibetan regions.

SENATE RESOLUTION 644—DESIGNATING SEPTEMBER 2008 AS ''NATIONAL CHILD AWARENESS MONTH'' TO PROMOTE AWARENESS OF CHARITIES BENEFITTING CHILDREN AND YOUTH-SERVING ORGANIZATIONS THROUGHOUT THE UNITED STATES AND RECOGNIZING EFFORTS MADE BY THESE CHARITIES AND ORGANIZATIONS ON BEHALF OF CHILDREN AND YOUTH AS A POSITIVE INVESTMENT IN THE FUTURE OF THE UNITED STATES

Mr. BURR (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S.RES. 644

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of and increasing support for organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of children and youth;

Whereas the President issued a proclamation on May 30, 2008, proclaiming June 1, 2008 as ''National Child's Day'' to demonstrate a commitment to the youth of the United States;

Whereas September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth;

Whereas designating September 2008 as ''National Child Awareness Month'' would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2008 as ''National Child Awareness Month''—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by such charities and organizations on behalf of children and youth as a positive investment in the future of the United States.

SENATE RESOLUTION 645—HONORING THE LIFE OF ANNE LEGENDRE ARMSTRONG

Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 645

Whereas Anne Legendre Armstrong, a pioneer for women in public service, passed away on July 30, 2008, at the age of 80;

Whereas Anne Armstrong was educated at Foxcroft School in Middleburg, Virginia, where she was valedictorian of her graduating class;

Whereas Anne Armstrong received her B.A. degree from Vassar College, where she was elected to Phi Beta Kappa in her junior year;

Whereas Anne Armstrong was an active and respected leader in the Texas Republican Party and the first female co-chair of the Republican National Committee;

Whereas Anne Armstrong served both President Richard Nixon and President Gerald Ford as a Cabinet-level counselor, the first woman to do so;

Whereas Anne Armstrong was named by President Gerald Ford as the United States Ambassador to the United Kingdom, the first woman to hold that important and prestigious post;

Whereas Anne Armstrong was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor, by President Ronald Reagan;

Whereas Anne Armstrong graciously hosted world leaders and other prominent individuals at the legendary Armstrong Ranch in Kenedy County, Texas;

Whereas Anne Armstrong was inducted into the Texas Women's Hall of Fame in 1986 for her numerous achievements and contributions to the State of Texas and the Nation;

Whereas Anne Armstrong lost her beloved husband Tobin in 2005, and is survived by 5 five children: J. Barclay Armstrong, Katharine Armstrong Love, Sarita Armstrong Hixon, James Armstrong, and Tobin Armstrong, Jr.;

Whereas Anne Armstrong is also survived by 13 grandchildren and a sister, Katharine Legendre King; and

Whereas Anne Armstrong will be deeply missed by the people of Texas and the Nation as a whole: Now, therefore, be it

Resolved, That the Senate honors the life of Anne Legendre Armstrong, an exemplar of dedication to public service and an inspiration for the Texans who have followed her.

SENATE RESOLUTION 646—RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL RUNAWAY PREVENTION MONTH

Mr. SHELBY (for himself and Mrs. LINCOLN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 646

Whereas the prevalence of running away from home and homelessness among youths is staggering, with studies suggesting that between 1,600,000 and 2,800,000 youths live on the streets of the United States each year;

Whereas running away from home is widespread, and youths aged 12 to 17 are at a higher risk of becoming homeless than adults;

Whereas youths who run away from home most often have been expelled from their homes by their families, have been physically, sexually, or emotionally abused at home, have been discharged by State custodial systems without adequate transition plans, or have been separated from their parents by death and divorce, are too poor to secure their own basic needs, and are ineligible or unable to access adequate medical or mental health resources;

Whereas effective programs that support runaway youths and assist youths and their families in preventing youths from running away succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youths from running away from home and supporting youths in high-risk situations are priorities for families, communities, and the Nation;

Whereas the future well-being of the United States is dependent on the opportunities provided for youths and families to acquire the knowledge, skills, and abilities necessary for youths to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youths and provide an array of community-based support to address their critical needs;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youths with their families and to link youths to local resources that provide positive alternatives to running away from home; and

Whereas the National Network for Youth and the National Runaway Switchboard are cosponsoring National Runaway Prevention Month in November 2008 to increase public awareness of the life circumstances of youths in high-risk situations, the need for safe, healthy, and productive alternatives to running away, and the resources and support available for youths, families, and communities: Now, therefore, be it

Resolved, That the Senate recognizes and supports the goals and ideals of National Runaway Prevention Month.

SENATE RESOLUTION 647—DESIGNATING SEPTEMBER 9, 2008, AS ''NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY''

Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mrs. MURRAY, Mr. SPECTER,

Mr. COLEMAN, Mr. STEVENS, and Mr. HATCH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 647

Whereas the term ''fetal alcohol spectrum disorders'' includes a broader range of conditions and therefore has replaced the term ''fetal alcohol syndrome'' as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas, although the economic costs of fetal alcohol spectrum disorders are difficult to estimate, the cost of fetal alcohol syndrome alone in the United States was $5,400,000,000 in 2003 and it is estimated that each individual with fetal alcohol syndrome will cost taxpayers of the United States between $1,500,000 and $3,000,000 in his or her lifetime;

Whereas, in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked ''What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol . . . would the rest of the world listen?''; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2008, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''; and

(2) calls upon the people of the United States—

(A) to observe National Fetal Alcohol Spectrum Disorders Awareness Day with appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize further effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) to observe a moment of reflection on the ninth hour of September 9, 2008, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

SENATE RESOLUTION 648—RECOGNIZING THE 50TH ANNIVERSARY OF THE CROSSING OF THE NORTH POLE BY THE USS NAUTILUS (SSN 571) AND ITS SIGNIFICANCE IN THE HISTORY OF BOTH OUR NATION AND THE WORLD

Mr. DODD (for himself, Mr. LIEBERMAN, Mr. REED, and Mr. WHITEHOUSE) submitted the following resolution; which was referred to the committee on Armed Services:

S. RES. 648

Whereas the USS *Nautilus* (SSN 571), built and launched at Electric Boat in Groton, Connecticut, on January 21, 1954, was the first vessel in the world to be powered by nuclear power;

Whereas the USS *Nautilus* overcame extreme difficulties of navigation and maneuverability while submerged under the polar ice, and became the first vessel to cross the geographic North Pole on August 3, 1958;

Whereas the USS *Nautilus* continued on her voyage and became the first vessel to successfully navigate a course across the top of the world;

Whereas the USS *Nautilus*, having claimed this historic milestone and returned home to Naval Submarine Base New London, continued to establish a series of naval records in her distinguished 25-year career, including being the first submarine to journey ''20,000 leagues under the sea'';

Whereas the USS *Nautilus* completed these significant and laudable achievements during a critical phase of the Cold War, providing a source of inspiration for Americans and raising the hopes of the Free World;

Whereas the USS *Nautilus* was the first naval vessel in peacetime to receive the Presidential Unit Citation for its meritorious efforts in crossing the North Pole;

Whereas Commander William R. Anderson of the United States Navy was awarded the Legion of Merit for his role in commanding the USS *Nautilus* during its historic voyage;

Whereas the USS *Nautilus* and its contribution to world history was praised by a range of American Presidents, including President Harry Truman, President Dwight D. Eisenhower, President Lyndon B. Johnson, President Jimmy Carter, and President Bill Clinton; and

Whereas President Eisenhower described the voyage to the North Pole as a ''magnificent achievement'' from which ''the entire free world would benefit'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the journey to the North Pole undertaken by the USS *Nautilus*;

(2) commends the officers and crew of the USS *Nautilus* on the 50th anniversary of their magnificent achievement;

(3) recognizes the importance of the USS *Nautilus*' journey to the North Pole as not only a military and scientific accomplishment, but also in confirming America's longstanding interest in this vital region of the world;

(4) commends the role of the USS *Nautilus* and the United States Submarine Force in protecting the interests of the free world during the Cold War; and

(5) supports the continuing role of the United States Submarine Force in defending our Nation in the 21st century.

SENATE RESOLUTION 649—DESIGNATION SEPTEMBER 18, 2008, AS ''NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY''

Ms. CANTWELL (for herself and Mr. SMITH) submitted the following resolution; which was referred to the Committee on the Judiciary;

S. RES. 649

Whereas Attention Deficit/Hyperactivity Disorder (also known as ADHD or ADD), is a chronic neurobiological disorder that affects both children and adults, and can significantly interfere with the ability of an individual to regulate activity level, inhibit behavior, and attend to tasks in developmentally-appropriate ways;

Whereas ADHD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the criminal justice system, interpersonal difficulties, and substance abuse;

Whereas ADHD, the most extensively studied mental disorder in children, affects an estimated 3 to 7 percent (4,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socio-economic lines;

Whereas scientific studies indicate that between 10 and 35 percent of children with ADHD have a first-degree relative with past or present ADHD, and that approximately ½ of parents who had ADHD have a child with the disorder, suggesting that ADHD runs in families and inheritance is an important risk factor;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with ADHD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than ½ of children and adults with the disorder receive treatment and, furthermore, poor and minority communities are particularly underserved by ADHD resources;

Whereas the Surgeon General, the American Medical Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, the American Psychological Association, the American Academy of Pediatrics, the Centers for Disease Control and Prevention, and the National Institutes of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of ADHD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of ADHD, and the dissemination of inaccurate, misleading information contributes as an obstacle for diagnosis and treatment;

Whereas lack of knowledge combined with issues of stigma have a particularly detrimental effect on the diagnosis and treatment of the disorder;

Whereas there is a need for education of health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper comprehensive diagnosis and treatment, the symptoms of ADHD can be substantially decreased and quality of life can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 18, 2008, as ''National Attention Deficit Disorder Awareness Day'';

(2) recognizes Attention Deficit/Hyperactivity Disorder (ADHD) as a major public health concern;

(3) encourages all Americans to find out more about ADHD, support ADHD mental health services, and seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to—

(A) endeavor to raise awareness about ADHD; and

(B) continue to consider ways to improve access and quality of mental health services dedicated to improving the quality of life of children and adults with ADHD; and

(5) calls on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs and activities.

SENATE RESOLUTION 650—RECOGNIZING THE IMPORTANCE OF NATIONAL NEIGHBOR DAY, NATIONAL GOOD NEIGHBOR DAY, AND NATIONAL NEIGHBORHOOD DAY

Mr. REED (for himself, Mr. BAUCUS, Mr. WHITEHOUSE, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 650

Whereas gestures of welcoming and kindness between neighbors foster community peace, harmony, and understanding;

Whereas being good neighbors to those around us encourages mutual respect and friendship;

Whereas neighborhoods facilitate positive civic engagement and enhance the foundation of an effective and more caring society;

Whereas National Neighbor Day, celebrated annually on the Sunday before Memorial Day weekend in May, was first celebrated in 1993 in Westerly, Rhode Island, to promote equality, dignity, and respect and to encourage love of one's neighbor;

Whereas National Good Neighbor Day, celebrated annually on the fourth Sunday of September, was first celebrated in the 1970s in Lakeside, Montana, to place a greater emphasis on the importance of community and being a good neighbor; and

Whereas National Neighborhood Day, celebrated annually on the third Sunday of September, was first celebrated in Providence, Rhode Island, to inspire, build, and sustain neighborhood relationships and foster civic engagement: Now, therefore, be it

Resolved, That the Senate calls upon the people of the United States and interested groups and organizations—

(1) to celebrate the goals of National Neighbor Day, National Good Neighbor Day, and National Neighborhood Day in 2008; and

(2) to undertake appropriate ceremonies, events, and activities associated with those goals.

SENATE RESOLUTION 651—HONORING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ON THE 50TH ANNIVERSARY OF ITS ESTABLISHMENT

Mr. NELSON of Florida (for himself, Mrs. BOXER, Mr. BROWN, Mr. CARDIN, Mr. CORNYN, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. MARTINEZ, Ms. MIKULSKI, Mr. OBAMA, Mr. SESSIONS, Mr. SHELBY, Mr. VITTER, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 651

Whereas the National Aeronautics and Space Administration was established on July 29, 1958;

Whereas on May 5, 1961, NASA successfully launched America's first manned spacecraft, Freedom 7, piloted by Alan B. Shepard, Jr.;

Whereas on February 20, 1962, John Glenn became the first American astronaut to orbit the earth;

Whereas in July of 1969 President John Kennedy's vision of landing a man on the moon and returning him safely to Earth was realized with the Apollo 11 mission, commanded by Neil A. Armstrong, Lunar Module Pilot Edwin ''Buzz'' Aldrin, Jr., and Command Module pilot Michael Collins;

Whereas on April 12, 1981, NASA began a new era of human space flight and exploration with the launch of the first Space Shuttle Columbia, commanded by John W. Young and piloted by Robert L. ''Bob'' Crippen;

Whereas on June 18, 1983, Dr. Sally Ride became the first American woman in space as a crewmember of Space Shuttle Challenger for STS–7;

Whereas NASA has greatly expanded our knowledge and understanding of our planet and solar system through various unmanned vehicles utilized on numerous missions;

Whereas, during the Cold War, NASA's achievements served as a source of national pride and captured the imagination of the world by demonstrating a peaceful use of our technological capabilities;

Whereas NASA now serves as a model for international cooperation and American leadership through the International Space Station and other scientific endeavors;

Whereas thanks to NASA and the far-reaching gaze of the Hubble Space Telescope, we have seen further into our universe than ever before;

Whereas NASA space probes have landed on or flown by eight of the planets in our solar system;

Whereas the aeronautics research by NASA has led to great discoveries and advances in aircraft design and aviation;

Whereas the work done by NASA has expanded the scope of human knowledge, created new technologies, and inspired young men and women to enter scientific and engineering careers;

Whereas in the last fifty years, NASA has positively impacted almost every facet of our lives; and

Whereas, thanks to the heroism, courage, and supreme sacrifice of our astronaut corps over the last five decades, we are now able to live and work in space for the benefit of all humankind: Now, therefore, be it

Resolved, by the Senate That the Senate——

(1) honors the men and women of the National Aeronautics and Space Administration on the occasion of its 50th Anniversary;

(2) acknowledges the value of NASA's discoveries and accomplishments; and

(3) pledges to maintain America's position as the world leader in earth and space science, aeronautics and space exploration and technology.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5259. Ms. CANTWELL (for Mr. LAUTENBERG (for himself and Mr. SMITH)) proposed an amendment to the bill H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes.

SA 5260. Ms. CANTWELL (for Mr. SMITH (for himself, Mr. KOHL, Mr. SPECTER, and Mr. CARDIN)) proposed an amendment to the bill H.R. 2608, to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2009 through 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud..

SA 5261. Ms. CANTWELL (for Mr. SMITH) proposed an amendment to the bill H.R. 2608, supra.

SA 5262. Ms. CANTWELL (for Mrs. HUTCHISON) proposed an amendment to the bill S. 2507, to address the digital television transition in border states.

SA 5263. Ms. CANTWELL (for Mr. LEVIN) proposed an amendment to the joint resolution S.J. Res. 45, expressing the consent and approval of Congress to an inter-state compact regarding water resources in the Great Lakes—St. Lawrence River Basin..

SA 5264. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill H.R. 5683, to make certain reforms with respect to the Government Accountability Office, and for other purposes.

TEXT OF AMENDMENTS

SA 5259. Ms. CANTWELL (for Mr. LAUTENBERG (for himself and Mr. SMITH)) proposed an amendment to the bill H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF TITLE 49.

(a) SHORT TITLE.—This Act may be cited as the ''Railroad Safety Enhancement Act of 2008''.

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

Sec. 1. Short title; table of contents; amendment of title 49.
Sec. 2. Definitions.
Sec. 3. Authorization of appropriations.
TITLE I—RAILROAD SAFETY RISK REDUCTION AND STRATEGY
Sec. 101. Establishment of chief safety officer.
Sec. 102. Railroad safety strategy.
Sec. 103. Railroad safety risk reduction pilot program.
Sec. 104. Railroad safety risk reduction program.
Sec. 105. Positive train control system implementation.
Sec. 106. Hours-of-service reform.
Sec. 107. Protection of railroad safety risk analyses information.
TITLE II—HIGHWAY-RAIL GRADE CROSSING AND PEDESTRIAN SAFETY AND TRESPASSER PREVENTION
Sec. 201. Pedestrian crossing safety.

Sec. 202. State action plans.
Sec. 203. Improvements to sight distance at highway-rail grade crossings.
Sec. 204. National crossing inventory.
Sec. 205. Telephone number to report grade crossing problems.
Sec. 206. Operation Lifesaver.
Sec. 207. Federal grants to States for highway-rail grade crossing safety.
Sec. 208. Trespasser prevention and highway-rail crossing safety.
Sec. 209. Fostering introduction of new technology to improve safety at highway-rail grade crossings.

TITLE III—FEDERAL RAILROAD ADMINISTRATION

Sec. 301. Human capital increases.
Sec. 302. Civil penalty increases.
Sec. 303. Enforcement report.
Sec. 304. Prohibition of individuals from performing safety-sensitive functions for a violation of hazardous materials transportation law.
Sec. 305. Railroad radio monitoring authority.
Sec. 306. Emergency waivers.
Sec. 307. Federal rail security officers' access to information.
Sec. 308. Update of Federal Railroad Administration's website.

TITLE IV—RAILROAD SAFETY ENHANCEMENTS

Sec. 401. Employee training.
Sec. 402. Certification of certain crafts or classes of employees.
Sec. 403. Track inspection time study.
Sec. 404. Study of methods to improve or correct station platform gaps.
Sec. 405. Locomotive cab studies.
Sec. 406. Railroad safety technology grants.
Sec. 407. Railroad safety infrastructure improvement grants.
Sec. 408. Amendment to the movement-for-repair provision.
Sec. 409. Development and use of rail safety technology.
Sec. 410. Employee sleeping quarters.
Sec. 411. Employee protections.
Sec. 412. Unified treatment of families of railroad carriers.
Sec. 413. Study of repeal of Conrail provision.
Sec. 414. Limitations on non-federal alcohol and drug testing by railroad carriers.
Sec. 415. Critical incident stress plan.
Sec. 416. Railroad carrier employee exposure to radiation study.
Sec. 417. Alcohol and controlled substance testing for maintenance-of-way employees.

TITLE V—RAIL PASSENGER DISASTER FAMILY ASSISTANCE

Sec. 501. Assistance by National Transportation Safety Board to families of passengers involved in rail passenger accidents.
Sec. 502. Rail passenger carrier plan to assist families of passengers involved in rail passenger accidents.
Sec. 503. Establishment of task force.

TITLE VI—CLARIFICATION OF FEDERAL JURISDICTION OVER SOLID WASTE FACILITIES

Sec. 601. Short title.
Sec. 602. Clarification of general jurisdiction over solid waste transfer facilities.
Sec. 603. Regulation of solid waste rail transfer facilities.
Sec. 604. Solid waste rail transfer facility land-use exemption authority.
Sec. 605. Effect on other statutes and authorities.

TITLE VII—TECHNICAL CORRECTIONS

Sec. 701. Technical corrections.

(c) AMENDMENT OF TITLE 49.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) CROSSING.—The term ''crossing'' means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks at grade where—

(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or

(B) a pathway explicitly authorized by a public authority or a railroad that is dedicated for the use of nonvehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses one or more railroad tracks either at grade or grade-separated.

(2) DEPARTMENT.—The term ''Department'' means the Department of Transportation.

(3) RAILROAD.—The term ''railroad'' has the meaning given that term by section 20102 of title 49, United States Code.

(4) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning given that term by section 20102 of title 49, United States Code.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(6) STATE.—The term ''State'' means a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) IN TITLE 49.—Section 20102 is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) 'Class I railroad' means a railroad carrier that has annual carrier operating revenues that meet the threshold amount for Class I carriers, as determined by the Surface Transportation Board under section 1201.1-1 of title 49, Code of Federal Regulations.''; and

(3) by adding at the end thereof the following:

''(4) 'safety-related railroad employee' means—

''(A) a railroad employee who is subject to chapter 211;

''(B) another operating railroad employee who is not subject to chapter 211;

''(C) an employee who maintains the right of way of a railroad carrier;

''(D) an employee of a railroad carrier who is a hazmat employee as defined in section 5102(3) of this title;

''(E) an employee who inspects, repairs, or maintains locomotives, passenger cars or freight cars; and

''(F) any other employee of a railroad carrier who directly affects railroad safety, as determined by the Secretary.''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 20117(a) is amended to read as follows:

''(a) IN GENERAL.—

''(1) There are authorized to be appropriated to the Secretary of Transportation to carry out this part and to carry out responsibilities under chapter 51 as delegated or authorized by the Secretary—

''(A) $186,000,000 for fiscal year 2008;
''(B) $221,000,000 for fiscal year 2009;
''(C) $231,000,000 for fiscal year 2010;
''(D) $237,000,000 for fiscal year 2011;
''(E) $244,000,000 for fiscal year 2012; and
''(F) $251,000,000 for fiscal year 2013.

''(2) With amounts appropriated pursuant to paragraph (1), the Secretary may designate the following amounts for research and development:

''(A) $36,000,000.
''(B) $34,000,000.
''(C) $36,000,000.
''(D) $37,000,000.
''(E) $38,000,000.
''(F) $39,000,000.

''(3) With amounts appropriated pursuant to paragraph (1), the Secretary shall purchase Gage Restraint Measurement System vehicles and track geometry vehicles or other comparable technology as needed to assess track safety, consistent with the results of the track inspection study required by section 403 of the Railroad Safety Enhancement Act of 2008.

''(4) Such sums as may be necessary from the amount appropriated pursuant to paragraph (1) for each of the fiscal years 2008 through 2013 shall be made available to the Secretary for personnel in regional offices and in Washington, D.C., whose duties primarily involve rail security.''.

TITLE I—RAILROAD SAFETY RISK REDUCTION AND STRATEGY

SEC. 101. ESTABLISHMENT OF CHIEF SAFETY OFFICER.

Section 103 is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g);

(2) by inserting after subsection (b) the following:

''(c) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in railroad transportation.

''(d) CHIEF SAFETY OFFICER.—The Administration shall have an Associate Administrator for Railroad Safety appointed in the career service by the Secretary. The Associate Administrator shall be the Chief Safety Officer of the Administration. The Associate Administrator shall carry out the duties and powers prescribed by the Administrator; and

(3) by striking ''(c)(1)'' in subsection (f), as redesignated, and inserting ''(e)(1)''.

SEC. 102. RAILROAD SAFETY STRATEGY.

(a) SAFETY GOALS.—In conjunction with existing federally-required and voluntary strategic planning efforts ongoing at the Department and the Federal Railroad Administration on the date of enactment of this Act, the Secretary shall develop a long-term strategy for improving railroad safety to cover a period of not less than 5 years. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

(1) Reducing the number and rates of accidents, injuries, and fatalities involving railroads including train collisions, derailments, and human factors.

(2) Improving the consistency and effectiveness of enforcement and compliance programs.

(3) Improving the identification of high-risk highway-rail grade crossings and strengthening enforcement and other methods to increase grade crossing safety.

(4) Improving research efforts to enhance and promote railroad safety and performance.

(5) Preventing railroad trespasser accidents, injuries, and fatalities.

(6) Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, injuries, and fatalities caused by catastrophic failures and other bridge and tunnel failures.

(b) RESOURCE NEEDS.—The strategy and annual plan shall include estimates of the funds and staff resources needed to accomplish the goals established by subsection (a). Such estimates shall also include the staff skills and training required for timely and effective accomplishment of each such goal.

(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—The Secretary shall submit the strategy and annual plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure at the same time as the President's budget submission.

(d) ACHIEVEMENT OF GOALS.—

(1) PROGRESS ASSESSMENT.—No less frequently than annually, the Secretary shall assess the progress of the Department toward achieving the strategic goals described in subsection (a). The Secretary shall identify any deficiencies in achieving the goals within the strategy and develop and institute measures to remediate such deficiencies.

(2) REPORT TO CONGRESS.—Not later than November 1st of each year, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the performance of the Federal Railroad Administration containing the progress assessment required by paragraph (1) toward achieving the goals of the railroad safety strategy and annual plans under subsection (a).

SEC. 103. RAILROAD SAFETY RISK REDUCTION PILOT PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 201 is amended by adding at the end thereof the following:

"§ 20156. Railroad safety risk reduction pilot program

"(a) PILOT PROGRAM.—

"(1) IN GENERAL.—In conjunction with ongoing behavior-based safety research at the Department of Transportation, the Secretary shall develop a 4-year railroad safety risk reduction pilot program to systematically evaluate and manage railroad safety risks with the goal of reducing the numbers and rates of railroad accidents, injuries, and fatalities. Not later than 1 year after the date of enactment of the Railroad Safety Enhancement Act of 2008, the Secretary shall, in coordination with selected railroads, railroad facilities, nonprofit employee labor organizations that represent safety-related railroad employees employed at such railroad or railroad facility, and any other entities that the Secretary determines to be relevant, at a minimum—

"(A) identify the aspects of a selected railroad or railroad facility, including operating practices, infrastructure, equipment, employee levels and schedules, safety culture, management structure, employee training, and other matters, including those not covered by railroad safety regulations or other Federal regulations, that impact railroad safety;

"(B) evaluate how these aspects of a selected railroad or railroad facility increase or decrease risks to railroad safety;

"(C) develop a safety risk reduction program to improve the safety of a selected railroad or railroad facility by reducing the numbers and rates of accidents, injuries, and fatalities through—

"(i) the mitigation of the aspects of a selected railroad or railroad facility that increase risks to railroad safety; and

"(ii) the enhancement of aspects of a selected railroad or railroad facility that decrease risks to railroad safety; and

"(D) incorporate into the program the consideration and use of existing, new, or novel technology, operating practices, risk management practices or other behavior-based practices that could improve railroad safety at the selected railroad or railroad facility.

"(2) IMPLEMENTATION DEADLINE.—Not later than 2 years after the date of enactment of the Railroad Safety Enhancement Act of 2008, the selected railroad or railroad facility shall implement the safety risk reduction program developed under paragraph (1)(C) on the selected railroad or railroad facility and ensure that all employees at the selected railroad or railroad facility have received training related to the program.

"(b) SELECTION OF RAILROAD OR RAILROAD FACILITY FOR PILOT PROGRAM.—Not later than 6 months after the date of enactment of the Railroad Safety Enhancement Act of 2008, the Secretary shall develop a voluntary application process to select 1 or more railroad carriers or railroad facilities where the pilot project will be implemented. The application process shall include criteria for rating applicants, such as safety performance, accident and incident history, existence of risk management or behavior-based practices at the railroad or railroad facility, number of employees employed at the railroad or railroad facility, and other relevant criteria determined by the Secretary. If more than 1 railroad or railroad facility is selected, the Secretary shall select railroads and railroad facilities that are representative of the railroad industry as a whole, if possible.

"(c) EVALUATION.—Not later than 6 months after the completion of the safety risk reduction program pilot program, the Secretary shall submit a report to Congress evaluating the pilot program, which shall include—

"(1) a summary of the railroad safety risk reduction pilot program and description of the actions taken by the Secretary and selected railroad or railroad facilities during the program;

"(2) an analysis of the difference in the number and rates of accidents, injuries, and fatalities at a selected railroad or railroad facility before and after the implementation of the risk reduction pilot program at a selected railroad or railroad facility; and

"(3) guidelines on the preparation and implementation of railroad safety risk reduction program for the railroad carriers required to develop such plans under section 20157 that reflect the best practices developed during the pilot program.

"(d) GRANTS.—The Secretary shall establish a grant program for implementation of the railroad safety risk reduction pilot program. Railroads and railroad facilities selected by the Secretary shall be eligible for grants.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $1,000,000 for fiscal years 2009 and 2010 to carry out subsection (d).".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 is amended by inserting after the item relating to section 20155 the following:

"20156. Railroad safety risk reduction pilot program".

SEC. 104. RAILROAD SAFETY RISK REDUCTION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 103, is amended by adding at end thereof the following:

"§ 20157. Railroad safety risk reduction program

"(a) IN GENERAL.—

"(1) PROGRAM REQUIREMENT.—Not later than 5 years after the date of enactment, the Secretary, by regulation, shall require each railroad carrier that is a Class I railroad, a railroad carrier that has inadequate safety performance (as determined by the Secretary), or a railroad that provides intercity passenger or commuter rail passenger transportation—

"(A) to develop a railroad safety risk reduction program under subsection (d) that systematically evaluates system-wide railroad safety risks and manages those risks in order to reduce the numbers and rates of railroad accidents, injuries, and fatalities;

"(B) to submit its program, including any required plans, to the Federal Railroad Administration for its review and approval; and

"(C) to implement the program and plans approved by the Federal Railroad Administration.

"(2) RELIANCE ON PILOT PROGRAM.—The Secretary shall use the information and experience gathered through the pilot program under section 20156 in developing regulations under this section.

"(3) WAIVERS.—Under section 20103(d) of this chapter the Secretary may grant a waiver to a railroad carrier from compliance with all or a part of the requirements of this section if the Secretary determines that the safety performance of the railroad carrier is sufficient to warrant the waiver.

"(4) VOLUNTARY COMPLIANCE.—A railroad carrier that is not required to submit a railroad safety risk reduction program under this section may voluntarily submit a program that meets the requirements of this section to the Federal Railroad Administration. The Federal Railroad Administration shall approve or disapprove any program submitted under this paragraph.

"(b) CERTIFICATION.—The chief official responsible for safety of each railroad carrier required to submit a railroad safety risk reduction program under subsection (a) shall certify that the contents of the program are accurate and that the railroad will implement the contents of the program as approved by the Federal Railroad Administration.

"(c) RISK ANALYSIS.—In developing its railroad safety risk reduction program each railroad required to submit such a program under subsection (a) shall identify and analyze the aspects of its railroad, including operating practices, infrastructure, equipment, employee levels and schedules, safety culture, management structure, employee training, and other matters, including those not covered by railroad safety regulations or other Federal regulations, that impact railroad safety.

"(d) PROGRAM ELEMENTS.—

"(1) IN GENERAL.—Each railroad required to submit a railroad safety risk reduction program under subsection (a) shall develop a comprehensive safety risk reduction program to improve safety by reducing the number and rates of accidents, injuries, and fatalities that is based on the risk analysis required by subsection (c) through—

"(A) the mitigation of aspects that increase risks to railroad safety; and

''(B) the enhancement of aspects that decrease risks to railroad safety.

''(2) REQUIRED COMPONENTS.—Each railroad's safety risk reduction program shall include a technology implementation plan that meets the requirements of subsection (e) and a fatigue management plan that meets the requirements of subsection (f).

''(e) TECHNOLOGY IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—As part of its railroad safety risk reduction program, a railroad required to submit a railroad safety risk reduction program under subsection (a) shall develop a 10-year technology implementation plan that describes the railroad's plan for development, adoption, implementation, and use of current, new, or novel technologies on its system over a 10-year period to reduce safety risks identified under the railroad safety risk reduction program.

''(2) TECHNOLOGY ANALYSIS.—A railroad's technology implementation plan shall include an analysis of the safety impact, feasibility, and cost and benefits of implementing technologies, including processor-based technologies, positive train control systems (as defined in section 20158(b)), electronically controlled pneumatic brakes, rail integrity inspection systems, rail integrity warning systems, switch position indicators, trespasser prevention technology, highway rail grade crossing technology, and other new or novel railroad safety technology, as appropriate, that may mitigate risks to railroad safety identified in the risk analysis required by subsection (c).

''(3) IMPLEMENTATION SCHEDULE.—A railroad's technology implementation plan shall contain a prioritized implementation schedule for the development, adoption, implementation, and use of current, new, or novel technologies on its system to reduce safety risks identified under the railroad safety risk reduction program.

''(f) FATIGUE MANAGEMENT PLAN.—

''(1) IN GENERAL.—As part of its railroad safety risk reduction program, a railroad required to submit a railroad safety risk reduction program under subsection (a) for which the analysis under subsection (c) has shown fatigue to be a significant source of risk shall develop a fatigue management plan that is designed to reduce the fatigue experienced by safety-related railroad employees and to reduce the likelihood of accidents, injuries, and fatalities caused by fatigue.

''(2) TARGETED FATIGUE COUNTERMEASURES.—A railroad's fatigue management plan shall take into account the varying circumstances of operations by the railroad on different parts of its system, and shall prescribe appropriate fatigue countermeasures to address those varying circumstances.

''(3) ADDITIONAL ELEMENTS.—A railroad shall consider the need to include in its fatigue management plan elements addressing each of the following items, as applicable:

''(A) Employee education and training on the physiological and human factors that affect fatigue, as well as strategies to reduce or mitigate the effects of fatigue, based on the most current scientific and medical research and literature.

''(B) Opportunities for identification, diagnosis, and treatment of any medical condition that may affect alertness or fatigue, including sleep disorders.

''(C) Effects on employee fatigue of an employee's short-term or sustained response to emergency situations, such as derailments and natural disasters, or engagement in other intensive working conditions.

''(D) Scheduling practices for employees, including innovative scheduling practices for employees, including scheduling procedures, on-duty call practices, work and rest cycles, increases in consecutive days off for employees, changes in shift patterns, appropriate scheduling practices for varying types of work, and other aspects of employee scheduling that would reduce employee fatigue and cumulative sleep loss.

''(E) Methods to minimize accidents and incidences that occur as a result of working at times when scientific and medical research have shown increased fatigue disrupts employees' circadian rhythm.

''(F) Alertness strategies, such as policies on napping, to address acute sleepiness and fatigue while an employee is on duty.

''(G) Opportunities to obtain restful sleep at lodging facilities, including employee sleeping quarters provided by the railroad carrier.

''(H) The increase of the number of consecutive hours of off-duty rest, during which an employee receives no communication from the employing railroad carrier or its managers, supervisors, officers, or agents.

''(I) Avoidance of abrupt changes in rest cycles for employees.

''(J) Additional elements that the Secretary considers appropriate.

''(g) CONSENSUS.—

''(1) IN GENERAL.—Each railroad required to submit a railroad safety risk reduction program under subsection (a) shall consult with, employ good faith and use its best efforts to reach agreement with, all of its directly affected employees, including any non-profit labor organization representing a class or craft of directly affected employees of the railroad carrier, on the contents of the safety risk reduction program.

''(2) STATEMENT.—If the railroad carrier and its directly affected employees, including any nonprofit employee labor organization representing a class or craft of directly affected employees of the railroad carrier, cannot reach consensus on the proposed contents of the plan, then directly affected employees and such organization may file a statement with the Secretary explaining their views on the plan on which consensus was not reached. The Secretary shall consider such views during review and approval of the program.

''(h) ENFORCEMENT.—The Secretary shall have the authority to assess civil penalties pursuant to chapter 213 for a violation of this section, including the failure to submit, certify, or comply with a safety risk reduction program, technology implementation plan, or fatigue management plan.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 103, is further amended by inserting after the item relating to section 20156 the following:

''20157. Railroad safety risk reduction program''.

SEC. 105. POSITIVE TRAIN CONTROL SYSTEM IMPLEMENTATION.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 104, is further amended by adding at end thereof the following:

''§ 20158. Positive train control system implementation

''(a) IN GENERAL.—The Secretary of Transportation shall ensure that each railroad required to submit a railroad safety risk reduction program pursuant to section 20157 that includes in its technology implementation plan a schedule for implementation of a positive train control system complies with that schedule and implements its positive train control system by December 31, 2018, unless the Secretary determines that a railroad shall implement its positive train control system by an earlier date.

''(b) POSITIVE TRAIN CONTROL SYSTEM DEFINED.—The term 'positive train control system' means a system designed to prevent train-to-train collisions, overspeed derailments, and incursions into roadway worker work limits.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 104, is further amended by inserting after the item relating to section 20157 the following:

''20158. Positive train control system implementation''.

SEC. 106. HOURS-OF-SERVICE REFORM.

(a) CHANGE IN DEFINITION OF SIGNAL EMPLOYEE.—Section 21101(4) is amended—

(1) by striking ''employed by a railroad carrier''; and

(2) by inserting ''railroad'' after ''maintaining''.

(b) LIMITATION ON DUTY HOURS OF TRAIN EMPLOYEES.—Section 21103 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (d) of this section, a railroad carrier and its officers and agents may not require or allow a train employee to—

''(1) remain or go on duty in any calendar month where the employee had spent a total of 276 hours—

''(A) on duty;

''(B) waiting for transportation, or in deadhead transportation, to a place of final release; or

''(C) in any other mandatory service for the carrier;

''(2) remain or go on duty for a period in excess of 12 consecutive hours;

''(3) remain or go on duty unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours; or

''(4) remain or go on duty after that employee has initiated an on-duty period each day for—

''(A) 6 consecutive days, unless that employee has had at least 48 consecutive hours off duty at the employee's home terminal during which time the employee is unavailable for any service for any railroad carrier; or

''(B) 7 consecutive days, unless that employee has had at least 72 consecutive hours off duty at the employee's home terminal during which time the employee is unavailable for any service for any railroad carrier, if—

''(i) a collective bargaining agreement expressly provides for such a schedule;

''(ii) such a schedule is provided for by a pilot program authorized by a collective bargaining agreement; or

''(iii) such a schedule is provided for by a pilot program under section 21108 of this chapter related to employees' work and rest cycles.

The Secretary may waive paragraph (4), consistent with the procedural requirements of section 20103, if a collective bargaining agreement provides a different arrangement and such an arrangement is in the public interest and consistent with railroad safety.'';

(2) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

''(c) LIMBO TIME LIMITATION AND ADDITIONAL REST REQUIREMENT.—

''(1) A railroad carrier may not require or allow an employee to remain or go on duty in excess of 15 hours of time on duty and time waiting for deadhead transportation on

a train, not including interim rest periods unless the train carrying the employee is directly delayed by—

''(A) a casualty;

''(B) an accident;

''(C) an act of God;

''(D) a derailment;

''(E) a major equipment failure that prevents the train from advancing; or

''(F) a delay resulting from a cause unknown and unforeseeable to a railroad carrier or its officer or agent in charge of the employee when the employee left a terminal.

''(2) Each railroad carrier shall report to the Secretary, in accordance with procedures established by the Secretary, each instance where an employee subject to this section spends time waiting for deadhead transportation on a train in excess of the requirements of paragraph (1).

''(3) A railroad carrier and its officers and agents shall provide, at the election of employees subject to this section at the beginning of the employee's off-duty period additional time off duty equal to the number of hours that such sum exceeds 12 hours if—

''(A) the time spent waiting for transportation, or in deadhead transportation, from a duty assignment to the place of final release that is not time on duty, plus

''(B) the time on duty,

exceeds 12 consecutive hours.''; and

(3) by adding at the end thereof the following:

''(e) COMMUNICATION DURING TIME OFF DUTY.—During a train employee's minimum off-duty period of 10 consecutive hours, as provided under subsection (a), during an interim period of at least 4 consecutive hours available for rest under subsection (b)(7), or during additional off duty hours elected to be taken by an employee under subsection (c)(3), a railroad carrier, and its officers and agents, shall not communicate with the train employee by telephone, by pager, or in any other manner that could reasonably be expected to disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation, as defined by the Secretary. The Secretary may waive the requirements of this paragraph for commuter or intercity passenger railroads if the Secretary determines that such a waiver will not reduce safety and is necessary to maintain such railroads' efficient operations and on-time performance of its trains.''.

(c) LIMITATION ON DUTY HOURS OF SIGNAL EMPLOYEES.—Section 21104 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow its signal employee to remain or go on duty and a contractor or subcontractor to a railroad carrier and its officers and agents may not require or allow one of its signal employees to remain or go on duty''—

''(1) for a period in excess of 12 consecutive hours; or

''(2) unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours.'';

(2) by striking ''duty, except that up to one hour of that time spent returning from the final trouble call of a period of continuous or broken service is time off duty.'' in subsection (b)(3) and inserting ''duty.'';

(3) by inserting ''A signal employee may not be allowed to remain or go on duty under the emergency authority provided under this subsection to conduct routine repairs, routine maintenance, or routine inspection of signal systems.'' after ''service.'' in subsection (c);

(4) by adding at the end the following:

''(d) COMMUNICATION DURING TIME OFF DUTY.—During a signal employee's minimum off-duty period of 10 consecutive hours, as provided under subsection (a), a railroad carrier or a contractor or subcontractor to a railroad carrier, and its officers and agents, shall not communicate with the signal employee by telephone, by pager, or in any other manner that could reasonably be expected to disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation, as defined by the Secretary.

''(e) EXCLUSIVITY.—The hours of service, duty hours, and rest periods of signal employees shall be governed exclusively by this chapter. Signal employees operating motor vehicles shall not be subject to any hours of service rules, duty hours or rest period rules promulgated by any Federal authority, including the Federal Motor Carrier Safety Administration, other than the Federal Railroad Administration.''.

(d) ALTERNATE HOURS OF SERVICE REGIME.—

(1) APPLICATION OF HOURS OF SERVICE REGIME.—Section 21102 is amended—

(A) by striking the section caption and inserting the following:

''§ 21102. Nonapplication, exemption, and alternate hours of service regime'' ; and

(B) by adding at the end thereof the following:

''(c) ALTERNATE HOURS OF SERVICE REGIME.—A railroad carrier and its directly affected employees or a non-profit employee labor organization that represents such employees may jointly develop and submit for approval to the Secretary an alternate hours of service regime to that provided in this chapter that would increase the maximum hours an employee may be required or allowed to go or remain on duty or decrease the minimum hours an employee may be required to rest and would become effective no earlier than 1 year after the date of enactment of the Railroad Safety Enhancement Act of 2008. The Secretary may consider such a request anytime after the date of enactment of the Railroad Safety Enhancement Act of 2008 and may approve such a request only after providing an opportunity for public notice and comment and determining that the proposed hours of service regime is in the public interest and will not adversely affect railroad safety. The exemption shall be for a specific period of time and shall be subject to review upon a schedule determined appropriate by the Secretary.

''(d) APPLICATION OF HOURS OF SERVICE REGIME TO COMMUTER AND INTERCITY PASSENGER RAILROAD TRAIN EMPLOYEES.—

''(1) When providing commuter rail passenger transportation or intercity rail passenger transportation, the limitations on duty hours for train employees of railroad carriers, including public authorities operating passenger service, shall be solely governed by old section 21103 until the earlier of—

''(A) the effective date of regulations prescribed by the Secretary under section 21109(b) of this chapter; or

''(B) the date that is 3 years following the date of enactment of the Railroad Safety Enhancement Act of 2008.

''(2) After the date on which old section 21103 ceases to apply, pursuant to paragraph (1), to the limitations on duty hours for train employees of railroad carriers with respect to the provision of commuter rail passenger transportation or intercity rail passenger transportation, the limitations on duty hours for train employees of such railroad carriers shall be governed by new section 21103, except as provided in paragraph (3).

''(3) After the effective date of the regulations prescribed by the Secretary under section 21109(b) of this title, such carriers shall—

''(A) comply with the limitations on duty hours for train employees with respect to the provision of commuter rail passenger transportation or intercity rail passenger transportation as prescribed by such regulations; and

''(B) be exempt from complying with the provisions of old section 21103 and new section 21103 for such employees.

''(4) In this subsection:

''(A) The terms 'commuter rail passenger transportation' and 'intercity rail passenger transportation' have the meaning given those terms in section 24102 of this title.

''(C) The term 'new section 21103' means section 21103 of this chapter as amended by the Railroad Safety Enhancement Act of 2008.

''(D) The term 'old section 21103' means section 21103 of this chapter as it was in effect on the day before the enactment of that Act.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 211 is amended by striking the item relating to section 21102 and inserting the following:

''21102. Nonapplication, exemption, and alternate hours of service regime''.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Chapter 211 is amended by adding at the end thereof the following:

''§ 21109. Regulatory authority

''(a) IN GENERAL.—In order to improve safety and reduce employee fatigue, the Secretary may prescribe regulations—

''(1) to reduce the maximum hours an employee may be required or allowed to go or remain on duty to a level less than the level established under this chapter;

''(2) to increase the minimum hours an employee may be required or allowed to rest to a level greater than the level established under this chapter;

''(3) to limit or eliminate the amount of time an employee spends waiting for or in deadhead transportation to the place of final release that is considered neither on duty nor off duty under this chapter;

''(4) to make changes to the number of hours an employee may spend waiting on a train for deadhead transportation to the place of final release that is considered neither on duty nor off duty that provide for an equivalent level of safety as the level established under this chapter;

''(5) to make changes to the requirements of off-duty communications with employees that provide for an equivalent level of safety as the level established under this chapter;

''(6) for signal employees—

''(A) to limit or eliminate the amount of time that is considered to be neither on duty nor off duty under this chapter that an employee spends returning from an outlying worksite after scheduled duty hours or returning from a trouble call to the employee's headquarters or directly to the employee's residence; and

''(B) to increase the amount of time that constitutes a release period, that does not break the continuity of service and is considered time off duty; and

''(7) to require other changes to railroad operating and scheduling practices, including unscheduled duty calls, that could affect employee fatigue and railroad safety.

''(b) REGULATIONS GOVERNING THE HOURS OF SERVICE OF TRAIN EMPLOYEES OF COMMUTER AND INTERCITY PASSENGER RAILROAD CARRIERS.—Within 3 years after the date of enactment of the Railroad Safety Enhancement Act of 2008, the Secretary shall prescribe regulations and issue orders to establish hours of service requirements for train employees engaged in commuter rail passenger transportation and intercity rail passenger transportation (as defined in section 24102 of this title) that may differ from the requirements of this chapter. Such regulations and orders may address railroad operating and scheduling practices, including unscheduled duty calls, communications during time off duty, and time spent in or waiting for deadhead transportation to the place of final release, that could affect employee fatigue and railroad safety.

''(c) CONSIDERATIONS.—In issuing regulations under subsection (a) the Secretary shall consider scientific and medical research related to fatigue and fatigue abatement, railroad scheduling and operating practices that improve safety or reduce employee fatigue, a railroad's use of new or novel technology intended to reduce or eliminate human error, the variations in freight and passenger railroad scheduling practices and operating conditions, the variations in duties and operating conditions for employees subject to this chapter, a railroad's required or voluntary use of fatigue management plans covering employees subject to this chapter, and any other relevant factors.

''(d) TIME LIMITS.—If the Secretary requests that the Railroad Safety Advisory Committee accept the task of developing regulations under subsection (a) or (b) and the Committee accepts the task, the Committee shall reach consensus on the rulemaking within 18 months after accepting the task. If the Committee does not reach consensus within 18 months after the Secretary makes the request, the Secretary shall prescribe appropriate regulations within 18 months. If the Secretary does not request that the Railroad Safety Advisory Committee accept the task of developing regulations under subsection (a) or (b), the Secretary shall prescribe regulations within 3 years after the date of enactment of the Railroad Safety Enhancement Act of 2008.

''(e) PILOT PROJECTS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Railroad Safety Enhancement Act of 2008, the Secretary shall conduct at least 2 pilot projects of sufficient size and scope to analyze specific practices which may be used to reduce fatigue for train and engine and other railroad employees as follows:

''(A) A pilot project at a railroad or railroad facility to evaluate the efficacy of communicating to employees notice of their assigned shift time 10 hours prior to the beginning of their assigned shift as a method for reducing employee fatigue.

''(B) A pilot project at a railroad or railroad facility to evaluate the efficacy of requiring railroads who use employee scheduling practices that subject employees to periods of unscheduled duty calls to assign employees to defined or specific unscheduled call shifts that are followed by shifts not subject to call, as a method for reducing employee fatigue.

''(2) WAIVER.—The Secretary may temporarily waive the requirements of this section, if necessary, to complete a pilot project under this subsection.

''(f) DUTY CALL DEFINED.—In this section the term 'duty call' means a telephone call that a railroad places to an employee to notify the employee of his or her assigned shift time.''.

(2) CONFORMING AMENDMENTS.—

(A) The chapter analysis for chapter 211 is amended by adding at the end thereof the following:

''21109. Regulatory authority''.

(B) The first sentence of section 21303(a)(1) is amended by inserting ''including section 21103 (as such section was in effect on the day before the date of enactment of the Railroad Safety Enhancement Act of 2008),'' after ''this title,'' the second place it appears.

(f) RECORD KEEPING AND REPORTING.—

(1) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prescribe a regulation revising the requirements for recordkeeping and reporting for Hours of Service of Railroad Employees contained in part 228 of title 49, Code of Federal Regulations—

(A) to adjust record keeping and reporting requirements to support fully compliance with chapter 211 of title 49, United States Code, as amended by this Act;

(B) to authorize electronic record keeping, and reporting of excess service, consistent with appropriate considerations for user interface; and

(C) to require training of affected employees and supervisors, including training of employees in the entry of hours of service data.

(2) PROCEDURE.—In lieu of issuing a notice of proposed rulemaking as contemplated by section 553 of title 5, United States Code, the Secretary may utilize the Railroad Safety Advisory Committee to assist in development of the regulation. The Secretary may propose and adopt amendments to the revised regulations thereafter as may be necessary in light of experience under the revised requirements.

(g) 1-YEAR DELAY IN IMPLEMENTATION OF DUTY HOURS LIMITATION CHANGES.—The amendments made by subsections (a), (b), and (c) shall take effect 1 year after the date of enactment of this Act.

SEC. 107. PROTECTION OF RAILROAD SAFETY RISK ANALYSES INFORMATION.

(a) AMENDMENT.—Subchapter I of chapter 201 is amended by adding at the end thereof the following:

''§ 20118. Prohibition on public disclosure of railroad safety analysis records

''(a) IN GENERAL.—Except as necessary for the Secretary of Transportation or another Federal agency to enforce or carry out any provision of Federal law, any part of any record (including, but not limited to, a railroad carrier's analysis of its safety risks and its statement of the mitigation measures it has identified with which to address those risks) that the Secretary has obtained pursuant to a provision of, or regulation or order under, this chapter related to the establishment, implementation, or modification of a railroad safety risk reduction program or pilot program is exempt from the requirements of section 552 of title 5 if the record is—

''(1) supplied to the Secretary pursuant to that safety risk reduction program or pilot program; or

''(2) made available for inspection and copying by an officer, employee, or agent of the Secretary pursuant to that safety risk reduction program or pilot program.

''(b) EXCEPTION.—Notwithstanding subsection (a), the Secretary may disclose any part of any record comprised of facts otherwise available to the public if, in the Secretary's sole discretion, the Secretary determines that disclosure would be consistent with the confidentiality needed for that safety risk reduction program.

''(c) DISCRETIONARY PROHIBITION OF DISCLOSURE.—The Secretary may prohibit the public disclosure of risk analyses or risk mitigation analyses that the Secretary has obtained under other provisions of, or regulations or orders under, this chapter if the Secretary determines that the prohibition of public disclosure is necessary to promote railroad safety.

''§ 20119. Discovery and admission into evidence of certain reports and surveys

''Notwithstanding any other provision of law, no part of any report, survey, schedule, list, or data compiled or collected for the purpose of evaluating, planning, or implementing a railroad safety risk reduction program or other risk analysis or risk mitigation analysis designated by the Secretary of Transportation under section 20118(c) pursuant to a provision of, or regulation or order under, this chapter (including a railroad carrier's analysis of its safety risks and its statement of the mitigation measures with which it will address those risks) shall be subject to discovery or admitted into evidence in a Federal or State court proceeding, or considered for another purpose, in any action by a private party or parties for damages against the carrier, or its officers, employees, or contractors. The preceding sentence does not apply to any report, survey, list, or data otherwise available to the public.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 is amended by inserting after the item relating to section 20117 the following:

''20118. Prohibition on public disclosure of railroad safety analysis records''.

''20119. Discovery and admission into evidence of certain reports and surveys''.

TITLE II—HIGHWAY-RAIL GRADE CROSSING AND PEDESTRIAN SAFETY AND TRESPASSER PREVENTION

SEC. 201. PEDESTRIAN CROSSING SAFETY.

Not later than 1 year after the date of enactment of this Act, the Secretary shall provide guidance to railroads on strategies and methods to prevent pedestrian accidents, injuries, and fatalities at or near passenger stations, including—

(1) providing audible warning of approaching trains to the pedestrians at railroad passenger stations;

(2) using signs, signals, or other visual devices to warn pedestrians of approaching trains;

(3) installing infrastructure at pedestrian crossings to improve the safety of pedestrians crossing railroad tracks;

(4) installing fences to prohibit access to railroad tracks; and

(5) other strategies or methods as determined by the Secretary.

SEC. 202. STATE ACTION PLANS.

(a) IN GENERAL.—Beginning not later than 6 months after the date of enactment of this Act, the Secretary shall identify on an annual basis the 10 States that receive Federal funds for highway-rail grade crossing safety projects that have had the most highway-rail grade crossing collisions in the preceding fiscal year. The Secretary may require as a condition of receiving such funds in the future (in addition to any requirements imposed under any other provision of law) that

each of these States develop within a period of time determined by the Secretary a State Grade Crossing Action Plan that identifies specific solutions for improving safety at crossings, including highway-rail grade crossing closures or grade separations, particularly at crossings that have experienced multiple accidents, and shall provide assistance to the States in developing and carrying out, as appropriate, the plan. The plan may be coordinated with other State or Federal planning requirements.

(b) REVIEW AND APPROVAL.—Not later than 90 days after the Secretary receives a plan under subsection (a), the Secretary shall review and approve or disapprove it. If the proposed plan is not approved, the Secretary shall notify the affected State as to the specific points in which the proposed plan is deficient, and the State shall correct all deficiencies within 60 days following receipt of written notice from the Secretary.

SEC. 203. IMPROVEMENTS TO SIGHT DISTANCE AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 105 of this Act, is further amended by inserting after section 20158 the following:

"§ 20159. Roadway user sight distance at highway-rail grade crossings

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Railroad Safety Enhancement Act of 2008, the Secretary of Transportation shall prescribe regulations that require each railroad carrier to remove from its active rights-of-way at all public highway-rail grade crossings, and at all private highway-rail grade crossings open to unrestricted public access (as declared in writing by the holder of the crossing right), grass, brush, shrubbery, trees, and other vegetation which may materially obstruct the view of a pedestrian or a vehicle operator for a reasonable distance, as specified by the Secretary, in either direction of the train's approach, and to maintain its rights-of-way at all such crossings free of such vegetation. In prescribing the regulations, the Secretary shall take into consideration to the extent practicable—

''(1) the type of warning device or warning devices installed at such crossings;

''(2) factors affecting the timeliness and effectiveness of roadway user decisionmaking, including the maximum allowable roadway speed, maximum authorized train speed, angle of intersection, and topography;

''(3) the presence or absence of other sight distance obstructions off the railroad right-of-way; and

''(4) any other factors affecting safety at such crossings.

''(b) PROTECTED VEGETATION.—In promulgating regulations pursuant to this section, the Secretary may make allowance for preservation of trees and other ornamental or protective growth where State or local law or policy would otherwise protect the vegetation from removal and where the roadway authority or private crossing holder is notified of the sight distance obstruction and, within a reasonable period specified by the regulation, takes appropriate action to abate the hazard to roadway users (such as by closing the crossing, posting supplementary signage, installing active warning devices, lowering roadway speed, or installing traffic calming devices).

''(c) MODEL LEGISLATION.—Not later than 18 months after the date of enactment of the Railroad Safety Enhancement Act of 2008, the Secretary, after consultation with the Federal Railroad Administration, the Federal Highway Administration, and States, shall develop and make available to States model legislation providing for improving safety by addressing sight obstructions, at highway-rail grade crossings that are equipped solely with passive warnings, as recommended by the Inspector General of the Department of Transportation in Report No. MH–2007–044.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 105 of this Act, is amended by inserting after the item relating to section 20158 the following new item:

''20159. Roadway user sight distance at highway-rail grade crossings''.

SEC. 204. NATIONAL CROSSING INVENTORY.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 203 of this Act, is further amended by adding at the end the following new section:

"§ 20160. National crossing inventory

''(a) INITIAL REPORTING OF INFORMATION ABOUT PREVIOUSLY UNREPORTED CROSSINGS.—Not later than 1 year after the date of enactment of the Railroad Safety Enhancement Act of 2008 or 6 months after a new crossing becomes operational, whichever occurs later, each railroad carrier shall—

''(1) report to the Secretary of Transportation current information, including information about warning devices and signage, as specified by the Secretary, concerning each previously unreported crossing through which it operates or with respect to the trackage over which it operates; or

''(2) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.

''(b) UPDATING OF CROSSING INFORMATION.—

''(1) On a periodic basis beginning not later than 2 years after the date of enactment of the Railroad Safety Enhancement Act of 2008 and on or before September 30 of every year thereafter, or as otherwise specified by the Secretary, each railroad carrier shall—

''(A) report to the Secretary current information, including information about warning devices and signage, as specified by the Secretary, concerning each crossing through which it operates or with respect to the trackage over which it operates; or

''(B) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.

''(2) A railroad carrier that sells a crossing or any part of a crossing on or after the date of enactment of the Railroad Safety Enhancement Act of 2008 shall, not later than the date that is 18 months after the date of enactment of that Act or 3 months after the sale, whichever occurs later, or as otherwise specified by the Secretary, report to the Secretary current information, as specified by the Secretary, concerning the change in ownership of the crossing or part of the crossing.

''(c) RULEMAKING AUTHORITY.—The Secretary shall prescribe the regulations necessary to implement this section. The Secretary may enforce each provision of the Department of Transportation's statement of the national highway-rail crossing inventory policy, procedures, and instruction for States and railroads that is in effect on the date of enactment of the Railroad Safety Enhancement Act of 2008, until such provision is superseded by a regulation issued under this section.

''(d) DEFINITIONS.—In this section:

''(1) CROSSING.—The term 'crossing' means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks either at grade or grade-separated, where—

''(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or

''(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of nonvehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses one or more railroad tracks either at grade or grade-separated.

''(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 203 of this Act, is amended by inserting after the item relating to section 20159 the following:

''20160. National crossing inventory''.

(c) REPORTING AND UPDATING.—Section 130 of title 23, United States Code, is amended by adding at the end the following:

''(l) NATIONAL CROSSING INVENTORY.—

''(1) INITIAL REPORTING OF CROSSING INFORMATION.—Not later than 1 year after the date of enactment of the Railroad Safety Enhancement Act of 2008 or within 6 months of a new crossing becoming operational, whichever occurs later, each State shall report to the Secretary of Transportation current information, including information about warning devices and signage, as specified by the Secretary, concerning each previously unreported crossing located within its borders.

''(2) PERIODIC UPDATING OF CROSSING INFORMATION.—On a periodic basis beginning not later than 2 years after the date of enactment of the Railroad Safety Enhancement Act of 2008 and on or before September 30 of every year thereafter, or as otherwise specified by the Secretary, each State shall report to the Secretary current information, including information about warning devices and signage, as specified by the Secretary, concerning each crossing located within its borders.

''(3) RULEMAKING AUTHORITY.—The Secretary shall prescribe the regulations necessary to implement this subsection. The Secretary may enforce each provision of the Department of Transportation's statement of the national highway-rail crossing inventory policy, procedures, and instructions for States and railroads that is in effect on the date of enactment of the Railroad Safety Enhancement Act of 2008, until such provision is superseded by a regulation issued under this subsection.

''(4) DEFINITIONS.—In this subsection—

''(A) 'public crossing' means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks either at grade or grade-separated, where—

''(i) a public highway, road, or street, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or

''(ii) a publicly owned pathway explicitly authorized by a public authority or a railroad carrier and dedicated for the use of nonvehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a

private roadway, crosses one or more railroad tracks either at grade or grade-separated; and

''(B) 'State' means a State of the United States, the District of Columbia, or Puerto Rico.''.

(d) CIVIL PENALTIES.—

(1) Section 21301(a)(1) is amended—

(A) by inserting ''with section 20160 or'' after ''comply'' in the first sentence; and

(B) by inserting ''section 20157 of this title or'' after ''violating'' in the second sentence.

(2) Section 21301(a)(2) is amended by inserting ''The Secretary shall impose a civil penalty for a violation of section 20160 of this title.'' after the first sentence.

SEC. 205. TELEPHONE NUMBER TO REPORT GRADE CROSSING PROBLEMS.

(a) IN GENERAL.—Section 20152 is amended to read as follows:

''§ 20152. Notification of grade crossing problems

''Not later than 18 months after the date of enactment of the Railroad Safety Enhancement Act of 2008, the Secretary of Transportation shall require each railroad carrier to—

''(1) establish and maintain a telephone service, which may be required to be a toll-free telephone for specific railroad carriers as determined by the Secretary to be appropriate, for rights-of-way over which it dispatches trains, to directly receive calls reporting—

''(A) malfunctions of signals, crossing gates, and other devices to promote safety at the grade crossing of railroad tracks on those rights-of-way and public or private roads;

''(B) disabled vehicles blocking railroad tracks at such grade crossings;

''(C) obstructions to the view of a pedestrian or a vehicle operator for a reasonable distance in either direction of a train's approach; or

''(D) other safety information involving such grade crossings;

''(2) upon receiving a report pursuant to paragraph (1)(A) or (B), immediately contact trains operating near the grade crossing to warn them of the malfunction or disabled vehicle;

''(3) upon receiving a report pursuant to paragraph (1)(A) or (B), and after contacting trains pursuant to paragraph (2), contact, as necessary, appropriate public safety officials having jurisdiction over the grade crossing to provide them with the information necessary for them to direct traffic, assist in the removal of the disabled vehicle, or carry out other activities as appropriate;

''(4) upon receiving a report pursuant to paragraph (1)(C) or (D), timely investigate the report, remove the obstruction if possible, or correct the unsafe circumstance; and

''(5) ensure the placement at each grade crossing on rights-of-way that it owns of appropriately located signs, on which shall appear, at a minimum—

''(A) a telephone number to be used for placing calls described in paragraph (1) to the railroad carrier dispatching trains on that right-of-way;

''(B) an explanation of the purpose of that telephone number; and

''(C) the grade crossing number assigned for that crossing by the National Highway-Rail Crossing Inventory established by the Department of Transportation.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 is amended by striking the item relating to section 20152 and inserting the following:

''20152. Notification of grade crossing problems''.

SEC. 206. OPERATION LIFESAVER.

(a) GRANT.—The Federal Railroad Administration shall make a grant or grants to Operation Lifesaver to carry out a public information and education program to help prevent and reduce pedestrian, motor vehicle, and other incidents, injuries, and fatalities, and to improve awareness along railroad rights-of-way and at highway-rail grade crossings. This includes development, placement, and dissemination of Public Service Announcements in newspaper, radio, television, and other media. It will also include school presentations, brochures and materials, support for public awareness campaigns, and related support for the activities of Operation Lifesaver's member organizations. As part of an educational program funded by grants awarded under this section, Operation Lifesaver shall provide information to the public on how to identify and report to the appropriate authorities unsafe or malfunctioning highway-rail grade crossings.

(b) PILOT PROGRAM.—The Secretary may allow funds provided under subsection (a) also to be used by Operation Lifesaver to implement a pilot program, to be known as the Railroad Safety Public Awareness Program, that addresses the need for targeted and sustained community outreach on the subjects described in subsection (a). Such a pilot program shall be established in 1 or more States identified under section 202 of this Act. In carrying out such a pilot program Operation Lifesaver shall work with the State, community leaders, school districts, and public and private partners to identify the communities at greatest risk, to develop appropriate measures to reduce such risks, and shall coordinate the pilot program with the State grade crossing action plan.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Railroad Administration for carrying out this section—

(1) $2,000,000 for each of fiscal years 2008, 2009, and 2010; and

(2) $1,500,000 for each of fiscal years 20011, 2012, and 2013.

SEC. 207. FEDERAL GRANTS TO STATES FOR HIGHWAY-RAIL GRADE CROSSING SAFETY.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end thereof the following:

''CHAPTER 225. FEDERAL GRANTS TO STATES FOR HIGHWAY-RAIL GRADE CROSSING SAFETY

''Sec.
''22501. Financial assistance to States for certain projects
''22502. Distribution
''22503. Standards for awarding grants
''22504. Use of funds
''22505. Authorization of appropriations

''§ 22501. Financial assistance to States for certain projects

''The Secretary of Transportation shall make grants to a maximum of 3 States per year for development or continuance of enhanced public education and awareness activities, in combination with targeted law enforcement, to significantly reduce violations of traffic laws at highway-rail grade crossings and to help prevent and reduce injuries and fatalities along railroad rights-of-way.

''§ 22502. Distribution

''The Secretary shall provide the grants to the State agency or agencies responsible for highway-rail grade crossing safety.

''§ 22503. Standards for awarding grants

''The Secretary shall provide grants based upon the merits of the proposed program of activities provided by the State and upon a determination of where the grants will provide the greatest safety benefits.

''§ 22504. Use of funds

''Any State receiving a grant under this chapter shall use the funds to develop, implement, and continue to measure the effectiveness of a dedicated program of public education and enforcement of highway-rail crossing safety laws and to prevent casualties along railroad rights-of-way. The Secretary may not make a grant under this chapter available to assist a State or political subdivision thereof in establishing or continuing a quiet zone pursuant to part 222 of title 49, Code of Federal Regulations.

''§ 22505. Authorization of appropriations

''There are authorized to be appropriated to the Secretary $500,000 for each of fiscal years 2009 through 2013 to carry out the provisions of this chapter. Amounts appropriated pursuant to this section shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The subtitle analysis for subtitle V is amended by inserting after the item relating to chapter 223 the following:

225. Federal grant to States for highway-rail crossing safety .....22501''.

SEC. 208. TRESPASSER PREVENTION AND HIGHWAY-RAIL CROSSING SAFETY.

(a) TRESPASSER PREVENTION AND HIGHWAY-RAIL GRADE CROSSING WARNING SIGN VIOLATIONS.—Section 20151 is amended—

(1) by striking the section heading and inserting the following:

''§ 20151. Railroad trespassing, vandalism, and highway-rail grade crossing warning sign violation prevention strategy'' ;

(2) by striking subsection (a) and inserting the following:

''(a) EVALUATION OF EXISTING LAWS.—In consultation with affected parties, the Secretary of Transportation shall evaluate and review current local, State, and Federal laws regarding trespassing on railroad property, vandalism affecting railroad safety, and violations of highway-rail grade crossing warning signs and develop model prevention strategies and enforcement laws to be used for the consideration of State and local legislatures and governmental entities. The first such evaluation and review concerning violations of grade crossing signals shall be completed within 1 year after the date of enactment of the Railroad Safety Enhancement Act of 2008. The Secretary shall revise the model prevention strategies and enforcement codes periodically.'';

(3) by inserting ''FOR TRESPASSING AND VANDALISM PREVENTION'' in the subsection heading of subsection (b) after ''OUTREACH PROGRAM'';

(4) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''MODEL LEGISLATION.—''; and

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

''(2) Within 18 months after the date of enactment of the Railroad Safety Enhancement Act of 2008, the Secretary, after consultation with State and local governments and railroad carriers, shall develop and make available to State and local governments model State legislation providing for civil or criminal penalties, or both, for violations of highway-rail grade crossing warning signs.''; and

(5) by adding at the end the following new subsection:

''(d) DEFINITION.—In this section, the term 'violation of highway-rail grade crossing warning signs' includes any action by a motorist, unless directed by an authorized safety officer—

''(1) to drive around a grade crossing gate in a position intended to block passage over railroad tracks;

''(2) to drive through a flashing grade crossing signal;

''(3) to drive through a grade crossing with passive warning signs without ensuring that the grade crossing could be safely crossed before any train arrived; and

''(4) in the vicinity of a grade crossing, who creates a hazard of an accident involving injury or property damage at the grade crossing.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by striking the item relating to section 20151 and inserting the following:

''20151. Railroad trespassing, vandalism, and highway-rail grade crossing warning sign violation prevention strategy''.

(c) EDUCATIONAL OR AWARENESS PROGRAM ITEMS FOR DISTRIBUTION.—Section 20134(a) is amended by adding at the end of the subsection the following: ''The Secretary may purchase items of nominal value and distribute them to the public without charge as part of an educational or awareness program to accomplish the purposes of this section and of any other sections of this title related to improving the safety of highway-rail crossings and to preventing trespass on railroad rights of way, and the Secretary shall prescribe guidelines for the administration of this authority.''.

SEC. 209. FOSTERING INTRODUCTION OF NEW TECHNOLOGY TO IMPROVE SAFETY AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) AMENDMENT.—Subchapter II of chapter 201, as amended by section 204 of this Act, is further amended by adding at the end the following:

''§ 20161. Fostering introduction of new technology to improve safety at highway-rail grade crossings

''(a) POLICY.—It is the policy of the Department of Transportation to encourage the development of new technology that can prevent loss of life and injuries at highway-rail grade crossings. The Secretary of Transportation shall carry out this policy in consultation with States and necessary public and private entities.

''(b) SUBMISSION OF NEW TECHNOLOGY PROPOSALS.—Railroad carriers and railroad suppliers may submit for review and approval to the Secretary such new technology designed to improve safety at highway-rail grade crossings. The Secretary shall approve the new technology designed to improve safety at highway-rail grade crossings in accordance with Federal Railroad Administration standards for the development and use of processor-based signal and train control systems and shall consider the effects on safety of highway-user interface with the new technology.

''(c) EFFECT OF SECRETARIAL APPROVAL.—If the Secretary approves new technology to provide warning to highway users at a highway-rail grade crossing and such technology is installed at a highway-rail grade crossing in accordance with the conditions of the approval, this determination preempts any State law concerning the adequacy of the technology in providing warning at the crossing. Under no circumstances may a person (including a State, other public authority, railroad carrier, system designer, or supplier of the technology) be held liable for damages for any harm to persons or property because of an accident or incident at the crossing protected by such technology based upon the carrier's failure to properly inspect and maintain such technology, if the carrier has inspected and maintained the technology in accordance with the terms of the Secretary's approval.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 204 of this Act, is further amended by inserting after the item relating to section 20160, the following:

''20161. Fostering introduction of new technology to improve safety at highway-rail grade crossings''.

TITLE III—FEDERAL RAILROAD ADMINISTRATION

SEC. 301. HUMAN CAPITAL INCREASES.

(a) IN GENERAL.—The Secretary shall increase the number of Federal Railroad Administration employees by 25 employees in each of fiscal years 2008 through 2013.

(b) FUNCTIONS.—In increasing the number of employees pursuant to subsection (a), the Secretary shall focus on hiring employees—

(1) specifically trained to conduct on-site railroad and highway-rail grade crossing accident investigations;

(2) to implement the Railroad Safety Strategy;

(3) to administer and implement the Railroad Safety Risk Reduction Pilot Program and the Railroad Safety Risk Reduction Program;

(4) to implement section 20166 of title 49, United States Code, and to focus on encouragement and oversight of the use of new or novel rail safety technology;

(5) to conduct routine inspections and audits of railroad and hazardous materials facilities and records for compliance with railroad safety laws and regulations;

(6) to inspect railroad bridges, tunnels, and related infrastructure, and to review or analyze railroad bridge, tunnel, and related infrastructure inspection reports;

(7) to prevent or respond to natural or manmade emergency situations or events involving rail infrastructure or employees; and

(8) to support the Federal Railroad Administration's safety mission.

SEC. 302. CIVIL PENALTY INCREASES.

(a) GENERAL VIOLATIONS OF CHAPTER 201.—Section 21301(a)(2) is amended—

(1) by striking ''$10,000.'' and inserting ''$25,000.''; and

(2) by striking ''$20,000.'' and inserting ''$100,000.''.

(b) ACCIDENT AND INCIDENT VIOLATIONS OF CHAPTER 201; VIOLATIONS OF CHAPTERS 203 THROUGH 209.—Section 21302(a)(2) is amended—

(1) by striking ''$10,000.'' and inserting ''$25,000.''; and

(2) by striking ''$20,000.'' and inserting ''$100,000.''.

(c) VIOLATIONS OF CHAPTER 211.—Section 21303(a)(2) is amended—

(1) by striking ''$10,000.'' and inserting ''$25,000.''; and

(2) by striking ''$20,000.'' and inserting ''$100,000.''.

SEC. 303. ENFORCEMENT REPORT.

(a) IN GENERAL.—Subchapter I of chapter 201, as amended by section 107 of this Act, is amended by adding at the end the following:

''§ 20120. Enforcement Report.

''(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Transportation shall make available to the public and publish on its public website an annual report that—

''(1) provides a summary of railroad safety and hazardous materials compliance inspections and audits that Federal or State inspectors conducted in the prior fiscal year organized by type of alleged violation, including track, motive power and equipment, signal, grade crossing, operating practices, accident and incidence reporting, and hazardous materials;

''(2) provides a summary of all enforcement actions taken by the Secretary or the Federal Railroad Administration during the prior fiscal year, including—

''(A) the number of civil penalties assessed against railroad carriers, hazardous material shippers, and individuals;

''(B) the initial amount of civil penalties assessed against railroad carriers, hazardous materials shippers, and individuals;

''(C) the number of civil penalty cases settled against railroad carriers, hazardous material shippers, and individuals;

''(D) the final amount of civil penalties assessed against railroad carriers, hazardous materials shippers, and individuals;

''(E) the difference between the initial and final amounts of civil penalties assessed against railroad carriers, hazardous materials shippers, and individuals;

''(F) the number of administrative hearings requested and completed related to hazardous materials transportation law violations or enforcement actions against individuals;

''(G) the number of cases referred to the Attorney General for civil or criminal prosecution;

''(H) the number and subject matter of all compliance orders, emergency orders or precursor agreements;

''(3) analyzes the effect of the number of inspections conducted and enforcement actions taken on the number and rate of reported accidents and incidents and railroad safety;

''(4) identifies the number of locomotive engineer certification denial or revocation cases appealed to and the average length of time it took to be decided by—

''(A) the Locomotive Engineer Review Board;

''(B) an Administrative Hearing Officer or Administrative Law Judge; or

''(C) the Administrator of the Federal Railroad Administration;

''(5) provides any explanation regarding changes in the Secretary's or the Federal Railroad Administration's enforcement programs or policies that may substantially affect the information reported; and

''(6) includes any additional information that the Secretary determines is useful to improve the transparency of its enforcement program.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 107 of this Act, is amended by inserting after the item relating to section 20119 the following:

''20120. Enforcement report''.

SEC. 304. PROHIBITION OF INDIVIDUALS FROM PERFORMING SAFETY-SENSITIVE FUNCTIONS FOR A VIOLATION OF HAZARDOUS MATERIALS TRANSPORTATION LAW.

Section 20111(c) is amended to read as follows:

''(c) ORDERS PROHIBITING INDIVIDUALS FROM PERFORMING SAFETY-SENSITIVE FUNCTIONS.—

''(1) If an individual's violation of this part, chapter 51 of this title, or a regulation prescribed, or an order issued, by the Secretary under this part or chapter 51 of this title is shown to make that individual unfit for the performance of safety-sensitive functions, the Secretary, after providing notice and an opportunity for a hearing, may issue an order prohibiting the individual from performing safety-sensitive functions in the railroad industry for a specified period of time or until specified conditions are met.

''(2) This subsection does not affect the Secretary's authority under section 20104 of this title to act on an emergency basis.''.

SEC. 305. RAILROAD RADIO MONITORING AUTHORITY.

Section 20107 is amended by inserting at the end the following:

''(c) RAILROAD RADIO COMMUNICATIONS.—

''(1) IN GENERAL.—To carry out the Secretary's responsibilities under this part and under chapter 51, the Secretary may authorize officers, employees, or agents of the Secretary to conduct, with or without making their presence known, the following activities in circumstances the Secretary finds to be reasonable:

''(A) Intercepting a radio communication, with or without the consent of the sender or other receivers of the communication, but only where such communication is broadcast or transmitted over a radio frequency which is—

''(i) authorized for use by one or more railroad carriers by the Federal Communications Commission; and

''(ii) primarily used by such railroad carriers for communications in connection with railroad operations.

''(B) Communicating the existence, contents, substance, purport, effect, or meaning of the communication, subject to the restrictions in paragraph (3).

''(C) Receiving or assisting in receiving the communication (or any information therein contained).

''(D) Disclosing the contents, substance, purport, effect, or meaning of the communication (or any part thereof of such communication) or using the communication (or any information contained therein), subject to the restrictions in paragraph (3), after having received the communication or acquired knowledge of the contents, substance, purport, effect, or meaning of the communication (or any part thereof).

''(E) Recording the communication by any means, including writing and tape recording.

''(2) ACCIDENT PREVENTION AND ACCIDENT INVESTIGATION.—The Secretary, and officers, employees, and agents of the Department of Transportation authorized by the Secretary, may engage in the activities authorized by paragraph (1) for the purpose of accident prevention and accident investigation.

''(3) USE OF INFORMATION.—(A) Information obtained through activities authorized by paragraphs (1) and (2) shall not be admitted into evidence in any administrative or judicial proceeding except—

''(i) in a prosecution of a felony under Federal or State criminal law; or

''(ii) to impeach evidence offered by a party other than the Federal Government regarding the existence, electronic characteristics, content, substance, purport, effect, meaning, or timing of, or identity of parties to, a communication intercepted pursuant to paragraphs (1) and (2) in proceedings pursuant to section 5122, 5123, 20702(b), 20111, 20112, 20113, or 20114 of this title.

''(B) If information obtained through activities set forth in paragraphs (1) and (2) is admitted into evidence for impeachment purposes in accordance with subparagraph (A), the court, administrative law judge, or other officer before whom the proceeding is conducted may make such protective orders regarding the confidentiality or use of the information as may be appropriate in the circumstances to protect privacy and administer justice.

''(C) No evidence shall be excluded in an administrative or judicial proceeding solely because the government would not have learned of the existence of or obtained such evidence but for the interception of information that is not admissible in such proceeding under subparagraph (A).

''(D) Information obtained through activities set forth in paragraphs (1) and (2) shall not be subject to publication or disclosure, or search or review in connection therewith, under section 552 of title 5.

''(E) Nothing in this subsection shall be construed to impair or otherwise affect the authority of the United States to intercept a communication, and collect, retain, analyze, use, and disseminate the information obtained thereby, under a provision of law other than this subsection.

''(4) APPLICATION WITH OTHER LAW.—Section 705 of the Communications Act of 1934 (47 U.S.C. 605) and chapter 119 of title 18 shall not apply to conduct authorized by and pursuant to this subsection.''.

SEC. 306. EMERGENCY WAIVERS.

Section 20103 is amended—

(1) by striking subsection (e) and inserting the following:

''(e) HEARINGS.—Except as provided in subsection (g) of this section, the Secretary shall conduct a hearing as provided by section 553 of title 5 when prescribing a regulation or issuing an order under this chapter, including a regulation or order establishing, amending, or waiving compliance with a railroad safety regulation prescribed or order issued under this chapter. An opportunity for an oral presentation shall be provided.''; and

(2) by adding at the end thereof the following:

''(g) EMERGENCY WAIVERS.—

''(1) IN GENERAL.—The Secretary shall prescribe procedures concerning the handling of requests for waivers of regulations prescribed or orders issued under this chapter in emergency situations and may prescribe temporary emergency waiver procedures without first providing an opportunity for public comment. The Secretary may grant a waiver request if the waiver is directly related to the emergency event or necessary to aid in any recovery efforts and is in the public interest and consistent with railroad safety. The relief shall not extend for a period of more than 9 months, including the period of the relief granted under any renewal of the waiver pursuant to the emergency waiver procedures. For matters that may impact the missions of the Department of Homeland Security, the Secretary of Transportation shall consult and coordinate with the Secretary of Homeland Security as soon as practicable.

''(2) WAIVER BEFORE HEARING.—If, under the emergency waiver procedures established under paragraph (1) of this subsection, the Secretary determines the public interest would be better served by addressing a request for waiver prior to providing an opportunity for a hearing under section 553 of title 5 and an oral presentation, the Secretary may act on the waiver request and, if the request is granted, the Secretary shall subsequently provide notice and an opportunity for a hearing and oral presentation pursuant to procedures prescribed under paragraph (1) of this subsection. Should the Secretary receive comment or a request for oral presentation on a waiver request after granting the waiver, the Secretary may take any necessary action with regard to that waiver (including rescission or modification) based on the newly acquired information.

''(3) EMERGENCY SITUATION; EMERGENCY EVENT.—In this subsection, the terms 'emergency situation' and 'emergency event' mean a natural or manmade disaster, such as a hurricane, flood, earthquake, mudslide, forest fire, snowstorm, terrorist act, biological outbreak, release of a dangerous radiological, chemical, explosive, or biological material, or a war-related activity, that poses a risk of death, serious illness, severe injury, or substantial property damage. The disaster may be local, regional, or national in scope.''.

SEC. 307. FEDERAL RAIL SECURITY OFFICERS' ACCESS TO INFORMATION.

(a) AMENDMENT.—Chapter 281 is amended by adding at the end thereof the following:

''§ 28104. Federal rail security officers' access to information

''(a) ACCESS TO RECORDS OR DATABASE SYSTEMS BY THE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION.—

''(1) IN GENERAL.—The Administrator of the Federal Railroad Administration is authorized to have access to a system of documented criminal justice information maintained by the Department of Justice or by a State for the purpose of carrying out the civil and administrative responsibilities of the Administrator to protect the safety, including security, of railroad operations and for other purposes authorized by law, including the National Crime Prevention and Privacy Compact (42 U.S.C. 14611-14616). The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

''(2) LIMITATION.—The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

''(b) DESIGNATED EMPLOYEES OF THE FEDERAL RAILROAD ADMINISTRATION.—The Administrator shall, by order, designate each employee of the Administration whose primary responsibility is rail security who shall carry out the authority described in subsection (a). The Administrator shall strictly limit access to a system of documented criminal justice information to persons with security responsibilities and with appropriate security clearances. Such a designated employee may, insofar as authorized or permitted by the National Crime Prevention and Privacy Compact or other law or agreement governing an affected State with respect to such a State—

''(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police

officer employed by a State or local authority in that State who is certified or commissioned under the laws of that State has access and in the same manner as such police officer; or

''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

''(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section, the term 'system of documented criminal justice information' means any law enforcement database, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 281 is amended by adding at the end the following:

''28104. Federal rail officers' access to information''.

SEC. 308. UPDATE OF FEDERAL RAILROAD ADMINISTRATION'S WEBSITE.

(a) IN GENERAL.—The Secretary shall update the Federal Railroad Administration's public website to better facilitate the ability of the public, including those individuals who are not regular users of the public website, to find current information regarding the Federal Railroad Administration's activities.

(b) PUBLIC REPORTING OF VIOLATIONS.—On the Federal Railroad Administration's public website's home page, the Secretary shall provide a mechanism for the public to submit written reports of potential violations of Federal railroad safety and hazardous materials transportation laws, regulations and orders to the Federal Railroad Administration.

TITLE IV—RAILROAD SAFETY ENHANCEMENTS

SEC. 401. EMPLOYEE TRAINING.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 208 of this Act, is further amended by adding at the end the following:

''§ 20162. Employee training

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Railroad Safety Enhancement Act of 2008, the Secretary of Transportation shall prescribe regulations requiring railroad carriers and railroad carrier contractors and subcontractors to develop training plans for crafts and classes of employees, as the Secretary determines appropriate.

''(b) CONTENTS.—The Secretary shall require that each training plan—

''(1) clearly identify the class of craft of employees to which the plan applies;

''(2) require that employees be trained on the requirements of relevant Federal railroad safety laws, regulations, and orders;

''(3) require employees to be tested or otherwise demonstrate their proficiency in the subject matter of the training; and

''(4) contain any other relevant information that the Secretary deems appropriate.

''(c) SUBMISSION FOR APPROVAL.—The Secretary shall require each railroad carrier, railroad carrier contractor, and railroad carrier subcontractor to submit its training plan to the Federal Railroad Administration for review and approval.

''(d) EXEMPTION.—The Secretary may exempt railroad carriers and railroad carrier contractors and subcontractors from submitting training plans covering employees for which the Secretary has issued training regulations before the date of enactment of the Railroad Safety Enhancement Act of 2008.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 208 of this Act, is further amended by adding at the end thereof the following:

''20162. Employee training''.

SEC. 402. CERTIFICATION OF CERTAIN CRAFTS OR CLASSES OF EMPLOYEES.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure about whether the certification of certain crafts or classes of railroad carrier or railroad carrier contractor or subcontractor employees is necessary to reduce the number and rate of accidents and incidents or to improve railroad safety.

(b) CRAFTS AND CLASSES TO BE CONSIDERED.—As part of the report, the Secretary shall consider—

(1) conductors;

(2) car repair and maintenance employees;

(3) onboard service workers;

(4) rail welders;

(5) dispatchers;

(6) signal repair and maintenance employees; and

(7) any other craft or class of employees that the Secretary determines appropriate.

(c) REGULATIONS.—The Secretary may prescribe regulations requiring the certification of certain crafts or classes of employees that the Secretary determines pursuant to the report required by subsection (a) are necessary to reduce the number and rate of accidents and incidents or to improve railroad safety.

SEC. 403. TRACK INSPECTION TIME STUDY.

(a) STUDY.—Not later that 2 years after the date of enactment of this Act, the Secretary shall—

(1) complete a study to determine whether—

(A) the required intervals of track inspections for each class of track should be amended;

(B) track remedial action requirements should be amended;

(C) different track inspection and repair priorities or methods should be required; and

(2) issue recommendations for changes to the Federal track safety standards in part 213 of title 49, Code of Federal Regulations, based on the results of the study.

(b) CONSIDERATIONS.—In conducting the study the Secretary shall consider—

(1) the most current rail flaw, rail defect growth, rail fatigue, and other relevant track- or rail-related research and studies;

(2) the availability and feasibility of developing and implementing new or novel rail inspection technology for routine track inspections;

(3) information from National Transportation Safety Board or Federal Railroad Administration accident investigations where track defects were the cause or a contributing cause; and

(4) other relevant information, as determined by the Secretary.

(c) UPDATE OF REGULATIONS.—Not later than 2 years after the completion of the study required by subsection (b), the Secretary shall prescribe regulations implementing the recommendations of the study.

SEC. 404. STUDY OF METHODS TO IMPROVE OR CORRECT STATION PLATFORM GAPS.

Not later than 2 years after the enactment of this Act, the Secretary shall complete a study to determine the most safe, efficient, and cost-effective way to improve the safety of rail passenger station platforms gaps in order to increase compliance with the requirements under the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), including regulations issued pursuant to section 504 of such Act (42 U.S.C. 12204) and to minimize the safety risks associated with such gaps for railroad passengers and employees.

SEC. 405. LOCOMOTIVE CAB STUDIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, through the Railroad Safety Advisory Committee if the Secretary makes such a request, shall complete a study on the safety impact of the use of personal electronic devices, including cell phones, video games, and other distracting devices, by safety-related railroad employees (as defined in section 20102(4) of title 49, United States Code), during the performance of such employees' duties. The study shall consider the prevalence of the use of such devices.

(b) LOCOMOTIVE CAB ENVIRONMENT.—The Secretary may also study other elements of the locomotive cab environment and their effect on an employee's health and safety.

(c) REPORT.—Not later than 6 months after the completion of any study under this section, the Secretary shall issue a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(d) AUTHORITY.—Based on the conclusions of the study required under (a), the Secretary of Transportation may prohibit the use of personal electronic devices, such as cell phones, video games, or other electronic devices that may distract employees from safely performing their duties, unless those devices are being used according to railroad operating rules or for other work purposes. Based on the conclusions of other studies conducted under subsection (b), the Secretary may prescribe regulations to improve elements of the cab environment to protect an employee's health and safety.

SEC. 406. RAILROAD SAFETY TECHNOLOGY GRANTS.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 401 of this Act, is further amended by adding at the end thereof the following:

''§ 20163. Railroad safety technology grants

''(a) GRANT PROGRAM.—The Secretary of Transportation shall establish a grant program for the deployment of train control technologies, train control component technologies, processor-based technologies, electronically controlled pneumatic brakes, rail integrity inspection systems, rail integrity warning systems, switch position indicators, remote control power switch technologies, track integrity circuit technologies, and other new or novel railroad safety technology.

''(b) GRANT CRITERIA.—

''(1) ELIGIBILITY.—Grants shall be made under this section to eligible passenger and freight railroad carriers, railroad suppliers, and State and local governments for projects described in subsection (a) that have a public benefit of improved safety and network efficiency.

''(2) CONSIDERATIONS.—Priority shall be given to projects that—

''(A) focus on making technologies interoperable between railroad systems, such as train control technologies;

''(B) provide incentives for train control technology deployment on high-risk corridors, such as those that have high volumes of hazardous materials shipments or over which commuter or passenger trains operate; or

''(C) benefit both passenger and freight safety and efficiency.

''(3) TECHNOLOGY IMPLEMENTATION PLAN.—Grants may not be awarded under this section to entities that fail to develop and submit to the Secretary a technology implementation plan as required by section 20157(d)(2).

''(4) MATCHING REQUIREMENTS.—Federal funds for any eligible project under this section shall not exceed 50 percent of the total cost of such project.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $10,000,000 for each of fiscal years 2008 through 2013 to carry out this section. Amounts appropriated pursuant to this section shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 401 of this Act, is further amended by inserting after the item relating to section 20163 the following:

''20163. Railroad safety technology grants''.

SEC. 407. RAILROAD SAFETY INFRASTRUCTURE IMPROVEMENT GRANTS.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 406 of this Act, is further amended by adding at the end thereof the following:

''§ 20164. Railroad safety infrastructure improvement grants

''(a) GRANT PROGRAM.—The Secretary of Transportation shall establish a grant program for safety improvements to railroad infrastructure, including the acquisition, improvement, or rehabilitation of intermodal or rail equipment or facilities, including track, bridges, tunnels, yards, buildings, passenger stations, facilities, and maintenance and repair shops.

''(b) ELIGIBILITY.—Grants shall be made under this section to eligible passenger and freight railroad carriers, and State and local governments for projects described in subsection (a).

''(c) CONSIDERATIONS.—In awarding grants the Secretary shall consider, at a minimum—

''(1) the age and condition of the rail infrastructure of the applicant;

''(2) the railroad's safety record, including accident and incident numbers and rates;

''(3) the volume of hazardous materials transported by the railroad;

''(4) the operation of passenger trains over the railroad; and

''(5) whether the railroad has submitted a railroad safety risk reduction program, as required by section 20157.

''(d) MATCHING REQUIREMENTS.—Federal funds for any eligible project under this section shall not exceed 50 percent of the total cost of such project.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $7,500,000 for each of fiscal years 2008 through 2013 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 406 of this Act, is amended by inserting after the item relating to section 20163 the following:

''20164. Railroad safety infrastructure improvement grants''.

SEC. 408. AMENDMENT TO THE MOVEMENT-FOR-REPAIR PROVISION.

Section 20303 is amended by adding at the end the following:

''(d) ADDITIONAL CONDITIONS FOR MOVEMENT TO MAKE REPAIRS TO DEFECTIVE OR INSECURE VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation may impose conditions for the movement of a defective or insecure vehicle to make repairs in addition to those conditions set forth in subsection (a) by prescribing regulations or issuing orders as necessary.

''(2) NECESSITY OF MOVEMENT.—The movement of a defective or insecure vehicle from a location may be necessary to make repairs of the vehicle even though a mobile repair truck capable of making the repairs has gone to the location on an irregular basis (as specified in regulations prescribed by the Secretary).

''(e) DEFINITIONS.—In this section:

''(1) NEAREST.—The term 'nearest' means the closest in the forward direction of travel for the defective or insecure vehicle.

''(2) PLACE AT WHICH THE REPAIRS CAN BE MADE.—The term 'place at which the repairs can be made' means—

''(A) a location with a fixed facility for conducting the repairs that are necessary to bring the defective or insecure vehicle into compliance with this chapter; or

''(B) a location where a mobile repair truck capable of making the repairs that are necessary to bring the defective or insecure vehicle into compliance with this chapter makes the same kind of repair at the location regularly (as specified in regulations prescribed by the Secretary).''.

SEC. 409. DEVELOPMENT AND USE OF RAIL SAFETY TECHNOLOGY.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 407 of this Act, is further amended by adding at the end the following new section:

''§ 20165. Development and use of rail safety technology

''(a) IN GENERAL.—Not later than 1 year after enactment of the Railroad Safety Enhancement Act of 2008, the Secretary of Transportation shall prescribe standards, guidance, regulations, or orders governing the development, use, and implementation of rail safety technology in dark territory, in arrangements not defined in section 20501 or otherwise not covered by Federal standards, guidance, regulations, or orders that ensures its safe operation, such as—

''(1) switch position monitoring devices;

''(2) radio, remote control or other power-assisted switches;

''(3) hot box, high water or earthquake detectors;

''(4) remote control locomotive zone limiting devices;

''(5) slide fences;

''(6) grade crossing video monitors;

''(7) track integrity warning systems;

''(8) or other similar rail safety technologies, as determined by the Secretary.

''(b) DARK TERRITORY DEFINED.—In this section, the term 'dark territory' means any territory in a railroad system that does not have a signal or train control system installed or operational.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 407 of this Act, is amended by inserting after the item relating to section 20164 the following:

''20165. Development and use of rail safety technology''.

SEC. 410. EMPLOYEE SLEEPING QUARTERS.

Section 21106 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''A railroad carrier'';

(2) by striking ''sanitary and give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier;'' in paragraph (1) and inserting ''sanitary, give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier, and provide indoor toilet facilities, potable water, and other features to protect the health of employees;'' and

(3) by adding at the end the following:

''(b) CAMP CARS.—No later than 12 months after the date of enactment of the Railroad Safety Enhancement Act of 2008, the Secretary, in consultation with the Secretary of Labor, shall prescribe regulations governing the use of camp cars, pursuant to subsection (a)(1), for employees and any individuals employed to maintain the right of way of a railroad carrier. The regulations may also prohibit the use of camp cars, if necessary, to protect the health and safety of the employees.''.

SEC. 411. EMPLOYEE PROTECTIONS.

Section 20109(a) is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) to request that a railroad carrier provide first aid, prompt medical treatment, or transportation to an appropriate medical facility or hospital after being injured during the course of employment, or to comply with treatment prescribed by a physician or licensed health care professional, except that a railroad carrier's refusal to permit an employee to return to work upon that employee's release by his or her physician or licensed health care professional shall not be considered discrimination if the refusal is in compliance with the carrier's medical standards for fitness for duty;''.

SEC. 412. UNIFIED TREATMENT OF FAMILIES OF RAILROAD CARRIERS.

Section 20102(3), as redesignated by section 2(b) of this Act, is amended to read as follows:

''(3) 'railroad carrier' means a person providing railroad transportation, except that, upon petition by a group of commonly controlled railroad carriers that the Secretary determines is operating within the United States as a single, integrated rail system, the Secretary may by order treat the group of railroad carriers as a single railroad carrier for purposes of one or more provisions of part A, subtitle V of this title and implementing regulations and order, subject to any appropriate conditions that the Secretary may impose.''.

SEC. 413. STUDY OF REPEAL OF CONRAIL PROVISION.

Within 1 year after the date of enactment of this Act, the Secretary shall complete a study of the impacts of repealing section 711 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797j). Within 6 months after completing the study, the Secretary shall transmit a report with the Secretary's findings, conclusions, and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 414. LIMITATIONS ON NON-FEDERAL ALCOHOL AND DRUG TESTING BY RAILROAD CARRIERS.

(a) IN GENERAL.—Chapter 201, as amended by section 409, is further amended by adding at the end the following:

"§ 20166. Limitations on non-Federal alcohol and drug testing

''(a) TESTING REQUIREMENTS.—Any non-Federal alcohol and drug testing program of a railroad carrier must provide that all post-employment tests of the specimens of employees who are subject to both the program and chapter 211 of this title be conducted using a scientifically recognized method of testing capable of determining the presence of the specific analyte at a level above the cut-off level established by the carrier.

''(b) REDRESS PROCESS.—Each railroad carrier that has a non-Federal alcohol and drug testing program must provide a redress process to its employees who are subject to both the alcohol and drug testing program and chapter 211 of this title for such an employee to petition for and receive a carrier hearing to review his or her specimen test results that were determined to be in violation of the program. A dispute or grievance raised by a railroad carrier or its employee, except a probationary employee, in connection with the carrier's alcohol and drug testing program and the application of this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153).''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 409 of this Act, is further amended by inserting after the item relating to section 20165 the following:

''20166. Limitations on non-Federal alcohol and drug testing by railroad carriers''.

SEC. 415. CRITICAL INCIDENT STRESS PLAN.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, as appropriate, shall require each Class I railroad carrier, each intercity passenger railroad carrier, and each commuter railroad carrier to develop and submit for approval to the Secretary a critical incident stress plan that provides for debriefing, counseling, guidance, and other appropriate support services to be offered to an employee affected by a critical incident.

(b) PLAN REQUIREMENTS.—Each such plan shall include provisions for—

(1) relieving an employee who was involved in a critical incident of his or her duties for the balance of the duty tour, following any actions necessary for the safety of persons and contemporaneous documentation of the incident;

(2) upon the employee's request, relieving an employee who witnessed a critical incident of his or her duties following any actions necessary for the safety of persons and contemporaneous documentation of the incident; and

(3) providing such leave from normal duties as may be necessary and reasonable to receive preventive services, treatment, or both, related to the incident.

(c) SECRETARY TO DEFINE WHAT CONSTITUTES A CRITICAL INCIDENT.—Within 30 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to define the term ''critical incident'' for the purposes of this section.

SEC. 416. RAILROAD CARRIER EMPLOYEE EXPOSURE TO RADIATION STUDY.

(a) STUDY.—The Secretary of Transportation shall, in consultation with the Secretary of Energy, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and the Chairman of the Nuclear Regulatory Commission, as appropriate, conduct a study of the potential hazards to which employees of railroad carriers and railroad contractors or subcontractors are exposed during the transportation of high-level radioactive waste and spent nuclear fuel (as defined in section 5101(a) of title 49, United States Code), supplementing the report submitted under section 5101(b) of that title, which may include—

(1) an analysis of the potential application of ''as low as reasonably achievable'' principles for exposure to radiation to such employees with an emphasis on the need for special protection from radiation exposure for such employees during the first trimester of pregnancy or who are undergoing or have recently undergone radiation therapy;

(2) the feasibility of requiring real-time dosimetry monitoring for such employees;

(3) the feasibility of requiring routine radiation exposure monitoring in fixed railroad locations, such as yards and repair facilities; and

(4) a review of the effectiveness of the Department of Transportation packaging requirements for radioactive materials.

(b) REPORT.—No later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall transmit a report on the results of the study required by subsection (a) and any recommendations to further protect employees of a railroad carrier or of a contractor or subcontractor to a railroad carrier from unsafe exposure to radiation during the transportation of high-level radioactive waste and spent nuclear fuel to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) REGULATORY AUTHORITY.—The Secretary of Transportation may issue regulations that the Secretary determines appropriate, pursuant to the report required by subsection (b), to protect railroad employees from unsafe exposure to radiation during the transportation of radioactive materials.

SEC. 417. ALCOHOL AND CONTROLLED SUBSTANCE TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.

Not later than 2 years following the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking proceeding to revise the regulations prescribed under section 20140 of title 49, United States Code, to cover all employees of railroad carriers and contractors or subcontractors to railroad carriers who perform maintenance-of-way activities.

TITLE V—RAIL PASSENGER DISASTER FAMILY ASSISTANCE

SEC. 501. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 11 is amended by adding at the end of subchapter III the following:

"§ 1139. Assistance to families of passengers involved in rail passenger accidents

''(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

''(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

''(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

''(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

''(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

''(2) communicating with the families of passengers involved in the accident as to the roles of—

''(A) the organization designated for an accident under subsection (a)(2);

''(B) Government agencies; and

''(C) the rail passenger carrier involved,

with respect to the accident and the post-accident activities.

''(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

''(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

''(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

''(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

''(4) To arrange a suitable memorial service, in consultation with the families.

''(d) PASSENGER LISTS.—

''(1) REQUESTS FOR PASSENGER LISTS.—

''(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

''(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

''(2) USE OF INFORMATION.—Except as provided in subsection (k), the director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

''(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the

Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

''(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

''(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

''(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

''(g) PROHIBITED ACTIONS.—

''(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

''(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

''(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

''(h) DEFINITIONS.—In this section:

''(1) RAIL PASSENGER ACCIDENT.—The term 'rail passenger accident' means any rail passenger disaster resulting in a major loss of life occurring in the provision of—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

''(2) RAIL PASSENGER CARRIER.—The term 'rail passenger carrier' means a rail carrier providing—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term does not include a tourist, historic, scenic, or excursion rail carrier.

''(3) PASSENGER.—The term 'passenger' includes—

''(A) an employee of a rail passenger carrier aboard a train;

''(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

''(C) any other person injured or killed in a rail passenger accident, as determined appropriate by the Board.

''(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

''(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

''(2) BOARD ASSISTANCE.—If this section does not apply to a railroad accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.

''(k) SAVINGS CLAUSE.—Nothing in this section shall be construed to abridge the authority of the Board or the Secretary of Transportation to investigate the causes or circumstances of any rail accident, including development of information regarding the nature of injuries sustained and the manner in which they were sustained for the purposes of determining compliance with existing laws and regulations or for identifying means of preventing similar injuries in the future, or both.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1138 the following:

''1139. Assistance to families of passengers involved in rail passenger accidents''.

SEC. 502. RAIL PASSENGER CARRIER PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 is amended by adding at the end the following:

''§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Railroad Safety Enhancement Act of 2008, a rail passenger carrier shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a rail passenger carrier intercity train and resulting in a major loss of life.

''(b) CONTENTS OF PLANS.—The plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

''(1) A process by which a rail passenger carrier will maintain and provide to the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for a rail passenger carrier to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

''(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

''(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

''(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as a rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

''(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within a rail passenger carrier's control; that any possession of the passenger within a rail passenger carrier's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within a rail passenger carrier's control will be retained by the rail passenger carrier for at least 18 months.

''(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(7) An assurance that a rail passenger carrier will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

''(c) USE OF INFORMATION.—Neither the National Transportation Safety Board, the Secretary of Transportation, the Secretary of Homeland Security, nor a rail passenger carrier may release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or a rail passenger carrier considers appropriate.

''(d) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of a rail passenger carrier under this section in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by a rail passenger carrier under subsection (b), unless such liability was caused by a rail passenger carrier's gross negligence or extreme misconduct.

''(e) LIMITATIONS ON STATUTORY CONSTRUCTION.—

''(1) RAIL PASSENGER CARRIERS.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(2) INVESTIGATIONAL AUTHORITY OF BOARD AND SECRETARY.—Nothing in this section shall be construed to abridge the authority of the Board or the Secretary of Transportation to investigate the causes or circumstances of any rail accident, including

the development of information regarding the nature of injuries sustained and the manner in which they were sustained, for the purpose of determining compliance with existing laws and regulations or identifying means of preventing similar injuries in the future.

''(f) FUNDING.—Out of funds appropriated pursuant to section 20117(a)(1)(A), there shall be made available to the Secretary of Transportation $500,000 for fiscal year 2008 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by adding at the end the following:

''24316. Plan to assist families of passengers involved in rail passenger accidents''.

SEC. 503. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—The Secretary, in cooperation with the National Transportation Safety Board, organizations potentially designated under section 1139(a)(2) of title 49, United States Code, rail passenger carriers (as defined in section 1139(h)(2) of title 49, United States Code), and families which have been involved in rail accidents, shall establish a task force consisting of representatives of such entities and families, representatives of rail passenger carrier employees, and representatives of such other entities as the Secretary considers appropriate.

(b) MODEL PLAN AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

(1) a model plan to assist rail passenger carriers in responding to passenger rail accidents;

(2) recommendations on methods to improve the timeliness of the notification provided by passenger rail carriers to the families of passengers involved in a passenger rail accident;

(3) recommendations on methods to ensure that the families of passengers involved in a passenger rail accident who are not citizens of the United States receive appropriate assistance; and

(4) recommendations on methods to ensure that emergency services personnel have as immediate and accurate a count of the number of passengers onboard the train as possible.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).

TITLE VI—CLARIFICATION OF FEDERAL JURISDICTION OVER SOLID WASTE FACILITIES

SEC. 601. SHORT TITLE.

This title may be cited as the ''Clean Railroads Act of 2007''.

SEC. 602. CLARIFICATION OF GENERAL JURISDICTION OVER SOLID WASTE TRANSFER FACILITIES.

Section 10501(c)(2) is amended to read as follows:

''(2) Except as provided in paragraph (3), the Board does not have jurisdiction under this part over—

''(A) mass transportation provided by a local government authority; or

''(B) a solid waste rail transfer facility as defined in section 10908 of this title, except as provided under sections 10908 and 10909 of this title.

SEC. 603. REGULATION OF SOLID WASTE RAIL TRANSFER FACILITIES.

(a) IN GENERAL.—Chapter 109 is amended by adding at the end thereof the following:

''§ 10908. Regulation of solid waste rail transfer facilities

''(a) IN GENERAL.—Each solid waste rail transfer facility shall be subject to and shall comply with all applicable Federal and State requirements, both substantive and procedural, including judicial and administrative orders and fines, respecting the prevention and abatement of pollution, the protection and restoration of the environment, and the protection of public health and safety, including laws governing solid waste, to the same extent as required for any similar solid waste management facility, as defined in section 1004(29) of the Solid Waste Disposal Act (42 U.S.C. 6903(29)) that is not owned or operated by or on behalf of a rail carrier, except as provided for in section 10909 of this chapter.

''(b) EXISTING FACILITIES.—

''(1) STATE LAWS AND STANDARDS.—Within 90 days after the date of enactment of the Clean Railroads Act of 2008, a solid waste rail transfer facility operating as of such date of enactment shall comply with all Federal and State requirements pursuant to subsection (a) other than those provisions requiring permits.

''(2) PERMIT REQUIREMENTS.—

''(A) STATE NON-SITING PERMITS.—Any solid waste rail transfer facility operating as of the date of enactment of the Clean Railroads Act of 2008 that does not possess a permit required pursuant to subsection (a), other than a siting permit for the facility, as of the date of enactment of the Clean Railroads Act of 2008 shall not be required to possess any such permits in order to operate the facility—

''(i) if, within 180 days after such date of enactment, the solid waste rail transfer facility has submitted, in good faith, a complete application for all permits, except siting permits, required pursuant to subsection (a) to the appropriate permitting agency authorized to grant such permits; and

''(ii) until the permitting agency has either approved or denied the solid waste rail transfer facility's application for each permit.

''(B) SITING PERMITS AND REQUIREMENTS.—A solid waste rail transfer facility operating as of the date of enactment of the Clean Railroads Act of 2008 that does not possess a State siting permit required pursuant to subsection (a) as of such date of enactment shall not be required to possess any siting permit to continue to operate or comply with any State land use requirements. The Governor of a State in which the facility is located or his or her designee may petition the Board to require the facility to apply for a land-use exemption pursuant to section 10909 of this chapter. The Board shall accept the petition, and the facility shall be required to have a Board-issued land-use exemption in order to continue to operate, pursuant to section 10909 of this chapter.

''(c) COMMON CARRIER OBLIGATION.—No prospective or current rail carrier customer may demand solid waste rail transfer service from a rail carrier at a solid waste rail transfer facility that does not already possess the necessary Federal land use exemption and State permits at the location where service is requested.

''(d) NON-WASTE COMMODITIES.—Nothing in this section or section 10909 of this chapter shall affect a rail carrier's ability to conduct transportation-related activities with respect to commodities other than solid waste.

''(e) DEFINITIONS.—

''(1) IN GENERAL.—In this section:

''(A) COMMERCIAL AND RETAIL WASTE.—The term 'commercial and retail waste' means material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities.

''(B) CONSTRUCTION AND DEMOLITION DEBRIS.—The term 'construction and demolition debris' means waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures.

''(C) HOUSEHOLD WASTE.—The term 'household waste' means material discarded by residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities.

''(D) INDUSTRIAL WASTE.—The term 'industrial waste' means the solid waste generated by manufacturing and industrial and research and development processes and operations, including contaminated soil, nonhazardous oil spill cleanup waste and dry nonhazardous pesticides and chemical waste, but does not include hazardous waste regulated under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.), mining or oil and gas waste.

''(E) INSTITUTIONAL WASTE.—The term 'institutional waste' means material discarded by schools, nonmedical waste discarded by hospitals, material discarded by nonmanufacturing activities at prisons and government facilities, and material discarded by other similar establishments or facilities.

''(F) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means—

''(i) household waste;

''(ii) commercial and retail waste; and

''(iii) institutional waste.

''(G) SOLID WASTE.—With the exception of waste generated by a rail carrier during track, track structure, or right-of-way construction, maintenance, or repair (including railroad ties and line-side poles) or waste generated as a result of a railroad accident, incident, or derailment, the term 'solid waste' means—

''(i) construction and demolition debris;

''(ii) municipal solid waste;

''(iii) household waste;

''(iv) commercial and retail waste;

''(v) institutional waste;

''(vi) sludge;

''(vii) industrial waste; and

''(viii) other solid waste, as determined appropriate by the Board.

''(H) SOLID WASTE RAIL TRANSFER FACILITY.—The term 'solid waste rail transfer facility'—

''(i) means the portion of a facility owned or operated by or on behalf of a rail carrier (as defined in section 10102 of this title) where solid waste, as a commodity to be transported for a charge, is collected, stored, separated, processed, treated, managed, disposed of, or transferred, when the activity takes place outside of original shipping containers; but

''(ii) does not include—

''(I) the portion of a facility to the extent that activities taking place at such portion are comprised solely of the railroad transportation of solid waste after the solid waste is loaded for shipment on or in a rail car, including railroad transportation for the purpose of interchanging railroad cars containing solid waste shipments; or

''(II) a facility where solid waste is solely transferred or transloaded from a tank truck directly to a rail tank car.

''(I) SLUDGE.—The term 'sludge' means any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply

treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

''(2) EXCEPTIONS.—Notwithstanding paragraph (1), the terms 'household waste', 'commercial and retail waste', and 'institutional waste' do not include—

''(A) yard waste and refuse-derived fuel;

''(B) used oil;

''(C) wood pallets;

''(D) clean wood;

''(E) medical or infectious waste; or

''(F) motor vehicles (including motor vehicle parts or vehicle fluff).

''(3) STATE REQUIREMENTS.—In this section the term 'State requirements' does not include the laws, regulations, ordinances, orders, or other requirements of a political subdivision of a State, including a locality or municipality, unless a State expressly delegates such authority to such political subdivision.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 109 is amended by inserting after the item relating to section 10907 the following:

''10908. Regulation of solid waste rail transfer facilities''.

SEC. 604. SOLID WASTE RAIL TRANSFER FACILITY LAND-USE EXEMPTION AUTHORITY.

(a) IN GENERAL.—Chapter 109 is further amended by adding at the end thereof the following:

''§ 10909. Solid waste rail transfer facility land-use exemption

''(a) AUTHORITY.—The Board may issue a land-use exemption for a solid waste rail transfer facility that is or is proposed to be operated by or on behalf of a rail carrier if—

''(1) the Board finds that a State, local, or municipal law, regulation, order, or other requirement affecting the siting of such facility unreasonably burdens the interstate transportation of solid waste by railroad, discriminates against the railroad transportation of solid waste and a solid waste rail transfer facility, or a rail carrier that owns or operates such a facility petitions the Board for such an exemption; or

''(2) the Governor of a State in which a facility that is operating as of the date of enactment of the Clean Railroads Act of 2008 is located, or his or her designee, petitions the Board to initiate a permit proceeding for that particular facility.

''(b) LAND-USE EXEMPTION PROCEDURES.—No later than 90 days after the date of enactment of the Clean Railroad Act of 2008, the Board shall publish procedures governing the submission and review of applications for solid waste rail transfer facility land-use exemptions. At a minimum, the procedures shall address—

''(1) the information that each application should contain to explain how the solid waste rail transfer facility will not pose an unreasonable risk to public health, safety or the environment;

''(2) the opportunity for public notice and comment including notification of the municipality, the State, and any relevant Federal or State regional planning entity in the jurisdiction of which the solid waste rail transfer facility is proposed to be located;

''(3) the timeline for Board review, including a requirement that the Board approve or deny an exemption within 90 days after the full record for the application is developed;

''(4) the expedited review timelines for petitions for modifications, amendments, or revocations of granted exemptions;

''(5) the process for a State to petition the Board to require a solid waste transfer facility or a rail carrier that owns or operates such a facility to apply for a siting permit; and

''(6) the process for a solid waste transfer facility or a rail carrier that owns or operates such a facility to petition the Board for a land-use exemption.

''(c) STANDARD FOR REVIEW.—

''(1) The Board may only issue a land use exemption if it determines that the facility at the existing or proposed location does not pose an unreasonable risk to public health, safety, or the environment. In deciding whether a solid waste rail transfer facility that is or proposed to be constructed or operated by or on behalf of a rail carrier poses an unreasonable risk to public health, safety, or the environment, the Board shall weigh the particular facility's potential benefits to and the adverse impacts on public health, public safety, the environment, interstate commerce, and transportation of solid waste by rail.

''(2) The Board may not grant a land-use exemption for a solid waste rail transfer facility proposed to be located on land within any unit of or land affiliated with the National Park System, the National Wildlife Refuge System, the National Wilderness Preservation System, the National Trails System, the National Wild and Scenic Rivers System, a National Reserve, a National Monument, or lands referenced in Public Law 108–421 for which a State has implemented a conservation management plan, if operation of the facility would be inconsistent with restrictions placed on such land.

''(d) CONSIDERATIONS.—When evaluating an application under this section, the Board shall consider and give due weight to the following, as applicable:

''(1) the land use, zoning, and siting regulations or solid waste planning requirements of the State or State subdivision in which the facility is or will be located that are applicable to solid waste transfer facilities, including those that are not owned or operated by or on behalf of a rail carrier;

''(2) the land use, zoning, and siting regulations or solid waste planning requirements applicable to the property where the solid waste rail transfer facility is proposed to be located;

''(3) regional transportation planning requirements developed pursuant to Federal and State law;

''(4) regional solid waste disposal plans developed pursuant to State or Federal law;

''(5) any Federal and State environmental protection laws or regulations applicable to the site;

''(6) any unreasonable burdens imposed on the interstate transportation of solid waste by railroad, or the potential for discrimination against the railroad transportation of solid waste, a solid waste rail transfer facility, or a rail carrier that owns or operates such a facility; and

''(7) any other relevant factors, as determined by the Board.

(e) EXISTING FACILITIES.—Upon the granting of petition from the State in which a solid waste rail transfer facility is operating as of the date of enactment of the Clean Railroads Act of 2008 by the Board, the facility shall submit a complete application for a siting permit to the Board pursuant to the procedures issued pursuant to subsection (b). No State may enforce a law, regulation, order, or other requirement affecting the siting of a facility that is operating as of the date of enactment of the Clean Railroads Act of 2008 until the Board has approved or denied a permit pursuant to subsection (c).

''(f) EFFECT OF LAND-USE EXEMPTION.—If the Board grants a land-use exemption to a solid waste rail transfer facility, all State laws, regulations, orders, or other requirements affecting the siting of a facility are preempted with regard to that facility. An exemption may require compliance with such State laws, regulations, orders, or other requirements.

''(g) INJUNCTIVE RELIEF.—Nothing in this section precludes a person from seeking an injunction to enjoin a solid waste rail transfer facility from being constructed or operated by or on behalf of a rail carrier if that facility has materially violated, or will materially violate, its land use exemption or if it failed to receive a valid land-use exemption under this section.

''(h) FEES.—The Board may charge permit applicants reasonable fees to implement this section, including the costs of third-party consultants.

''(i) DEFINITIONS.—In this section the terms 'solid waste', 'solid waste rail transfer facility', and 'State requirements' have the meaning given such terms in section 10908(e).''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 109, as amended by section 603 of this Act, is amended by inserting after the item relating to section 10908 the following:

''10909. Solid waste rail transfer facility land-use exemption''.

SEC. 605. EFFECT ON OTHER STATUTES AND AUTHORITIES.

(a) IN GENERAL.—Chapter 109 is further amended by adding at the end thereof the following:

''§ 10910. Effect on other statutes and authorities

''Nothing in section 10908 or 10909 is intended to affect the traditional police powers of the State to require a rail carrier to comply with State and local environmental, public health, and public safety standards that are not unreasonably burdensome to interstate commerce and do not discriminate against rail carriers.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 109, as amended by section 604 of this Act, is amended by inserting after the item relating to section 10909 the following:

''10910. Effect on other statutes and authorities''.

TITLE VII—TECHNICAL CORRECTIONS

SEC. 701. TECHNICAL CORRECTIONS.

(a) LIMITATIONS ON FINANCIAL ASSISTANCE.—Section 22106 is amended—

(1) by striking the second sentence of subsection (a);

(2) by striking subsection (b) and inserting the following:

''(b) STATE USE OF REPAID FUNDS AND CONTINGENT INTEREST RECOVERIES.—The State shall place the United States Government's share of money that is repaid and any contingent interest that is recovered in an interest-bearing account. The repaid money, contingent interest, and any interest thereof shall be considered to be State funds. The State shall use such funds to make other grants and loans, consistent with the purposes for which financial assistance may be used under subsection (a), as the State considers to be appropriate.''; and

(3) by striking subsections (c) and (e) and redesignating subsection (d) as subsection (c).

(b) GRANTS FOR CLASS II AND III RAILROADS.—Section 22301(a)(1)(A)(iii) is amended by striking ''and'' and inserting ''or''.

(c) RAIL TRANSPORTATION OF RENEWABLE FUEL STUDY.—Section 245(a)(1) of the Energy

Independence and Security Act of 2007 is amended by striking ''Secretary, in coordination with the Secretary of Transportation,'' and inserting ''Secretary and the Secretary of Transportation''.

(d) MOTOR CARRIER DEFINITION.—

Section 14504a of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''(except as provided in paragraph (5))'' after ''14506'';

(B) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'commercial motor vehicle'—

''(i) for calendar years 2008 and 2009, has the meaning given the term in section 31101; and

''(ii) for years beginning after December 31, 2009, means a self-propelled vehicle described in section 31101.''; and

(C) by striking paragraph (5) and inserting the following:

''(5) MOTOR CARRIER.—

''(A) THIS SECTION.—In this section:

''(i) IN GENERAL.—The term 'motor carrier' includes all carriers that are otherwise exempt from this part—

''(I) under subchapter I of chapter 135; or

''(II) through exemption actions by the former Interstate Commerce Commission under this title.

''(ii) EXCLUSIONS.—In this section, the term 'motor carrier' does not include—

''(I) any carrier subject to section 13504; or

''(II) any other carrier that the board of directors of the unified carrier registration plan determines to be appropriate pursuant to subsection (d)(4)(C).

''(B) SECTION 14506.—In section 14506, the term 'motor carrier' includes all carriers that are otherwise exempt from this part—

''(i) under subchapter I of chapter 135; or

''(ii) through exemption actions by the former Interstate Commerce Commission under this title.''; and

(2) in subsection (d)(4)(C), by inserting before the period at the end the following: '', except that a decision to approve the exclusion of carriers from the definition of the term 'motor carrier' under subsection (a)(5) shall require an affirmative vote of ¾ of all such directors.''.

SA 5260. Ms. CANTWELL (for Mr. SMITH (for himself, Mr. KOHL, Mr. SPECTER, and Mr. CARDIN)) proposed an amendment to the bill H.R. 2608, to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2009 through 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''SSI Extension for Elderly and Disabled Refugees Act''.

SEC. 2. SSI EXTENSIONS FOR HUMANITARIAN IMMIGRANTS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

''(M) SSI EXTENSIONS THROUGH FISCAL YEAR 2011.—

''(i) TWO-YEAR EXTENSION FOR CERTAIN ALIENS AND VICTIMS OF TRAFFICKING.—

''(I) IN GENERAL.—Subject to clause (ii), with respect to eligibility for benefits under subparagraph (A) for the specified Federal program described in paragraph (3)(A) of qualified aliens (as defined in section 431(b)) and victims of trafficking in persons (as defined in section 107(b)(1)(C) of division A of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) or as granted status under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act), the 7-year period described in subparagraph (A) shall be deemed to be a 9-year period during fiscal years 2009 through 2011 in the case of such a qualified alien or victim of trafficking who furnishes to the Commissioner of Social Security the declaration required under subclause (IV) (if applicable) and is described in subclause (III).

''(II) ALIENS AND VICTIMS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—Subject to clause (ii), beginning on the date of the enactment of the SSI Extension for Elderly and Disabled Refugees Act, any qualified alien (as defined in section 431(b)) or victim of trafficking in persons (as defined in section 107(b)(1)(C) of division A of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) or as granted status under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act) rendered ineligible for the specified Federal program described in paragraph (3)(A) during the period beginning on August 22, 1996, and ending on September 30, 2008, solely by reason of the termination of the 7-year period described in subparagraph (A) shall be eligible for such program for an additional 2-year period in accordance with this clause, if such qualified alien or victim of trafficking meets all other eligibility factors under title XVI of the Social Security Act, furnishes to the Commissioner of Social Security the declaration required under subclause (IV) (if applicable), and is described in subclause (III).

''(III) ALIENS AND VICTIMS DESCRIBED.—For purposes of subclauses (I) and (II), a qualified alien or victim of trafficking described in this subclause is an alien or victim who—

''(aa) has been a lawful permanent resident for less than 6 years and such status has not been abandoned, rescinded under section 246 of the Immigration and Nationality Act, or terminated through removal proceedings under section 240 of the Immigration and Nationality Act, and the Commissioner of Social Security has verified such status, through procedures established in consultation with the Secretary of Homeland Security;

''(bb) has filed an application, within 4 years from the date the alien or victim began receiving supplemental security income benefits, to become a lawful permanent resident with the Secretary of Homeland Security, and the Commissioner of Social Security has verified, through procedures established in consultation with such Secretary, that such application is pending;

''(cc) has been granted the status of Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96–422), for purposes of the specified Federal program described in paragraph (3)(A);

''(dd) has had his or her deportation withheld by the Secretary of Homeland Security under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of division C of Public Law 104–208), or whose removal is withheld under section 241(b)(3) of such Act;

''(ee) has not attained age 18; or

''(ff) has attained age 70.

''(IV) DECLARATION REQUIRED.—

''(aa) IN GENERAL.—For purposes of subclauses (I) and (II), the declaration required under this subclause of a qualified alien or victim of trafficking described in either such subclause is a declaration under penalty of perjury stating that the alien or victim has made a good faith effort to pursue United States citizenship, as determined by the Secretary of Homeland Security. The Commissioner of Social Security shall develop criteria as needed, in consultation with the Secretary of Homeland Security, for consideration of such declarations.

''(bb) EXCEPTION FOR CHILDREN.—A qualified alien or victim of trafficking described in subclause (I) or (II) who has not attained age 18 shall not be required to furnish to the Commissioner of Social Security a declaration described in item (aa) as a condition of being eligible for the specified Federal program described in paragraph (3)(A) for an additional 2-year period in accordance with this clause.

''(V) PAYMENT OF BENEFITS TO ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—Benefits paid to a qualified alien or victim described in subclause (II) shall be paid prospectively over the duration of the qualified alien's or victim's renewed eligibility.

''(ii) SPECIAL RULE IN CASE OF PENDING OR APPROVED NATURALIZATION APPLICATION.—With respect to eligibility for benefits for the specified program described in paragraph (3)(A), paragraph (1) shall not apply during fiscal years 2009 through 2011 to an alien described in one of clauses (i) through (v) of subparagraph (A) or a victim of trafficking in persons (as defined in section 107(b)(1)(C) of division A of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) or as granted status under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act), if such alien or victim (including any such alien or victim rendered ineligible for the specified Federal program described in paragraph (3)(A) during the period beginning on August 22, 1996, and ending on September 30, 2008, solely by reason of the termination of the 7-year period described in subparagraph (A)) has filed an application for naturalization that is pending before the Secretary of Homeland Security or a United States district court based on section 336(b) of the Immigration and Nationality Act, or has been approved for naturalization but not yet sworn in as a United States citizen, and the Commissioner of Social Security has verified, through procedures established in consultation with the Secretary of Homeland Security, that such application is pending or has been approved.''.

SEC. 3. COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.

(a) IN GENERAL.—Section 6402 of the Internal Revenue Code (relating to authority to make credits or refunds) is amended by redesignating subsections (f) through (k) as subsections (g) through (l), respectively, and by inserting after subsection (e) the following new subsection:

''(f) COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.—

''(1) IN GENERAL.—Upon receiving notice from any State that a named person owes a covered unemployment compensation debt to such State, the Secretary shall, under

such conditions as may be prescribed by the Secretary—

''(A) reduce the amount of any overpayment payable to such person by the amount of such covered unemployment compensation debt;

''(B) pay the amount by which such overpayment is reduced under subparagraph (A) to such State and notify such State of such person's name, taxpayer identification number, address, and the amount collected; and

''(C) notify the person making such overpayment that the overpayment has been reduced by an amount necessary to satisfy a covered unemployment compensation debt.

If an offset is made pursuant to a joint return, the notice under subparagraph (C) shall include information related to the rights of a spouse of a person subject to such an offset.

''(2) PRIORITIES FOR OFFSET.—Any overpayment by a person shall be reduced pursuant to this subsection—

''(A) after such overpayment is reduced pursuant to—

''(i) subsection (a) with respect to any liability for any internal revenue tax on the part of the person who made the overpayment;

''(ii) subsection (c) with respect to past-due support; and

''(iii) subsection (d) with respect to any past-due, legally enforceable debt owed to a Federal agency; and

''(B) before such overpayment is credited to the future liability for any Federal internal revenue tax of such person pursuant to subsection (b).

If the Secretary receives notice from a State or States of more than one debt subject to paragraph (1) or subsection (e) that is owed by a person to such State or States, any overpayment by such person shall be applied against such debts in the order in which such debts accrued.

''(3) OFFSET PERMITTED ONLY AGAINST RESIDENTS OF STATE SEEKING OFFSET.—Paragraph (1) shall apply to an overpayment by any person for a taxable year only if the address shown on the Federal return for such taxable year of the overpayment is an address within the State seeking the offset.

''(4) NOTICE; CONSIDERATION OF EVIDENCE.—No State may take action under this subsection until such State—

''(A) notifies by certified mail with return receipt the person owing the covered unemployment compensation debt that the State proposes to take action pursuant to this section;

''(B) provides such person at least 60 days to present evidence that all or part of such liability is not legally enforceable or due to fraud;

''(C) considers any evidence presented by such person and determines that an amount of such debt is legally enforceable and due to fraud; and

''(D) satisfies such other conditions as the Secretary may prescribe to ensure that the determination made under subparagraph (C) is valid and that the State has made reasonable efforts to obtain payment of such covered unemployment compensation debt.

''(5) COVERED UNEMPLOYMENT COMPENSATION DEBT.—For purposes of this subsection, the term 'covered unemployment compensation debt' means—

''(A) a past-due debt for erroneous payment of unemployment compensation due to fraud which has become final under the law of a State certified by the Secretary of Labor pursuant to section 3304 and which remains uncollected for not more than 10 years;

''(B) contributions due to the unemployment fund of a State for which the State has determined the person to be liable due to fraud and which remain uncollected for not more than 10 years; and

''(C) any penalties and interest assessed on such debt.

''(6) REGULATIONS.—

''(A) IN GENERAL.—The Secretary may issue regulations prescribing the time and manner in which States must submit notices of covered unemployment compensation debt and the necessary information that must be contained in or accompany such notices. The regulations may specify the minimum amount of debt to which the reduction procedure established by paragraph (1) may be applied.

''(B) FEE PAYABLE TO SECRETARY.—The regulations may require States to pay a fee to the Secretary, which may be deducted from amounts collected, to reimburse the Secretary for the cost of applying such procedure. Any fee paid to the Secretary pursuant to the preceding sentence shall be used to reimburse appropriations which bore all or part of the cost of applying such procedure.

''(C) SUBMISSION OF NOTICES THROUGH SECRETARY OF LABOR.—The regulations may include a requirement that States submit notices of covered unemployment compensation debt to the Secretary via the Secretary of Labor in accordance with procedures established by the Secretary of Labor. Such procedures may require States to pay a fee to the Secretary of Labor to reimburse the Secretary of Labor for the costs of applying this subsection. Any such fee shall be established in consultation with the Secretary of the Treasury. Any fee paid to the Secretary of Labor may be deducted from amounts collected and shall be used to reimburse the appropriation account which bore all or part of the cost of applying this subsection.

''(7) ERRONEOUS PAYMENT TO STATE.—Any State receiving notice from the Secretary that an erroneous payment has been made to such State under paragraph (1) shall pay promptly to the Secretary, in accordance with such regulations as the Secretary may prescribe, an amount equal to the amount of such erroneous payment (without regard to whether any other amounts payable to such State under such paragraph have been paid to such State).

''(8) TERMINATION.—This section shall not apply to refunds payable after the date which is 10 years after the date of the enactment of this subsection.''.

(b) DISCLOSURE OF CERTAIN INFORMATION TO STATES REQUESTING REFUND OFFSETS FOR LEGALLY ENFORCEABLE STATE UNEMPLOYMENT COMPENSATION DEBT RESULTING FROM FRAUD.—

(1) GENERAL RULE.—Paragraph (3) of section 6103(a) of such Code is amended by inserting ''(10),'' after ''(6),''.

(2) DISCLOSURE TO DEPARTMENT OF LABOR AND ITS AGENT.—Paragraph (10) of section 6103(l) of such Code is amended—

(A) by striking ''(c), (d), or (e)'' each place it appears in the heading and text and inserting ''(c), (d), (e), or (f)'',

(B) in subparagraph (A) by inserting '', to officers and employees of the Department of Labor for purposes of facilitating the exchange of data in connection with a request made under subsection (f)(5) of section 6402,'' after ''section 6402'', and

(C) in subparagraph (B)—

(i) by inserting ''(i)'' after ''(B)''; and

(ii) by adding at the end the following:

''(ii) Notwithstanding clause (i), return information disclosed to officers and employees of the Department of Labor may be accessed by agents who maintain and provide technological support to the Department of Labor's Interstate Connection Network (ICON) solely for the purpose of providing such maintenance and support.''.

(3) SAFEGUARDS.—Paragraph (4) of section 6103(p) of such Code is amended—

(A) in the matter preceding subparagraph (A), by striking ''(l)(16),'' and inserting ''(l)(10), (16),'';

(B) in subparagraph (F)(i), by striking ''(l)(16),'' and inserting ''(l)(10), (16),''; and

(C) in the matter following subparagraph (F)(iii)—

(i) in each of the first two places it appears, by striking ''(l)(16),'' and inserting ''(l)(10), (16),'';

(ii) by inserting ''(10),'' after ''paragraph (6)(A),''; and

(iii) in each of the last two places it appears, by striking ''(l)(16)'' and inserting ''(l)(10) or (16)''.

(c) EXPENDITURES FROM STATE FUND.—Section 3304(a)(4) of such Code is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) in subparagraph (F), by inserting ''and'' after the semicolon; and

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

''(G) with respect to amounts of covered unemployment compensation debt (as defined in section 6402(f)(4)) collected under section 6402(f)—

''(i) amounts may be deducted to pay any fees authorized under such section; and

''(ii) the penalties and interest described in section 6402(f)(4)(B) may be transferred to the appropriate State fund into which the State would have deposited such amounts had the person owing the debt paid such amounts directly to the State;''.

(d) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 6402 of such Code is amended by striking ''(c), (d), and (e),'' and inserting ''(c), (d), (e), and (f)''.

(2) Paragraph (2) of section 6402(d) of such Code is amended by striking ''and before such overpayment is reduced pursuant to subsection (e)'' and inserting ''and before such overpayment is reduced pursuant to subsections (e) and (f)''.

(3) Paragraph (3) of section 6402(e) of such Code is amended in the last sentence by inserting ''or subsection (f)'' after ''paragraph (1)''.

(4) Subsection (g) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking ''(c), (d), or (e)'' and inserting ''(c), (d), (e), or (f)''.

(5) Subsection (i) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking ''subsection (c) or (e)'' and inserting ''subsection (c), (e), or (f)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to refunds payable under section 6402 of the Internal Revenue Code of 1986 on or after the date of enactment of this Act.

SA 5261. Ms. CANTWELL (for Mr. SMITH) proposed an amendment to the bill H.R. 2608, to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2009 through 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud; as follows:

Amend the title so as to read: ''An Act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2009 through 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud.''.

SA 5262. Ms. CANTWELL (for Mrs. HUTCHISON) proposed an amendment to the bill S. 2507, to address the digital television transition in border states; as follows:

On page 7, line 7, strike ''2014'' and insert ''2013''.

On page 10, line 18, strike the quotation mark and the second period and insert the following:

''(E) LIMITATION ON EXTENSION OF CERTAIN LICENSES.—The Commission shall not extend or renew a full-power television broadcast license that authorizes analog television service on or after February 17, 2013.''.

SA 5263. Ms. CANTWELL (for Mr. LEVIN) proposed an amendment in the joint resolution S.J. Res. 45, expressing the consent and approval of Congress to an inter-state compact regarding water resources in the Great Lakes-St. Lawrence River Basin; as follows:

On page 63, strike lines 4 through 11 and insert the following:

(1) Congress consents to and approves the interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin described in the preamble;

(2) until a Great Lakes Water Compact is ratified and enforceable, laws in effect as of the date of enactment of this resolution provide protection sufficient to prevent Great Lakes water diversions; and

(3) Congress expressly reserves the right to alter, amend, or repeal this resolution.

SA 5264. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill H.R. 5683, to make certain reforms with respect to the Government Accountability Office, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

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

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

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

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

Sec. 1. Short title; references; table of contents.
Sec. 2. Provisions relating to future annual pay adjustments.
Sec. 3. Pay adjustment relating to certain previous years.
Sec. 4. Lump-sum payment for certain performance-based compensation.
Sec. 5. Inspector General.
Sec. 6. Reimbursement of audit costs.
Sec. 7. Financial disclosure requirements.
Sec. 8. Highest basic pay rate.
Sec. 9. Additional authorities.

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

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

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

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

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

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

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

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

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

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

''(B) The further increase under this subsection—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the payment of any rate (or portion of the lump-sum amount as calculated under

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

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

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

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

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

(f) RETIREMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) a Federal Wage System employee; and

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

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

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

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

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

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

SEC. 5. INSPECTOR GENERAL.

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

''§ 705. Inspector General for the Government Accountability Office

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

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

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

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

''(b) APPOINTMENT, SUPERVISION, AND REMOVAL.—

''(1) The Office of the Inspector General shall be headed by an Inspector General, who shall be appointed by the Comptroller General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General shall report to, and be under the general supervision of, the Comptroller General.

''(2) The Inspector General may be removed from office by the Comptroller General. The Comptroller General shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of Congress.

''(3) The Inspector General shall be paid at an annual rate of pay equal to $5,000 less than the annual rate of pay of the Comptroller General, and may not receive any cash award or bonus, including any award under chapter 45 of title 5.

''(c) AUTHORITY OF INSPECTOR GENERAL.—In addition to the authority otherwise provided by this section, the Inspector General, in carrying out the provisions of this section, may—

''(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material that relate to programs and operations of the Government Accountability Office;

''(2) make such investigations and reports relating to the administration of the programs and operations of the Government Accountability Office as are, in the judgment of the Inspector General, necessary or desirable;

''(3) request such documents and information as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal agency;

''(4) in the performance of the functions assigned by this section, obtain all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence from a person not in the United States Government or from a Federal agency, to the same extent and in the same manner as the Comptroller General under the authority and procedures available to the Comptroller General in section 716 of this title;

''(5) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this section, which oath,

affirmation, or affidavit when administered or taken by or before an employee of the Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;

''(6) have direct and prompt access to the Comptroller General when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

''(7) report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law; and

''(8) provide copies of all reports to the Audit Advisory Committee of the Government Accountability Office and provide such additional information in connection with such reports as is requested by the Committee.

''(d) COMPLAINTS BY EMPLOYEES.—

''(1) The Inspector General—

''(A) subject to subparagraph (B), may receive, review, and investigate, as the Inspector General considers appropriate, complaints or information from an employee of the Government Accountability Office concerning the possible existence of an activity constituting a violation of any law, rule, or regulation, mismanagement, or a gross waste of funds; and

''(B) shall refer complaints or information concerning violations of personnel law, rules, or regulations to established investigative and adjudicative entities of the Government Accountability Office.

''(2) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

''(3) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(e) SEMIANNUAL REPORTS.—(1) The Inspector General shall submit semiannual reports summarizing the activities of the Office of the Inspector General to the Comptroller General. Such reports shall include, but need not be limited to—

''(A) a summary of each significant report made during the reporting period, including a description of significant problems, abuses, and deficiencies disclosed by such report;

''(B) a description of the recommendations for corrective action made with respect to significant problems, abuses, or deficiencies described pursuant to subparagraph (A);

''(C) a summary of the progress made in implementing such corrective action described pursuant to subparagraph (B); and

''(D) information concerning any disagreement the Comptroller General has with a recommendation of the Inspector General.

''(2) The Comptroller General shall transmit the semiannual reports of the Inspector General, together with any comments the Comptroller General considers appropriate, to Congress within 30 days after receipt of such reports.

''(f) INDEPENDENCE IN CARRYING OUT DUTIES AND RESPONSIBILITIES.—The Comptroller General may not prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities of the Inspector General under this section.

''(g) AUTHORITY FOR STAFF.—

''(1) IN GENERAL.—The Inspector General shall select, appoint, and employ (including fixing and adjusting the rates of pay of) such personnel as may be necessary to carry out this section consistent with the provisions of this title governing selections, appointments, and employment (including the fixing and adjusting the rates of pay) in the Government Accountability Office. Such personnel shall be appointed, promoted, and assigned only on the basis of merit and fitness, but without regard to those provisions of title 5 governing appointments and other personnel actions in the competitive service, except that no personnel of the Office may be paid at an annual rate greater than $1,000 less than the annual rate of pay of the Inspector General.

''(2) EXPERTS AND CONSULTANTS.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5 at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

''(3) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office of the Inspector General unless the individual is appointed by the Inspector General, or provides services obtained by the Inspector General, pursuant to this paragraph.

''(4) LIMITATION ON PROGRAM RESPONSIBILITIES.—The Inspector General and any individual carrying out any of the duties or responsibilities of the Office of the Inspector General are prohibited from performing any program responsibilities.

''(h) OFFICE SPACE.—The Comptroller General shall provide the Office of the Inspector General—

''(1) appropriate and adequate office space;

''(2) such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Office of the Inspector General;

''(3) necessary maintenance services for such office space, equipment, office supplies, and communications facilities; and

''(4) equipment and facilities located in such office space.

''(i) DEFINITION.—As used in this section, the term 'Federal agency' means a department, agency, instrumentality, or unit thereof, of the Federal Government.''.

(b) INCUMBENT.—The individual who serves in the position of Inspector General of the Government Accountability Office on the date of the enactment of this Act shall continue to serve in such position subject to removal in accordance with the amendments made by this section.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 7 is amended by inserting after the item relating to section 704 the following:

''705. Inspector General for the Government Accountability Office.''.

SEC. 6. REIMBURSEMENT OF AUDIT COSTS.

(a) IN GENERAL.—Section 3521 is amended by adding at the end the following:

''(i)(1) If the Government Accountability Office audits any financial statement or related schedule which is prepared under section 3515 by an executive agency (or component thereof) for a fiscal year beginning on or after October 1, 2009, such executive agency (or component) shall reimburse the Government Accountability Office for the cost of such audit, if the Government Accountability Office audited the statement or schedule of such executive agency (or component) for fiscal year 2007.

''(2) Any executive agency (or component thereof) that prepares a financial statement under section 3515 for a fiscal year beginning on or after October 1, 2009, and that requests, with the concurrence of the Inspector General of such agency, the Government Accountability Office to conduct the audit of such statement or any related schedule required by section 3521 may reimburse the Government Accountability Office for the cost of such audit.

''(3) For the audits conducted under paragraphs (1) and (2), the Government Accountability Office shall consult prior to the initiation of the audit with the relevant executive agency (or component) and the Inspector General of such agency on the scope, terms, and cost of such audit.

''(4) Any reimbursement under paragraph (1) or (2) shall be deposited to a special account in the Treasury and shall be available to the Government Accountability Office for such purposes and in such amounts as are specified in annual appropriations Acts.''.

(b) CONFORMING AMENDMENT.—Section 1401 of title I of Public Law 108–83 (31 U.S.C. 3523 note) is repealed, effective October 1, 2010.

SEC. 7. FINANCIAL DISCLOSURE REQUIREMENTS.

Section 109(13)(B) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (i), by inserting ''(except any officer or employee of the Government Accountability Office)'' after ''legislative branch'', and by striking ''and'' at the end;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

''(ii) each officer or employee of the Government Accountability Office who, for at least 60 consecutive days, occupies a position for which the rate of basic pay, minus the amount of locality pay that would have been authorized under section 5304 of title 5, United States Code (had the officer or employee been paid under the General Schedule) for the locality within which the position of such officer or employee is located (as determined by the Comptroller General), is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and''.

SEC. 8. HIGHEST BASIC PAY RATE.

Section 732(c)(2) is amended by striking ''highest basic rate for GS–15;'' and inserting ''rate for level III of the Executive Level, except that the total amount of cash compensation in any year shall be subject to the limitations provided under section 5307(a)(1) of title 5;''.

SEC. 9. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 731 is amended—

(1) by repealing subsection (d);

(2) in subsection (e)—

(A) in the matter before paragraph (1), by striking ''maximum daily rate for GS–18 under section 5332 of such title'' and inserting ''daily rate for level IV of the Executive Schedule''; and

(B) by striking ''more than—'' and all that follows and inserting the following: ''more than 20 experts and consultants may be procured for terms of not more than 3 years, but which shall be renewable.''; and

(3) by adding at the end the following:

''(j) Funds appropriated to the Government Accountability Office for salaries and expenses are available for meals and other related reasonable expenses incurred in connection with recruitment.''.

(b) CONFORMING AMENDMENTS.—(1) Section 732a(b) is amended by striking ''section

731(d), (e)(1), or (e)(2)'' and inserting ''paragraph (1) or (2) of section 731(e)''.

(2) Section 733(c) is amended by striking ''(d),''.

(3) Section 735(a) is amended by striking ''731(c)–(e),'' and inserting ''731(c) and (e),''.

GOVERNMENT ACCOUNTABILITY OFFICE ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 901, H.R. 5683.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5683) to make certain reforms with respect to the Government Accountability Office, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 5683

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

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

Sec. 1. Short title; references; table of contents.
Sec. 2. Provisions relating to future annual pay adjustments.
Sec. 3. Pay adjustment relating to certain previous years.
Sec. 4. Lump-sum payment for certain performance-based compensation.
Sec. 5. Inspector General.
[Sec. 6. Reimbursement of audit costs.**]**
Sec. **[**7.**]***6*. Financial disclosure requirements.
Sec. **[**8.**]***7*. Highest basic pay rate.
Sec. **[**9.**]***8*. Additional authorities.

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

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

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

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

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

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

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

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

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

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

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

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

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

''(B) The further increase under this subsection—

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

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

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

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

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

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

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

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

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

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

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

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

(d) LUMP-SUM PAYMENT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall, subject to the availability of appropriations, pay to each individual to whom this section applies a lump-sum payment. **[Subject to subsection** (e),**]**Subject to subsections (e) and (f)(2), such lump-sum payment shall be equal to—

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

(2) the total amount of basic pay that was in fact paid to the individual for service performed during the period described in paragraph (1).

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

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

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

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

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

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

As used in paragraph (2)(A), the term ''satisfactory'' includes a rating of ''meets expectations'' (within the meaning of the performance appraisal system used for purposes of

the adjustment under section 732(c)(3) of such title 31 for the year involved).

(f) RETIREMENT.—

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

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

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

[(2) CONTRIBUTIONS.—Notwithstanding section 8334, 8422, 8423, or any other provision of title 5, United States Code, no employee or agency contribution shall be required for purposes of this subsection.]

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

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

(i) an amount equal to the difference between—

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

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

(ii) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under clause(i).

(B) AGENCY CONTRIBUTIONS AND PAYMENT TO THE FUND.—

(i) IN GENERAL.—Not later than 9 months after the Government Accountability Office makes the lump-sum payments under subsection (d), the Government Accountability Office shall pay into the Civil Service Retirement and Disability Fund—

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

(II) an amount for applicable agency contributions under section 8334 or 8423 of title 5, United states Code, based on payments made under subclause (I).

(ii) SOURCE.—Amounts paid under clause (i)(II) shall be contributed from the appropriation or fund used to pay the employee.

(C) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this paragraph.

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

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

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

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

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

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

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

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

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

(B) a Federal Wage System employee; and

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

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

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

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

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

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

SEC. 5. INSPECTOR GENERAL.

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

''§ 705. Inspector General for the Government Accountability Office

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

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

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

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

''(b) APPOINTMENT, SUPERVISION, AND REMOVAL.—

''(1) The Office of the Inspector General shall be headed by an Inspector General, who shall be appointed by the Comptroller General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General shall report to, and be under the general supervision of, the Comptroller General.

''(2) The Inspector General may be removed from office by the Comptroller General. The Comptroller General shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of Congress.

''(3) The Inspector General shall be paid at an annual rate of pay equal to $5,000 less than the annual rate of pay of the Comptroller General, and may not receive any cash award or bonus, including any award under chapter 45 of title 5.

''(c) AUTHORITY OF INSPECTOR GENERAL.—In addition to the authority otherwise provided by this section, the Inspector General, in carrying out the provisions of this section, may—

''(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material that relate to programs and operations of the Government Accountability Office;

''(2) make such investigations and reports relating to the administration of the programs and operations of the Government Accountability Office as are, in the judgment of the Inspector General, necessary or desirable;

''(3) request such documents and information as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal agency;

''(4) in the performance of the functions assigned by this section, obtain all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence from a person not in the United States Government or from a Federal agency, to the same extent and in the same manner as the Comptroller General under the authority and procedures available to the Comptroller General in section 716 of this title;

''(5) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this section, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;

''(6) have direct and prompt access to the Comptroller General when necessary for any purpose pertaining to the performance of

functions and responsibilities under this section;

''(7) report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law; and

''(8) provide copies of all reports to the Audit Advisory Committee of the Government Accountability Office and provide such additional information in connection with such reports as is requested by the Committee.

''(d) COMPLAINTS BY EMPLOYEES.—

''(1) The Inspector General—

''(A) subject to subparagraph (B), may receive, review, and investigate, as the Inspector General considers appropriate, complaints or information from an employee of the Government Accountability Office concerning the possible existence of an activity constituting a violation of any law, rule, or regulation, mismanagement, or a gross waste of funds; and

''(B) shall refer complaints or information concerning violations of personnel law, rules, or regulations to established investigative and adjudicative entities of the Government Accountability Office.

''(2) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

''(3) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(e) SEMIANNUAL REPORTS.—(1) The Inspector General shall submit semiannual reports summarizing the activities of the Office of the Inspector General to the Comptroller General. Such reports shall include, but need not be limited to—

''(A) a summary of each significant report made during the reporting period, including a description of significant problems, abuses, and deficiencies disclosed by such report;

''(B) a description of the recommendations for corrective action made with respect to significant problems, abuses, or deficiencies described pursuant to subparagraph (A);

''(C) a summary of the progress made in implementing such corrective action described pursuant to subparagraph (B); and

''(D) information concerning any disagreement the Comptroller General has with a recommendation of the Inspector General.

''(2) The Comptroller General shall transmit the semiannual reports of the Inspector General, together with any comments the Comptroller General considers appropriate, to Congress within 30 days after receipt of such reports.

''(f) INDEPENDENCE IN CARRYING OUT DUTIES AND RESPONSIBILITIES.—The Comptroller General may not prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities of the Inspector General under this section.

''(g) AUTHORITY FOR STAFF.—

''(1) IN GENERAL.—The Inspector General shall select, appoint, and employ such personnel as may be necessary to carry out this section consistent with the provisions of this title governing selections, appointments, and employment in the Government Accountability Office. Such personnel shall be appointed, promoted, and assigned only on the basis of merit and fitness, but without regard to those provisions of title 5 governing appointments and other personnel actions in the competitive service, except that no personnel of the Office may be paid at an annual rate greater than $1,000 less than the annual rate of pay of the Inspector General.

''(2) EXPERTS AND CONSULTANTS.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5 at rates not to exceed the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5315 of such title.

''(3) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office of the Inspector General unless the individual is appointed by the Inspector General, or provides services obtained by the Inspector General, pursuant to this paragraph.

''(4) LIMITATION ON PROGRAM RESPONSIBILITIES.—The Inspector General and any individual carrying out any of the duties or responsibilities of the Office of the Inspector General are prohibited from performing any program responsibilities.

''(h) OFFICE SPACE.—The Comptroller General shall provide the Office of the Inspector General—

''(1) appropriate and adequate office space;

''(2) such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Office of the Inspector General;

''(3) necessary maintenance services for such office space, equipment, office supplies, and communications facilities; and

''(4) equipment and facilities located in such office space.

''(i) DEFINITION.—As used in this section, the term 'Federal agency' means a department, agency, instrumentality, or unit thereof, of the Federal Government.''.

(b) INCUMBENT.—The individual who serves in the position of Inspector General of the Government Accountability Office on the date of the enactment of this Act shall continue to serve in such position subject to removal in accordance with the amendments made by this section.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 7 is amended by inserting after the item relating to section 704 the following:

''705. Inspector General for the Government Accountability Office.''.

[SEC. 6. REIMBURSEMENT OF AUDIT COSTS.

[(a) IN GENERAL.—Section 3521 is amended by adding at the end the following:

[''(i)(1) If the Government Accountability Office audits any financial statement or related schedule which is prepared under section 3515 by an executive agency (or component thereof) for a fiscal year beginning on or after October 1, 2009, such executive agency (or component) shall reimburse the Government Accountability Office for the cost of such audit if—

[''(A) the statement or schedule audited is that of an executive agency (or component) which submitted a financial statement or related schedule under section 3515 for fiscal year 2007 which was audited by the Government Accountability Office; or

[''(B) the reason for the audit (described in the matter before subparagraph (A)) is because of the Comptroller General's determination of materiality to the statements required under section 331(e).

[''(2) Any executive agency (or component thereof) that prepares a financial statement under section 3515 for a fiscal year beginning on or after October 1, 2009, and that requests the Government Accountability Office to audit such statement or any related schedule may reimburse the Government Accountability Office for the cost of such audit.

[''(3) Any reimbursement under paragraph (1) or (2) shall be deposited to a special account in the Treasury and shall be available to the Government Accountability Office for such purposes and in such amounts as are specified in annual appropriations Acts.''.

[(b) CONFORMING AMENDMENT.—Section 1401 of title I of Public Law 108–83 (31 U.S.C. 3523 note) is repealed, effective October 1, 2010.]

SEC. [7.]*6.* FINANCIAL DISCLOSURE REQUIREMENTS.

Section 109(13)(B) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (i), by inserting ''(except any officer or employee of the Government Accountability Office)'' after ''legislative branch'', and by striking ''and'' at the end;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

''(ii) each officer or employee of the Government Accountability Office who, for at least 60 consecutive days, occupies a position for which the rate of basic pay, minus the amount of locality pay that would have been authorized under section 5304 of title 5, United States Code (had the officer or employee been paid under the General Schedule) for the locality within which the position of such officer or employee is located (as determined by the Comptroller General), is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and''.

SEC. [8.]*7.* HIGHEST BASIC PAY RATE.

Section 732(c)(2) is amended by striking ''highest basic rate for GS–15;'' and inserting ''rate for level III of the Executive Level, except that the total amount of cash compensation in any year shall be subject to the limitations provided under section 5307(a)(1) of title 5;''.

SEC. [9.]*8.* ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 731 is amended—

(1) by repealing subsection (d);

(2) in subsection (e)—

(A) in the matter before paragraph (1), by striking ''maximum daily rate for GS–18 under section 5332 of such title'' and inserting ''daily rate for level IV of the Executive Schedule''; and

(B) by striking ''more than—'' and all that follows and inserting the following: ''more than 20 experts and consultants may be procured for terms of not more than 3 years, but which shall be renewable.''; and

(3) by adding at the end the following:

''(j) Funds appropriated to the Government Accountability Office for salaries and expenses are available for meals and other related reasonable expenses incurred in connection with recruitment.''.

(b) CONFORMING AMENDMENTS.—(1) Section 732a(b) is amended by striking ''section 731(d), (e)(1), or (e)(2)'' and inserting ''paragraph (1) or (2) of section 731(e)''.

(2) Section 733(c) is amended by striking ''(d),''.

(3) Section 735(a) is amended by striking ''731(c)–(e),'' and inserting ''731(c) and (e),''.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments be withdrawn; the Lieberman substitute, which is at the desk, be agreed to; the bill, as amended, be read the third time, and passed;

the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Committee amendments were withdrawn.

The amendment (No. 5264) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 5683), as amended, was read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR AND NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 525, 645, 691, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 737, 738, 741, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, and all nominations on the Secretary's desk relating to the Air Force, Army, and Navy; that the HELP Committee be discharged of the following nominations: PN1816, the nomination of Holly A. Kuzmich; PN1817, the nomination of Christopher Marston; and PN1454 and PN1548, routine U.S. Public Health Services Commissioned Corps; that the Commerce Committee be discharged of the following nominations: PN1858, Stephen West, and PN1859, Elisa Garrity; that the Environment and Public Works Committee be discharged of PN1872, the nomination of Thomas J. Madison; that the Senate then proceed to the nominations, en bloc, the nominations be confirmed, en bloc, and the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF STATE

D. Kathleen Stephens, of Montana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

Philip Thomas Reeker, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Macedonia.

DEPARTMENT OF THE TREASURY

Eric M. Thorson, of Virginia, to be Inspector General, Department of the Treasury.

IN THE NAVY

The following named officer for appointment to the grade indicated under title 10, U.S.C., section 5148:

To be vice admiral

Rear Adm. Bruce E. MacDonald

DEPARTMENT OF STATE

Marie L. Yovanovitch, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

Tatiana C. Gfoeller-Volkoff, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

W. Stuart Symington, of Missouri, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Alan W. Eastham, Jr., of Arkansas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

James Christopher Swan, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Richard G. Olson, Jr., of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

David D. Pearce, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria.

John A. Simon, of Maryland, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

AFRICAN DEVELOPMENT BANK

Mimi Alemayehou, of the District of Columbia, to be United States Director of the African Development Bank for a term of five years.

INTER-AMERICAN DEVELOPMENT BANK

Miguel R. San Juan, of Texas, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Patrick J. Durkin, of Connecticut, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2009, vice Ned L. Siegel, term expired.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

Kenneth L. Peel, of Maryland, to be United States Director of the European Bank for Reconstruction and Development.

AFRICAN DEVELOPMENT FOUNDATION

John W. Leslie, Jr., of Connecticut, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2013. (Reappointment)

John O. Agwunobi, of Florida, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2014.

Julius E. Coles, of Georgia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2011.

Morgan W. Davis, of California, to be a Member of the Board of Directors of the African Development Foundation for a term expiring November 13, 2013.

THE JUDICIARY

Carol A. Dalton, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Anthony C. Epstein, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Heidi M. Pasichow, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Duncan J. McNabb

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William L. Shelton

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Larry D. James

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brigadier General William S. Busby, III
Brigadier General Stanley E. Clarke, III
Brigadier General John B. Ellington, Jr.
Brigadier General Maria A. Falca-Dodson
Brigadier General Tony A. Hart
Brigadier General James E. Hearon
Brigadier General Mark F. Sears

To be brigadier general

Colonel Theresa Z. Blumberg
Colonel Paul D. Brown, Jr.
Colonel Steven D. Friedricks
Colonel Steven D. Gregg
Colonel John O. Griffin
Colonel Joseph L. Lengyel
Colonel Bradley A. Livingston
Colonel Michael A. Meyer
Colonel Stanley J. Osserman, Jr.
Colonel Stephan A. Pappas
Colonel Bruce W. Prunk
Colonel Charles L. Smith
Colonel James R. Summers
Colonel Bruce N. Thompson
Colonel Delilah R. Works

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Lawrence A. Stutzriem

IN THE ARMY

The following Army National Guard of the United States officer for promotion in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. James R. Anderson

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Lie-Ping Chang
Brigadier General Paul E. Crandall
Brigadier General Jeffrey A. Jacobs
Brigadier General Dempsey D. Kee
Brigadier General Eldon P. Regua
Brigadier General Richard A. Stone
Brigadier General Keith L. Thurgood

To be brigadier general

Colonel Gill P. Beck
Colonel Paul M. Benenati
Colonel Alton G. Berry
Colonel Leslie J. Carroll
Colonel Joe E. Chesnut, Jr.
Colonel David G. Clarkson
Colonel Janet L. Cobb
Colonel Don S. Cornett, Jr.
Colonel Mark W. Corson
Colonel John J. Donnelly, III
Colonel James H. Doty, Jr.
Colonel Roger B. Duff
Colonel Gracus K. Dunn
Colonel William J. Gothard
Colonel Mark S. Hendrix
Colonel Patricia A. Heritsch
Colonel Leroy Winfield, Jr.
Colonel Eugene R. Woolridge, III

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Colonel Heidi V. Brown
Colonel John A. Davis
Colonel Edward P. Donnelly, Jr.
Colonel Karen E. Dyson
Colonel Robert S. Ferrell
Colonel Stephen G. Fogarty
Colonel Michael X. Garrett
Colonel Thomas A. Harvey
Colonel Thomas A. Horlander
Colonel Paul J. Lacamera
Colonel Sean B. MacFarland
Colonel Kevin W. Mangum
Colonel Robert M. McCaleb
Colonel Colleen L. McGuire
Colonel Herbert R. McMaster, Jr.
Colonel Austin S. Miller
Colonel John M. Murray
Colonel Richard P. Mustion
Colonel Camille M. Nichols
Colonel John R. O'Connor
Colonel Lawarren V. Patterson
Colonel Gustave F. Perna
Colonel Warren E. Phipps, Jr.
Colonel Gregg C. Potter
Colonel Nancy L. S. Price
Colonel Edward M. Reeder, Jr.
Colonel Ross E. Ridge
Colonel Jess A. Scarbrough
Colonel Michael H. Shields
Colonel Jefforey A. Smith
Colonel Leslie C. Smith
Colonel Jeffrey J. Snow
Colonel Kurt S. Story
Colonel Kenneth E. Tovo
Colonel Stephen J. Townsend
Colonel John Uberti
Colonel Thomas S. Vandal
Colonel Bryan G. Watson
Colonel John F. Wharton
Colonel Mark W. Yenter

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John M. Paxton, Jr.

IN THE NAVY

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Christopher J. Paul
Capt. Russell S. Penniman
Capt. Gary W. Rosholt
Capt. Robert P. Wright
Capt. Michael J. Yurina

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Captain Terry B. Kraft

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Bruce W. Clingan

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. James A. Winnefeld, Jr.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1468 Air Force nominations (29) beginning CHRISTIAN L. BISCOTTI, and ending BARRY K. WELLS, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1904 Air Force nominations (7) beginning TIMOTHY M. FRENCH, and ending RACHELLE M. NOWLIN, which nominations were received by the Senate and appeared in the Congressional Record of July 23, 2008.

PN1915 Air Force nomination of Jeffrey T. Butler, which was received by the Senate and appeared in the Congressional Record of July 24, 2008.

IN THE ARMY

PN1888 Army nominations (3) beginning ROBERT S. DEMPSTER, and ending FRED A. KARNIK, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2008.

PN1889 Army nominations (2) beginning THOMAS G. NORBIE, and ending DAVID K. RHINEHART, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2008.

PN1890 Army nominations (17) beginning ANNE M. ANDREWS, and ending KIM N. THOMSEN, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2008.

PN1891 Army nominations (17) beginning DAVID E. BENTZEL, and ending SHANNON M. WALLACE, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2008.

PN1892 Army nominations (76) beginning CARLOS C. AMAYA, and ending SELINA G. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2008.

PN1893 Army nominations (109) beginning KIMBERLEE A. AIELLO, and ending D060789, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2008.

PN1905 Army nomination of Deborah J. McDonald, which was received by the Senate and appeared in the Congressional Record of July 23, 2008.

PN1916 Army nomination of Lemuel H. Clement, which was received by the Senate and appeared in the Congressional Record of July 24, 2008.

PN1917 Army nomination of Marco E. Harris, which was received by the Senate and appeared in the Congressional Record of July 24, 2008.

PN1918 Army nominations (3) beginning ROBERT J. HOWELL JR., and ending STANLEY R. JONES JR., which nominations were received by the Senate and appeared in the Congressional Record of July 24, 2008.

PN1919 Army nomination of Francis B. Magurn II, which was received by the Senate and appeared in the Congressional Record of July 24, 2008.

PN1920 Army nomination of Joseph W. Brown, which was received by the Senate and appeared in the Congressional Record of July 24, 2008.

PN1921 Army nomination of Victor Ursua, which was received by the Senate and appeared in the Congressional Record of July 24, 2008.

PN1922 Army nomination of Yvonne M. Beale, which was received by the Senate and appeared in the Congressional Record of July 24, 2008.

PN1923 Army nomination of Gerald P. Johnson, which was received by the Senate and appeared in the Congressional Record of July 24, 2008.

PN1924 Army nominations (2) beginning MAUEL LABORDE, and ending ANTHONY WOJCIK, which nominations were received by the Senate and appeared in the Congressional Record of July 24, 2008.

PN1925 Army nominations (3) beginning GEORGE J. JICHA, and ending WILLIAM H. SMITHSON, which nominations were received by the Senate and appeared in the Congressional Record of July 24, 2008.

PN1926 Army nominations (3) beginning CHRISTOPHER M. HARTLEY, and ending LAJOHNNE A. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of July 24, 2008.

PN1927 Army nominations (4) beginning SAMUEL M. RUBEN, and ending GEORGE D. HORN, which nominations were received by the Senate and appeared in the Congressional Record of July 24, 2008.

IN THE NAVY

PN1894 Navy nominations (2) beginning TIMOTHY J. MCCULLOUGH, and ending JAE WOO CHUNG, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2008.

PN1895 Navy nominations (30) beginning PHILLIP J. BACHAND, and ending GILBERT L. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of July 22, 2008.

PN1928 Navy nomination of Eric D. Seeland, which was received by the Senate and appeared in the Congressional Record of July 24, 2008.

PN1929 Navy nominations (3) beginning WILLIAM L. HENDRICKSON, and ending ORLANDO GALLARDO JR., which nominations were received by the Senate and appeared in the Congressional Record of July 24, 2008.

DEPARTMENT OF EDUCATION

Holly A. Kuzmich, of Indiana, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

Christopher M. Marston, of Virginia, to be Assistant Secretary for Management, Department of Education.

REGULAR CORPS OF THE COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Commissioned Corps of the U.S. Public Health Service subject to qualifications therefore as provided by law and regulations:

To be medical director

Margaret C. Bash
Diane E. Bennett
M Miles Braun
Louisa E. Chapman
Donald W. Clark
George A. Conway
Theresa Diaz Vargas
Steven H. Fox
Walter G. Hlady
Hamid S. Jafari
Susan A. Maloney
Diane A. Mitchell
Anthony W. Mounts
Carol A. Pertowski
Edward L. Petsonk
Lisa G. Rider
Steven R. Rosenthal
Patricia M. Simone
Gail M. Stennies
Pamela Stratton
John C. Watson

To be senior surgeon

Tecora D. Ballom
D. W. Chen
Patrick H. David
Michael C. Engel
Paul T. Harvey
Richard P. Hedlund
Michael T. Martin
John R. Mascola
William H. Orman
Bernard W. Parker
Karen L. Parko
Kevin A. Prohaska
William Resto-Rivera
Theresa L. Smith
Stephen H. Waterman

To be surgeon

Daniel S. Budnitz
Soju Chang
Eileen F. Dunne
Diana L. Dunnigan
David R. Gahn
John M. Hardin
Scott A. Harper
Richard P. Hedlund
Mitchell V. Mathis, Jr.
Matthew R. Moore
Marie A. Russell
Dorothy J. Sanderson
John W. Vanderhoof
Hui-Hsing Wong

To be senior assistant surgeon

Songhai C. Barclift
Richard P. Hedlund
Mitchell V. Mathis, Jr.
Matthew J. Olnes
Greggory J. Woitte

To be dental director

Joel J. Aimone
Mitchel J. Bernstein
David A. Crain
Clay D. Crossett
Christopher G. Halliday
Kathy L. Hayes
Stuart R. Holmes
Linda A. Jackson
John W. King
Michael E. Korale
Tad R. Mabry
Ronald J. Nagel
Mary S. Runner
Saunders P. Steiman
James N. Sutherland
Stephen P. Torna

To be senior dental surgeon

Timothy L. Ambrose
Anita L. Bright
Brenda S. Burges
Cielo C. Doherty
Robert G. Good
Renee Joskow
Gelynn L. Majure
Kippy G. Martin
Hsiao P. Peng
Ross W. Silver
John R. Smith
Michael P. Winkler
Paul S. Wood
Benjamin C. Wooten

To be dental surgeon

Stephanie M. Burrell
Tanya T. Hollinshed-Miles
Mary B. Johnson
Craig S. Kluger
Robert C. Lloyd, Jr.
Tanya M. Robinson
Bridget R. Swanberg-Austin
Vanessa F. Thomas
James H. Webb, Jr.
Earlena R. Wilson

To be nurse director

Mary C. Aoyama
Regena Dale
Fern S. Detsoi
Maureen Q. Farley
Clarice Gee
Ann R. Knebel
Sheryl L. Meyers
Ernestine Murray
James M. Pobrislo
Ana M. Puente
Gwethlyn J. Sabatinos
Toni Joy Spadaro
Diane R. Walsh
Janet L. Wildeboor

To be senior nurse officer

Yvonne L. Anthony
Dolores J. Atkinson
Katherine M. Berkhousen
Rosa J. Clark
Bucky M. Frost
Alex Garza
Bradley J. Husberg
Lynn M. Lowry
Ivy L. Manning
Daniel Reyna
Mchael L. Robinson
Linda M. Trujillo
Vien H. Vanderhoof
Theresa B. Wade
Amanda S. Waugaman
Konstantine K. Weld
Christine L. Williams
Adolfo Zorrilla

To be nurse officer

Amy F. Anderson
Felicia A. Andrews
Debra D. Aynes
Lisa A. Barnhart
Elizabeth A. Boot
Alicia A. Bradford
Theodora R. Bradley
Claudia M. Brown
Maureen J. Cippel
William F. Coyner
Susie P. Dill
Jenny Doan
John S. Gary, Jr.
Deanna M. Gephart
Akilah K. Green
Chris L. Henneford
Erik S. Hierholzer
Eunice F. Jones-Wills
Charles M. Kerns
Yvonne T. Lacour
Stephen D. Lane
Christine M. Mattson
Thel Moore, Jr.
Alois P. Provost
Tonia L. Sawyer
Sean-David A. Waterman
Kellie L. Westerbuhr
Zenja D. Woodley

To be senior assistant nurse officer

David A. Campbell
Darrell Lyons
Christine M. Merenda
Gloria M. Rodrigues
Geri L. Tagliaferri

To be engineer director

Dana J. Baer
Robert E. Biddle
David M. Birney
Craig W. Larson
Peter C. Pirillo, Jr.
George D. Pringle, Jr.
Paula A. Simenauer

To be senior engineer officer

Donald C. Antrobus
Leo M. Blade
Randall J. Gardner
Bradley K. Harris
Edward M. Lohr
Robert J. Lorenz
Dale M. Mossefin
Susan K. Neurath
Paul G. Robinson
Arthur D. Ronimus I, II
Jack S. Sorum
Kenneth T. Sun
Hung Trinh
Daniel H. Williams

To be engineer officer

Mark T. Bader
Sean M. Boyd
Tracy D. Gilchrist
Ramsey D. Hawasly
Stephen B. Martin, Jr.
Marcus C. Martinez
Mark A. Nasi
Delrey K. Pearson
Nicholas R. Vizzone

To be scientist director

S. Lori Brown
Lemyra M. Debruyn
Darcy E. Hanes
Deloris L. Hunter
Mahendra H. Kothary
Francois M. Lalonde
ONeal A. Walker

to be senior scientist

Jon R. Daugherty
John M. Hayes
William J. Murphy
Richard P. Troiano

To be scientist

Diana M. Bensyl
Mark J. Seaton

To be environmental health officer director

Steven M. Breithaupt
Richie K. Grinnell

Kathy L. Morring
John P. Sarisky

To be senior environmental health officer

Debra M. Flagg
Jean A. Gaunce
Kevin W. Hanley
Timothy M. Radtke
Kelly M. Taylor

To be environmental health officer

David B. Cramer
Thomas M. Fazzini
Brian K. Johnson
Tina J. Lankford
John W. Spriggs
Bobby T. Villines

To be veterinary director

Peter B. Bioland
Waiter R. Daley
Judith A. Davis
Shelley Hoogstraten-Miller
Marissa A. Miller

To be senior veterinary officer

Kristine M. Bisgard
Brent C. Morse
Kim D. Taylor

To be veterinary officer

Princess R. Campbell
Marianne Phelan Ross

To be pharmacist director

Rodney M. Bauer
Laurie B. Burke
Diane Centeno-Deshields
Paul A. David
Josephine E. Divel
George A. Lyght
Michael J. Montello
Cecilia-Marina Prela
Bryan l. Schulz
Raelene W. Skerda
Matthew A. Spataro

To be senior pharmacist

Edward D. Bashaw
Jeffrey T. Bingham
Beecher R. Cope, Jr.
Wesley G. Cox
Susan J. Fredericks
Muhammad A. Marwan
Jill D. Mayes
John F. Snow
Robert C. Steyert
Julienne M. Vaillancourt
Todd A. Warren
Kimberly A. Zietlow

To be pharmacist

Christopher K. Allen
Mitzie A. Allen
Michael J. Contos
David T. Diwa
Louis E. Feldman
Richard K. Glabach
Andrew S. Haffer
Glenna L. Meade
Andrew K. Meagher
Suryamohan V. Palanki
Laura L. Pincock
Martin H. Shimer II
Mark N. Strong
Brandon L. Taylor
Teresa A. Watkins
Samuel Y. Wu
Charla M. Young

To be dietitian director

Tammy L. Brown
Karen A. Herbelin

To be senior dietitian

Silvia Benincaso
Jean R. Makie
Vangie R. Tate

To be therapist director

Terry T. Cavanaugh
Georgia A Johnson
Susan F. Miller
Rebecca A. Parks

To be senior therapist

Nancy J. Balash
Mercedes Benitez-Mccrary
Gary W. Shelton

To be therapist

Cynthia E. Carter
Grant N. Mead
Sue N. Newman
Tarri Ann Randall

To be health services director

Maria E. Burns
Peter J. Delany
Julia A Dunaway
Annie Brayboy Fair
Steven M. Glover

To be senior health services officer

Gail A. Davis
Rafael A. Duenas
Gregory D. McLain
Nancy A. Nichols
Judy B. Pyant
Larry E . Richardson
Rafael A. Salas
William Tool
Gina B. Woodlief
Elise S. Young

To be health services officer

Jeffrey S. Buckser
Christopher C. Duncan
Amanda K. Dunnick
Nima D. Feldman
Beth D. Finnson
Celia S. Gabrel
Daniel H. Hesselgesser
Erich Kleinschmidt
Audrey G. Lum
Jack F. Martinez
Priscilla Rodriguez
Karen J. Sicard
Colleen E. White
Felicia B. Williams

To be senior assistant health services officer

Tracy J. Branch
William L. Cooper
Deborah A. Doody
Suzanne Carole Hennigan
Scarlett A. Lusk

The following candidates for personnel action in the Regular Corps of the Commissioned Corps of the U.S. Public Health Service subject to qualifications therefore as provided by law and regulations:

To be assistant surgeon

Robert P. Drewelow
Sarah R. Wheatley

UNITED STATES COAST GUARD

The following named individual for appointment as a permanent commissioned regular officer in the United States Coast Guard in the grade indicated under title 14, U.S.C., Section 211:

To be lieutenant

Stephen E. West

The following named individual for appointment as a permanent commissioned regular officer in the United States Coast Guard in the grade indicated under Title 14, U.S.C., Section 211:

To be lieutenant

Elisa M. Garrity

FEDERAL HIGHWAY ADMINISTRATION

Thomas J. Madison, of New York, to be Administrator of the Federal Highway Administration.

NOMINATION OF GENERAL NORTON A. SCHWARTZ

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 742, and I ask that the Senate proceed immediately to vote on confirmation of the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of GEN Norton A. Schwartz, Calendar No. 742?

The nomination was confirmed.

Mr. REID. Mr. President, I ask unanimous consent that no further motions be in order; that the President be immediately notified of the Senate's action; that any statements relating to any of these nominations be printed in the RECORD, as if read; that the RECORD reflect that had there been a rollcall vote on Calendar No. 742, Senator WEBB of Virginia would have voted no; and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

AUTHORITY TO FILE

Mr. REID. Mr. President, I ask unanimous consent that during the recess or adjournment of the Senate, that Senate committees may file committee-reported legislative and Executive Calendar business on Friday, August 22, during the hours of 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRO FORMA SESSIONS

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess and convene for pro forma sessions with no business conducted on the following days and times and that following each pro forma session, the Senate recess until the following pro forma session: Tuesday, August 5, at 10 a.m.; Friday, August 8, at 11 a.m.; Tuesday, August 12, at 2 p.m.; Friday, August 15, at 10 a.m.; Tuesday, August

19, at 9 a.m.; Friday, August 22, at 10 a.m.; Tuesday, August 26, at 2 p.m.; Friday, August 29, at 2 p.m.; Tuesday, September 2, at 12 p.m.; Friday, September 5, at 9:30 a.m.; and further that when the Senate completes its pro forma session on Friday, September 5, the Senate stand adjourned until 3 p.m. on Monday, September 8; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of Calendar No. 732, S. 3001, the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, Senators should be prepared for a rollcall vote at about 5:30 p.m., on Monday, September 8. That vote would be on the motion to invoke cloture on the motion to proceed to the Defense authorization bill.

RECESS UNTIL TUESDAY, AUGUST 5, 2008, at 10 A.M.

Mr. REID. Mr. President, I see no one on the floor seeking recognition. Therefore, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 2:49 p.m., recessed until Tuesday, August 5, 2008, at 10 a.m.

NOMINATIONS

EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE:

OFFICE OF PERSONNEL MANAGEMENT

MICHAEL W. HAGER, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF FOUR YEARS, VICE LINDA M. SPRINGER.

DEPARTMENT OF STATE

GREGORI LEBEDEV, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

GREGORI LEBEDEV, OF VIRGINIA, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH MARGARET C. BASH AND ENDING WITH SCARLETT A. LUSK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 5, 2008.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH ROBERT P. DREWELOW AND ENDING WITH SARAH R. WHEATLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2008.

HOLLY A. KUZMICH, OF INDIANA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION.

CHRISTOPHER M. MARSTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR MANAGEMENT, DEPARTMENT OF EDUCATION.

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations and the nominations were confirmed:

COAST GUARD NOMINATION OF STEPHEN E. WEST, TO BE LIEUTENANT.

COAST GUARD NOMINATION OF ELISA M. GARRITY, TO BE LIEUTENANT.

The Senate Committee on Environment and Public Works was discharged from further consideration of the following nomination and the nomination was confirmed:

THOMAS J. MADISON, OF NEW YORK, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 1, 2008:

DEPARTMENT OF STATE

D. KATHLEEN STEPHENS, OF MONTANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

PHILIP THOMAS REEKER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MACEDONIA.

DEPARTMENT OF THE TREASURY

ERIC M. THORSON, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY.

DEPARTMENT OF STATE

MARIE L. YOVANOVITCH, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

TATIANA C. GFOELLER-VOLKOFF, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.

W. STUART SYMINGTON, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

ALAN W. EASTHAM, JR., OF ARKANSAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE CONGO.

JAMES CHRISTOPHER SWAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

MICHELE JEANNE SISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

RICHARD G. OLSON, JR., OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED ARAB EMIRATES.

DAVID D. PEARCE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

JOHN A. SIMON, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE AFRICAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

AFRICAN DEVELOPMENT BANK

MIMI ALEMAYEHOU, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS.

INTER-AMERICAN DEVELOPMENT BANK

MIGUEL R. SAN JUAN, OF TEXAS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PATRICK J. DURKIN, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2009.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

KENNETH L. PEEL, OF MARYLAND, TO BE UNITED STATES DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

AFRICAN DEVELOPMENT FOUNDATION

JOHN W. LESLIE, JR., OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2013.

JOHN O. AGWUNOBI, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 2014.

JULIUS E. COLES, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2011.

MORGAN W. DAVIS, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING NOVEMBER 13, 2013.

THE JUDICIARY

CAROL A. DALTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

ANTHONY C. EPSTEIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

HEIDI M. PASICHOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8033 AND 601:

To be general

GEN. NORTON A. SCHWARTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DUNCAN J. MCNABB

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF EDUCATION

HOLLY A. KUZMICH, OF INDIANA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION.

CHRISTOPHER M. MARSTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR MANAGEMENT, DEPARTMENT OF EDUCATION.

DEPARTMENT OF TRANSPORTATION

THOMAS J. MADISON, OF NEW YORK, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5148:

To be vice admiral

REAR ADM. BRUCE E. MACDONALD

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM L. SHELTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LARRY D. JAMES

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL WILLIAM S. BUSBY III

BRIGADIER GENERAL STANLEY E. CLARKE III
BRIGADIER GENERAL JOHN B. ELLINGTON, JR.
BRIGADIER GENERAL MARIA A. FALCA-DODSON
BRIGADIER GENERAL TONY A. HART
BRIGADIER GENERAL JAMES E. HEARON
BRIGADIER GENERAL MARK F. SEARS

To be brigadier general

COLONEL THERESA Z. BLUMBERG
COLONEL PAUL D. BROWN, JR.
COLONEL STEVEN D. FRIEDRICKS
COLONEL STEVEN D. GREGG
COLONEL JOHN O. GRIFFIN
COLONEL JOSEPH L. LENGYEL
COLONEL BRADLEY A. LIVINGSTON
COLONEL MICHAEL A. MEYER
COLONEL STANLEY J. OSSERMAN, JR.
COLONEL STEPHAN A. PAPPAS
COLONEL BRUCE W. PRUNK
COLONEL CHARLES L. SMITH
COLONEL JAMES R. SUMMERS
COLONEL BRUCE N. THOMPSON
COLONEL DELILAH R. WORKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. LAWRENCE A. STUTZRIEM

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JAMES R. ANDERSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL LIE-PING CHANG
BRIGADIER GENERAL PAUL E. CRANDALL
BRIGADIER GENERAL JEFFREY A. JACOBS
BRIGADIER GENERAL DEMPSEY D. KEE
BRIGADIER GENERAL ELDON P. REGUA
BRIGADIER GENERAL RICHARD A. STONE
BRIGADIER GENERAL KEITH L. THURGOOD

To be brigadier general

COLONEL GILL P. BECK
COLONEL PAUL M. BENENATI
COLONEL ALTON G. BERRY
COLONEL LESLIE J. CARROLL
COLONEL JOE E. CHESNUT, JR.
COLONEL DAVID G. CLARKSON
COLONEL JANET L. COBB
COLONEL DON S. CORNETT, JR.
COLONEL MARK W. CORSON
COLONEL JOHN J. DONNELLY III
COLONEL JAMES H. DOTY, JR.
COLONEL ROGER B. DUFF
COLONEL GRACUS K. DUNN
COLONEL WILLIAM J. GOTHARD
COLONEL MARK S. HENDRIX
COLONEL PATRICIA A. HERITSCH
COLONEL LEROY WINFIELD, JR.
COLONEL EUGENE R. WOOLRIDGE III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL HEIDI V. BROWN
COLONEL JOHN A. DAVIS
COLONEL EDWARD P. DONNELLY, JR.
COLONEL KAREN E. DYSON
COLONEL ROBERT S. FERRELL
COLONEL STEPHEN G. FOGARTY
COLONEL MICHAEL X. GARRETT
COLONEL THOMAS A. HARVEY
COLONEL THOMAS A. HORLANDER
COLONEL PAUL J. LACAMERA
COLONEL SEAN B. MACFARLAND
COLONEL KEVIN W. MANGUM
COLONEL ROBERT M. MCCALEB
COLONEL COLLEEN L. MCGUIRE
COLONEL HERBERT R. MCMASTER, JR.
COLONEL AUSTIN S. MILLER
COLONEL JOHN M. MURRAY
COLONEL RICHARD P. MUSTION
COLONEL CAMILLE M. NICHOLS
COLONEL JOHN R. O'CONNOR
COLONEL LAWARREN V. PATTERSON
COLONEL GUSTAVE F. PERNA
COLONEL WARREN E. PHIPPS, JR.
COLONEL GREGG C. POTTER
COLONEL NANCY L. S. PRICE
COLONEL EDWARD M. REEDER, JR.
COLONEL ROSS E. RIDGE
COLONEL JESS A. SCARBROUGH
COLONEL MICHAEL H. SHIELDS
COLONEL JEFFOREY A. SMITH
COLONEL LESLIE C. SMITH
COLONEL JEFFREY J. SNOW
COLONEL KURT S. STORY
COLONEL KENNETH E. TOVO
COLONEL STEPHEN J. TOWNSEND
COLONEL JOHN UBERTI
COLONEL THOMAS S. VANDAL
COLONEL BRYAN G. WATSON
COLONEL JOHN F. WHARTON
COLONEL MARK W. YENTER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. PAXTON, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. CHRISTOPHER J. PAUL
CAPT. RUSSELL S. PENNIMAN
CAPT. GARY W. ROSHOLT
CAPT. ROBERT P. WRIGHT
CAPT. MICHAEL J. YURINA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN TERRY B. KRAFT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. BRUCE W. CLINGAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JAMES A. WINNEFELD, JR.

IN THE COAST GUARD

COAST GUARD NOMINATION OF STEPHEN E. WEST, TO BE LIEUTENANT.

COAST GUARD NOMINATION OF ELISA M. GARRITY, TO BE LIEUTENANT.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH MARGARET C. BASH AND ENDING WITH SCARLETT A. LUSK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 5, 2008.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH ROBERT P. DREWELOW AND ENDING WITH SARAH R. WHEATLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2008.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTIAN L. BISCOTTI AND ENDING WITH BARRY K. WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH TIMOTHY M. FRENCH AND ENDING WITH RACHELLE M. NOWLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 23, 2008.

AIR FORCE NOMINATION OF JEFFREY T. BUTLER, TO BE COLONEL.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH ROBERT S. DEMPSTER AND ENDING WITH FRED A. KARNIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 22, 2008.

ARMY NOMINATIONS BEGINNING WITH THOMAS G. NORBIE AND ENDING WITH DAVID K. RHINEHART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 22, 2008.

ARMY NOMINATIONS BEGINNING WITH ANNE M. ANDREWS AND ENDING WITH KIM N. THOMSEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 22, 2008.

ARMY NOMINATIONS BEGINNING WITH DAVID E. BENTZEL AND ENDING WITH SHANNON M. WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 22, 2008.

ARMY NOMINATIONS BEGINNING WITH CARLOS C. AMAYA AND ENDING WITH SELINA G. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 22, 2008.

ARMY NOMINATIONS BEGINNING WITH KIMBERLEE A. AIELLO AND ENDING WITH D060789, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 22, 2008.

ARMY NOMINATION OF DEBORAH J. MCDONALD, TO BE COLONEL.

ARMY NOMINATION OF LEMUEL H. CLEMENT, TO BE COLONEL.

ARMY NOMINATION OF MARCO E. HARRIS, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH ROBERT J. HOWELL, JR. AND ENDING WITH STANLEY R. JONES, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 24, 2008.

ARMY NOMINATION OF FRANCIS B. MAGURN II, TO BE COLONEL.

ARMY NOMINATION OF JOSEPH W. BROWN, TO BE MAJOR.

ARMY NOMINATION OF VICTOR URSUA, TO BE MAJOR.

ARMY NOMINATION OF YVONNE M. BEALE, TO BE MAJOR.

ARMY NOMINATION OF GERALD P. JOHNSON, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH MAUEL LABORDE AND ENDING WITH ANTHONY WOJCIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 24, 2008.

ARMY NOMINATIONS BEGINNING WITH GEORGE J. JICHA AND ENDING WITH WILLIAM H. SMITHSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 24, 2008.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER M. HARTLEY AND ENDING WITH LAJOHNNE A. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 24, 2008.

ARMY NOMINATIONS BEGINNING WITH SAMUEL M. RUBEN AND ENDING WITH GEORGE D. HORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 24, 2008.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH TIMOTHY J. MCCULLOUGH AND ENDING WITH JAE WOO CHUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 22, 2008.

NAVY NOMINATIONS BEGINNING WITH PHILLIP J. BACHAND AND ENDING WITH GILBERT L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 22, 2008.

NAVY NOMINATION OF ERIC D. SEELAND, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH WILLIAM L. HENDRICKSON AND ENDING WITH ORLANDO GALLARDO, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 24, 2008.

HOUSE OF REPRESENTATIVES—*Friday, August 1, 2008*

The House met at 9 a.m.

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

Is God in the motion or in the static?

Is God in the problem or in the resolve?

Is God in the activity or in the rest?

Is God in the noise or in the silence?

Wherever You are, Lord God, be in our midst, both now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

RECOGNIZING CARBON SHREDDERS

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

Mr. WELCH of Vermont. Madam Speaker, I would like to take this opportunity to recognize the dedicated efforts of Carbon Shredders, a grassroots environmental group based in the Mad River Valley of Vermont. Formed in the fall of 2007 by three local environmentalists, Carbon Shredders dedicates its time to curbing local energy consumption, helping Vermonters lower their energy costs, and working towards a clean energy future. The group challenges participants to alter their lifestyles in ways consistent with the goal of reducing energy consumption.

In March, three Vermont towns passed resolutions introduced by Carbon Shredders that call on residents and businesses to reduce their carbon footprint by 10 percent by 2010. In addition to the obvious environmental advantages, participating households will save $700 each year. Carbon Shredders' membership has grown considerably in Vermont since its founding, and this group is doing tremendous work in Vermont to lead us to a carbon-free economy.

LET'S STAY AND GET THE JOB DONE

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

Mr. WILSON of South Carolina. Madam Speaker, today the House of Representatives will adjourn for 5 weeks. It is troubling that the Democratic leadership sees no problem in taking a 5-week vacation, having failed to vote on legislation that will lower gas prices and break our dependence on foreign oil.

House Republicans have laid out a plan of exploration, alternative energy innovation, and conservation, a comprehensive strategy that pulls together this Nation's immense natural resources and our rapidly advancing technology to reduce our dependence on foreign oil and build a more prosperous country.

Let's have a vote on a comprehensive energy package. Let's show American families that their interests are important enough for this Congress to stay here and lower gas prices.

In conclusion, God bless our troops, and we will never forget September the 11th. Godspeed for the future careers to Second District staff members, Chirag Shah and Kori Lorick.

COMMEMORATING THE MINNEAPOLIS I–35W BRIDGE COLLAPSE

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

Mr. ELLISON. Madam Speaker, last year on August 1, 2007, at 6:05 p.m., the Interstate 35W bridge in Minneapolis collapsed into the Mississippi River. Thirteen people lost their lives, injuring nearly 100 people. The 13 victims were mothers, fathers and children.

Last year on August 1, this day, we as a Nation were united in our grief for the victims. Today, the new I–35W bridge stands almost complete over the Mississippi River. I have had a chance to tour it, and it is a good-looking bridge. But we can never forget about the victims and the lessons that we have learned from the collapse.

We will be having a memorial today in Minneapolis for the victims, and we will be celebrating the fact that we have come back and been a resilient community after this collapse.

But I believe the tragic bridge collapse serves as a national call to action for our political leaders to focus on improving our domestic infrastructure. The time is now, Madam Speaker.

LET'S SECURE AMERICA

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

Mr. WESTMORELAND. This morning I'm here, and if I could talk to the people of America, Madam Speaker, I would tell them that the number to the House operator is 202–224–3121, but I know I can't do that. But if I could, it would be 202–224–3121, and I would ask for Speaker PELOSI.

I would tell Speaker PELOSI that I'm not a hoax because, see, here's a quote: ''This call for drilling in areas that are protected is a hoax, it's an absolute hoax on the part of the Republicans and the administration.''

The American people, Madam Speaker, 73 percent of them are not a hoax. She's too busy trying to save the planet. Speaker PELOSI announced, ''I'm trying to save the planet.''

I hope, Madam Speaker, that if the American people could get this number that they could call the Speaker and say, ''Before you save the planet, let's secure America.''

Madam Speaker, we're going to adjourn today, and many in this House are going to leave for a vacation, a trip overseas, to Africa, Europe, Asia, while my constituents can't even afford to drive to a State park.

We must stay in session. We must do something to increase U.S. oil production.

HEATING OIL

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Madam Speaker, sky-high prices for gas and heating oil have taken a big bite out of family budgets. Just as we enter the home stretch of the summer driving season, these same families are bracing

for increased prices in home heating oil.

Families in my district use heating oil to stave off winter cold, and too many of them are already shivering. We're not even into the heating season yet, and already prices in the Hudson Valley are over $4.60, 70 percent more than last year.

We need to throw these families a lifeline and fix the energy crisis threatening them.

To help with the costs, I have cosponsored the HEATR Act to give qualifying families a $500 tax credit for their heating costs over $1,500.

To fix the markets, the majority has tried repeatedly to provide support for new technologies, increased domestic drilling, and oil releases from the SPR. Each time, the President and his allies have opposed these measures and are holding our energy solutions hostage to their insistence on old, ineffective drilling proposals.

They need to get out of D.C. and see how these prices are affecting working families, figure out how to join us, or soon we will all be out in the cold.

LET'S PASS MEANINGFUL LEGISLATION

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

Mr. GINGREY. Madam Speaker, a famous American, Will Rogers once said, ''The only thing I know about American politics is what I read in the newspaper.''

Madam Speaker, what I read in the newspaper this morning are these headlines: ''A shadow over recess. Impasse on energy obscures victories as Dems head home.''

Another headline: ''Energy shadow falls over the August recess.''

Reading further, I thought we had a little ray of light and encouragement in a press conference that the Speaker gave yesterday. ''And, asked if she could envision a scenario where there could be a vote on new offshore drilling, she said, 'Of course.'

''But shortly thereafter, Pelosi's office issued a written 'clarification' stating that Pelosi was not changing her position.''

And the quote now, ''She has no plans to bring to the floor a bill to allow drilling in protected areas.'''

Unconscionable, Madam Speaker. I don't know what the plan is. Maybe it's in one of the chapters of a new book that she's spent the last 3 months writing while she should have been doing something, Madam Speaker, about these high gasoline prices that are crippling this Nation. Unconscionable.

Let's stay here. Let's not adjourn. Let's pass meaningful legislation.

□ 0915

ONE YEAR ANNIVERSARY OF I–35 BRIDGE TRAGEDY

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

Mr. WALZ of Minnesota. Madam Speaker, it was one year ago today, at 6:05 p.m. this evening, that an eight-lane steel truss span bridge collapsed into the Mississippi River in Minneapolis. I'm sure we all remember that strange and surreal sight of a bridge laying in the very river it used to span and the images of vehicles that were crushed in the debris.

As a school teacher, for me the most poignant and terrifying image was that of a school bus balanced over the abyss as it was about to plunge into the steel and concrete below, but whose occupants were thankfully all unharmed.

Unfortunately, not everyone on that bridge made it home safely; 13 people were killed in the tragedy. That those numbers weren't higher was due in no small part to the hundreds of firefighters, police, emergency personnel and ordinary citizens who rushed to the aid of their fellow Americans. Their direct actions immediately following this tragedy saved lives and eased suffering.

Ordinary residents of Minneapolis displayed extraordinary courage on August 1. We are here today to note this sad occasion and to remember those who were lost.

Construction on a new bridge is underway. It will be wider, longer, more reliable and safer. And I thank my colleague who spoke earlier, Mr. ELLISON, for his leadership on that, but it won't bring back those who tragically died.

Let us learn from this disaster and ensure it never happens again.

AMERICANS DEMAND ENERGY PLAN

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

Mr. DAVID DAVIS of Tennessee. Madam Speaker, we need an American energy plan and we need it now. The American people are hurting. Young families are hurting. Senior adults are hurting. Small businesses are hurting. Vern, from Jefferson County, Tennessee, is hurting.

Vern is an Iraqi war veteran. Vern has to drive from Jefferson County in Tennessee all the way into Knoxville. It's costing him over $90 a week to drive to work. He makes $8 an hour. He's trying to become an electrical apprentice.

Vern told me he may have to go on welfare. Vern has a young family. Vern is an Iraqi war yet. Vern wants to do what's right by his family. He has already done what's right by America. This Congress needs to do what's right for Vern and other young families in America, senior adults in America, small businesses in America.

We don't need any more excuses. We need to vote on meaningful energy legislation. We need to do it now. We don't need to go home, we need to take votes. I'm willing to stay here today and vote. We voted this week. We had time to vote to go home. We ought to have time to vote to bring down gas prices at the pump. The American people demand it, they demand it now.

HOUSE REPUBLICANS STAND BY THE PRESIDENT'S DRILL AND VETO POLICIES OF THE PAST

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

Mr. PALLONE. Madam Speaker, House Republicans claim to be interested in supporting legislation that will help reduce the price of gas at the pump, but unfortunately they have consistently opposed legislation that would directly benefit the American people.

Republicans said no to cracking down on price gouging. They said no to repealing billions in taxpayer-funded subsidies to Big Oil so that we can instead invest in renewable energy resources. They said no to legislation that would force big oil companies to either drill on the lands they already have leased or lose the leases.

Last week, the Republicans said no to tapping the Strategic Petroleum Reserve to help lower gas prices immediately. And this week they said no to going after speculation.

Madam Speaker, if House Republicans are serious about helping the American people, they need to stop protecting Big Oil.

PRICE AT THE PUMP IS NOT A HOAX

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

Mrs. BLACKBURN. Madam Speaker, I rise to express my sincere disappointment with the liberal Democrat leadership of this House.

I think it's important that they realize the price at the pump is not a hoax, it's not a mirage, it is not a bad dream, it is real life. And to my constituents in the Seventh District of Tennessee, they are angry with the price at the pump.

What we are hearing from them is this, Madam Speaker: we can't afford the change the Democrat Congress has wrought. We can't afford the price that they have delivered at the pump. And we definitely cannot afford for the Democrat Congress to vote themselves

an adjournment resolution and leave for 5 weeks—5 weeks, while the price at the pump continues to rise, while the price of electric power rises, while home heating oil prices are going to triple.

This is reality. It is real life. And it is what is facing our constituents every single day. Take some of the power you're using to save the planet and use it to address this issue.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

The SPEAKER pro tempore (Ms. SOLIS). Pursuant to House Resolution 1384 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 6599.

□ 0920

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes, with Mr. LYNCH (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on the legislative day of Thursday, July 31, 2008, the bill had been read through page 55, line 19.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 11 by Mr. GARRETT of New Jersey.

Amendment No. 6 by Mr. MCCAUL of Texas.

Amendment No. 4 by Mr. FLAKE of Arizona.

Amendment No. 3 by Mr. KING of Iowa.

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

AMENDMENT NO. 11 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. GARRETT of New Jersey:

Page 36, line 5, after the dollar amount, insert ''(reduced by $18,018,000)''.

Page 41, line 22, after the dollar amount, insert ''(increased by $18,018,000)''.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 227, not voting 27, as follows:

[Roll No. 558]

AYES—185

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

NOES—227

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

NOT VOTING—27

Andrews
Boswell
Brown, Corrine
Brown-Waite, Ginny
Cannon
Cubin
Cummings
Engel
Fortuño
Harman
Hulshof
Kaptur
Kennedy
Kilpatrick
Klein (FL)
Levin
Maloney (NY)
Meek (FL)
Peterson (PA)
Pitts
Pryce (OH)
Rogers (AL)
Rush
Saxton
Weller
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 0947

Messrs. ACKERMAN, RUPPERSBERGER, LINCOLN DAVIS of Tennessee, HONDA, TAYLOR, RANGEL, KANJORSKI, PASTOR, LARSEN of Washington, HALL of Texas, SESTAK, ALTMIRE, and BURGESS changed their vote from ''aye'' to ''no.''

Ms. GIFFORDS and Mr. WALDEN of Oregon changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. KLEIN of Florida. Madam Speaker, On Friday, August 1, 2008 I was unavoidably detained.

Had I voted, I would have voted ''aye'' on rollcall No. 558.

AMENDMENT NO. 6 OFFERED BY MR. MCCAUL OF TEXAS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. MCCAUL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MCCAUL of Texas:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used for a project or program named for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 329, noes 86, not voting 24, as follows:

[Roll No. 559]

AYES—329

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Norton
Nunes
Ortiz
Pallone
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Yarmuth
Young (FL)

NOES—86

Ackerman
Baldwin
Berman
Brady (PA)
Butterfield
Capps
Capuano
Cardoza
Christensen
Clarke
Clay
Clyburn
Conyers
Crowley
Davis (IL)
Delahunt
Dingell
Doyle
Edwards (MD)
Ellison
Farr
Fattah
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (TX)
Hastings (FL)
Hinojosa
Hobson
Hoyer
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kucinich
Lee
Lewis (GA)
Lipinski
Lynch
Markey
Matsui
McCollum (MN)
McDermott
McGovern
Meek (FL)
Meeks (NY)
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Pascrell
Pastor
Payne
Rahall
Rangel
Reyes
Roybal-Allard
Schakowsky
Scott (GA)
Serrano
Sires
Slaughter
Solis
Stark
Taylor
Thompson (CA)
Thompson (MS)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu

NOT VOTING—24

Andrews
Boswell
Brown, Corrine
Brown-Waite, Ginny
Cannon
Cubin
Cummings
Engel
Fortuño
Harman
Hulshof
Kaptur
Kilpatrick
Levin
Maloney (NY)
Obey
Pitts
Pryce (OH)
Rogers (AL)
Rush
Saxton
Weller
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have 2 minutes remaining to vote.

□ 0958

Ms. WATERS, Messrs. GUTIERREZ, LYNCH, FRANK of Massachusetts, and SCOTT of Georgia changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) ELIMINATION OF MILITARY CONSTRUCTION CONGRESSIONAL EARMARKS.—None of the funds provided in this Act shall be available from the following Department of Defense military construction accounts for the following projects, and the amount otherwise provided in this Act for each such account is hereby reduced by the sum of the amounts specified for such projects from such account:

Account	State	Location	Project Title	Amount (in thousands)
Army	Alabama	Anniston Army Depot	Lake Yard Railroad Interchange.	$1,400
Army	Alabama	Fort Rucker	Chapel Center	$6,800

Account	State	Location	Project Title	Amount (in thousands)
Air Force	Arizona	Luke AFB	Repair Runway Pavement	$1,755
Army	Arizona	Fort Huachuca	ATC Radar Operations Building.	$2,000
Army NG	Arkansas	Cabot	Readiness Center	$10,868
Air NG	Arkansas	Little Rock AFB	Replace Engine Shop	$4,000
Navy	California	Monterey	Education Facility	$9,990
Air Force	California	Edwards AFB	Main Base Runway Ph 4	$6,000
Navy	California	North Island	Training Pool Replacement	$6,890
Navy	California	Twentynine Palms	Lifelong Learning Center Ph 1	$9,760
Air NG	Connecticut	Bradley IAP	TFI Upgrade Engine Shop	$7,200
Air Force	Florida	Tyndall AFB	325 ACS Ops Training Complex	$11,600
Army NG	Florida	Camp Blanding	Regional Training Institute Ph 4.	$20,907
Air Force	Florida	MacDill AFB	Combat Training Facility	$5,000
Navy	Florida	Mayport	Aircraft Refueling	$3,380
Air NG	Georgia	Savannah CRTC	Troop Training Quarters	$7,500
Navy	Georgia	Kings Bay	Add to Limited Area Reaction Force Facility.	$6,130
Air Force	Georgia	Robins AFB	Avionics Facility	$5,250
Army	Hawaii	Pohakuloa TA	Access Road, Ph 1	$9,000
Air NG	Illinois	Greater Peoria RAP	C-130 Squadron Operations Center.	$400
Army NG	Indiana	Muscatatuck	Combined Arms Collective Training Facility Ph 1.	$6,000
Air NG	Indiana	Fort Wayne IAP	Aircraft Ready Shelters/Fuel Fill Stands.	$5,600
Army NG	Iowa	Camp Dodge	MOUT Site Add/Alt	$1,500
Army NG	Iowa	Davenport	Readiness Center Add/Alt	$1,550
Air NG	Iowa	Fort Dodge	Vehicle Maintenance & Comm. Training Complex.	$5,600
Army NG	Iowa	Mount Pleasant	Readiness Center Add/Alt	$1,500
Army	Kansas	Fort Leavenworth	Chapel Complex Ph 2	$4,200
Army	Kansas	Fort Riley	Fire Station	$3,000
Air Force	Kansas	McConnell AFB	MXG Consolidation & Forward Logistics Center Ph 2.	$6,800
Army NG	Kentucky	London	Aviation Operations Facility Ph III.	$7,191
Navy	Maine	Portsmouth NSY	Dry Dock 3 Waterfront Support Facility.	$1,450
Navy	Maine	Portsmouth NSY	Consolidated Global Sub Component Ph 1.	$9,980
Navy	Maryland	Carderock	RDTE Support Facility Ph 1	$6,980
Army NG	Maryland	Dundalk	Readiness Center	$579
Navy	Maryland	Indian Head	Energetics Systems & Tech Lab Complex Ph 1.	$12,050
Air NG	Maryland	Martin State Airport	Replace Fire Station	$7,900
Air NG	Massachusetts	Otis ANGB	TFI Digital Ground Station FOC Beddown.	$1,700
Air Reserve	Massachusetts	Westover ARB	Joint Service Lodging Facility.	$943
Army NG	Michigan	Camp Grayling	Live Fire Shoot House	$2,000
Army NG	Michigan	Camp Grayling	Urban Assault Course	$2,000
Army NG	Minnesota	Arden Hills	Infrastructure Improvements	$1,005
Air NG	Minnesota	Duluth	Replace Fuel Cell Hangar	$4,500
Air NG	Minnesota	Minneapolis-St. Paul IAP	Aircraft Deicing Apron	$1,500
Navy	Mississippi	Gulfport	Battalion Maintenance Facility.	$5,870
Army	Missouri	Fort Leonard Wood	Vehicle Maintenance Shop	$9,500
Air Force	Missouri	Whiteman AFB	Security Forces Animal Clinic	$4,200
Army	Missouri	Fort Leonard Wood	Chapel Complex	$3,500
Air NG	New Jersey	Atlantic City IAP	Operations and Training Facility.	$8,400
Air Force	New Jersey	McGuire AFB	Security Forces Operations Facility Ph 1.	$7,200
Army	New Jersey	Picatinny Arsenal	Ballistic Evaluation Facility Ph 1.	$9,900
Air Force	New Mexico	Cannon AFB	CV-22 Flight Simulator Facility.	$8,300
Air NG	New York	Gabreski Airport	Replace Pararescue Ops Facility Ph 2.	$7,500
Army	New York	Fort Drum	Replace Fire Station	$6,900
Air Reserve	New York	Niagara Falls ARS	Dining Facility/Community Center.	$9,000
Air NG	New York	Hancock Field	Upgrade ASOS Facilities	$5,400
Army	North Carolina	Fort Bragg	Access Roads Ph 1 (Additional Funds).	$8,600
Army NG	North Carolina	Camp Butner	Training Complex	$1,376
Army	North Carolina	Fort Bragg	Mass Casualty Facility	$1,300
Army	North Carolina	Fort Bragg	Chapel	$11,600
Army NG	Ohio	Camp Perry	Barracks	$2,000
Army NG	Ohio	Ravenna	Barracks	$2,000

Account	State	Location	Project Title	Amount (in thousands)
Air NG	Ohio	Springfield ANGB	Combat Communications Training Complex.	$12,800
Air Force	Ohio	Wright-Patterson AFB	Security Forces Operations Facility.	$14,000
Army	Oklahoma	McAlester AAP	AP3 Connecting Rail	$5,800
Air Force	Oklahoma	Tinker AFB	Realign Air Depot Street	$5,400
Army NG	Pennsylvania	Honesdale	Readiness Center Add/Alt	$6,117
Army NG	Pennsylvania	Honesdale	Readiness Center Add/Alt	$504
Army NG	Pennsylvania	Pittsburgh	Combined Support Maintenance Shop.	$3,250
Army	Pennsylvania	Letterkenny Depot	Upgrade Munition Igloos Phase 2.	$7,500
Navy	Rhode Island	Newport	Unmanned ASW Support Facility.	$9,900
Air NG	Rhode Island	Quonset State Airport	Replace Control Tower	$600
Army NG	South Carolina	Hemingway	Field Maintenance Shop Ph 1	$4,600
Army NG	South Carolina	Sumter	Readiness Center	$382
Air Force	South Carolina	Shaw AFB	Physical Fitness Center	$9,900
Air NG	South Dakota	Joe Foss Field	Aircraft Ready Shelters/AMU	$4,500
Army NG	Tennessee	Tullahoma	Readiness Center	$10,372
Army Reserve	Texas	Bryan	Army Reserve Center	$920
Army	Texas	Camp Bullis	Live Fire Shoot House	$4,200
Air NG	Texas	Ellington Field	ASOS Facility	$7,600
Army	Texas	Fort Hood	Chapel with Education Center	$17,500
Air Force	Texas	Lackland AFB	Security Forces Building Ph 1	$900
Air Force	Texas	Laughlin AFB	Student Officer Quarters Ph 2	$1,440
Air Force	Texas	Randolph AFB	Fire and Rescue Station	$972
Navy	Texas	Corpus Christi	Parking Apron Recapitalization Ph 1.	$3,500
Army	Texas	Fort Bliss	Medical Parking Garage Ph 1	$12,500
Air NG	Texas	Fort Worth NAS JRB	Security Forces Training Facility.	$5,000
Navy	Texas	Kingsville	Fitness Center	$11,580
Air Force	Utah	Hill AFB	Three-Bay Fire Station	$5,400
Army NG	Vermont	Ethan Allen Range	Readiness Center	$323
Army NG	Virginia	Fort Belvoir	Readiness Center and NGB Conference Center.	$1,085
Army	Virginia	Fort Myer	Hatfield Gate Expansion	$300
Army	Virginia	Fort Eustis	Vehicle Paint Facility	$3,900
Navy	Virginia	Norfolk NS	Fire and Emergency Services Station.	$9,960
Navy	Virginia	Norfolk NSY	Industrial Access Improvements, Main Gate 15.	$9,990
Navy	Virginia	Quantico	OCS Headquarters Facility	$5,980
Navy	Washington	Kitsap NB	Saltwater Cooling & Fire Protection Improvements.	$5,110
Air NG	Washington	McChord AFB	262 Info Warfare Aggressor Squadron Facility.	$8,600
Navy	Washington	Whidbey Island	Firefighting Facility	$6,160
Army NG	West Virginia	Camp Dawson	Shoot House	$2,000
Army NG	West Virginia	Camp Dawson	Access Control Point	$2,000
Army NG	West Virginia	Camp Dawson	Multi-Purpose Building Ph 2	$5,000
Air Force	Guam	Andersen AFB	ISR/STF Realign Arc Light Boulevard.	$5,400

(b) ELIMINATION OF VA CONGRESSIONAL EARMARK.—None of the funds provided in this Act shall be available from the following Department of Veterans Affairs account for the following project, and the amount otherwise provided in this Act for such account is hereby reduced by the amount specified for such project from such account:

Account	State	Location	Project Title	Amount (in thousands)
Major Construction	Kentucky	Louisville	Site Acquisition and Prep	$45,000

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 63, noes 350, answered ''present'' 1, not voting 25, as follows:

[Roll No. 560]

AYES—63

Bachmann
Barton (TX)
Biggert
Boehner
Broun (GA)
Burgess
Burton (IN)
Campbell (CA)
Cantor
Chabot
Cooper
Deal (GA)
Duncan
Ehlers
English (PA)
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Heller
Hensarling
Herger
Hoekstra
Issa
Johnson (IL)
King (NY)
Kirk
Kline (MN)
Lamborn
Linder
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McMorris Rodgers
Moran (KS)
Musgrave
Nunes
Pence
Petri
Platts
Price (GA)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Shadegg
Stearns
Tancredo
Terry
Tiberi
Walberg

NOES—350

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)

Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
King (IA)
Kingston
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

ANSWERED ''PRESENT''—1

Kind

NOT VOTING—25

Andrews
Bishop (UT)
Boswell
Brown, Corrine
Brown-Waite, Ginny
Cannon
Cramer
Cubin
Cummings
Fortuño
Harman
Hirono
Honda
Hulshof
Kilpatrick
Levin
Maloney (NY)
Pitts
Pryce (OH)
Rogers (AL)
Rush
Saxton
Weller
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Two minutes remain in this vote.

□ 1005

Ms. KAPTUR changed her vote from ''aye'' to ''no.''

Mr. BURTON of Indiana changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HONDA. Mr. Chairman, on rollcall No. 560, had I been present, I would have voted "no."

Ms. HIRONO. Mr. Chairman, on rollcall No. 560, had I been present, I would have voted "no."

AMENDMENT NO. 3 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. KING of Iowa:

Insert after section 407 the following:

SEC. 408. None of the funds made available in this Act may be used to enforce subchapter IV of Chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 143, noes 275, not voting 21, as follows:

[Roll No. 561]

AYES—143

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Latta
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
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Young (FL)

NOES—275

Abercrombie
Ackerman
Alexander
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
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Faleomavaega
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Green, Al
Green, Gene
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Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen

Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
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Lofgren, Zoe
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Mahoney (FL)
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McCotter
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McGovern
McHugh
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McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
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Serrano
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Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—21

Andrews
Boswell
Brown, Corrine
Brown-Waite, Ginny
Cannon
Cubin
Cummings
Fortuño
Harman
Hulshof
Kilpatrick
Levin
Pickering
Pitts
Pryce (OH)
Rogers (AL)
Rush
Saxton
Weller
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Two minutes remain in this vote.

□ 1012

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ETHERIDGE. Mr. Chairman, I rise in support of H.R. 6599, Military Construction and Veterans Affairs Act, 2009. This legislation builds upon last year's needed increases in military construction and veterans affairs funding, and continues to make our veterans a top priority.

As a veteran, I am pleased that H.R. 6599 provides more support for our veterans. H.R. 6599 includes a total of $47.7 billion for the Department of Veterans Affairs. $40.8 billion supports the Veterans Health Administration, VHA, and Veterans Medical Services, which expects to serve over 5.8 million patients next year. To improve access to care for our veterans, H.R. 6599 provides $200 million for fee-based providers where VHA services are not available. The bill also raises the travel reimbursement rate from 28.5 cents per mile to 41.5 cents per mile to help thousands of rural veterans get care. A continuing backlog at the VA forces our veterans to wait far too long to receive the benefits that they have earned. This bill will enable the VA to hire 1,400 new casework processors. Our veterans are men and women who have answered the call of duty to serve our country, and we have a duty to provide them with the best possible care when they return.

This bill addresses the specific issues that we see affecting our soldiers returning today from Iraq and Afghanistan. H.R. 6599 provides a $250 million increase to support prosthetics and new prosthetic technology, as well as $3.8 billion for specialty mental health services and $584 million for substance abuse programs. This is funding that can help address the growing incidence of post traumatic stress disorder and traumatic brain injury cases among our returning soldiers.

As the Representative of Fort Bragg, one of the largest United States Army bases in the country, I am pleased that this bill addresses the needs of our military installations. This bill includes $24 billion for military construction, including an increase of $300 million for replacing inadequate military housing. Fort Bragg is expanding rapidly, and there are crucial funds in this bill to meet new demands. H.R. 6559 includes over $21 million for road construction and $78 million for on-base school constructions, to meet the needs of the influx of people at Fort Bragg. In addition, this bill includes $1,300,000 that I requested to construct a new mass casualty facility at Womack Army Medical Center for triage and decontamination purposes for the surrounding area. H.R. 6599 provides $5.6 billion for new military construction and family housing, in line with the "Growing the Force" initiative to increase the size of the Army, Marine Corps and National Guard and Reserve. Finally, I am pleased that there is an increase of $1.8 billion for the Base Realignment and Closure Act, BRAC, to continue these efforts.

I support H.R. 6599, Military Construction and Veterans Affairs Act, 2009, and I urge my colleagues to join me in voting for its passage.

Mr. RADANOVICH. Mr. Chairman, I rise today to express my support for H.R. 6599, The Military Construction and Veterans Affairs FY09 Appropriations Act. Unfortunately, I was unable to vote on this bill today, however if I had been able to cast my vote I would have supported this measure. I have been a strong and consistent supporter of the military, veterans, and military families and this measure provides much needed funds to assist our brave men and women in uniform.

Mr. KUCINICH. Mr. Chairman, I rise in support of this bill and our Nation's veterans. Their service and sacrifice for our country is honorable and today this body will properly honor them by ensuring greater resources for their care and wellbeing. Congress has responded appropriately by increasing funding by $2.9 billion above the President's request.

This bill responds to the needs of our returning troops from Iraq and Afghanistan by including $3.8 billion for mental health resources to provide treatment for post traumatic stress syndrome and traumatic brain injuries. It includes $300 million above the President's request for maintaining VA medical facilities. Access to these facilities and ensuring their proper upkeep has a positive impact on our communities and is imperative to serving the needs of our veterans. This bill increases enrollment in VA medical care for all veterans, including those on a limited income, by 10 percent. To help veterans in rural areas that must travel to get needed health care, the mileage reimbursement has been increased from 28.5 cents to 41.5 cents.

I therefore support this bill. These improvements to our VA system will have a beneficial impact on our veterans and move our Nation in the direction of providing them with the care they need and deserve.

However, this bill includes funding for military construction projects for military operations in Afghanistan. The Bagram Air Base is the main base for the Combined Forces Air Component Command, CFACC. Funds from this bill will be used to fortify temporary buildings, expand refueling capability and build an aircraft maintenance hangar at Bagram. As the U.S. expands and improves military facilities in Afghanistan, the likelihood that our troops will remain in the region increases.

Including these funds, which keep our troops in harms way, in a bill meant to support our veterans is an affront to our Nation's veterans and to the level of transparency our government should maintain.

Mr. HOLT. Mr. Chairman, I rise in support of this bill.

I'm pleased that for the second year in a row, the 110th Congress is providing the funding necessary to meet the housing requirements of our servicemembers and their families, as well as the money needed to care for our veterans.

Let me begin by thanking Chairman EDWARDS for including report language directing the Departments of Defense and Veterans Affairs to develop a plan to care for the veterans and military retirees in my district who would need health care services if Fort Monmouth's Patterson Army Health Clinic were to close in 2011. While I continue to oppose the decision to close Fort Monmouth and will continue to look for ways to reverse it, that decision is, for now, the law of the land. Accordingly, it is necessary to plan for meeting the medical needs of the many veterans and TRICARE beneficiaries in Central New Jersey in the event Fort Monmouth's medical facilities are closed. I'm pleased that the Committee is requiring that a report on how their needs will be met be delivered to Congress no later than January 30, 2009.

Overall, this bill would provide $40.7 billion for VA health programs, which is $3.1 billion over the current level. In addition to continuing to focus on providing adequate funding to treat veterans suffering from post-traumatic stress disorder, PTSD, and traumatic brain injury, TBI, this bill would provide $400 million that was not requested by the President to start enrolling 10 percent of Priority 8 veterans in the VA medical system. The Priority 8 category is reserved for veterans whose injuries currently are not rated as service related and whose incomes are more than $24,644 if single or $29,576 for a veteran with a dependent. An estimated one half of all uninsured veterans are Priority 8, and Priority 8 veterans

have not been enrolled since 2003 as part of an Administration effort to cut costs.

The bill also includes $200 million, which was not requested by the President, to improve access to care where Veterans Health Administration, VHA, services are not available. I am hopeful that this will assist both rural veterans seeking care and those living in urban or ex-urban communities that currently lack ready access to a VA community-based outpatient clinic.

The bill would provide $1.6 billion, $250 million more than last year, to provide veterans with more technologically advanced prostheses. The VA has a long and generally commendable track record in this area. However, I am pleased the committee recognizes the need for the VA to apply a greater emphasis on harnessing the latest technological breakthroughs to help give our wounded veterans the maximum possible personal mobility.

I am also grateful to the committee for providing $165 million for grants to States for the construction and renovation of extended care facilities. The President's proposed $80 million cut to this account was, frankly, unconscionable. The VA grant program that serves the State-run extended care facilities is critical. Many New Jersey veterans have visited with me over the past several years and described in detail the kinds of air conditioning, heating, and other upgrades that are vital to facilities such as the one in Paramus, New Jersey. I consistently have supported proper funding for this account, and I thank the committee for meeting this important need.

Finally, for our active duty community, this bill would provide $336 million that President Bush failed to request to continue a quality of life initiative for troops and their families started in the Fiscal Year 2008 Supplemental Appropriations Act, H.R. 2642. The bill includes nearly $200 million for the Army and Marine Corps to improve the barracks that soldiers and Marines live in when they train. It also includes $136 million for medical military construction and planning activities to upgrade substandard medical treatment facilities. We have all seen the pictures and heard the stories about substandard living conditions for troops. I am pleased that the committee remains focused on fixing this problem as quickly as possible.

Mr. Chairman, this is a good bill that will help our active duty families and our veterans. I will vote for it and I urge my colleagues to do likewise.

Mrs. CAPITO. Mr. Chairman, per the bill's rule for H.R. 6599 that required preprinting of amendments, I submitted an amendment for consideration. This amendment was drafted incorrectly and therefore I am withdrawing the amendment.

Mr. PAUL. Mr. Chairman, I rise in reluctant opposition to this appropriations legislation. It is unfortunate that my colleagues have decided to combine the necessary appropriations contained in the Veterans Affairs portion of this bill with the bloated and unconstitutional military construction appropriations. In the past I have voted in favor of Veterans Affairs appropriation bills when they were not combined with unwise and wasteful spending of other appropriations like military construction.

This appropriation will allocate $9.5 billion to close bases in the United States while spending nearly $12 billion building other facilities overseas. As a matter of fact, any construction of new bases in the United States is prohibited by this bill. While I am not necessarily in favor of building new bases in the United States, we certainly should not be spending money to close existing domestic bases in favor of constructing new bases overseas.

The bill will transfer more than $200 million to NATO, an organization with no purpose that should be disbanded immediately, for the construction of NATO facilities in countries where we have no business having our military in the first place.

We have been told that we will have no permanent bases in Iraq, but then again we have no ''permanent'' bases in Korea either even though we have had a military presence there for more than 50 years. It is unclear how much of this $12 billion will go to building new facilities to maintain an indefinite presence in Iraq, but any such expenditure will be counterproductive to U.S. national interests.

This appropriation increases construction funds to the service branches by as much as 50 percent over current levels, which is financially dangerous and unsustainable particularly in view of next year's record budget deficit.

Mr. Chairman, it is a tragedy that necessary spending to keep promises to American veterans should be held hostage to this out of control spending on maintaining an unnecessary and dangerous U.S. empire overseas. We are doing no favors to today's veterans or to future veterans—or to the U.S. taxpayers—with this appropriations bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, the 2009 Military Construction and Veterans Affairs Appropriations bill allocates $47.7 billion to the Department of Veterans Affairs.

This is $4.6 billion above 2008 and $2.9 billion over the President's request, for veterans' medical care, claims processors, and facility improvements.

This bill makes available resources to support military construction projects and ensures America's servicemen and women have more effective training facilities, and better housing, health care and day care facilities.

I would like to take this opportunity to once again commend my colleagues, Congressman EDWARDS and Chairman OBEY for providing a comprehensive Military Construction and Veterans Appropriations for FY 2009 possible.

This Congress has made veterans our No. 1 priority. We understand the needs of our returning heroes and we will ensure that they receive the quality of care they deserve.

Mr. PASCRELL. Mr. Chairman, traumatic brain injury is one of the signature wounds of the wars in Iraq and Afghanistan, and there is much to be accomplished. For the estimated 320,000 soldiers who have sustained a brain injury, the war will not end when the last shots are fired. For this reason, I applaud the committee for its work to make progress in treating veterans with TBI.

As co-chair of the Congressional Brain Injury Task Force, I am proud to say that we have accomplished a lot over the past year in honoring our commitment to soldiers and veterans with brain injuries. The Defense Center of Excellence for Psychological Health and Traumatic Brain Injury opened its doors in November. The FY 2008 Defense Authorization established new TBI programs for rehabilitation, reintegration, research, and civilian-military cooperation. We reauthorized the Traumatic Brain Injury Act in April, establishing new connections between HHS, the Department of Defense, and the VA. And now this month, all soldiers will begin to receive pre-deployment cognitive assessments establishing individual baselines against which each soldier can be properly screened for a brain injury so that they may receive the care that they need and deserve.

In this bill, the committee has recognized the need to improve care for veterans with TBI by fostering cooperation between DOD and VA through joint programs, by improving the ability to track patients diagnosed with TBI, and by encouraging systemic TBI screening for veterans. New research is, however, showing that there is considerable overlap in the occurrence of brain injury and mental health conditions like post-traumatic stress disorder. In fact, the Rand Corp. recently estimated that as many as 27 percent of soldiers with PTSD and depression have also sustained a brain injury.

In light of these disturbing figures, Mr. Chairman, would you be willing to work in the Conference with the Senate on language to recognize the relationship between and co-occurrence of TBI and PTSD among our armed services?

I want to thank the gentleman from Texas and his staff for working so hard on this legislation and making a commitment to our injured veterans. Our soldiers have fulfilled their duties bravely and honorably, and they deserve nothing less than treatment and care that is commensurate with the heroic deeds they have undertaken.

Mr. STEARNS. Mr. Chairman, my amendment would make it easier for veterans to find employment in their communities. While it would be subject to a point of order, I believe it has a great deal of merit. My amendment is simple and inexpensive. It directs the Secretary of Veterans Affairs to use funds from the VA's General Operating Expenses Fund to establish a portal on the VA Web site containing a comprehensive list of employment opportunities throughout the United States so that veterans are better able to secure employment after they return home from combat.

Furthermore, these results could then be updated annually to reflect the current and changing needs in the local job market. With the posting of this information on the VA Web site, veterans could simply plug in their ZIP code and see a list of the occupations that are most in demand within their commuting area, allowing them to use their Federal job training more effectively.

I have received a commitment from Chairman EDWARDS and Ranking Member WAMP to send a letter to the VA Secretary asking him to establish a portal on the existing VA Web site that would contain comprehensive, up to date employment opportunities in various job markets across the country. In addition, I would like to work with the chairman and ranking member to get comparable language in the conference report to ensure this happens.

I would like to thank Chairman EDWARDS and Ranking Member WAMP for their commitment to veterans and for their offers of support

for ensuring that the idea of my amendment becomes a reality.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Military Construction and Veterans Affairs Appropriations Act, 2009''.

Mr. EDWARDS of Texas. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. LYNCH, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6599) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 1384, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LEWIS of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis of California moves to recommit the bill H.R. 6599 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill (before the short title), insert the following:

SEC. ____. There is hereby enacted into law H.R. 6566 of the 110th Congress (the American Energy Act) as introduced on July 22, 2008.

Mr. EDWARDS of Texas. Mr. Speaker, I reserve a point of order on the gentleman's motion.

The SPEAKER pro tempore. The gentleman reserves a point of order.

The gentleman from California is recognized for 5 minutes.

□ 1015

Mr. LEWIS of California. Mr. Speaker, I rise today with a motion to recommit. But I want to say first to my colleagues that one of the reasons for my rising with this motion is because there seems to be a good deal of confusion on the part of at least my constituency, and my colleagues' families and constituents at home may have the same kind of confusion.

It seems that my people believe that this President does want to lead to a comprehensive energy independence policy that would include the availability to States to drill off their continental shelf, et cetera, to give us an adequate supply of oil to assure our energy independence. And yet those same people believe that it is the President's Congress that is holding up such action. That is, many of them believe that the Congress, the House and the Senate, are controlled by his party. But that is not the case, and our people are confused. The Congress is controlled by the other party who are resisting those proposals that involve the ability to drill off the Outer Continental Shelf, to tap into shale, to develop a comprehensive policy that will lead to energy independence. My people are absolutely dying at the gas pump. Our small businesses are doing the same.

So I have a motion to recommit, Mr. Speaker, with the term, I might add, ''promptly'' in it to allow us to act immediately—I misread it. It is not promptly, it is ''forthwith.'' So it would be implemented immediately. I did that because my colleagues on the other side have been complaining about the word ''promptly.'' We want you to be able to act very quickly, not just strike this on a point of order, but allow the people's voices to be heard. Because I can tell you, when you go home, you are going to hear them if you strike this on a point of order. So back to the point, Mr. Speaker.

This motion would enact the American Energy Act, a comprehensive solution to the energy crisis that is causing families to pay $4 per gallon for gasoline. Adoption of this motion will increase the supply of American-made energy and will relieve those families, those businesses, and my constituents at the gas pump. It will improve conservation efficiency, it will promote new and expanded technologies. Most of all, it will reduce America's increasingly costly and dangerous dependence on foreign sources of energy.

The minute we send them a message that we are serious about home supply, prices will crash. I can guarantee you that.

We need to consider all solutions to achieve energy independence. I hope that as we prepare to head back to our districts for the month of August, we can go back to our constituents with the good news: We did something; rather than what this Congress has been doing in the past—nothing.

I urge support for this motion to recommit.

I yield time to my leader from Ohio, Mr. JOHN BOEHNER, the Republican leader.

Mr. BOEHNER. Let me thank my colleague for yielding.

Listen, America's families and small businesses are suffering under the high cost of energy and the high cost of gasoline. High gasoline prices are crushing American families, they are hurting our schools, they are hurting seniors, and they are destroying jobs in America; and the American people expect us to do something about it. And over these last 10 weeks, what have we done? Nothing.

The gentleman's amendment offers the American Energy Plan, which is a comprehensive plan to encourage more conservation, more biofuels, alternative sources of energy, and, yes, more American-grown oil and gas. And all we're asking of the majority Democrats in this chamber is to allow us to vote. That's all we're asking. We're not asking you to vote for it. All we're doing is, allow us a vote. Let the American people decide.

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

The SPEAKER pro tempore. Does the gentleman from Texas insist upon his point of order?

Mr. EDWARDS of Texas. Yes, I do.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. EDWARDS of Texas. Mr. Speaker, I would like to rise in opposition first.

The SPEAKER pro tempore. The gentleman continues to reserve his point of order.

The gentleman is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Speaker, we believe attaching nongermane amendments to this critical veterans' bill could jeopardize its passage by unnecessarily delaying it or even grinding debate completely to a halt. This is unacceptable. My colleagues, those aren't my words. Those are the words of the Veterans of Foreign Wars.

Let me agree with my distinguished colleague. And let me say, last night at about midnight I told this chamber that Mr. LEWIS has been one of the champions throughout his public service career on behalf of our veterans and our troops. I meant it when I said it then, and I mean it when I say it again now.

But let me say, having said that, no one is perfect. And on this motion, I think Mr. LEWIS is wrong. Seriously wrong.

I do agree with this point he made just a moment ago; there may be confusion on this bill. There may be, so let me clear up the confusion.

This is the 2009 fiscal year Military Construction and Veterans Affairs appropriations bill. If there is any confusion as to whether this is the 2009 fiscal year energy bill, get that out of your minds right now.

This is a bill designed for the deadly serious purpose of honoring our veterans. Millions of them have put on our Nation's uniform and gone into harm's way in defense of your family and my family and the American family. This bill is deadly serious, because it provides training facilities and barracks for young men and women who are willing to go to Iraq and Afghanistan to answer their Nation's call of duty.

By making this motion, the gentleman knows, were it to pass, even though he knows also that it is nongermane, it would complicate this bill, it would slow down this bill, it could well kill this bill because of the honest differences on the energy issue.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded that they may engage in debate only when recognized by the Chair or yielded to.

Mr. EDWARDS of Texas. Mr. Speaker, if my colleagues don't want to listen to my words, let me offer them some other people's words.

''It is imperative this bill is not delayed by unrelated and unnecessary amendments.'' That came from AMVETS.

How about what the Disabled American Veterans said about this kind of measure. They said, ''This bill provides the means to serve and care for sick and disabled veterans, provide housing facilities for military families, and to fund the activities of several other agencies that affect veterans, a most generous and necessary act.'' They have gone on to say they do not want delay on this important bill.

Mr. LEWIS of California. Would the gentleman yield?

Mr. EDWARDS of Texas. I would like to finish my remarks. I respected the gentleman's right to his remarks.

Let me go to another statement made by the Disabled American Veterans. They say, ''It is our strongest recommendation that this bill be unfettered with nongermane amendments.''

My colleagues, we have a very simple choice at this moment. We can choose to stand with the Republican leadership that chose to add this partisan motion at the end of a long bipartisan process; or we can stand with millions of American veterans, as represented by the statements against this very kind of motion, by the Veterans of Foreign Wars, the Disabled American Veterans, and the AMVETS.

I don't know about some of my colleagues on the Republican side of the aisle, but as for me, that's an easy choice. I'm going to stand with America's veterans. I'm going to stand with our troops in harm's way who deserve the funding in this bill as soon as possible.

Mr. LEWIS of California. Would the gentleman yield?

Mr. EDWARDS of Texas. Out of respect to the gentleman, I will yield.

Mr. LEWIS of California. I consider that to be a great courtesy for your yielding.

I know that you know that I am the Member who carried the amendment that increased the mileage reimbursement for the veterans that is in this bill. I do know they had that problem, because all those veterans who you mentioned in those quotes are the same ones that are also paying $4 a gallon. They would love to have this bill reduce that burden.

Mr. EDWARDS of Texas. Reclaiming my time, Mr. Speaker, I think the views of the Disabled American Veterans, the VFW and the AMVETS are very clear. They didn't say they strongly oppose this kind of a motion; they vehemently oppose it, because it could harm millions of America's veterans.

So make your choice. You can choose to stick with the Republican leadership on a clearly partisan nongermane motion, or you can stand up for America's veterans.

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

POINT OF ORDER

Mr. EDWARDS of Texas. Mr. Speaker, I make a point of order against the motion to recommit with instructions, because it includes legislation and is not in order under clause 2 of rule XXI.

Mr. Speaker, the gentleman's motion to instruct proposes legislation in an appropriations bill and would not be in order in the Committee of the Whole pursuant to clause 2 of rule XXI. I ask for a ruling from the Chair.

The SPEAKER pro tempore. The gentleman raises a point of order. Does any Member seek to be heard on the point of order? Hearing none, the Chair is prepared to rule.

The gentleman from Texas makes a point of order that the instructions in the motion to recommit constitute legislation in violation of clause 2 of rule XXI.

The Chair finds that the instructions propose the enactment of legislation directly amending existing law.

The instructions therefore constitute legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the motion is not in order.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. EDWARDS of Texas. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

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

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

RECORDED VOTE

Mr. PETERSON of Pennsylvania. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on passage of H.R. 6599, if arising without further debate or proceedings in recommittal; motion to suspend the rules on H. Res. 1008; and motion to suspend the rules on H. Res. 1316.

The vote was taken by electronic device, and there were—ayes 230, noes 184, not voting 20, as follows:

[Roll No. 562]

AYES—230

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires

Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—184

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

NOT VOTING—20

Andrews
Brown, Corrine
Brown-Waite, Ginny
Cannon
Cubin
Green, Gene
Harman
Hulshof
Kilpatrick
Levin
Ortiz
Pryce (OH)
Reyes
Rogers (AL)
Rush
Saxton
Velázquez
Weller
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining on the vote.

□ 1045

Messrs. MCHENRY, MORAN of Kansas, and CAZAYOUX changed their vote from ''aye'' to ''no.''

Messrs. HASTINGS of Florida, ISRAEL, SHAYS, INSLEE, and RAMSTAD changed their vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ORTIZ. Mr. Speaker, on rollcall No. 562, had I been present, I would have voted "aye."

Mr. REYES. Mr. Speaker, on rollcall No. 562, had I been present, I would have voted "aye."

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 562, had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 4, not voting 21, as follows:

[Roll No. 563]

YEAS—409

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

NAYS—4

Campbell (CA)
Duncan
Flake
Paul

NOT VOTING—21

Brown, Corrine
Brown-Waite, Ginny
Cannon
Cubin
Drake
Harman
Hastings (WA)
Hulshof
Kilpatrick
King (IA)
Levin

Moore (WI)
Pryce (OH)
Radanovich
Rogers (AL)
Rush
Saxton
Tancredo
Weller
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining on this vote.

□ 1051

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. DRAKE. Mr. Speaker, on rollcall No. 563, I was unavoidably detained. Had I been present, I would have voted "yea."

CONDEMNING THE PERSECUTION OF BAHA'IS IN IRAN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1008, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1008, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 3, not voting 23, as follows:

[Roll No. 564]

YEAS—408

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

NAYS—3

Gilchrest
Jones (NC)
Paul

NOT VOTING—23

Bachus
Brown, Corrine
Brown-Waite, Ginny
Cannon
Cubin
Feeney
Harman
Hinojosa
Hulshof
Kilpatrick
Levin
Lungren, Daniel E.
Marchant
Miller, George
Pryce (OH)
Rush
Saxton
Sherman
Tancredo
Weldon (FL)
Weller
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded there are less than 2 minutes remaining on the vote.

□ 1058

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 564, had I been present, I would have voted "yea."

HONORING THE SERVICE OF LANDING SHIP TANK VETERANS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1316, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. ELLSWORTH) that the House suspend the rules and agree to the resolution, H. Res. 1316.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 565]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers

Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—19

Bachus
Brown, Corrine
Brown-Waite, Ginny
Cannon
Cubin
Harman
Hulshof
Kilpatrick
Levin
Marchant
Miller, George
Pryce (OH)
Rush
Saxton
Tancredo
Weldon (FL)
Weller
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1106

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADJOURNMENT

Mr. HOYER. Mr. Speaker, pursuant to House Concurrent Resolution 398, 110th Congress, I move that the House do now adjourn.

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

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

RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 197, not voting 24, as follows:

[Roll No. 566]

AYES—213

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

NOES—197

Aderholt
Akin
Alexander
Altmire
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carney
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)

Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—24

Ackerman
Bachus
Brown, Corrine
Brown-Waite, Ginny
Cannon
Cubin
Davis (AL)
Harman
Hayes
Hulshof
Kilpatrick
Levin
Marchant
Miller, George
Pitts
Pryce (OH)
Rush
Saxton
Schmidt
Tancredo
Towns
Weller
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining on this vote.

□ 1123

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

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal business in the 13th Congressional District of Michigan, I was unable to attend several rollcall votes. Had I been present, on rollcall No. 558 I would have voted ''nay''; on rollcall No. 559 I would have voted ''nay''; on rollcall No. 560 I would have voted ''nay''; on rollcall No. 561 I would have voted ''nay''; on rollcall No. 562 I would have voted ''aye''; on rollcall No. 563 I would have voted ''aye''; on rollcall No. 564 I would have voted ''aye''; on rollcall No. 565 I would have voted ''aye''; and on rollcall No. 566 I would have voted ''aye.''

Mr. BACHUS. Mr. Speaker, on August 1, 2008, I missed rollcall votes No. 564, 565, and 566 due to the death of my mother-in-law. Had I been present, I would have voted ''yea'' on Nos. 564 and 565 and ''nay'' on No. 566.

Accordingly (at 11 o'clock and 23 minutes a.m.), the House adjourned until Monday, September 8, 2008, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8057. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation entitled, ''To amend the United States Grain Standards Act to authorize the Secretary of Agriculture to recover through user fees the cost of standardized activities''; to the Committee on Agriculture.

8058. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus thuringiensis Vip3Aa Proteins in Corn and Cotton; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0830; FRL-8374-2] received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8059. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Difenoconazole; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2008-0484; FRL-8375-5] received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8060. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dodine; Pesticide Tolerance [EPA-HQ-OPP-2007-0221; FRL-8367-5] received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8061. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mississippi: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R04-RCRA-2007-1185; FRL-8699-7] received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8062. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; [EPA-R05-OAR-2006-0003; FRL-8696-3] received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8063. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2008-0501; FRL-8698-7] received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8064. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Amendment to Massachusetts' State Implementation Plan for Transit System Improvements [EPA-R01-OAR-2006-1018; A-1-FRL-8691-5] received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8065. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; El Paso County Carbon Monoxide Redesignation to Attainment, and Approval of Maintenance Plan [EPA-R06-OAR-2006-0386; FRL-8699-9] received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8066. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List [EPA-HQ-OW-2007-0068; FRL-8699-1] (RIN: 2040-AE60) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8067. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Update to Include New York State Requirements [EPA-R02-OAR-2007-0553; FRL-8688-3] received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8068. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — July — September 2008 Section 42 Bond Factor Amounts (Rev. Rul. 2008-36) received August 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8069. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Severance of a Trust for Generation-Skipping Transfer (GST) Tax Purposes [TD 9421] (RIN: 1545-BE70) received August 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8070. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Converting an IRA Annuity to a Roth IRA [TD 9418] (RIN: 1545-BE65) received August 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8071. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Mortality Tables for Determining Present Value [TD 9419] (RIN: 1545-BG30) received August 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8072. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 42 Utility Allowance Regulations Update [TD 9420] (RIN: 1545-BC22) received August 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8073. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2009 Rates; Payments for Graduate Medical Education in Certain Emergency Situations; Changes to Disclosure of Physician Ownership in Hospitals and Physician Self-Referral Rules; Updates to the Long-Term Care Prospective Payment System; Updates to Certain IPPS-Excluded Hospitals; and Collection of Information Regarding Financial Relationships Between Hospitals [[CMS-1390-F]; [CMS-1531-IFC1]; [CMS-1531-IFC2] [CMS-1385-F4]] (RIN: 0938-AP15; RIN: 0938-AO35; RIN: 0938-AO65) Received July 31, 2008, pursuant jointly to the Committees on Energy and Commerce and Ways and Means.

8074. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2009 [CMS-1534-F] (RIN: 0938-AP11) received July 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8075. A letter from the Secretary, Department of Commerce, transmitting a draft bill to permit the transfer to the Bureau of the

Census of monies available in any Department of Commerce appropriation to the extent necessary to further activities in support of the 2010 Decennial Census; jointly to the Committees on Energy and Commerce, Financial Services, and Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FILNER: Committee on Veteran's Affairs. H.R. 1527. A bill to amend title 38, Untied States Code, to allow highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department, and for other purposes; with amendments (Rept. 110–817). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 2343. A bill to expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes; with an amendment (Rept. 110–818 Pt. 1). Ordered to be printed.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1717. A bill to amend the Homeland Security Act of 2002 to establish a National Bio and Agro-defense Facility, with an amendment (Rept. 110–819 Pt. 1). Ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 2352. A bill to enhance the safety of elementary schools, secondary schools, and institutions of higher education, with an amendment (Rept. 110–821 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 5350. A bill to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes; with an amendment (Rept. 110–822 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration of H.R. 1717.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 1746. A bill to require disclosure of Holocaust-era policies by insurers and establish a federal cause of action for claims arising out of a covered policy, with an amendment; Rept. 110–820, Part I; referred to the Committee on Judiciary for a period ending not later than September 26, 2008, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X. Ordered to be Printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 554. Referral to the Committees on Agriculture and the Judiciary extended for a period ending not later than September 12, 2008.

H.R. 1717. Referral to the Committee on Energy and Commerce extended for a period ending not later than September 12, 2008.

H.R. 1746. Referral to the Committees on Foreign Affairs and Oversight and Government Reform extended for a period ending not later than September 26, 2008.

H.R. 2343. Referral to the Committee on Armed Services extended for a period not later than September 12, 2008.

H.R. 2352. Referral to the Committee on Education and Labor extended for a period ending not later than September 12, 2008.

H.R. 5350. Referral to the Committee on Oversight and Government Reform extended for a period ending not later than September 12, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MAHONEY of Florida:

H.R. 6772. A bill to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. CHILDERS:

H.R. 6773. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to consumers based on fuel economy; to the Committee on Ways and Means.

By Ms. SHEA-PORTER:

H.R. 6774. A bill to amend title 10, United States Code, to improve certain death and survivor benefits with respect to members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. ANDREWS:

H.R. 6775. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to develop procedures for permitting car rental companies to have limited access to information in the National Driver Register, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. JACKSON-LEE of Texas (for herself, Ms. EDWARDS of Maryland, Ms. CLARKE, Mr. KENNEDY, Mr. PAYNE, and Ms. MOORE of Wisconsin):

H.R. 6776. A bill to prevent hate crimes, to provide support services for victims of hate crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Energy and Commerce, Education and Labor, Oversight and Government Reform, House Administration, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. ELLISON, and Mr. CARSON):

H.R. 6777. A bill to amend title 18, United States Code, to provide penalties for displaying nooses in public with intent to harass or intimidate a person because of that person's race, color, religion, or national origin; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CLEAVER, Mr. JOHNSON of Georgia, Mr. JACKSON of Illinois, Ms. BALDWIN, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, and Mr. HINCHEY):

H.R. 6778. A bill to secure the Federal voting rights of certain qualified ex-offenders who have served their sentences; to the Committee on the Judiciary.

By Mr. WALDEN of Oregon (for himself, Mr. BISHOP of Utah, Mrs. MYRICK, Mrs. DRAKE, Mr. PETERSON of Pennsylvania, Mr. BONNER, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mrs. CUBIN, Mr. DOOLITTLE, Mrs. EMERSON, Ms. FALLIN, Mr. FORTUÑO, Mr. GOHMERT, Mr. HASTINGS of Washington, Mr. HELLER, Mr. HERGER, Mr. LAMBORN, Mr. DANIEL E. LUNGREN of California, Mr. NUNES, Mr. PICKERING, Mr. RADANOVICH, Mr. REHBERG, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Alabama, Mr. SALI, Mr. SESSIONS, Mr. SIMPSON, Mr. TANCREDO, Mr. WAMP, Mrs. WILSON of New Mexico, Mr. WITTMAN of Virginia, Mr. PEARCE, Mr. YOUNG of Alaska, and Mr. RENZI):

H.R. 6779. A bill to provide for secure rural schools and counties, and State enhanced authority for coastal and ocean resources, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Agriculture, the Judiciary, Education and Labor, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. LEWIS of Georgia, Ms. SOLIS, Ms. WATERS, Mr. WEINER, Mr. CLAY, Ms. EDWARDS of Maryland, Ms. CLARKE, and Mr. CONYERS):

H.R. 6780. A bill to amend and to strengthen accountability features introduced by the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. CANTOR, Mr. WOLF, Mr. TOM DAVIS of Virginia, Mr. GOODE, Mr. FORBES, Mr. WITTMAN of Virginia, and Mrs. DRAKE):

H.R. 6781. A bill to authorize the State of Virginia to petition for authorization to conduct natural gas or crude oil (or both) exploration and extraction activities in any area that is at least 50 miles beyond the coastal zone of the State, and for other purposes; to the Committee on Natural Resources.

By Mr. MARSHALL (for himself, Mr. DEFAZIO, Mr. COOPER, Mr. BARROW, Mr. BARTLETT of Maryland, Mr. TOM DAVIS of Virginia, Mr. COLE of Oklahoma, Mr. TAYLOR, Mr. SHIMKUS, and Mr. REYNOLDS):

H.R. 6782. A bill to create an electronic employment eligibility verification system to ensure that all workers in the United States are legally able to work, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways

and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. GOODE, Mr. PITTS, Mr. BARTLETT of Maryland, Mrs. BACHMANN, Mr. WILSON of South Carolina, Mr. TANCREDO, Mr. ADERHOLT, and Mrs. MYRICK):

H.R. 6783. A bill to withhold Federal funds from schools that permit or require the recitation of the Pledge of Allegiance or the national anthem in a language other than English; to the Committee on Education and Labor.

By Mr. SHAYS:

H.R. 6784. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit against income tax to assist individuals with high residential energy costs, and for other purposes; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas (for herself, Ms. WOOLSEY, Mr. MEEKS of New York, Ms. LEE, and Ms. WATSON):

H.R. 6785. A bill to reform the provisions requiring ''one-strike'' eviction from public and federally assisted housing; to the Committee on Financial Services.

By Mr. SULLIVAN:

H.R. 6786. A bill to provide for the settlement of claims arising from the use and distribution of judgment funds previously awarded and provided to the Delaware Tribe of Indians, the Delaware Nation, the Kansas Delaware Tribe of Indians, Incorporated, and the Delawares of Idaho, Incorporated, to correct underpayment of certain funds, to provide for the settlement of accounting claims arising from, and otherwise achieve the requirements of, certain litigation, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALDEN of Oregon (for himself, Ms. HERSETH SANDLIN, Mr. BISHOP of Utah, Mr. HASTINGS of Washington, Mrs. MCMORRIS RODGERS, Mr. REHBERG, and Mr. SIMPSON):

H.R. 6787. A bill to amend Healthy Forests Restoration Act of 2003 to expand the areas of Federal land on which hazardous fuel reduction projects may be conducted under that Act; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUHL of New York (for himself, Mr. KNOLLENBERG, Mrs. BIGGERT, Mr. DEAL of Georgia, Mr. CHABOT, Mr. ADERHOLT, Mr. WALDEN of Oregon, Mr. UPTON, Mr. PRICE of Georgia, Mr. GINGREY, Mrs. DRAKE, Mr. ROGERS of Michigan, Mr. BILIRAKIS, Ms. ROS-LEHTINEN, Mr. WALBERG, Mr. HAYES, Mr. MCCOTTER, Mr. BURGESS, Mr. HELLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. EHLERS, Mrs. MUSGRAVE, Mr. SHAYS, Mr. BOUSTANY, Mrs. MYRICK, Mr. STEARNS, Mr. PICKERING, Mr. TIM MURPHY of Pennsylvania, Mr. SHIMKUS, Mr. RADANOVICH, Mr. ROSKAM, Mr. FERGUSON, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. WHITFIELD of Kentucky, Mr. FEENEY, Mr. NEUGEBAUER, Mr. GRAVES, Ms. GINNY BROWN-WAITE of Florida, Mr. BARTON of Texas, Mrs. SCHMIDT, Mr. SMITH of Nebraska, Mr. MCKEON, Mr. HALL of Texas, Ms. FALLIN, Mr. KLINE of Minnesota, Mr. DAVIS of Kentucky, Mrs. BACHMANN, Mr. CAMP of Michigan, and Mr. TURNER):

H.R. 6788. A bill to amend title XXI of the Social Security Act to extend through fiscal year 2012 funding under the State Children's Health Insurance Program (SCHIP); to the Committee on Energy and Commerce.

By Mr. GARY G. MILLER of California (for himself, Mr. ROHRABACHER, Mr. GALLEGLY, Mr. DAVID DAVIS of Tennessee, Mr. CAMPBELL of California, Mr. DREIER, Mr. BOOZMAN, and Mr. DEAL of Georgia):

H.R. 6789. A bill to remove the incentives and loopholes that encourage illegal aliens to come to the United States to live and work, provide additional resources to local law enforcement and Federal border and immigration officers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform, Education and Labor, House Administration, Financial Services, Homeland Security, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA:

H.R. 6790. A bill to ensure that amounts made available for mortgage loss mitigation counseling in areas having the highest foreclosure rates are used in such areas; to the Committee on Financial Services.

By Mr. HIGGINS (for himself and Mr. ISRAEL):

H.R. 6791. A bill to amend the Internal Revenue Code of 1986 to increase Federal excise taxes on tobacco products and to dedicate the revenues from the increased taxes to the war on cancer; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself and Mr. BOOZMAN):

H.R. 6792. A bill to amend title 38, United States Code, to establish the position of Director of Physical Therapy Service within the Veterans Health Administration and to establish a fellowship program for physical therapists in the areas of geriatrics, amputee rehabilitation, polytrauma care, and rehabilitation research; to the Committee on Veterans' Affairs.

By Mr. HOLT:

H.R. 6793. A bill to provide for grants to assist municipalities to facilitate the ability of local farmers to grow food crops and certain livestock to be sold locally, grants to enable local nongovernmental farming associations to support the formation of community-supported agricultural projects, and grants to provide start-up funds to farmers who must diversify their operations in order to participate in the projects, and for other purposes; to the Committee on Agriculture.

By Mr. HOLT:

H.R. 6794. A bill to direct the Election Assistance Commission to reimburse jurisdictions for the costs incurred in conducting manual audits of the results of the general elections for Federal office to be held in November 2008; to the Committee on House Administration.

By Mr. DEFAZIO (for himself, Mr. OBERSTAR, Mr. COSTELLO, Mr. HINCHEY, Ms. KAPTUR, and Mr. ELLISON):

H.R. 6795. A bill to establish an Emergency Commission To End the Trade Deficit; to the Committee on Ways and Means.

By Ms. WATERS (for herself, Mr. CONYERS, Mr. GUTIERREZ, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. LEE, Mr. HINCHEY, and Ms. WASSERMAN SCHULTZ):

H.R. 6796. A bill to prevent speculation and profiteering in the defaulted debt of certain poor countries, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KAGEN:

H.R. 6797. A bill to establish a program to provide grants to States for incumbent worker training; to the Committee on Education and Labor.

By Mr. KAGEN (for himself, Mr. MCDERMOTT, and Mr. BACA):

H.R. 6798. A bill to amend title 38, United States Code, to establish a presumption of service connection for certain cancers occurring in veterans who served in the Republic of Vietnam and were exposed to certain herbicide agents, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCHUGH (for himself and Mr. KUHL of New York):

H.R. 6799. A bill to amend the Internal Revenue Code of 1986 to provide for tax-favored unemployment savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Ms. LEE, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. ABERCROMBIE, Mr. JEFFERSON, Ms. WOOLSEY, Mr. FILNER, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. ELLISON, Ms. KAPTUR, Mr. GRIJALVA, Ms. HIRONO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. NADLER, and Mr. CARSON):

H.R. 6800. A bill to amend title XVIII of the Social Security Act to replace the Medicare prescription drug benefit adopted by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 with a revised and simplified prescription benefit program for all Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 6801. A bill to designate 4 counties in the State of New York as high-intensity drug trafficking areas, and to authorize funding for drug control activities in those areas; to the Committee on the Judiciary.

By Mr. BUYER:

H.R. 6802. A bill to amend title 38, United States Code, to extend or make permanent certain authorities of the Department of Veterans Affairs expiring in 2008, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. CLARKE:

H.R. 6803. A bill to improve inspections of public housing and federally assisted multifamily housing conducted by the Real Estate

Assessment Center of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. COURTNEY (for himself and Mr. MURPHY of Connecticut):

H.R. 6804. A bill to amend the Internal Revenue Code of 1986 to allow individuals a temporary refundable credit for the cost of natural gas, home heating oil, and propane, to allow small businesses, farmers, and fishermen a credit for motor and other fuel costs, and to increase the credit for nonbusiness energy property and make it permanent, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY (for himself, Mr. BOSWELL, Mr. ELLSWORTH, and Mr. HILL):

H.R. 6805. A bill to amend the Internal Revenue Code of 1986 to treat certain income and gains relating to fuels as qualifying income for publicly traded partnerships; to the Committee on Ways and Means.

By Mr. GOODE:

H.R. 6806. A bill to establish a Citizens Congressional Health Benefits Program, based on the Federal employees health benefits program, to provide health insurance coverage for the President, Vice President, and Members of Congress, and citizens not eligible for coverage under the Federal employees health benefits program; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of New York:

H.R. 6807. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of new neighborhood electric vehicles; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H.R. 6808. A bill to establish a commission to study the culture and glorification of violence in America; to the Committee on the Judiciary.

By Mr. HODES:

H.R. 6809. A bill to award grants to assist public schools with the rising costs of fuel for school buses and energy for school buildings; to the Committee on Education and Labor.

By Mr. HODES:

H.R. 6810. A bill to amend the Internal Revenue Code of 1986 to allow a credit to employers for reimbursing the expenses of employees who provide carpooling; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 6811. A bill to amend the Internal Revenue Code of 1986 to provide incentives for building homeless shelters in areas warranting assistance due to Presidentially declared disasters; to the Committee on Ways and Means.

By Mr. JONES of North Carolina:

H.R. 6812. A bill to prohibit United States foreign assistance to countries with budget surpluses; to the Committee on Foreign Affairs.

By Mr. KING of Iowa (for himself, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mrs. BLACKBURN, Mrs. BOYDA of Kansas, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. GOHMERT, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CARTER, Mrs. CUBIN, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mrs. DRAKE, Mr. DUNCAN, Mr. EVERETT, Ms. FALLIN, Mr. FEENEY, Mr. FORBES, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GINGREY, Mr. GOODE, Mr. GOODLATTE, Mr. ISSA, Mr. JONES of North Carolina, Mr. JORDAN, Mr. KINGSTON, Mr. LATTA, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. MANZULLO, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PITTS, Mr. POE, Mr. ROHRABACHER, Mr. ROSKAM, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHULER, Mr. SMITH of Texas, Mr. TANCREDO, Mr. WALBERG, Mr. WELDON of Florida, and Mr. WESTMORELAND):

H.R. 6813. A bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH:

H.R. 6814. A bill to affirm that exports and diversions of water from the Great Lakes may only be approved if such exports and diversions are in the public interest, to provide for enforcement, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. LEE:

H.R. 6815. A bill to establish grant programs to encourage energy-efficient economic development and green job training and creation, and to establish the Metro Area Green Institute to produce and disseminate best practice information to economic and workforce development initiatives undertaken by metropolitan communities nationally; to the Committee on Education and Labor.

By Mr. MARKEY:

H.R. 6816. A bill to provide for upgrading security at civilian nuclear facilities and of nuclear materials that could be used to construct a dirty bomb; to the Committee on Energy and Commerce.

By Mr. MATHESON (for himself, Mr. DOYLE, Mr. ALTMIRE, Mr. MELANCON, Mr. DONNELLY, and Mr. TANNER):

H.R. 6817. A bill to increase domestic energy production and diversify America's energy portfolio; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, Energy and Commerce, Science and Technology, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California:

H.R. 6818. A bill to amend the Internal Revenue Code of 1986 to provide for an enhanced credit to individuals who place qualified solar electric property in service in 2009; to the Committee on Ways and Means.

By Mr. MCCARTHY of California (for himself, Mr. ENGLISH of Pennsylvania, and Mr. NUNES):

H.R. 6819. A bill to amend the Medicare Improvements for Patients and Providers Act of 2008 to eliminate certain inappropriate changes in law made to the Medicare Advantage program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Ms. BALDWIN, and Ms. SCHWARTZ):

H.R. 6820. A bill to direct the Administrator of the Environmental Protection Agency to conduct a study of the presence of pharmaceuticals and personal care products in drinking water supplies in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 6821. A bill to amend title XVIII of the Social Security Act to provide for a disclosure requirement under the Medicare Program for physicians referring for imaging services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 6822. A bill to require appeals of personnel actions involving the officers and employees of the Government Accountability Office to be considered by the Office of Special Counsel and the Merit Systems Protection Board in the same manner as appeals of prohibited personnel practices involving employees of Executive agencies under title 5, United States Code, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. REICHERT:

H.R. 6823. A bill to provide for the acquisition of advanced biofuels for the Strategic Petroleum Reserve, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROSKAM:

H.R. 6824. A bill to provide for the development of advanced and alternative energy and increased domestic energy production to achieve American energy independence in 15 years; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Natural Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR:

H.R. 6825. A bill to direct the Secretary of the Interior to assess the irrigation infrastructure of the Pine River Indian Irrigation Project in the State of Colorado, and for other purposes; to the Committee on Natural Resources.

By Ms. SCHWARTZ (for herself, Mr. MCNULTY, Mr. WAXMAN, Ms. DELAURO, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Ms. ROYBAL-ALLARD, Mrs. MCCARTHY of New York, Mrs. CAPPS, Mr. GRIJALVA, Ms. CASTOR, Mr. YARMUTH, Ms. KAPTUR, Mr. BOSWELL, Mr. BERRY, Mr. BISHOP of New York, Mr. DELAHUNT, Mr. CARNEY, Mr. FATTAH, Mr. PATRICK MURPHY of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. KENNEDY, Mr. RAMSTAD, Mr. SIRES, Ms. MOORE of Wisconsin, Ms. LEE, Mr. LARSON of Connecticut,

Mr. ELLISON, Mr. ALLEN, Mr. COURTNEY, Mr. CARDOZA, Ms. SOLIS, Mr. SERRANO, Ms. CLARKE, Mr. MCDERMOTT, Mrs. TAUSCHER, Ms. SHEA-PORTER, Mr. ABERCROMBIE, Ms. BALDWIN, and Mr. PRICE of North Carolina):

H.R. 6826. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Ms. ROS-LEHTINEN, Mr. BERMAN, Ms. BERKLEY, Mrs. JONES of Ohio, Mr. DAVIS of Alabama, Mr. KIRK, Mr. PERLMUTTER, Mr. BURTON of Indiana, Mr. CAMPBELL of California, and Mr. ENGEL):

H.R. 6827. A bill to amend the Internal Revenue Code of 1986 to provide for rollover of gain from divesting certain qualified securities of business entities engaged in Iran or Sudan discouraged activities; to the Committee on Ways and Means.

By Mr. SHERMAN (for himself, Mr. MANZULLO, and Mr. SMITH of Washington):

H.R. 6828. A bill to make improvements in the electronic filing of export data, to strengthen enforcement authorities under the Export Administration Act of 1979, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHULER:

H.R. 6829. A bill to amend the Workforce Investment Act of 1998 to facilitate the placement of Job Corps graduates; to the Committee on Education and Labor, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHULER (for himself and Mr. DEFAZIO):

H.R. 6830. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to assist in the development and coordination of markets for biomass and carbon trading for private forest landowners, to assure sustainable forest practices in the use of biomass and carbon trading activity, and to enhance the relationship between Federal lands and private forest lands on a regional basis in the biomass and carbon trading markets, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. RAMSTAD):

H.R. 6831. A bill to require certain metal recyclers to keep records of their transactions in order to deter individuals and enterprises engaged in theft and interstate fencing of stolen copper, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Ms. SUTTON, Ms. HIRONO, Mrs. MALONEY of New York, Ms. BORDALLO, Mr. HONDA, Mr. MCGOVERN, and Mr. FATTAH):

H. Res. 1409. A resolution recognizing the great strides made by the majority of countries participating in the Summer Olympic Games to increase the participation of women in sports and in the Summer Olympic Games, calling on the International Olympic Committee and all countries to take concrete steps to increase the participation of women in the 2012 Summer Olympic Games, and for other purposes; to the Committee on Foreign Affairs.

By Ms. MOORE of Wisconsin (for herself, Ms. LEE, Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Mr. KUCINICH, Mr. HASTINGS of Florida, and Mr. CARSON):

H. Res. 1410. A resolution supporting efforts to advance United States international diplomacy and engagement in order to restore United States credibility abroad; to the Committee on Foreign Affairs.

By Mr. PRICE of North Carolina:

H. Res. 1411. A resolution expressing support for designation of January 28, 2009, as ''National Data Privacy Day''; to the Committee on Energy and Commerce.

By Mr. ROSKAM:

H. Res. 1412. A resolution expressing support for the designation of a Pink Prayer Day and applauding the actions of medical professionals and other caregivers, researchers, patients and their families, and others who strive to combat and raise public awareness of breast cancer; to the Committee on Energy and Commerce.

By Ms. WATSON (for herself, Mr. CAMPBELL of California, Mrs. BONO MACK, Mr. ROHRABACHER, Ms. SOLIS, Mr. ANDREWS, Mr. SCALISE, Mr. MELANCON, Mr. REYES, Mr. ISSA, Ms. HARMAN, Ms. WATERS, and Ms. RICHARDSON):

H. Res. 1413. A resolution acknowledging the accomplishments and goals of the Youth Impact Program; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 219: Mr. PETRI.
H.R. 583: Mr. WILSON of Ohio.
H.R. 643: Mr. KING of New York.
H.R. 861: Mr. PEARCE and Mr. ALTMIRE.
H.R. 1076: Mr. STEARNS.
H.R. 1134: Mr. PUTNAM and Mr. HARE.
H.R. 1157: Mr. HOBSON and Mr. CARDOZA.
H.R. 1164: Mr. KUCINICH.
H.R. 1174: Ms. ROYBAL-ALLARD.
H.R. 1192: Mr. ISRAEL and Mrs. WILSON of New Mexico.
H.R. 1655: Ms. ESHOO, Mr. MICHAUD, Mr. ENGLISH of Pennsylvania, and Mr. LATOURETTE.
H.R. 1671: Mr. RAMSTAD.
H.R. 1755: Mr. OLVER.
H.R. 1823: Mrs. MUSGRAVE.
H.R. 1881: Mr. ROSS and Ms. HARMAN.
H.R. 1927: Mr. SMITH of New Jersey.
H.R. 2020: Mr. WELCH of Vermont.
H.R. 2092: Mr. LARSEN of Washington.
H.R. 2116: Mr. JOHNSON of Illinois, Mr. ARCURI, and Mrs. GILLIBRAND.
H.R. 2188: Ms. ROYBAL-ALLARD and Mrs. CAPPS.
H.R. 2329: Mr. GENE GREEN of Texas, Mr. WITTMAN of Virginia, and Mrs. BONO MACK.
H.R. 2384: Mr. LOBIONDO.
H.R. 2417: Mr. LATHAM.
H.R. 2667: Mr. STARK.
H.R. 2802: Mr. HALL of New York.
H.R. 2990: Mrs. BIGGERT.
H.R. 3186: Mr. COURTNEY.
H.R. 3232: Mr. MITCHELL and Mr. BUYER.
H.R. 3283: Mr. GORDON.
H.R. 3618: Mr. COHEN.
H.R. 3654: Mr. PETRI.
H.R. 3737: Mr. KUCINICH.
H.R. 4054: Mr. DAVIS of Illinois.
H.R. 4236: Ms. DEGETTE.
H.R. 4318: Mr. CLEAVER.
H.R. 4544: Mr. MARSHALL, Mr. LOEBSACK, Mr. BARTLETT of Maryland, Ms. CASTOR, Mr. DAVIS of Kentucky, and Ms. ROS-LEHTINEN.
H.R. 4987: Mr. TIM MURPHY of Pennsylvania.
H.R. 5265: Mr. WEXLER.
H.R. 5266: Mr. GRIJALVA, Ms. DEGETTE, and Ms. ROYBAL-ALLARD.
H.R. 5268: Mr. HONDA, Mr. SCHIFF, Mr. COSTELLO, Ms. NORTON, Mr. SCOTT of Virginia, Ms. TSONGAS, Ms. ZOE LOFGREN of California, Ms. SCHWARTZ, Mr. DOYLE, Mr. POMEROY, and Mr. THOMPSON of California.
H.R. 5437: Mr. BISHOP of Georgia.
H.R. 5513: Mr. HERGER.
H.R. 5547: Ms. DELAURO.
H.R. 5585: Mr. TIBERI.
H.R. 5607: Mr. FRANK of Massachusetts.
H.R. 5626: Mr. FATTAH and Mr. JEFFERSON.
H.R. 5629: Mr. ELLSWORTH.
H.R. 5635: Mr. HARE.
H.R. 5704: Mr. DOGGETT.
H.R. 5742: Mr. SERRANO and Mr. AL GREEN of Texas.
H.R. 5808: Ms. SCHAKOWSKY.
H.R. 5809: Ms. SCHAKOWSKY.
H.R. 5840: Mr. MILLER of North Carolina and Mr. COURTNEY.
H.R. 5882: Mr. DOGGETT.
H.R. 5951: Mr. PRICE of North Carolina.
H.R. 5971: Mr. INGLIS of South Carolina.
H.R. 5977: Mr. BAIRD and Mr. MELANCON.
H.R. 5990: Mr. MCINTYRE.
H.R. 6025: Mr. FEENEY.
H.R. 6078: Mr. SHERMAN.
H.R. 6110: Mr. HENSARLING.
H.R. 6125: Mr. SOUDER.
H.R. 6129: Mr. FEENEY.
H.R. 6172: Mr. BACHUS.
H.R. 6209: Mr. SHAYS and Mr. ROTHMAN.
H.R. 6210: Mrs. CAPPS and Mr. ROSS.
H.R. 6217: Mr. HOLT.
H.R. 6228: Ms. LEE and Ms. WOOLSEY.
H.R. 6260: Mr. SHAYS.
H.R. 6264: Mr. LIPINSKI.
H.R. 6268: Mrs. LOWEY.
H.R. 6293: Mr. RODRIGUEZ, Mrs. LOWEY, and Mr. COLE of Oklahoma.
H.R. 6316: Mr. PRICE of North Carolina.
H.R. 6428: Mr. BOUSTANY.
H.R. 6438: Mr. SMITH of New Jersey.
H.R. 6460: Mr. KUCINICH.
H.R. 6473: Mrs. GILLIBRAND, Mr. FRANK of Massachusetts, and Mr. CARNEY.
H.R. 6496: Mr. ROTHMAN.
H.R. 6503: Ms. CORRINE BROWN of Florida.
H.R. 6527: Mrs. MYRICK, Mr. GOODLATTE, and Mr. GALLEGLY.
H.R. 6533: Mr. HULSHOF, Mr. CONAWAY, Mr. KING of Iowa, and Mr. TIAHRT.
H.R. 6543: Mr. YOUNG of Florida.
H.R. 6559: Mrs. LOWEY.
H.R. 6566: Mr. BARRETT of South Carolina, Mr. MORAN of Kansas, and Mr. BROUN of Georgia.
H.R. 6568: Mr. MURPHY of Connecticut.
H.R. 6569: Ms. ROYBAL-ALLARD.
H.R. 6570: Mr. BARROW, Mr. SNYDER, Mr. FOSTER, Mrs. MCCARTHY of New York, Mr. BLUMENAUER, and Mr. SHULER.

H.R. 6582: Mr. GRAVES.

H.R. 6587: Mr. MORAN of Kansas and Mr. BUYER.

H.R. 6597: Ms. JACKSON-LEE of Texas.

H.R. 6598: Ms. JACKSON-LEE of Texas and Ms. ZOE LOFGREN of California.

H.R. 6601: Ms. BORDALLO.

H.R. 6605: Mrs. LOWEY.

H.R. 6638: Mr. KINGSTON and Mr. SCALISE.

H.R. 6640: Mr. HERGER and Mr. MILLER of North Carolina.

H.R. 6646: Mr. ROYCE.

H.R. 6652: Mr. JOHNSON of Illinois and Ms. ROS-LEHTINEN.

H.R. 6661: Mr. DOYLE.

H.R. 6663: Mr. GENE GREEN of Texas.

H.R. 6691: Mr. SCALISE, Mr. RAHALL, Mr. CUELLAR, Ms. GIFFORDS, and Mr. MITCHELL.

H.R. 6692: Mr. LOEBSACK.

H.R. 6701: Mr. SHERMAN, Mr. SPRATT, Mr. BECERRA, Mr. BACA, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. INSLEE, Mr. STARK, Mr. TOWNS, Mr. FATTAH, Mr. LINCOLN DAVIS of Tennessee, Mr. SERRANO, Mr. MILLER of North Carolina, Mr. HASTINGS of Florida, Mr. CROWLEY, Mr. NADLER, Mr. EMANUEL, Mr. DELAHUNT, Mr. HODES, Mr. RANGEL, Mr. ANDREWS, Ms. MCCOLLUM of Minnesota, Ms. WOOLSEY, Ms. DELAURO, Mrs. CAPPS, Mr. HOLT, Ms. CORRINE BROWN of Florida, Ms. ESHOO, Mr. LEWIS of Georgia, Mr. CLYBURN, Ms. KILPATRICK, Ms. HIRONO, Mr. KUCINICH, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. JACKSON of Illinois, Mr. CLEAVER, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. Carson, Mr. SCOTT of Virginia, Mr. BUTTERFIELD, Mr. CUMMINGS, Mr. AL GREEN of Texas, Ms. NORTON, Mr. PAYNE, Mr. BLUMENAUER, Ms. ZOE LOFGREN of California, Mr. MORAN of Virginia, Ms. MOORE of Wisconsin, Mr. LARSON of Connecticut, Ms. CLARKE, Ms. EDWARDS of Maryland, Mr. WAXMAN, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. ACKERMAN, Mr. JOHNSON of Georgia, Mr. ELLISON, Mr. MCNULTY, Ms. BALDWIN, Mr. SIRES, Mr. SCHIFF, Mr. BISHOP of Georgia, Mr. CONYERS, Mr. PASTOR, Mr. ORTIZ, Mr. REYES, Mr. GENE GREEN of Texas, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Ms. ROYBAL-ALLARD, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Alabama, Mr. WALZ of Minnesota, Mr. DOGGETT, Ms. DEGETTE, Mr. KILDEE, Mr. CLAY, Ms. WATSON, Mr. KLEIN of Florida, Mr. KIND, Mr. MURTHA, Mr. KENNEDY, Mr. PRICE of North Carolina, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. FARR, Mr. FILNER, Mr. COHEN, and Ms. RICHARDSON.

H.R. 6706: Ms. CASTOR.

H.R. 6709: Mr. HILL, Mr. TIAHRT, Mr. CHILDERS, Mr. CRAMER, Mr. CARDOZA, Mr. KNOLLENBERG, Mr. ROSS, Mr. SHUSTER, Mrs. MILLER of Michigan, Mr. PICKERING, Mr. GERLACH, Mr. SENSENBRENNER, Mr. PITTS, Mr. CAMPBELL of California, Mr. DUNCAN, Mr. MARCHANT, Mrs. BLACKBURN, Mr. BURGESS, Mr. DEAL of Georgia, Mr. RYAN of Wisconsin, Mr. KING of New York, Mr. ENGLISH of Pennsylvania, Mr. HALL of Texas, Mr. POE, Mr. PLATTS, Mr. FOSSELLA, Mr. WAMP, Mr. UPTON, Mrs. BACHMANN, Mr. REGULA, Mr. WOLF, Mr. WALDEN of Oregon, Mr. RADANOVICH, Mr. WALSH of New York, Mr. MCHUGH, Mr. KUHL of New York, Mr. MANZULLO, Mr. HOEKSTRA, Mr. GOHMERT, Mr. HERGER, Mr. DOOLITTLE, Mr. RENZI, Mr. BARRETT of South Carolina, Mr. COLE of Oklahoma, Mr. LUCAS, Mr. SULLIVAN, Ms. FALLIN, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. CARTER, Mr. THORNBERRY, Ms. GRANGER, Mr. SESSIONS, Mr. HENSARLING, Mr. GINGREY, Mr. TANCREDO, Mr. ROYCE, Mr. HUNTER, Mr. HASTINGS of Washington, Mr. SHIMKUS, Mr. WELDON of Florida, Mr. MCHENRY, Mr. GOODE, Mr. CULBERSON, Mr. ADERHOLT, Mr. MCCRERY, Mr. MORAN of Kansas, Mrs. MCMORRIS RODGERS, Mr. PEARCE, Mr. TURNER, Mr. BOOZMAN, and Mrs. EMERSON.

H.R. 6733: Mr. FOSTER.

H.R. 6735: Mr. TIBERI.

H.R. 6737: Mr. FRANKS of Arizona.

H.R. 6758: Mr. CRAMER and Mr. DAVIS of Alabama.

H.R. 6763: Mr. SMITH of Texas.

H. Con. Res. 81: Mr. ETHERIDGE.

H. Con. Res. 106: Mr. PLATTS.

H. Con. Res. 244: Mr. HELLER.

H. Con. Res. 321: Mr. HALL of New York and Mr. MCNULTY.

H. Con. Res. 373: Mr. SHAYS.

H. Con. Res. 407: Mr. ACKERMAN and Ms. NORTON.

H. Res. 102: Ms. TSONGAS.

H. Res. 271: Mr. THORNBERRY, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. COLE of Oklahoma, Mrs. DRAKE, Mr. HUNTER, Mr. HAYES, Mr. MILLER of Florida, Mr. KLINE of Minnesota, Mr. BOREN, Mr. CONAWAY, Mr. SHUSTER, Ms. GIFFORDS, Mr. AKIN, and Mr. FRANKS of Arizona.

H. Res. 620: Mr. BACA.

H. Res. 758: Mr. CANTOR.

H. Res. 870: Mr. MEEKS of New York, Mr. HINCHEY, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Ms. WATERS, and Ms. CORRINE BROWN of Florida.

H. Res. 906: Mr. BRADY of Pennsylvania, Mr. TANCREDO, Ms. BORDALLO, and Mr. MARSHALL.

H. Res. 1042: Mr. SHIMKUS and Mr. SHUSTER.

H. Res. 1159: Mr. COHEN.

H. Res. 1273: Mr. RADANOVICH.

H. Res. 1303: Mr. FRANK of Massachusetts.

H. Res. 1328: Ms. ROYBAL-ALLARD.

H. Res. 1364: Mr. BOREN.

H. Res. 1377: Mrs. MCCARTHY of New York.

H. Res. 1390: Mr. CONAWAY, Mr. THOMPSON of California, Mr. WILSON of South Carolina, and Mr. HONDA.

H. Res. 1391: Mr. PENCE.

H. Res. 1408: Mr. PERLMUTTER.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

303. The SPEAKER presented a petition of the City Commission of Margate, Florida, relative to Resolution No. 11–205 supporting severing the ties of Miami-Dade, Broward, and Palm Beach Counties from the State of Florida and establishing their won 51st State of the Federal Union of the United States; to the Committee on the Judiciary.

304. Also, a petition of Mr. Dennis J. Kucinich, Member of Congress, relative to a two part petition for the redress of grievances, relating to charges against the President of the United States, including that he has violated United States and international laws, and a call for his impeachment; to the Committee on the Judiciary.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 15. July 30, 2008, by Mrs. MICHELE BACHMANN on the bill H.R. 6107, was signed by the following Members: Michele Bachmann, Lee Terry, Bob Goodlatte, Dennis R. Rehberg, Robert E. Latta, John Shimkus, Marsha Blackburn, John T. Doolittle, Phil Gingrey, David Davis, Michael T. McCaul, Peter Hoekstra, Bill Sali, Mark E. Souder, Robert J. Wittman, Sue Wilkins Myrick, Roy Blunt, Michael K. Simpson, Geoff Davis, Ileana Ros-Lehtinen, Mike Pence, Howard P. ''Buck'' McKeon, Darrell E. Issa, George Radanovich, Dana Rohrabacher, Don Young, Thaddeus G. McCotter, Adrian Smith, Ric Keller, Pete Sessions, Rodney Alexander, Dave Camp, Jim Jordan, Howard Coble, Lamar Smith, David Dreier, Stevan Pearce, Candice S. Miller, Robin Hayes, Henry E. Brown, Jr., Steven C. LaTourette, Zach Wamp, Gus M. Bilirakis, Scott Garrett, K. Michael Conaway, Gary G. Miller, Ron Paul, Rob Bishop, Spencer Bachus, Frank D. Lucas, Peter T. King, Judy Biggert, Steve Scalise, Joe Wilson, Charles W. Boustany, Jr., Trent Franks, John R. ''Randy'' Kuhl, Jr., Jo Ann Emerson, Dan Burton, Ron Lewis, Thomas M. Reynolds, Jo Bonner, Harold Rogers, Tim Walberg, Jean Schmidt, Edward R. Royce, W. Todd Akin, Steve Chabot, John R. Carter, Paul C. Broun, Jeff Miller, Kenny Marchant, Kevin Brady, Doug Lamborn, Steve King, Steve Buyer, Todd Tiahrt, Kay Granger, Terry Everett, Ken Calvert, Donald A. Manzullo, Ted Poe, Charles W. Dent, Mac Thornberry, Thelma D. Drake, Roscoe G. Bartlett, Patrick T. McHenry, Ander Crenshaw, Ralph M. Hall, Bill Shuster, John Boozman, J. Gresham Barrett, John Kline, Dean Heller, Mike Rogers, Tom Latham, John Abney Culberson, Mike Rogers (MI), Sam Graves, Tom Price, John L. Mica, Tom Cole Cathy McMorris Rodgers, Robert B. Aderholt, Michael R. Turner, Randy Neugebauer, Jerry Moran, and John B. Shadegg.

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 16. July 30, 2008, by Mr. JON C. PORTER on the bill H.R. 6108, was signed by the following Members: Jon C. Porter, Lee Terry, Bob Goodlatte, Dennis R. Rehberg, Robert E. Latta, John Shimkus, Marsha Blackburn, John T. Doolittle, Phil Gingrey, David Davis, Michael T. McCaul, Peter Hoekstra, Bill Sali, Mark E. Souder, Robert J. Wittman, Sue Wilkins Myrick, Roy Blunt, Michael K. Simpson, Geoff Davis, Mike Pence, Howard P. ''Buck'' McKeon, Darrell E. Issa, George Radanovich, Dana Rohrabacher, Don Young, Thaddeus G. McCotter, Adrian Smith, Ric Keller, Pete Sessions, Rodney Alexander, Dave Camp, Jim Jordan, Howard Coble, Lamar Smith, David Dreier, Stevan Pearce, Candice S. Miller, Robin Hayes, Henry E. Brown, Jr., Steven C. LaTourette, Zach Wamp, Scott Garrett, K. Michael Conaway, Gary C. Miller, Ron Paul, Rob Bishop, Spencer Bachus, Frank D. Lucas, Peter T. King, Judy Biggert, Steve Scalise, Joe Wilson, Charles W. Boustany, Jr., Trent Franks, John R. ''Randy'' Kuhl, Jr., Jo Ann Emerson, Dan Burton, Ron Lewis, Thomas M. Reynolds, Jo Bonner, Harold Rogers, Tim Walberg, Jean Schmidt, Edward R. Royce, W. Todd Akin, Steve Chabot, John R. Carter, Paul C. Broun, Jeff Miller, Kenny Marchant, Kevin Brady, Doug Lamborn, Steve King, Steve Buyer, Todd Tiahrt, Kay Granger, Terry Everett, Ken Calvert, Donald A. Manzullo, Ted Poe, Charles W. Dent, Mac Thornberry, Thelma D. Drake, Patrick T. McHenry, Ander Crenshaw, Ralph M. Hall, Bill Shuster, John Boozman, J. Gresham Barrett, John Kline, Dean Heller, Mike Rogers (AL), Tom Latham, John Abney Culberson, Mike Rogers (MI), Sam Graves, Tom Price, Tom Feeney, John L. Mica, Tom Cole, Cathy McMorris Rodgers, Robert B. Aderholt, Michael R. Turner, Randy Neugebauer, Jerry Moran, and John B. Shadegg.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their name to the following discharge petition:

Petition 14, by Mr. SOUDER on House Resolution 1331: K. Michael Conaway, Virginia Foxx, John Boozman, Thomas E. Petri, Lincoln Diaz-Balart, Ric Keller, Paul Ryan, Charles W. ''Chip'' Pickering, John B. Shadegg, Heather Wilson, Chris Cannon, Rob Bishop, Eric Cantor, Frank D. Lucas, Todd Tiahrt, David L. Hobson, Vern Buchanan, Marilyn N. Musgrave, Ron Paul, Mario Diaz-Balart, Lee Terry, Patrick J. Tiberi, Brian P. Bilbray, Timothy V. Johnson, Peter Hoekstra, Sue Wilkins Myrick, Michael K. Simpson, Geoff Davis, Ileana Ros-Lehtinen, Mike Pence, Howard P. ''Buck'' McKeon, Darrell E. Issa, George Radanovich, Duncan Hunter, Dana Rohrabacher, Don Young, Joe Barton, Jeff Fortenberry, Roy Blunt, Dave Camp, Howard Coble, Steven C. LaTourette, Joseph R. Pitts, Scott Garrett, Rick Renzi, Thomas G. Tancredo, C.W. Bill Young, Robert B. Aderholt, David G. Reichert, Jim Gerlach, Ander Crenshaw, Jo Ann Emerson, Steve Buyer, Elton Gallegly, Frank R. Wolf, John L. Mica, and Michael R. Turner.

Petition 13, by Mrs. DRAKE on the bill H.R. 2493: Bob Goodlatte, Cliff Stearns, Steve Buyer, and John B. Shadegg.

Petition 12, by Mr. ROSKAM on the bill H.R. 2208: Ander Crenshaw, Steve Buyer, and Donald A. Manzullo.

Petition 11, by Mr. TANCREDO on House Resolution 1240: C.W. Bill Young, Donald A. Manzullo, and Ted Poe.

Petition 10, by Mr. KUHL on the bill H.R. 5656: Cliff Stearns, and Thomas G. Tancredo.

Petition 9, by Mr. ENGLISH on the bill H.R. 2279: C.W. Bill Young, Cliff Stearns, Peter Hoekstra, and John B. Shadegg.

Petition 8, by Mr. WALBERG on the bill H.R. 3089: Cliff Stearns.

Petition 4, by Mr. ADERHOLT on House Resolution 748: C.W. Bill Young.

EXTENSIONS OF REMARKS

A TRIBUTE TO JOVENES, INC. AND ITS NATIONALLY RECOGNIZED STREET SOCCER TEAM

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize four highly motivated and talented street soccer players and their coach who traveled from Los Angeles to our nation's capital this summer to compete in the Homeless USA Cup. This was the first time a team from Los Angeles joined the street soccer tournament, which this year included homeless and formerly homeless youth from 11 cities throughout the country.

I am especially proud of the fact that this talented and resilient team was sponsored by Jovenes, Inc., an exemplary community organization that provides needed services to homeless and low-income Latinos in my 34th Congressional District.

Jovenes, Inc. was founded in 1989 by Reverend Richard Estrada, Associate Pastor of Our Lady Queen of Angels Catholic Church in Downtown, Los Angeles. Initially, Father Estrada created Jovenes, Inc.—which means youth in Spanish—to address the dire needs of homeless immigrant youth in Los Angeles.

Today, while Jovenes, Inc. remains committed to assisting the immigrant Latino community, the non-profit organization has expanded its reach. Jovenes, Inc. assists at-risk young people ages 16 to 24, foster youth, homeless individuals of all ages, and low-income families. Each year, an estimated 1,500 youth benefit from Jovenes, Inc.'s services, which include emergency and transitional housing, arts programs, mental health services, health education, employment preparation, financial literacy classes for families, after-school programs, GED preparation and computer courses.

Madam Speaker, I have had the pleasure of working with Father Estrada and Jovenes, Inc. on several occasions. He is an uplifting and positive force throughout the community and I thank him for his advocacy and tireless work to improve the lives of young people and families in my district and elsewhere in Los Angeles County.

Clearly, the notable success of our four street soccer players—Johny, Densi, Carlos and Peter—who competed in the Homeless USA Cup in June have the dedicated staff of Jovenes, Inc., especially Executive Director Ernesto Montaño, and Director of Programs/Team Coach Andrea Marchetti, to thank for working to make such memorable and empowering opportunities available to them.

While our star street soccer players from Los Angeles lost in their final round against a Minnesota team at the U.S. Homeless Cup, their unstoppable performance in the qualifying round got them noticed. They were all selected for spots on the national team. Three of the players will travel to Australia in December to represent the United States in the Homeless World Cup. The fourth player will serve as an alternate. In addition, all four athletes have been invited to come back to next year's Homeless USA Cup to motivate and serve as examples for new teams and players. In between competitions, the Jovenes, Inc. players continue to work to turn their lives around by resuming their education, furthering their careers, and chasing their goals to live independently in a stable and safe environment.

The organization's newsletter poignantly sums up the impact of the street-soccer tournaments in helping to inspire and motivate these soccer players. "For our youth this is the country that is giving them an opportunity for a successful life, and they will do their best to make everybody proud of them, on and off the pitch! . . . Through soccer, homeless individuals have a way to find the motivation, energy and discipline to solve their daily struggles and feel appreciated and respected. Jovenes, Inc. will continue this experience in the future to motivate our youth to succeed through sports in their life."

Madam Speaker, I ask my colleagues to please join me in recognizing the significant work of Father Estrada and Jovenes, Inc. in bettering the lives of young people and Latino families in the community. I also congratulate Johny, Densi, Carlos and Peter for their exceptional street-soccer abilities. They are truly an inspiration, on and off the soccer field. After all, as they have shown, with the right support and a lot of hard work, anything is possible.

TRIBUTE TO THE KOSSUTH COUNTY FAIR

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize the Kossuth County Fair on its 150th year anniversary, from July 24 to August 3, 2008. The Kossuth County Fair is located in Algona, Iowa and serves the approximate 17,000 residents of the county in North Central Iowa.

Throughout many years the Kossuth County Fair has thrived and kept the county together with community fellowship, celebration and camaraderie. I congratulate the Kossuth County Fair on this historic anniversary. It is an honor to represent the past and current members of the county fair board in the United States Congress. I wish the Kossuth County Fair an equally storied future.

PAYING TRIBUTE TO DUNCAN McCOY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor my friend Duncan McCoy by entering his name in the Congressional Record, the official record of the proceedings and debates of the United States Congress since 1873. Today, I honor Duncan McCoy for his service to the Boulder City community and congratulate him on his retirement.

Duncan has dedicated his life to enriching the lives of others and sharing his passion for reading. Duncan is a veteran librarian with over 38 years of experience and he became Director of the Boulder City library in 1989. Upon becoming Director, Mr. McCoy has continuously and tirelessly advocated for the Boulder City Library. His tenacity and hard work paid off when he was able to secure bond funding to help the library move into a much larger building to expand its growth.

Madam Speaker, I am proud to honor my friend Duncan McCoy. His vision and commitment to excellence have greatly enriched the Boulder City community and allowed many of our friends and neighbors to experience the joys of reading. I applaud his efforts and wish him the best in his future endeavors.

RECOGNIZING THE HOPE AND LIGHT FOUNDATION

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. PRICE of Georgia. Madam Speaker, I rise today to recognize the Hope and Light Foundation for their enduring commitment to the elimination of Spinal Muscular Atrophy.

Founded by Aaron and Stephanie Miller after their first child was diagnosed with SMA, this group has tirelessly advocated research and education to eliminate this threat. They have armed families with the latest data and educated public, business, and community leaders about the need for more focus on this genetic disorder.

Thanks in part to their work, such as cofunding the first FDA approved drug trial for SMA Type I and organizing the first Southeastern conference dedicated to SMA care and research, the families and researchers working to find a cure are closer than ever. Out of over 600 neurological disorders analyzed by the National Institutes of Health, SMA is considered the closest to realizing effective treatment.

Madam Speaker, I ask my colleagues to join me and recognize the Hope and Light Foundation for their positive efforts for thousands of children and families affected by Spinal Muscular Atrophy.

TRIBUTE TO SANDY HUANG

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Sandy Huang, of Ames, Iowa, one of fifty outstanding U.S. high school students selected to attend the twenty-fifth annual Research Science Institute sponsored by the Center for Excellence in Education and the Massachusetts Institute of Technology.

The mission of the Center for Excellence in Education is to nurture young scholars to careers of excellence and leadership in science, technology, engineering, and mathematics. The Research Science Institute is a highly competitive six-week program which emphasizes advanced theory and research in mathematics, the sciences, and engineering. Sandy was selected for this program upon scoring in the upper one-percent of those in the U.S. who took the PSAT exam. From June to August 2008, Sandy will learn from distinguished professors and conduct a research project.

I commend Sandy Huang for his commitment to leadership in science and technology. He is a future leader of this country of whom Iowa is very proud. I am honored to represent Sandy in the United States Congress and I wish him the best in future endeavors.

HONORING SHERIFF BROWNLOW

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize an outstanding citizen and public servant, J.R. Ronny Brownlow, in honor of his retirement from law enforcement after serving the public for 44 years.

In 1964, Sheriff Brownlow began his life of public service at the Mesquite Police Department. Three years later, Sheriff Brownlow moved to the Texas Department of Public Safety where he served for 27 years as a Highway Patrolman and a Texas Ranger.

Since then, Sheriff Brownlow has worked as the Anderson County Chief Deputy Sheriff, spent 1 year with the U.S. Marshals Service, and worked 3 years as the Henderson County Chief Deputy Sheriff. In 2000, he was elected Henderson County Sheriff and has worked tirelessly since then.

Sheriff Brownlow's work has not gone unnoticed. In addition to receiving the Peace Officer Award for Excellence, Sheriff Brownlow secured a spot in the Texas Ranger Hall of Fame and in 2004 won the Chairman's Award from the Texas Ranger Association Foundation. This year, Sheriff Brownlow was named the 2008 Law Enforcement Officer of the Year.

Sheriff Brownlow accomplished all this while raising three sons and a daughter. Currently, he is a proud grandfather of four and husband to wife Theresa.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Sheriff J.R. Ronny Brownlow for his courage in protecting and serving citizens all across the Fifth District of Texas.

MS. SALLY GALEGO HONORED FOR HER LONGEVITY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. YOUNG of Florida. Madam Speaker, I rise today to honor Ms. Sally Galego of Largo, Florida who I am proud to represent, for being one of Florida's longest living persons at 108 years old.

During Ms. Galego's rich life she has witnessed the popularization of indoor plumbing, electricity, flight, the internet and so many wonderful innovations that made the last century so great. Born in 1900, she lived through the American Century, a time of great turmoil and triumph, through which our nation has become one of the truly great nations of the world.

For the benefit of my colleagues, I would like to include in the RECORD a story about Ms. Galego from her hometown paper, the Largo Leader.

Madam Speaker, Ms. Galego is a reminder of this last century as we look forward to the new one stretched out ahead of us. Please join me in congratulating her for her long lifetime of experiences.

[FROM THE LARGO LEADER, JUN. 12, 2008]

(By Thomas Michalski)

LARGO—Sally Galego will be 108 years old on Saturday, June 14. She might be among the oldest person in Pinellas County, man or woman, and possibly the state, but still goes to the YMCA three times a week to exercise.

She was born before the Wright Brothers flew their first plane and before the popularity of electricity, automobiles, radio and television came along.

''I have many, many fond memories,'' Galego said. Born June 14, 1900 in Belfast, Maine, she and her two brothers and two sisters grew up on a 100-acre farm. There was no electricity. No telephones. No inside plumbing.

One sister, Louise, 99, of Bangor, Maine, survives and the two sisters stay in touch on a regular basis.

Galego's father was killed by a swarm of bees when she was 9. She later not only graduated elementary school, but high school and college as well. That was almost unheard of in those days. Galego recalls seeing television for the first time at the 1939–40 New York World's Fair.

Over the years, she traveled the world to visit the pyramids in Egypt, the Vatican in Rome and toured England, Ireland, Scotland, Wales and other countries.

TRIBUTE TO NICK DONOFRIO

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. WELCH of Vermont. Madam Speaker, it is my great pleasure to pay special tribute to Mr. Nick Donofrio who is retiring after more than 40 years in various leadership capacities at the IBM Corporation.

Nick Donofrio is an adopted son of the Green Mountain State. For many years, Nick led IBM's semiconductor development and manufacturing facility in Burlington and he and his wife, Anita, raised their two children, Nicole and Michael, in Vermont.

Nick joined IBM in 1967 and spent the early part of his career in integrated circuit and chip development, as a designer of logic and memory chips. He held numerous technical management positions and, later, executive positions in several of IBM's product divisions. He has led many of IBM's major development and manufacturing teams—from semiconductor and storage technologies, to microprocessors and personal computers, to IBM's entire family of servers.

Nick has always been a champion for innovation across IBM and its global ecosystem. He has been the leader of IBM's global technology strategy. In addition to his strategic business mission, Nick has led the development and retention of IBM's technical population and strives to enrich that community with a diversity of culture and thought.

Nick has been focused sharply on advancing education, employment and career opportunities for under represented minorities and women—all issues of great importance to me as well.

He served for many years on the Board of Directors for the National Action Council for Minorities in Engineering (NACME). He has served on the Board of Directors for INROADS, a non-profit organization focused on the training and development of talented minority youth for professional careers in business and industry, and he is co-chair of the New York Hall of Science. A fellow Italian-American, Nick was awarded the prestigious 2007 National Education and Leadership Award from the Sons of Italy Foundation.

He is the holder of seven technology patents and is a member of numerous technical and science honor societies. In 2002, Nick was recognized by Europe's Institution of Electrical Engineers with the Mensforth International Gold Medal for outstanding contributions to the advancement of manufacturing engineering. In 2003, he was named Industry Week magazine's Technology Leader of the Year, the University of Arizona's Technical Executive of the Year, and was presented with the Rodney D. Chipp Memorial Award by the Society of Women Engineers for his outstanding contributions to the advancement of women in the engineering field. In 2005, Nick was elected a member of the American Academy of Arts and Sciences, he was presented with Syracuse University's highest alumni honor—the George Arents Pioneer Medal, and he was honored by CNBC with its Overall Technology Leadership Award.

Madam Speaker, please join me in congratulating Nick Donofrio, as he begins a new exciting chapter in his life.

PAYING TRIBUTE TO DEMA GUINN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor the former First Lady of Nevada, Dema Guinn, by entering her name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today, I pay tribute to Dema Guinn for her outstanding service to the State of Nevada.

Mrs. Guinn has served the Nevada community in countless ways including her fundraising campaigns for both the Nevada State Museum and the Keck Mining Museum. Her efforts in bringing Nevada's second statue, Sarah Winnemucca, to Statuary Hall of the Capitol in Washington, D.C. and her renovation of the Governor's Mansion to better reflect Nevada's history were both great successes. While First Lady Dema Guinn has been involved in many projects, her largest contribution has been her continued support of Nevada's health care system. Having lost a cousin to breast cancer in 1995, Mrs. Guinn recognized the hardships and suffering felt by many Nevadans in similar situations. The real tragedy is that Mrs. Guinn's cousin did not have health insurance and never had the chance to have a mammogram performed, which could have staved off this vicious disease. From this devastation, First Lady Dema Guinn was able to found the Mammovan, a traveling health care van that provides free mammograms to uninsured women.

The Mammovan began touring Nevada in January of 2000. During Mrs. Guinn's tenure as First Lady, the Mammovan assisted more than 17,000 women. In 2007, after many successful trips throughout the state visiting rural areas of Nevada, it became necessary to acquire a new van to continue this vital service to our State.

A community partnership was formed with Harrah's Foundation and the Nevada Health Center to help finance a new Mammovan. This improved van will have the ability to help even more women. Mrs. Guinn's many accomplishments during her term have extended far beyond her duties as First Lady. Today, her tireless generosity continues as she works to assist many citizens in our great State. Dema Guinn's endeavors leave behind the legacy of a compassionate woman and a dedicated Nevadan.

Madam Speaker, I am proud to honor Dema Guinn. Her dedication to our community, and specifically the health care system, has impacted countless Nevadans. I applaud her successes and thank her for her dedication to Nevada.

TRIBUTE TO DANIEL HOLSTE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Mr. Daniel Holste, a science teacher at Humboldt High School in Humboldt, Iowa, and to express my appreciation for his dedication and commitment to the youth of Iowa.

For the last 39 years, Mr. Holste has contributed his time to educating and enriching the lives of youths. After graduating from Wartburg College, Mr. Holste began teaching in Alta, Iowa, for 2 years and took a year off for graduate studies at Fisk University. He returned to teaching for 3 years in Eddyville, Iowa, until he took a teaching position at Humboldt High School, where he remained for 34 years until his recent retirement. In the classroom, Mr. Holste has taught numerous courses including Chemistry, Advanced/Organic Chemistry, Physics, Geology/Astronomy, Hydrology and several math courses. Mr. Holste has also sponsored the Junior Engineering Technical Society Tests of Engineering Aptitude in Math and Science (JETS–TEAM), Science Bowl, Knowledge Master Open and the Physics Olympics. In 1990, his team earned the Iowa Physics Olympics Team Grand Championship, and his JETS–TEAM has placed as high as second nationally.

Mr. Holste has also received a number of awards in recent years. In 2006, he was honored with the Outstanding Youth Leadership Award. In 2007 he received the Fort Dodge District Air Force Association Teacher of the Year Award. This year he also earned the ISEA UniServ Unit 10 "Distinguished Service to the Association" Award.

Mr. Holste's leadership will be missed, but he leaves a lasting impact on the Humboldt community and everyone he has been involved with. I consider it an honor to represent Mr. Daniel Holste in the United States Congress, and I wish him and his wife, Jean, a long, happy and healthy retirement as they both continue to serve the community through different projects.

COLONEL LEONARD SCHROEDER HONORED AS FIRST AMERICAN INVADER ON D-DAY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. YOUNG of Florida. Madam Speaker, I rise today to commend Retired Colonel Leonard Schroeder of Largo, Florida who I am proud to represent, for being the first American soldier to land at Utah Beach.

During the Invasion of Normandy, Colonel Schroeder led F Company onto Utah Beach as part of the first wave of American infantry at the battle that would turn the war. Commander Schroeder bravely battled for eight hours before being shot and forced to leave the fight.

As part of the first landing, F Company took heavy casualties with half of the members killed or injured before Colonel Schroeder was hit himself.

Colonel Schroeder continued to serve our great nation through World War II earning both a Silver and Bronze Star. He went on to fight in the Korean War and provide logistical support during the Vietnam conflict. Colonel Schroeder retired from the Army in 1971.

Madam Speaker, Colonel Schroeder represents the best our Nation has to offer. He served our Nation in uniform and to protect our freedom and liberty in its darkest days. Please join me in saying thank you to him for his actions and his lifetime of service.

[FROM THE ST. PETERSBURG TIMES, JUNE 6, 2008]

(By Demorris A. Lee)

Leonard Schroeder will never forget watching the sun rise off the coast of France the morning of June 6, 1944.

Schroeder, who was 25 and an Army company commander, spent the night before the D-day invasion with the 219 soldiers from Company F in small, flat-bottomed boats.

"We were a little nervous, hoping we were going to hit the place we were supposed to hit," said Schroeder, who is now 89 and lives in Largo.

At about 6:30 a.m., Schroeder's company began wading toward shore in waist-high water. He held up his .45-caliber pistol to keep it from getting wet.

Amid a flurry of smoke and gunfire, they stormed Utah Beach. Schroeder is believed to be the first American solider to step foot on the beach during the battle considered the turning point of World War II.

"We prayed and prayed that everyone got the right signal," said Schroeder, who retired from the Army in 1971 as a colonel.

It's been 64 years since that fateful day. But Schroeder said the images from that morning remain etched in his mind forever.

For the next eight hours, Schroeder led his men in battle. By noon, half of them were either killed or injured.

Relatives thousands of miles away in America were desperate for details.

Schroeder's wife, Margaret, 91, said she received a call from her mother-in-law that morning.

"She said, 'My son and your husband landed safely on the beach,'" Margaret said, laughing. "I thank God over and over that he made it back safely to his family."

During the fight, a machine gun round ripped open Schroeder's left forearm. The next thing he remembers, he was heading to a hospital in England.

"I lost some time after that, and don't remember what happened or how long," Schroeder said. "The decision was whether they could save my arm." Schroeder's forearm still bears the long scar from his five surgeries.

From Glen Burnie, Md., Schroeder graduated from the University of Maryland. After World War II, he went on to fight in the Korean War and worked logistics during Vietnam. He believes he is the only remaining survivor among his college classmates who participated in World II. Two of those classmates died last year.

Schroeder, who earned a Silver Star and a Bronze Star during World War II, now surrounds himself with memories of his Army service. Two ball caps with his unit's name are proudly displayed in his living room. In his office are framed military ribbons and certificates.

The black leather boots Schroeder wore when he landed on Utah Beach are in the garage. There is also a huge poster of him on the front of a French magazine that proclaimed him the first man to land on a beach in Normandy during D-day. He and his wife of 66 years were flown to France in 1984 in honor of D-day's 50th anniversary.

Though he turns 90 on July 16, there's another date that's just as important. ''I say that June 6 is my second birthday,'' he said.

TRIBUTE TO WALTER REEMSTMA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Mr. Walter Reemstma, a science teacher with Algona Community School District in Algona, Iowa, and to express my appreciation for his dedication and commitment to the youth of Iowa.

For the past 41 years, Mr. Reemstma has contributed his time and talents to educating and enriching the lives of youths. Mr. Reemstma graduated from Sioux Falls College in 1967 and took his first job at Melcher-Dallas. In 1970 he took a science teaching position at O.B. Laing Middle School in Algona, where he remained until his retirement. He actually hated science classes while growing up but began to enjoy science during his senior year high school biology class. During his time as a teacher, he especially enjoyed taking Washington, DC, trips with students. In addition to teaching, Mr. Reemstma is the music director at First Presbyterian Church in Algona and the president of the Water's Edge Nature Center Foundation. In all, Mr. Reemstma has helped shape the lives of thousands of students.

Mr. Reemstma's leadership will be missed, but he leaves a lasting impact on the Algona community and everyone he has been involved with. I consider it an honor to represent Mr. Walter Reemstma in the United States Congress, and I wish him a long, happy and healthy retirement.

TRIBUTE HONORING CORPORAL LAWRENCE A. BERGER

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. GONZALEZ. Madam Speaker, I rise today to honor Corporal Lawrence A. Berger, a man who valiantly served our country in World War II and a patriot who is well deserving of the recognition he will be receiving when he is awarded his upcoming Purple Heart.

Corporal Berger was born on July 13th, 1922 in San Antonio, Texas. He graduated from Central Catholic High School in 1940 and a year later, Mr. Berger joined the Army Air Corp, 440th Ordnance Aviation Bombardment, attached to the 19th bomb group, stationed in Albuquerque, New Mexico.

On October 1941, he was sent to the Philippines, arriving just two weeks before the Japanese bombed Pearl Harbor. Later, after the service organizations were forced to surrender, he spent a total of 3 years and 3 months as a prisoner of war. Two years were spent in a camp on the Island of Mindanao in the Philippines, and later he was transported to Japan where he spent another year before his release in August 1945.

Mr. Berger's service tells an honorable story of sacrifice and bravery. He epitomizes the word hero and is undoubtedly worthy of the recognition he is receiving with the Purple Heart award. Mr. Berger, his wife Virginia, and their three children Ron, Vernon, and Paulette, should all be very proud of all that his military career symbolizes and the principles for which he fought—for liberty, democracy, and equality. I am honored to call him a constituent and on behalf of my colleagues here in Congress I thank him and his family for their service, sacrifice, and valor.

IN HONOR OF JOE FARROW

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. FARR. Madam Speaker, I rise today to honor Joe Farrow, the esteemed commissioner of the California Highway Patrol. Farrow, appointed earlier this year by Governor Schwarzenegger, has taken the reigns of one of the largest law enforcement agencies in the nation. His fervent dedication is evident through the great strides he has made in insuring the safety of California's roadways, and his work is worthy of commendation.

Though Farrow is new to the leadership position, he is very familiar with the CHP's mission of safety, service, and security. Farrow began his career with the CHP as a cadet and has since worked his way through the chain of command, leaving his indelible mark every step of the way.

Having grown up in Pacific Grove, California, he is committed to connecting the local community with what many see as just another disengaged state government agency.

Farrow's ability to relate with both those he leads and those he serves has been a beneficial asset to the areas of California that have been damaged by the recent wildfires. When highways are temporarily closed due to the fires, the CHP has the duty of redirecting traffic to alternate routes. Farrow maintains an equal balance of good judgment and compassion for those people whose lives have been touched by the fires.

Before taking his post as commissioner, Farrow was instrumental in implementing several highway safety programs throughout California. Most recently, the Safety and Farm Vehicle Education (SAFE) program led to an immediate and drastic decrease in the number of farm workers' injuries or deaths resulting from unsafe transportation to and from the fields.

Madam Speaker, Farrow is deserving of recognition for his years of service with the CHP. Please join me in honoring Joe Farrow for his contribution to highway safety, as well as congratulating him on his new position as commissioner of the CHP.

CONGRATULATIONS TO ANN KUTSCHER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to congratulate Ms. Ann Kutscher on being Empowered Woman of the Present by Missouri GFWC members.

Ms. Kutscher has dedicated her life to service. In addition to her committed efforts in the 4th Congressional District's Jefferson City office, her accomplishments include 22 years of leadership as President of the Missouri Girls Town Board and many other community service organizations. Her award was announced at the Mississippi Valley Regional Conference in Bloomington, MN.

Madam Speaker, I am certain that the Members of the House will join me in congratulating Ms. Kutscher for her achievement and in wishing her luck in all her future endeavors.

CRAWFORDSVILLE HIGH SCHOOL BASEBALL TEAM—INDIANA STATE CHAMPIONS

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. BUYER. Madam Speaker, on July 14, 2008, the Crawfordsville High School Baseball team won the Indiana Class 3A State championship. Ranked number 1 in the preseason polls, the Athenians of Crawfordsville finished right where they were predicted.

The 32–4 Athenians went into the championship game on a 16 game win streak. Strong pitching led the team to its first baseball state title. Pitchers Cameron Hobson and Steven Rice combined forces to only allow 3 hits and had 17 strike outs. In fact, Hobson tied the 3A championship game record with 5 innings played and 11 strike outs recorded.

The Athenians scored single runs in the first, second and fourth innings to take commanding 3–0 lead, and then added two more runs on a sacrifice bunt by Brett Linn and an RBI single by Brett McKinney.

For Coach John Froedge, this victory was a dream come true. He began coaching the Crawfordsville baseball team 27 years ago. This was the first time any of his teams had made an appearance at the State finals.

I would like to extend my congratulations to the Crawfordsville High School Baseball team and coaching staff for a memorable season:

Seniors: Cody Dowell, Blake Harris, Cameron Hobson, Mitchell Ray, Jason Spurlock, Andrew Swart and Justin Wright. Juniors: Quinten Anderson, Scott Hunt, Brett Linn, Brentt McKinney, Josh Rager and J.D. Rice. Sophomores: Andrew Allen, A.J. Ehrlich, Austin Evans and Steven Rice. Head coach: John Froedge. Assistant Coaches: Tony Bean,

Brandon Froedge, Ashley Lucas, Brett Motz and Rhett Welliever. Student Managers: Justin Dugger, Rogge Merriman and Matt Musselman.

RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. TERRY. Madam Speaker, one of the greatest threats to our national security is our country's dependence on foreign sources of oil. We must expand the use of our alternative sources of energy and I believe alternative fuels is an integral part of that.

I have introduced a resolution recognizing the importance of alternative and renewable fuels as well as the role of the flexible fuel vehicle club in promoting alternative and renewable fuels. Flex fuel cars can run on any blend of ethanol and gasoline from E10 to E85.

Fuel cell technology has many different applications from emergency backup generators at hospitals and police stations to a pollution free replacement for gasoline and diesel engines in cars, buses and trucks. Fuel cell technology promises to reduce the number of large new power plants and transmission lines we need to build by allowing the distributed generation of electricity across the country.

One other important aspect is tax credits. Research and development in the energy industry requires time and money. We must give the energy industry the assurance that tax benefits will be carried into the future, if we do not they will chose to develop elsewhere leaving us behind the eight ball.

In addition, fuel cell technology provides important emergency backup power generation capability for first responders and our military.

Over the years I have fought hard to diversify our energy supplies and I am not going to stop now. You can count on my strong and unwavering commitment to make our country energy independent once and for all.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately Tuesday night, July 29, 2008, I was unable to cast my votes on H.R. 2490, H.R. 6113, and H.R. 2192, and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 534 on suspending the rules and passing H.R. 2490, to require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States, I would have voted ''aye.''

Had I been present for rollcall No. 535 on suspending the rules and passing H.R. 6113, Paperwork Assistance Act, I would have voted ''aye.''

Had I been present for rollcall No. 536 on suspending the rules and passing H.R. 2192, to amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs, I would have voted ''aye.''

RESTORE BALANCE TO TAX TREATMENT OF CHARITABLE VEHICLE DONATIONS

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. DELAHUNT. Madam Speaker, in 2004, the Congress enacted changes in the federal tax code intended to address real and perceived abuses related to charitable donations of vehicles. Those changes, while well-intended, have had unanticipated and serious consequences. Over the last three years, charitable vehicle donations have plummeted. The steep decrease in revenue has forced many charities—in my state and across the country—to reduce services to their beneficiaries.

The objectives of the 2004 changes were commendable. But the specific requirements have choked vehicle donations and the charities—and charitable services—which depend on them. Today I am introducing legislation to refine those changes in ways that restore better balance to this provision of the tax code and fulfills the original intent of Congress: to promote charitable donations.

Before 2005, a taxpayer could deduct the fair market value (FMV) of vehicles donated to charity. Under Section 170 of Title 26 of the US Code, a donor could claim the FMV as determined by well-established used car pricing guides, as long as the FMV was under $5000. However, there was concern that some taxpayers were gaming the system by claiming excessive deductions; and that there was insufficient IRS oversight to detect or police these problems.

In its FY2005 budget request, the Administration proposed reforming the rules governing vehicle donations by allowing a deduction only if the taxpayer obtained a qualified appraisal for the vehicle. However, the Congress rejected that proposal and went much further. The final version, included in the American Jobs Creation Act of 2004 (PL 108–357), limited deductions over $500 to the actual proceeds of sale of the vehicle by the charity, regardless of appraised value. Only if the charity actually keeps and uses the car (rather than sells it for the resulting revenue) can the donor deduct its FMV.

The rules took effect for tax year 2005. Today, a taxpayer with an older used car in poor condition can call many charities nationwide to have the vehicle towed at no cost and then claim a $500 deduction. However, a taxpayer with a newer-model car in good condition has no idea what deduction will be allowed until the vehicle is actually sold. That sale may not occur until months later, forcing the donor to roll the dice on the final deduction amount.

During congressional debate, proponents argued that the changes would not add new burdens on vehicle donors or adversely impact charitable giving. To the contrary, evidence abounds that the changes have seriously disrupted charitable giving and forced many charities to curtail services to low-income beneficiaries.

Two new government reports have concluded that charitable vehicle donations have plummeted since federal tax law changed four years ago. In March 2008, a Government Accountability Office (GAO) study of 10 national charities over the two years after the law changed found that vehicle donations had dropped by 39 percent and that the resulting charitable revenues decreased by 25 percent. In May 2008, the Internal Revenue Service documented that the number of vehicles donated in 2005, the first year after the rules changed, decreased by 67 percent and that their value fell by over 80 percent.

To feel informed enough to decide whether to donate a vehicle, taxpayers need a reasonable degree of certainty about the resulting deduction. Otherwise, alternatives such as a private sale or dealer trade-in become more attractive. This is clearly not what the Congress intended.

The objective of the original 1986 car donation provision in the federal tax code was to encourage charitable donations. The 2004 amendments have undermined that goal without improving IRS enforcement. As a result, charities and their beneficiaries are suffering.

The change has affected not only the number of donations, but also the quality of donated vehicles. News articles from across the country reflect plummeting donation rates and the precipitous decline in revenue of non-profit community organizations. The news coverage itself has exacerbated the problem; potential donors concerned about the changes are discouraged further by the perception of the new burdens associated with the amended rules.

Charities which had operated successful vehicle donation programs, either independently or though third-party fundraisers, have been hit hard. Those unable to cover overhead costs have eliminated vehicle donation programs and resolved to forego the resulting revenue stream. It appears that no charities have initiated or expanded vehicle donation programs over the past two years.

Contrary to reassurances offered during the congressional debate, the tax law changes constituted a classic ''baby and bathwater'' overreach that has seriously impacted social services provided by non-profit groups across the country. Modest tax incentives are critical to sustaining charitable contributions, including in-kind gifts. The decline in vehicle donations since 2004 could be addressed by minor legislative refinements that would also address potential abuses and buttress IRS enforcement.

Following are the text and technical analysis of my proposed legislation, which I view as a starting point for new congressional debate on this important issue.

CARIBBEAN-AMERICAN HERITAGE MONTH NEED FOR THE UNITED STATES TO FOSTER RELATIONSHIPS WITH CARIBBEAN NATIONS, SUCH AS THE NETHERLANDS ANTILLES, AND SUPPORT EFFORTS TO IMPROVE FINANCIAL AND GEOPOLITICAL STABILITY IN THE REGION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. PAYNE. Madam Speaker, I rise in support of this Concurrent Resolution recognizing the importance of our Nation's Caribbean heritage and urge its adoption. I would like to take this opportunity, in part, to focus attention on the provisions of H. Con. Res. 364 that highlight the continuing importance of the Caribbean region to our Nation. I believe it is important that the United States work harder to foster our relationships with Caribbean nations and support their efforts to enhance the financial and geopolitical stability of the region. I recently had the opportunity to visit with Dr. Emsley D. Tromp, President of the Bank van de Nederlandse Antillen, the Central Bank for the Netherlands Antilles. During that meeting, we had the opportunity to discuss the growing importance of our relationship with the Netherlands Antilles, which has grown closer, as this country has approached independent status within the Kingdom of the Netherlands. The Netherlands Antilles has endeavored to improve its security through a more diversified economy and favorable environment for additional foreign direct investment, particularly from the United States. The Netherlands Antilles made substantial changes to their tax laws, bringing them into compliance with international norms. In addition, they entered into a tax information exchange agreement (TIEA) with the United States and have actively cooperated on tax enforcement matters. It is an important strategic partner of the United States in the Caribbean Basin with shared interests in countering transnational terrorism and crime and illegal narcotics production. A Forward Operating Location (FOL) on Curacao provides support for our drug interdiction efforts in the region. Madam Speaker, the United States should recognize and support efforts such as these in the Caribbean region, and actively work to forge closer ties with the Caribbean nations.

HONORING THE CENTENNIAL OF THE UNIVERSITY OF CALIFORNIA, DAVIS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today, together with Representatives MILLER, M. SPEIER, MATSUI and LUNGREN, to mark the 100th anniversary of the University of California, Davis. In the past 100 years, UC Davis has emerged from an agricultural outpost into one of the world's premier research universities, and along the way it has provided a first-rate education for generations of students, including several of my colleagues here today.

UC Davis touches and transforms everything that matters to us as human beings—our health; the economy; what we eat and drink; the ways we live and work together; how we find meaning through art, music, and literature; and our understanding of the natural world. UC Davis is a leading institution of education and innovation whose impact is felt around the world.

UC Davis was founded as an agricultural extension of the main University of California campus at Berkeley to address a lack of in-state educational opportunities for students of agriculture. Governor George Pardee signed off on the expansion in 1905, and Davisville was quickly selected as the location where the campus opened to 18 students in 1909. Women joined the student body in 1914.

In 1959 the Regents of the University of California elevated UC Davis to a general campus within the University of California system. This allowed the campus to develop as an institution in its own right, growing into new fields and developing its distinctive identity. Today, the campus is the largest in the system at over 5,300 acres and is internationally renowned for its beautiful layout, the extensive bike paths, arboretum and the art that enhances it throughout.

In 1966, the university affiliated with Sacramento County Hospital and within two years the first students were admitted to the UC Davis School of Medicine. The UC Davis Medical Center is consistently recognized as one of the top-50 hospitals in the Nation, and it serves as the region's trauma center. In addition, the hospital's cancer center, children's hospital and M.I.N.D. Institute for neurodevelopmental disorders are leaders in their respective fields.

As a research institution, UC Davis remains the most vibrant and productive agricultural research university in the United States, but it has expanded far beyond these roots. The faculty and administration are committed to providing a rigorous, attentive and research-oriented campus that has created a world-class learning environment. Each year, the campus welcomes a diverse and talented group of students, and it remains a popular college destination for students from California and beyond—for the 2008 entering class, UC Davis received over 42,000 freshman applications, a 15 percent increase. With a student body of over 30,000, and 178,000 alumni, UC Davis has had a wide-spread impact on life in our state.

In 1996, the university joined the prestigious Association of American Universities, representing the top 62 research universities in North America. Research funding, most of which is competitively awarded, has risen to $600 million annually, including a remarkable 15 percent jump over the past year. UC Davis's faculty regularly collaborates with leading researchers and scientists around the world. Recently, the university signed a partnership agreement to collaborate with Chilean universities on research in viticulture and enology, a major industry for California. The faculty maintains active research programs in a wide variety of fields with importance to the state and nation, including 1,500 researchers working on a range of environmental issues and over 100 engaged in cutting edge discovery and innovation in the transportation and energy sectors.

The work of the university has long been sustained by generous philanthropy from alumni and others supportive of the university's mission. Donors have established more than 100 endowed chairs at UC Davis. Recent gifts have included $100 million from the Gordon and Betty Moore Foundation to launch the new Betty Irene Moore School of Nursing; a $10 million gift from alumnus Maurice Gallagher and his wife Marcia to fund a new building (Maurice J. Gallagher Jr. Hall) and an endowment for the Graduate School of Management; and $35 million from Margrit Mondavi and the late Robert Mondavi to help establish the Mondavi Center for the Performing Arts and the Robert Mondavi Institute for Wine and Food Science.

Excellence in women's and men's athletics has long been a proud tradition at UC Davis. For its thorough dominance of college athletics at the NCAA Division II level, Davis was awarded the Sears Cup for best Division II athletic program in six of the first eight years the award was given. At the Division II level, UC Davis won multiple national championships including basketball, softball and tennis. In 2003, UC Davis undertook the rigorous process to move its athletic programs to Division 1. In 2007, the Aggies gained full Division I status after completing the probationary study-period and they now compete against the finest athletes in the nation. Undoubtedly, the most exciting times in this transition were the series of upset victories over "the other farm" in a variety of sports including football, basketball, soccer, wrestling and baseball.

Madam Speaker, at this time it is appropriate that we recognize and congratulate the University of California, Davis, on the occasion of its centennial. Over the past one hundred years, the university has been of incalculable benefit to the State of California and our nation with its accomplishments across all the fields of human endeavor. As an educational institution, UC Davis is rightly counted among the finest in the country and generations of students have benefited from the wisdom and guidance of its faculty. I know that the university will continue into its next century as it finished its first: a dynamic institution for education and research, and a true source of pride for Californians. I ask you to join me in thanking all the students, staff, administrators and faculty, past and present, for their accomplishments and continued hard work.

RECOGNIZING MARIAN MEDICAL CENTER'S CO-GENERATION ENERGY PLANT

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mrs. CAPPS. Madam Speaker, I rise today to congratulate Marian Medical Center, located

in Santa Maria, California, and in my congressional district, for the recent completion of a new Co-Generation Energy Plant. This truly is a win-win project that will benefit our community and the environment.

With skyrocketing energy costs, it's very important now that we develop alternative methods of generating electricity. The Marian Medical Center Co-Generation Energy Plant system works by capturing toxic methane gas run-off from the Santa Maria Municipal Landfill and piping it to an energy plant recently built on the hospital campus where it is converted to clean electrical energy.

Piping gas from the landfill to power the hospital will significantly reduce methane emissions and offset the use of non-renewable resources, such as natural gas and oil. The energy plant will also result in significant energy and cost savings for the hospital. It will supply all but 50 kilowatts of the energy necessary to power the medical center and is expected to achieve an annual electrical cost savings of nearly $350,000. Finally, the cogeneration project will provide benefits to the City of Santa Maria, which will be able to make use of and receive revenue for an otherwise unused, potentially toxic resource.

I am so proud that Marian Medical Center is one of only a handful of healthcare facilities in the nation to be powered by co-generated energy. This project is the result of a unique partnership and I want to commend Marian Medical Center and the City of Santa Maria for serving as a role model for other organizations in our community.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF SPAAMFAA

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the 50th anniversary of the Society for the Preservation and Appreciation for Motorized Fire Apparatus in America (SPAAMFAA).

In 1958, SPAAMFAA was founded in Syracuse, New York by Dick Horstmann to serve as a way to preserve antique fire apparatus and promote an appreciation for fire service history. Since its conception the society has grown to include more than 3,000 members in over 50 chapters across the globe and it is still going strong today.

On behalf of the people of the 25th district of New York I congratulate Dick Horstmann and all the members of SPAAMFAA for a successful 50 years and wish them continued success in the future.

TRIBUTE TO GEORGE F. ROZELLE

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. BRADY of Texas. Madam Speaker, I rise today to honor the life of George F. Rozelle III. Mr. Rozelle recently left this earth and joined his Heavenly Father.

A native of Fort Worth, Texas, Mr. Rozelle was a proud Texan and Longhorn fan even when life took him to other parts of the country. After growing up in Arlington and attending Arlington High School he went on to graduate from the University of Texas at Arlington. The business degree he earned at UT—Arlington served him well as he quickly started his career with the Junior Chamber of Commerce and began to climb the Chamber ladder.

After moving to Arizona and marrying Marty, he joined the Fiesta Bowl Committee in 1979. He played a critical role in turning the Fiesta Bowl into one of the premier sporting events in the world; he served on the Board of Directors for six years.

Mr. Rozelle's lifelong passion was serving others and his community. Besides his time with the Fiesta Bowl, he was the President of the Arizona Club, Executive Director of the Arizona chapter of the American Roads and Transportation Builder's Association and spent time with the Arizona Corporation Commission.

Mr. Rozelle was best known for his smile, easy going sense of humor, and his ability to make everyone feel comfortable. His friends and family will also miss his skill in the kitchen; a true gourmet, he was written up in the Arizona Republic for his ability and participation in a local gourmet cooking group.

George is survived by his loving and faithful wife of 31 years, Dr. Martha Rozelle, their daughters, Deborah and Vicki; son George; granddaughters Brooke, Janessa, Joni, Julie, Katy; and grandsons, Chris and Braydn.

Madam Speaker, I thank the House of Representatives and America for joining me in honoring the life of George F. Rozelle III and offering our prayers and condolences to his family and friends.

McCUTCHEON HIGH SCHOOL SOFTBALL TEAM—INDIANA STATE CHAMPIONS

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. BUYER. Madam Speaker, on Tuesday, June 10, 2008 the McCutcheon High School Softball team won the Indiana 4A softball state title. The Mavericks of McCutcheon narrowly defeated Franklin Central High School 2–1.

This was McCutcheon's first state championship in any girls sport though this year marked their third state finals and second championship game in four years.

This victory did not come easy for McCutcheon. Mother Nature intervened in their path to the championship. On Friday, June 6, 2008 lightning forced the semifinal game to be postponed. The next day, rain washed the game out. Finally, on Sunday they were able to start their semifinal game against LaPorte only to have it suspended after 4 innings. When the game was suspended, the Mavs had the lead.

Due to the weather, the Lady Mavs were forced to play a doubleheader on Tuesday. They finished their semifinal game against LaPorte, and then carried that momentum into the State Championship game against Franklin Central.

It is difficult to play a doubleheader under any circumstances, much less a championship atmosphere, but McCutcheon was up for the challenge. They were trailing in the bottom of the fourth inning when junior Tristan Wilcox knocked in the tying run with an RBI single, and then Maggie Tull scored the go-ahead run.

Pitcher Tori Collins was able to secure the victory by holding Franklin Central off to 5 hits and struck out 11 batters the whole game. These young ladies showed amazing determination against adversity and drive. After three years of almost achieving the ultimate victory, the Mavs achieved their ultimate goal.

I would like to extend my congratulations to the McCutcheon High School softball team and coaching staff:

Seniors: Tori Collins, Kristen Garza, Kendra Julian and Maggie Tull. Juniors: Maggie House, Brittany Keller, Megan Millikan, Angel Neal, Kelsey Rummel, Kaylee Smith, Meg Teller and Tristan Wilcox. Sophomores: Sarah Copley, Megan Gray and Stephanie Martin. Freshmen: Cassie Leuck and Dani Owens. Head Coach: Jim Bates. Assistant Coaches: Dan Bowsher, Larry Clark, Kayla Doyle, Kathryn Madary and Sarah Haggerty.

CONGRATULATING ARMSTRONG ATLANTIC STATE UNIVERSITY'S PIRATES

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. KINGSTON. Madam Speaker, today I rise along with the city of Savannah in congratulating the Armstrong Atlantic State University's men's and women's tennis teams. Both squads were named National Champions in the 2008 NCAA Division II Tennis Tournament held on May 17th in Houston, Texas.

It is rare for one university to obtain two national titles in the same season much less the same sport, but the Pirates managed to accomplish this feat. Brigham Young University was the last school to achieve such success in 2003.

The Lady Pirates beat Lynn University of Boca Raton, Florida, to achieve their fourth National Championship. The undefeated Men's team swept Barry University of Miami Shores, Florida, earning the University its first ever NCAA title in Men's athletics.

Both teams are coached by Simon Earnshaw.

I urge my colleagues to join me in congratulating the Armstrong Atlantic State University's Men and Women's Tennis Teams for their remarkable accomplishments, and Go Pirates!

Women's 2007–2008 Roster:

Martina Beckmann, Sophomore, Bonn, Germany; Johanna Dahlback, Senior, Hasselby, Sweden; Sofia Haggstrom, Senior, Taby, Sweden; Alisa Kagukina, Sophomore, Nikolayev, Ukraine; Gabriella Kovacs, Sophomore, Szazhalombatta, Hungary; Alida Mueller-

Wehlau, Freshman, Flensburg, Germany; Iuliia Stupak, Senior, Kiev, Ukraine.

Assistant Coach—David Secker, Volunteer Assistant Coach—Zsofia Golopencza.

Men's 2007–2008 Roster:

Rafael Array, Freshman, Las Palmas de Gran Canakia, Spain; Christian Bergh, Sophomore, Oslo, Norway; Paul Bishop, Junior, Whitwell, England; Robert Jendelund, Senior, Huddinge, Sweden; Tim Johannsen, Freshmen, Hohenlockstedt, Germany; Kevin Sijmons, Junior, Beligneux, France; Davor Zink, Senior, Santiago, Chile.

Assistant Coach—David Secker.

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the new Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 6599—Military Construction, Veterans Affairs and Related Agencies Appropriations Act For Fiscal Year 2009

Account: Military Construction, Navy

Legal Name of Receiving Entity: Naval Air Station Jacksonville

Address of Receiving Entity: Jacksonville, Florida

Description of Request: I have secured $12,890,000 in funding in H.R. 6599 in the Military Construction, Navy account for Child Development Center project at Naval Air Station Jacksonville, Florida.

Project will construct a Child Development Center (CDC) for 302 children ages 6 weeks to 6 years for full-day, part-day, and hourly care that are currently housed in substandard buildings and inadequate temporary trailers.

The existing child care facility accommodates approximately 246 children. Another 84 children are on an excess demand waiting list. Unborn infants projected list totals 46. Current facilities provide only a fraction of the space required for child care.

Additional space is required to reduce the waiting list of military dependents seeking child care services at NAS Jacksonville.

Naval Air Station Jacksonville is a strategic base for the Navy. This project was programmed by the Navy to receive funding in Fiscal Year 2009.

Military Construction projects are always 100 percent funded by the U.S. Federal government so there is no opportunity for matching funds.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 6599—Military Construction, Veterans Affairs and Related Agencies Appropriations Act For Fiscal Year 2009

Account: Military Construction, Navy

Legal Name of Receiving Entity: Naval Station Mayport

Address of Receiving Entity: Mayport, Florida

Description of Request: I have secured $14,900,000 in funding in H.R. 6599 in the Military Construction, Navy account for an Alpha Wharf Improvement project at Naval Station Mayport, Florida.

Upgrade 900′ of steel sheet pile bulkhead by driving a new steel sheet pile wall in front of the existing bulkhead, replace concrete pile cap, provide compacted select backfill material in areas of failure behind the bulkhead and between the new bulkhead and existing; replace the concrete encasement of sheet pile and concrete fendering panels; demolish and provide new asphalt wharf deck paving; demolish and reconstruct electrical distribution structure and relocate transformers and switchgear to new facility; install new primary electrical transformer, switchgear and CMU substation enclosure with HVAC for 4160V ships power, install new concrete shore power igloos to support 4160V ships power distribution; install new high security steel reinforced sliding vehicle gate, pedestrian turnstile access facility, wire rope active vehicle barrier and concrete filled, steel pipe passive vehicle bollards; cathodic protection system; concrete retaining wall. The project will demolish concrete pile cap and fendering face, demolish concrete and 5800 SY of asphalt wharf deck paving.

Naval Station Mayport is a strategic base for the Navy. This project was programmed to receive funding in Fiscal Year 2009.

Military Construction projects are always 100% funded by the U.S. Federal government so there is no opportunity for matching funds

CELEBRATING THE 50TH ANNIVERSARY OF BEN'S CHILI BOWL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. WILSON of South Carolina. Madam Speaker, fifty years ago, on August 22, 1958, newlyweds Virginia and Ben Ali opened what is regarded now as a culinary landmark in Washington, D.C., Ben's Chili Bowl. The Ali family encountered numerous hardships on the way to establishing this neighborhood restaurant as a cultural symbol of camaraderie, tolerance and endurance. Ben's Chili Bowl became famous by consistently providing quality food for half a century such as their famous chili, half-smoke sausages, hamburgers and milkshakes. Over the years, the menu has expanded to include vegetarian options and a full breakfast. Celebrities such as Bill Cosby and Denzel Washington have visited the establishment, raising its national profile.

Ben's Chili Bowl is now one of the most successful, longest-operating African-American owned businesses in America. The restaurant is expanding with Ben's II opening next door to their longtime establishment along with a restaurant located in the Washington Nationals' new stadium. Further, a book commemorating the 50th anniversary of Ben's Chili Bowl will be released in August 2008.

Ben and Virginia Ali were inducted into the District of Columbia Hall of Fame in 1991, and while they have retired, their sons Kamal and Nizam are successfully carrying the family's business into the future. Congratulations to Ben, Virginia, Kamal and Nizam Ali for their family's work ethic, dedication and commitment to making Ben's Chili Bowl an American symbol of small business success for the past 50 years.

A TRIBUTE TO THE LIFE OF ABRAHAM SHEINGOLD

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of a special man, Abraham Sheingold of Monterey, California. Abraham recently passed away at the age of 91 years old. He leaves behind his loving wife of 66 years, Sylvia, his son Larry and his daughter Janet.

Mr. Sheingold was born on February 17, 1917 in New York City. He earned his bachelor of arts and masters degree from the City College of New York. Abe joined the faculty of the Naval Postgraduate School in 1946, migrating with the school to Monterey when it was moved there from Annapolis in 1951. He was a professor of electronics, department chair and dean of academic admissions until his retirement in 1986.

Abe was a gifted teacher. His command of the English language coupled with his gentle manner and sense of humor made him a favorite with students and prompted frequent invitations to speak at Navy School functions, both during his tenure at the school and after his retirement. His knowledge of subject matter was evident in the textbook he wrote. These accomplishments contributed to his receiving the honor of Distinguished Professor.

Abe continued his involvement in the Naval Postgraduate School after his retirement through his service on the board of the Naval School Foundation, where he set up scholarship funds and honoria for faculty members. In addition, he helped establish Congregation Beth Israel on the Monterey Peninsula during the early fifties. He was an active member of the congregation, serving several terms as its president.

Abe loved to travel. He and his wife, Sylvia, took trips throughout the United States and traveled to Europe, Asia, Israel, Australia, New Zealand, Mexico and Canada. The couple moved to Sacramento 2 years ago to be near their children. He is remembered by his family and friends from around the country and the residents and caregivers at Sunrise Assisted Living in Sacramento.

It goes without saying that Mr. Abraham Sheingold was an honorable man with a commitment to his family, friends and community that will forever live in the lives of the people he so graciously touched. My heart goes out Abraham's wife and children. I am honored and humbled to join his family in celebrating the life of this amazing man who will never be forgotten.

HONORING CHIEF DEPUTY U.S. MARSHAL JOHN DUKE BUTLER

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. GONZALEZ. Madam Speaker, I rise today to honor John Duke Butler, Chief Deputy United States Marshal for the Western District of Texas, as he enters the beginning stage of his retirement. Mr. Butler's lifelong commitment to public service, demonstrated by his 32-year career in Federal law enforcement, is worthy of much praise and recognition.

Mr. Butler began his career in May of 1976 when he became Deputy U.S. Marshal in Minnesota. Over time, he held various Federal law enforcement roles and in 1995 became the Chief Deputy U.S. Marshal for the Western District of Texas. He served here until his retirement in July of 2008.

Throughout his career, his commitment to his community stretched beyond Federal law enforcement, as he was an active member of various volunteer associations, including local chapters of the Federal Bureau of Investigation National Academy Associates for 25 years.

Mr. Butler's admirable lifelong commitment to public service and Federal law enforcement has set a great example for each and every community in which he has resided. I am proud to call him a constituent, and on behalf of my colleagues here in Congress, thank Mr. Butler and his family, including his wife Shannon and their children Juliette and Cecilia, for his lifelong service, community involvement, and commitment to justice and law enforcement.

PSORIASIS ACT

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. WU. Madam Speaker, I rise today to bring attention to the serious, debilitating, chronic diseases of psoriasis and psoriatic arthritis, and to urge you to support H.R. 1188, the Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act for 2007—important bipartisan legislation that I have introduced with my colleague from Pennsylvania, Mr. GERLACH.

This legislation would be the first ever legislative action to fill important gaps in psoriasis and psoriatic arthritis data collection and research, and is an important step in providing relief to the as many as 7.5 million Americans that the National Institutes of Health estimates suffer from these noncontagious, genetic autoimmune diseases.

Psoriasis is widely misunderstood, minimized, and undertreated. In addition to the pain, itching, and bleeding caused by psoriasis, many affected individuals also experience social discrimination and stigma. Of serious concern is that people with psoriasis are at elevated risk for myriad co-morbidities, including but not limited to, heart disease, diabetes, obesity, and mental health conditions. As such, psoriasis and psoriatic arthritis impose significant burdens on individuals and society; psoriasis alone is estimated to cost the Nation 56 million hours of lost work and between $2 billion and $3 billion annually.

Also, I wish to take a moment to recognize that August is National Psoriasis Awareness Month and commend the National Psoriasis Foundation, headquartered in my district, for its annual efforts surrounding National Psoriasis Awareness Month. Moreover, I thank the foundation leaders and staff for working tirelessly each day to help our Nation make progress toward a cure and to ensure that people with psoriasis and psoriatic arthritis have access to the care they need and deserve.

On average, each of us has 17,000 constituents with psoriasis. As most of us will be at home frequently this fall, I encourage my colleagues to meet with affected constituents, learn more about psoriasis and psoriatic arthritis, and work to reduce the misconceptions surrounding these conditions. I further urge you to join with me and the other 82 cosponsors in supporting people living with psoriasis by cosponsoring H.R. 1188.

CELEBRATING THE WORK OF MADAM ANNIE B. DANIELS

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. SCOTT of Virginia. Madam Speaker, I rise today to celebrate the life and work of a treasured citizen of the Commonwealth of Virginia, Madam Annie B. Daniels. The year 2008 marks the 50th year Madam Daniels has operated her business on Chestnut Avenue in Newport News. In recognition of both this anniversary and her many civic accomplishments, I would like to say a few words about this remarkable woman.

Annie B. Daniels was born in Grove Hill, Alabama. At an early age, Madam Daniels had the desire to become a hairdresser, having been inspired by her great aunt Lady Bell Pugh, a local hairdresser. Madam Daniels began her formal beautician training at the Barnett Institute in Grove Hill and continued at the Freeman Beauty School of Savannah, Georgia. She moved to Newport News, Virginia, and enrolled in the Spratley Beauty College. Upon graduation, she worked in privately owned salons until she opened her singularly owned and operated beauty parlor on 1309 30th Street in 1948.

Although the ability to operate her own salon was empowering, Madam Daniels was unsatisfied with her first business and in 1958 she established the Madam Daniels' Salon at 2901 Chestnut Avenue. A year later she added an educational component to the salon and the Madam Daniels' School of Beauty Culture was born. Starting with just four students and a basic course of study, the school has grown tremendously in both enrollment and curriculum. Madam Daniels' School of Beauty Culture is a fixture of the southeastern Newport News community, and its graduates have gone on to make their mark in the beauty industry around the world.

Hand in hand with her entrepreneurial work, Madam Daniels has been an important advocate for civil rights and social justice in Virginia. She was active in the Civil Rights Movement in Virginia, becoming the first fully paid female life member of the Newport News branch of the NAACP. For over a decade she chaired the local life membership committee, and through her efforts to increase life memberships, the branch was nationally recognized.

Madam Daniels's civic engagement has been recognized by the City of Newport News, the NAACP, Hampton University, the Urban League of Hampton Roads, the Peninsula Chapter of 100 Black Men of America, and the Virginia General Assembly. Her advice and counsel are actively sought by local mayors, city council members, and state and national representatives, including myself. I congratulate Madam Daniels on her 50 years as a successful entrepreneur and for her 50 years of commitment and service to her community, state, and country.

SECRETARY ROBERT GATES' REMARKS AT THE U.S. GLOBAL LEADERSHIP CAMPAIGN TRIBUTE DINNER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. BERMAN. Madam Speaker, on July 15, the Secretary of Defense, Robert M. Gates, was honored at the annual Tribute Dinner of the U.S. Global Leadership Campaign, USGLC, for his leadership in supporting our Government's foreign affairs budget. The USGLC has been an important organization supporting adequate funding levels for the conduct of our country's foreign affairs and international assistance programs. Secretary of State Condoleezza Rice introduced Secretary Gates and acknowledged his contributions.

In his remarks, Secretary Gates strongly advocated for a robust civilian capacity within the U.S. Government: "When it comes to America's engagement with the rest of the world, it is important that the military is—and is clearly seen to be—in a supporting role to civilian agencies." In order to further U.S. national security, Secretary Gates argued that our civilian institutions of diplomacy and development must be adequately staffed and properly funded. It is a message that Secretary Gates has been giving to the American people and to our nation's leadership here in Washington.

I wholeheartedly agree with Secretary Gates' thoughtful statement and welcome his support for rebuilding the US civilian diplomatic and development capacity. Over the last four months, I have held a number of hearings of the House Foreign Affairs Committee on reforming American foreign assistance programs and rebuilding our civilian capacity. We will be having another hearing on this issue in September.

Madam Speaker, the next Congress and the next Administration will have to take on the

necessary, but difficult task of reforming our foreign assistance programs, and equally important, improving the diplomatic and development functions within our government. I look forward to this job that lies ahead of us.

Madam Speaker, I ask that the full text of Secretary Gates' remarks to the U.S. Global Leadership Campaign be placed in The RECORD, and I urge my colleagues to give careful attention to the Secretary's thoughtful speech.

AMERICA'S VOICE FOR SECURITY, PROSPERITY, AND HUMANITARIAN VALUES—REMARKS BY SECRETARY OF DEFENSE ROBERT M. GATES AT USGLC TRIBUTE DINNER, JULY 15, 2008

Thank you very much for the introductions. Thank you Condi Rice for the kind words, and above all, for your principled and visionary leadership of the Department of State.

One of the reasons I have rarely been invited to lecture in political science departments—including at Texas A&M—is because faculty correctly suspect that I would tell the students that what their textbooks say about government does not describe the reality I have experienced in working for seven presidents. Organization charts, institutions, statistics, structures, regulations, policies, committees, and all the rest—the bureaucracy, if you will—are the necessary pre-condition for effective government. But whether or not it really works depends upon the people and their relationships. For significant periods since I entered government 42 years ago, the Secretary of State and Secretary of Defense were not on speaking terms. The fact that Condi and I actually get along means that our respective bureaucracies understand that trying to provoke us to fight with one another is not career-enhancing. Such efforts still occur, of course. After all, this is Washington. But the bureaucratic battles are a good deal more covert.

Of course, the human side of government is always a source of both humor and embarrassment. Will Rogers once said, ''I don't make jokes. I just watch the government and report the facts.'' And the conduct of diplomacy, where—as Secretary Rice can attest—protocol and propriety are so very important, provides an especially fertile ground for amusement.

For example, there was the time that President Nixon met with Israeli Prime Minister Golda Meir, shortly after Nixon had appointed Henry Kissinger as Secretary of State. With Golda Meir in that meeting was her very erudite foreign minister, Abba Eban, a graduate of Cambridge. At one point in the meeting, Nixon turned to Golda Meir and said, ''Just think, we now both have Jewish foreign ministers.'' And without missing a beat Golda Meir said, ''Yes, but mine speaks English.''

Then there was the time that President Nixon visited Italy and had a meeting with the Pope. Kissinger and Nixon had along with them Secretary of Defense Mel Laird, but they decided that Laird as, in effect, secretary of war shouldn't be invited to a meeting with the Pope. So, Nixon the next morning went in for his private audience with the Pope, and the other Americans waited outside for the general audience. And who should come striding down the hall of the papal apartments but Mel Laird smoking an enormous cigar, he had decided he wanted in on the meeting. Kissinger was beside himself, but finally said, ''Well, Mel, at least extinguish the cigar.'' And so Laird stubbed out his cigar and put it in his pocket.

The rest of the American party a few minutes later went in to their meeting with the Pope, everyone took a seat. A couple of minutes into the Pope's remarks, Kissinger heard this little patting sound going on, he was in the second row with Laird on the end, there was a wisp of smoke coming out of Laird's pocket. Everything seemed under control. A couple of minutes later, Kissinger heard this loud slapping noise. He looked over smoke was billowing out of Laird's pocket. The Secretary of Defense was on fire. Now the rest of the delegation heard this slapping noise, and they thought they were being cued to applaud the Pope. And so they did. And Henry later told us, ''God only knows what his Holiness thought, seeing the American secretary of defense immolating himself, and the entire American party applauding the fact.''

I am honored to receive this award, and I consider it a privilege to be associated with the United States Global Leadership Campaign. It is a truly remarkable collection of ''strange bedfellows''—from Save the Children to Caterpillar, from Catholic Relief Services to AIPAC, and even Boeing and Northrop Grumman. This organization has been a prescient, and often lonely, advocate for the importance of diplomacy and international development to America's vital national interests—and I commend you for that.

Though my views on these subjects have become better known through recent speeches, in many ways they originated and were reinforced by my prior experience in government during the Cold War. Looking back, it is clear that the strength of America's military forces and intelligence capabilities—along with the willingness to use them—held the Soviets at bay for more than four decades. But there was another side to that story and to that struggle. There was the Agency for International Development overseeing development and humanitarian assistance programs that improved—if not saved—the lives of millions of people from disease, starvation, and poverty. Our diplomats forged relationships and bonds of trust, and built up reservoirs of expertise and goodwill that proved invaluable over time. Countless people in foreign countries wandered into a United States Information Agency library, or heard from a visiting speaker and had their opinions about America transformed by learning about our history and culture and values. Others behind the Iron Curtain were inspired to resist by what they heard on Radio Free Europe and the Voice of America.

In all, these non-military efforts—these tools of persuasion and inspiration—were indispensable to the outcome of the defining ideological struggle of the 20th century. I believe that they are just as indispensable in the 21st century—and maybe more so.

Just last month I approved a new National Defense Strategy that calls upon us to ''Tap the full strength of America and its people''—military and civilian, public and private—to deal with the challenges to our freedom, prosperity, and security around the globe.

In the campaign against terrorist networks and other extremists, we know that direct military force will continue to have a role. But over the long term, we cannot kill or capture our way to victory. What the Pentagon calls ''kinetic'' operations should be subordinate to measures to promote participation in government, economic programs to spur development, and efforts to address the grievances that often lie at the heart of insurgencies and among the discontented from which the terrorists recruit. It will take the patient accumulation of quiet successes over time to discredit and defeat extremist movements and their ideology.

We also know that over the next 20 years and more certain pressures—population, resource, energy, climate, economic, and environmental—could combine with rapid cultural, social, and technological change to produce new sources of deprivation, rage, and instability. We face now, and will inevitably face in the future, rising powers discontented with the international status quo, possessing new wealth and ambition, and seeking new and more powerful weapons. But, overall, looking ahead, I believe the most persistent and potentially dangerous threats will come less from ambitious states, than failing ones that cannot meet the basic needs—much less the aspirations—of their people.

In my travels to foreign capitals, I have been struck by the eagerness of so many foreign governments to forge closer diplomatic and security ties with the United States—ranging from old enemies like Vietnam to new partners like India. Nonetheless, regard for the United States is low among the populations of many key nations—especially those of our moderate Muslim allies.

This is important because much of our national security strategy depends upon securing the cooperation of other nations, which will depend heavily on the extent to which our efforts abroad are viewed as legitimate by their publics. The solution is not to be found in some slick PR campaign or by trying to out-propagandize al-Qaeda, but rather through the steady accumulation of actions and results that build trust and credibility over time.

To do all these things, to truly harness the ''full strength of America,'' as I said in the National Defense Strategy, requires having civilian institutions of diplomacy and development that are adequately staffed and properly funded. Due to the leadership of Secretary Rice and before her Secretary Powell, and with the continuing strong support of the President, we have made significant progress towards pulling ourselves out of the hole created not only by the steep cutbacks in the wake of the Cold War—but also by the lack of adequate resources for the State Department and the entire foreign affairs account going back decades.

Since 2001, international affairs spending has about doubled, State has begun hiring again, billions have been spent to fight AIDS and malaria in Africa, the Millennium Challenge Corporation is rewarding better governance in the developing world, and Secretary Rice has launched a program of transformational diplomacy to better posture the diplomatic corps for the realities of this century. The President's budget request this year, as Condi said, includes more than 1,100 new Foreign Service officers, as well as a response corps of civilian experts that can deploy on short notice. And, for the first time in a long time, I sense real bipartisan support in Congress for strengthening the civilian foreign affairs budget.

Shortfalls nonetheless remain. Much of the total increase in the international affairs budget has been taken up by security costs and offset by the declining dollar, leaving little left over for core diplomatic operations. These programs are not well understood or appreciated by the wider American public, and do not have a ready-made political constituency that major weapons systems or public works projects enjoy. As a result, the slashing of the President's international affairs budget request has too often become an annual Washington ritual—right

up there with the blooming of the cherry blossoms and the Redskins' opening game.

As someone who once led an agency with a thin domestic constituency, I am familiar with this dilemma. Since arriving at the Pentagon I've discovered a markedly different budget dynamic—not just in scale but the reception one gets on the Hill. Congress often asks the military services for lists of things that they need, but that the Defense Secretary and the President were too stingy to request. As you can imagine, this is one congressional tasking that prompts an immediate and enthusiastic response.

It has become clear that America's civilian institutions of diplomacy and development have been chronically undermanned and underfunded for far too long—relative to what we spend on the military, and more important, relative to the responsibilities and challenges our nation has around the world. I cannot pretend to know the right dollar amount—I know it's a good deal more than the one percent of the federal budget that it is right now. But the budgets we are talking about are relatively small compared to the rest of government, a steep increase of these capabilities is well within reach—as long as there is the political will and wisdom to do it.

But even as we agree that more resources are needed, I believe that there is more to this problem than how much money is in the 150 Account. The challenge we face is how best to integrate these tools of statecraft with the military, international partners, and the private sector.

Where our government has been able to bring America's civilian and the military assets together to support local partners, there have been incredibly promising results. One unheralded example, one you will not read about in the newspapers, is in the Philippines. There the U.S. Ambassador—Kristie Kenney—has overseen a campaign involving multiple agencies working closely together with their Philippine counterparts in a synchronized effort that has delegitimized and rolled back extremists in Mindanao. Having a strong, well-supported chief of mission has been crucial to success.

The vastly larger, more complex international effort in Afghanistan presents a different set of challenges. There are dozens of nations, hundreds of NGOs, universities, development banks, the United Nations, the European Union, NATO—all working to help a nation beset by crushing poverty, a bumper opium crop, and a ruthless and resilient insurgency. Getting all these different elements to coordinate operations and share best practices has been a colossal—and often all too often unsuccessful—undertaking. The appointment this spring of a UN special representative to coordinate civilian reconstruction in Afghanistan is an important step forward. And at the last NATO defense ministerial, I proposed a civilian-military planning cell for Regional Command South to bring unity to our efforts in that critically important part of the country. And I asked Kai Eide, when I met with him last week, to appoint a representative to participate in this cell.

Repeating an Afghanistan or an Iraq—forced regime change followed by nation-building under fire—probably is unlikely in the foreseeable future. What is likely though, even a certainty, is the need to work with and through local governments to avoid the next insurgency, to rescue the next failing state, or to head off the next humanitarian disaster.

Correspondingly, the overall posture and thinking of the United States armed forces has shifted—away from solely focusing on direct American military action, and towards new capabilities to shape the security environment in ways that obviate the need for military intervention in the future. This approach forms the basis of our near-term planning and influences the way we develop capabilities for the future. This perspective also informed the creation of Africa Command, with its unique interagency structure, a deputy commander who is an ambassador not a general, as well as Southern Command's new orientation and priorities in Latin America.

Overall, even outside Iraq and Afghanistan, the United States military has become more involved in a range of activities that in the past were perceived to be the exclusive province of civilian agencies and organizations. This has led to concern among many organizations—perhaps including many represented here tonight—about what's seen as a creeping ''militarization'' of some aspects of America's foreign policy.

This is not an entirely unreasonable sentiment. As a career CIA officer I watched with some dismay the increasing dominance of the defense 800 pound gorilla in the intelligence arena over the years. But that scenario can be avoided if—as is the case with the intelligence community today—there is the right leadership, adequate funding of civilian agencies, effective coordination on the ground, and a clear understanding of the authorities, roles, and understandings of military versus civilian efforts, and how they fit, or in some cases don't fit, together.

We know that at least in the early phases of any conflict, contingency, or natural disaster, the U.S. military—as has been the case throughout our history—will be responsible for security, reconstruction, and providing basic sustenance and public services. I make it a point to reinforce this message before military audiences, to ensure that the lessons learned and re-learned in recent years are not forgotten or again pushed to the margins. Building the security capacity of other nations through training and equipping programs has emerged as a core and enduring military requirement, though none of these programs go forward without the approval of the Secretary of State.

In recent years the lines separating war, peace, diplomacy, and development have become more blurred, and no longer fit the neat organizational charts of the 20th century. All the various elements and stakeholders working in the international arena—military and civilian, government and private—have learned to stretch outside their comfort zone to work together and achieve results.

For example, many humanitarian and international organizations have long prided themselves on not taking sides and avoiding any association with the military. But as we've seen in the vicious attacks on Doctors Without Borders in Afghanistan, and the U.N. Mission in Iraq, violent extremists care little about these distinctions.

To provide clearer rules of the road for our efforts, the Defense Department and ''InterAction''—the umbrella organization for many U.S.-based NGOs—have, for the first time, jointly developed guidelines for how the military and NGOs should relate to one another in a hostile environment. The Pentagon has also refined its guidance for humanitarian assistance to ensure that military projects are aligned with wider U.S. foreign policy objectives and do not duplicate or replace the work of civilian organizations.

Broadly speaking, when it comes to America's engagement with the rest of the world, you probably don't hear this often from a Secretary of Defense, it is important that the military is—and is clearly seen to be—in a supporting role to civilian agencies. Our diplomatic leaders—be they in ambassadors' suites or on the seventh floor of the State Department—must have the resources and political support needed to fully exercise their statutory responsibilities in leading American foreign policy.

The challenge facing our institutions is to adapt to new realities while preserving those core competencies and institutional traits that have made them so successful in the past. The Foreign Service is not the Foreign Legion, and the United States military should never be mistaken for the Peace Corps with guns. We will always need professional Foreign Service officers to conduct diplomacy in all its dimensions, to master local customs and culture, to negotiate treaties, and advance American interests and strengthen our international partnerships. And unless the fundamental nature of humankind and of nations radically changes, the need—and will to use—the full range of military capabilities to deter, and if necessary defeat, aggression from hostile states and forces will remain.

In closing, I am convinced, irrespective of what is reported in global opinion surveys, or recounted in the latest speculation about American decline, that around the world, men and women seeking freedom from despotism, want, and fear will continue to look to the United States for leadership.

As a nation, we have, over the last two centuries, made our share of mistakes. From time to time, we have strayed from our values; on occasion, we have become arrogant in our dealings with other countries. But we have always corrected our course. And that is why today, as throughout our history, this country remains the world's most powerful force for good—the ultimate protector of what Vaclav Havel once called ''civilization's thin veneer.'' A nation Abraham Lincoln described as mankind's ''last, best hope.''

For any given cause or crisis, if America does not lead, then more often than not, what needs to be done simply won't get done. In the final analysis, our global responsibilities are not a burden on the people or on the soul of this nation. They are, rather, a blessing.

Thank you for this award and I salute you for all that you do—for America, and for humanity.

TRIBUTE TO NICK DONOFRIO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Ms. DELAURO. Madam Speaker, it is my great pleasure to pay special tribute to Connecticut resident Mr. Nick Donofrio who is retiring after more than 40 years in various leadership capacities at the IBM Corporation.

Nick joined IBM in 1967 and spent the early part of his career in integrated circuit and chip development, as a designer of logic and memory chips. He held numerous technical management positions and, later, executive positions in several of IBM's product divisions. He has led many of IBM's major development and manufacturing teams—from semiconductor and storage technologies, to microprocessors

and personal computers, to IBM's entire family of servers.

Nick has always been a champion for innovation across IBM and its global ecosystem. He has been the leader of IBM's global technology strategy. In addition to his strategic business mission, Nick has led the development and retention of IBM's technical population and strives to enrich that community with a diversity of culture and thought.

Nick has been focused sharply on advancing education, employment and career opportunities for underrepresented minorities and women—all issues of great importance to me as well.

He served for many years on the Board of Directors for the National Action Council for Minorities in Engineering (NACME). He has served on the Board of Directors for INROADS, a non-profit organization focused on the training and development of talented minority youth for professional careers in business and industry, and he is co-chair of the New York Hall of Science. A fellow Italian-American, Nick was awarded the prestigious 2007 National Education and Leadership Award from the Sons of Italy Foundation.

He is the holder of seven technology patents and is a member of numerous technical and science honor societies. In 2002, Nick was recognized by Europe's Institution of Electrical Engineers with the Mensforth International Gold Medal for outstanding contributions to the advancement of manufacturing engineering. In 2003, he was named Industry Week magazine's Technology Leader of the Year, the University of Arizona's Technical Executive of the Year, and was presented with the Rodney D. Chipp Memorial Award by the Society of Women Engineers for his outstanding contributions to the advancement of women in the engineering field. In 2005, Nick was elected a member of the American Academy of Arts and Sciences, he was presented with Syracuse University's highest alumni honor—the George Arents Pioneer Medal, and he was honored by CNBC with its Overall Technology Leadership Award.

Madam Speaker, please join me in congratulating Nick Donofrio as he begins a new, exciting chapter in his life.

TELL CITY SESQUICENTENNIAL CELEBRATION

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. HILL. Madam Speaker, 2008 marks the 150th anniversary of the founding of Tell City, in Perry County, Indiana. Nestled on the Ohio River and surrounded by the natural beauty of the Hoosier National Forest, the city's 7,500 citizens personify a warm and welcoming demeanor and help define the term ''Hoosier Hospitality.''

The Town's ceremonial observance of this anniversary will be held beginning Saturday, August 2nd continuing through August 9th, 2008. Organized to coincide with the city's annual Schweizerfest, itself a Hoosier treasure developed in 1959 after the city's centennial celebration, a number of celebratory events have been planned including musical performances, historical tours, steamboat river cruises, a city picnic, as well as a parade and trolley tours. I look forward to celebrating Tell City's Sesquicentennial with its residents and attending some of these events during the festival.

The history of Tell City is richly accentuated by the story of European immigrants that came to our country during the 19th Century. The story begins not in Indiana but in neighboring Cincinnati, Ohio. Cincinnati was a major departure point for German immigrants hoping to settle further west, and in 1856 a group of investors paid $15.00 per share to found the Swiss Colonization Society. Their desire was to locate and purchase land for a new community—and their search was exhaustive. The search included potential sites as far west as the Nebraska and Kansas prairie. The members of the Swiss Colonization Society finally agreed upon a 4,100 acre site between the Town of Troy and the City of Cannelton in Perry County, Indiana.

They created the new city from scratch, laying out more than 7,300 lots along wide streets named after leaders in science, education and the arts. The first 620 settlers arrived in May 1858 and within weeks more than eighty homes were either constructed or being built.

The first name proposed for the city was ''Helvetia'' after the early Latin name for Switzerland. However, out of a desire to fit the new country they had come to settle, they reconsidered and instead chose to honor their Swiss heritage by naming the city after William Tell, the legendary 14th century Swiss freedom fighter well-known for sparking the rebellion against the Hapsburg Emperors that led to the formation of the Swiss Confederation, a precursor to the modern day Switzerland.

The immigrants that settled in Tell City desired a community founded on the principles of free enterprise, hard work, and freedom. The community's founding mothers and fathers spoke mostly German and were born in Swiss cantons or the yet-to-be-unified Germany.

These settlers left behind political tensions and the economic perils of Europe for the promise offered in America.

Quickly developing sources of trade and commerce, these industrious men and women offered their fellow citizens the staples of the day through the milling of grain, brick making, and the production of clothing, food and beer. One of the earliest trades established in Tell City was that of woodworking and furniture building. That tradition continues today through businesses such as Tell City Chair, William Tell Woodworkers/Swiss Plywood, and Castlewood Corporation.

As Tell City grew, other industries and services also came to the emerging community, including attorneys, the first postmaster and a fire-fighting company. The first school was constructed in 1859 in a small, two story school house. While the lower level was used for teaching, the upstairs room was used as living space for the school's teacher.

Faith also played an important role in the growing community and remains a key component. The first church was a catholic church, built in the 1000 block of Main Street. While the original structure has long since been razed, St. Paul's Catholic Church continues that legacy and has been joined by ten other denominations throughout the city.

The Swiss Colonization Society continued to direct the city's development through its early years and functioned in large part as a municipal government until the new city could function independently. Over the course of its last several years, the Society deeded the remaining land not settled to the city and the community schools and on April 17, 1879 disbanded.

It wasn't until 1886, however, that the town elected August Schreiber as its first mayor. A native of Prussia, Schreiber came to America in 1855 and entered the pharmacy business, founding Schreiber's Drug Store in Tell City. His term as Mayor lasted only two years. It wasn't until 1892 when Albert Fenn was elected to the position that a native born in Tell City became mayor. Fenn held many other public offices, including that of county auditor, city clerk, and city councilman. Fenn also played an important role in politics outside of Tell City, serving as a delegate in 1896 and as a sergeant-at-arms from 1900–1912 at the Democratic national conventions.

One of Albert Fenn's greatest legacies to Tell City is the City Hall. Conceived in 1895 by Fenn and others to lure the county seat to Tell City from neighboring Cannelton, the original intent was to construct the structure and then donate it to the County. This action set off a competition with the residents of Cannelton, who also began work to raise funds and construct a new structure for the county.

Cannelton completed its project first and provided the structure to the county without cost or the legal process of relocating the county seat. Tell City retained its building as the city hall, using the extra space in the structure for a myriad of civic and community functions, including use as school space. In what is perhaps the most ironic and controversial footnote to the story, Perry County did relocate its county seat to Tell City in 1994 to a new structure located on Payne Street.

Tell City played an important role for shipping during the 1880's. Early commerce and travel was easier along the Ohio River than via the rough roads that connected the city with other communities such as Paoli and Jasper, Indiana. As a result, Tell City developed one of the largest ports between Louisville, KY and Evansville, IN and in 1889, the Louisville and Evansville Mail line named a new boat Tell City in honor of the city's importance on the route. Comprising nearly 38 acres, the Tell City River Port continues the city's river heritage, specializing in the handling of bulk materials such as pig iron, coke, coal and woodchips for area manufacturers.

The river has also served to challenge the community. A victim of the 1937 Ohio River Flood, much of the community had to be restored or rebuilt. Ohio River Flood Markers are painted on the William Tell Woodcrafters Office Building on Seventh Street depicting the actual levels of the water during this and other floods. As with other communities following that historic flood, the Army Corps of Engineers constructed a flood wall to protect the citizenry from future flooding.

Tell City stands as Perry County's largest community and serves as the largest economic district in the county. To that end, the City recently completed a renovation of its downtown district with new landscaping, street lights, and bike racks. Bike lanes were also added throughout the four-block district.

An extensive network of recreational facilities has also been developed in the community to provide assorted athletic opportunities to the residents of the community. New walking trails and further developments of these facilities demonstrate the pride and dedication enjoyed by this community.

Above all else, the real treasure of Tell City is it citizens. Despite any challenges they may face, they continue to display a collective confidence and ingenuity that overcomes any problem and has allowed the city to flourish.

It is an honor and privilege to represent this community in Congress. I want to congratulate Tell City on its Sesquicentennial, and look forward to seeing how this unique and wonderful city thrives for decades to come.

TRIBUTE TO LEADERS OF THE ENERGY EFFICIENCY CAUCUS

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. COURTNEY. Madam Speaker, I rise today to commend the leaders of the Energy Efficiency Caucus, Representatives MARK UDALL and ZACH WAMP, for spearheading the Congressional Renewable Energy and Energy Efficiency Expo. More than 50 businesses from around the country will demonstrate their sustainable energy technologies.

Energy efficiency must be the cornerstone of our energy policy because it affords our country the ability to decrease demand for oil and other energy sources, thus reducing our overall energy consumption and increasing our national security. Congress must enact incentives to make sure that these technologies flourish.

As I travel across Connecticut's Second Congressional District, I have seen first-hand the innovation that businesses, school districts and families are employing to reduce their energy costs and reduce energy emissions.

Earlier this week, I attended a House field hearing in Hartford, Connecticut, at which the leaders of General Electric and United Technologies Corporation, both headquartered in Connecticut, discussed their energy efficient technologies. These two companies, like the ones exhibiting at the EXPO, have developed a variety of products for all sectors of the economy. At the same time, these companies are also seeing their own energy consumption and costs lowered as they embrace energy efficient technologies internally.

I encourage my colleagues to stop by the EXPO in the Cannon Caucus Room on Thursday anytime between 9 a.m.–5 p.m. It is an opportunity to see innovation first-hand.

IN HONOR OF RICHLAND TOWNSHIP'S 175TH ANNIVERSARY AND THE FIRST ANNUAL RICHLAND COMMUNITY DAYS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. MURTHA. Madam Speaker, I rise today to acknowledge Richland Township in Cambria County, Pennsylvania, as it celebrates its 175th Anniversary and to commend the township on its first annual Richland Community Days.

Madam Speaker, Richland's history dates back to the second half of the 18th Century when the area was still part of Bedford County. Some of the area's earliest settlers were the Adams family, which included Samuel, Rachel, and Solomon. Their legacy lives on through the various landmarks in the area that were named after the members of the family. Richland Township was officially formed in 1833 out of land from Conemaugh Township in the new Cambria County. The township was given the name of "Richland" because of the quality of its land.

Over the last 175 years, Richland Township has seen tremendous growth, and, in the last 2 decades in particular, has transformed itself into a hub of commercial, educational, retail, and high-tech opportunities. I'm proud of these accomplishments and I look forward to working to ensure continued growth and a brighter future for both Richland and our region.

The Richland Community Days are an extraordinary way for the citizens of Richland to recognize their township's history as well as to look forward to its future. Madam Speaker, I finish my remarks by congratulating Richland Township on its 175th Anniversary and to recognize the many volunteers who have worked hard to make the first annual Richland Community Days a success.

INTRODUCTION OF THE COMPENSATION AND RESPECT FOR ENERGY WORKERS ACT "CARE ACT"

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a bill to improve the workings of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

The bill, cosponsored by my Colorado colleague, Mr. PERLMUTTER, is entitled the Compensation and Respect for Energy Workers Act (or "CARE Act").

It is similar to legislation with that title introduced in the Senate by Senator SALAZAR, but unlike the Senate version it also includes a section that would amend the EEOICPA to expand the number of former workers at the Rocky Flats site in Colorado covered by the "special exposure cohort" provisions of that law. This part of the new bill is identical to section 3 of H.R. 904, which I introduced with Mr. PERLMUTTER last year.

The Energy Employees Occupational Illness Program Act (EEOICPA) was enacted to compensate American workers (and certain survivors) who put their health and life on the line to serve our Nation during the Cold War. Among them were thousands of Coloradans who worked at Rocky Flats as well as some other sites covered by the EEOICPA law. Many of them developed beryllium disease, cancer, or other ailments from being exposed to beryllium, radiation, or other hazards.

When I was first elected to Congress, I began working with colleagues in the House and Senate—on both sides of the aisle—to provide a measure of justice for them and those with similar problems who worked at other nuclear-weapons sites.

Before the Clinton Administration, the federal government had resisted paying claims filed by injured workers. But, led by Bill Richardson as Secretary of Energy, the Clinton Administration took a different position and asked Congress to establish a compensation program.

That prompted me and other Members to introduce legislation to accomplish that objective. And I was among those who strongly supported the EEOICPA provisions that were finally enacted into law in 2000.

But the next year brought a new Administration that, regrettably, has not been as strong an advocate of the program as its predecessor. In fact, after the Bush Administration inherited this program, they have both mismanaged it and tried to undermine it. They seemed not to realize that this is not just about money, but about the honor of the United States.

With other supporters of the program, I have worked to get the Administration to improve its implementation—and I will continue to do so.

But I also have worked to correct problems with the EEOICPA law itself—and the bill I am introducing today is part of that ongoing effort.

While many people have received benefits under the Program, too many face incredible obstacles as they try to demonstrate that they qualify. More than 8 years after enactment, workers have died without receiving the healthcare or compensation they deserve. In fact, a combination of missing records and bureaucratic red tape has prevented many workers from accessing any compensation for their serious illnesses.

The CARE Act is designed to expand the category of individuals eligible for compensation, improve the procedures for providing compensation and transparency, and grant the Office of the Ombudsman greater authority to help workers.

Toward that end, the first 10 sections of the bill would:

Expand the list of cancers for which individuals are eligible to receive compensation—this would be done by amending the relevant part of another law, the Radiation Exposures Compensation Act (RECA) because EEOICPA adopts that law's list by reference.

Require the Department of Labor (DOL) to pay a claimant's estate should a claimant die after filing their claim but before receiving payment and leave no survivors.

Expand the duties of the Office of the EEOICPA Ombudsman to include the ability to

provide information to claimants on benefits available under Part B.

Grant the Ombudsman the authority to contract for expert services to assist in the execution of its duties (e.g., individuals with expertise in health physics, medicine and toxicology).

Require DOL to provide the public with access to the ''site exposure matrix'' and any other databases or site profiles used to evaluate claims for compensation.

Expand the statute of limitations to 1 year to provide ample time for workers whose claims have been denied to file a petition in federal court.

Require any federal agency with jurisdiction over the program to provide information to claimants in easily understandable language and, if a claim is denied, provide claimants with a detailed, written explanation of all reasons for the denial and the additional documents, evidence, or information necessary to meet the burden of proof on appeal.

Require the Office the Office of Workers' Compensation Programs to directly pay service providers for personal care services and transportation to assist low-income claimants who cannot afford to cover the cost of necessary medical and transportation expenses and wait for reimbursement from the government.

Require claims examiners to provide written notice to claimants who file under either Part B or Part E of potential monetary or medical compensation for which they may be eligible.

Require DOL to provide a list of physicians qualified to perform medical and impairment screenings from independent medical associations and institutions of higher education.

Prohibit the Departments of Energy (DOE) and Labor from destroying original documents related to any DOE facility that might reasonably be expected to be used by workers in support of filing claims under EEOICPA.

And, section 11 of the bill would revise the part of the EEOICPA law that specifies which covered workers are part of what the law designates as the ''Special Exposure Cohort.''

The revision would extend this ''special exposure cohort'' status to Department of Energy employees, Department of Energy contractor employees, or atomic weapons employees—all terms defined by the current law—who worked at the Rocky Flats site, in Colorado, for at least 250 days prior to January 1, 2006.

The result would be to help provide the Act's benefits to any of those workers who contracted a radiation-linked cancer specified in the Act after beginning employment at Rocky Flats.

As the law now stands, before a Rocky Flats worker suffering from a covered cancer can receive benefits, it must be established that the cancer is as likely as not to have resulted from on-the-job exposure to radiation. That sounds like a reasonable requirement and it would be appropriate for Rocky Flats if we had adequate documentation of radiation exposures for the years when it was producing nuclear-weapons components as well as for the more recent time when DOE and its contractors have been working to clean it up and prepare it for closure.

However, in fact there were serious shortcomings in the monitoring of Rocky Flats workers' radiation exposures and in the necessary recordkeeping—to say nothing of the slowness of the current administrative process for making the required determinations concerning links between exposure and employment.

So there is a risk that a significant number of Rocky Flats workers who should be able to benefit from the Act will not obtain its benefits in a timely manner or will be denied them entirely.

The bill would prevent this miscarriage of justice, by recognizing that Rocky Flats workers have been plagued by the same kinds of administrative problems that entangled workers at some other locations—administrative problems that were addressed through inclusion in the Act of the provisions related to the ''Special Exposure Cohort.''

My understating of the need for this bill came from meeting with Rocky Flats workers and their representatives and by consulting experts. I have particularly benefited from the great experience and expertise of Dr. Robert Bistline. Dr. Bistline has served as Program Manager of the Energy Department's Oversight of Radiation Protection Program at the Rocky Flats field office and has few if any peers in terms of his understanding of the problems addressed by the bill. In particular, the bill reflects these aspects of Rocky Flats history:

Many worker exposures were unmonitored over the plant's history. For some estimated doses were assigned, and radiation exposures for many others are missing. As a result, there are at best incomplete records and many inaccuracies in the exposure records that do exist.

No lung counter for detecting and measuring plutonium and americium in the lungs existed at Rocky Flats until the late 1960's. Without this equipment the very insoluble oxide forms of plutonium cannot be detected and a large number of workers had inhalation exposures that went undetected and unmeasured.

Exposure to neutron radiation was not monitored until the late 1950's and most of those measurements through 1970 have been found to be in error. In some areas of the plant the neutron doses were as much as 2 to 10 times as great as the gamma doses received by workers but only gamma doses were recorded.

As a result of these and other shortcomings, some Rocky Flats workers have been denied compensation under the Act despite having worked with tons of plutonium and having known exposures leading to serious health effects.

Madam Speaker, since early in my tenure in Congress I have worked to make good on promises of a fairer deal for the nuclear-weapons workers who helped America win the Cold War. That was why enactment and improvement of the compensation Act has been one of my top priorities. I saw this as a very important matter for our country—and especially for many Coloradans because our State is home to the Rocky Flats site, which for decades was a key part of the nuclear-weapons complex.

Now the site's military mission has ended and the last of the Rocky Flats workers have completed the job of cleaning it up for closure. And just as they worked to take care of the site, we in Congress need to take care of them and the others who worked there in the past, and do a better job of taking care of those who have worked at other sites as well.

That was the purpose of the compensation act. I am very proud that I was able to help achieve its enactment, but I am also aware that it is not perfect. The bill being introduced today will not remedy all the shortcomings of the current law, but it will make it better.

A TRIBUTE TO THE LIFE OF SIDNEY HARVEY CRAIG

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of a special man, Sidney Harvey Craig of Santa Fe, California, who recently passed away at the age of 76 years old. He leaves behind his loving wife Jenny, 5 children and 13 grandchildren.

Mr. Craig, affectionately known as Sid, was born on March 22, 1932 in Vancouver, British Columbia and was raised in Alhambra, California. After attending Mt. San Antonio College, Mr. Craig transferred to Fresno State College and graduated with a major in business and psychology. While at Fresno State he taught dance classes at the Arthur Murray dance studio. Upon graduating from Fresno State he joined the Arthur Murray dance studio and before long owned several franchises and served on its board of directors.

At the age of 22 years old he was stationed in San Diego serving in the U.S. Navy. During the same time he became friends with Hal King, who introduced him to horseracing. King would later become Sid's business partner, trainer and racing manager until he died in 1991. Sid's love for horses led to him owning a number of successful thoroughbreds. In 1995 Sid and his wife Jenny purchased a 237-acre thoroughbred horse-racing stable in Rancho Santa Fe. Several of their thoroughbreds raced in the Belmont Stakes and the Kentucky Derby, and one set a Del Mar track record for 1¼ mile.

After moving to Australia with his wife Jenny in 1982 they started Jenny Craig International, the successful weight-loss program which went public on the New York Stock Exchange after only two years. At the height of their careers, Sid and Jenny oversaw more than 650 Jenny Craig centers in the United States, Canada, Australia and New Zealand. Twenty-three years and 4 million dieters later, they eventually sold the Jenny Craig centers to Nestle.

In 1992 Mr. Craig returned to his alma mater and made a significant donation to the Fresno State School of Business, which was renamed in his honor to the Sid Craig School of Business. In 1993, Fresno State President John Welty also gave him an honorary degree of doctorate for his contributions to the university, his commitment to others and its students. And to this day, the community of Fresno credits Sid and Jenny Craig's generosity for helping the Sid Craig School of Business become one of the top 100 business schools in the country. Mr. Craig was known for his

philanthropist style with business, his generosity and for his passion for horseracing.

Sid Craig will be remembered by many for his success in business, his generous philanthropy, and for his passion for horseracing. I am honored and humbled to join his family in celebrating the life of this amazing man. His presence will be missed in our community and by many others whose lives he so graciously touched.

TRIBUTE TO LOUISE L. FRANCESCONI ON HER RETIREMENT

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Ms. GIFFORDS. Madam Speaker, I rise today to pay tribute and great respect to Louise L. Francesconi, as she retires after 33 years of service to our great Nation as the President of Raytheon Missile Systems in Tucson, Arizona.

Ms. Francesconi is retiring from this position after leading the world's largest missile company, with sales of $5B and nearly 13,000 employees, which for years has helped guarantee our Nation's security and interests worldwide. Her systems have been employed to protect the lives of hundreds of thousands of soldiers, sailors, airmen and Marines around the world.

Louise began her remarkable career in 1975 in Canoga Park, CA, as a financial analyst with Hughes Missile Systems Company. In fact, she comes from a family of ''missileers.'' Louise credits her father, Leo Langlois, an engineer with Hughes, for getting her into the business right after her graduation from Scripps College in Claremont, CA.

After joining Hughes, Louise began her meteoric rise through the company. Louise quickly became known and had the well-deserved reputation of being able to not only structure a win-win business deal, but also help the organization think through complex issues and challenges.

In 1993 and the years that followed, she became Vice President and Chief Financial Officer, Chief Operating Officer, President of Hughes Missile Systems Company and eventually, after the Hughes merger with Raytheon, President of Raytheon Missile Systems. Throughout her career, Louise has been known as an inspiring mentor, teacher and role model to all. Her mastery of business strategy enabled the Missile Company to grow over 100 percent in sales over the last 6 years rising to become southern Arizona's number one employer. Louise's dedication to the U.S. warfighter and our allies and friends around the world is legendary. From the Tomahawk Cruise Missile to the complex Missile Defense Systems that guard our homeland, she has provided for the collective defense of this great Nation.

Grounded by her strong love of family, to include her husband John, their children, her parents, in-laws and brother and sister, she has continued to provide strength and inspiration to her Raytheon family. Her long-lasting legacy will be her dedication to the people of Raytheon and her strong core values of inclusiveness, personal and professional ethics and leadership excellence.

I join with my colleagues on behalf of all the freedom loving people around the world to offer our heartfelt congratulations and thanks to a true American patriot. Louise has earned our respect and admiration as a champion for freedom and a role model for all.

APOLOGY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. DINGELL. Madam Speaker, during floor debate on the legislation to regulate tobacco yesterday, I made some remarks that unfairly, and inaccurately, personalized the issue, and I am here today to apologize to my friend and colleague JOHN BOEHNER.

I have the utmost respect for his professional abilities, as well as great affection for him personally. I did not intend for my remarks to be taken in any way as personal criticism. As a friend, I just did not want to see anything bad happen to him or for his family to be burdened unnecessarily in any way. Those are matters that are distinct from any legitimate disagreement over matters of public policy, and while we have indeed had disagreements, we have also been able to work together on many matters of importance. I hope that we will continue to do so.

Again, I hope Mr. BOEHNER will accept my apology.

TRIBUTE TO COLONEL ROBERT K. MORGAN

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. SHUSTER. Madam Speaker, I rise today to honor the late Colonel Robert K. Morgan, pilot of the B–17 Memphis Belle. Colonel Morgan served the United States of America in the Army Air Corp during World War II from 1941–1945 and the United States Air Force Reserve from 1945–1965. Colonel Morgan is being honored by the Kiwanis Club of Altoona on August 20, 2008, at which time his widow, Linda, will reflect upon the great adventures and accomplishments of her husband.

Colonel Morgan was a great serviceman who dedicated much of his life to serving our country. For his service, Colonel Morgan was awarded the distinguished Flying Cross with 2 Oak Leaf Clusters and the Air Medal with 10 Oak Leaf Clusters. On May 17, 1943 Colonel Morgan and his crew of the Memphis Belle became the first to complete twenty-five missions over Europe and return to the United States. Colonel Morgan's mission was made into a combat documentary, entitled ''Memphis Belle,'' by Warner Brothers in 1990. Following the historic flight over Europe, Colonel Morgan and his crew departed England in June 1943 for the United States and began a thirty city public relations/war bond tour. Colonel Morgan's crew were recognized as heroes at every stop on their tour and thanked by the American public. Morgan went on to lead the first B–29 bombing raid on Tokyo in 1944, after which he served in the Air Force Reserves and retired as a full Colonel in 1965.

Colonel Morgan's heroic service and leadership in the Army Air Corps during World War II and the United States Air Force Reserve will forever be remembered. His service and dedication brought great pride to our nation, his family, and his community. Colonel Morgan's memory as an Army officer of the highest caliber will not be forgotten. His actions reflected great credit upon himself, his flight crew, and the United States Army. I would like to stand with the Kiwanis Club of Altoona to recognize the late Colonel Robert K. Morgan for all of his leadership and devotion to the United States of America.

Colonel Robert K. Morgan's wife, Linda, his family and friends, and the Kiwanis Club of Altoona are certainly proud of the Colonel's life of service and commitment to our country during a time of war both at home and abroad and it gives me great pleasure to honor his life and selfless service.

NO RECESS FOR CONGRESS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. MORAN of Kansas. Madam Speaker, For years, this country has needed a national energy policy that increases the supply of energy, promotes renewable and alternative fuels, and encourages conservation. Kansans deserve action and they need it now. Instead, we have a Democratic Congress blaming the Republican President and both parties trying to score political points in the November election.

After failing to convince my colleagues to stay and work, rather than take an August recess, I voted against Congress adjourning. Now is the time for Congress to adopt a plan to increase supplies and reduce demand. We should stay in Washington until this work is done. The price of gas at the pump, and the cost businesses and farmers face for fuel and fertilizer, tell me that it should not be business as usual in Washington, DC.

IN RECOGNITION OF ASBAREZ-ARMENIAN DAILY NEWSPAPER'S 100TH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. SCHIFF. Madam Speaker, I rise today to recognize the 100th anniversary of the Asbarez-Armenian Daily Newspaper. Asbarez, which translates to 'arena' in English, was founded on August 14, 1908 in Fresno, California, by seven dedicated members of the Armenian-American community: Aslan Aslanian, Bedros Hagopian, Levon Hagopian, Abraham

Seklemian, Hovaness Kabadayan, Avedis Tufenkjian and Arpaxat Setrakian.

Like its counterparts in other Diaspora communities, such as Hairenik in Boston and Aztag in Lebanon, Asbarez has chronicled the Armenian experience worldwide. Among other things, they have written about the dire conditions in the homeland under Imperial Russia and Ottoman Turkey, the calamity of the Armenian Genocide, the World Wars, the rise and fall of the first Republic, Soviet rule, the tragic 1988 earthquake, the Karabakh ''Artsakh'' liberation and the independence of the Republic of Armenia.

In the words of Edward Megerdichian, who worked at Asbarez from 1956–1963, ''[Asbarez] was ninety percent voluntary, and everyone had a sense of ownership, a sense of community—that this is our paper and our lives are described in this paper.''

During the 1970's Asbarez Publishing Company moved its operations from California's San Joaquin Valley to the Los Angeles basin. Since its inception, the circulation of the newspaper has grown from 1,200 copies to thousands; it has become a formidable bilingual daily newspaper and a dependable source for information in the online community.

It is my distinct honor to recognize Asbarez's unwavering commitment to inform and educate the public. I ask my colleagues in the U.S. House of Representatives to join me in congratulating Asbarez on their 100th anniversary.

INTRODUCTION OF THE ''WHATEVER IT TAKES TO REBUILD ACT OF 2008''

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mrs. MALONEY of New York. Madam Speaker, today I am reintroducing the ''Whatever It Takes to Rebuild Act of 2008''.

A disaster can leave the tax base of an affected community eroded, necessitating Federal assistance to pay for essential services. These essential services, including police, fire, and school personnel, are even more critical in the wake of a disaster. To aid communities, Congress created the Community Disaster Loan Program. While this program has worked with great success, there are two significant issues that need to be fixed. The first issue is that this assistance is delivered in the form of a loan and the second is that any loan is limited to $5 million. Providing this aid as a loan can further delay the recovery of a local community and the $5 million cap does not allow for adequate assistance for medium or large communities.

The ''Whatever It Takes to Rebuild Act'' would repeal the requirement that disaster affected communities repay the assistance they receive under the Community Disaster Loan Program. This legislation would permanently repeal the $5 million cap on these loans, would make states eligible for this assistance, repeal the cap that limits loans to 25 percent of a municipality's operating expenses, and would provide this assistance as grants when a disaster has been declared an ''Incident of National Significance'' under the National Response plan. All of these provisions are aimed at giving the federal government the tools and flexibility we need to fully respond following a disaster.

This program was used most recently immediately following Hurricane Katrina in New Orleans. While it was able to provide significant benefits, repayment requirements have raised significant hurdles for many recipient communities. In the wake of a disaster, the government should give American communities the financial assistance they need to get back on their feet with no strings attached. That is why I am reintroducing the ''Whatever It Takes to Rebuild Act.''

INTRODUCTION OF TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a bill to facilitate the establishment of additional or expanded training ranges in certain States.

The bill, entitled the ''Target Practice and Marksmanship Training Support Act,'' addresses a problem faced by many sportsmen and sportswomen and others in Colorado and some other States where population growth—and resulting public-safety concerns—has forced the Forest Service and other Federal land-managing agencies to bar target shooting on some parts of their lands where that activity was previously allowed.

The result has been a serious reduction in the number of appropriate places for target shooting that are readily accessible, which unfortunately means that in some cases such shooting occurs in places that are not suitable for that purpose and where that activity can endanger public safety.

My new bill would respond to this problem by revising the Federal Aid in Wildlife Restoration Act—often called the Pittman-Robertson Act—to give certain States temporary authority to use more of the Federal funds provided under that law for the establishment of new public target ranges or the enlargement or improvement of existing public target ranges. This authority would continue for ten fiscal years.

It would also make some other changes to that same law in order to help qualifying States work toward that goal.

The bill would apply to States where there has been at least a 2 percent growth in population since the most recent decennial census and where there has been a reduction in the acreage of Federal lands open to use for target practice and marksmanship training.

Also, to allay concerns by Federal land managers about potential liability related to allowing Federal land areas to be used for target practice and marksmanship training, the bill includes provisions to make clear that—(1) such a decision will be considered a discretionary function for purposes of the Federal Torts Claim Act; and (2) any potential liability of the United States for damages related to any activity at a public target range wholly or partially funded by the Federal government will be subject to the limits specified in the Federal Torts Claim Act.

And, finally, the bill includes a section expressing the sense of Congress that the Forest Service and Bureau of Land Management should cooperate with State and local authorities and other entities to carry out environmental remediation or other actions needed to allow target practice and marksmanship training to continue on lands managed by those Federal agencies.

Madam Speaker, this bill will not increase Federal spending and it does not require any State to use any of the funds it receives under the Pittman-Robertson funds for any new purpose. But it would provide eligible States additional flexibility regarding the use of those funds if they decide to use more of those funds for establishment of new public target ranges or improvement or expansion of existing ranges. For the benefit of our colleagues, here is an outline of the bill's provisions:

OUTLINE OF TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT ACT

This proposed bill would address both the funding and liability issues to make it easier for State wildlife departments to work with Federal land agencies on establishing and improving safe and convenient target practice and marksmanship training facilities.

WHAT THE PROPOSED BILL WOULD DO

Provides additional funding flexibility to states: The bill would amend the Pittman-Robertson Act to allow eligible States to increase the extent to which eligible States could use Federal funds they receive under that law to establish new, expanded, or improved shooting ranges (including acquisition of lands for that purpose).

—Eligible States would be those that have experienced at least 2 percent population growth since 2000 and have seen a reduction of the extent to which target practice and marksmanship training can take place on Federal lands within their borders.

—Eligible States could apply for up to 90 percent of the cost of acquiring land for and/or construction of new, expanded, or improved facilities (current law caps Federal share at 75 percent) and could retain the funds until expended (current law requires funds unused in the year received to be refunded to the Federal government).

—In addition, the bill would temporarily allow eligible States to use up to 10 percent of the Pittman-Robertson funds provided for wildlife management and conservation for acquiring land for and/or construction of new, expanded, or improved shooting ranges and to assist in cleanup or other steps needed to allow Federal lands to be used for target practice or marksmanship training. This provision would expire after 10 fiscal years.

Addresses liability concerns: The bill makes it clear that shooting ranges on Federal lands do not expose the Federal land agency to liability for injuries that may occur at these facilities.

Encourages Cooperation: The bill states sense of Congress that Federal land managers should cooperate with States, local government, and other entities in doing what's

needed to permit Federal lands to remain available for public target practice and marksmanship training.

WHAT THE PROPOSED BILL WOULD NOT DO

Impose a mandate on States: The bill would provide an opportunity for eligible States to receive additional funds for specific purposes, but does not require any funds to be spent for those purposes.

Raise any Taxes: The bill would broaden the uses for Pittman-Robertson funds can be used, but does not increase the excise taxes from which such funds are derived.

MILITARY BATTLES WITH HIGH ENERGY PRICES

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. WILSON of South Carolina. Madam Speaker, as Americans struggle with high gas prices our military is also facing skyrocketing energy costs. The vehicles needed to transport our military and take the fight to our enemies require extraordinary amounts of fuel.

This is a startling example of how rising energy prices directly affect our national security. It is another example of why Democrats must not adjourn for their five-week vacation without addressing this issue.

Between 1997 and 2007, ten years, military fuel costs grew from $3 billion to $11.4 billion, which is a 380 percent increase. Meanwhile, consumption of fuel by the military grew only 26 percent.

We need, and the American people are demanding, a comprehensive strategy that creates more American-made energy by drilling for oil and natural gas, building new refineries, investing in renewable energy, and promoting conservation. House Democrats should take a bipartisan approach and bring the House Republican all-of-the-above energy bill to the floor for a vote. Let the American people's voices be heard.

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

HONORING MR. SAMUEL SNOW

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. McDERMOTT. Mr. Speaker, I rise to honor Mr. Samuel Snow from Leesburg, Florida. Mr. Snow is a hero and a role model for every American, and especially African-Americans. At a time when most people would have rightly succumbed to anger and bitterness, Samuel Snow stood taller than us all.

Sixty-four years ago, Samuel and other African-American soldiers were accused and convicted of a crime they did not commit at Fort Lawton, in Seattle, one of the communities I represent. Last weekend, Assistant Secretary of the Army Ronald James came to Seattle to deliver an eloquent and heartfelt apology on behalf of the Army, and to honor the soldiers, including Samuel Snow, with honorable discharge plaques.

Mr. Snow's son, Ray, stood in for his father when Samuel was hospitalized unexpectedly. After the ceremony in which I was honored to participate, Ray Snow took the honorable discharge plaque to a Seattle hospital, where he showed it to his father and read Samuel the inscription. According to Ray, his father smiled broadly as he held the plaque. A few hours later, Samuel Snow died with his family at his side. His son Ray would say: "My dad has been standing in formation all these years waiting to have his name cleared. With the Army's honorable discharge he was at ease. He now has his discharge papers and he went home."

I am very proud to have had the honor and privilege of meeting and getting to know Samuel Snow, his family, and the families of the other soldiers whose fathers and grandfathers were falsely accused and convicted, and needlessly paid a heavy price for this racial injustice throughout their lives.

Dr. Martin Luther King, Jr., said: "An injustice anywhere is a threat to justice everywhere. Samuel Snow lived to lead the fight against a racial injustice that is a stain on our nation's history."

Samuel Snow was a man full of courage and optimism who had a wonderful sense of humor and a deep well of courage and conviction. He knew what was right and just, and he died knowing that he had finally defeated the racial injustice that had tried, and failed, to strike him down.

Samuel Snow raised a wonderful family and he lived a quiet, humble life working as a janitor, not once complaining about what might have been in life had he not been unfairly deprived of his GI benefits.

Samuel Snow's life will inspire others to fight for what is right and just, and to never give up on the country he loved so much. I was privileged to stand in the company of a giant of a man and I am certain that Samuel Snow, an American hero, will not be forgotten.

TRIBUTE TO THE 345TH TACTICAL PSYCHOLOGICAL OPERATING COMPANY (AIRBORNE)

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. SAM JOHNSON of Texas. Madam Speaker, as the 345th Tactical Psychological Operations Company (Airborne) prepares to deploy to Afghanistan, I ask the Congress to join me in commending the distinguished military company. To the brave men and women off to serve on the front lines, thank you. God bless you and I salute you.

245th PSYOP Co. was constituted into the regular Army on December 20, 1965. The unit deployed to Vietnam in February, 1966. The 245th was assigned to the 6th BN, 7th PSYOP Group. 245th elements supported the 1 CAV DIV, 101st ABN DIV, and was awarded a Meritorious Unit Citation and Vietnam Cross of Gallantry with Palm Device.

Deactivated in January 1968. The 245th was reconstituted on October 30, 1975 in the Army Reserve under the 90th ARCOM, 5th U.S. Army.

In 1980, the 245th supported the Cuban Refugee Resettlement Project at Ft. McCoy, WI. The 245th was placed under USACAPOC and U.S. Army Special Operations Command in 1990. December 27, 1990, 18 soldiers mobilized to support Operation Desert Shield.

Tactical PSYOP Teams conducted combat operations with elements of the 1st, 2nd Marine Divisions and the 5th Special Forces Group during Operation Desert Storm. 245th teams distinguished themselves at the Battle of Khafji, the liberation of Kuwait City, and with deception and surrender appeals in the Kuwaiti desert. Members earned Marine Combat Action Ribbons, Navy Meritorious Unit Commendations, and four Bronze Stars. The 245th also earned the Army Meritorious Unit Commendation.

September 16, 1994, a Tactical Detachment deployed to Haiti in support of Operation Uphold Democracy. Two soldiers supported a team of the 3rd Special Forces Group and the rest were with the 10th Mountain DIV. TPTs conducted civilian non-intereference, civil information campaigns, and QRF operations.

In 1996, the 245th was redesignated the 345th Tactical PSYOP Co. (Airborne), 16th BN, 2nd PSYOP GRP. The unit conducted numerous training exercises at JRTC, NTC, and CMTC in Germany.

In 1997, the 345th was given the warning order to deploy to the Balkans for Operation Joint Guard. In 1998, the unit operated in war-torn Bosnia. The unit was primarily in the Multi-National Division North supporting the 3/2 Armored Cavalry Regiment. Other soldiers were in Sarajevo and Banja Luka. Teams conducted presence patrols in the Zone of Separation between the Serbs, Muslims, and Croats, civilian non-interference, civil information campaign, mine awareness, and passive intelligence gathering.

In 2000, a Tactical Detachment deployed to Kosovo to conduct missions, in support of Operation Joint Guardian. KFOR Teams ran similar missions as in Bosnia, with their 310th PSYOP Co. counterparts and the 82nd ABN DIV.

In the late 1990s through the early 2000s, the OPTEMPO of the unit steadily increased with missions to Germany, Jordan, Oman, and Egypt. However, on September 11, 2001, the 345th prepared to defend freedom with the onset of the Global War on Terror.

In 2002, three Tactical Detachments and a Headquarters/PDD deployed with the 3rd Special Forces Group's 1st BN to Afghanistan for Operation Enduring Freedom. 345th Teams were spread throughout the country to work with 3rd, 19th, 20th, and 7th SF GRP ODAs, other government agencies, Afghan militias, and conventional soldiers to hunt hostile Taliban and Al Qaeda terrorists, conduct civilian non-interference, tactical deception, surrender appeals, special recon, mine awareness, sensitive site exploitation, and direct action in support of unconventional warfare. 345th soldiers were recognized with numerous awards. The unit has had soldiers continuously deployed to OEF since, where they continue to set the standard for special operations in austere environments.

With less than a year home, the 345th was given a warning order to prepare to deploy in

support of Operation Iraqi Freedom. From February to October 2004, the 345th was assigned responsibility for tactical PSYOP in Baghdad, Iraq supporting elements of the 1st Armored Division, 1st Cavalry Division, 10th Mountain Division, and numerous other special operations, foreign, and host nation forces. Teams conducted the full spectrum of military operations in urban terrain. From direct action raids, cordon and searches, and sonic deception to humanitarian assistance, 345th teams were involved in direct combat operations against anti-coalition forces, foreign terrorists, Al Sadr's Mahdi Army militia, former Baathists, and other hostile forces. Six Purple Hearts were awarded and a multitude of other awards to individual soldiers and the unit. The 345th remains actively engaged in this theater, as well.

In 2006, reserve component PSYOP units were reassigned to the U.S. Army Reserve Command, though continue to train through the U.S. Army's JFK Special Warfare Center and School.

345th Soldiers have sent soldiers on every rotation in support of the Global War on Terror since 9–11. 345th soldiers have also been called to serve in small teams or as individuals in Romania, Korea, Japan, Ecuador, Germany, Italy, and Egypt with no sign of letting up. 345th soldiers continue to attend professional schools, training rotations, and prepare for future combat deployments.

RECOGNIZING THE OAKLAND COMPOSITE SQUADRON COLOR GUARD TEAM

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the Oakland Composite Squadron Color Guard Team for their excellent performance at the National Cadet Competition last month. The members of the team have and continue to represent the Civil Air Patrol with honor, distinction, and professionalism.

The Civil Air Patrol, CAP, was established on December 1, 1947, as the all volunteer auxiliary of the United States Air Force. Today there are more than 56,000 members in the 50 States, District of Columbia, and Puerto Rico. The membership of the CAP is comprised of cadets between the ages of 12 and 18, and senior members, who are 18 or older. The Michigan Wing of the CAP currently has 487 cadets and 740 senior members. The CAP has three missions; to run cadet programs to build character, leadership, patriotism, and honor; to promote aerospace education; and to serve as a primary resource for the U.S. Air Force Rescue Coordination Center.

The Oakland Composite Squadron, which is located in Waterford, Michigan, has 57 members, 29 of whom are cadets. Earlier this year, five of those cadets stepped forward to serve as members of the squadron's Color Guard Team. The team appears at public events like parades and veterans' ceremonies presenting and posting colors. They also participated in Color Guard competitions which require dedication, team work, and exceptional academic success.

After embarking on a rigorous training regimen that required physical and mental discipline, the Oakland Composite Squadron Color Guard went on to win first place overall at the Michigan Wing competition after sweeping all seven events on March 30. Then, on May 4, the team once again won first place overall at the Great Lakes Regional competition. They would go on to represent the entire region, consisting of Michigan, Ohio, Indiana, Illinois, Kentucky, and Wisconsin in the National Cadet Competition on June 30. At the National Competition, the team took second place in the Academic Panel Quiz and tied for third place overall.

Madam Speaker, I wish to congratulate these cadets for their hard work and dedication. I am proud to represent these young men and women who have shown such character in competition. Theirs is a shining example of what we are all capable of achieving with dedication and hard work.

THE FUEL IMMIGRATION ENFORCEMENT ACT OF 2008

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. MITCHELL. Madam Speaker, Today I, along with Representatives CHRIS SHAYS and HEATH SHULER, introduced H.R. 6687, the Fuel Immigration Enforcement Act of 2008.

This bill would help ensure that Immigration and Customs Enforcement ("ICE") has the resources it needs to enforce our nation's immigration laws in the face of the rising cost of fuel.

Last year, ICE budgeted $20 million for fuel expenses, but the rising price of gas forced them to spend more than $40 million.

Even more alarming, it appears the $20 million fuel budget was based on an assumption by the Department of Homeland Security that the price of gas was approximately $1.62 per gallon.

The Fuel Immigration Enforcement Act would require the Department of Homeland security to begin using realistic estimates for ICE's fuel expenses. Specifically, it would require the Department to calculate, on an annual basis, the cost of fuel expenses for all vehicles owned or operated by ICE according to gasoline prices reported by the U.S. Department of Energy's Energy Information Administration Gasoline and Diesel Fuel Update, and then report those calculations to Congress.

ICE is tasked with enforcing our nation's immigration laws, and is absolutely critical to the Phoenix metropolitan area as well as other metropolitan areas in the southwest where criminal aliens set up drop houses as way stations for drug, weapon and human smuggling operations. The Phoenix metro area in particular is estimated to have as many as 1000 such drop houses.

The House Appropriations Committee recently said, in no uncertain terms, that, "ICE should have no greater immigration enforcement priority than to remove violent, deportable criminal aliens from the United States." I couldn't agree more.

We need to ensure that ICE has the resources it needs to crack down on drop houses and other criminal alien enterprises. When ICE is unable to meet its responsibilities, it falls to local law enforcement to fill the gap. Our local law enforcement is already stretched thin, and I fear the burden will be even greater if ICE is forced to scale back its efforts due to an increase in the price of gas.

If we are serious about enforcing our nation's immigrations laws, we need to provide the resources necessary to get the job done. The Fuel Immigration Enforcement Act will help ensure that ICE has what it needs, in the face of rising fuel expenses.

I encourage my colleagues to support this bill.

RECOGNIZING THE 60TH ANNIVERSARY OF THE INTEGRATION OF THE ARMED FORCES

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Ms. CASTOR. Madam Speaker, I am pleased to recognize the 60th anniversary of the signing of Executive Order 9981, in which President Truman ordered the racial integration of the Armed Forces, declaring that, "there be equality of treatment and opportunity for all persons in the Armed Services without regard to race, color, religion or national origin."

While it is fitting that we celebrate the official 60-year anniversary, we should also recognize that African Americans have been fighting on behalf of our Nation from the American Revolutionary War to the current Global War on Terror. The sacrifices made and service given by African American soldiers to our country, even when our country failed to live up to its own promise of equality and justice for all, is a testament to their belief that hard work and faith would eventually allow them to become full partners in every facet of society, including our Armed Forces.

The celebration of this anniversary also gives me an opportunity to recognize a trailblazing African American woman from my hometown who was among the first five African American women in Tampa to join the Women's Army Auxiliary Corps back in 1942, six years prior to the signing of the Executive Order. Mrs. Willie Mae Williams, who celebrated her 95th birthday this past November, proudly served her nation paving the way for others from her community, and women in particular, to follow in her steps.

In her recent interview with the Women Veterans Historical Project for the Library of Congress, Mrs. Williams gave a very candid and informative look at the experience she had in the military as a woman of color. At that time, women were not allowed to face combat, instead serving as cooks and laundry workers, who often had to go together in groups to take showers to ensure their safety, and who endured taunts from officers who opposed their

participation, either on the basis of their gender or color, and in some instances both. While Mrs. Williams acknowledged that life in the service for women of color was "rough", she certainly views herself and others as role models for the women who came after. She observed, "We were good pioneers."

Indeed, the service of Mrs. Williams and other women like her has led to the growth in service of African American women and men throughout the years. Currently, 20 percent of the more than 1,754,900 service members who have fought in support of the ongoing Operation Iraqi Freedom and Operation Enduring Freedom are minorities, evidence that the United States could not maintain an all-volunteer force without the service of and critical role played by minorities, including women.

Our Armed Forces have been served by some of the most brilliant African American leaders from Benjamin O. Davis Senior and Junior to Colin Powell as Chairman of the Joint Chiefs of Staff Today, minorities serve in senior leadership positions throughout the Armed Forces, as commissioned, warrant and non-commissioned officers. The advancement of these men and women is evidence that the integration of the Armed Forces not only enhanced the combat effectiveness of the military 60 years ago, but continues still to ensure that America has a diverse array of its best and brightest working to defend it.

I am pleased to commemorate this historic event, and salute all our brave men and women who have served us so well through the years.

IN HONOR OF SGT MARCO ROBLEDO

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. BOOZMAN. Madam, Speaker, I rise today in honor of a great American hero, SGT Marco Robledo from the Third District of Arkansas.

Marco has selflessly served in the United States Army. The commitment he showed his fellow soldiers and his country is something we can all be proud of.

On May 26, 2007, Marco was injured in Iraq. He lost his left arm and his left leg, but he still has a strong spirit and he's made lasting impressions with me and with others who've had the opportunity to meet him.

In honor of his sacrifice Albert Casewell wrote the following poem:

RE . . . MARCO . . . BLE . . .

A TRIBUTE TO AN AMERICAN HERO

SGT Marco Robledo

The United States Army

1st platoon A.CO. 875th en bn

RE . . . MARCO . . . BLE . . .

Re . . . Marco . . . Ble . . .
While, cheating death . . . one of America's very Best . . .
One of America's very finest . . . who he has her our nation so blessed . . .

A Hero who goes off to war . . .
Upon, battlefields of honor . . . who but gives up his arm and leg for us, would bore . . .

All so Freedom can endure, while standing alone at death's dark door . . .

As he walked through The Valley of Death!
Returning home, as there he lie right at the very edge . . .
At the abyss, all the between life and death . . . with but only his fine courage left . . .

And then!
To rebuild, where non lies left . . . moment by moment, as he would etch . . .
As most thought that he was left for dead, but not him . . . with his courage pledged . . .

As Day in and out . . .
While, all around him such pain and heartache was but his to tout . . .
As against all odds, his fine heart would shout . . .

It's not my time . . .
Some way I'll find, my way back . . . with but my heart and soul, and mind . . .
Just Amazing, in what his life is saying . . . Just Re . . . Marco . . .Ble . . . a soul which shines!

Such a young heart . . .
And yet, such a strong soul and mind . . . who has already lived two lifetimes of gold . . .
As a Warrior and Hero first, then one of inspiration . . . facing but the worst so bold . . .

Put upon this earth . . .
To but show mankind's great true fine worth . . .
Our Lord's messenger to teach us, to reach us so deep down inside so first!

In our times and in our lives . . .
What is it that we have so strived?
That's so Re . . . Marco . . . Ble . . . that so defines . . . as most have not lived such fine lives!

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mrs. MALONEY of New York. Madam Speaker, on July 30, 2008, I missed rollcall vote No. 542, the Family Smoking Prevention and Tobacco Control Act and rollcall vote No. 543, H.R. 4040, the Conference Report for the Consumer Product Safety Commission Reform Act.

Had I been present, I would have voted "yea" on rollcall votes Nos. 542 and 543.

TRIBUTE TO RETIRING GEN RICHARD A. CODY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to recognize the long and distinguished career of GEN Richard A. Cody who is retiring after serving our nation's military with distinction for 36 years.

General Cody was born in Montpelier, Vermont. He is a graduate from the United States Military Academy. General Cody's military education also includes the Command and General Staff College and the United States Army War College. General Cody is a Master Aviator with over 5,000 hours of flight time and is an Air Assault graduate.

General Cody has received numerous decorations and badges for his outstanding efforts in the United States Army. These decorations and badges include the Distinguished Service Medal, Defense Superior Service Medal, the Legion of Merit (with four Oak Leaf Clusters), the Distinguished Flying Cross, the Bronze Star Medal, the Meritorious Service Medal (with 4 Oak Leaf Clusters), the Air Medal (with numeral device "3"), the Army Commendation Medal (with 2 Oak Leaf Clusters), the Army Achievement Medal, the NATO medal, as well as various other service awards.

General Cody became the 31st Vice Chief of Staff, United States Army, on June 24, 2004. He and his wife are also very proud of their two sons, who both are serving as commissioned officers in the United States Army.

Madam Speaker, I know that Members of the House will join me in paying tribute to GEN Richard A. Cody for his exceptional commitment to his fellow soldiers, the United States Army, and the safety and security of America. As he prepares for the next stage in his life, I am certain that my colleagues will join in me in wishing General Cody, his wife, and their two sons all the best.

IN HONOR OF ADRIAN MALDONADO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Adrian Maldonado on the occasion of his retirement as Director of the Office of Procurement and Diversity in Cuyahoga County. His vision, leadership and commitment to his work has had a profound impact on developing Cuyahoga County and on the Greater Cleveland community.

Adrian Maldonado began his career in public service twenty-seven years ago, when he was hired as a personnel interviewer at MetroHealth Medical Center in Cleveland, Ohio. Four years later, in 1985, he began working for the State of Ohio in the Department of Administrative Services as a minority business specialist. For fourteen years, he worked tirelessly with minority business entrepreneurs in my district, helping them secure contracts under Ohio's HB584 Minority Set-Aside program after almost eleven years, he is retiring from his position as the Director of Diversity and Procurement in Cuyahoga County.

Mr. Maldonado's leadership and vision as Director of the Office of Procurement and Diversity for Cuyahoga County changed the county immensely. He and his staff worked diligently to improve the county's purchasing operating system and its purchasing and operating procedures, leading the county to be recognized by Purchasing Magazine as one of country's top Big 20 Purchasers. Under his leadership, the Office of Procurement and Diversity created a small business enterprise

program which assists small businesses in procuring county contracts. Since implementing this program, Cuyahoga County has consistently met or exceeded the 30% subcontracting goal for all county contracts.

Madam Speaker and colleagues, please join me in honor of Adrian Maldonado, and in recognition of his leadership, vision and dedication to his work and to the community.

TRIBUTE TO STEVEN MICHAEL WORLEY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mrs. CAPITO. Madam Speaker, I rise to honor the career and accomplishments of Steven Michael Worley of Cabin Creek, West Virginia.

For the more than 33 years, Michael Worley has been a leader of several personal and professional development opportunities across many states, including the great state of West Virginia. A graduate of West Virginia Institute of Technology in 1975 with a Bachelor of Science Degree in Civil Engineering, Michael began his career with the Relocations Branch of Engineering Division, where he worked on a variety of major reservoir and local protection projects in relocating public facilities from the construction work areas. Over the next 20 years, Michael's professional career consisted of working with Planning Division and serving as project manager for a variety of inland navigation, riverfront park, and nonstructural flood protection projects. Since 2001, Mike has served as the Chief of Planning Branch.

For all of his service, Michael has received numerous awards. He was selected as Ohio River Division Civilian of the Year in 1993 as well as Corps-wide Civilian of the Year in 1993. He was also honored with the J.W. Morris medallion. Michael received the National Performance Review, awarded to the Section 202 Non-structural Flood Proofing Team, from Vice President Al Gore. In 2004, he was named Special Emphasis Program Supervisor of the Year. These are just a few of the mentionable awards Michael has received for all his leadership and hard work.

He and his wife, Katie, have been married since 1975, and have raised two children, Erin Worley Haughey (married to Andy Haughey) and Ryan Worley. Katie is the Office Manager for Huntington Physical Therapy in Charleston. Erin Worley and her husband are owner/operators of four McDonald's franchises while Ryan Worley is owner of Epicenter Art Studio.

Michael represents the true calling of public service. It is an honor to work with such a distinguished citizen who has contributed so much to our great state. I'm proud to call Michael Worley a friend and a fellow West Virginian. I wish him all best in his retirement.

IN HONOR OF MS. MARGI PRUITT CEO OF THE DELMARVA PENINSULA CHAPTER OF THE AMERICAN RED CROSS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008–

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Margi Pruitt for her dedication and service to the American Red Cross. She will retire from her post as CEO of the Delmarva Peninsula Chapter of the American Red Cross in October after thirty five years of excellent work helping Americans in need.

Margi began working for the Delaware Chapter of the American Red Cross in 1973, immediately after graduating from college. Following service to the American Red Cross in seven different states, Margi returned to the same branch—now known as the Delmarva Peninsula Chapter—and has remained there for the past twenty years. During this time, she has worked to orchestrate relief efforts for large disasters such as flooding in the Elsmere region of northern Delaware, several winter storms along the east coast, a tornado in Smyrna, Delaware, and most recently, substantial flooding in Kent and Sussex Counties following a series of severe thunderstorms. In addition, she led volunteers in the relief effort for victims of both Hurricane Andrew and Hurricane Katrina. Her dedication and compassion have helped the American Red Cross reach countless people affected by natural disasters in the Delmarva region and throughout the United States.

I, along with the rest of the Delaware Congressional delegation, have had the personal privilege of collaborating with Margi on several occasions, and we have witnessed her untiring dedication to strengthening the American Red Cross's presence in our state. Margi has worked to build strong partnerships with emergency management throughout the state of Delaware. Following the attacks on September 11, 2001, she was instrumental in launching a public awareness campaign to help those in the community better understand the assistance that is available to them through the American Red Cross.

I acknowledge and thank Ms. Margi Pruitt for her commitment to the American Red Cross. The entire State of Delaware has benefited from her innumerable contributions to help people manage the most difficult and trying of situations. I am confident that her kind and diligent presence, though it will be missed by her colleagues on the occasion of her retirement from the American Red Cross, will remain an active influence in our community.

TRIBUTE TO BOB OWENS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Bob Owens of Jefferson, Iowa, on earning the Meritorious Achievement Award of 2008.

Bob Owens is a consul and charter member for the Greene County chapter of the Lincoln Highway Association. He is one of the original 43 members who met in 1992 in Ogden, Iowa, to recognize the National Lincoln Highway Association for the first time since 1915. Today, the national organization has over 1,900 members due in no small part to the dedication and commitment Bob has given to the organization.

I know that my colleagues in the United States Congress join me in commending Bob Owens for his leadership and dedication to representing Iowa in the Lincoln Highway Association. I consider it an honor to reprent Bob and his family in Congress, and I wish him the best in his future endeavors.

CONGRATULATING MYRA THOMPSON

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. FOSTER. Madam Speaker, I am submitting this statement to offer congratulations to one of my constituents, Ms. Myra Thompson. Ms. Thompson, an exceptional graduate of Knox College in Galesburg, Illinois, recently received the prestigious Fulbright Award. This award gives Ms. Thompson the opportunity to travel to Moscow, Russia to continue her talented work in creative writing.

The Fulbright Program was established by Congress in 1946 and is sponsored by the U.S. State Department. Approximately 1,200 Fulbright fellowships are awarded each year to promising individuals who have proven themselves as leaders in their field in order that they may pursue their academic and cultural endeavors abroad. Since its inception, the Fulbright Program has provided avenues of academic exchange in more than 150 countries worldwide.

I offer my best wishes to Myra Thompson in her endeavors both here and abroad and look forward to seeing great work from her in the future.

HONORING THE REDWOOD CHAPTER OF THE SIERRA CLUB ON ITS 50TH ANNIVERSARY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. THOMPSON of California. Madam Speaker, together with my colleague LYNN WOOLSEY, I rise today to congratulate the more than 10,000 members of the Redwood Chapter of the Sierra Club on the occasion of its 50th anniversary. Named after Sequoia sempervirens, the Coastal Redwood, whose greatest forests are along the North Coast, the Chapter remains true to the visionary environmental ethic of Sierra Club founder, John Muir, striving daily to preserve and protect our lands, waters and wildlife.

The Redwood Chapter, founded in 1958, is one of the earliest regional entities of the Sierra Club. With six local Groups in nine Northwestern Counties, it is a potent force for the environment.

Over the years, the Redwood Chapter has marshaled grass roots forces to focus on forest preservation, protection of our spectacular coast, free-flowing rivers and verdant watersheds, sustainable growth management, endangered species protection, and the multifaceted challenge of global climate change. The Chapter played a strong supporting role in Sierra Club national initiatives to protect national environmental treasures like the Grand Canyon while safeguarding our water and air, and battling environmental rollbacks.

Within the Chapter's 25,000 square miles, it has been particularly effective, playing major roles in the creation of the Redwood National Park, design and construction of the Coastal Trail, designation of Federal wilderness areas, including the Yolla Bolly-Middle Eel, Snow Mountain, Yuki Sanhedrin, Cache Creek, King Range and Cedar Roughs Wildernesses; designation of numerous State and Federal designated Wild and Scenic Rivers, including portions of the Smith, Klamath, Gualala, Black Butte and Eel Rivers; preservation of the 7,400 acre Headwaters Forest; implementation of conservation management strategies on public lands; and development of recovery strategies for endangered and threatened species, including the marbled murrelet, the spotted owl and coastal salmon.

In recent years, legislative achievements include the passage of the Cache Creek Wild and Scenic Rivers Act (2005). I am especially grateful for the Redwood Chapter's support for my Coastal Wild Heritage Wilderness Act, which was enacted in 2006, and Congresswoman WOOLSEY's Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act, which was passed by the House this year.

Members of the Redwood Chapter have also had a profound influence on local politics and policies, through its participation in initiatives to protect open space and agricultural lands, create trails and community separators, protect coastal forests, provide new low carbon transportation alternatives and promotion of smart growth management and climate protection.

The Club also has played a vital educational, service and recreational function. Over the past half century thousands of people have participated in the Chapter's ''Outings'' programs, which includes over 6,000 hikes, nature walks, backpacking journeys, canoe trips within the Chapter and elsewhere in California, as well as hundreds of trail building projects and other service activities.

Madam Speaker, it is difficult to imagine what this area would be like without the Redwood Chapter's passionate resolve to protect the land and life that sustains us. What if there was no wilderness retreat in our coastal headlands? What if our cities were merged in endless sprawl? What if our pure rivers and streams were diverted, degraded and disrespected? We can be thankful that is not the case, and largely because the members of the Redwood Chapter have been such effective advocates for the environment.

So today, Congresswoman WOOLSEY and I congratulate the members of Redwood Chapter of the Sierra Club on their achievements in their first fifty years. And we look forward to the Chapter's continued active participation in public policy debates and to hearing their member's loud, clear, reasoned voice for a healthy, vibrant, natural world.

HONORING THE REDWOOD CHAPTER OF THE SIERRA CLUB ON ITS 50TH ANNIVERSARY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Ms. WOOLSEY. Madam Speaker, together with my colleague MIKE THOMPSON, I rise today to congratulate the more than 10,000 members of the Redwood Chapter of the Sierra Club on the occasion of its 50th anniversary. Named after Sequoia sempervirens, the Coastal Redwood, whose greatest forests are along the North Coast, the Chapter remains true to the visionary environmental ethic of Sierra Club founder, John Muir, striving daily to preserve and protect our lands, waters and wildlife.

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So today, Congressman THOMPSON and I congratulate the members of Redwood Chapter of the Sierra Club on their achievements in their first 50 years. And we look forward to the Chapter's continued active participation in public policy debates and to hearing their member's loud, clear, reasoned voice for a healthy, vibrant, natural world.

TRIBUTE TO THE BOONE HIGH SCHOOL GIRLS' TENNIS TEAM

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. LATHAM. Madam Speaker, I rise today to honor a great achievement by the Boone High School Girls' tennis team in Boone, Iowa. BHS won the 2008 Iowa Class 2–A State High School team championship.

The Toreadors completed a perfect season with a record of 15–0. In addition, senior MaryPat McMullan is the class 2–A Girls State Singles champion, and the Toreador doubles team of Maggi Schutte and Traci Moklestad is the Class 2–A third place doubles finisher. The example set by these young ladies and their coach, Shawn Latimer, demonstrates the rewards of hard work, dedication and determination. They scored victories on the court and have positively represented their community and school off it as well. Their triumph is an honor that we all can admire and be proud of.

I am honored to represent the members of the BHS varsity girls' tennis team: MaryPat McMullan, Maggi Schutte, Traci Moklestad, Lindsay Greiner, Hannah Worall, Julia Stockhausen, Corinne Frei, Jorden Foster, Leah Redeker, Rachel Hinds, Emily Boehm, Audrey Reinken and their coach, Shawn Latimer in the United States Congress. I know

that all of my colleagues in Congress join me in congratulating the Toreadors on their State championship and wishing all these young ladies continued success in their future endeavors.

TRIBUTE TO MS. ALMA ORTIZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. ORTIZ. Madam Speaker, I rise today to honor Ms. Alma Ortiz, a teacher of U.S. government and economics at Homer Hanna High School in Brownsville, TX.

Ms. Ortiz was selected to the House Fellows Program here in Washington, D.C., which provides an opportunity for teachers to learn more about government and improve their knowledge of Congress. Only twelve participants were selected from around the country.

Those teachers will then take their experiences and apply them to their lesson plans back home.

It is dedicated teachers like Ms. Ortiz who will ensure our students have a better understanding of government. She already has made a positive impact on her students, fellow teachers, and school administrators with her work ethic and enthusiasm.

It is important for our students to be engaged in the civic process. They are our future leaders and a key understanding of government, as well as an appreciation for history, is important for their success.

I congratulate Ms. Alma Ortiz on all her accomplishments.

FIRST ANNIVERSARY OF I–35W BRIDGE COLLAPSE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. OBERSTAR. Madam Speaker, I rise lo mark the first anniversary of a tragedy in my home state, a tragedy that touches all Americans. At 6:05 p.m. on August 1, 2007, the I–35W Bridge in Minneapolis, Minnesota, collapsed into the Mississippi River, killing 13 people. The eight-lane, steel truss bridge span, which was constructed in 1967, carried approximately 140,000 vehicles daily.

Within just six minutes of the bridge collapse, emergency personnel responded to the scene, risking their own health and safety to rescue victims and to provide care to the injured. Within three hours, first responders were able to complete the rescue of victims stranded on the bridge. The swift and heroic actions of the first responders that day saved countless lives and were critical in minimizing the potential for more loss of life.

I received the tragic news of the bridge collapse while standing on the floor of this House, managing the Water Resources Development Act. The Transportation Committee staff and I immediately began developing legislation to help the City of Minneapolis, the Twin Cities metropolitan area, and the State of Minnesota cope with the loss of a major transportation artery, and rebuild after the terrible tragedy. The Committee approved my legislation the following morning, and the House passed H.R. 3311, authorizing up to $250 million to carry our emergency repairs and reconstruction of the bridge and $5 million for transit needs less than 48 hours after the tragedy occurred. To date, a total of $371 million in Federal funding has been provided for the cleanup and reconstruction of this crossing.

Construction of a replacement bridge on I–35W has moved swiftly. By late October, 2007, major work to replace the bridge had begun, and by mid-April of this year construction crews had reached the half-way point in the project. This week, crews will finish pouring the concrete on the final span of the new bridge as construction continues ahead of schedule. The new bridge is expected to open on December 24, 2008.

This tragedy demonstrates the need to make a commitment to invest in the maintenance, reconstruction, and replacement of our nation's surface transportation infrastructure. Many bridges, highways, overpasses, and transit facilities are being stretched to the limit of their design life and beyond.

Of the 599,766 bridges in the National Bridge Inventory, 25.4 percent of America's bridges—more than one in four—are structurally deficient or functionally obsolete. There are 72,524 structurally deficient bridges and 79,792 functionally obsolete bridges. According to the Department of Transportation (''DOT''), more than $65 billion could be invested immediately in a cost-beneficial way to replace or otherwise address existing bridge deficiencies.

Of particular concern is the condition of bridges on the 162,000-mile National Highway System (''NHS''), which consists of the 46,747-mile Interstate System, the Strategic Highway Network for military mobilizations, and other major highways. While the NHS makes up only 4.1 percent of total U.S. mileage, it carries 45 percent of vehicle miles traveled. NHS bridges carry more than 70 percent of all traffic on bridges. Of the 116,172 bridges on the NHS, including more than 55,000 Interstate System bridges, 6,175 are structurally deficient. Almost one-half of these structurally deficient NHS bridges are bridges on the Interstate Highway System, which has 2,830 structurally deficient bridges. The DOT estimates the current NHS bridge investment backlog to be $32.1 billion, including $19.1 billion for the Interstate Highway System bridge backlog.

While bridges are a key component of our nation's infrastructure network, these figures highlight the failure to make necessary investments in our nation's transportation infrastructure network. America's intermodal transportation network serves as the backbone of our economic security and competitiveness, as well as our quality of life. It facilitates the safe movement of people and goods, linking our communities to each other and to the world. The U.S. transportation system has served as a model for developing an interconnected network. However, in recent years we have been losing ground.

Many aspects of America's transportation network are operating at or near capacity. The Texas Transportation Institute, in its 2007 Urban Mobility Report, reported that in 2005 wasted fuel and time translated into a total congestion cost—or tax on the nation's drivers—of $78.2 billion—$5.1 billion higher than a year earlier. This congestion translates into millions of vehicles stuck idling on American roadways. This undermines our nation's economic competitiveness, productivity and quality of life. It has also contributed to a significant increase in transportation's share of U.S. green-house gas emissions.

Advances in logistics have turned our nation's roadways into real-time warehouses thanks to ''just in time delivery'', which builds greater efficiencies and cost savings into the system by allowing businesses to order parts and inventory stock in smaller batches. However, the increasing congestion on the nation's roadways threatens these efficiency gains. Truck transportation has increased its share of overall logistics costs for U.S. companies, reaching 77 percent of total logistics costs in 2007. Total logistics costs today account for 10.1 percent of the U.S. Gross Domestic Product in 2007, up from 9.9 percent in 2006.

With our nation's population expected to grow from approximately 300 million today to 420 million by 2050 and freight volumes expected to grow by 70 percent by 2020, future demands on our intermodal surface transportation network will require a bold new vision and approach to addressing the challenges of the 21st century, and a commitment to identifying the resources to carry out this new vision. Yet we continue to underinvest in infrastructure.

Earlier this year a Congressionally-chartered Commission—the National Surface Transportation Policy and Revenue Commission—identified a significant surface transportation investment gap, and called for an annual investment level of between $225 and $340 billion—by all levels of government and the private sector—over the next 50 years to upgrade all modes of surface transportation (highways, bridges, public transit, freight rail and intercity passenger rail) to a state of good repair. The current annual capital investment from all sources in all modes of transportation is $85 billion.

We are now on the threshold of a transformational moment in the evolution of our surface transportation program. Next year, as Congress develops the next surface transportation legislation, we will face challenges in determining what the shape of our system should be and how best to finance it. This new era of transportation will challenge our imagination, our political will, and the tendency of all user groups to hunker down, think and act in insular ways—in self-interest, rather than in the common interest. We must begin now to rise above our differences, to find common ground in policies—and funding—that will best serve the nation's passenger and freight mobility and access needs in the 21st century.

Infrastructure is easily overlooked. It is always there, always functioning, always serving our needs. When infrastructure fails, though, as it did that day one year ago in Minneapolis, we are suddenly awakened to the fragility of our national transportation system. The collapse of this facility is a tragedy that policymakers and leaders around the country, and

Americans in general, will not soon forget. The traveling public is looking to their government for solutions to ensure that such a tragedy will not happen again. We must take the lessons of the I–35W Bridge, and use them to create an accountable and reliable surface transportation program that guards the safety of all users.

It will be up to Congress and the next Administration to summon the political will necessary to create a surface transportation system that will serve as an engine of sustainable growth, underpinning and enhancing the greatest economy in the world, and ensuring the safety of American drivers.

We cannot walk away from this responsibility, and we can no longer afford to ignore it.

INTRODUCTION OF H.R. 1188—THE PSORIASIS AND PSORIATIC ARTHRITIS RESEARCH, CURE, AND CARE ACT OF 2007

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. WU. Madam Speaker, I would like to bring attention to the serious, debilitating, chronic diseases of psoriasis and psoriatic arthritis, and to urge you to support H.R. 1188, the Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act for 2007—important bipartisan legislation that I have introduced with my colleague from Pennsylvania, Mr. GERLACH.

This legislation would be the first ever legislative action to fill important gaps in psoriasis and psoriatic arthritis data collection and research, and is an important step in providing relief to the as many as 7.5 million Americans that the National Institutes of Health estimates suffer from these non-contagious, genetic auto-immune diseases.

Psoriasis is widely misunderstood, minimized, and under-treated. In addition to the pain, itching, and bleeding caused by psoriasis, many affected individuals also experience social discrimination and stigma. Of serious concern is that people with psoriasis are at elevated risk for myriad co-morbidities, including but not limited to, heart disease, diabetes, obesity, and mental health conditions. As such, psoriasis and psoriatic arthritis impose significant burdens on individuals and society; psoriasis alone is estimated to cost the nation 56 million hours of lost work and between $2 billion and $3 billion annually.

Also, I wish to take a moment to recognize that August is National Psoriasis Awareness Month and commend the National Psoriasis Foundation, headquartered in my district, for its annual efforts surrounding National Psoriasis Awareness Month. Moreover, I thank the Foundation leaders and staff for working tirelessly each day to help our nation make progress toward a cure and to ensure that people with psoriasis and psoriatic arthritis have access to the care they need and deserve.

On average, each of us has 17,000 constituents with psoriasis. As most of us will be at-home frequently this fall, I encourage my colleagues to meet with affected constituents, learn more about psoriasis and psoriatic arthritis, and work to reduce the misconceptions surrounding these conditions. I further urge you to join with me and the other 82 cosponsors in supporting people living with psoriasis by cosponsoring H.R. 1188.

TRIBUTE TO ERICK JOHNSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Erick Johnson of Jefferson Iowa, on his retirement from the board of directors of the Hemophilia Federation of America.

The Hemophilia Federation of America is a national nonprofit organization that assists and advocates for the bleeding disorders community and advocates for the removal of all barriers to both choice of treatment and quality of life. Erick and his wife Jill became involved with Hemophilia of Iowa in 1997 after their son Skylar was diagnosed with hemophilia. Erick became an independent member of the HFA board in 2000. He worked with the organization to start new programs and increase communication with the FDA, CDC and MASAC in order to bring HFA's concerns to the forefront.

I know that my colleagues in the United States Congress will join me in commending Erick Johnson for his leadership and dedication to representing the Hemophilia Federation of America. I consider it an honor to represent Erick, his wife Jill, and his son Skylar in the United States Congress, and I wish them the best in their future endeavors.

IN HONOR OF THE 20TH ANNIVERSARY OF THE MEGASKILLS PROGRAM

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize the MegaSkills program on its program's 20th anniversary. The MegaSkills program helps parents and guardians assist their children in reaching their academic potential by providing a clear road map and guidelines to success.

The MegaSkills program was created in the 1988 by Dorothy Rich, a resident of Sussex County, DE. The program was started with the goal of teaching families how to help their children succeed. Based on the idea that family involvement is fundamental to learning, the program is designed to instruct families on how to instill habits and behaviors in their children that make up the "Never-ending Report Card" which includes confidence, motivation, effort, responsibility, caring, teamwork, and others.

When I served as Delaware's Governor, I had the privilege of visiting the town of Seaford to honor the teachers, students, and families who participated in one of the first MegaSkills programs. It was clear even then that MegaSkills had tapped into one of the secrets of early education: parents and guardians who are involved in their child's education at home ensure that they get the best education possible in the schools.

Over the years, the program has proven to be highly successful in early childhood education and is now used in over 4,000 rural and urbn schools across the nation. Recently MegaSkills completed a new MegaSkills for Babies and Toddlers book to help parents ensure their children receive the best education possible. Furthermore, the program has been applied in various different languages to accommodate our diverse population.

MegaSkills has demonstrated its success in increasing time students spend with their parents, their motivation on homework, and performance on standardized tests and I acknowledge and commend the MegaSkills Program for 20 years of successful dedication to improving education throughout the United States. The creators and administrators of this program understand what we all need to understand in order to improve our education system: strong families yield strong students with a passion for academic excellence. I am confident the MegaSkills program will continue to expand and benefit educating families nationwide.

HONORING 100 YEARS OF THE VISITING NURSE SERVICE IN SOUTHERN WISCONSIN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Ms. BALDWIN. Madam Speaker, I rise today to honor the Visiting Nurse Service for its 100-year commitment to the improvement and expansion of patient medical care in southern Wisconsin. Since 1908, when the Attic Angel Association began working with a local nurse to procure in-home care for its residents, the Visiting Nurse Service has grown to become an integral component of the Wisconsin health care industry. As a section of the Home Health United health care agency, the Visiting Nurse Service now continues to facilitate independent living and enhance the quality of life for patients across 23 Wisconsin counties. By offering patients the option to cope with illness and work with medical professionals from the comfort of their own homes, the Visiting Nurse Service has truly enhanced our Nation's health care system.

The Visiting Nurse Service that operates in Wisconsin originated in Madison as an innovative, unique approach to health care. It all began when the Attic Angel Association, initially founded as a charitable service group, perceived a void in the health care system. By hiring Maud Reeder, the first visiting nurse in the area, Attic Angel found a way to improve the scope of existing medical services by initiating more convenient, personalized in-home care. The Attic Angel Association helped implement a change in Wisconsin's health care system that would extend far beyond the Madison area. Since its inception, the Visiting

Nurse Service has operated with the simple goals of providing more accessible nursing services and offering charitable medical treatment.

Over the past century, the Visiting Nurse Service has enriched the lives of countless Wisconsinites. As America's health care practices have evolved and developed during the last hundred years, visiting nurses have continued to provide a dependable service, acting as a valuable constant in an ever-changing system. The enduring legacy speaks to the Visiting Nurse Service's remarkable ability to provide effective, professional health care and to adapt to a growing society. The Visiting Nurse Service has demonstrated a genuine commitment to addressing the specific, individual needs of its patients, and an impressive ability to respond to the needs of its community.

For their commitment to the people of Wisconsin and to the enrichment of their community through improved medical care, I congratulate the Visiting Nurse Service. The 100th anniversary of the organization's inception marks a truly extraordinary, well-deserved milestone.

Thank you, Madam Speaker.

TRIBUTE TO NELSON ELECTRIC

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Nelson Electric of Ames, Iowa, on celebrating its 100th anniversary and to express my appreciation for their commitment to providing an important service to Iowans in the Central Iowa area.

In 1908, Ben Nelson left his job at the Ames Municipal Power Plant and began his own business offering electrical contracting services. He contracted his first jobs by going up and down Main Street in Ames and building a reputation of good service at a fair price. His son Chuck joined the crew, and they worked together for 40 years, including persevering through the Great Depression. Chuck's sons, Paul and Jerry began working at the company in the 1960's and still manage the company today. Jerry's sons, Chris and Matt are now the fourth generation of the family to work at Nelson. Nelson Electric began working on wagons and carts but have kept up on the ever changing electric codes and work in the commercial/industrial design build sector of today, taking on residential and small business projects as well.

I commend Nelson Electric of Ames for providing quality and dedicated service to Iowans for over 100 years. It is an honor to represent the Nelson family and all the members of the Nelson Electric crew in the United States Congress, and I wish them continued success in serving their community.

BOUMEDIENE DECISION

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mrs. TAUSCHER. Madam Speaker, I rise to state my strong concern that Congress should not take any steps to curtail the recent Supreme Court decision in Boumediene et al., v. Bush. In a 21 July speech, Attorney General Michael Mukasey called on Congress to create rules governing treatment of detainees' petitions for habeas corpus instead of simply following the rules developed as a result of lower court cases. Additionally Justice Department officials appearing this week before the Armed Services Committee on which I serve have called for Congress to step in and help curtail the form of the status review process for prisoners. Acting on these requests so soon after the Supreme Court's decision and before the Federal district courts have had a chance to address them is shortsighted and possibly damaging to the United States in the long term.

As you know in its 5–4 decision, the Supreme Court held that detainees who are being held at the U.S. Naval Station in Guantanamo Bay, Cuba, are entitled to the habeas corpus privilege under the Suspension Clause of the U.S. Constitution, meaning that they can appeal the justification for their detention before a court. The Court also held that Section 7 of the Military Commissions Act of 2006 which limited judicial review of executive determinations of the detainees' enemy combatant status, did not provide an adequate and effective substitute for habeas corpus and therefore acted as an unconstitutional suspension of the writ of habeas.

The decision itself was limited both in scope. It only applies to detainees held at Guantanamo and not elsewhere. The decision also does not prevent the administration from detaining suspected terrorists or interrogating them. It simply confers upon them the basic right to know why they have been detained.

Letting the Federal courts process pending habeas petitions is the right thing to do and demonstrates to the world that we have confidence in our American values and the integrity of our legal process. It also will make sure that Guantanamo only holds prisoners who are threats to the United States and allows us to release those who are innocent.

Among the matters that the courts must necessarily address is the credibility of the Combatant Status Review Tribunals or CSRTs. As you know, the CSRTs were created by the Pentagon in response to the 2004 Hamdi decision to review the determinations of enemy combatant status for every detainee at Guantanamo.

While the CSRTs were not the central concern of Boumediene, the Court made a number of critical observations that I hope the lower courts will address for the sake of our country's reputation and because of the strength of our values.

The Court found that the procedural protections afforded Guantanamo detainees "fall well short of the procedures and adversarial mechanisms that would eliminate the need for habeas corpus review."

The court listed additional deficiencies including constraints upon the detainee's ability to find and present evidence at the CSRT stage to challenge the government's case; the failure to provide a detainee with assistance of counsel; limiting the detainee's access to government records other than those that are unclassified, potentially resulting in a detainee being unaware of critical allegations relied upon by the government to order his detention; and the fact that the detainee's ability to confront a witnesses may be more theoretical than real given the minimal limitations on the admissibility of hearsay evidence.

The court found that there was "considerable risk of error in the tribunal's findings of fact." And that "given that the consequence of error may be detention for the duration of hostilities that may last a generation or more, this is a risk too serious to ignore."

As a Member who is deeply committed to ensuring we have the best process to prosecute and hold accountable every terrorist and release innocent civilians, I have very little confidence in the CSRT process that is currently in place.

As the Federal courts begin to process the habeas petitions before the government, I again urge my colleagues in Congress to not chill the process currently underway with the narrow legislative solutions the Bush Administration is asking for. I ask that we give our civilian legal system the time to address the new circumstances created by the Supreme Court and put in place a successful review process that the administration has so far failed to do.

HONORING MR. JOHN GREGORY ROVEDA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Ms. LEE. Madam Speaker, I rise today with my colleague, Representative PETE STARK, to honor the extraordinary life of Mr. John Gregory Roveda of Alameda, California. A lifelong Bay Area resident and significant leader in our community, John passed away in his home on June 4, 2008.

Mr. Roveda was born February 19, 1938 in Richmond, California. He graduated from the esteemed St. Mary's College High School in Berkeley in 1955, and then went on to attend the University of San Francisco (USF). There he became a founding member of the Gamma Omicron chapter of Delta Sigma Pi, International Business Fraternity. John was also involved in the Army ROTC program at USF. In 1961, John graduated with a degree in Business Administration and went on to attend the New York Institute of Finance, where he completed coursework in stock exchange and brokerage office procedure, and worked as a stockbroker.

Upon returning to the Bay Area, John joined his family's business, United Beverage Distributors, Inc., located in Oakland, California. His grandfather, Joseph Roveda, founded the company in 1933, making John the third generation Roveda to become president of the family business.

In 1990 John was admitted to the California State Bar and began to practice law in Alameda. He periodically served as Judge Pro Tempore, and in 1997 was qualified as an attorney and counselor of the United States Supreme Court. In addition, he was a member of the Italian American Bar Association.

Mr. Roveda was extremely dedicated to his community, and to the successful growth of the Greater Bay Area.

He served as president of the Athenian-Nile Club as well as the Alameda Boys and Girls Club. He was a member of the Design Review Board and Planning Board for the city of Alameda and a committee member of the Bay Area Sports Hall of Fame. Mr. Roveda's involvement spans a long list of other organizations including the One-Hundred Club, Alameda Elks Lodge, the Rotary Club of Alameda, the Porsche Club of America, UNICO, and the Oakland Council of the Navy League.

A true Bay Area resident, Mr. Roveda had a lifelong love of the ocean and sailed in the Trans Pacific Yacht Race in 1975. He served as commodore of the Golden Gate Yacht Club and was a member of the Encinal Yacht Club. Mr. Roveda also participated in the Newport-to-Ensenada Yacht Race annually.

An energetic attorney, businessman, and family man, Mr. Roveda had an inexhaustible spirit and was widely known for his humor and joy for life in our community. Mr. Roveda will be sorely missed. However, we are thankful for the opportunities he gave us to come together and celebrate the hope and love in our lives.

John was a dedicated father, husband, and friend to many. Today, California's 9th and 13th Congressional Districts salute and honor Mr. John Gregory Roveda. We extend our deepest condolences to his family, especially his wife of 28 years, Judith, his four children, Christine, Michelle, Jay, and John, his sons-in-law Matthew and Andrew, his nephew Stephen, and his granddaughters Hayley and Evelyn. His legacy will surely carry on through the lives of his loving family and friends. May his soul rest in peace.

TRIBUTE TO MORNING STAR MISSIONARY BAPTIST CHURCH

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. GRIJALVA. Madam Speaker, I rise today to congratulate Morning Star Missionary Baptist Church on celebrating 50 years in Tucson, AZ.

Morning Star Missionary Baptist Church was founded and organized by the Reverend Charlie Hunter, August 1958 in Tucson, Arizona, who served in this capacity until the 70s.

Morning Star became a steadfast church in the midst of Tucson's Southside. Members of the Hunter Family and others stood with Reverend Hunter including, Everline Hunter, Leroy Hunter, Sr., Beulah Hunter, Charles W. Hunter, Lorece Hunter, L.B. Hunter, George Hunter, Rosie Hunter, Sister Brown, Linnie Burns, Reverend and Sister Barnes, Orvie Thomas and Florence Hill in establishing the church's foundation.

In 1978, the church expanded its responsibility and established a Head Start center, helping to provide a strong foundation for the children in the community.

Over the last 50 years, Morning Star has worked to help those in need of counseling, resources, support, or the needs of the families of the community.

Morning Star has strived to be more than just a church, it has worked hard to make itself a community and home; a place where people can find help, love, and family in a time of need.

I commend the congregation and leadership at Morning Star Missionary Baptist Church for their work to ensure the successes over the last 50 years.

Morning Star is a testament to the very best in all of us.

THE MINNEAPOLIS INTERSTATE 35W BRIDGE COLLAPSE

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. ELLISON. Madam Speaker, last August 1, 2007, at 6:05 p.m., the Interstate 35W Bridge in Minneapolis, Minnesota collapsed into the Mississippi River killing 13 people and injuring nearly 100 people. The 13 victims were mothers, fathers, children, workers, good people, each and all.

I ask my fellow colleagues to recognize a brief moment of silence to honor the victims and families of the tragic bridge collapse.

HONORING THE 100TH ANNIVERSARY OF THE SAUK COUNTY HISTORICAL SOCIETY'S STEWARDSHIP OF THE MAN MOUND

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Ms. BALDWIN. Madam Speaker, I rise today to honor the Sauk County Historical Society for 100 years of stewardship of the Man Mound. Built to resemble a human figure and measuring over 200 feet in length, the Man Mound is now believed to be our Nation's only remaining Native American effigy mound in the shape of a human. The Sauk County Historical Society has fought for over a century to protect the Man Mound, and the remarkable survival of this relic can be largely attributed to those efforts. The historical society's work on behalf of the Man Mound serves as an ideal example of its dedication to local communities and to the enrichment of society through historical preservation.

The society's fight to preserve the Man Mound began in 1907, only a few years after H.E. Cole founded the organization. While surveying the Man Mound, Cole discovered that the structure would soon be completely demolished and then plowed as farmland, like almost 900 other Native American mounds in the area. Cole and the historical society took immediate action to save the Man Mound by leading a collaborative, community-oriented effort. The Sauk County Historical Society, in conjunction with the Wisconsin Archaeological Society and the Wisconsin Federation of Women's Clubs, raised enough money to purchase the Man Mound and protect it from cultivation and further destruction. The surrounding park was then dedicated in August of 1908.

The Sauk County Historical Society's commitment to the stewardship of this landmark demonstrates an impressive appreciation of the past and of history's value to modern society. The historical society truly recognizes the importance of using resources like the Man Mound to spread knowledge and educate our society. By preserving the Man Mound, the Sauk County Historical Society allows us to connect with the past and provides us with a tangible link to the Native Americans who preceded us as stewards of this land.

Even as we take this opportunity to look back in appreciation, the historical society is planning ahead for the future of the Man Mound and Man Mound Park. With support from the Wisconsin Archeological Society, the Wisconsin Archeological Survey, the Wisconsin Historical Society, the Ho-Chunk Nation, and the General Federation of Women's Clubs—Wisconsin, the Sauk County Historical Society is initiating a comprehensive study of the structure and working to ensure the future of this invaluable artifact.

For their commitment to the people of Wisconsin and to the enrichment of their community through historical conservation and preservation, I congratulate the Sauk County Historical Society. The 100th anniversary of the society's stewardship of the Man Mound marks a truly remarkable, well-deserved milestone.

THANKING BRADLEY DALE MATTAN

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. FOSTER. Madam Speaker, I am submitting this statement to offer gratitude to one of my constituents, Mr. Bradley Dale Mattan of Geneseo, Illinois. I am very pleased that Mr. Mattan has decided to serve as a Peace Corps Volunteer in Ecuador.

The Peace Corps was designed to encourage mutual understanding between Americans and other cultures of the world. For the past 47 years over 190,000 Americans have served as Peace Corps Volunteers in 139 countries.

In his statement upon signing the Order that established the Peace Corps, President John F. Kennedy said, "Our Peace Corps is not designed as an instrument of diplomacy or propaganda or ideological conflict. It is designed to permit our people to exercise more fully their responsibilities in the great common cause of world development." I'd like to take this opportunity to thank Mr. Mattan for his dedication to this responsibility, and for helping to restore America's image in other parts of the world. Our country has truly been enriched by the experiences of the Peace Corps volunteers.

I offer my best wishes to Bradley Dale Mattan in his endeavors both here and abroad and look forward to seeing great work from him in the future.

INTRODUCTION OF THE TAKING RESPONSIBLE ACTION FOR COMMUNITY SAFETY ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. OBERSTAR. Madam Speaker, today I join the gentlewoman from Illinois, Ms. BEAN, and 19 of our colleagues in introducing the Taking Responsible Action for Community Safety Act.

The bill will ensure that the Surface Transportation Board (''STB'') has the legal authority and policy direction to deal with railroad mergers that have the potential to cause serious safety, environmental, and other quality of life problems for affected communities.

A recently filed merger application has called attention to the need for enhancing the authority of the STB.

The application was filed by the Canadian National Railway (''CN''), seeking the Board's approval to acquire control of the 198-mile Elgin, Joliet, and Eastern (''EJ&E'') rail line.

Communities affected by the merger have alleged serious impacts from the new operations which are planned for the merged carrier. This acquisition could adversely impact more than 40 communities along the EJ&E line, and result in rail traffic increases of 15 to 24 trains per day. For example, in Barrington, Illinois, the number of freight trains will increase from 5 to 20. In Plainfield, Illinois, the CN train total will reach 42 per day.

The communities impacted by the proposed acquisition have raised significant concerns related to public safety, grade crossing safety, hazardous materials transportation safety, noise, and economic job loss. For example, the EJ&F line includes 133 grade level crossings that intersect with existing roadways. Increased traffic on the line may not only adversely impact motorist safety but emergency response time and vehicle access, a growing concern for many communities across the nation.

Under current law, the STB has very limited power to consider these concerns. The STB is now required to approve all mergers and consolidations between a Class I railroad (such as CN) and a Class II railroad (such as EJ&E) unless the Board finds that the merge is likely to cause a substantial lessening of competition, create a monopoly, or restrain trade in freight surface transportation in any region of the United States; and that the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

The STB does have authority to impose conditions to address community concerns on any approval of a merger between a Class I railroad and Class II railroad. However, the STB has decided to significantly limit the types of conditions it will impose. Under its regulations, the STB will not impose conditions that may ''undermine or defeat'' a transaction, even if those conditions are critical to ensuring the safety and health of communities.

The bill we are introducing today will enable the STB to thoroughly consider the public interest when evaluating a proposed railroad merger or consolidation which includes at least one Class I railroad.

Specifically, the bill requires the STB to consider, in a merger or consolidation proceeding, the safety and environmental effects of the proposed transaction, including the effects on local communities, such as public safety, grade crossing safety, hazardous materials transportation safety, emergency response time, noise, and socioeconomic impacts. It also requires the STB to consider the effects of the proposed transaction on intercity passenger rail and commuter rail.

The bill prohibits the STB from approving or authorizing a merger or consolidation if it finds that the transaction is inconsistent with the public interest because the transaction's impacts on safety and on the affected communities outweigh the transaction's transportation benefits. Further, the bill authorizes the STB to impose conditions to mitigate the effects of the transaction on local communities when such conditions are in the public interest.

With these new powers and policy directives, the STB will have greatly enhanced ability to protect local communities against the adverse effects of rail mergers. I urge my colleagues to support this important legislation.

EXTENDING MY DEEPEST GRATITUDE TO NOON ROTARY CLUB OF MUNCIE, INDIANA, A DEDICATED GROUP OF VOLUNTEERS WHO WENT OUT OF THEIR WAY TO HELP HOOSIERS IN NEED

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. PENCE. Madam Speaker, I rise to thank the Noon Rotary Club of Muncie, Indiana for their invaluable service to the residents of my hometown of Columbus, Indiana following catastrophic flooding that city experienced in early June.

An article published in the Columbus Republic on July 25, 2008 outlined the tremendous support this group provided:

Three Saturdays ago, carloads of Muncie Rotarians descended on Eastside Community Center, determined to help prepare and deliver meals to survivors and volunteers.

They've been coming back ever since.

''This Muncie group is awesome,'' said Celeste Racette, a member of the Columbus Sunrise Rotary Club who worked with the Delaware County group in coordinating the volunteer effort. ''They not only helped prepare and deliver meals but they have kept coming back and they even set the folks at Eastside up with Gleaner's Food Bank out of Indianapolis to deliver a week's supply of food.''

They'll need it. Lenore Hollowell, who is coordinating the meal delivery program Eastside initiated in the early hours of the flood recovery, said Thursday that the group is averaging 550 meal deliveries each day.

The article continues:

The Muncie group offered more than just helping hands.

The Rotarians who arrived on the first Saturday and immediately were sent to devastated areas with prepared meals were welcomed warmly but also given guidance for future visits.

''If people didn't want the lunches, they definitely wanted the water,'' Celeste said. ''That need was discovered on their first trip. On the next trip the Muncie group brought down 40 cases of water, four coolers and endless bags of ice so that we could hand out cold bottled water along with the meals.''

While the Muncie group was in Columbus, one of its members struck up a conversation with Lenore Hollowell about additional sources of food.

Gleaner's Food Bank in Indianapolis was mentioned and within the space of hours, e-mails were being traded back and forth setting up the delivery of a week's supplies.

''The delivery ran the gamut from eight cases of yams to two cases of mop handles . . . from three cases of chocolate chip cookies to four pallets of bottled water . . . there were even 1,200 prepared meals from Federal Emergency Management Agency.''

The Noon Rotary Club of Muncie will likely make their final visit to Columbus on August 2. I want to extend my deepest gratitude to this dedicated group of volunteers who went out of their way to help Hoosiers in need.

KENDRICK PERKINS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. POE. Madam Speaker, today I am proud to pay tribute to Kendrick Perkins, the former basketball standout at Clifton J. Ozen High school and the starting Center for the 2007–2008 NBA Champion Boston Celtics.

Kendrick was born in Nederland, Texas, in 1984. According to his grandmother, he played football and baseball as a young boy but would fall asleep at night holding a basketball. He attended Our Mother of Mercy Catholic School throughout elementary school and was one of the tallest altar boys they have ever seen. So tall, in fact, that they had to have a robe specially made for him. He continued to serve the church until his high school graduation, even while scouts and agents were vying for his services.

Perkins attended Ozen High School in Beaumont, Texas and left quite a legacy on the basketball court. He led the team to three Class 4A Sate Championship games in three years, winning the title as a sophomore in 2001. During that run, his Panthers were a combined 111-4. As a senior, the 6-foot-10 Kendrick averaged 27 points, 16 rebounds, and almost 8 blocked shots per game, easily making him one of the nation's top high school prospects.

After graduating from high school in 2003, a number of elite colleges recruited him and he was considered by some to be the best high school center in America. He was ranked alongside LeBron James as the nation's top recruits, but so far advanced was his game that he spent that summer traveling to tryouts

with a number of NBA teams. He was drafted in the first round of the NBA Draft with the 27th overall pick by the Memphis Grizzlies and immediately traded to the Boston Celtics, one of the most successful franchises in all sports.

Kendrick played a support role as the team's ''enforcer'' during his first few years in the league, earning a reputation as one of the tougher players on the team. He would eventually work his way up the depth chart to starting center. In 2007, the team made a number of off-season moves that would leave the Celtics as the favorite to win the title. The team had the best record in the league during the regular season and had home court advantage throughout the playoffs.

The playoffs were more difficult than they would have hoped. Their first two series both went to seven games but they were able to pull through. Kendrick and the Celtics beat former prep-rival LeBron James and his Cleveland Cavaliers in the Eastern Conference Finals to bring the Celtics to their first NBA Finals appearance since the 1985–86 season. Their opponents were the Los Angeles Lakers, facing each other in the Finals for a record 11th time. There was genuine buzz and excitement around the NBA for the first time in recent memory and Kendrick would have a chance to shine.

The first few games saw the Celtics dominate the series at home. The Lakers were able to win one when they returned to their home court and had a chance to win Game 4 before the Celtics made the biggest comeback in NBA Finals history to win the game. Perkins injured his shoulder and sat out Game 5. He was doubtful for Game 6 but showed the toughness that has come to define him and played through the pain to help the Celtics win their 17th overall championship. Perkins averaged 6 points and 6 rebounds to lead his team to the 2007–08 NBA Championship.

On behalf of the Second Congressional District of Texas, I applaud Kendrick Perkins on his outstanding achievements. He has been successful on and off the court, and I applaud his dedication to his community and to his team.

And that's just the way it is.

INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR, ACTING THROUGH THE COMMISSIONER OF RECLAMATION, TO DEVELOP WATER INFRASTRUCTURE IN THE RIO GRANDE BASIN, AND TO APPROVE THE SETTLEMENT OF THE WATER RIGHTS CLAIMS OF THE PUEBLOS OF NAMBE, POJOAQUE, SAN ILDEFONSO, TESUQUE, AND TAOS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. UDALL of New Mexico. Today I rise to introduce a bill to complete two major tribal water settlements in northern New Mexico, the Aamodt and Abeyta settlements. Introduction of this bill represents a major milestone in the completion of these important settlements. Years of work and negotiation have gone into each of these, and I am pleased that the tribes, villages, cities, counties, acequias, and community groups involved were able to come to an agreement that is mutually beneficial.

New Mexico is a state rich with tradition and culture, where the water resources are scarce and precious. As is common in most of the arid west, this vital but limited commodity can foster conflict between communities and individuals, and in a state where the history is long and complex, disputes over water are equally complicated. But, despite the complications surrounding water tenure, New Mexicans are united in a common respect for this resource. From the pueblos and tribes of New Mexico, to the historic acequias and growing communities, water is fundamental to both survival and cultural traditions, and is respected as such. Both the Aamodt and Abeyta settlements are examples of communities and tribes coming together to resolve their differences and find a way to ensure that everyone has access to this precious and respected resource.

The bill being introduced today consists of two titles, the first outlining the Aamodt Settlement, and the second outlining the Abeyta Settlement.

The Aamodt title resolves the water claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque, and the needs of the surrounding communities in Santa Fe County. The settlement is a result of long negotiations between the county and pueblos, and will result in the development of a mutually beneficial water infrastructure system. This system will ensure that the pueblos and surrounding communities have access to clean running water into the future. I applaud the efforts and success of these groups in coming to an agreement that both settles disputes and benefits each community.

The Abeyta title establishes the water claims of the Pueblo of Taos, the Taos Valley Acequia Association, the Village of El Prado, and the Town of Taos. These communities depend heavily on agriculture and irrigation for both traditional practices and subsistence. The settlement ensures water for both agricultural and domestic use, and facilitates the rehabilitation of irrigation infrastructure. Additionally, the Abeyta settlement helps to protect the quality of water in the watershed by protecting and recharging the wetlands areas of the Taos Pueblo's buffalo pasture. After years of negotiation, the parties involved in this important settlement have come to an agreement based on respect of cultural practices, and a commitment to live as good neighbors sharing a common resource.

It has been said that the wars of the future will be fought over access to water. In New Mexico, we are setting a different precedent—a precedent of respect and compromise, one that will help us move into the future with well established partnerships and a commitment to conserve and manage this vital resource to the benefit of all. I am honored to introduce this legislation today that will bring the pueblos and communities involved in the Aamodt and Abeyta one step closer to establishing a secure water future.

INTRODUCING THE STUDENT VOTER OPPORTUNITY TO ENCOURAGE REGISTRATION (STUDENT VOTER) ACT OF 2008

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Ms. SCHAKOWSKY. Madam Speaker, I rise today to introduce the Student Voter Opportunity To Encourage Registration Act of 2008, along with my colleague Representative STEVEN LATOURETTE. The foundation of America's democracy lies in broad participation and civic engagement. From the Civil Rights Amendments, to women's suffrage, to the abolition of the poll tax and finally the ratification of the Twenty-Sixth Amendment, this nation has embarked on a difficult but steady march toward becoming a more inclusive nation.

I believe that the Student VOTER Act is a continuation of that progress, because it provides a pathway to participation for America's youth.

The need for this bipartisan bill is clear. Despite a small rise in youth voting in the 2004 presidential election, young voters are far less likely to vote than older voters. In the 2004 presidential election, only 47 percent of 18–24 year old citizens voted, compared to 66 percent of citizens 25 and older. This marked the eighth straight presidential contest in which less than half of young Americans voted.

While there are a number of factors that contribute to this trend, one is clearly the fact many college students are first-time voters and often are unfamiliar with how to register. In some states, including my own state of Illinois, first-time voters must register in person in order to cast an absentee ballot. For students who attend college outside of their home state or who do not have access to transportation, those requirements present a tremendous burden that is costly and difficult to overcome.

The Student VOTER Act offers a straightforward solution: it requires colleges and universities that receive federal funds to register students. The Student VOTER Act does this by amending the National Voter Registration Act of 1993 to designate colleges and universities that receive federal funds as voter registration agencies.

This legislation will not present a substantial burden to our Nation's universities. In fact, many are already providing this service for students. For example, even before orientation begins, Brown University in Rhode Island provides its students with voter registration materials not only for Rhode Island, but also for each student's home state.

Unfortunately, too many colleges and universities have failed to follow Brown's lead. I am introducing this legislation today to spur more universities to make registration widely available to America's youngest voters.

I would also like to thank my friend Matthew Segal, the Executive Director of the Student Association for Voter Empowerment. This bill would not exist today were it not for his dedication to enhancing voter access for America's youth.

I urge all of my colleagues to cosponsor this important legislation.

IN HONOR OF THE DECATUR CENTRAL BASEBALL TEAM, 2008 INDIANA STATE CHAMPIONS

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. CARSON. Madam Speaker, today I rise to congratulate the Decatur Central High School baseball team. The Hawks were crowned Division 4A Indiana State Baseball Champions on June 14, 2008 at Indianapolis's Victory Field. Decatur Central captured the state title with a 7–3 victory over Fort Wayne's Homestead High School.

The boys worked tirelessly throughout the season and compiled an overall record of 29–7. This is the first state championship for a Decatur Central team.

This year's team was led by seniors Harmon Cooper, Zack Deakin, Anthony Eldridge, Adam Kirk, Shawn Mattingly, Jeff Pace, and Isaac Pruitt. Other members of the team include juniors Jake Gharst, Aaron Gregory, Andrew Kinnaird, Nate Kress, Pat Sharpe, Kenny Rackley, Nick Stoia, Taylor Tijerina and sophomores Eric Howell, Brent Ledford, Shane Muse, Ronnie Shelton, Austin Sprinkle and Zach Weldon. Top performers this year included Nick Stoia, who set a school record for runs batted in and Andrew Kinnaird, who set a school record for doubles.

This team's achievements would not have been possible without the support of their coaches and school officials. Head Coach Phil Webster, in his 23rd season of coaching at Decatur Central, and his staff served as excellent teachers and mentors to the young men they were charged with coaching. Additionally, all the Decatur Central fans, and in particular the always energetic student body, should be recognized for their enthusiasm and pride in their team.

The 2008 Decatur Central baseball team has secured a place in the storied history of Indiana high school sports. I offer my congratulations to the members of the team, the coaching staff, the school, and the greater Indianapolis community on their accomplishments throughout the season.

PERSONAL EXPLANATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. MCHUGH. Madam Speaker, I was on a leave of absence for a family medical situation on July 29, 2008, and I missed several rollcall votes. At this time, I wish to note that had I been present, I would have voted ''yea'' on rollcall No. 534, ''yea'' on rollcall No. 535, and ''yea'' on rollcall No. 536.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. WELLER of Illinois. Madam Speaker, I rise today to enter into the RECORD votes I would have cast had I been present for rollcall votes 534 through 536. I was absent on Tuesday, 29 July due to personal reasons.

If I were present I would have voted, ''aye'' on rollcall vote 534, ''aye'' on rollcall vote 535, and ''aye'' on rollcall vote 536.

THE DEFINITION OF HONESTY, INTEGRITY AND HONOR: CHAIRMAN CHARLES B. RANGEL AND PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Ms. KILPATRICK. Madam Speaker, I rise in unequivocal, unapologetic, and unwavering support of one of the finest individuals who set the standard for statesmanship, excellence and principle in the U.S. House of Representatives, none other than the gentleman from the 15th Congressional District of New York, one of the founders of the Congressional Black Caucus, Chairman of the House Ways and Means Committee, Congressman CHARLES B. RANGEL. Congressman RANGEL, whom I am proud to count as not only one of my Congressional mentors, but also as a personal friend, has to take time from his schedule of, among other things, ensuring that all children have access to health care, ensuring that cigarettes are regulated, and that Congress figures out a way to pay for the education of the women and men who are fighting in Iraq and Afghanistan, to defend himself against a charge levied in a newspaper that questions his very integrity, dignity and honor.

I was unavoidably detained, and I did not vote on this motion. If I had been present, I would have voted ''aye'' in favor of the motion to table.

It is without a single scintilla of doubt these charges against the Chairman, charges registered by Chairman RANGEL himself with the House Ethics Committee, will arrive at one conclusion—the conclusion of innocence. Chairman RANGEL's record of almost four decades of service, of dedication, of devotion not only to his constituents, but of the integrity of the institution of Congress, has earned him the right to a fast and fair examination and I would add exoneration of these charges. Chairman RANGEL, along with my fellow Michigan colleague JOHN CONYERS, JR., is the remaining founders of the Congressional Black Caucus who serve with us today. For the remainder of the 110th Congress, Chairman RANGEL will have my personal support and assistance as he wages what will be a victorious fight against these charges.

What describes Chairman RANGEL? Here are a few: outstanding attorney. One of the finest politicians in the history of New York. Civil rights worker. Founder of the most influential political organization in the history of Congress. The first African American Chairman of the powerful Ways and Means Committee. Husband. Father. Colleague. And finally, friend.

As I continue to pray for Chairman RANGEL's continued good health, prosperity and fortune, I look forward to a fair and expeditious consideration of these charges by the House Ethics Committee. Chairman RANGEL's importance to this body, as the leader of the Ways and Means Committee, is far, far too valuable to both Congress and the nation to waste toward dilatory efforts to ruin his good name and bring him down. I know that, based upon the merit of the case, that the Chairman will be exonerated, the Chairman's innocence will prevail, and he will continue to handle the people's business in the manner that has brought honor, dignity and respect to the U.S. House of Representatives.

EARMARK DECLARATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. TURNER. Madam Speaker, I submit the following earmark request:

1. Project—Security Forces Operations Facility.

Requesting Member: MICHAEL TURNER.

Bill Number: H.R. 6599.

Account: Air Force, Mil Con.

Legal Name of Requesting Entity: Wright-Patterson Air Force Base.

Address of Requesting Entity: Dayton, OH.

Description of Request: $14,000,000 is appropriated for a Security Forces Operations Facility in fiscal year 2009. The entity to receive funding for this project is Wright-Patterson Air Force Base located at Dayton, OH. The funding would be used to house the operations of the 88th Air Base Wing Security Forces Squadron (88 SFS), which provides security and police services for Wright-Patterson Air Force Base.

TRIBUTE TO BURT RUTAN

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor Elbert Leander ''Burt'' Rutan, a renowned aerospace engineer, who celebrated his 65th birthday on June 17, 2008.

Burt was born in Portland, Oregon, on June 17, 1943, though he was raised in Dinuba, California. As a young boy, Burt produced award-winning model airplane designs; a prodigy in the making. When Burt was sixteen, he obtained his pilot's license and went on to receive his aeronautical engineering degree from California Polytechnic State University, San Luis Obispo. Soon after, the United States Air Force hired Burt as a civilian flight

test engineer at Edwards Air Force Base in California.

Throughout the years, Burt has established himself as a leader in innovative aircraft design. With the start of his own private company, Rutan Aircraft Factory, based in Mojave, California, Burt began to market sleek, light, and efficient aircraft such as the VariEze, Quickie, and the Long-EZ; it was during this time that the concept for the Voyager was generated. Burt's passion for aeronautical engineering soon found him leading Scaled Composites, the world's most productive aerospace prototype development company. Some of the most innovative and successful aircraft developed by Scaled Composites have been the Triumph jet for Beechcraft, the CM–44 UAV for California Microwave, the Scarab Model 324 drone for Teledyne Ryan Aeronautical, and the McDonnell Douglas DC–X single stage rocket structure. His designs utilized lightweight composite materials, rendering him with copious amounts of success and praise for his entrepreneurial skills and insightful knowledge on the subject to which he has dedicated his life.

One of Burt's most famous designs, the Voyager aircraft, piloted by Burt's brother, Dick Rutan, set a record-breaking flight around the world without stopping to refuel in 1981. Model 218 Proteus, a tandem-wing high-endurance aircraft designed by Burt, holds several altitude records. SpaceShipOne gained Burt significant recognition as it was the first privately-built, funded, and flown aircraft to enter space in June of 2004. This feat was acknowledged with the Ansari X Prize, while his team was honored with the 2004 Collier Trophy later that year, awarded to them by the National Aeronautic Association.

Today, SpaceShipOne, Burt and his team's spacecraft that launched men successfully into space, is displayed in the Smithsonian National Air and Space Museum's ''Milestones of Flight'' gallery in Washington D.C. Other prestigious awards given in recognition of Burt's aerospace expertise include the Chrysler Award for Innovation in Design, the British Gold Medal for Aeronautics, ''Engineer of the Year'' by Design News, the Presidential Citizens Medal presented by President Ronald Reagan, and the Lindbergh Award.

As Burt has soared through his creative and competitive career, he has been commended for his innovative efforts. His maverick aerospace expertise continues to be highly sought after. Today, Burt and his company, Scaled Composites, are currently engineering SpaceShipTwo for Virgin Galactic with the prospect of offering suborbital trips into space by 2009. Burt has never given up on his dreams and he continues ''looking up, way up.''

REMARKS ON THE OLYMPIC JOURNEY OF LEONEL MANZANO

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. CONAWAY. Madam Speaker, a son of Burnett County, Texas is going to the Olympics. I rise today to congratulate Leonel Manzano on his outstanding achievement in making the U.S. Olympic Track and Field Team.

It seems Leonel was born to be an Olympian. His work ethic is legendary, his character is impeccable, and he can just flat out run. His dedication to his sport has earned him a spot to compete on the biggest stage in athletics and prove to everyone that a young man from a small corner of Texas can be the best in the world. It will be a joy to watch him represent my district, the State of Texas, and our entire country.

As Leonel travels to Beijing, he will go with the hope and prayers of the entire Texas Hill Country with him. His neighbors, family, coaches, and even competitors have all helped forge him into the man he has become and we will all be watching in rapt attention when he steps into the blocks.

If I could remind Leonel of just two virtues that bring success, it would be to always fulfill your God given talents and never forget to be gracious under pressure. If he can manage these two feats, as he has done so well in the past, he will return home an Olympic hero.

It is my honor to represent Leonel, as well as his parents, Jesus and Maria Manzano, here in Washington. I share their pride in all that Leonel has accomplished. As he heads to Beijing, I wish him good luck and safe travels.

A TRIBUTE TO THE NATIONAL ASSOCIATION OF MEDICAL MINORITY EDUCATORS, INC. 33RD ANNUAL CONFERENCE—SEPTEMBER 17–21, 2008

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. BUTTERFIELD. Madam Speaker, it is my great honor today to rise and recognize the National Association of Medical Minority Educators, Inc., also known as NAMME, for their years of support for health professionals from traditionally underrepresented and disadvantaged populations.

Established in 1975, NAMME aims to increase the presence of minority health care providers. To achieve this goal, the founding members of NAMME have worked tirelessly over the years to provide motivated students with access to education, training, and practice in the health care profession.

Since its inception, NAMME has strived to prepare students for success in health related fields including dentistry, optometry, public health, and veterinary medicine. The organization holds as its core values its ability to develop and sustain productive relationships and to produce action oriented programming for stakeholders. NAMME has established an extraordinary reputation of providing exceptional professional development opportunities for its members. NAMME is hopeful that these significant opportunities will ultimately translate to the reduction in health disparities among underserved populations. Madam Speaker, I commend NAMME for its vision and foresight in identifying this service which is so greatly needed in disadvantaged communities.

Today, with alumni across the country, NAMME stands as one of the leading organizations for providing the type of training and informational resources that will greatly benefit small communities. Programs are available that nurture and support individuals through all stages in their pursuit of a career in health care.

NAMME will hold its 33rd Annual Conference in Arlington, Virginia on September 17–21, 2008 where House Majority Whip, The Honorable JAMES E. CLYBURN will serves as the keynote presenter.

Madam Speaker and Distinguished Colleagues, I hope that you will join me today in honoring NAMME and the substantial contributions this organization has made to provide access to health care education for underrepresented and disadvantaged communities.

IN HONOR OF THE BEN DAVIS BOYS' TRACK AND FIELD TEAM, 2008 INDIANA STATE CHAMPIONS

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. CARSON or Indiana. Madam Speaker, today I rise to offer my congratulations to the Ben Davis boys' track and field team. The Giants were crowned Indiana state track and field champions on May 31, 2008 at Indiana University in Bloomington, Indiana.

This is the first time that the Ben Davis boys' track and field team has captured the state championship although they have been state runner-up in 2000, 2002 and 2007. With this victory Ben Davis athletic teams have compiled one of Indiana's most impressive records, winning a total of 22 state championships since 1962.

This year's team was led by a strong class of 23 seniors. Rapheal Williams and LaVarus Williams, along with juniors Colin Hester and Matthew Terrell gave an impressive team performance at the championship meet by taking first place in the 4x100 meter relay. Matthew Terrell also achieved individual success, finishing first in the 200 meter dash and securing his place as the 2008 Ben Davis Varsity Points Leader.

This team's achievements would not have been possible without the support of a wide variety of coaches and school officials. Head Coach Mike Davidson, in his 17th season of coaching at Ben Davis, and his assistant coaching staff provided the players with guidance both on and off the track. Additionally, all the Ben Davis fans, and in particular the always energetic student body, should be recognized for their enthusiasm and pride in the team.

Today, I ask my colleagues to join me in offering congratulations to the members of the team, the coaching staff, the school, and the greater Indianapolis community on their accomplishments throughout the season.

TO HONOR WILLIAM ANTHONY CARGILE

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. LAMPSON. Madam Speaker, I am honored to stand here today to praise the distinguished service of Mr. William Anthony Cargile. Through his service as a Volunteer Firefighter in the Santa Fe Fire and Rescue, he has distinguished himself from his colleagues in a variety of ways. At the age of 14, Anthony (as he is known to his friends and colleagues) started his volunteer firefighting career as a junior fireman. Thirty years later he continues to serve his community not only as a volunteer firefighter but in a number of other roles as well.

Anthony's firefighting credentials are impressive. He holds an Advanced Firefighter Certification as well as a Level II Instructor's Certification from the State Fireman's and Fire Marshal's Association of Texas. Along with serving as President of the Gulf Coast Firemen's Association from 1999 to 2000, he has served as the Training Commissioner for the Galveston Firefighter's Association from 2001–2003 and Coordinator of the Galveston County Field Day in 2003.

A fitting example of Anthony's character was his effort to establish an Honor Guard for the Santa Fe Fire and Rescue. Anthony did all the necessary research, received approval from his superiors and even designed and assembled the uniforms. Because of his tireless endeavor, he was able to successfully assemble the Honor Guard in 2004, which has performed admirably in a number of ceremonies. As another sign of Anthony's service to the firefighting community, he has received Fireman of the Year from the Santa Fe Fire and Rescue twice, in both 2000 and 2007, and was chosen as the Firefighter of the Year in 2008 by the State Firemen's and Fire Marshal's Association of Texas.

Consequently, it is not surprising that he was nominated for National Firefighter of the Year, an award given by the National Volunteer Fire Council.

Anthony is a model citizen and a true public servant. His actions have distinguished him in his community and the 22nd District of Texas is proud of its son.

IN RECOGNITION OF STEVE THOMPSON

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the distinguished public service of Steve Thompson. After more than 30 years with the U.S. Fish and Wildlife Service, he is retiring on August 2nd.

Steve Thompson served as the Director of the Service's California and Nevada Region. In this post he oversaw Service programs in California, Nevada and Klamath Basin that administered the Endangered Species Act and Migratory Bird Treaty Act, and managed 51 national wildlife refuges, and three national fish hatcheries.

Prior to coming to Sacramento, Thompson was based in Atlanta as the Regional Chief for the National Wildlife Refuge System in the Service's Southeast Region. Prior to serving in Atlanta, he spent three years as the Branch Chief for Resource Management for the National Wildlife Refuge System Headquarters in Washington, DC

Thompson began his career with the Service as a wildlife biologist at Malheur National Wildlife Refuge in Burns, Oregon, moving on to the Puget Sound National Wildlife Refuge in Olympia, Washington, and Stillwater National Wildlife Refuge in Fallon, Nevada, before becoming refuge manager at Laguna Atacosa National Wildlife Refuge in Rio Hondo, Texas.

In 1994 Thompson was chosen as the first "Refuge Manager of the Year" by the National Audubon Society and the National Wildlife Refuge Association. In September 2007, he earned the Distinguished Executive Award, the highest Presidential Rank Award given to career Senior Executive Service employees.

Thompson, was born in Nevada and raised in both Nevada and California, where he graduated in 1976 from Humboldt State University with a bachelor of science degree in wildlife management. He is a competitive swimmer, avid birdwatcher and hunter.

Throughout his career at the U.S. Fish and Wildlife Service, Mr. Steve Thompson has been well known for his balanced, common sense approach. His partnership philosophy and demonstrated ability to work with diverse stakeholders will be missed. As he embarks on a new chapter in his life, I wish him continued success and good luck in all his future endeavors.

TRIBUTE TO DICK RUTAN

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. McCARTHY of California. Madam Speaker, I rise today to honor Richard Glenn "Dick" Rutan, an aerospace pioneer, as he celebrated his 70th birthday on July 1, 2008.

Dick was born in Loma Linda, California, on July 1, 1938. At a young age, Dick developed an avid interest in piloting. By the time he turned 16, Dick was earning both his driver's license and pilot certificate. Dick has always had a passionate thirst for learning, thereby leading him to join the Air Force Aviation Cadet Program at the age of 19 and later receiving a commission as a Lieutenant. Dick went on to obtain a Bachelor of Science Degree at the American Technological University through the Air Force Professional Education "Boot Strap" Program.

When the Vietnam War broke out, Dick established himself as a brave, highly competent, and rigorous leader. As a Tactical Air Command fighter pilot, Dick flew 324 combat missions, 105 of which were as a high-risk classified operation known as the MISTY's. The many achievements Dick accomplished while serving in the Air Force merited him the Silver Star, five Distinguished Flying Crosses, 16 Air Medals, and the Purple Heart.

After Dick's retirement, he joined forces with his brother, Burt Rutan, as the Production Manager and Chief Test Pilot for Rutan Aircraft Factory. He is widely recognized for his successes involving the world speed and distance records set in the Long–EZ, an airplane designed by Burt. To honor Dick's many achievements in record-setting flights, he was awarded the prestigious Louis Bleriot Medal by the Federation Aeronautique Internationale.

In 1981, Dick expanded his wings even further to found Voyager Aircraft, Incorporated and settle in the history books by completing the first-ever around-the-world, non-stop, non-refueled flight. Nine days, three minutes and forty-four seconds after Dick and his copilot Jeana Yeager took off, he landed at Edwards Air Force Base in California. The plane he piloted in this successful quest is now suspended in the Smithsonian National Air and Space Museum's "Milestones of Flight" gallery in Washington, D.C. President Ronald Reagan awarded Dick and his team with the Presidential Citizens Medal, four days after the team's outstanding feat.

Time and time again, Dick has delved into projects that allow him to expound upon his knowledge and share his expertise and adventures with others. These have included a sightseeing airplane trek to the North Pole, the World Quest Project, and the Spirit of EAA Friendship World Tour. He established the Dick Rutan Scholarship Fund to assist youth in furthering their education and is actively involved in the Experimental Aircraft Association's Science, Math and Technology (S-M-T) program.

Today, Dick continues his quest of traveling the world by educating others through the accounts of his many adventures. He exudes dedicated passion, courage of conviction, and wisdom and he exemplifies the true marks of leadership. His distinguished achievements have gained him renowned recognition and respect, and I am pleased to wish him a happy birthday!

STEINHAGEN OIL COMPANY

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. POE. Madam Speaker, today I am proud to honor the Steinhagen Oil Company, for their commitment to community service has earned them the 2008 Spindletop Award for outstanding corporate citizenship.

The Steinhagen Oil Company is a third generation, family owned business that owns over 25 gasoline stations across Southeast Texas and supplies numerous others with unbranded fuel. E. Harvey Steinhagen founded the company and began selling fuel in the 1930's. They currently employ over 200 workers across the region.

The Steinhagen Family has a long history of community service. Mark Steinhagen served as Chairman of the Board of the Beaumont Chamber of Commerce from 1970–71 and encouraged a focus on economic development

efforts. His son Roy is the current Chairman and Chief Operations Officer for the company. He helped raise $2.6 million for the construction of a new Salvation Army building. Roy is currently the President of the Lamar University Foundation and is a member of the Texas State Bank advisory board of directors, the Jefferson Theatre Preservation Society, and the advisory board of trustees of Christus St. Elizabeth Hospital.

On behalf of the Second Congressional District of Texas, I applaud the Steinhagen Oil Company on its outstanding achievement. They have helped make our world a better place to live, and I applaud their unwavering service and dedication to the community.

71ST ANNUAL SOAP BOX DERBY

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. RYAN of Ohio. Madam Speaker, I rise today to congratulate the winners and all the participants in the 71st annual All-American Soap Box Derby World Championship at Derby Downs in Akron, Ohio, on July 26, 2008.

A record 609 contestants from forty three states and three foreign countries competed at the legendary Derby Downs for the title of Champion. This race is held annually at Derby Downs, which was created in 1936 by the Works Progress Administration (WPA) after Akron city leaders realized that a permanent track for the race was necessary. The racers, all between the ages of eight and seventeen, compete in six different divisions. All of the cars are powered only by gravity and built by the racers. The racers can reach speeds of thirty miles an hour and the races usually last less than thirty seconds and are decided by mere hundredths of seconds.

I am pleased to note that Elizabeth Underwood, 17, of Barberton, placed 3rd in the Masters division, Joe Puntal, 14, of Youngstown placed 3rd in the Super Stock division, and Johanna Barnowski, 11, of Cuyahoga Falls placed 1st in the Stock division.

Other Akron area racers who participated were Katie Atchison, Brett Chrisman, Dustin Chrisman, Emily Harmon, Tyler Shoff, Sarah Smith, Dennis VanFossen Jr., Cheyenne Wilt and Mary-Kate Wilt. Racers from the Youngstown area included Zachary Krohn of Austintown, Johanna Kuebler of Berlin Center, Julia Castner of Hubbard, Jenn Rodway of Boardman, and Jamie Berndt of Canfield.

I congratulate all the winners on their extraordinary success and commend all those who had a part of this great event.

IN RECOGNITION OF COLMA CITY MANAGER DIANE McGRATH

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. SPEIER. Madam Speaker, I would like to pay tribute this evening to a dedicated public servant, Diane McGrath, the City Manager of the Town of Colma.

Diane retires next month, capping a 36 year career in municipal government, which began in Breckenridge, Colorado. She moved to California in 1985 to serve Foster City as Deputy Executive Director of the Community Development Agency. After seventeen years in that post, she was hired by Colma as Deputy City Manager and impressed the City Council enough to be promoted, two years later, to City Manager.

During her tenure, Ms. McGrath and her staff oversaw the design and construction of a state-of-the-art public safety facility and community center, completed the reconstruction and beautification of Junipero Serra Boulevard and remodeled the Town Hall Council Chamber and rotunda. Most impressive is that all these projects were accomplished in an era of ever-tightening municipal budgets.

Ms. McGrath is a member of the International City Management Association and was President of Municipal Management Assistants of Northern California. She received a Bachelor of Arts degree from California State University, Long Beach and a Master of Arts from the University of Colorado.

Madam Speaker, Diane McGrath is a role model to anyone who aspires to a career in government. She handles her professional responsibilities with the unflappable grace that only the mother of 6 children and grandmother of 4 can pull off. A renaissance woman, Diane is a brilliant conversation partner, whether the subject is ballet, politics or Cal football.

While I wish Diane McGrath could continue in her job forever, she has earned her retirement. Along with husband Fred Biagini, she will travel the world and spend more time with her large family. In addition, I am confident that she will continue to be a dynamic force in her community for many years to come.

PERSONAL EXPLANATION

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. BARROW. Madam Speaker, due to a death in my family, I was absent from the House of Representatives on Tuesday, July 29, and part of Wednesday, July 30, and missed several rollcall votes. Had I been present, I would have voted in the following manner: H.R. 6445—yes; H.R. 6604—yes; H. Res. 1370—yes; H.R. 5892—yes; H. Con. Res. 398—yes; H.R. 2192—yes; H.R. 6113—yes; and H.R. 2490—yes.

HOLLYWOOD CONSERVATISM

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. WILSON of South Carolina. Madam Speaker, I would like to submit the following article published in The Washington Times newspaper on July 23, 2008. It outlines the prevalence of conservatism among actors and leaders in the film and entertainment industry. Moreover, it is encouraging to learn that support for our troops and traditional values are shared by Americans from all walks of life.

HOLLYWOOD'S CONSERVATIVE UNDERGROUND

(By Amy Fagan)

A group of politically conservative and centrist Hollywood figures organized by actor Gary Sinise and others has been meeting quietly in restaurants and private homes, forming a loose-knit network of entertainers who share common beliefs like supporting U.S. troops and traditional American values.

Some of those involved are taking more public steps to counter the entertainment industry's tilt toward liberalism and Democratic politics, such as campaigning for Republican Sen. John McCain or crafting projects to portray America in a more positive light.

The group, whose members call themselves ''Friends of Abe'' after Abraham Lincoln, was organized as an underground movement because of fears that prominent industry titans with outspoken liberal views would retaliate, said participants. They often were reluctant to name members of the group in interviews for fear it would hurt their careers.

''It's a growing movement, and word is getting out that there's many of us in this business . . .,'' said 1950s singer Pat Boone, one of the few conservatives to talk about the movement publicly. ''If certain studio execs—hirers and firers—learn that this is a movement and growing, and that some of these people that they hire are of this inclination, these people could be unemployed.''

Friends of Abe has functioned like a support group, organizing informal gatherings where actors, producers, screenwriters, key grips and other industry types can share common values or discuss concerns like anti-Americanism in Hollywood movies or the perception of industry bias against conservatives and Republicans.

The movement has grown over the past few years from gatherings of a few dozen to one last month that drew more than 600 to a billionaire's California estate, Mr. Boone said.

People familiar with the movement credited Mr. Sinise, whose roles range from the blockbuster movie ''Forrest Gump'' to the TV show ''CSI: New York'' for helping organize the movement.

Sinise spokeswoman Staci Wolfe said the actor was traveling with a band to entertain U.S. troops overseas and was unavailable for an interview. She would say only: ''He is not registered with any political party.''

Participants said Friends of Abe is not partisan, but rather functions as a support group where Republicans, Democrats and independents alike can discuss issues they care about. And the low-key gatherings at restaurants and homes have given conservatives a safe place to meet and express their views, they added.

''A Friend of Abe is someone who has reverence for those who serve in our military and believes that American liberal democracy is a unique success, different from others, and it's worthy of the respect of our popular culture . . . of Hollywood in particular,'' said screenwriter Lionel Chetwynd, who helped organize Friends of Abe luncheons when they began 4 years ago.

Mr. Chetwynd said Friends of Abe generally find themselves at odds with the rhetoric of their hard-left colleagues in Hollywood.

Craig Haffner, a producer who also attended the gatherings, said Friends of Abe is ''not a political action group; people are gravitating to it because they love their country.''

While the group is not organizing any political activities, some of its members are taking action into their own hands.

Actor Jon Voight, Mr. Boone, Mr. Chetwynd and Mr. Haffner have stepped forward and actively campaigned for Mr. McCain's presidential bid. Mr. Boone said he talked to McCain campaign staffers last week about how he and other stars can help. Supporters now are assembling a formal organization for Mr. McCain in Hollywood, a few of the leaders said.

Meanwhile, many want to produce more movie and theater projects with a positive American message and stronger emphasis on positive cultural values instead of films that paint America as ''the great Satan,'' Mr. Boone said. Mr. Chetwynd said such efforts have been under way for several years, well before the Friends of Abe luncheons began.

Actor Kelsey Grammer, a Republican, is aware of the group but won't comment further, his publicist said.

David Horowitz, another Hollywood conservative and founder of the Los Angeles-based Center for the Study of Popular Culture, said the group is serving a good purpose but he worries its members won't be aggressive enough.

''There's a kind of . . . intellectual terror in this town. People are terrorized; they're afraid to say what they think. So what Gary is doing to provide aid and comfort to its victims is admirable, and I applaud him for it,'' he said. ''But my concern is it's not going to be much more than that.''

THE INTRODUCTION OF THE ''MIDWEST SCHOOLS DISASTER RELIEF ACT''

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. HARE. Madam Speaker, the Midwest has been hard-hit by record flooding in recent months, disrupting the lives of the farmers, homeowners, and families of my Illinois Congressional District. Flood damage to schools alone is expected to reach nearly $100 million, and as a result some schools will not open in the fall. Those schools able to open their doors are desperately trying to get ready for the upcoming school year, but repairs and cleanup are ongoing.

Moreover, many schools will see an influx of flood-displaced students, while others will face financial challenges due to the loss of students and property values where the schools are located. I have heard from several regional superintendents in my district, particularly Mr. Ralph Grimm of West Central Community Unit School District No. 235 in Henderson County, with concerns that this situation will make it difficult for them to make ends meet in the coming school year.

To address short- and long-term needs, immediate education disaster assistance for flood-impacted schools is necessary to ensure that students continue to receive a quality education in the aftermath of this disaster. As such, I proudly introduce the Midwest Schools Disaster Relief Act.

Similarly to the assistance Congress approved after Hurricane Katrina, this bill would:

Authorize funds to restart school operations. These monies could be used on transportation assistance, to replace damaged textbooks and computers, rent temporary classroom sites, hire additional staff for counseling services, clean up school buildings, and other services and activities.

Authorize funds for schools to accommodate any displaced students they enroll.

Prohibit the loss of students due to displacement to count against schools when Federal funding is calculated for the next academic year.

Waive the Federal requirement that schools maintain their share of financial responsibility in providing education services.

Ensure the needs of homeless students displaced by flooding are met through the Education for Homeless Youth program.

The natural disasters of May and June 2008 have adversely affected the economy, agriculture, critical infrastructure, and school districts of the Midwest. As weather-damaged schools prepare to welcome students back in just a few short weeks, we simply cannot stand by and watch our children receive a lower-quality education solely because they live in an area where flooding or storms occurred.

Madam Speaker, I ask my colleagues to join me in supporting this legislation.

WORLD WAR II MARINE GRADUATES HIGH SCHOOL

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. POE. Madam Speaker, James DeLeon is one this year's 2008 high school graduates. The difference is he is 83 years old.

He was born in Goliad, Texas, and when World War II broke out he dropped out of Ganado High School, lied about his age and joined the U.S. Marine Corps. His 16-year-old brother, Charlie, did the same thing a few weeks later.

James was part of the 6,000 Marines sent into battle at Guadalcanal in the South Pacific in 1942. There, they seized the island's airport and never relinquished it. He was also in the invasion of Okinawa—the site of one of the fiercest battles of World War II—where he remained until the end of the war. He had served 34 months in the Marine Corps.

Then, James returned to Texas and married his sweetheart, Susie Marie Elizondo; raised seven children and worked for 36 years at the Port Arthur, Texas, Texaco refining plant. Recently, his daughter Theresa located a lost letter from the Marines to Ganado High School dated 1947 stating that DeLeon met all the requirements to earn his diploma. She mailed it to the current principal and James was then honored with his own graduation ceremony.

James DeLeon is yet another successful member of the Greatest Generation that answered America's call in time of need.

And that's just the way it is.

THE DAILY 45: MIGUEL LEON-FREGOSO

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. RUSH. Madam Speaker, everyday, 45 people, on average, are fatally shot in the United States.

I have another story of unnecessary violence. This time the location is in the city of San Diego. According to reports, 27-year-old Miguel Leon-Fregoso was with a group of friends at a bar early this morning when, upon leaving, he was involved in a verbal altercation outside. Minutes later a man shot Miguel in the face. Thus, in yet another quick, mindless instance—another young life has been taken.

Americans of conscience must come together to stop the senseless death of ''The Daily 45.'' When will Americans say ''enough is enough, stop the killing!''

HONORING THE LIFE OF ROBERT L. ''BOB'' CHANDLER

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. CHILDERS. Madam Speaker, I rise today with deep sadness to honor the passing of a great leader, colleague and dear friend, Mr. Robert L. Chandler. Bob served his country well during two tours of duty in the Vietnam War and displayed great leadership for Yalobusha County having been elected Election Board Commissioner and as Chancery Clerk where I had the distinct honor and privilege of serving with him during his service as Chancery Clerk.

Bob was dutiful and diligent as he volunteered to serve his community as a fireman and reserve deputy sheriff. Bob was a devoted and loving husband, father and grandfather. He is survived by his wife, Mary, his daughter, Audrea and son, Bobby and grandchildren. Bob and family are members of Sylva Rena Baptist Church.

Madam Speaker, with distinct honor and pride, I, along with citizens of Yalobusha County, sadly mourn the death of such an inspirational leader as Bob Chandler. I want to personally thank him for his contributions and leadership. His memory will live on.

REMARKS IN RECOGNITION OF BARRY WEISS

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Ms. SPEIER. Madam Speaker, I would like to draw the attention of Congress to the passionate work and unparalleled leadership of Barry Weiss, who is retiring as Director of Parks and Recreation for the City of San Carlos.

Under Barry's leadership, his department received more than two dozen state and local awards for facility design, park planning, economic development and programming. Barry, himself, is the recipient of numerous honors, including the Statewide Citation Award, Presidential Award and Achievement Award from the California Park and Recreation Society, Distinguished Alumni Award from California State University at Hayward and Outstanding Youth Sports Leader from the National Alliance for Youth Sports.

Barry Weiss served as President of the California Park and Recreation Society in 2004–2005, where he shared his knowledge and expertise with others in his field on park planning and encouraging community involvement. Attesting to his success as a parks and recreation administrator, Barry is a highly sought-after lecturer on the subject, being invited to share his knowledge with professionals in Arizona, Washington, Michigan and all across California.

Barry received his Bachelors Degree in Recreation and a Lifetime Teaching Credential in Social Science from California State University, Hayward. He is also a graduate of the Pacific Revenue Sources Management School in San Diego, and the Inter-Governmental Management Training Program, based in St. Helena, California.

Madam Speaker, Barry Weiss is truly an innovator. He developed the first Parks Master Plan for San Carlos, built the first disabled-inclusive playground in San Mateo County with 70 percent of features being accessible to children of all abilities and limitations, and was among the first to document the societal gains attributed to park construction and recreation programs. Some of these benefits to society include increased property values, reduced juvenile crime, increased academic performance and increased sales by downtown businesses.

Along with the citizens of San Carlos, I am disappointed to see Barry go, but I am grateful for his service, his dedication to his community and the positive impact he has made on society.

DON L. HANNI, JR. REMEMBERED

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. RYAN of Ohio. Madam Speaker, I rise today to pay respect and tribute to Attorney Don L. ''Bull Moose'' Hanni, Jr., who passed away July 16 at the age of 82.

A lifelong resident of the Mahoning Valley, Don Hanni was born August 25, 1925 on the East Side of Youngstown. A graduate of East High School, he received his bachelor's degree in social studies and history and his law degree from Youngstown College. Hanni was a U.S. Army veteran of World War II, having served in the Normandy invasion.

A prominent figure in the community, Hanni was known for his career in law as a defense trial lawyer, also serving as a municipal judge and as an assistant city prosecutor. A member of the Mahoning County Bar Association, Hanni was a powerful political force, serving as Chairman of the Mahoning County Democratic Party for 16 years.

A much respected and admired man, Hanni dedicated his life to the devotion and service of others and will long be remembered.

Madam Speaker, I ask unanimous consent that an article from The Vindicator of July 17, 2008 be included in the RECORD.

RECALLING SKILL, WIT OF HANNI

(By William K. Alcorn)

YOUNGSTOWN.—Attorney Don L. Hanni Jr., who defined some of the best and worst in Youngstown law and politics during a career that spanned more than a half-century, died at his Coitsville home Wednesday morning.

As a lawyer, Hanni had a reputation as an accomplished student of the law and as a courtroom brawler who was faster on his feet than almost any opponent. As a politician, his own success at the ballot box was mixed, but as a Democratic Party chairman he made and broke more political careers than any chairman before him—or likely any that will follow him.

Friends and adversaries, sometimes one person being both, depending on the circumstances, talked about Hanni, 82, the lawyer, the politician and the man.

He was nicknamed ''Bullmoose'' by Julaine Gilmartin, the wife of his good friend Atty. Vincent Gilmartin. Mrs. Gilmartin said Hanni reminded her of a character, ''General Bullmoose, in the ''Li'l Abner'' cartoon, who was always telling everybody what to do, she said with a laugh.

''He always had the greatest stories. We're losing all the curmudgeons. It's the end of an era,'' she said.

''We were very dear friends,'' said Gilmartin, who had an office in the same building as Hanni at 219 W. Boardman St., after his 16-year stint as county prosecutor.

''He was a very honorable sort of person, very straightforward, very alert and kind-hearted,'' he added.

Gilmartin said he and Hanni faced each other numerous times as prosecutor and defense attorney. ''I found him to be very well-prepared, always knowledgeable about what we were doing, and aware of what the law required. He was a very good attorney,'' Gilmartin said.

One of Hanni's fiercest political foes over the years was William Binning, who was chairman of the Mahoning County Republican Party at the same time Hanni was head of the county Democratic Party.

Binning said sometimes their relationship was friendly, but they often were bitter enemies and had nasty fights.

''It depended on the issue of the day,'' said Binning, professor emeritus at Youngstown State University and former chairman of the school's political science department.

''One thing I would say, his word was always good with me. I had great respect for him because of that. He was one of the great colorful figures of the Mahoning Valley, and his passing is a great loss to the Valley,'' Binning said.

Another political foe with whom Hanni locked horns was Attorney Michael Morley, who replaced Hanni as county Democratic Party chairman in 1994.

''While Don and I had our political differences, we maintained a civil and cordial relationship over the years. I offer my condolences to his family. I visited him in the nursing home a couple of weeks ago and wished him well.

''We would see each other at events and he would call me chairman and I would call him chairman, and occasionally we would share a story,'' Morley said.

''Don Hanni and I were close friends. We used to have lunch on Fridays together and have a drink or two together,'' said R. Scott Krichbaum, a Mahoning County Common Pleas Court judge and a former defense lawyer.

''But he and I battled, too. We were great adversaries at one point. He was Democratic Party chairman and I was the Republican candidate for judge. We had to send the sheriff up to secure the ballots once the voting was done. It was a very close race,'' Judge Krichbaum said.

On the other hand, however, the judge said Hanni was ''probably as good a trial lawyer as this area ever produced. He was absolutely brilliant in cross-examination. He was much more concerned with the facts than with the law. His method was very effective. He could pretty much take any case and give the defendant the best defense available.

''We respected each other as trial lawyers. It causes me a great deal of sorrow that I've lost him as a friend and as a colleague. His death is a tremendous loss to his family and the community,'' Judge Krichbaum said.

Former Senator Harry Meshel's relationship with Hanni went back to pre-college days when they used to frequent the Ritz Bar on Wilson Avenue on the East Side. They were both World War II veterans—Hanni in Europe and Meshel in the Pacific.

''We used to argue about who won the war,'' Meshel said with a laugh.

They were at Youngstown College and on its student council at the same time. Despite that relationship, they quarreled about politics from time to time. ''He never hesitated to argue, even with his friends, and even ruled against them in court,'' Meshel said.

''The last time I visited him, not too many days ago, he was screaming about politics. He said, 'You got to run for mayor.' I said, 'I will if you'll be my law director,'" Meshel said.

''I think people would remember him for his sense of humor and sense of purpose, and his skill as a lawyer. He was highly respected in the legal profession. The judges will tell you he was prepared and clients got their money's worth,'' Meshel said.

''He was one of a kind. People don't know the things he did,'' said Joyce Kale Pesta, deputy director of Mahoning County Board of Elections and a longtime Hanni associate.

When he found out people who lived in the old Pick Ohio Hotel had no place to eat in downtown Youngstown, he fed them out of his office on Boardman Street. ''Sometimes he would cook and sometimes I would cook,'' Pesta said.

''He always said 'Don't kick anybody when they're down, because you never know when you'll be down.' Even his worst enemies he'd stick up for when they were down. That's how [former county sheriff and U.S. Representative James] Traficant and he became friends after being enemies for many years,'' she said. He served in the Army during World War II and was with the Allied Forces who landed on Normandy beach on D-Day on June 6, 1944. He said it was horrific, but he never talked about it much, Pesta said.

The Rev. Lonnie Simon, pastor emeritus of New Bethel Baptist Church on Hillman Street, said Hanni was ''Mr. Democrat in Youngstown as far as I was concerned.''

''He was very well-liked in the black community, and I got along with him well,'' said the Rev. Mr. Simon, who, when he came to Youngstown in 1946, registered as a Republican.

Hanni was a mentor for Attorney Alan R. Kretzer in his early days and a client in a high-profile case when Hanni ran his car into the post office building in downtown Youngstown in 1985. Hanni was charged with driving under the influence; however, it was dismissed because of lack of evidence, but a charge of reckless operation was allowed to stand.

Kretzer said Hanni took that case and all cases seriously, but always had a sense of humor.

When they were considering how the case might go, Kretzer said Hanni told him that if he had to spend a few days in jail, at least he wouldn't have to listen to his telephone ring all day long.

Other local lawyers and government officials remembered Hanni as a widely respected giant in local legal and political circles.

Kathi McNabb Welsh, chief deputy Mahoning County clerk of courts, remembered well her days as an assistant county prosecutor in the 1990 murder trial of Christopher W. Magourias, who was defended by Hanni and Attorney J. Gerald Ingram and acquitted in the stabbing death of Kenmore Drake.

''It was quite a legal education for me to watch his mastery of the rules of evidence and his control of the courtroom,'' she said of Hanni.

''He will best be remembered as a great lawyer, a very zealous litigator, a person who really went out of his way to advocate his client's position and did a wonderful job of that,'' said Attorney Vincent Wloch, a magistrate in Mahoning County Probate Court.

''There was nobody better here locally with regard to cross-examination. He thought quick on his feet,'' said Wloch, who shared an office with Hanni from 1979 to 1985.

Wloch said he learned a great deal from his experience as co-counsel with Hanni in the defense of Steven T. Masters, whose 1980 murder trial lasted 10 weeks. Masters was convicted of killing his wife, Jodi, in what was then the longest criminal trial in Mahoning County history.

''He was just a Democratic giant in our field of politics,'' said Lisa Antonini, Mahoning County treasurer and Democratic Party chairwoman. Hanni's humor and ability to ''get a message out on Democratic Party politics'' will be missed, she said.

''What a historian. We'll miss him for that. He always taught me that you have to understand your history to move forward into the future. He never shied away from calling me when he thought I needed a history lesson,'' she recalled.

HONORING THE MEMORY OF THE HONORABLE ARTHUR GAMBLE, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. BONNER. Madam Speaker, the State of Alabama recently lost a man who made a profound impact on our State and Nation, and I rise today to honor the memory of Judge Arthur "Bud" Gamble, Jr.

History will remember Judge Gamble as the district attorney who prosecuted Ku Klux Klansman Collie Leroy Wilkins for the 1965 murder of Viola Liuzzo, a civil rights worker from Detroit who was gunned down in her car following the Selma-to-Montgomery voting rights march. Judge Gamble's memorable closing argument to the all-white jury led to a hung jury and the eventual federal conviction of the Klansman. Judge Gamble's contributions to the Civil Rights movement, his 23 years of service as circuit judge for Lowndes, Crenshaw, and Butler counties, and his dedicated service in World War II demonstrated he was a true American patriot.

Born on February 9, 1920, in Greenville, Alabama, Judge Gamble joined the Navy during World War II and flew patrol planes in the South Pacific. After the war, he returned to the University of Alabama and earned a Juris Doctor. He began practicing in his hometown and met Roberta Anne Peacock, whom he married in 1949. His love of law led him to serve in the Alabama Senate during the 1950s. He ran unopposed as the chief prosecutor in the circuit and served two terms.

Miraculously, Judge Gamble survived an assassination attempt in 1975 when his car was bombed. He retired almost two decades later in 1992, with much respect from the citizens of the three counties he had served for almost a quarter of a century.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated judge, community leader, and friend to many, as well as a wonderful husband and father. Judge Gamble will be dearly missed by his family—his wife, Roberta Gamble and their daughter, Reverend Eugenia Gamble—as well as the many countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

MAURINE GRAY

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. POE. Madam Speaker, today I am proud to honor the lifetime of service given by Maurine Gray, longtime director of the Beaumont, Texas, Library. She spent almost 40 years serving the city and helped turn their public library system into one of the best in the State.

Enid Maurine Gray was born in Galveston, Texas, in 1943. An only child, she moved to Beaumont before her third birthday so her father could work as a family physician at a local refinery. After her high school graduation, she continued her education and received her BA from Northeast Louisiana State College and her Master's Degree in library science from North Texas State University.

She returned to Beaumont in 1966 to head the city's then fledgling library system. At the time, there were two libraries. Under her vision, the City of Beaumont established an additional four libraries, including a new main Library. Maurine was employed by the City of Beaumont from 1966 until her retirement in November of 2006. Never one to rest, she was hired back after retirement as a part-time consultant on projects including the expansion of Terrell Historical Library.

Numerous professional accolades were awarded to Maurine throughout her life. She was elected the secretary/treasurer of the American Library Association in 1972 during their annual convention. North Texas State named her a Distinguished Alumnus in 1980. In 1992, the Texas Municipal League named her the Library Director of the Year. She also received the Athena Award in 2005, which is presented to a woman for her professional achievements.

Maurine was the Library Director but she also wore many other hats. She worked with United Way, the Humane Society, the Beaumont Rotary Club where she once served as President, the Beaumont Civic Opera, and the Beaumont Heritage Society, to name a few. She was affiliated with the Texas Municipal Librarians Association, Junior Roundtable of Texas Library Association, and was a member of the Texas State Library Advisory Council.

Enid Maurine Gray passed away on June 21, 2008.

On behalf of the Second Congressional District of Texas, I applaud Maurine Gray on her lifetime of dedication and service to the community. She has made Southeast Texas a better place to live.

HONORING DREW BLACK'S SERVICE TO TENNESSEE'S SIXTH CONGRESSIONAL DISTRICT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor Drew Black for his service to Tennessee's Sixth Congressional District while working in my Washington, DC, office.

Drew's good nature, sense of humor and dance moves have made him a wonderful addition to the office. During his time here, his thorough research and hard work have helped me to better serve my constituents in Middle Tennessee.

Tuesday will be Drew's last day in the office before he returns to his home state of Indiana to begin an exciting job there. While Drew has enjoyed his time in the Nation's capital, his first love is the state of Indiana and, in particular, Hoosiers basketball.

My staff and I will miss Drew. He is a big guy with a big heart, which we have admired as he has volunteered time each week to work one-on-one with a DC youth through Horton's Kids. And we have seen his big heart whenever he talks about his first boss on the Hill, the late Rep. Julia Carson, and we have admired his unwavering loyalty to her.

Drew, thank you for your help and dedication. I wish you all the best in the future.

TRIBUTE TO KATHERINE AND ELIZABETH GANT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to Katherine and Elizabeth Gant, residents of Kansas' Third Congressional District, who are retiring after 46 years as music educators in Leawood, Kansas.

In anticipation of a celebration honoring the Gant sisters that will take place on August 10, the Sun newspapers of Johnson County recently published an article detailing their accomplishments and plans for the future, which I am including with this CONGRESSIONAL RECORD statement. Having spent a lifetime composing children's music and teaching music to children, they will now focus on composing and promoting their own compositions.

Madam Speaker, I know that all House members join with us in paying tribute to Katherine and Elizabeth Gant, who are beloved by several generations of Johnson Countians for their dedicated and selfless work to bring music into the lives of our children.

GANT SISTERS STOP TEACHING TO FOCUS ON RECORDING

(By Kelli Bamforth)

After 46 years as music educators to countless children across the metro area, Elizabeth and Katherine Gant are hanging up their hats after the sale of their Leawood music school, 3658 W. 95th St.

But do not expect the sisters to retire. In many ways, their work is just beginning.

Elizabeth and Katherine will now focus on composing and promoting their original children's music beyond Kansas City.

''Schools and churches use our music but we knew we had to start aggressively marketing our music to get it out of Kansas City,'' Elizabeth said. ''We want to get it all over America, but knew we couldn't teach and market simultaneously.''

The sisters sold their school two months ago to Cindy See, a pianist with two daughters who are former students of the Gants.

''With the See family, (the school) will continue to be a family affair,'' Elizabeth said. ''They just finished their summer session and will start back up in the fall.''

A celebration honoring the Gant sisters will be held from 2 to 5 p.m. Sunday, Aug. 10, at Hallbrook Country Club, 11150 Overbrook Road.

Leawood Mayor Peggy Dunn will present a proclamation declaring ''Gant Sisters Day'' in the city and a children's choir will perform with school alumni.

''It all fell into place,'' Katherine said. ''I thought (declaring Gant Sisters Day) was so sweet. Politicians and big important people get things named after them all the time, but for two sister educators. . .they keep telling us there are other things planned, but it's a surprise.''

The sisters began what they call a ''lifelong love affair with music'' when their mother inspired them as children.

''She taught us to sing with harmony,'' Elizabeth said. ''She was a working mother but we never felt neglected.''

Elizabeth and Katherine attended the Cincinnati Conservatory of Music, where they majored in opera and education. When Katherine graduated a year ahead of Elizabeth, Archie Jones, dean of the Conservatory of Music at the University of Missouri-Kansas City, asked Katherine to create a new and different children's music education program.

Elizabeth and Katherine began writing their own children's music and lyrics when they could not find anything suitable for children age 3 to 6 in their program.

''We started writing music to fit the needs of our classes,'' Elizabeth said. ''We saw the need and we always loved children. We like to think we have our finger on the pulse of today's children, the dreams they dream. Our mom always told us the most important people in the world are children.

''We decided to write music for the child in all of us.''

The program eventually moved to the Avila University campus for 10 years before being relocated to Leawood's Ranch Mart shopping center.

The sisters have recorded CDs and cassette tapes of their music, and eventually began writing children's books, adaptations of classic fairy tales such as ''Pinocchio'' and ''Little Red Riding Hood.''

''We write our own original music for each character,'' Elizabeth said.

One recording that already has reached audiences across the country is ''America, I Love You!'' Katherine and Elizabeth re-recorded the children's national anthem after the Sept. 11 terrorist attacks.

''That Sunday after 9/11, Katherine and I were at home watching television and Itzhak Perlman, a very talented violinist, was performing in New York near the site,'' Elizabeth said. ''After he was done, he didn't know the camera was still on him, and he just started weeping. And it touched us. . .we knew we had to do something for the children.''

Eleven years prior to Sept. 11, the sisters wrote and released the patriotic song, but re-recorded the tune with more than 400 children on the Pembroke Hill School campus. All proceeds from the recording go to two charities in New York for children whose parents lost their lives.

The video and CD have been distributed to all five branches of the military and every public television station in America.

But the music school remained their passion, the sisters said.

Business mostly came from word of mouth, Elizabeth said, and the sisters routinely taught children and grandchildren of former students.

''We've had a beautiful response to our music from children and parents alike,'' Elizabeth said. ''When you put music and children together, beautiful things can happen. We've always had the feeling in our hearts that children and music should come together to bring about peace in the world.''

Elizabeth and Katherine, both widowers, live together. Katherine said the past 46 years have been ''a dream world of a perfect job.''

''It's our passion,'' Katherine said.

''This wasn't just a whim or a passing fancy,'' Elizabeth said. ''Music is like food, an ongoing necessity the world will always need. We're not trying to launch a rocket from a canoe but from the flagship of everything we've built for 46 years.''

RECOGNIZING THE CEDAR STREET CAPITAL IMPROMEMENT PROJECT OF DENTON, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize the Cedar Street Capital Improvement Project in Denton, Texas. August 20, 2007 marked the beginning of this needed project.

The project was funded by Community Development Block Grants, or CDBGs, which were allocated to the City of Denton by the U.S. Department of Housing and Urban Development. These important Federal funds have been well utilized to benefit the people of the 26th District of Texas.

For more than 20 years, the City of Denton has set aside CDBG funds to repair and replace public facilities and services in older neighborhoods. The projects are designed to enhance both pedestrian and vehicle access to neighborhoods and downtown and to support basic services such as water and sewer.

The Cedar Street project replaced all water and sewer lines, many of which were over 50 years old. The project also widened sidewalks, making them ADA accessible for the first time in history. Roadside trees, benches, bike racks, and pedestrian amenities were also added. The estimated cost for the project is $1.2 million, of which $800,000 came from Community Development Block Grants. This project will help enhance mobility and aesthetics as well as upgrade utility lines on the west side of the Downtown Square.

Madam Speaker, it is an honor to rise today and recognize the outstanding improvements being made on Cedar Street, and I thank the Department of Housing and Urban Development for allocating the funds to make it possible. It is my privilege to represent the members of the Community Development Advisory Committee and everyone involved in these worthwhile projects in the 26th District of Texas.

PRINCIPLES FOR A NATIONAL STRATEGY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. SKELTON. Madam Speaker, I rise tonight to speak about how the United States can best advance its national interests by adopting a new strategy. In my prior speeches, I have asserted that we currently lack an effective strategy and that the next President should engage in a focused effort, in concert with Congress and the American people, to identify and adopt a new strategy early in his Administration. I have noted that we live in a time when the U.S. is the world's preeminent power, but also in a time when transnational events are increasingly significant and in which several large nations, and some entire regions of the world, are returning to prominence. All of this stresses the international system.

I have asserted that the U.S. should continue to accept the challenge of world leadership, serving as the world's indispensable nation, just as we have for the free world since the end of the Second World War; that we should fulfill this role not to seek or to maintain power for power's sake, but by earning the mantle of leadership. We should advance our national interests not at the expense of others, but wherever possible in cooperation with them, as part of an international system that offers fairness and opportunity to all nations.

So, I advise the next President, whoever it may be, to embark upon a process modeled on President Eisenhower's Project Solarium in order to develop a new strategy for America. In Project Solarium, President Eisenhower selected three of our Nation's top strategic thinkers to gather teams to study, propose, and report back to him on a national security policy. Should our future President follow this model, I recommend that he judge those new proposals against a simple set of principles:

1. The first priority of the Federal Government is the protection of the U.S. homeland and its citizens.

2. The foundation for continued U.S. leadership is the strength of our economy and our commitment to our values and principles.

3. Do not let an outside power dominate Europe or the Western Pacific, and in addition maintain freedom of the seas.

4. U.S. world leadership should be earned by virtue of the esteem other nations hold for us, engendered by our productivity and moral leadership, and not through a self-justifying hegemony which views the peaceful rise of other nations as an inherent threat.

5. Insulate the Western Hemisphere from hostile outside powers with a collaborative approach.

6. Transnational events that can undermine States and challenge or dislocate large numbers of people—the AIDS pandemic, terrorism, and global climate change to give a few examples—should be addressed by international coalitions coordinating globally, using the full range of national power.

7. Our military strength serves as both a source of deterrence for would-be aggressors, and reassurance for our friends and allies, but military action is a last resort. When it is used—whether multilateral or unilateral—strict adherence to the essential strategic tenets propounded by Sun Tzu and Clausewitz is mandatory.

These principles do not in and of themselves define our strategy, for they leave many questions unanswered. What kind of international institutions, coalitions and alliances are essential? What red lines should trigger a certain U.S. response, even if it must be a unilateral response? How do we define what constitutes a fair opportunity to advance for those nations which perceive their current share of the world's resources as inadequate? And what transnational events require a concerted international response? These are judgments for the next President; he should make them with input from a wide variety of sources. I ask all of my colleagues and all of those who have listened to these speeches to take part in a dialogue to help forge a new national consensus on a clear cut strategy that fulfills our principles and helps us answer these hard questions, ultimately guiding us to policies that are wise and just.

CONGRATULATING MRS. AUTINE BUCHANAN ON THE OCCASION OF HER 104TH BIRTHDAY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Mrs. Autine Buchanan on the occasion of her 104th birthday.

Born in 1904, Mrs. Buchanan has witnessed much change in our Nation and world. The year she was born, the New York subway first opened and the teddy bear was first produced.

Mrs. Buchanan has lived through two world wars, and watched our nation develop into what it is today. She also witnessed the birth of many modern inventions—like the helicopter, penicillin, motion pictures, stainless steel, and even scotch tape. Through all this change, she has dedicated much of her life to feeding and caring for the needy.

Mrs. Buchanan has been a resident of Mobile and a member of the Fulton Road Baptist Church for 39 years. She is a proud mother, grandmother, and great grandmother. She is also a member of the LivingWell Health Center in Mobile.

Madam Speaker, I ask my colleagues to join me in congratulating Mrs. Autine Buchanan on the occasion of her 104th birthday. She is a friend to many throughout south Alabama, and I know her friends and family join me in wishing her a happy birthday.

WHERE OH WHERE HAS CONGRESS GONE?

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. POE. Madam Speaker, "Where oh where has Congress gone,
Where o where can they be?
With gas so high and this recess so long,
Where oh where can they be?"

Where oh where has Congress gone? Well Madam Speaker, they're not here, they've gotten out of Dodge. They have left the American people behind in a cloud of dust and high gasoline prices. Congress is on the run; it has not dealt with the energy crisis and not attempted to solve high gasoline prices. So it's sneaking out of town for five weeks-gone on vacation.

The American people won't be going on vacation, because they cannot afford gasoline to take a family trip. My 83 year old parents who are on fixed incomes cant even afford gasoline to go to church. So what is Congress' answer? Leave town in the darkness of the night?

The question Madam Speaker is why? Why don't they stick around and let us vote on taking care of America? For example, let's vote on offshore drilling—most Americans favor it. We are the representatives of America. Let's vote, up or down, on offshore drilling. It's an environmental myth that we cannot drill safely offshore. We need to drill in ANWAR. Why didn't Congress stick around and vote on drilling in ANWAR?

The American taxpayer shells out 425 million dollars a day to Saudi Arabia for crude oil. We pay this ransom because Congress won't take care of America. The United States is the only major power in the world that does not use its own natural resources. This is nonsense and rather than deal with this crisis Congress has turned its back on the American people—dispersed to parts unknown throughout the fruited plain and fled town. This is shameful conduct. The President should use his constitutional power and call for a special session of this Congress to deal with energy. We should round up all those members of Congress that have fled the scene, bring them back and solve this energy crisis—specifically high gasoline prices.

"Where oh where has Congress gone,
Where o where can they be?
With gas so high and this recess so long,
Where oh where can they be?"
And that's just the way it is.

HONORING JULIE EUBANK

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor Julie Eubank, a Smyrna, Tennessee native who has served the people of Middle Tennessee as a trusted member of my staff for the past six years. Julie has worked with me in a number of capacities. She started as an intern in my Murfreesboro District office and then moved to Washington as my scheduler. Julie ultimately became my Press Secretary, where she has served for the past four years.

A Press Secretary has a position of great trust with a Member of Congress. They are responsible for keeping the lines of communications open between citizens and their representatives. Julie has done an exceptional job keeping the people of the 6th District informed on the many issues being debated in Congress.

As a graduate of Smyrna High School and Middle Tennessee State University, Julie brings a special knowledge of the 6th District to her job that has been invaluable to me. She has treated every media outlet, regardless of size, with the same level of attention and care.

Julie has been a source of levity when deadlines were tight, and her opinions are valued by my staff and me. She is leaving us next Thursday to head to Montana for the fall, and I know she will bring the same humor, professionalism, and talent to the "Treasure State" that she has shared with the people of the "Volunteer State." Julie is a good friend and advisor and we will miss her in Washington, but wish her well as she pursues this new challenge.

COMMENDING THE MEDAL OF HONOR HOST CITY PROGRAM IN GAINESVILLE, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. BURGESS. Madam Speaker, I rise today to commend the Medal of Honor (MOH) Host City Program in Gainesville, Texas. The program was established in 2001 to recognize the contributions of MOH recipients. In order to honor their accomplishments, invitations are extended to former MOH recipients to visit Gainesville; all their expenses are covered during their stay. The city has hosted more than a dozen medal recipients since the program's inception.

The Medal of Honor is the highest award for valor that can be bestowed upon a member of the United States Armed Forces for action against an enemy of the United States. The people of the United States will always be indebted to the recipients of the Medal of Honor for their courage, selflessness, and sacrifice.

The first MOH recipient to visit Gainesville was Colonel Don ''Doc'' Ballard, a Vietnam recipient. Impressed by that 2001 visit, Ballard has returned each successive year. Recipient Mike Thornton, another Gainesville guest, was generous enough to set up a college scholarship fund for the local high school. As the Gainesville program has gained momentum, an annual, three-day celebration was established around March 25th, Medal of Honor Day. MOH recipients have the opportunity to speak at local schools, play in the Host City golf tournament, and visit the city's historical Victorian homes.

Madam Speaker, it is truly an honor to rise today and commend this outstanding program. Its volunteers have shown great leadership and hospitality in hosting these honorable veterans. I am proud to represent the Medal of Honor Host City Program in the 26th District of Texas.

TRIBUTE TO JOHNSON COUNTY, KANSAS, FOR BEING RECOGNIZED AS ONE OF THE BEST PLACES TO LIVE AND RAISE A FAMILY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to Johnson County, Kansas, for being recognized by Forbes Magazine and CNN/Money as one of the best places to live and raise a family in the United States of America.

On June 30, 2008, Forbes ranked Johnson County as the third best place in the country to raise a family. Similarly, CNN/Money.com has called Overland Park, Kansas, a city of nearly 170,000 people located in Johnson County, the ninth best place to live in the U.S.

As a resident of Johnson County myself, I am particularly pleased that the county has earned such high praise. These media outlets have highlighted what my fellow Johnson County residents and I have known for years: great schools, affordable homes, and a growing economy have made Johnson County a great place to live.

Located in Northeast Kansas, in suburbs of Kansas City, Missouri, Johnson County is home to more than 500,000 people spread across 21 different municipalities. Six school districts enroll nearly 80,000 K–12 students each year. Major businesses, including Yellow Freight, Applebees Restaurants, and Sprint Nextel have been headquartered in the county. The strong schools and impressive job growth, along with affordable homes, short commutes, and the low cost of living led Forbes to rank Johnson County third out of more than 90 counties from across the U.S. that the magazine surveyed.

I'm proud to say that I have lived and worked in Johnson County for more than 30 years. I'm even more proud to have served the citizens of Johnson County, first as District Attorney for 12 years, on the Board of Trustees for Johnson County Community College for 7 years, and as their U.S. Representative for the past 9 years. I want to commend the many city and county officials, public service workers, business leaders, investors, and above all, the numerous parents and grandparents who have worked so hard to help make Johnson County the wonderful place that it is today.

IN RECOGNITION OF CHIRAG SHAH AND KORI LORICK

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. WILSON of South Carolina. Madam Speaker, I am grateful for this opportunity to wish a fond farewell to two extraordinary members of South Carolina's Second Congressional District Staff—Chirag Shah and Kori Lorick.

Hailing from the great State of Wisconsin and son of Kamal and Jagruti Shah and brother of Chintan, Chirag was first an intern in the Second District office during college at the University of Wisconsin. We were fortunate that he chose to return to Capitol Hill and serve first as scheduler and then as legislative correspondent for the people of the Second Congressional District. Chirag will be heading to the University of Missouri for law school this fall.

A native of Lexington, South Carolina, and daughter of Mary Alice Lorick and Neville Lorick, Kori joined the second district staff at the beginning of this year as a staff assistant following graduation from the College of William and Mary. Her important work on behalf of constituents visiting the United States Capitol and directing the day-to-day activities of the front office have been a very special part of helping our office better serve the constituents of the Second Congressional District. Kori will be joining the Federal Bureau of Investigation in August.

The people of the Second Congressional District of South Carolina have been well-served by Chirag and Kori. Their dedication, hard work, and good humor will be missed. We wish them both good health and happiness in their future endeavors.

TRIBUTE TO KARA LAWSON AND DELANO THOMAS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Ms. MATSUI. Madam Speaker, I rise today to congratulate and send the best wishes of California's fifth district to Kara Lawson and Delano Thomas, two of our country's elite athletes who will represent the United States in the 2008 Olympics in Beijing. Both Kara and Delano reside in Sacramento, California's fifth district. I hope that my colleagues will join me in wishing these two athletes, as well as all of our country's amazing Olympic talent, the absolute best of luck.

Kara is a star member of the Sacramento Monarchs WNBA team, a team which has seen its fair share of success. Lawson was a key member of the Monarch's 2005 championship team. She is widely known in the WNBA as one of the league's smartest players. In addition to her on court career, Lawson has been involved in sports broadcasting during the WNBA off-season, doing commentaries for men's and women's college basketball games and Sacramento Kings games. In fact, Kara was the first female to serve as a nationwide broadcast analyst for an NBA game. Kara is a continuing inspiration to Sacramento's young women and we are honored that she will represent not only the United States but Sacramento as well, next month in Beijing.

Delano Thomas has been a member of the U.S. volleyball team since May of 2005 and has proven himself as a team leader and points producing force. This well rounded athlete toyed, for a time, with the idea of playing football for the University of Hawaii, and got his start with volleyball, basketball and soccer at Sacramento's John F. Kennedy High School. He pursued collegiate volleyball to become a freshman All American and member of the U.S. junior national team. According to USA Volleyball, ''Delano was the United States leading server at the Pan American Games in 2007 with an average of 0.56 aces per set. He was the fourth-leading U.S. scorer at the Pan American Games with a total of 42 points on 27 kills, six blocks and nine aces.'' I am confident that he will help to push the U.S. to another astounding medal count.

Madam Speaker, while controversy understandably surrounds this year's Olympic games, I applaud our athletes for their accomplishments, pure of political influence and for shear enjoyment of their sport. I also know that Kara and Delano, along with all our outstanding athletes, will be model ambassadors of America's world leadership and our country's foundational philosophy in a country where such freedoms aren't as readily available.

I applaud both of these individuals for their hard work, dedication, athleticism and achieving their goals. I thank them for serving our

country as ambassadors and shining examples of American unity. I call on my colleagues to share in recognizing Kara and Delano, and to wish all of our 2008 Olympians a safe, fun, and successful experience.

MARIN MORRISON OF SAMMAMISH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. REICHERT. Madam Speaker, I rise today in recognition of an extraordinary young woman from my District whose unyieldingly positive spirit in the face of a horrendous challenge is a true inspiration at any time, but especially leading up to the Summer Olympics in Beijing.

Marin Morrison, 17, of Sammamish, Washington, was one of the top swimmers in the country as a 14-year-old. She was just 1.5 seconds away from qualifying for the Olympic time trials. She received recruiting letters from some of the top schools in the country. She was a natural and earned medal after medal. However, fierce headaches and double vision turned her world upside down. An MRI revealed a tumor on her brain and doctors gave her 4 to 6 months to live. As a result of surgery in 2005, she was left partially paralyzed. She was forced to relearn some basics such as reading, writing and walking. It appeared her Olympic dreams were dashed.

Although she sometimes struggled mightily, she swam nearly every day. She refused to give up and started a new type of Olympic journey. She battled fatigue and her other physical ailments like a heavyweight boxer and never stopped fighting. Classmates at Eastlake High School, family, friends, former Olympians and countless others rallied around her. Then in April, Marin flew to Minnesota for the paralympic trials and earned a spot on the 37 member swim team, realizing her Olympic dream.

Marin's story is beyond inspiring. The circumstances she has overcome are truly humbling. She is a true American hero and we wish her all the best in Beijing and in the future.

35W BRIDGE COLLAPSE DISASTER MEMORIAL

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. RAMSTAD. Madam Speaker, I rise to take a moment to remember the tragic event that occurred 1 year ago today when an eight-lane bridge on Highway 35–W in downtown Minneapolis collapsed and took the lives of 13 people.

No Minnesotan will ever forget the night of August 1st. No Minnesotan will ever forget the horrifying image of the school bus, barely hanging onto the edge of a piece of concrete. We all wondered how many children were on the bus and how they could be rescued.

But all those children made it off the bus to safety, thanks to the kindness of strangers. And that is what people will remember the most—the brave first responders and ordinary men and women who risked their lives to save others.

Madam Speaker, our thoughts and prayers are still with the victims and their families, and we must do everything possible to assure a tragedy like this will never happen again.

Minnesota has done a lot this year to improve the quality of its infrastructure. I am proud to say that after a year of hard work and dedication, the bridge is expected to reopen in 2 months, ahead of schedule.

Madam Speaker, my deepest gratitude goes to my colleagues who responded so quickly during Minnesota's time of need, and to every person who responded to this disaster, saving lives, caring for the injured, comforting victims and their families and making our bridge whole again.

TRIBUTE TO THOMAS MORE PREPARATORY

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. MORAN of Kansas. Madam Speaker, I rise today in recognition of Thomas More Preparatory—Marian and their centennial celebration. Located in my hometown of Hays, Kansas, Thomas More Prep recently concluded a 3 day festival commemorating 100 years of educational service. I stand before you in celebration of this remarkable milestone.

TMP, as it is known in Northwest Kansas, has served as a pillar of faith-based learning for generations. Founded by Capuchin Priests in 1908 as Hays Catholic College, the school featured a combination high school and junior college curriculum and would become a vibrant military academy with an active Junior ROTC program. The school would evolve into St. Joseph's Military Academy.

St. Joseph's Military academy was not alone in forming the foundation of what would become TMP-M. Girl's Catholic High School, the female counterpart to the Academy, was founded in 1918. As was the case with St. Joseph's, the school moved several times before it settled and was renamed Marian High School.

The name Thomas More Prep was coined in 1970. In 1981, Marian High School and Thomas More Preparatory merged to form the school that is being recognized today. Madam Speaker, I emphasize the history of this fine institution in an effort to illustrate the dedication and sacrifice exhibited by those charged with its continuation. To administrate and fund a parochial school on the plains of Kansas for one hundred years is no small feat. Admiration is due to Fathers Henry Kluepfel and Eugene Beckner who founded what would become St. Joseph's Military Academy in 1908 as well as Sister M. Reminga Neder, and Fr. Dominic Schuster who founded what would become Marian High school in 1918. Through their perseverance and leadership, an institution was established that would reach a global student body.

As an institution serving many international boarders through the years, TMP-M has created a worldwide network of faithful alumni committed to the advancement of the school. The alumni of this educational system have much to be proud of. Each individual associated with TMP-M's rich history has contributed to the overall identity that the school enjoys. It is through their generosity that the school continues to provide the services necessary to continue the long tradition of academic excellence.

Admiration and thanks are also due to Ms. Jean Ross, current president of the school, Mr. Denis Coakley, principal and headmaster, and Mr. Gene Flax, assistant principal of student affairs. Through their faithful leadership, TMP-M has a bright future to coincide with their storied past. I ask God to continue to show his grace on this institution and I pray for its ongoing success.

I ask you, Madam Speaker, to join me in congratulating Thomas More Prep.—Marian on 100 years of service to its students, alumni and the greater northwest Kansas community.

COMMEMORATING JACK C. BINION ELEMENTARY SCHOOL'S RIBBON CUTTING CEREMONY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Birdville Independent School District upon the construction of an outstanding new educational facility in Richland Hills, Texas. This new building is an exciting step forward for the school district, and the ribbon-cutting ceremony for Jack C. Binion Elementary is planned for August 21, 2008.

Binion Elementary is capably headed by Principal Paul Anderson and Assistant Principal Hilda Hager. The school welcomes students from pre-kindergarten through fifth grade, and has a total enrollment of over 500 students. Binion's mascot is the Bobcat, and their colors are maroon and white.

Binion Elementary is the newest facility for the Birdville Independent School District, which consists of 32 schools and over 22,000 students. Binion was founded in 1954 as Glenview Elementary. The first year the school opened, construction on the cafeteria wasn't completed until November. For the first few months of classes, food had to be brought in from another school each day. The first Principal was Mr. Jack C. Binion, and his leadership was instrumental in getting the school off to an excellent start. In 2003, Glenview was renamed Jack C. Binion Elementary School.

In the fall of 2006, voters approved the construction of a new campus for the elementary school. In summer of 2007, construction began, and the building is scheduled to be completed in time for the ribbon-cutting ceremony.

Madam Speaker, it is truly an honor to rise today to compliment the Birdville Independent School District's administration for its leadership in directing the construction of an impressive new campus for Jack C. Binion Elementary. I am proud to represent its students,

teachers, and the Richland Hills community in the 26th District of Texas.

TRIBUTE TO BORRE WINCKEL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside County, CA are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Borre Winckel is one of these individuals. Borre is retiring as the Executive Director of the Building Industry Association, BIA, for Riverside County.

Born in the Netherlands, Borre arrived in the U.S. in 1977 following his family's acquisition of property in Temecula, CA. Borre was educated at Boston University and received joint degrees in Print Journalism and Public Communication. After graduation, Borre joined Chase Manhattan Bank's New York City Head Office as a Press Spokesman and Speechwriter for the Office of the Chairman. Chase decided Borre was better suited for banking and placed him in their prestigious corporate finance credit training program in Wall Street.

Following Wall Street, Borre's mixed-use land development activities led him to join the Riverside County BIA Chapter, which he has run as its Executive Director since 1996. The County's volume of building permit activity—highest in the State of California—places him center stage on many growth and development related issues. Under his leadership, Riverside County BIA became the region's leading private sector participant in major transportation planning and funding projects; air and water quality issues; endangered species conservation planning and residential green building programs. Borre is frequently quoted in the major media and is a sought after as a conference speaker.

Some of the BIA accomplishments under Borre include: membership at the Riverside Chapter flourished, tripling in size to over 700 members; in coordination with city and county officials, the BIA helped develop the Riverside County Integrated Project, RCIP, a three year planning effort to simultaneously prepare environmental, transportation, housing and development guidelines for future population growth; and worked with officials and outside groups to establish the Multi-Species Habitat Conservation Plan, MSHCP. In 2007, Borre convinced the County Board of Supervisors to initiate a streamlining strike force to speed up the entitlement and permitting process. As a result, County entitlement and permitting processes are already more fluid and predictable.

Borre is a resident of San Juan Capistrano and is married to Kay Sutton-Nagel. They have three children, Emilie, Sophie and George, Jr. Borre's tireless passion for the community of Riverside County has contributed immensely to the betterment of the Inland Empire. I am proud to call Borre a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

RECOGNITION OF THE 60TH ANNIVERSARY OF THE AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. REYES. Madam Speaker, I rise today to honor the Air Force Office of Special Investigations, or the AFOSI.

Today, August 1, 2008, OSI celebrates its 60th anniversary as the investigative arm of the United States Air Force. At the suggestion of Congress in 1948, AFOSI was established as the consolidated and centralized investigative service for the United States Air Force by then-Secretary of the Air Force Stuart Symington. Since its inception, AFOSI has served to ensure a capability for independent and objective criminal investigations. Through the years, AFOSI's mission has evolved in many ways to meet the changing needs of the Air Force. As a direct result, it has matured into a highly effective war fighting unit while maintaining the standards of a greatly respected federal law enforcement agency. Its goal today, as it was 60 years ago, is to provide the world's best investigative service to the world's best Air Force.

AFOSI has played a central role in the history of the Air Force. It was the AFOSI commander in Korea who first alerted the Far East Air Forces headquarters in Tokyo of the North Korean invasion in June 1950. During the early to mid–1960s, AFOSI units were deployed to Vietnam and quickly proved their mettle in support of air base defense by gathering early warning threat information on sabotage and surprise attacks. As terrorism became more prevalent in the 1970s, AFOSI responded with investigative tools and programs that enhanced the protection of Air Force people and resources. In 1978, AFOSI became the first organization in the federal government to establish a computer crime program. AFOSI's counterintelligence efforts contributed to victory in the Cold War by identifying and neutralizing foreign intelligence operations targeting the United States Air Force. When the Pentagon felt the impact of cyber-threats in the 1990s, it tapped AFOSI to run the Defense Department's computer forensic training and laboratory programs.

In recent years, AFOSI has answered the call to help protect an air and space force that is committed to going anywhere in the world, at any time. Its response to the 9/11 terrorist attacks and contributions to subsequent combat operations in Afghanistan and Iraq, as well as support to worldwide humanitarian assistance missions, continue to highlight AFOSI as a force multiplier providing for the safety and security of our armed forces anywhere in the world.

Although AFOSI has evolved and adapted to today's needs, there has never been a change in the fundamental nature of the organization: it is an independent, high performance investigative agency, and indispensable to the Air Force. Today's AFOSI is made up of approximately 3,200 people operating across the globe, virtually anywhere you would find our Air Force's interests or resources.

With a legacy of service, integrity and excellence behind them, the members of this office march on today in the footsteps of the many men and women who have served in the AFOSI, including one of our honorable colleagues, Senator ARLEN SPECTER.

Madam Speaker, it is with a great deal of pride that the AFOSI celebrates its 60th anniversary. In a time of unprecedented change and challenge, AFOSI continues to rise to the occasion by answering the call of the United States Air Force, the Department of Defense, and our great Nation.

PRESIDENTIAL COMMISSION TO STUDY THE CULTURE AND GLORIFICATION OF VIOLENCE IN AMERICA ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Presidential Commission to Study the Culture and Glorification of Violence in America Act. This bill will establish a commission tasked with not only studying the culture of violence in our country, but also the factors that contribute to this culture and the actions that can be taken to mitigate its effects.

Members of this Commission will determine what connections exist between violence and access to firearms, psychological stress, and economic despair. They will further examine what role schools can play in preventing violence and propose possible solutions to address the glorification of violence in the United States.

Madam Speaker, we have become a society that places violence and aggression above hard work and acts of kindness. Sadly, children today admire gangsters instead of teachers. They would rather be thugs and drug lords than doctors and philanthropists. They measure the strength of their character by the size of their gun and not by their generosity toward others.

The American Academy of Pediatrics has found that prolonged exposure to violence in the media can increase acceptance of violence as an appropriate means of solving problems. It can glamorize weapons as sources of personal power and can contribute to aggressive behavior. It is, therefore no surprise that in 2005 alone, there were over 1.8 million serious violent crimes in America and almost 420,000 firearm-related incidents. In that same year, the Federal Government spent $35.4 billion on criminal justice and local governments spent nearly three times that amount. Worst of all however, teens and young adults experience the highest rates of violent crime.

It is clear that we must make an effort to raise our children to recognize that violence is

nothing more than the physical manifestation of fear and desperation. However, our society's glorification of violence has become so ingrained in our culture that it has become seemingly impossible to reverse.

Madam Speaker, it is our collective responsibility to create a society that values respect toward our fellow citizens. This legislation is simply a small step toward addressing what has become a destructive parasite upon the future of our country. By learning how the media and society promote violence and examining ways in which we can address this most pressing dilemma, it is my hope that we can stem the tide of violence and crime in America so that subsequent generations can live in a more peaceful nation.

I ask for my colleagues' support and urge the swift consideration of this bill.

RECOGNIZING CHARLES E. SMITH UPON HIS INSTALLATION AS PASTOR OF BEREA BAPTIST CHURCH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. BURGESS. Madam Speaker, I rise before you today to recognize The Reverend Charles E. Smith, who will be installed as Pastor at Berea Baptist Church in Fort Worth, Texas.

Pastor Smith is a native of Texas and a longtime resident of Fort Worth, where he has raised his family. He and wife Lawsha Smith have six children. Smith graduated from the Southern Bible Institute in Dallas in 1984, and prior to that completed a Bachelor of Science degree in architecture at the University of Texas at Arlington. In the nearly 25 years since the completion of his theological training, Smith has served in various capacities in Baptist churches throughout North Texas, the most recent being his role as Associate Minister at Berea.

The multiple leadership and service awards that have been bestowed upon Pastor Smith testify to the fact that this is a man who is dedicated to excellence in serving his community. In addition to his service in a religious capacity, he has also positively contributed to his community as a Campus Learning Coordinator and Chancellor's Leadership Committee member at Tarrant County College.

Madam Speaker, I commend Pastor Smith for his longstanding service to Fort Worth and to the members of the Baptist congregations whom he has so capably served. It is an honor to represent Pastor Charles Smith and Berea Baptist Church in the 26th Congressional District of Texas.

THE LOSS OF PHIL RUHLE, SR.

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. LANGEVIN. Madam Speaker, it is with profound sorrow that I rise to recognize the loss of an important local figure, Captain Phil Ruhle, Sr., affectionately known to so many as Captain Phil. A resident of North Kingstown, Rhode Island, Captain Phil was lost at sea on July 23rd when his fishing boat capsized off the New Jersey shore. I join his family and the people of Rhode Island in mourning this great loss.

An experienced fisherman who spent the majority of his life fishing the Atlantic Ocean, Captain Phil was deeply devoted to his career, and his passion for responsible fishing was unparalleled. Born in Oceanside, NY, he moved to Rhode Island early in life. He hails from a long line of fishermen, including his grandfather, father and brother, and his son has followed in his footsteps. Throughout his life, Captain Phil was tested many times. Twice before, he was aboard a fishing vessel that sank. However, despite those setbacks, he continued to persevere and pursue his passion in life.

Captain Phil will be remembered as one who strongly advocated for those in his field, applying his vast knowledge and determination to serve as a key voice for the fishing industry. Most notably, he worked with fishermen and researchers to develop the ''Eliminator'' trawl, designed to catch haddock while reducing bycatch of cod and flounder, permitting a faster recovery of depleted stocks and benefiting the entire industry. I had the opportunity to see the trawl first-hand just a few weeks ago on a visit to Galilee, Rhode Island. While there, I also had the pleasure of discussing a variety of policy matters with the Captain's son, Phil, Jr. I know his dad would have been proud of his deep knowledge and commitment to the issues that impact their industry.

Captain Phil engaged deeply in policy matters, representing Rhode Island on the New England Fisheries Management Council. He was a familiar face in my office, frequently visiting and calling to keep us apprised of the most recent developments in fisheries policy and regulations. I appreciated his advice and his counsel, and he will be deeply missed.

Captain Phil is survived by his mother, Gloria, his wife, Donna, his children Phil Jr., Roger, and Alicia, and seven grandchildren. May we keep his loved ones in our thoughts and prayers as they endure this difficult period.

With this loss, we are reminded that fishing is an important but dangerous profession. I ask that we all remember the sacrifices that have been made and that we pray for the safe return of all those away at sea.

34TH ANNIVERSARY OF THE DIVISION OF CYPRUS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Ms. MATSUI. Madam Speaker, I rise today to remember the unfortunate division of the island nation of Cyprus that began 34 years ago this July.

On July 20, 1974, Turkey dispatched thousands of armed forces to the island of Cyprus. As a result of this action, Cyprus remains divided to this day. 43,000 Turkish troops still occupy a significant portion of the island nation, which is enough for one Turkish soldier per each Turkish Cypriot. The presence of these troops is in spite of the clear preference for a peaceful and mutually acceptable solution demonstrated by all inhabitants of Cyprus. Nonetheless, there are positive indications for the island's future.

The willingness of both Greek- and Turkish-Cypriot leaders to pursue reunification talks is heartening. We in the U.S. Congress were pleased to see that last Friday, July 25, leaders of the Greek-Cypriot and Turkish-Cypriot communities jointly announced that they have decided to start full-fledged Cyprus settlement negotiations on September 3, 2008, under the good offices mission of the U.N. Secretary-General.

It is essential that these talks result in the reunification of Cyprus as a bicommunal and bizonal federation that respects human rights and fundamental freedoms for all Cypriots. The removal of Turkish forces will allow this process to go forward.

I join with other proponents of a peaceful solution on Cyprus in supporting the recent steps taken by the divided nation's leaders. However, an acceptable political solution will only be possible if the international community continues to press for more substantive reconciliatory actions in the future. While the United Nations has passed numerous resolutions condemning the division of Cyprus, Turkey continues to maintain more troops on the island than the United States has in Afghanistan. This is a clear indication that more must be done by the international community to make clear that the militarization of Cyprus is unacceptable.

As the more than 13 million incident-free crossings of the line dividing the Turkish-Cypriot and Greek-Cypriot portions of the island attest, the people of Cyprus are hungry for a peaceful reconciliation of their island. So am I. The goal of the United States and of the international community must be the withdrawal of Turkish troops from Cyprus, the institution of democratic institutions and practices there, and the peaceful resolution to this decades-old dispute in a manner that respects the human and democratic rights of all the people who call Cyprus their home.

As we move into the 35th year since the division of Cyprus, I urge my colleagues to remember the tragic events of the past on this small island nation. At the same time, I pledge to the people of Cyprus that the United States stands with them in their quest for an expeditious and peaceful solution to the division of their home island.

TRIBUTE TO THE SOUTHERN CALIFORNIA REGION OF THE CHRISTIAN METHODIST CHURCH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a church whose dedication and contributions to the community

of southern California are exceptional. Southern California is fortunate to have dedicated religious organizations that willingly and unselfishly give their time to make their communities a better place to live, work and worship. From August 24, 2008 to August 27, 2008 Amos Temple Christian Methodist Episcopal, C.M.E., Church in Riverside, led by Pastor Julio A. Andujo, will serve as host for the 2008 Episcopal District of the Christian Methodist Church Conference.

The Conference will take place at the Riverside Convention Center in Riverside, California. The Right Reverend Bishop Henry M. Williamson, Sr., Presiding Prelate of the 9th Episcopal District of the C.M.E. Church will convene the annual conference.

The Christian Methodist Episcopal Church came into existence following the issuance of the historic Emancipation Proclamation, which signaled the movement from slavery to freedom, and gave former slaves the dignity and honor to worship in their own church.

On December 16, 1870, in Jackson, Tennessee, 41 delegates from the Colored Annual Conference of the Methodist Episcopal Church South organized their own separate and independent religious organization, chose a name for their Church and met all the requirements of the American Methodism.

The C.M.E. Church successfully met the challenges of providing higher education by establishing such historically African-American colleges as Lane College, Jackson, Tennessee, 1882; Paine College, Augusta, Georgia, 1882; Texas College, Tyler, Texas, 1884; Miles College, Birmingham, Alabama, 1905; and the Phillips School of Theology, 1958, Atlanta, Georgia.

Through the years the C.M.E. has shown a remarkable sensitivity to the spirit of changing times as evidenced by the 1954 resolution by the General Conference to change the name from the "Colored Methodist Episcopal" to the "Christian Methodist Episcopal Church."

The C.M.E. Church has continuously shown a commitment to higher education, civic pride and spiritual leadership. Under Bishop Williamson's leadership, the 9th Episcopal District has embraced his "One Church One School Community Partnership Program" which involves churches and schools in partnership to teach young people to value life and learning.

The Christian Methodist Church is truly a pillar in the community of Riverside, California and throughout the state and country. I commend the members and leadership of the C.M.E. for their dedication to worship, to their neighbors and to the Christian way of life.

RECOGNIZING THE FINANCIAL SERVICES ROUNDTABLE'S COMMUNITY SERVICE 2008 INITIATIVE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise in recognition of Community Service 2008 (CS08), an initiative being spearheaded by Financial Services Roundtable and its member companies to harness volunteerism in the financial services sector and improve the communities in which we all live and work.

CS08 companies will complete 1,000 community service projects between July 1 and September 30, in all 50 states with over 28,000 volunteers. In Overland Park, which I represent, a CS08 event was just completed with AXA Equitable in which employees teamed up with KVC Behavioral HealthCare to sponsor a historical tour to youth being treated there.

This expansive effort would not be possible without the strong leadership of CS08 co-chairs Richard K. Davis, Chairman, President, and CEO of U.S. Bancorp, and Don J. McGrath, Chairman and CEO of Banc West Corporation.

Now in its seventh year, the timely focus of CS08 is on financial education, and increasing visibility of financial education programs in communities. This is in addition to member companies' community service projects via blood drives, building homes, neighborhood cleanups, or even outreach to children, like in Overland Park. Roundtable member companies know that the possibilities for community improvement are vast.

I am also proud to recognize our CS08 Honorary Congressional Host Committee. 141 Members of Congress have volunteered to sponsor CS08 and I know I speak for all of the participants in thanking my colleagues in the House and Senate for their leadership. Congratulations to all who are working to make CS08 a huge success.

CHIEF DAN PACKER: IN MEMORIAM

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. REICHERT. Madam Speaker, I rise today in honor of Chief Dan Packer, the former Chief of East Pierce Fire and Rescue who gave the ultimate sacrifice in the line of duty Saturday, July 26, 2008, in Northern California.

Packer, the only chief of the East Pierce district and the past president of Washington Fire Chiefs, arrived in Northern California on June 25, 2008, to assist in the Panther Creek fire as a Division Supervisor. He was called to duty by the U.S. Forest Service and immediately leaped at the opportunity to serve and protect in another community.

Chief Packer began his career as a firefighter in Burien, Washington, in 1981. In 1995, he took over as the fire chief of Bonney Lake, Washington, and transformed the department of six firefighters into East Pierce Fire and Rescue. The district now serves nearly 75,000 people in the areas of Bonney Lake, Sumner, Lake Tapps, South Prairie and Wilkeson; about 142 square miles total. Aside from his duties as a day-to-day leader at East Pierce Fire and Rescue, Chief Packer argued patiently, eloquently and reasonably before the State Legislature in order to make the people he served in Pierce County safer.

During a time of reflection such as this, many phrases continue to appear while describing the kind of servant Chief Packer was. I read Chief Packer was "a firefighter's fire chief," a "visionary leader," and a "great and exceptional man." The residents of East Pierce County have lost a wonderful leader and I grieve with you. To the fire personnel who worked under and alongside Chief Packer: I understand your pain. I have experienced losing a partner in the line of duty.

Most of all Madam Speaker, we grieve with the family of Chief Packer. He was a son, a husband, father and grandfather; his sacrifice was also their sacrifice and their loss. But they can live with the comfort in his spirit and the hope that his spirit lives on to inspire others with his true heroism and willingness to serve to protect all of us. That is the spirit of a first responder and the memory of Chief Packer we must always honor and never forget.

INTRODUCTION OF THE WORKER SAVINGS ACCOUNT ACT

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. McHUGH. Madam Speaker, I rise today to introduce legislation, the Worker Savings Account Act of 2008, which is designed to help Americans should they become unemployed.

American workers today are less likely to spend their careers with a single employer, particularly as United States companies face increasing global competition. These forces—technological advances, increased trade, lower transportation costs, and enhanced communications—have greatly facilitated the movement of jobs offshore, including both services and high-skilled sectors. Corporations have sought to streamline their operations through technological innovations, outsourcing, layoffs, and moving to lower-cost locations. Not surprisingly, the total number of U.S. manufacturing jobs has fallen by 1.8 million since November 2001, from 15.8 million to 14 million.

The loss of employment is not limited to those impacted by the global economy, but is something virtually every worker could experience. In fact, 19 million Americans were laid off or discharged from their employment in 2006. A 2005 Government Accountability Office (GAO) report found that 85 percent of American workers born between 1957 and 1964 were unemployed at least once between 1979 and 2002.

There are a variety of benefits that may be available to Americans to help them during times of unemployment. These include those provided through the Unemployment Compensation (UC), Trade Adjustment Act (TAA), Alternative Trade Adjustment Act (ATAA), Disaster Unemployment Assistance (DUA), and the Workforce Investment Act (WIA) programs.

For example, the UC program is the cornerstone of the government's efforts to assist unemployed workers with their continued income needs. Established in 1935, the UC program provides critical support to covered workers who become involuntarily unemployed. In December 2007, approximately 2.7 million unemployed workers received UC benefits in a given week.

The average weekly UC recipient currently gets $281 and monies are usually available for up to 26 weeks, although this Congress recently enacted legislation with my support to temporarily provide an additional 13 weeks. In fiscal year 2007, the average regular UC benefit duration was 15 weeks or almost four months. When one considers rising costs, particularly for gasoline and food, it is not surprising that some estimates indicate that about 42 million Americans are living paycheck to paycheck. It is clear that many of our citizens are not well prepared for periods of unemployment. This is particularly evident when one notes that financial planners often advise people to build up three to six months in emergency savings to cover necessities such as monthly mortgage and car payments, utilities, insurance, food, home maintenance, and health care.

The Worker Savings Account Act is designed to help Americans enhance their personal safety nets. The measure would allow people to establish Worker Savings Accounts (WSAs) to supplement the benefits they might otherwise receive while unemployed including assistance received through the UC, TAA, ATAA, DUA, and WIA programs. Moreover, the Act clearly states that a person's decision to have a WSA shall in no way diminish their entitlement to receive those payments.

Like traditional Individual Retirement Accounts (IRAs), WSAs would have an annual contribution limit of $5,000, indexed to inflation. However, employers would be able to provide matching contributions of up to $5,000 annually. Contributions to WSAs would be permitted until the account owner actually elects to take Social Security retirement benefits. At that time, a WSA account owner could choose to roll over their WSA funds into a 401(k) or IRA; alternatively, the WSA funds could be withdrawn without penalty but subject to taxation. Prior to a WSA account owner's decision to take Social Security payments, WSA funds could be withdrawn without penalty and tax-free as long as the owner lost their employment through no fault of their own or they had become disabled.

To encourage lower-income Americans to take advantage of the opportunity to contribute to WSAs, the Worker Savings Account Act would provide a refundable tax credit of up to $1,000 for eligible individuals. This tax credit would be indexed to inflation and recipients could receive up to $5,000 over the course of their career.

Madam Speaker, while this legislation would help every American build or enhance their personal safety net, it would be particularly helpful to my constituents. To illustrate, in June 2008, five of the 11 counties I represent in Northern and Central New York had unemployment figures that exceeded the national and state rates. Accordingly, I ask my colleagues to join with me as I work to enact the Worker Savings Account Act of 2008.

ON THE BIRTH OF SARAH LILIAN PHILIPS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate my friend Sunny Philips and her husband Jay Philips of Columbia, SC on the birth of their daughter Sarah Lilian Philips. Sarah Lilian Philips was born on July 31, 2008, weighing 6 pounds and 3 ounces. She has been born into a loving home where she will be raised by parents who are devoted to her well-being and bright future. I am particularly happy to share my birthday with Sarah Lilian Philips.

I am so excited for this new addition to the Philips family. On behalf of my wife Roxanne, and our entire family, we want to wish Sunny, Jay, Sarah Lilian and her three sisters Rigby, Maddy, and Nettie good health and happiness.

THE CONSUMER ENERGY RELIEF ACT OF 2008

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Ms. SCHAKOWSKY. Madam Speaker, today I rise to introduce H.R. 6653, the Consumer Energy Relief Act. This legislation will provide Americans short- and long-term relief from rising energy costs by implementing a comprehensive strategy to reduce America's oil dependence while also driving down the price of gasoline.

In January 2001, when President Bush took office, the price of oil was $30 per barrel, and the average price for a gallon of gasoline was about $1.50. After 7½ years of energy policies spearheaded by President Bush, Vice President CHENEY, two oil men in their own right, and their friends in the oil industry, oil companies in the United States are earning record profits, the cost per barrel of oil has spiked to $134 and Americans are spending at least $3.96 on a gallon of gasoline.

Energy costs this high place a tremendous burden on the American people at a time when our economy is already on the verge of recession. The Consumer Relief Act takes important steps to reduce gas prices, eliminate our dependence on oil for fuel, and provide real relief to the American people by addressing the root causes of the spike in energy costs.

First, it will impose tighter regulations on excessive speculation. While the speculation market is a necessary function of America's economy, the deregulation of the market under the Bush administration has allowed the oil and gas market to be manipulated. Experts have testified that excessive speculation may be responsible for inflating prices by as much as $20 to $60 more per barrel. By regulating the speculation market, this bill will restore stability to international commodity trading and protect the American people from exorbitant gas prices.

Secondly, this bill will grant the Federal Trade Commission the authority to investigate and punish companies that artificially inflate the price of energy. The need for this provision is clear. An investigation of 1,000 gas stations in New Jersey resulted in tickets for 350 violations of gasoline price gouging-related offenses. Among the citations issued were: 62 violations for the pump not accurately metering, or measuring, fuel, 46 violations for per-gallon prices being different on each side of the pump, 37 violations for fuel grades (octane rating labels) not posted, 26 violations for inaccurate octane ratings, 19 violations for inaccurate total sale price calculation and 14 violations for multiple price changes in a 24-hour period. This investigation is indicative of what is occurring all over the country. Price gouging has become an epidemic.

Lastly, H.R. 6653 addresses the causes of our Nation's energy crisis by infusing a major investment in the research and development of renewable energy as well as providing financial assistance for the purchase of energy efficient appliances and vehicles. This investment will provide immediate relief to Americans by helping reduce their energy costs in the short-term by providing financial assistance for the purchase of efficient appliances and vehicles, and in the long-term by reducing our Nation's dependence on foreign oil by injecting much needed capital for the development of alternative energy.

The Consumer Energy Relief Act pays for this investment by establishing a windfall profits tax on oil companies who have benefited from President Bush's policies that protect the profit margins of oil companies over the tight budgets of hard-working Americans. Just today we learned that ExxonMobil is projected to earn a record $52 billion this year and that the five largest oil companies in the United States are expected $168 million.

Madam Speaker, American families and businesses are reeling from record prices—the result of 7 years of missed opportunities and an energy policy this White House has literally allowed the oil industry to write. Their policy is working for only one group: the oil companies which are earning record profits while Americans are paying record prices. The failure to diversify our energy sources with bold investments in renewable energy and more efficient technology, leaves us dangerously dependent on foreign oil, and hurts our economy and American families. The Consumer Energy Relief Act sets the United States on a different course, and I urge my colleagues to support it.

MOTION TO ADJOURN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. UDALL of Colorado. Madam Speaker, I must oppose this motion to adjourn, because I think the House should continue trying to pass legislation to improve our national energy policies.

Regrettably, so far our repeated efforts to do that have been thwarted by the refusal of

our friends on the other side of the aisle to support any of the proposals that have been considered.

They seem ready to put a perceived political advantage over working on a bipartisan basis to achieve results.

Otherwise, I cannot explain their recent votes on energy legislation.

Looking back, we see that a majority of Congressional Republicans have time and again voted against sensible energy legislation.

They have voted against renewable energy, against the first new vehicle efficiency standards in 32 years—saving $1,000 in fuel costs per car per year—and against reducing transit fares for commuter rail and buses.

They have voted against expedited drilling in Alaska's National Petroleum Reserve and against adding a due-diligence requirement that could stimulate expedited exploration and development on other Federal lands already leased for that purpose.

They also voted against releasing 10 percent of the record amounts of oil stored in the Strategic Petroleum Reserve (to be replaced with heavy oil that is better suited for that storage), even though that addition to the supplies on the market could ease gas prices.

And, finally, too many of our Republican colleagues opposed better regulation of the commodity markets, to reduce the ability of speculators to artificially increase the price of oil, even though the bill had been approved in the Agriculture Committee by voice vote and was supported by the committee's ranking Republican member.

So, I certainly understand why many of our colleagues are prepared to give up for now and adjourn today in order to begin the normal August district work period.

But I think we owe it to our constituents and to the country to stay here at least for now, and to continue working on energy legislation. And for that reason, I cannot vote for this motion to adjourn.

STATEMENT IN HONOR OF LEE KLING

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. CARNAHAN. Madam Speaker, I rise today to recognize the outstanding contributions made by fellow Missourian, Lee Kling, an individual who placed the needs of country above his own.

Like many great Americans, Lee did not stand steadfastly by; instead, he insisted on getting involved. He saw his plight not in terms of one or a few, but as one shared by many.

Sadly, we have lost a great American in Lee Kling.

He was a man who invested in his community and family, and always found the time to give.

No job was too little or big for Lee. Whether at the center of Presidential politics, involved in efforts to save military bases, or rebuilding our state highway system, he was proven in advancing the best of any cause that might come his way.

He took on all comers with a positive attitude, and fought back against unwanted turns of life.

Because of him, and his principled approach to business, building a better community was always possible.

It is with great thanks to Lee that we are all left with such great civic pride.

I am grateful for his example, and I honor his life and achievements that serve as a great example for us all.

RECOGNIZING WIRELESS BROADBAND COMPANY ON THEIR GRAND OPENING AND RIBBON CUTTING

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. BURGESS. Madam Speaker, I stand before you today to recognize Wireless Broadband Company for their far-sighted provision of high speed Internet services to rural areas.

Wireless Broadband Company is a pioneer in the high speed Internet industry as they are reaching customers that larger companies have deemed unprofitable. This company has earned my respect for remembering that rural communities should not be left behind in the Information Age. Farmers, ranchers, lake-area inhabitants, and other country dwellers now have immediate access to online communities and knowledge databases thanks to the innovation and concern of this company. Wireless Broadband Company will be opening their third office and continues to expand their service capacity to rural areas.

Madam Speaker, I commend the management and employees of Wireless Broadband Company for the positive professional contribution they have made to rural communities, notably constituents within the 26th District of Texas. I warmly congratulate Wireless Broadband Company upon the opening of their third store and wish them continued business growth.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. LANGEVIN. Madam Speaker, on July 22, 2008, I was unavoidably detained and unable to be in the Chamber for a rollcall vote. Had I been present, I would have voted "yea" on rollcall No. 512, the Aviation Safety Enhancement Act of 2008.

INTRODUCTION OF THE MEDICARE IMAGINE DISCLOSURE SUNSHINE ACT

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mrs. McCARTHY of New York. Madam Speaker, I rise today to introduce companion legislation to S. 3343, the Medicare Imagine Disclosure Sunshine Act of 2008. This legislation would require physicians, at the time certain imaging procedures are ordered, to inform the patient of any ownership interest the physician may have in those imaging services and provide the patient with a list of other, local imaging providers.

This legislation is based on recommendations by both the Medicare Payment Advisory Commission (MedPAC) and the Government Accountability Office (GAO).

The Medicare Imaging Disclosure Sunshine Act will provide beneficiaries more transparency and disclosure of potential conflicts of interest when physicians write referrals for imaging services while also providing beneficiaries with the consumer-friendly option to choose when and where they seek an imaging procedure.

Madam Speaker, I believe this legislation takes an important step toward a more transparent referral procedure, and in the coming weeks I plan to continue to work on this legislation with the committees of jurisdiction and stakeholders and revise it so that it achieves the best possible balance for physicians, beneficiaries, and the health of the Medicare system.

TRIBUTE TO THE 75TH ANNIVERSARY OF THE MONTVILLE POLISH CLUB

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. COURTNEY. Madam Speaker, I rise today to recognize and celebrate the 75th anniversary of the Montville Polish Club. On August 30, 2008, the club will commemorate 75 years of history with a night of celebration including traditional pierogi, kielbasa, and kapusta and Polish dancing.

In the midst of the Great Depression, John J. Smith, Sam Onuparik and John Emilyta, conceived the idea for a regional Polish-American club to help connect and empower citizens of Polish descent in Montville, Connecticut and surrounding communities. In 1932, with the help of Walter Walenczyk, these men were able to garner support from 33 additional members of the community. In October of that year, the Montville Polish Club convened their first meeting in the Papyis Hall in Uncasville, Connecticut.

In a time of great financial uncertainty, the Montville Polish Club offered hope and opportunity through continuity for members of the Polish community in eastern Connecticut. For newly arrived Polish immigrants, the club offered opportunities to acclimate to American

life, providing English lessons, assistance with employment, and fellowship. For established Polish-American families, the club offered opportunity to preserve native cultures and traditions.

Today, the club remains an integral part of the eastern Connecticut community, hosting picnics, plays, parties, and dances. The club has also proven a civic leader, sponsoring countless youth organizations.

Madam Speaker, 75 years ago the Montville Polish Club was founded by a few Polish men with great hopes of bringing their community together. Today, with over 500 members, the club's continuity remains as strong as ever. I ask my colleagues to join with me and my constituents in recognizing and celebrating the Montville Polish Club's 75th anniversary.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. TIAHRT. Madam Speaker, owning a home is an essential component of the American dream, and an accomplishment that millions of Americans aspire to and take pride in. In recent months, however, the housing market has entered a slump. The effort to provide a way for all Americans to own their own homes brought a sharp increase in the usage of subprime and exotic mortgages, which proved to be more than the market could handle. We now find ourselves grappling with decisions on how best to ''fix'' the problems that have arisen in the housing market and in our economy.

However, a potential $300 billion Government handout, such as what has been proposed in this legislation, is not the answer. Congress has been given a real opportunity to reform Government Sponsored Enterprises, GSEs, and eliminate the threat to the housing market. Unfortunately, however, the authors of this legislation have chosen to reject real reforms and instead only include ridiculous amounts of bailout spending. By extending an unlimited line of credit to Fannie Mae and Freddie Mac until 2009, we are placing American taxpayers at risk by absorbing the losses of these for-profit institutions. The bill further institutes a tax on the very GSEs that we are being asked to prop up, and allows that money—an estimated $9 billion over 10 years—to be given to supposed ''housing and development'' groups that have been shown to participate in illegal and unethical activities, such as widespread voter fraud. The Congressional Budget Office, CBO, has estimated that the expected value of the Federal budgetary cost from enacting this proposal would be $25 billion over fiscal years 2009 and 2010, but that this figure could rise into the hundreds of billions of dollars. I believe this legislation will further exacerbate our nation's rising deficit and further weaken our already ''weak dollar.''

While there is no doubt the housing slump must be addressed, I am concerned by the precedent of using taxpayer dollars to bail out fraudulent lenders and, in some cases, irresponsible borrowers. Congress can enact responsible, market-based legislation to address our housing needs. I fully support FHA and GSE reform measures, yet I cannot support a massive bailout to irresponsible lending practices and market speculators. For these reasons, I voted against H.R. 3221.

I remain committed to supporting measures that provide the necessary relief to families who have been victimized without burdening taxpayers for the irresponsibility of others. Therefore, I have given my support to two alternative bills introduced before the House of Representatives that precisely address the needs of homeowners in a responsible and fair way.

First, H.R. 5974, the Housing Opportunity for All Americans Act of 2008, addresses the housing slump in a responsible way. For instance, this bill does not include $300 billion in funding to the Federal Housing Authority. Instead of providing a massive bailout to irresponsible lenders and borrowers, this legislation creates a market incentive approach to the housing slump. The market approach includes a one-time tax credit for homebuyers of 10 percent of the home's purchase price, up to $10,000, for 1 year after the enactment of the bill. Also, under this legislation, taxpayers who are nonresident aliens, those who flip a home within the 1 year period, or people who sell a house to a relative simply for the credit, would not be eligible. Furthermore, mortgages which exceed the maximum original principal obligation of a mortgage Freddie Mac will purchase would not qualify.

Second, the Homeownership Protection and Housing Market Stabilization Act of 2008, H.R. 5857, is a more responsible approach to addressing the current issues facing the housing market and the underlying causes of the problem. The bill includes provisions to directly protect homebuyers and owners, such as housing counseling, improved disclosure practices, fraud combating and prevention measures, and encouragement to rework loans instead of foreclosing. It also aims to help prevent lenders from falling into the same habits that have recently developed in the industry by providing liability protection for helping troubled borrowers, requiring escrow accounts for subprime borrowers, and reforming appraisal practices for prospective homebuyers. In addition, this legislation contains provisions similar to those that have passed this House with my support: FHA modernization and improved regulation of GSEs, including Fannie Mae, Freddie Mac, and the Federal Home Loan Banks.

These alternative bills provide the integrity of the appraisal process and strengthen mortgage fraud prevention efforts that will help bring stability to the current housing market. These bills together represent a viable alternative, offering an appropriate response to a serious problem without burdening taxpayers for the irresponsibility of others. I hope this body has the chance to consider these important provisions in the immediate future.

ENERGY COSTS

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. BROWN of South Carolina. Madam Speaker, today the House leaves on its 5 week vacation just like we do every year. Generally we are joined by millions of American families as they get out of town before the start of the school year, but this year things are different. While we are still leaving Washington, more of these families than ever before are staying home, prevented from visiting places like the beaches and historic sites in my district because of rising energy costs. But we aren't doing anything about it.

And when school starts up again, students are going to see activities cut back because their school districts are having to move money from these important programs just to keep running their school buses. High energy costs are having a dramatic impact on every part of our society. But Congress is failing to address them.

Today, news came out that American employers shed some 51,000 jobs last month, and for so many companies, the burden of high energy prices are behind so many of these job losses. From steel mills to fertilizer plants and delivery services, I could list countless businesses that use energy not only to keep the lights on but as the fuel for getting their job done. And record high energy prices are fighting their best efforts to grow our economy. But we can't even have a vote on accessing more American energy.

Madam Speaker, I want to take a moment to highlight some of these businesses being impacted by today's high energy prices. I represent a coastal district where many of my constituents make their living on the water. The heart of my district are its shrimpers, tour boat operators, recreational and commercial fishermen.

However, many of these hard-working residents of coastal South Carolina cannot even afford to take their boats on the water anymore because of all-time record high prices for fuel. Shrimpers must catch 700 pounds a day just to fuel their boats—I can assure you, this is not a small catch.

Before Speaker PELOSI ''saves the planet'' here in Washington, DC, perhaps she can come down to Charleston or McClellanville in South Carolina and explain to the these hard-working men and women why she is refusing to schedule a vote to increase domestic energy production and lower the cost of their diesel fuel to allow them to get back on the water. Their struggles are not a hoax.

Madam Speaker, we currently depend on foreign and in many cases unfriendly nations for over 60 percent of our Nation's energy needs. This is a serious national security concern for my constituents in coastal South Carolina that is only getting worse. It is sad to see that every other country in the world views its energy resources as a strategic asset; in the United States we have come to view ours as an environmental liability.

Madam Speaker, this week I was proud to join with a group of Republicans and Democrats to introduce legislation that was written

together that would allow us to start domestic energy production while also investing in many types of renewable energy. When will we get a vote on the bipartisan National Environment, Conservation and Energy Independence Act or any of the other pieces of legislation that offer an ''all of the above'' solution to our energy crisis?

While we may leave Washington today, we cannot leave our responsibility to address this issue for the American people.

HANNAH WARFIELD AND JENNY BARRINGER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize two members of one of my Colorado offices, Hannah Warfield and Jenny Barringer.

These two are world-class athletes, from my alma mater, the University of Colorado, who recently competed in the U.S. Olympic track and field trials in Eugene, Oregon.

I want to start off by saying a few words about Hannah, a native of Sydney, Montana who competed in the Women's javelin competition.

Her work ethic is extraordinary.

Despite the rigors of a working a full time job, and recently graduating from the University of Colorado, she maintained a training schedule that would begin at 5 a.m. in the morning and would humble even the most dedicated among us.

This work ethic propelled her to become the 2007 NCAA Women's Big Twelve Champion in the Javelin event.

A distinction not achieved by a University of Colorado athlete in 20 years.

She is one of the most pleasant, organized and courteous individuals I have ever had the opportunity to meet.

Although, Hannah came just short of making it to Beijing, words cannot express the amount of pride and inspiration she brought to our office and our community with her dedication to the pursuit of her dreams.

Hannah's positive attitude and tenacity should serve as inspiration to all of us.

Next, I would like to take a moment to speak about Jenny Barringer, from Oviedo, Florida, who competed in the women's 3,000m steeplechase event.

Jenny is a true pioneer in the sport, which is making its inaugural appearance at the 2008 games.

She recently shattered the American record in the women's steeplechase with a time of 9:22.73.

If that were not enough, she maintains a 3.7 GPA, serves as a sign language interpreter, volunteers with the Ronald McDonald House, Habitat for Humanity, and the local adopt-a-road program.

I can attest that Coloradans will be watching with immense pride in the coming weeks as Jenny goes for the gold in the Beijing.

What impresses me most about Hannah and Jenny is that for as great as their athletic ability, they're ever better people.

Active in their communities, great students combined with a desire to go above and beyond what is expected, they serve as a positive example of what can be achieved with hard work and a positive attitude.

As a father of three extraordinary women myself, all of whom are athletes, I can attest Hannah and Jenny represent the pride that every parent who drops their kids off at an athletic practice or attends one of their competitions feels.

It is an amazing honor to see two of our own in Colorado rise to this level, especially knowing it could not have happened to two better people.

Hannah Warfield and Jenny Barringer embody the best our country could hope for in the next generation of Americans.

I am privileged for the opportunity to have come to know these two remarkable individuals.

I would like to close by saying go USA, and go Jenny in the 2008 Beijing Olympics.

TRIBUTE TO CAPTAIN PHIL RUHLE

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. KENNEDY. Madam Speaker, I rise today to express my sympathies to a wonderful Rhode Island family who has lost a devoted loved one: Captain Phil Ruhle of North Kingstown, Rhode Island.

Captain Ruhle was a life-long professional fisherman and the captain of the *Sea Breeze* that capsized off the coast of New Jersey last Wednesday night. He was the center of 5 generations of fishermen, including his grandfather, his father, his brother, his son, and grandson.

In recent years, Captain Ruhle took an active role in work to improve industry conditions for fishermen. He was even awarded NOAA's Environmental Hero Award in 2003 for his ''tireless efforts to preserve and protect our Nation's environment.'' Captain Ruhle was instrumental in developing the innovative ''Eliminator'' net, which will benefit fishermen and our environment for generations.

Captain Ruhle was valued as an intelligent and passionate advocate and adviser for fishermen across the country. His presence, especially his familiar voice, will be missed by his fellow fishermen, by Federal fishing regulators and by all who cared about the future of the fishing industry.

I share in the sorrow at the loss of Captain Ruhle with his wife Donna, his mother Gloria, his children Phil, Jr., Roger and Alicia, all his grandchildren and his many friends and colleagues. While this is a sad time for all of us, we take solace in knowing that Captain Ruhle lived his life to the fullest and left behind him a world which, because of his life, was kinder, more passionate and more generous.

ENOUGH IS ENOUGH: OUR SENIORS AND PERSONS WITH DISABILITIES DESERVE A RELIABLE, AFFORDABLE AND UNIVERSAL RX BENEFIT UNDER MEDICARE!

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. KUCINICH. Madam Speaker, the insurance and pharmaceutical industry-friendly Medicare Part D drug benefit is, as predicted, costing taxpayers billions of unnecessary dollars, restricting access to needed pharmaceuticals, and providing windfall profits for the pharmaceutical companies. Last week, the Oversight and Government Reform Committee released an analysis that showed that pharmaceuticals covered under Part D cost 30 percent more than pharmaceuticals provided through Medicaid. Medicaid's program is administered by the Federal Government while Medicare Part D uses private insurance companies. As you know, it also provides no authority to negotiate prices, no other meaningful cost mechanisms, and a paltry benefit for far too many enrollees to boot.

A report by the Center for Economic and Policy Research showed that a benefit administered by Medicare would save enough money to fully cover prescription drug costs between 2006 and 2013 and still have $40 billion left over.

For our seniors and for our children and grandchildren's future security, I urge you to reaffirm your support for one of the most successful social programs in our Nation's history by calling for a comprehensive and meaningful prescription drug benefit under Medicare, and one which addresses the outrageously high prices of prescription drugs paid by American consumers.

I have introduced a bill that will replace the current plan with a benefit that provides seniors and people with disabilities with the drugs they need with no co-pay, no premium and no deductible. Every person would receive the same voluntary benefit, regardless of income or geographical location, just like traditional Medicare.

How can the plan provide such a strong benefit without busting the budget? By including provisions that seriously address the outrageously high prices Americans are forced to pay for prescription drugs.

First, the plan will include strong, loophole-free language to allow American pharmacists, wholesalers and distributors to purchase FDA-approved prescription drugs at lower prices abroad. With strong reimportation language like that included in this plan, all Americans—not just seniors—could save 30–70 percent on the price of prescription drugs without any Government subsidy.

Second, the bill also allows Medicare to negotiate on behalf of all Medicare beneficiaries, something prohibited under the current Republican program, which could achieve discounts comparable to the significant discounts received by the Veterans Administration.

Finally, the plan would ensure that when taxpayers foot the bill for research and development of a prescription drug, the pharmaceutical industry must offer that drug at a fair

and reasonable price. Such a requirement has passed the House by a wide bipartisan majority in the past, only to be stripped out by the pharmaceutical industry in conference committee. Today, the taxpayer-funded National Institutes of Health continues to spend tens of billions of dollars a year on research and development of medicines. Most often, this R&D is then handed over to the pharmaceutical industry, whose member companies charge Americans any price they want for the final product. If we change this absurd system, we would ensure that new medicines would be affordable in the years ahead.

As the current crisis makes all too clear, the time has come to support a comprehensive prescription drug benefit for seniors and people with disabilities that does not coddle the health insurance or pharmaceutical industries.

PERSONAL EXPLANATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. TURNER. Madam Speaker, on rollcall No. 556 and 557, I was not present. On 556 I would have voted ''no,'' and on 557, I would have voted ''yes.''

PERSONAL EXPLANATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 557, H.R. 6633, the Employee Verification Amendment Act of 2008, had I been present, I would have voted ''yea.''

INTRODUCTION OF A RESOLUTION TO RECOGNIZE THE U.S. 36 CORRIDOR PROJECT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a resolution to recognize the benefits of the United States Route 36, U.S. 36, Corridor project plan, and to commend the cooperative effort of several communities located along the U.S. 36 Corridor between Denver and Boulder in developing the project.

The Colorado communities along the U.S. 36 Corridor, including Westminster, Louisville, Superior, Broomfield, Denver, and Boulder, are experiencing a tremendous period of expansion. While this growth is very positive and certainly welcome, it has also outpaced the growth of its transportation infrastructure, leading to heavy traffic delays and sometimes dangerous road conditions.

In response to these conditions, the U.S. 36 Mayors and Commissioners Coalition, MCC, a coalition of officials representing the communities along the U.S. 36 Corridor, in coordination with the Colorado Department of Transportation, CDOT, and a coalition of local businesses known as 36 Commuting Solutions, developed the U.S. 36 Corridor project plan.

The U.S. 36 Corridor project is a national model for congestion mitigation, combining bus rapid transit lanes, high-occupancy vehicle lanes and safe bicycling lanes with traditional auto traffic lanes. The project ranked among the highest congestion mitigation proposals submitted under the Department of Transportation's Urban Partnership Agreement Program, and a record of decision is expected to be issued next year that will allow for its construction to commence.

Madam Speaker, I think the cooperation and ingenuity that was demonstrated in putting the U.S. 36 Corridor project together, as well as the project's benefits, deserve recognition from Congress, as this resolution does.

INTRODUCTION OF THE LEGISLATIVE BRANCH PERSONNEL APPEALS PROCEDURAL CONSOLIDATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Ms. NORTON. Madam Speaker, today I am introducing the Legislative Branch Personnel Appeals Procedural Consolidation Act of 2008 to bring the GAO in line with other legislative branch agencies and to address an important issue of equal rights at Government Accountability Office, GAO, after extensive consultation with all concerned. Over the past year my office has worked closely with the Committee on Oversight and Government Reform to resolve serious employee wage and discrimination disputes at the GAO. African Americans, and older employees who have been disproportionately affected by these disputes and have complained that discrimination cases at GAO must be heard internally, the only grievance system where Federal employee charges of discrimination are processed and determined within a Federal agency without any independent review. This bill resolves this unique conflict of interest and due process issue that allows GAO to render the final administrative decisions on discrimination, labor and other issues against the GAO with the agency head appointing all the decision-makers in the process and no review by any disinterested or third-party agency official.

The wage disputes and complaints about the grievance system began when the GAO implemented dramatic and controversial pay-for-performance revisions to classify and pay its employees. The Comptroller General assured GAO employees that the annual COLAs that Congress votes for all federal employees would not be affected. However, many employees, including a disproportionate number of African Americans, did not receive their COLAs for FY06 and FY07, though all had ratings of ''meets expectations'' or above.

Consequently, GAO employees filed formal race and age discrimination complaints against the Comptroller General with the Personnel Appeals Board, PAB, which hears all such complaints. The PAB members are appointed by the Comptroller General to decide not only discrimination cases based on race, sex, age and religion, but also cases involving violations of labor, and of civil service or merit system rights. All other Federal and legislative branch employees carry employee complaints to independent agencies.

It was the excellent work of Chairman DANNY K. DAVIS and the Federal Workforce subcommittee, whose hearings uncovered the discriminatory effects of the pay system and negotiated back-COLA payments for all GAO employees. An independent assessment by the Ivy Group, hired by GAO after the watchdog organization, Blacks In Government, recommended a study of discrimination at the GAO, showed that there are many race-based disparities in ratings, promotions and other employment practices between African American and Caucasian analysts at the GAO. For example, having a PhD has a statistically significant positive effect for Caucasian analysts, but has no effect for African American analysts, and Caucasian analysts receive a ratings benefit from being assigned to lead roles on projects, contrasted with African American analysts, who show no statistically significant effect of being assigned to such roles.

This bill provides for independent review of complaints by transferring jurisdiction to the OOC, which handles such matters for all other legislative branch employees. The OOC represents the most recent bipartisan thinking and action of Congress concerning equal treatment for employees of the legislative branch. Because of the small case loads generated by legislative branch agencies, the OOC is able to handle the broadest enforcement mandate of any executive or legislative agency and currently enforces 12 different employee protection laws and is the only employee protection agency required by statute to continuously review new laws and incorporate them into its own jurisdiction.

The bill does not assign responsibilities to an agency beyond its expertise and does not put additional responsibility on the congressional leadership to make appointments. The OOC has indicated the feasibility of its participation and offered evidence that the statute that established the OOC contemplates granting additional authority to the OOC of the kind we seek.

I hope all my colleagues join me in assuring equal rights to GAO employees.

INTRODUCTION OF THE VIRGINIA OCS BILL

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. GOODLATTE. Madam Speaker, each week, folks across Virginia and the Nation are confronted with the rising cost of energy, from the cost at the pump to soaring electric bills. Energy is vital to every sector of our economy, including homes, small businesses and industries. When energy supplies are tight, families

and businesses are severely impacted by the resulting increase in energy costs.

While the majority has succeeded in strangling any efforts to tap into traditional energy resources in America, our Nation's citizens have suffered. They have suffered with skyrocketing gas and food prices, and they have suffered from the fear that we are ever dependent on foreign, and sometimes hostile, sources of oil.

While the leadership of the majority in Congress can't seem to get its act together to solve this problem for the Nation, as a representative of the people of Virginia, I cannot stand by and simply watch this spectacle. The time for action is now.

Virginians understand that a major component in lessening energy costs is to produce more energy. In fact the topic of energy production on Virginia's Outer Continental Shelf, OCS, has received serious discussion by the Virginia General Assembly. I believe that Virginia should have every tool available to access its energy supplies. Unfortunately, a congressional moratorium on exploration of the OCS prevents the Commonwealth from having every tool available to address rising energy costs.

Therefore, I rise to introduce legislation to allow Virginia to request oil and natural gas exploration activities off its coast. Should these exploration activities prove fruitful, then the legislation would allow Virginia to petition for drilling for these precious resources. This bill does not mandate that Virginia explore or drill off its coast. It simply removes the Federal Government's longstanding barriers to these activities. The final decision of whether to explore or drill is placed squarely where it should be—in the hands of the people of Virginia, through their State legislature and Governor.

This legislation is not a cure all, and it does not fix the problem all across the country. However, Virginia's two Senators, one from each political party, have introduced similar legislation over in the Senate, and this is promising. In order to demonstrate how broad the support is for allowing States to decide this issue for themselves, I would encourage Members from all States to introduce similar legislation until a threshold of support is achieved that breaks the Democrat leadership's logjam on this issue and allows the will of the American people to be heard.

HONORING BROTHER W.L. BAKER AS HE CELEBRATES HIS 100TH BIRTHDAY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. COOPER. Madam Speaker, today I rise to honor Brother W.L. Baker, a fine citizen and leader in Wilson County, Tennessee, on the occasion of his 100th birthday, August 3, 2008.

Brother Baker has served God as a Baptist minister for more than 80 years, preaching to all in earshot and ministering to all in need. In recent years, in his so-called retirement, Brother Baker has actively served several congregations across Wilson County. Even today, he is an associate pastor at Calvary Baptist Church and has been honored as the oldest living graduate of Cumberland University.

Madam Speaker, it gives me great pride to represent someone as selfless, as dedicated to God and fellow man, and as full of life as Brother W.L. Baker. In his actions, he serves as a role model for Americans everywhere and for all of us in the 110th Congress. We are a better people because of his 100 years among us. I ask you to join me in wishing him heartfelt congratulations on his birthday; may he have many more years of peace, gratitude and prosperity.

HONORING DR. HERBERT R. FISCHER FOR 37 YEARS OF ACHIEVEMENTS IN EDUCATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. LEWIS of California. Madam Speaker, I rise today to pay tribute to a dear friend and true leader in my community, Dr. Herbert R. Fischer, who is retiring after 37 years of dedication to educational development and public service throughout the Inland Empire.

After 27 years as a classroom teacher, principal, and district administrator in the San Bernardino City Unified School District and as superintendent of the Colton Joint Unified School District, Dr. Fischer was chosen to be the San Bernardino County Superintendent of Schools, a position he held for 10 years.

The San Bernardino County Superintendent of Schools office provides support to the 33 K–12 districts and roughly 425,000 students attending more than 500 schools in the county. The County Schools office also provides business and financial curriculum and instruction, personnel, credentials, and management information support to school districts countywide.

Our district is privileged to have many fine educational professionals dedicated to improve the overall well-being of their students. Dr Fischer is no exception and has taken his love for educational development even further. Under Dr. Fischer's leadership, the County Superintendent of Schools office has improved the State Academic performance index for 7 consecutive years. He has expanded many school safety programs through the Law Enforcement Education Partnership and the Countywide Gangs and Drugs Task Force. Dr. Fischer is also a founder of three regional P–16 Councils that work to eliminate the achievement gap by creating a comprehensive system for all levels of education.

Dr. Fischer's forward thinking has made San Bernardino a model for excellence in community service. In particular, he is credited with developing and implementing Alliance for Education initiative, which has over 1,200 business, labor, community and faith-based partners working with public schools to improve the college, career and labor readiness of students.

Throughout his career in education, Dr. Fischer worked with colleagues, students and parents, to increase college going rates, reduce student drop-out rates, and provide greater Internet and technology access to students and teachers. He also established programs to provide quality curriculums for all students and offer parents more educational choices. Dr. Fischer's hard work and dedication to the future success of our young people is truly appreciated.

Madam Speaker, please join me in congratulating Dr. Fischer for his many accomplishments and thanking him for making our community a leader in educational and professional advancement. The valuable contributions he has made throughout his career will be remembered for years to come.

INTRODUCING THE HEALTH CARE FOR WOMEN RESOLUTION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Ms. SCHAKOWSKY. Madam Speaker, I rise to introduce the Health Care for Women Resolution of 2008 with my colleague in the Senate, Senator DEBBIE STABENOW. As we move towards enacting comprehensive Universal Health Care we cannot leave out the important and unique health care issues of women. Women are often responsible for safeguarding the care for their families and they must be a central part of every universal health care debate.

I believe that the Health Care for Women Resolution recognizes the numerous of women as health care decision makers, caregivers and providers and requires that lawmakers acknowledge their needs during health care reform conversations.

We know that women face exceptional challenges and have a very personal stake in fixing our broken health care system. It is unacceptable that more women are uninsured and pay more for health care than their male counterparts. This resolution calls on Congress to take notice of these obstacles and make significant gains in solving these problems.

This resolution asks Congress to pass legislation within 18 months that provides health care for women and health care for all. I am all too familiar with how tough it is to provide care for our families. As a mother, grandmother and member of Congress, I will fight to make sure that women play a central part in every health care discussion.

The need for this resolution is clear. More than 17 million non-elderly women were uninsured in 2006, an increase of 1.2 million women since 2004. Women also pay 68 percent more than men for out-of-pocket medical costs, largely because of their reproductive health needs. Thirteen percent of all pregnant women are uninsured making them less likely to seek prenatal care and more likely to experience an adverse outcome after giving birth or pregnancy-related mortality.

Older women are particularly at risk. They often receive care through their husband and can become uninsured if their husband dies or loses private insurance by becoming eligible for Medicare. Because they have less disposable income, older women also have trouble

paying growing out-of-pocket costs for the care they need. Moreover many older women have periodically left the workforce to raise families or care for aging family members they tend to have lower Social Security and pension benefits required to help them with increasing chronic care conditions.

Any health care discussions must also take into account the barriers women of color face in accessing quality care. Hispanic and Native American women and children are 3 times and African Americans nearly twice as likely to be uninsured that non-Hispanic whites.

I along with 32 of my colleagues in both the House and Senate agree, it is time to start acknowledging women in all efforts that we make to solve our nation's growing health care crisis.

I urge all of my colleagues to cosponsor this important legislation.

HONORING MR. THOMAS LIZIK OF INCARNATION CATHOLIC SCHOOL ON HIS RETIREMENT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. LIPINSKI. Madam Speaker, I rise today to honor an outstanding educator in my district, Thomas Lizik. This past June, Mr. Lizik retired from the Archdiocese of Chicago school system after 40 years of distinguished service and leadership. His remarkable contributions to his students, colleagues, and the entire community will always be remembered and his presence will be sorely missed. I would like to extend my appreciation to Mr. Lizik for his decades of dedicated service.

After receiving a degree in business administration from DePaul University in 1968, Mr. Lizik began his teaching career at Visitation Catholic School in Chicago, IL. He continued on to teach at St. Ann Catholic School in Chicago, St. Denis School in Chicago, and Incarnation School in Palos Heights. Mr. Lizik's awareness of the importance of family, friends, integrity, and career is the foundation of his professional success, and has led his colleagues and students to hold him in the highest regard.

Mr. Lizik's tireless work has earned him numerous awards, including the ''Outstanding Teacher Award'' from St. Ignatius College Prep and the ''Most Influential Teacher Award'' from De La Salle High School and Queen of Peace High School. In 2002, he was nominated for the Golden Apple Award for Excellence in Teaching. In addition to these special awards, he has also been featured in ''Who's Who Among American Teachers'' and has served as a distinguished member of the Illinois Council of Teachers of Mathematics.

Today, I ask my colleagues to join me in honoring Mr. Thomas Lizik as an outstanding educator, and recognize his tireless efforts to educate and develop generations of confident, responsible, and well-educated students. He has done nothing less than an extraordinary job in preparing future generations for their challenges ahead. I thank and congratulate Thomas for his service and dedication and wish him a happy, healthy, and fulfilling retirement.

PERSONAL EXPLANATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. SMITH of Texas. Madam Speaker, yesterday the House voted on a motion to censure the gentleman from New York, Mr. RANGEL.

Members had no advance notice of the vote, and I did not familiarize myself with the substance of the motion as much as I would have liked.

If the vote were taken again, I would vote present rather than ''aye.''

COMMEMORATING THE 1-YEAR ANNIVERSARY OF THE I–35W BRIDGE COLLAPSE

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. KLINE of Minnesota. Madam Speaker, I rise today to commemorate the anniversary of a tragedy still fresh in the minds of many Minnesotans.

Just 1 year ago today, thousands of men, women and families were on their way home from work and school when calamity struck. Without warning, the bridge that so many of us took for granted on our daily commutes failed, causing physical and emotional pain that lingers even today.

But this anniversary is not entirely solemn. Today we also recall the heroic actions of the men and women who came to the aid of those injured in the collapse.

The first emergency personnel on the scene responded without hesitation, risking their health and safety to rescue victims and provide medical care to the injured. In the weeks and months following the collapse, scores of ordinary people became extraordinary citizens by rushing to the aid of those in need.

Madam Speaker, on this somber occasion, as we remember the victims of this collapse and their families, we also celebrate the selfless service of the heroes who came to their rescue. Our thoughts and prayers remain with all who were affected.

IN RECOGNITION OF THE RETIREMENT OF MAJOR GENERAL JEFFREY R. REIMER, UNITED STATES AIR FORCE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. MILLER of Florida. Madam Speaker, I rise to honor MG Jeffrey Reimer as he retires from the United States Air Force after 34 years of service.

A 1974 graduate of the University of Florida, Major General Reimer held a variety of important assignments in his 34 years of service. As the top graduate from his pilot training program class, he initially served as an F–4C Wild Weasel pilot. Assigned to the Air Training Command, he was the top graduate from T–37 instructor training and the Instructor Pilot of the Year. He has effectively served the Nation in numerous positions within the test and acquisition community. He was an F–16 acceptance test pilot and was selected to attend the Air Force Institute of Technology and USAF Test Pilot School. As a distinguished graduate of the school, he served as an instructor and continued his experimental test pilot duties at the F–16 Combined Test Force.

Major General Reimer served in the Office of the Secretary of Defense as a military staff assistant for developmental testing of aircraft and air-to-air missiles. His later assignments include: Program manager for the MC–130H Combat Talon and program director of special programs for the Air-to-Air Joint System Program Office. He has commanded the 4953rd Test Squadron, Air Force Security Assistance Center, and the Air Armament Center. In his most recent assignment, Major General Reimer served as the Air Force Program Executive Officer for the F–22. He saved the taxpayers $411 million using a multi-year contract to purchase 60 F–22 aircraft.

On a personal note, I had the pleasure of working very closely with Major General Reimer when he was Commander of the Air Armament Center at Eglin Air Force Base. Together, we worked through test facility closure and test wing consolidation issues. He provided strong leadership and candid assessments to Air Force officials which were necessary to effectively accomplish the mission.

Madam Speaker, few can match the dedication and professionalism of MG Jeffrey Reimer. He is a man of honor and a man of principle. In his 34 years of service, he has touched the lives of many and our Nation is stronger because of his dedicated service. On behalf of the United States Congress, I wish to thank MG Jeffrey Reimer for his years of dedicated service. Vicki and I wish him and his family our best wishes for success and happiness in the future.

A TRIBUTE TO THE LIFE OF DONALD RAY TOW

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of Donald Ray Tow of Selma, California, who recently passed away at the age of 74. He leaves behind the love of his life of 44 years, Marie, along with 4 children, 13 grandchildren and 7 great-grandchildren.

Mr. Tow was born on June 2, 1934, in Checotah, Oklahoma, but was raised in the Central Valley. As a teenager Don moved from Bakersfield to Selma, California, and graduated from Selma High School in 1952. Upon graduation from Selma High School he

attended Reedley College prior to joining the U.S. Air Force in 1953. While in the Air Force Don proudly served his country in Korea.

After returning from Korea he continued his education at Fresno State College, where he received his master's degree in education. His first job was at Eric White Elementary in Selma, California, as a sixth grade teacher. After teaching for 13 years he went on to become a principal at Washington School in Kingsburg, California. In 1990, he moved on to Roosevelt Junior High, also as a principal.

He was devoted to his community, serving on the Selma Unified School Board, the Selma City Council, and most recently as mayor of the city of Selma. Mr. Tow not only had a passion for education but also for sports and especially for baseball. His huge interest in sports drew him to coaching in the Selma Little League. One of his favorite pastimes was family outings to Morro Bay, and Dinkey Creek, and watching his grandchildren at their sporting events.

It goes without saying that Mr. Donald Ray "Don" Tow was an honorable man with a commitment to family, friends and the community that will forever live in the lives of the people he so graciously touched. His passion for family, education, and his community will be remembered by all who knew him. I am honored and humbled to join his family in celebrating the life of this amazing man who will never be forgotten.

TRIBUTE TO RACHEL JAGODA BRUNETTE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize a talented individual who has been a dedicated member of our committee staff—Rachel Jagoda Brunette.

Rachel came to the committee at the beginning of the 109th Congress as a staff assistant for the Republican majority. Her talent was quickly recognized, and she was soon promoted to professional staff for the research subcommittee. As a staffer for that subcommittee, she handled math and science education issues.

At the start of this Congress, the committee offered positions to several staffers of former Chairman Boehlert and we were fortunate that Rachel accepted our offer. She moved to the Subcommittee on Technology and Innovation and deftly transitioned to a broad portfolio of technology issues, from Homeland Security science and technology to surface transportation research and development.

Her bachelor's degree in physics from Georgetown University and a master's in political management from the George Washington University were an excellent foundation for navigating the nexus between science and policy. Rachel also came to the committee with experience in this area, having worked at the Federation of American Scientists, the American Society for Engineering Education, and the American National Standards Institute.

With intellectual curiosity and an appreciation for scientific knowledge, Rachel spent countless hours absorbing technical details and navigating the political and bureaucratic contexts of her issues. Rachel recognizes how science and technology can help communities meet their needs on the ground.

Rachel performed valuable legislative and oversight duties for the committee. These legislative efforts included H.R. 5161, the Green Transportation Infrastructure Research and Technology Transfer Act and H.R. 3877, the Mine Communications Technology Innovation Act. Her oversight contributions included border security technologies and research and development for energy savings in transportation systems.

Rachel has spent over 3 years working on the Hill and over 9 years in Washington. She is heading to Portland, and our loss is Oregon's gain. She has been a wonderful asset to this committee and will be missed by both Members and staff. I want to thank her for her service to the committee and the science community at large, and I wish her—and her growing family—all the best.

THE DELAWARE TRIBE OF INDIANS JUDGMENT FUNDS DISTRIBUTION SETTLEMENT ACT

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. SULLIVAN. Madam Speaker, I rise today to introduce H.R. 6786, the Delaware Tribe of Indians Judgment Funds Distribution Settlement Act.

The Delaware Tribe was the first tribe to sign a treaty with the fledgling United States in 1778, playing an important role in winning the Revolutionary War, and was called the "Grandfather Tribe" by other tribes in and around the Delaware River valley. The Tribe was forced inexorably westward by the Colonies and then the United States from its aboriginal area further west and eventually into Cherokee territory in Oklahoma.

The Tribe was recognized by the United States throughout the 20th century until it was terminated by the Department of the Interior in 1979. The Department rescinded that decision in 1996, and the Tribe was recognized from 1996 until 2004 when a Tenth Circuit Court decision ended the Tribe's Federal recognition. The United States Solicitor General stated to the United States Supreme Court that the Tenth Circuit decision to end status of the tribe resulted in the need for Congress to address this issue.

This legislation restores the rightful Federal recognition of the Delaware Tribe of Indians but also incorporates mechanisms for the Delaware Tribe of Indians and the Cherokee Nation to resolve issues between them in Eastern Oklahoma amicably. I am pleased to see not only Delaware restoration but also accord and cooperation between the two tribes.

HONORING BORDENTOWN LITTLE LEAGUE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. SMITH of New Jersey. Madam Speaker, I rise to offer my heartfelt support and congratulations to the Bordentown Little League All-Stars who on Wednesday, won the New Jersey State Championship tournament and the right to now advance to the regional championship. Powered by some big bats—that turned in 17 hits and 4 home runs—the Bordentown Little League's 11/12 year old team easily defeated Pequannock 14 to 3 to win the State Championship. By winning the New Jersey title, the team now moves onto Bristol, Connecticut, to participate in the Mid-Atlantic Regional Tournament where they will take on Haverstraw, the New York State Champions. The A. Bartlett Giamatti Little League Leadership Training Center in Bristol, Connecticut, is hosting the Mid-Atlantic and New England tournaments.

I especially want to recognize Manager Pat Welsh and Coach Dave Revay for their outstanding efforts developing this championship team. And of course, congratulations go out to the guys on the field who hustled throughout the season to win the New Jersey State Championship—Tommy "T-Walt" Walters, Zachary "Zack" Gakeler, Ryan "Shinny" Shinn, Patrick "Otrick" Welsh, Cole "ColeTrain" Clauser, Tyler "Ty" Revay, Clarke "Clarkey" Laba, Nick "Hammer" Callahan, Edward "Eddie" Holmes, and the teams three Austin's—Austin "Goke" Goeke, Austin "Charzar" Chaszar, and Austin "Big Pappi" Papp.

Gratitude also has to be given to the Bordentown community for their spirit and the continuing support they offered which helped make fielding this outstanding team possible. Community leaders—Mayor George A. Chidley, Deputy Mayor Bruce Hill, Committeeman William J. Morelli, Committeeman Robert Delaney, and Committeeman Mark Roselli from Bordentown Township; and Mayor John William Collom III, Deputy Mayor James Lynch, and Commissioner John Wehrman from the city of Bordentown have to be recognized and thanked for making this State Championship possible.

As the Bordentown Little League All-Stars now move onto the Regional Championship, we join with family and friends in the entire Bordentown and Burlington County communities to wish them good luck.

TRIBUTE TO STAN SMOYER

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. HOLT. Madam Speaker, I rise today to recognize Stanley C. Smoyer for his years of extraordinary leadership in the family planning movement in the United States, his devoted service to Planned Parenthood Association of the Mercer Area in New Jersey, and for his extraordinary generosity to his community.

For over 50 years, Stan Smoyer has been a champion of women's reproductive rights. As former assistant general counsel for Johnson & Johnson, he was involved in reproductive rights litigation in the 1960s. Of particular note was his involvement in Griswold v Connecticut, the 1965 landmark case in which the Supreme Court of the United States ruled that the Constitution protected a right to privacy and that access to contraception could not be prohibited. In 1995, he and his late wife, Barbara, were awarded Planned Parenthood's highest honor, the Sanger Circle Award, in recognition of their outstanding service and loyalty to Planned Parenthood and to the cause of reproductive rights.

As a board member of Planned Parenthood I am particularly grateful to him for his years of participation. As Vice Chairman for Principal Gifts of Planned Parenthood's 1991 capital campaign, Stan Smoyer demonstrated his commitment to the issues by helping the agency raise millions of dollars. In 2006, Stan Smoyer was recruited once again to help Planned Parenthood, this time as Honorary Co-Chair of Stand with Us: The Campaign for Responsible Choices. Thanks to his generosity, the capital campaign is well on its way to reaching its goal.

Stan Smoyer has also been a benefactor of both Phillips Academy in Andover, Massachusetts and Dartmouth University in New Hampshire. His most recent gift to Phillips Academy renovated and improved the soccer field, where his sons used to play. The field, now known as Smoyer Family Field, is named in honor of Mr. Smoyer's sons, David, class of '59 and William, class of '63, who was killed in Vietnam in 1968.

A 1934 graduate of Dartmouth, Stan Smoyer has made a commitment to his alma mater for a new intercollegiate soccer facility. He has also been a donor to the school's History Department programs and to other scholarship and athletic endeavors.

Stanley C. Smoyer's devotion to the causes and initiatives that he believes in makes him an outstanding friend, neighbor and community benefactor. He is worthy of our admiration and gratitude and continues to serve as a model for other philanthropists and volunteers who think of others and care about where our society is headed.

It is with pride and pleasure I recognize Stanley C. Smoyer here today and ask my colleagues to join me in thanking him for his dedicated and generous service to Planned Parenthood, his community of Princeton, the schools he has chosen to support, and for teaching us all the lesson of giving and caring.

H. RES. 1355, SUPPORT DISABILITY PRIDE DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of H. Res. 1355, a resolution to support the goals and ideals of Disability Pride Day.

Over 18 years ago Congress passed the Americans with Disabilities Act into law to end discrimination against and provide equal opportunities for people living with disabilities. It was a historic and proud day for the United States. The significant contributions to American life, our economy and every aspect of our society by people with disabilities deserve to be recognized and honored. While great strides have been made to ensure all rights for people living with disabilities are respected, we must always celebrate the victories and act with vigilance and determination to protect, defend and advance those rights.

This resolution expresses support for Disability Pride Day, and acknowledges the efforts of Chicago's 5th Annual Disability Pride Parade organizers for raising awareness for the needs of those with disabilities. It also urges public officials and the general public to support and encourage understanding of persons with disabilities.

We need to help support and encourage understanding of persons with disabilities in schools, the workforce, and in our communities. It is unacceptable that only one-third of Americans with disabilities are employed and people with disabilities are three times more likely to live in poverty. I believe all Americans should have the opportunity to achieve economic independence, which is why I support efforts to improve employment programs for individuals with disabilities. I also believe every child deserves a quality and affordable education, and we must ensure that our schools are adequately funded to promise a fair education for all children with disabilities. I support full funding the Individuals with Disabilities Education Act, IDEA, which is why I introduced the Achieving Our IDEA Act, H.R. 1896. This bill will help ensure that the Federal Government contributes 40 percent to the cost of educating children with special needs.

This year Congress also took action to ensure the rights of those with disabilities. The ADA Amendments Act, of which I was a cosponsor, passed the House with overwhelming support on June 25, 2008. This bill protects individuals from employment discrimination in the workplace for those who can and want to work, and restores the original intent of Congress. All Americans should be able to live and work in their communities without fear of being discriminated against.

All people have the right to be active, contributing members of our society and fully engaged citizens. I will continue to support efforts to improve the quality of life for individuals with disabilities.

I urge my colleagues to support this resolution and celebrate Disability Pride Day.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is August 1, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,975 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So, Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,975 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too

soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is August 1, 2008, 12,975 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

HONORING BOB O'CONNELL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Ms. KAPTUR. Madam Speaker, today, I would like to recognize the legacy contributions of a great father, grandfather, athlete, teacher, and coach Mr. Bob O'Connell of Toledo, Ohio. Recently, Bob was acknowledged by a wonderful story published in the Toledo Blade tracing his many accomplishments. Our entire community applauds him for his life's achievements, and thanks him.

Bob has taught and mentored thousands and thousands of young athletes across our community in his chosen sport of tennis. For 21 years, he coached students at Rogers and Ottawa Hills High Schools during the regular school year and summer. Truly, he has been a teacher's teacher and a coaches' coach and has been recognized in the Ohio High School Tennis Coaches Hall of Fame. Bob also taught history and worked to develop his students as well-rounded persons who are both academically and physically fit. I can personally attest to his skill and patience having been one of his many students so many years ago. Bob taught not just the skills of tennis and endurance, but also what it meant to be a good sport. He held his racket with distinction, kept focus, and airily breezed across the court with an ease that demonstrated this indeed was his sport.

Bob raised another generation of O'Connell's who follow in his footsteps, his son Kevin, Sr., was the No. 1 singles player for 3 years at St. Francis and earned a scholarship to college as a result. Now his children, Kevin Jr. achieved rank as an All-City League first team player all 4 years as a high school and Kelly O'Connell was the No. 1 singles player at St. Ursula for 3 years.

It is hard to place an adequate value on a man who has played such a significant father-figure role not just to his family but to our community, using his teaching and coaching abilities to rear the next generation. I feel personally honored to have been coached by Bob O'Connell and recognize his extraordinary accomplishments as an American who gave so much of himself, so quietly and effectively, to the next generation. He is the kind of man that deserves admiration for he exemplifies what it means to be a man for others. May he and his family enjoy many years together and may he and they know how truly our community expresses its gratitude to him. Onward.

RECOGNIZING EVONIK DEGUSSA INDUSTRIES IN MOBILE, ALABAMA ON 35 YEARS OF SERVICE IN ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. BONNER. Madam Speaker, today I rise to honor Evonik Degussa Industries located in Mobile, Alabama, on 35 years of business and service to our community.

Founded as Degussa, the 160 acre site in Mobile was established 35 years ago. Last year, the German chemical company was purchased by Evonik Industries AG and is now operating as Evonik Degussa Industries. With 44,000 employees in over 100 countries around the world, Evonik Industries is the global market leader in specialty chemicals and presently maintains several locations in the United States, Canada and Mexico.

The Mobile plant manufactures a range of products from hydrogen peroxide to a binding agent used in more than 250 products ranging from ketchup to paint. The $1.2 billion complex is the company's largest facility outside of Europe with approximately 700 employees. The Mobile plant has announced several new projects just in the last year. In October, Evonik Degussa announced it is adding a new biodiesel project, which will add production of a specialty chemical used to make alternative fuels. Once fully operational, the new plant will have the annual capacity to produce 60,000 metric tons of alkoxides, a catalyst for biodiesel production.

Evonik Degussa is also adding a $10 million expansion which will allow for the production of ROHACELL, which is high-tech foam used in a wide-range of products including airplane wings and skis. Earlier this year, Evonik Degussa announced it is considering a $65 million expansion to make a chemical for chicken feed.

Evonik Degussa not only creates essentials for everyday use, but the employees and the management team strive to make a positive impact on the citizens of Mobile County through heavy community involvement. The company supports numerous local causes through its ''Essential to the Community'' donation program and gives more than $100,000 each year to the arts, schools, and charitable organizations. In 2006, the Mobile plant donated $115,000 to community activities. These contributions included $55,000 to Mobile civic organizations, $40,000 to educational activities, $10,500 to the arts, and $1,700 to environmental groups.

It is evident Evonik Degussa is passionate about serving the Mobile community, and this dedication deserves recognition. Evonik Degussa exemplifies the spirit of volunteerism and serves as an outstanding corporate citizen of Alabama. Furthermore, their dedication to improving the lives of their fellow citizens sets them apart from many other companies. Evonik Degussa remains a strong supporter of our community and is a wonderful corporate role model.

Madam Speaker, I ask my colleagues to join me in congratulating both the employees and management team at Evonik Degussa Industries for 35 years of operations in the Mobile area. I know the employees, their friends, families, and members of the community join with me in praising Evonik Degussa Industries for their many accomplishments. I extend my thanks for their continued service to the Mobile, Alabama business community, the First Congressional District, and the state of Alabama.

60TH ANNIVERSARY OF THE FOUNDING OF THE STATE OF ISRAEL

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. LARSEN of Washington. Madam Speaker, I rise today to congratulate the nation of Israel and her people on the recent 60th Anniversary of the founding of the state of Israel. The United States stood with Israel in 1948 as it took the first steps forward as a new nation and we proudly stand with her today.

The United States and Israel are bound together by a shared history and shared values. We share thriving, plurastic democracies that allow for—and encourage—open political discourse and opposition. Both counties are governed by the rule of law and share fundamental freedoms such as the freedom of speech and religion. And our economies share an entrepreneurial spirit which gives those from all walks of life the opportunity to succeed.

The United States has no better ally and friend in the Middle East than Israel. Both peoples strive to live in peace and protect our communities from those who would do us harm. The United States stands with Israel against any threats to the security and existence of your country, and we stand with you as you strive to secure a peaceful and lasting relationship with your neighbors.

Madam Speaker, as we join with Israel to celebrate 60 years as an independent and free state, now is the time for the United States to reaffirm our support for our ally and friend. Thank you.

TRIBUTE TO AUGUSTINE OLIVENCIA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor the many personal and professional accomplishments of Augustine Olivencia. Mr. Olivencia, known by one and all as ''Chito,'' is a true leader for all western New Yorkers.

Professionally, Chito has served for many years as Superintendent of Ellicott Creek Park in the town of Tonawanda, and his service in that role has been exemplary. But Chito has truly made his mark as a dedicated activist within his beloved Hispanic community. In fact, for public officials living throughout western New York, many conversations with Chito both begin and end with a playful but serious reminder that the Hispanic community remains a growing constituency in western New York, and that collectively the community remains a force with which to be reckoned.

Chito serves as Chairman of the Board at the Augustine ''Pucho'' Olivencia Community Center in Buffalo. Named for Chito's late father, the Olivencia Center works to provide the community with educational and recreational services and preserve the culture of this proud community. Every year, Chito chairs the Community Center's Annual Greased Pole Festival, a weekend of events. In addition, each January Chito hosts the annual Three Kings Day celebration to educate and entertain children from the throughout the community and beyond.

In addition, Chito serves as President of Nosotros, the largest Hispanic political organization in western New York, which owns the Fiesta Latina show that airs in the evenings on WHLD–AM. Chito has also volunteered his time to the renowned Sts. Columba-Brigid Roman Catholic Church by hosting masses for a year after a fire destroyed the Church in 2006.

Chito's desire to learn about other cultures is vast. In June 2004, Chito was the local Project Interchange Designee by the American Jewish Committee Buffalo-Niagara Chapter. In that capacity, Chito traveled to Israel as part of the cultural exchange program. During the trip, he met with civic and political leaders in Israel, briefing members of the local AJC chapter upon his return.

Lastly, I cannot end this speech without a few words about Chito's long career in Democratic politics. Chito has been a Democratic Committeeman in Erie County for longer than many current committee members have been alive, and his allegiance to the Democratic Party is legendary. From elections to the Buffalo School Board to Congress and the White House, Chito's commitment to the political process and to enhancing suffrage throughout the Hispanic community has been remarkable.

Madam Speaker, I ask you to join me in honoring Chito Olivencia for all that he has done for the western New York community, and join me in celebrating his retirement from active service in Erie County government.

HONORING SAND CREEK TELEPHONE COMPANY

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. WALBERG. Madam Speaker, I rise today to honor Sand Creek Telephone Company of Adrian, Michigan on the celebration of its one hundredth anniversary. Despite its small start, this company has flourished and remains an independent telephone service provider faithfully serving the people of south central Michigan.

In 1908, the Sand Creek Telephone Company began doing business with one switchboard and operator in the back of the Tuttle family's grocery store. Started by local farmers and business owners, the telephone company was created to serve the rural areas south of the city of Adrian. The original stockholders needed telephone service to check the weather, market prices, train schedules, and to order or sell goods. Purchased in 1912, its first telephones were old-fashioned, rectangular, wall-mounted wooden box telephones with a side crank and a Bakelite receiver. These telephones were used up until 1957 when the company upgraded to an automatic dial system.

In 1912, the Sand Creek Telephone Company moved from the Tuttle grocery store to a house on a property called Lot Six, which provided a central location within the town. From here, the company continued to experience enormous growth. By 1928, 270 households were serviced by Sand Creek Telephone Company and its lines connected to areas as far away as Lyons, Ohio. The massive web of wires that draped above the town were evidence of the rapid expansion of the company during this time. As Sand Creek Telephone Company changed hands over the years, the Board of Directors continued to hire families to run the company. Many times the husband did the maintenance and business work while the wife ran the switchboard. Children of the operating family also helped out when needed.

With technological advances came changes for the Sand Creek Telephone Company. In 1957, the company upgraded its system to Automatic Dial Operation. Customers received a letter detailing how calling procedures would change. New equipment from Stromberg-Carlson was purchased to support the new direct dial technology. The old wooden telephones were collected and replaced with updated ones. Switchboard operators were no longer needed; however, business was still conducted at the Lot Six location until 1995.

The last 20 years brought more change for Sand Creek Telephone Company than throughout the previous eighty years. The company has prevailed in the struggle to keep up with ever-advancing technology. By 1990, it was able to provide cellular phone service to customers and in 1995 the company installed its first fiber-optic cable and was officially ready for the Internet age. By this time, the company had over nine hundred subscribers. In 1996, the company became Sand Creek Communications Company and expanded to its current location on the southeast corner of West Gorman Road and Sand Creek Highway.

Sand Creek Telephone Company, a valued communications provider, has long been a source of pride in the Adrian community. In the old days, customers often stopped in to pay their bills in person and catch up on town news or gossip. One couple even decided to get married while they were sitting on the wooden plank in the front office. Although the company has changed with technological advances, it continues to be a part of the community that gave it a start, never forgetting its original purpose—connecting neighbor with neighbor.

Madam Speaker, today I ask my colleagues to join me in recognizing Sand Creek Telephone Company for its one hundred years of service to the rural areas of south central Michigan. From one hundred subscribers in the beginning to over eleven hundred today, Sand Creek Telephone Company remains a treasured small-town success. May others know of my high regard for its esteemed service, as well as my best wishes for the future.

HONORING A GENUINE HEROINE, IRENA SENDLER, WHO RISKED HER LIFE FOR THOUSANDS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 1, 2008

Mr. RANGEL. Madam Speaker, I rise today because every so often, an everyday person of not-so-everyday valor risks personal injury and livelihood—to little fanfare—for the good of humanity. Today, we provide that deserved fanfare to one of those unsung heroes, Irena Sendler, a woman of such rock-steady courage that she fearlessly saved lives in the face of Nazi opposition. The protection of even one life is immeasurably valuable, but Ms. Sendler rescued over 2,500 of them, mostly Jewish children languishing in Poland's Warsaw ghetto during the Holocaust. Ms. Sendler died this past May at 98, but that giving spirit remains a shining exemplar of what humanity can accomplish, of what we all aspire to emulate.

Such selflessness is not easy. She was arrested, tortured, and sentenced to death by the Gestapo for her heroic acts, ferrying children from run-down ghettos that had left them vulnerable to disease, execution, and deportation to concentration camps. She escaped from prison and continued to do her good—and remarkably dangerous—works. These are the glowing stories that, buried in the overwhelmingly horrific and dark period in history that was the Holocaust, remind us that although there can be unspeakable evil, we are always capable of combating it with good.

Her death is a loss of a compassionate and awe-inspiring human being for this world, but her story is immortal. May it continue to warm our hearts and edify our lives.

SENATE—*Tuesday, August 5, 2008*

(Legislative day of Friday, August 1, 2008)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 5, 2008.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL FRIDAY, AUGUST 8, 2008, AT 11 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 11 a.m. on Friday, August 8, 2008.

Thereupon, the Senate, at 10:01 and 9 seconds a.m., recessed until Friday, August 8, 2008, at 11 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Friday, August 8, 2008*

(Legislative day of Friday, August 1, 2008)

The Senate met at 11 o'clock and 11 seconds a.m., on the expiration of the recess, and was called to order by the Honorable Nancy Erickson, Secretary of the Senate.

RECESS UNTIL TUESDAY, AUGUST 12, 2008, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until Tuesday, August 12, 2008, at 2 p.m.

Thereupon, the Senate, at 11 o'clock and 35 seconds a.m., recessed until Tuesday, August 12, 2008, at 2 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Tuesday, August 12, 2008*

(Legislative day of Friday, August 1, 2008)

The Senate met at 2:00 and 04 seconds p.m., on the expiration of the recess, and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 12, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 10 A.M., FRIDAY, AUGUST 15, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 10 a.m., Friday, August 15, 2008.

Thereupon, the Senate, at 2:00 and 28 seconds p.m., recessed until Friday, August 15, 2008, at 10 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Friday, August 15, 2008*

(Legislative day of Friday, August 1, 2008)

The Senate met at 10:00 and 3 seconds a.m., on the expiration of the recess, and was called to order by the Presiding Officer (Mr. ROCKEFELLER).

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 15, 2008.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROCKEFELLER thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 9 A.M., TUESDAY, AUGUST 19, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Tuesday, August 19, 2008, at 9 a.m.

Thereupon, the Senate, at 10:00 and 32 seconds a.m., recessed until Tuesday, August 19, 2008, at 9 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Tuesday, August 19, 2008*

(Legislative day of Friday, August 1, 2008)

The Senate met at 9:00 and 2 seconds a.m., on the expiration of the recess, and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 19, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FEINGOLD thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 10 A.M., FRIDAY, AUGUST 22, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Friday, August 22, 2008.

Thereupon, the Senate, at 9:00 and 32 seconds a.m., recessed until Friday, August 22, 2008, at 10 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Friday, August 22, 2008*

(Legislative day of Friday, August 1, 2008)

The Senate met at 10:00 and 01 second a.m., on the expiration of the recess, and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 22, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the Chair as Acting President pro tempore.

RECESS UNTIL 2 P.M., TUESDAY, AUGUST 26, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Tuesday, August 26, 2008.

Thereupon, the Senate at 10:00 and 30 seconds a.m., recessed until Tuesday, August 26, 2008, at 2 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Tuesday, August 26, 2008*

(Legislative day of Friday, August 1, 2008)

The Senate met at 2 and 8 seconds p.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. BYRD).

RECESS UNTIL 2 P.M., FRIDAY, AUGUST 29, 2008

The PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2 p.m., Friday, August, 29, 2008.

Thereupon, the Senate, at 2 and 33 seconds p.m., recessed until Friday, August 29, 2008, at 2 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Friday, August 29, 2008*

(Legislative day of Friday, August 1, 2008)

The Senate met at 2 and 17 seconds p.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. BYRD).

RECESS UNTIL TUESDAY, SEPTEMBER 2, 2008

The PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Tuesday, September 2, in the year of our Lord 2008, at 12 noon meridian.

Thereupon, the Senate, at 2 and 50 seconds p.m., recessed until Tuesday, September 2, 2008, at 12 noon.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Tuesday, September 2, 2008*

(Legislative day of Friday, August 1, 2008)

The Senate met at 12:00 and 4 seconds p.m., on the expiration of the recess, and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 2, 2008.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL FRIDAY, SEPTEMBER 5, 2008, AT 9:30 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Friday, September 5, 2008, at 9:30 a.m.

Thereupon, the Senate, at 12:00 and 33 seconds p.m., recessed until Friday, September 5, 2008, at 9:30 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Friday, September 5, 2008*

(Legislative day of Friday, August 1, 2008)

The Senate met at 9:30 and 4 seconds a.m., on the expiration of the recess, and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 5, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL 3 P.M., MONDAY, SEPTEMBER 8, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 3 p.m., on Monday, September 8, 2008.

Thereupon, the Senate, at 9:30 and 36 seconds a.m., adjourned until Monday, September 8, 2008, at 3 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Monday, September 8, 2008*

The Senate met at 3 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, our hope for years to come, thank You for bringing us together again. Lord, we have missed each other and the separation from friends and peers has generated good memories. Our time apart often reminds us that we need each other and that we best honor You by striving to become models of unity. Lord, we thank You for the opportunities this recess provided for family time and fellowship, for relaxation and rest, for productive contacts and service. Now, as we begin anew the hard work of implementing decisions and solving problems, give our lawmakers and their staff members patience, endurance, energy, and wisdom.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 8, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, I had the good fortune last month to go to Afghanistan. It was, of course, tremendously educational. We had the opportunity—a number of five Senators, Democrats and Republicans—to visit with our allies in Kurdistan and Kazakhstan. It was a good trip. Then, of course, we completed our trip by going to look—which I had not done—at medical facilities in Germany. All of the troops who are injured or hurt in any way in Iraq or Afghanistan go through that facility. So it was a good trip.

It made it very apparent to me that we should do everything within our power to pass the Defense authorization bill because 7 years after 9/11, we all recognize that our No. 1 enemy, Osama bin Laden, is still free, and al-Qaida has rebuilt its safe haven, it appears, in Pakistan. The central front of the war on terror, we have learned, cannot be won in Iraq. Yet that is where our troops are located. Our treasure and our strategic focus remains in Iraq, but it should be other places. That is why it is so critical to pass a Defense authorization bill that not only supports our troops and our families but also takes a step toward a smarter war on terror.

The Defense authorization bill gives the troops a much needed pay raise of almost 4 percent. It also renews a number of special pay increases provided to troops who fill high-skilled areas that were so undermanned. We all know because of what has happened with the Bush and now McCain efforts, troops are in Iraq and our resources are in Iraq. Afghanistan has seen a surge in violence and suicide attacks are up. We have more coalition forces being killed in Afghanistan than in Iraq, roadside bombings have increased, and opium production is up with Afghanistan producing 93 percent of the world's opium. So we have to refocus on Afghanistan.

Our troops have done a tremendous job in Iraq and, of course, in Afghanistan. It does your heart a lot to be able to visit with those troops in the battlefield as we did. So it is time we get this Defense authorization bill passed. We have to do that. We need the funds for the programs in Afghanistan that are critical to winning the peace that have been ignored for far too long.

This legislation increases the size of the Army to 532,000; the Marine Corps, 194,000; along with other steps to improve readiness and reduce the strain and improve the capabilities of our Armed Forces. We have had other occasions with our Republican allies to pass a Defense authorization bill in the Senate, but we haven't been successful in doing that. So I hope we are allowed to go to the bill.

I have had a number of conversations with Senator LEVIN, the chairman of the committee. Each conversation I have with him, he tells me he is going to confer with Senator WARNER, the former chairman and now ranking member of that most important committee. We want to get on the bill. We want to get the bill passed. This bill is not an opportunity for people to vent their frustration on all of the issues that are floating around this country. This is a bill that deals with the safety and security of our Nation and the well-being of our troops. So when we get on the bill, I hope we can move forward and complete legislation on this most important part of what we are trying to do.

This is the first issue we are going to take up when we get here. So my goal is to do what we have to do to work on the Defense bill this week.

We have an energy summit this Friday. It has been requested by a significant number of Senators, including the gang of 10, which I am told is now up to a gang of 22—or if it is not 22, last week it was 16. It is a lot of Senators. So we are going to have the energy summit this Friday. It doesn't mean we will not have votes this Friday, but at least starting at 9:30 on Friday morning we are going to have an energy summit. My desire is to spend next week dealing with energy.

We have a piece of legislation we have had the opportunity to move to. It was a bill on speculation which was very important. I would think it could be a vehicle to work with. If our Republican colleagues wish to get rid of the speculation part of it, in an effort to be cooperative and show some degree of conciliation on our side, what we would be willing to do is have that as a vehicle.

The first amendment to be offered on that piece of legislation would be the Bingaman-Baucus legislation, which is a Democratic proposal that has been on the calendar, the only difference being there is a drilling provision in it. The second amendment would be the gang of whatever it is—now we are up to 22—and then I would hope we could have some kind of an agreement if the Republicans are not satisfied with the Bingaman-Baucus amendment or the gang of 22 amendment; if they want to come up with an amendment dealing with legislation, fine. That would be the next amendment in order. I hope we can agree on a limited number of

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amendments dealing with energy on this Energy bill. It is my understanding—and I understand this fairly well—that both the Bingaman amendment and the gang of 22 amendment have drilling provisions. So I hope we can move forward. We have attempted in the past, as everyone knows, to do energy legislation, including that with drilling. But, so there is no confusion or consternation on anyone's behalf, next week we should be able to do the drilling votes and other votes as they relate to energy.

The state of the economy is very desperate, for lack of a better description. Oil and gas are just part of our economic crisis. Since we left for our recess and the conventions are over, we have only more bad news, which means we should look forward also during this work period to see if we can do an economic stimulus bill. Why is one necessary?

Well, the Bush economy has lost jobs every month this year. Just last month alone 84,000 jobs were lost. A total of more than 600,000 jobs have been lost this year alone. The total number of jobless Americans is now about 10 million. A number of people are out of work also, but they stopped keeping track of the unemployment after they had been on the rolls for a certain period of time. Housing values have decreased by almost 20 percent. The unemployment rate has soared now to over 6 percent.

American workers are holding up their end of the deal because one of the interesting things through all of this is that productivity by our work force is up by 20 percent since 2000, but wages have not kept pace with productivity.

Then, finally, the news of Freddie and Fannie—these two huge financial operations that have been so important since the 1930s in our country—are now in trouble, and the Federal Government is taking them over, which is certainly another strong piece of evidence about the disastrous shape of our economy. I hope we can move on and do something with an economic stimulus package. To this point, Senator MCCAIN has been unwilling to do that. Let's hope this string of bad news items will bring him back to saying we need to do something with the stimulus.

We have—I am sure Senator MCCONNELL has, and I know my colleagues, the counterparts on the Democratic side of the Congress—received calls from Secretary Peters. We have tried in the past on a number of the bills we have put forth to put money in the highway trust fund to replenish it. We were thwarted from doing that. We have to do something. Secretary Peters said now States are only getting part of their money. Eighty percent of them have dropped; 50 percent have basically dropped to nothing. We can pass the highway trust fund replenishment bill immediately. We have a bill from the House that starts doing that on October 1. We would have to move the date forward. We are willing to pass it today. Democrats are willing to pass this today. I say to the Bush administration, to Secretary Peters, we are willing to do this today. She said it needed to be done immediately. I talked to her over the weekend. I acknowledge that is the case.

For this $8 billion, we will create eight times 47,500 high-paying jobs for people. So we should do that. I would hope we can get my colleagues on the other side of the aisle to move forward by unanimous consent today to pass that. What we would like to do, as I have indicated, is move the time forward from October 1. Secretary Peters said we need to do that. It passed the House by a 387-to-37 vote. I hope we can do that. In effect, what we could do is transfer $8 billion from the general fund to the highway trust fund.

There is a funding shortage looming, and we hear strong support from both Democrats and Republicans, with now Secretary Peters. I am confident she speaks for the administration. So we could pass this legislation immediately.

There are other priorities we need to work on this work period. If we have time to do that, we certainly will do that. We have the tax extenders. Without going through the list, I look forward to working with my friend, Senator MCCONNELL, to see what we can do to move forward on these things.

Finally, before we leave here, we must find some way to fund the Government. If the Republicans want to do it on a week-by-week basis, that is fine. If they want to wait to do it until after the election so we have to come back for a lameduck, we are willing to do that. If they want to do it sometime in February, we are willing to do that. We are not interested in games being played on the CR. We simply want to make sure Government is allowed to function. There have been Republicans on the other side of the Capitol—in the House—saying they want to close down the Government. I hope some of those people have read recent history where Gingrich tried to do that and it didn't work out well for the Republicans and certainly not for this country.

I look forward to this short work period we have left to show the American people we can get some things done. I hope that is, in fact, the case.

MEASURE PLACED ON CALENDAR—S. 3430

Mr. REID. Mr. President, it is my understanding that S. 3430 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3430) to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

UNANIMOUS CONSENT AGREEMENT—S. 3001

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3001 be agreed to, the motion to reconsider be agreed to, and the time until 5:30 be equally controlled between Senators LEVIN and WARNER or their designees; that at 5:30 today, there be a vote on the motion to invoke cloture on the motion to proceed to S. 3001, the Defense Department authorization bill, with the time from 5 o'clock to 5:30 equally divided and controlled between Senators LEVIN and WARNER or their designees, with Senator LEVIN controlling the final 15 minutes prior to the vote.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DAUNTING CHALLENGES

Mr. MCCONNELL. Mr. President, I welcome my good friend the majority leader back to Washington. I hope he is renewed after the August break.

These past several weeks have been extremely instructive for me, as I am sure they were for a lot of the rest of our colleagues. I talked to a lot of Kentuckians, and not a single one suggested that I come back to Washington and do nothing until the November election.

America faces a number of daunting challenges. Very few of them were unknown to us when we all showed up here in January of 2007. Very few of them have been addressed, but there is still time to do significant work in the next weeks. I am still hopeful that we will.

We can protect millions of Americans from the alternative minimum tax and extend a host of expired and expiring tax incentives, including the renewable energy tax credits that drive much needed investment in alternative energy sources such as solar and wind.

We should come together and agree to a long-term extension of these important tax incentives before the end of this year.

So far, Congress has been unable to come together on a comprehensive solution to our Nation's energy crisis. But the book hasn't closed yet on the 110th Congress. There is still time to act on this issue. And we should. We must work to provide much needed relief for Americans across the country who are struggling with the high price of gas at the pump. Congress can still show that we are responsive to the needs of the American people by doing something about the crisis now.

Some might disagree. One Senator on the other side recently said that he thinks frustration over the high price of gas has ''peaked.'' But I have seen no evidence of this whatsoever in my State. In fact, I am confident, after spending the past month away from Washington, that if we did little else these next few weeks but pass a serious response to high gas prices, fund the Government, and protect taxpayers, the American people would view these next few weeks as extremely productive.

Americans want us to act to increase offshore exploration. There is nothing to fear in this. We can and should increase domestic energy exploration, even as we encourage the use of alternative energy sources and new conservation measures. There is no good reason we cannot all get behind a balanced approach that would allow us to find more and use less at the same time.

We also need to do our basic duty of funding the Government by passing appropriations bills. Over the last 25 years, no other Congress has failed to pass a single appropriations bill this late in the year. Even the infamous do-nothing Congress of 1948 had passed more than a dozen appropriations bills at this point on the legislative calendar. This is certainly not a record to be proud of. But it is not a record that has to stand. We still have time to change course. And we should.

While at war, we have yet to fund the troops, homeland security, and critical domestic programs. We have yet to fund veterans hospitals, education, transportation, and national parks. These are the basics. We should take them on. The upcoming election is no excuse to put off our responsibilities for another day. Americans have held a regularly scheduled election every 2 years for more than two centuries. The work of Government must go on regardless of how strong the partisan currents flow. It always has, and this year should be no exception.

We still have a few more weeks to do right by the American people. Let's not just mark time. Let's make a difference and do something constructive to help the American people in a difficult economic time. Let's put political games aside for a few weeks and do what is expected of us. This is not too much to ask, and I, for one, remain hopeful that we can rise to the occasion.

I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Virginia is recognized.

DEFENSE AUTHORIZATION

Mr. WARNER. Mr. President, I wonder if I might pose a question to the leadership. Senator LEVIN and I just met in preparation to move forward, hopefully, on the annual authorization bill. This would be the 30th bill Senator LEVIN and I have worked on together. In the interim period, over the summer, our staffs have done a lot of very valuable work in terms of trying to sort through reconciliation between the House and Senate provisions. But it is our recommendation to the leadership that we try to obtain a UC to enable the amendments that would be brought forward to be relevant to the work of the committee, or the text of the bill.

I am just wondering, what do the respective leaders have to guide the Senator and myself on this issue?

Mr. REID. Mr. President, I say to the Senator from Virginia that I hope we can work out something. We have this week to do it. It will be the last week that we have an opportunity to finish this most important piece of legislation. I think we owe it to our troops to work out something. We can get hung up on germane and relevant. One thing we could do—and I know we have had a problem here with people wanting to offer amendments on everything, as they have said, ''like we used to do in the Senate.''

Mr. President, I have been through a number of Presidential elections, and we have one coming up in about 60 days. We have to do things a little differently. I hope we can come up with some way to move forward on that. One of the suggestions made is maybe we could come up with something where the Senator from Virginia and Senator LEVIN can look at the amendments first related to the bill. We need to finish the Defense bill. Next week, we are going to be able to legislate our hearts out on energy. People have been wanting to do that for a long time. Let's get rid of this piece of legislation, which is important. I hope we can figure out a way to move forward on it.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, we talked about this a couple of times before the August break. I know he is concerned because this bill has frequently been targeted for nongermane amendments. I can recall that, as recently as last year, a nongermane amendment was offered by a member of the majority and actually adopted and became a complication in trying to complete the legislation.

I say to the Senator from Virginia, I don't know what is possible. I just got in from the airport. I will meet with the Republican leadership later this afternoon to discuss with our colleagues what we might be able to achieve. I am certainly open to trying to move the measure along. I will consult with everybody on our side to see whether that is possible.

Mr. WARNER. Mr. President, I thank the leaders. I only say that Senator LEVIN and I are ready, beginning tomorrow morning, if this procedural motion this afternoon at 5:30 is carried, to go to work. Hopefully, we can waive any 30-hour requirement, or whatever might be attached to this, and proceed directly to the bill. We both have amendments that can be brought up, and we welcome amendments from our colleagues. Again, the issue of relevancy is imperative if we hope to complete this bill this week.

Mr. REID. Mr. President, I hope we don't have to use the 30 hours. We can start working on this tomorrow. There are amendments, as the Senator has indicated, members of the committee want to offer which relate to the bill. We should do that. Now, I hope we don't have to file cloture on the bill itself if we get on it. I think we should try to finish the Defense bill.

As I have indicated, I went to Afghanistan. We have learned a lot, and we are implementing what we learned in Iraq. There are some things in Iraq that didn't do so well. We are trying to do better in Afghanistan. But it takes resources, and that is what this bill is about. I hope we don't have to wait 30 hours. We don't have to do that.

We have a national election coming up. Speaking for the Republican leader, we don't want to be here until November 3, which is a Monday. We need to allow people to get back and work—those who want to help MCCAIN and OBAMA, those who want to work on their own campaigns, and those who want to help others who are campaigning. I hope we can legislate on this tomorrow. Before we do that, we have to proceed to it tonight.

Mr. MCCONNELL. At the risk of being redundant, I will consult with the leadership of my conference and other members, and surely we will be able to get on the bill, at the latest, sometime tomorrow and proceed with the amendment process.

Mr. WARNER. Mr. President, I thank the leaders.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3001, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 3001, a bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise today to speak on the motion to proceed to the National Defense Authorization Act. I ask unanimous consent that I be given 20 minutes to do so.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise today to urge my colleagues to set aside bipartisan differences and vote in favor of the motion to proceed to the National Defense Authorization Act. This bill is critically important to ensuring that our troops have the equipment and support they need in order to fulfill their mission. Voting against the motion to proceed would have significant consequences for the men and women who have made so many sacrifices for this Nation, as well as their families. It would mean delays in pay increases, delays in benefits, and delays in authorities that are necessary to train and equip our soldiers.

This bill authorizes the military construction projects that directly affect the quality of life of our armed services members by giving them new, safer, more effective facilities in which to work.

Under the leadership of Chairman LEVIN, the Armed Services Committee has produced a carefully crafted bill that addresses the many complex issues facing today's military. This includes language in direct support of our armed services members and their families, such as a 3.9-percent pay raise.

Over the last 6 years, continuous combat operations have put a severe strain on our Nation's military capabilities. Consequently, one of the primary goals of this year's bill was to focus on restoring the readiness of our troops.

As chairman of the Subcommittee on Readiness, I worked very closely with Ranking Member THUNE on the readiness acquisition policy and military construction portions of this bill that are under the jurisdiction of my subcommittee. I would like to take this opportunity to thank Senator THUNE for his hard work and cooperation during the markup of this bill. It was my privilege to work with him to advance the readiness of our Armed Forces.

I also thank our personal staff members and the professional staff of the committees for their efforts, in particular Peter Levine, Mike McCord, Bill Sutey, Lucian Niemeyer, Greg Kiley, and Chris Paul.

The Readiness Subcommittee has a broad mandate of policy oversight as well as jurisdiction over a substantial part of the DOD budget. In addition, it is responsible for the readiness and operation and maintenance provisions that support the essential requirements of the military services for the next fiscal year for the cost of normal operations. However, our goal remains simple: to maintain and, wherever possible, improve the readiness of our military.

Altogether, this bill contains $162 billion for the programs within the jurisdiction of the Readiness Subcommittee, which represents over 30 percent of the DOD budget. That amount is within one-quarter of 1 percent of the amount requested.

I believe all of us are concerned that our military forces have what they need to be trained and ready, but we are particularly concerned about the readiness of our ground forces. This bill fully funds the Army and Marine Corps readiness accounts, including the training and equipment maintenance request.

With respect to revitalizing our defense facilities, this bill invests an additional $413 million above the budget request in our infrastructure to repair or replace our aging defense facilities and improve the quality of life and the productivity of our military.

These military construction projects require both an authorization and an appropriation. I urge the Senate to pass both these important pieces of legislation—this authorization bill and the Military Construction and Veterans Affairs appropriations bill—as soon as possible.

This year's Defense authorization bill also addresses the need for increased oversight of the acquisition programs and activities of the Department of Defense to ensure that taxpayers' dollars are well spent and not wasted. For example, this bill requires DOD to establish ethics standards to prevent personal conflicts of interest by contractor employees who perform acquisition functions on behalf of DOD.

This bill ensures that private security contractors do not perform inherently governmental functions in an area of combat operations. It codifies existing DOD standards under which security operations are inherently governmental if they will be performed in highly hazardous public areas where the risks are uncertain.

This bill prohibits contractor employees from conducting interrogations of detainees during or in the aftermath of hostilities. The provision has an effective date 1 year after the date of enactment to give DOD time to comply.

This bill requires the military departments to ensure that urgent requirements documents developed by operational field commanders are presented to senior officials for review within 60 days of the time they are submitted. This is a response to reports that Marine Corps leadership failed to respond to requests for Mine Resistant Ambush Protected vehicles, known as MRAPs, and other critical requirements for several years.

This bill codifies the requirement for boards to review and approve—or disapprove—any new requirements that could add to the costs of a major weapon system.

This bill requires DOD to ensure that a contractor does not receive a competitive advantage by using foreign subsidiaries to avoid the payment of U.S. payroll taxes for its workers.

This bill requires DOD to establish a database of information regarding the integrity and contract performance of contractors, to ensure that this information is available to acquisition officials making key contracting decisions.

This bill requires DOD to take steps to ensure that contractor employees who are the victims of sexual assault and other crimes in Iraq and Afghanistan receive the help they need and the investigative assistance they deserve.

This bill requires the military departments to establish business transformation offices to serve as a central focus for the reform of their business and financial systems and processes.

This bill ensures that the chief lawyer for the DOD inspector general, or IG, serves at the discretion of the IG and reports only to the IG.

It is my hope that the Senate will strongly support these provisions.

In addition to working to improve the readiness of our troops as chairman of the Readiness Subcommittee, I was pleased in my role as chairman of the Veterans' Affairs Committee to work to include language in this bill that will improve care for this Nation's wounded warriors. One such provision responds to the need for comprehensive care for wounded warriors and their families by requiring the Secretary of Defense to provide referrals for legal assistance when appropriate in order to help with legal issues related to long-term care needs.

The necessity to encourage and promote the treatment of service-related injuries was also addressed in this bill through the authorization of a pilot program to assess treatment approaches for all forms of traumatic brain injury and the establishment of a center of excellence for the treatment and rehabilitation of traumatic extremity injuries and amputations.

In order to ensure that the Department of Defense and Department of Veterans Affairs continue to carefully coordinate these efforts to improve the process for the care, management, and transition of wounded and ill servicemembers, this year's bill also provides for a 3-year extension of the Senior Oversight Committee.

Let me end by restating how vitally important it is for us to move forward with the debate of this bill. A little over 3 weeks ago, I attended the deployment ceremony for the members of the Hawaii Army National Guard's 29th Infantry Brigade Combat Team who are headed to Kuwait in support of Operation Iraqi Freedom for their second deployment. It was my great honor and privilege to say goodbye to these soldiers who are leaving their homes, their jobs, and their families in order to fulfill a commitment to defend and protect our Nation. I remind my friends and colleagues that we have also made a commitment to work together to pass a bill that provides our troops with everything they need to come home safely. The first step in this process is to adopt this motion to proceed so that we can begin debate on this very important bill.

I yield back the remainder of my time, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that the time be equally divided between the two parties.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. AKAKA. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

ENERGY

Mr. NELSON of Florida. Mr. President, last week we heard chants, slogans—as if those slogans were going to solve the energy crisis—of drill, baby, drill. I think it is more appropriate to use the words of Tom Friedman: Innovate, baby, innovate. If we are going to solve this energy crisis, we have to have a comprehensive solution, and we need to unleash what America can do best, which is our intellectual capacity, our creativeness, our ingenuity. We need to unleash that capacity of America to get out and whip the energy crisis where we are addicted to oil. In fact, in this Senator's judgment, the single greatest threat to our security may well be our dependence on oil, not foreign oil but oil.

We all have been hearing from our constituents about what is the possible path for us to break this addiction, and we need to break the addiction and become energy independent in 10 years.

I caution against misguided rhetoric and hollow chants, as we have heard—of drill, baby, drill—as a seemingly swift and simple solution to high gas prices. It doesn't have any basis in reality. Remember the words of President Kennedy:

> Real solutions are not easily or cheaply obtained, nor are they quickly and simply explained.

So as we approach it in a comprehensive way, it is not easily and simply explained. Common sense ought to tell us, since the United States has only 3 percent of the world's oil reserves, and yet uses 25 percent of the world's oil production, we can't drill our way out of the problem. Indeed, there are 65 million acres leased by the oil companies from the Federal Government, not one of which has been drilled. In the Gulf of Mexico itself—where the so-called gang of 10 that is now called the gang of 16 seems to want to pick on my State of Florida and wants to drill all the way up to within 50 miles of the coast—there are 32 million acres under lease by the oil companies, and not one of those acres has been drilled. Yet they are leased from the Federal Government. As a matter of fact, that includes 8.3 million acres on which this Senator worked a compromise to try to solve this problem and got it into law 2 years ago, 8.3 million new acres kept away from the military mission line where we do our testing and training off of Florida, kept away from the shores of Florida. Not 1 acre of that 8.3 million has been drilled since it was offered for lease.

More leasing would not stabilize Iraq or guarantee Saudi Arabia's long-term friendship, nor would it end the unregulated speculation that drove oil prices to over $147 a barrel and pushed pump prices to more than $4 a gallon. More leasing of Federal lands will only delay America's freedom from oil. If we do drill, baby, drill, we will dirty and destroy Florida's economy. Even worse, if this so-called gang of 16 puts it all the way up to 50 miles off of Florida, it will cut the heart and lungs out of the last area of unfettered military training for the U.S. military, the largest testing and training for the U.S. military in the world, which is the range in the Gulf of Mexico, all off of the coast of Florida.

No matter what anybody says, when the United States only has 3 percent of the world's oil reserves but uses one-fourth of the world's oil supply, drill, baby, drill is not going to work.

Now, that is what this Senator has been saying for years. By the way, now even a Texas oilman is saying the same thing. T. Boone Pickens has all of these commercial ads on TV, and he says we cannot drill our way out of this problem.

As a matter of fact, the White House report from 5 months ago that I have shared with the Senate several times says the same thing: That drilling in the Outer Continental Shelf of the United States will not change the price of gasoline one whit until the year 2030.

So what do we do? Well, for the short term, we need to keep bringing gas prices down by not wasting so much oil and by banning the greedy speculation on the part of the oil traders and the profiteers. We have a Senate investigation that has reported that there is lax Federal oversight of these traders, and that is as a result of a loophole that was slipped in in the dead of night in December just before Christmas in the year 2000 at the behest of the infamous Enron Corporation. BP, Amoco, Goldman Sachs, and Morgan Stanley also were instrumental in getting this so-called Enron loophole through Congress. Afterward, the price of both oil and natural gas skyrocketed, despite reports that oil supplies were mostly adequate.

Links between soaring oil prices and vast sums of money flowing into these unregulated commodities have been uncovered by the Senate Commerce Committee and the Homeland Security Committee. As a matter of fact, just last week, a report by the Washington Post pointed out, unbelievably, that of all the futures contracts for the oil commodities, 81 percent of all that trading was done by people who do not intend to use that oil. If true, done by the speculators: 81 percent.

We have had testimony in Congress by an ExxonMobil executive. We have had testimony from a Shell Oil Company executive who said that under normal supply and demand oil ought to be at $55 a barrel.

But by any measure, this Enron loophole, which exempts the traders of energy contracts from Federal oversight, was an ill-conceived public policy. That is why a number of us have filed legislation to fully close that loophole and to stop the unchecked runups in speculation of crude oil and gasoline prices.

Now, what do I mean by ''unregulated futures commodities markets''? I mean that a governmental entity, if it were regulated, would require them to put a substantial downpayment on the contract for future oil—to put their money where their mouth is—or a regulated market would be that they would require the bidder for that future oil contract to be somebody who

was going to use the oil instead of just speculating on the price and running up the price. So if we do not do something about speculation, they can drive that up again, and we have to fully close that loophole.

About 50 percent of the oil we use goes into our cars and trucks. So it should not take a rocket scientist to realize this ought to be where we ought to focus. It took us in the Congress more than 30 years to raise mileage standards to a paltry 35 miles per gallon, to be phased in over the next 15 years—35 miles a gallon. It was 25 miles a gallon back in the 1980s. But, oh, by the way, that exempted light trucks and SUVs. It is interesting that American car manufacturers sell cars in Europe and the cars over there already get 43 miles a gallon. Japan is approaching 50 miles per gallon. In other words, we are wasting billions of gallons of oil here at home. To stop it, we must enact serious conservation measures, such as 40 miles per gallon for our vehicles. We must provide bigger tax incentives for people to buy hybrid cars and plug-in hybrids.

Now, what I have shared with you are not simple chants, simple slogans. They are real solutions for the short term. But for the long term, we need to unleash that American ingenuity and to rapidly build cars that run on batteries or hydrogen, not petroleum. We need to develop alternative fuels such as ethanol from things we do not eat.

Our Government, led by the next President, must enact a national energy program to transition us from petroleum to alternative and synthetic fuels. It needs to be leadership by the next President in the memory of President Kennedy, when we had only flown Alan Shepard in suborbit, and President Kennedy had the vision and said: This Nation is going to go to the Moon and back in 9 years. That is the kind of leadership we need, and we now have to act with the same urgency.

So we are going to have to pay attention to how we power our homes and industry. We are going to need to develop solar, wind, and thermal energy and safer nuclear power. We have a lot of innovative work.

I see some colleagues are in the Chamber who wish to speak, and I will conclude.

Let me say that I want everybody to know, including the Senator who is just walking onto the floor, this Senator is not going to allow Florida to be a sacrificial lamb for whatever is struck as an energy compromise, nor is this Senator, who has been protecting the interests of the U.S. Department of Defense for 25 years, ever since I was a young Congressman representing the east coast of Florida, going to allow drilling to cut the heart and the lungs out of the military mission area, which is our largest testing and training area, nor to threaten the interests of the State of Florida, by people succumbing to the simple slogan of ''drill, baby, drill'' when it ought to be ''innovate, baby, innovate.''

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

INTERNATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY

Ms. MURKOWSKI. Mr. President, I rise very briefly to recognize tomorrow, Tuesday, September 9, as International Fetal Alcohol Spectrum Disorders Awareness Day. This is a day to bring a voice to the numerous children—many children—born with a continuum of serious, lifelong disorders caused by prenatal exposure to alcohol, which includes fetal alcohol syndrome, alcohol-related neurodevelopmental disorders, and alcohol-related birth defects. The lifetime health costs for people afflicted with fetal alcohol syndrome is at least $2 million, and the overall cost of fetal alcohol syndrome in the United States is estimated to be at least $6 billion. That was back in 2007. There is a great need for research, surveillance, prevention, treatment, and support services for individuals with fetal alcohol spectrum disorders and for their families.

It is for these reasons I rise today to dedicate September 9 as International Fetal Alcohol Spectrum Disorders Awareness Day and encourage all my fellow Americans to promote awareness of the effects of prenatal exposure to alcohol; to increase compassion for individuals affected by prenatal exposure to alcohol; to minimize further effects of prenatal exposure to alcohol; and, most importantly, to bring greater awareness to a disease that is absolutely 100 percent preventable.

Communities around the world will observe a moment of silence at 9 minutes after 9 tomorrow, on September 9, to remind women that no alcohol during pregnancy is safe. For the past 6 years, the Senate has passed a resolution highlighting and bringing awareness to this issue. It is my understanding that all resolutions are currently being blocked, so we may not have one this year. But today, on behalf of the millions of individuals suffering from the lasting and detrimental effects of fetal alcohol spectrum disorders, I encourage all Americans to observe a moment of reflection on the ninth hour of the ninth day of the ninth month to remind them that no amount of alcohol—none at all—is safe during the 9 months of pregnancy.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I want to share a thought about the vote we will undertake. I know some of us were taking to calling the speculation bill our Democratic leader offered the ''no energy bill'' because it had nothing in it to produce any more energy for America—American energy, which I think is a critical component of any successful policy to make us more energy independent, which, indeed, can make us energy independent if we do the right things as far as foreign oil and energy.

I would say to my colleagues, some of whom are part of the so-called Gang of 10, who are trying to work out a compromise they think might produce some more energy for America that might change a few policies that would make us more energy independent and help our economy, which by any calculation is being pulled down by the increasing price of energy, the Cato Institute says electricity bills have doubled since 2001. Electricity has already doubled.

Before we get into some of the more extreme proposals for the regulation of utilities and requirements on utilities, I would say that gasoline prices have surged. The world price of oil hit 140-some-odd dollars per barrel. It has dropped some, to maybe the $107, $110 range per barrel, which is better, but it is still far above the $30 a barrel it was just a few years ago.

So this is adversely impacting American families. We calculate it costs $57 more a month for a two-car family for gasoline each month than it did this time last year. It is also impacting adversely the American economy. I believe it is an absolute fact that this surge in energy prices is causing the economic slowdown we are facing today, and we have to do something about it.

There are things we can do. So I want to say to my colleagues who are trying to work on something, I am for you. I want you to go ahead. I want you to push forward. I want to put some things in there that will work. That is my policy. I will support anything—efficiencies, conservation, innovation, creativity. It must include more production of American energy, of course. Anything else would be mindless. People do not seem to worry that we pay $130 a barrel for imported oil, but they want to constrict our ability to produce oil and gas here at home. So I just want to say that.

I urge my colleagues who are discussing this issue to produce some things that will work, and you will have a willing supporter in this Senator. I am willing to do some things that may be even dubious if we can get some things that are good. For example, I understand they are talking about more offshore production. I think that is absolutely necessary. We need to have nuclear recycling. I am hopeful that will be part of any compromise package.

I offered with Senator DOMENICI earlier this year, just a few months ago, the SMART Act, which would favor the nuclear recycling of waste, which

would reduce its toxicity dramatically and reduce the amount that would be needed and produce more uranium capable of creating electricity. It would increase, I understand, the Nuclear Regulatory Commission's staff so we do not have unnecessary delays in approving new powerplants. We have not built one in 30 years, but France is building them. The Brits just announced plans to build five more. We need to get in that game. We have not done so in 30 years.

I would note, however, there is nothing in this legislation that I can see that I am hearing about that would create energy from shale oil in the West. There has been no production from that 2,000 acres in ANWR that is part—that will be producing oil and gas out of an 18-acre region the size of the State of South Carolina. So those are things I hope we can have, before I yield the floor, in a compromise package and that would actually produce more energy for us.

I would note I am honored to serve on the Armed Services Committee with Senator LEVIN and Senator WARNER, our senior member. I see them both here to kick off this debate. It is a very good committee. It is a committee I have learned a great deal from serving on, and I think it is important that we be able to move forward with the Defense authorization bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, under the existing unanimous consent agreement, the Senator from Virginia is going to proceed for 15 minutes, I understand.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I first wish to congratulate my colleague of some 30 years that we have worked together on the Senate Armed Services Committee. Under his leadership this year, we passed the 2008 bill unanimously by the committee in April. Here we are in September, and we are finally getting to the opportunity presented to our colleagues and, hopefully, this week we will act on this bill.

Earlier this afternoon, the distinguished majority leader and the minority leader addressed the Senate on their express hope that this bill will be acted on expeditiously and done so within this week. That will require, however, in my judgment—and I speak only for myself—a unanimous consent request relating to the amendment process. We are anxious to receive amendments from our colleagues, but unless we maintain some order in terms of relevant amendments, I am fearful we will not be able to expeditiously handle this bill. That is a matter that is now being quite fairly and forthrightly worked upon by the respective majority and minority leaders, and certainly my distinguished colleague, Senator LEVIN, and I have discussed this together and have a joint recommendation for our leadership.

I also wish to express my appreciation to our professional staff, both majority and minority, who have worked on this bill throughout the summer. Such that on the assumption that we can pass it and then get to a conference we will have beforehand reconciled some of the differences between—that is on an informal basis, but on a formal basis, we will be able to reconcile in a conference this bill and then bring it back in the form of a conference report.

This will be the forty-third—bill No. 43—consecutive authorization bill adopted by the Senate. I am hopeful the unbroken record of 42 consecutive times will now be the 43rd, and that puts the Senate clearly on record as supporting the men and women of the Armed Forces of the United States who most justly deserve all the support we can give them. I point out that we have a specific constitutional responsibility toward the men and women of the Armed Forces. It is this bill, coupled with such appropriations as may be acted upon by other committees—this is the discharge of our constitutional responsibility.

We are at a very dangerous crossroads in the history of the world. Our forces today are fighting in two theaters—Iraq and Afghanistan—and are standing watch on many other theaters and outposts across the world. They are facing the threats of militant extremists at home, worldwide, abroad, in all corners of the globe. We are also astounded by the performance of what heretofore we thought was a supporting partner in world affairs—Russia—by virtue of their aggressions in Georgia, and the instability in Pakistan, a major non-NATO ally but nevertheless a major ally. Hopefully, with the election of a new President, that country can begin to govern itself strongly because it is very important, with our forces on the border of Pakistan and our operations against the insurgents and the Taliban in Afghanistan, it is essential we have the strongest of working relationships with Pakistan. Then we have, unfortunately, the nuclear ambitions and the hostile behavior of Iran. All of those propose a profound and wide-ranging challenge for U.S. interests and our friends and our allies in the international community as a whole.

We are fortunate today that the people in the United States of America are so supportive of our Armed Forces. I have had the privilege to observe this Nation in previous conflicts beginning in World War II. In World War II 16 million men and women of the Armed Forces were greeted when they returned home from a solid victory against the axis powers, as well as those of the Pacific. Then, following the Korean conflict, again I had the opportunity to observe firsthand the deterioration of the support in the many respects it was given to the Armed Forces who fought so bravely in that conflict. I pause to think that we have celebrated the 55th anniversary of that conflict. Over 30,000 Americans—Americans in uniform—lost their lives in that conflict. Another 90,000 were wounded. Today, currently, 8,000 are still unaccounted for.

So we have a different attitude today. In Vietnam, we likewise experienced a lot of antagonism against the men and women of the Armed Forces. Today, this country is united behind those men and women and giving support to their brave families.

We have also had the good fortune for 35 years to have an All-Volunteer Force. This bill is constructed to continue that support of the All-Volunteer Force. I can recall, in the Vietnam period, I was privileged to be Secretary of the Navy—Under Secretary for some 5 years—that the constricted force experienced a lot of problems. It was during that period in 1973, I remember vividly that the then-Secretary of Defense, Melvin Laird, had the vision to have the All-Volunteer Force. It eventually came into law with the support of the Congress. It was a major gamble, I say to my colleagues—a major gamble. It was the first significant large military power in the world—the United States of America—to try and have this national security policy, this national security defended by all volunteers, but it has worked and worked well beyond the early concepts we had in mind. It has been a superb military force that has preserved America's freedom.

We also have in this bill a reflection on the future needs of our Armed Forces. This bill will provide better compensation and first-rate health care to improve the quality of life of the men and women on Active Duty and in the National Guard and Reserve and their families. I will enumerate a number of provisions in this bill that address those issues.

We also authorize Active Duty end strengths, increases for the Army to go to 532,000-plus and for the Marine Corps, 194,000-plus, respectively. We authorize an increase of 3,371 full-time personnel for the Army National Guard and the Army Reserve. We authorize the costs of special pay and allowances, death benefits, and permanent change of station moves. It authorizes $26 billion for the Defense Health Program. It requires the Secretary of Defense to develop a comprehensive policy to prevent, regrettably, the increasing rate of suicides.

So I say to my colleagues, this bill is absolutely essential—absolutely essential—and it provides the statutory authorities that our men and women of

the Armed Forces need to succeed in combat and stability operations in Iraq and Afghanistan.

We will authorize those funds necessary to seek to reduce our Nation's strategic risks by taking action to restore, as soon as possible, the readiness of the military services to conduct the full range of their assigned missions. I wish to correct that by saying by taking the action aimed at fully restoring, since much of our military is in a state of high readiness today.

This bill will improve the efficiency of Defense Department programs and activities, promote the transformation of the Armed Forces to deal with the threats of the 21st century, and improve the ability of the Armed Forces to counter nontraditional threats, including terrorism and the proliferation of weapons of mass destruction.

In addition, the National Defense Authorization Act for Fiscal Year 2009 includes authorization of $24.8 billion in Division B for military construction, BRAC, and family housing programs. Because MILCON projects require a line item authorization by law, and considered new-starts, DOD will not be able to carry out any new project in fiscal year 2009 if this bill is not enacted.

Of the 24.8 billion, $11.7 billion is for military construction, $3.2 billion for the construction and operation of family housing, and $9.1 billion to implement the results of the 2005 BRAC.

Within the BRAC account, 282 projects are at risk across the country, including critical construction to establish new hospitals at the Naval Medical Center, Bethesda, MD; Fort Belvior, VA; and Fort Sam Houston, TX, to facilitate the closure of inadequate facilities at the Walter Reed Army Medical Center, Washington, DC. Other critical BRAC construction at Fort Bliss, TX, and Fort Benning, GA, is required to facilitate the return of U.S. forces from overseas locations and the establishment of new modular units. Also BRAC construction at Eglin Air Force Base, FL, is required to support the joint Air Force and Navy training.

In closing, this is an important bill that takes care of our troops and their families. It sustains a national treasure, the All Volunteer Force, and authorizes funding for the Department of Defense and the national security programs of the Department of Energy.

I urge my colleagues to vote in favor of the motion to proceed to the Defense authorization bill for the sake of the men and women in uniform and in spirit of Article I, section 8 of the Constitution that assigns to Congress the powers ''to raise and support Armies'' and ''to provide and maintain a Navy.''

Mr. President, I defer to our distinguished Chairman. Again, I congratulate the chairman on bringing this bill to the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Michigan is recognized.

Mr. LEVIN. Very briefly, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, first, I wish to thank my good friend from Virginia, Senator WARNER. As he pointed out, he and I have been together in the Senate now almost 30 years. Hopefully, we could get this bill to the floor the way he and I and other chairmen before us have been able to get a Defense authorization bill to the floor and passed for, I believe, close to 50 years; somewhere in the mid 40s now we have had a Defense authorization bill. We have to have it under the law. There is mandatory spending in here. There are pay increases in here. There are benefit provisions in here. This is a must-do bill.

Senator WARNER, in his great leadership over the years, has made it possible for many of these bills to get to the floor. I look forward to all our efforts to get this bill done in the very few weeks we have remaining. If we do get it done—and I am optimistic—it will be because Senator WARNER, as always, brings his managerial skills and his good nature and his other skills to the fore. I look forward to trying to get this bill done the way we have been able to do it for all these years.

Mr. WARNER. Mr. President, I thank my distinguished colleague for his kind remarks. I should also wish to join him in thanking the members of our committee. We have had an excellent committee, and we have a very bipartisan, professional staff. I am sure we can do the job. I will point out one additional feature—military construction. I daresay that almost every Member of this body has a provision somewhere in this bill relating to military construction. Without passage of the bill, that simply will not take place.

Mr. LEVIN. I thank my friend. I want to make another point. In the weeks we have remaining, we not only have to get this bill passed, but we have to get it to conference and back in probably a record period of time. It is going to take all of the cooperation of the Members of the Senate. We are going to succeed. There are 100 reasons to do it, and all of them boil down to the men and women in uniform and their families and the security of this country. The incentive should be there for us to do it. Because of the long delay, we have to do it in record time. We have had wonderful cooperation from members of the committee on a bipartisan basis. We have tremendous staff members who have worked over the recess to get the work done so we can get this bill passed in a very short period of time and so that we would have a reasonable chance of getting this bill done in the number of weeks we have left.

The committee approved this bill unanimously. More than 4 months ago now, on April 30, we tried to bring the bill to the Senate floor. At the end of July, we were unable to do so because we could not obtain cloture on the motion to proceed. There are many important nondefense legislative proposals that Members would like to bring before the Senate to get adopted. I am one of those Members. There are a number of things I would love to bring before the Senate and get adopted. But we cannot take out our frustration on our troops. I am prepared to give up a whole bunch of nondefense amendments that I hoped to be able to bring to the Senate's attention. I am willing to give them up. I hope other Members who feel the same way will ensure that we have a Defense bill this year.

This bill is simply too important and the time available to us is too limited to be sidetracked by unrelated amendments, as important as they may be. As my dear friend from Virginia said, we have enacted a defense authorization act every year now for 4½ decades. During that time, there have been years when we had to invoke cloture to get final passage, years when we have had to enter unanimous consent agreements to expedite consideration of the bill, years in which the bill was vetoed and we had to start over again. There have been years in which we have spent weeks debating the bill on the Senate floor and months in conference with the House. We have had to address serious disagreements over issues such as base closures and missile defense. But we have always had a bill because Members have always understood that we have to do what it takes to do the right thing for our soldiers, sailors, airmen, marines, and their families.

These authorization bills, which come annually, contain provisions that improve the quality of life for our men and women in uniform and give them the tools they need to defend our Nation and provide critical reforms to improve the operations of the Pentagon. That is the case with this bill. The bill reported by the Armed Services Committee 3 months ago obtains many provisions of critical importance to our troops.

First and foremost, the bill would increase military pay by 3.9 percent, a half percent more than the President requested. It provides continued authority for the payment of enlistment and reenlistment bonuses, ascension

and retention bonuses for servicemembers with critical skills who are assigned to high-priority units, and bonuses and incentives to reward our troops to make sure we can retain our people. It provides new incentives to military psychologists and the nursing students to address the ongoing shortages we have in these critical specialty areas.

At a time when thousands of our troops are deployed around the world and our voluntary military is strained to meet the requirements of ongoing conflicts, while remaining prepared for other contingencies these are steps that we simply must take.

When our men and women in uniform are in harm's way, there is nothing more important for us to do. The bill would increase the end strength of the Army, Marine Corps, Air National Guard, and Army Reserve to reduce the incredible stress on our troops. It would establish and extend critical authorities needed by the DOD for current operations. For instance, it would provide the Department of Defense the authorization to use funds for quick turnaround construction projects needed to support our troops in Iraq and Afghanistan. It will extend the DOD's authority to provide training and funds and stabilization in security assistance, which are so essential to the well-being of our troops.

The bill includes numerous other measures to improve the quality of life for our service men and women, retirees, and their families. For instance, the bill ensures that wounded and injured servicemembers will not be charged for meals received at military treatment facilities. It is so unbelievable that some of those facilities make these current charges, so I should repeat it. This bill will ensure that wounded and injured servicemembers will not be charged for meals received in military treatment facilities. It will provide supplemental impact aid for schools with large populations and military children. It authorizes funds for military construction projects, military family housing, and BRAC-related construction to ensure that our troops have the housing they deserve and our military has the facilities it needs for the national defense.

The bill will build on last year's National Guard Empowerment Act by requiring the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs and the Chief of the National Guard Bureau, to develop a strategic plan to enhance the rule of the National Guard and Reserves, taking into account the recent report of the Commission on National Guard and Reserves.

The bill will provide funding for critical initiatives, including $3 billion for the Joint Improvised Explosive Device Defeat Organization. That is the ongoing effort of that organization to defeat the threat of these explosive devices. There are over $100 million in investments in advanced energy and power technology to support defense missions, such as hybrid engines, military fuels research, and battery technology, and more than $120 million to combat the proliferation of weapons of mass destruction and improve our ability to reduce and respond to threats of weapons of mass destruction, both at home and abroad.

Another thing this bill does is something I think every American who has heard about the fact that we are spending taxpayer dollars for the reconstruction of Iraq, while the Iraqis have about $80 billion in surplus funds in banks, including ours, drawing interest from the American taxpayers, to go to the Iraqi Government to build infrastructure in Iraq while they are charging us $120 a barrel and we are paying $4 a gallon for gasoline. When the American public focused on that a few weeks ago, the reaction was what we would expect. They were astounded that 5½ years later, $11 billion a month is going out of our taxpayers' pockets, while the Iraqis have a huge oil surplus based on the revenues they get from $120- or $130-a-barrel oil, and with all that money in the bank, we are still paying significant moneys for Iraqi reconstruction. It is unconscionable.

We have a provision in this bill that will require the Iraqis to use their own oil revenues rather than U.S. taxpayer dollars to pay for the large infrastructure projects and also for the training and equipping of their own military. We all remember Deputy Defense Secretary Wolfowitz, at the beginning of the war, who said Iraq would be able to ''finance its own reconstruction through oil revenue.'' But that has not proven to be the fact. U.S. taxpayers, so far, have paid $48 billion for stabilization and reconstruction activities in Iraq.

Again, the Iraqi Government has generated more than $100 billion in oil revenue since the war began and spent only a fraction of that amount on its own reconstruction. Under these circumstances, it is inexcusable and unconscionable for U.S. taxpayers to have to foot the bill for projects that the Iraqis are fully capable of funding themselves. The bill addresses that problem. We should not have to have legislation on that. The President ought to call the Prime Minister of Iraq and say: Folks, you have $80 billion. Reimburse us for the reconstruction. Surely, the ongoing construction should be paid for by Iraq's surplus. But, apparently, that is not going to happen. So this legislation is needed.

The bill also includes a number of measures to ensure the proper stewardship of taxpayer dollars. These include provisions that would institute improved cost control for the acquisition of major weapons systems, require program managers to incorporate energy efficiency requirements and performance parameters for such systems, and ensure that private security contractors don't engage in combat and combat-related activities on the battlefield. This is a reform that has been needed for a long time. We have these contractors that are hired to perform Government functions, with combat-related duties. We simply have to make sure these private security contractors don't engage in combat-related activities in these battle zones. We have to increase oversight and accountability for housing privatization initiatives, and the bill does all that. Our acquisition system is in deep trouble. This bill addresses that issue.

Since the beginning of 2006, nearly half of the 95 largest acquisition programs of the Department of Defense have exceeded the so-called Nunn-McCurdy cost growth standards that were established by Congress to identify seriously troubled programs.

I wonder if I might inquire of the Chair about the time remaining that I control.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. LEVIN. I will yield back.

Mr. WARNER. I yield my time to my colleague. I think I have 2 minutes remaining.

The PRESIDING OFFICER. The Senator has 3 minutes 15 seconds.

Mr. LEVIN. I thank my friend. I am happy to share that with him. I am appreciative.

As I was saying, almost half of our largest acquisition programs have exceeded the Nunn-McCurdy standard to identify seriously troubled programs. These major defense acquisition programs are known as MRAPs. They have exceeded their R&D development by an average of 40 percent, and we have seen their acquisition costs grow by an average of 26 percent and experience an average delay of almost 2 years. The GAO tells us the cost overruns on these major defense acquisition programs—just on these programs—now total almost $300 billion over and above the original program estimates. This isn't the cost of these programs. This is the cost of the programs above what they were supposed to cost—$295 billion. That is true even though we have cut quantities in those programs and reduced performance expectations on many programs in an effort to hold costs down.

I want to put into context what the $295 billion cost overrun could buy for us. This is what we could buy at current prices: two new aircraft carriers at $10 billion each, eight Virginia class submarines at $2.5 billion each, 500 V–22 Ospreys, 500 Joint Strike Fighters, and 10,000 MRAPs—all of that, not either/or but all of it—and we could still pay for the total cost of our future combat system program, which is $130 billion.

That is just the overruns in those programs which have exceeded their cost estimates. These overruns happen because of fundamental flaws that are built into our acquisition system.

I will conclude because it is now time for us to vote. I am very hopeful that every Member of this Senate will vote to proceed to this bill. We cannot justify again delaying consideration of this Defense authorization bill. The men and women in uniform deserve for us to act. There is no way that we can look their parents, their families, their loved ones in the eyes and justify a failure to adopt this bill this month.

Again, I thank all the members of the committee and my good friend, Senator WARNER, for everything he has done to make it possible for us to at least have a good chance to pass this bill.

Mr. WARNER. Mr. President, my understanding is at the hour of 5:30 p.m. the vote will commence.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 3001, the National Defense Authorization Act for Fiscal Year 2009.

Carl Levin, Christopher J. Dodd, E. Benjamin Nelson, John F. Kerry, Claire McCaskill, Joseph R. Biden, Jr., Bill Nelson, Blanche L. Lincoln, Richard Durbin, Daniel K. Akaka, Robert Menendez, Kent Conrad, Sherrod Brown, Jack Reed, Jim Webb, Charles E. Schumer, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Mr. OBAMA) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mrs. DOLE), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Louisiana (Mr. VITTER) and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the senator from North Carolina (Mrs. DOLE) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 0, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—83

Akaka	DeMint	McConnell
Alexander	Dodd	Menendez
Allard	Domenici	Murkowski
Barrasso	Dorgan	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Pryor
Bingaman	Feinstein	Reed
Bond	Grassley	Reid
Boxer	Gregg	Roberts
Brown	Hagel	Rockefeller
Bunning	Harkin	Salazar
Burr	Hatch	Sanders
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Cardin	Isakson	Shelby
Carper	Johnson	Smith
Casey	Kerry	Snowe
Chambliss	Klobuchar	Specter
Coburn	Kohl	Stabenow
Cochran	Kyl	Stevens
Coleman	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Voinovich
Corker	Lieberman	Warner
Cornyn	Lincoln	Webb
Craig	Lugar	Whitehouse
Crapo	Martinez	

NOT VOTING—17

Biden	Inouye	Obama
Brownback	Kennedy	Sununu
Clinton	Landrieu	Vitter
Dole	McCain	Wicker
Ensign	McCaskill	Wyden
Graham	Mikulski	

The PRESIDING OFFICER. On this vote, the yeas are 83, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, for the benefit of Members, cloture has been invoked on the motion to proceed. We are now waiting to see if we are going to require the use of 30 hours. We hope that is not the case. The two managers of the bill are ready to start legislating whenever they can.

We have worked all afternoon trying to figure out a way to move forward on this bill, and I hope we can do that very quickly. This is an extremely important piece of legislation. This is the way we take care of our troops. There is a 3.9-percent pay increase in this bill, and there are a lot of other good efforts to help the Nation's military, so I hope we can move as quickly as possible. But we will wait for the Republicans to tell us if they are going to require the use of the 30 hours postcloture.

There will be no more votes today, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—H.R. 6532

Mr. REID. Mr. President, earlier today I came to the floor and indicated I had received calls from the administration—specifically, one call from the Secretary of Transportation, Mary Peters, who pleaded with me to do everything I could to replenish the money from the highway trust fund. The House has passed legislation that that will take place on or about October 1 of this year. What we want to do, at the request of the administration, is move that forward and do that now. The money is gone. The Secretary has informed me and everyone else that she is going to start doling the money out, first 80 percent and then, as I understand what she said to me, it will be 50 percent, and pretty soon nothing. We have major projects around the country that will go unfunded and will have to cease construction.

It is extremely important we do this. We have asked, on many occasions prior to today, that this take place. We knew the trust fund was down. But we have asked this be done before, and we received word from the White House that this was something they did not want to do. Now it appears the White House wants to have it done—as they should have wanted it done a long time ago.

Mr. President, having said that, I ask unanimous consent the Finance Committee be discharged from H.R. 6532 and the Senate proceed to its consideration; that the amendment at the desk be considered and agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid on the table and any statements relating to this matter be printed at its appropriate place in the RECORD with no intervening action or debate.

That is the consent. I add that what this would do is replenish—take from the general fund money in the sum of $8 billion and put it in the highway trust fund.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, if the majority leader will allow me to take a minute or so to explain the theory behind the objection, it is this. Essentially, the highway fund was

set up with the highway trust fund and road construction to be paid for with revenues from gas receipts. This will be one of the first occasions when the highways' construction will be paid for by taking the money out of the general fund. The only problem is we don't have any money in the general fund. This money will have to be borrowed from our children.

It makes no sense from our fiscal responsibility to set this precedent. There are many other ways this can be paid for in a responsible way. Therefore, I do not believe we should start a precedent of borrowing from the general fund in order to pay for highway construction, which historically has been paid out of the highway trust fund.

Therefore, on behalf of myself and Senator DEMINT, I will be objecting. But I would like to say this. I believe that with a reasonable number of amendments, probably no more than three, and a very tight timeframe, we can address the issues about which I am concerned and about which Senator DEMINT is concerned. They would be relevant issues, I would hope. We would run them by the majority leader so he could be reasonably comfortable with their relevance. Mine obviously would be related to paying for it in a more responsible way than borrowing it from our children.

At this time, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. As I said a number of times, I so appreciate the ability that I have—and I hope he, the distinguished senior Senator from New Hampshire, has with me—to talk with each other, even though we disagree on matters. He is always very upfront. He told me what amendments he thinks should be offered and I appreciate that very much. But at this stage we cannot do that. It would take days to get to this matter and then, of course, amendments would take time.

I would also add this. This is not the first time the highway trust fund has been used in some manner. In 1998 we took approximately $8 billion from the highway trust fund and put it in the general fund. So now this is an opportunity to pay that back. We should have done it some time ago. We didn't do that.

I appreciate the concern of the Senator from New Hampshire, but I hope, during the night, people will think about this. I hope the Secretary of Transportation will let the Republicans know how desperate the country is for this money. We will renew this request tomorrow.

Mrs. BOXER. Will my colleague yield please for a question?

Mr. REID. I am happy to yield for a question.

Mrs. BOXER. I stand here as the chair of the Environment and Public Works Committee. We write the highway bill, and Senator MURRAY is involved in the funding of it. Both of us are involved in both. I ask the majority leader's opinion on this.

We found out days ago that 82,000 jobs were lost in the month of August.

Mr. REID. It was 84,000.

Mrs. BOXER. Thank you for the correction—84,000 jobs were lost in the month of August and our unemployment rate is the highest in 5 years. It is over 6 percent. I think it is extraordinary. I understand the respect we all have for Senator GREGG. He is upfront about how he feels. But the bottom line is, when people don't get a paycheck and they lose their job, I want them to know what is going on here. You have the Secretary of Transportation calling all of us saying: Please move now. As my friend pointed out, we have, in fact, used the highway trust fund in the past to fund the general fund. So this is not some extraordinary moment in history.

My question to my friend is—I want to ask you this, Mr. Leader: Could you please state again the urgency of this matter so my Governor, who is dealing with a horrific budget crisis—he doesn't need this. Neither does my State legislature. I have a Republican Governor and Democratic State legislature struggling to get a budget passed. I won't go into the details. You need two-thirds to pass it. Now we get this circumstance and job layoffs start to go out and the funding goes down—would my friend, the leader, please explain again in clear language why this is so urgent.

Mr. REID. I say to my friend, the chair of the committee of jurisdiction, the highway trust fund is broke. As a result of that, there are roads being built and bridges being built and that is simply going to stop. The people there, going to work, in the near future are not going to be able to go to work anymore because there is no money to pay them.

I would also say this. One of the things that so concerns me about the Bush-Cheney-McCain operation is no one seems to care about all the red ink we have spent over the last 8 years. In Iraq alone we are spending $5,000 a second. During the time we have been here since this vote started, 40 minutes—I don't know how much money that is. I tried to figure out what it would be, 40 times 60 times 240. It is lots of money. Everything we have done this last 8 years has been basically done on borrowed money.

Here is a situation where the administration is asking us to take money from the general fund. They will borrow that money as they have done with everything here. That is why we have a $11 or $12 trillion debt. I cannot imagine that self-righteous people are all of a sudden wanting things paid for.

Mrs. BOXER. If I could ask one more question. The Senator has hit the nail on the head. We do not hear any complaints from Senators DEMINT or GREGG or any of them over there on that side, or Senator MCCONNELL, when we send all this money abroad. As a matter of fact, the administration announced $1 billion to Georgia—not Atlanta, GA, the country of Georgia.

Regardless of how we feel, we all want to help them——

Mr. REID. That is borrowed money.

Mrs. BOXER. Borrowed money. The war costs $1 billion to the country of Georgia. Why are we paying $1 billion? It seems to me Europe has some interest in this. But oh, no, now we hear objection from our Republican friends when it comes to investing in America.

I tell my friend, the American people need to know more about this. That is why I prolonged this discussion. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I appreciate the enthusiasm of the Senator from California for her position. I don't think it accurately reflects my position. When you are voting for war costs, you are voting for supporting soldiers in the field. Basically, there is a big difference between the obligation of a Federal government to defend the Nation and support soldiers in the field and the obligation of the Federal Government to borrow from our children in order to do construction which should be paid for from taxes which go into the highway trust fund. That is a fairly significant difference. In fact, the two, as a matter of public policy, have basically no touch point.

The issue is, the highway trust fund does not have enough money in it right now to pay for the costs which have been obligated as a result of construction commitments.

We knew 3 or 4 years ago, when we passed the highway bill, that as a very practical matter we were setting up this scenario because we put in place thousands—actually, tens of thousands—of projects in that bill which we knew could not be paid for under the projected cash flows into the highway trust fund. We knew this point was going to occur when we passed that bill. So now we are here, and suddenly we hear these statements: Well, I am sorry, we are out of money. So we have to go into the general fund—which doesn't have any money, by the way—and take money out of the general fund and put it in the highway trust fund in order to pay for these costs. Well, who pays for that? That is borrowed debt. That is debt on debt. Our children pay for that.

The purpose of the highway trust fund was to build roads and to do it in a fiscally responsible way. If the highway trust fund does not have enough money to build the roads that are proposed, then you either, A, get more

money into the highway trust fund; B, take the money from someplace else that is part of the trust fund, such as the mass-transit fund, which was the proposal of the administration initially and which makes probably the most sense here; or, C, you raise more money for the highway trust fund, something I do not happen to support, but that is the responsible way to approach this. You do not go into the general fund and set a precedent of borrowing from the general fund for the purposes of funding the highway trust fund because all that means is our children will get the bill and you will set up a scenario where the next time we get the highway bill, there will be even more projects in it because people will know the relevance of the highway trust fund, and the revenues coming into it, has no relationship to the number of projects you put in the bill because they will know that the precedent has been set that you can raid the general fund for the purposes of the highway trust fund. This is not good policy. It is not good fiscal policy.

It has nothing to do, by the way, with funding troops in the field. Now, the Senator from California alleges that I am supporting funding Iraq. By the way, I am not. Iraq reconstruction—I actually put the language in the appropriations bill which stopped money from going for Iraq reconstruction. So don't accuse me of something I didn't do. I have supported funding the troops, but I do not happen to believe we should be sending any more money to the Iraq Government. I think they should be sending us more money, if we get down to the basics here, for all the money we have spent on reconstruction, especially the money that has been stolen.

But, in any event, that is a red herring. The issue here is whether we are going to set the terrible precedent of using general fund money to fund the highway trust fund because, believe me, once you open that floodgate, there is no end to it—no end to it—and the next time we get a highway bill around here, there will be no end to the amount of spending that is involved.

Now, I understand the construction industry is not really too concerned about that. I mean, they want those dollars and they want them now. If they get access to the general fund, they are probably pretty excited about that. But it is terrible policy. Remember, these projects will not be terminated. The spend-out will continue. It will continue at a slower rate. As money comes into the general fund, it gets spent out of the general fund. That is called—wow, a surprise—pay as you go.

Now, I hear a lot from the other side of the aisle about pay as you go. Well, this is the ultimate test of pay as you go. We should be paying for highway construction as we go or, alternatively, if you really want to start raiding different funds, you should raid within the highway trust fund. There are significant dollars in the mass-transit fund. You could take that money and put it in the highway trust fund if you really wanted to be consistent about funding the transportation needs of this country or, as I said earlier, you could raise the taxes, which I do not happen to support, to go into either one of those funds in order to make this a more responsible fiscal action. But what we are setting here is a precedent that makes no sense at all from a standpoint of fiscal policy.

The majority leader is absolutely right. We have been spending money around here in a very profligate way, and regretably it has not been a partisan event, it has been bipartisan. There has been a lot of money spent here that should not have been spent. But that doesn't justify creating a new precedent which will create significant debt for our children, on top of debt which already exists, when we know that is not the policy that was set up under the highway trust fund.

Now, if the theory of the chairman of this committee is that the highway trust fund is essentially a nonexistent event, that it is basically something that is there, it is a political statement—you know, the gas taxes should come in and be spent, but if we run out of gas taxes, we go into the general fund—if that is the position of the majority, the chairman of the committee, which appears to be the position, well, then let's abolish the highway trust fund. Let's abolish it. Let's put the gas tax into the general revenue base, and then you can argue, effectively, that it should come from general funds for construction—not necessarily a good policy. In fact, it moves away from good policy. If we wanted a good policy, we would actually have a much more structured capital budget around here, and we would fund it from independent sources such as gas taxes.

So we have a difference of opinion. It is a difference of opinion, however, that is pretty significant because it goes to the question of, How does a government spend money when it runs out of money? Does it borrow the money? Does it raise taxes or does it slow its spending to meet its income? And I would suggest that the best way to approach this is to slow spending to meet incomes.

The second way to address this is to keep the integrity of the highway trust fund by moving funding around within the highway trust fund. The third way to address this is to raise taxes, which I do not support. But absolutely the worst way to address this is to essentially make the highway trust fund a nonevent, neutralize it, neuter it, and essentially merge it with the general fund, which is what is going to happen as a practical matter if this bill goes forward in this form.

Now, I suggest to the majority leader, since I do not have the votes to sustain my position—I recognize that—the influence of the various forces that want to get this money is pretty significant, as always happens around here anyway, but in this case it is even more significant since the White House has changed its position just this week.

But I have suggested that we take up this bill, we spend a couple of hours on it, allow myself and Senator DEMINT—I think Senator DEMINT told me he wanted two amendments—I cannot speak for him, but I believe that is what he said—and that they would be relevant to earmarks, and my amendment would be relative to a better way to pay for this, which would be to pay for this by the transit fund or, alternatively, set up some sort of structure where the general fund gets paid back. But in any event, we could set aside a couple of hours here sometime this week and do it. I mean, we can do that on unanimous consent. I think it is a reasonable way to approach it, and as a very practical matter, it would give those of us who think a fiscally responsible approach at least requires a vote on it the chance to vote on it.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I did not dream up the idea that projects were going to be terminated. That is what the Secretary of Transportation told me. Now, maybe I misunderstood her. Maybe she was exaggerating. But that is what I took away from my conversation with her.

It is difficult for me to argue with the Senator from New Hampshire because I think it is fair to say that he has been trying to raise a red flag for a number of years about the wild spending of this administration. Even though he is a stalwart Republican and close to the administration, he has not been quiet about this.

Now, this is an issue I brought up today because I was asked to do so by the White House. Let the record be clear: Democrats have been very supportive of funding the wars in Iraq and Afghanistan. We want to support the troops. And we can go into another discussion—and none of us want to get into that tonight—about what is going on in Afghanistan and Iraq.

But the highway trust fund, part of it—and I believe, if we ever get to a point where we are debating amendments on taking money out of mass transit—maybe 20, 25 years ago, when Nevada didn't have these tremendously difficult problems we have with traffic, with roads, and we were not concerned about mass transit, maybe we would have joined with the Senator from New Hampshire. But we in Nevada, as with many metropolitan areas around the country, are desperately in need of more transit money, not less—more

transit money rather than less. So it would exacerbate a tremendously difficult problem if the idea of the Senator from New Hampshire bore fruit; that is, we take the money out of mass transit and put it in for highways. That would be the wrong thing to do.

You can no longer say that the highway trust fund is just for highways because for decades now, we have used part of this money—rightfully so—because of actions of the Congress, along with the administrations, taking this money and doing very important mass-transit projects.

So here is where we are. If we were able to have a vote on this piece of legislation tonight or tomorrow, it would pass overwhelmingly. But, as with the Senate, we cannot move to things just because we want to. We have a lot ahead of this. We have the Defense authorization bill, we have an energy issue we have to take up. That is next week. Every day that goes by, according to the Secretary of Transportation, is a bad day for the Department of Transportation.

Mr. DURBIN. Would the majority leader yield for a question?

It is my understanding that the Bush administration's Secretary of Transportation has asked us to move this bill, to put billions of dollars into the highway trust fund, so that it will not go broke so that we can continue building those projects across America to reduce highway congestion. And we have an objection on the floor of the Senate from a member of the Republican party to move to this bill to put the money in the highway trust fund; is that correct?

Mr. REID. The Senator is right. I see on the floor a poster child for the necessity to do this, and that is the junior Senator from Minnesota. We had a bridge collapse from lack of money, and we, on an emergency basis, came to this floor, recognizing what a catastrophe that was for Minnesota and our country. That bridge is now being built with borrowed money.

Mr. DURBIN. I say to the leader in closing, to make the record clear for those following the debate, our attempt to pass a bipartisan measure to help the administration, to make certain there is money in the highway trust fund is being stopped by the Republican side of the aisle; is that correct?

Mr. REID. Absolutely true.

Mrs. MURRAY. Would the majority leader yield for a question? I would say to the majority leader, since I am chairman of transportation appropriations, I have been warning of this to come for some time. It is my understanding that the amendment you are asking unanimous consent for takes $8 billion out of the general fund and puts it back in the trust fund, which is exactly what happened back in 1998, in reverse.

Taxpayers pay their gas tax into the trust fund, expect it to go for transportation projects. In 1998, we took $8 billion of that money that they expected to go into transportation funding and put it in the general fund.

What you are asking to do tonight is simply to take that $8 billion back and put it exactly where taxpayers expected it to go originally, which was to transportation funds; is that not correct?

Mr. REID. The Senator from Washington is exactly correct.

Mrs. MURRAY. I did not talk to the Secretary of Transportation. I did see their press release that they now want this money to come out. It is my understanding that if we do not take this action, as the House has done, that beginning this Thursday, and shortly thereafter, States will not get their transportation dollars and will therefore have to begin to lay off workers at construction projects and essentially halt many of the construction projects in the country, correct?

Mr. REID. When I talked to her, I believe last Friday, she indicated to me that she was going to have to make those difficult decisions. Then I also read her press release later, after she had been able, I guess, to put more numbers in the paper, and that is what I read, which is an elaboration of what she told me.

Mrs. MURRAY. Mr. President, I share the concern of the majority leader.

I am deeply concerned that several members of the Republican Party have said no to this. At a time when our economy is in real trouble, when construction projects are not only providing critical dollars but completing important transportation work across the country, that we would allow those projects to be halted and workers to be laid off, adding to the economic woes of the country at this time, is simply not a smart move. I hope we see that decision reconsidered on the other side in the next 24 hours.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the majority leader for his leadership. I am not surprised that the Transportation Secretary for the Bush administration would call the majority leader and ask this be done. She came to us today. She stood over that bridge the day after it happened. When I was listening to my friend from New Hampshire talk about the fact that we need to continue funding our soldiers, of course, we need to do that. But for me, this is an issue of priorities. Why this administration would decide to spend $10 billion a month in Iraq month after month after month, so that this war has gone on longer than World War II, while we have bridges collapsing, while we have levees falling apart, defies reality.

When I heard the Senator from New Hampshire talk about soldiers on the frontline, which this Congress has been more supportive of than any other Congress for continuing that funding, for those people on the bridge that day in Minnesota, they were on the frontline. Those people who plummeted into that cold water that day were on the frontline. People died at that bridge. The NTSB has not concluded its investigation of the cause for the bridge collapse, but what we do know is, if it had been fixed earlier, if there had been appropriate funds all over this country for bridge and levee repairs, we may not have experienced some of the disasters we have seen. I view this not only as fixing a bridge that, by the way, is six blocks from my house—I drive over it every day with my daughter in the back seat, an eight-lane bridge that fell into the Mississippi River—it is also about going into the next century's transportation system.

If we are going to move to the next century in this economy, if we are going to start talking about transportation and wind and solar and doing things with biofuels and building our own energy future, we cannot be stuck in the last century's transportation system. As we face difficult economic times and look at the number in terms of what we can generate in jobs with transportation funding, it is a winner. I want to have an infrastructure plan and a stimulus package that lasts long after the rebate checks are cashed, that is looking to the future with infrastructure funding.

When Dwight D. Eisenhower created the interstate highway system, when President Roosevelt did the rural electrification system, they saw it as not only moving the economy forward, they saw it as a way to generate jobs. That is what this is about.

It is shortsighted, indeed, and shows a lack of understanding of the country's priorities to say that we should let transportation funding go down the pot while we are constructing bridges in Iraq and as bridges in Minnesota are falling apart.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING LOS TIGRES DEL NORTE

Mr. REID. Mr. President, I rise today to recognize the musical group Los Tigres del Norte for its contribution to the greater Las Vegas community and especially for its commitment to the Silver State's vibrant Hispanic community. As we commemorate the importance of the Hispanic community in Nevada and around the country during Hispanic Heritage month, I find it fitting to recognize the members of Los Tigres del Norte for their talent and dedication.

Just last year, this premier musical group was chosen by a committee comprising Las Vegas community and business leaders to join individuals such as my good friend, Wayne Newton, Vicente Fernandez, and other notable celebrities who have made a positive impact on Clark County. Like the Walk of Stars honorees before them, Los Tigres del Norte have added to the worldwide prominence of Las Vegas. These talented artists have also been an encouraging and supportive voice for the Silver State's hardworking Hispanic community.

Their Grammy and Latin Grammy winning music not only entertains, but it sends a clear message that we all have a commitment to making a lasting impact on our community, regardless of the color of our skin or our country of origin. It also tells stories of those individuals who often are not able to share their concerns and challenges. Los Tigres del Norte truly are a voice of the unheard. They confront the issues of our day and use their music as a medium to provide inspiration and hope.

Today I join my colleagues in the Silver State in recognizing Los Tigres del Norte for all they have brought to Nevada and their dedication to serving as a positive voice for our vibrant Hispanic community. Their addition to the Las Vegas Walk of Stars was a much deserved recognition of their almost 40-year-long musical career and their success in bringing to light the challenges facing America's Hispanic communities. As we celebrate Hispanic Heritage Month, I offer my congratulations to Los Tigres del Norte—an accomplished group of musicians of whom all Nevadans can be proud.

TRIBUTE TO TRILBY WHOBREY BALL

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a dear friend of mine who has left behind her beloved Commonwealth stronger than when she found it. Mrs. Trilby Whobrey Ball was 80 years old when she passed away in her Owensboro, KY, home this August 26.

Born in the Kentucky town of Semiway, in McLean County, Trilby—or Trib, to her friends—graduated from Calhoun High School in 1946. She married her husband, Dr. Coy ''Eddie'' Ball, in 1947 when they both were attending Western Kentucky University. The Balls moved to Owensboro in 1964, where they would stay until this day.

Trib became well known to her neighbors and friends as she became active in her community. She was a member of the Daviess County Medical Auxiliary/Alliance since 1964 and served on the boards of several important charitable causes, including the Ellis Park Foundation, the Alma Randolph Foundation and the H.L. Neblett Center.

In fact, I first became aware of the H.L. Neblett Center through Trib. The old building she showed me wasn't good enough, and I was able to appropriate funds to construct a new H.L. Neblett Center for the community to focus on mentoring children and their families. That is directly due to Trib, and a room in the new building is appropriately named after her.

Since 2005, she was a member of the Kentucky State Legislative Ethics Commission. She joined Owensboro's First Baptist Church and became an integral member of the New Ladies Sunday school class, a group of fast friends who were very supportive of the Ball family during Trib's final years.

Trib also became involved in local politics and devoted a lot of time to serving her community and her country that way. Back in the days when Kentucky was very much dominated by one political party, she stood up for a competitive two-party system. She became active in the Republican Party of Daviess County and of Kentucky, and was chairperson of the 21-county Second District from 1968 to 1972. She cochaired the Daviess County gubernatorial campaign for Kentucky Governor Louie B. Nunn.

Trib served on the party's State Central Committee for more than 20 years, and represented Kentucky as either a delegate or a guest at the Republican National Convention three times. In fact, in my role as its temporary chairman, I selected her to be my honorary escort for the 2008 Republican Convention, just held last week. Sadly, she left us before that date, but I decided to let her appointment stand as I know Trib would have loved to be with us in St. Paul, MN.

May I add, that Trib was also a longtime, steadfast supporter of my own campaigns, and I remember her eagerness to help and to volunteer very well. Trib was very helpful to me back when no one knew who I was or if I could win a statewide election. I'm gratified that 24 years after the fact, she told a reporter at a Lincoln Day luncheon this year that my first Senate race in 1984 was one of the sweetest campaigns she ever worked on. It was made all the sweeter by her presence.

Friends and family members will remember Trib's love of boating, basketball and bluegrass music when they think of her long, well-lived life. She leaves behind her husband of nearly 61 years, Eddie; their two children, Bonnie Harris and her husband Jay as well as David Ball and his wife Christy; her grandchildren, Jack, Cal and Keeley Harris; her sister, Sylvia Gross; several nieces and nephews; and many other beloved family members.

Mrs. Trilby Whobrey Ball was a very special woman and one of Kentucky's finest citizens. I extend my deepest sympathies to her family. She will be greatly missed by all who loved her.

HONORING OUR ARMED FORCES

SERGEANT BRIAN K. MILLER

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of SGT Brian K. Miller from Pendleton, IN. Brian was 37 years old when he lost his life on August 2, 2008, in Abd Allah, Iraq, from injuries sustained when his vehicle overturned. He was a member of D Company, 1st Battalion, 293rd Infantry Division, 76th Infantry Brigade, Army National Guard of Huntington, IN.

Today, I join Brian's family and friends in mourning his death. Brian will forever be remembered as a loving husband, father, son, brother, friend, and soldier. He is survived by his wife, Becky Miller; his children, Nikki and Austin Miller; his mother, Donna Cook; his sister, Tammy Osalear; and his brother, Kevin Miller. Brian was preceded in death by his father, Glen Miller; and his brother, Kenny Miller.

A lifelong Hoosier, Brian was born in Indianapolis, IN, and graduated from Pendleton Heights High School in 1990. Driven to public service, he joined the Indiana Army National Guard as a metal worker in 1989, while still in high school. Brian was assigned to Company D (HM), 738th Maintenance Battalion in Indianapolis and later moved to 1413th Engineer Detachment in Edinburgh, Indiana, where he was a vehicle mechanic and a welder. He later served time with Company C (HM), 38th Main Support Battalion as a welder and vehicle mechanic.

For 19 years, Brian devoted himself to national service through the Indiana National Guard. He assisted in Hurricane Katrina recovery efforts in the Mississippi Valley and in security for the 1996 Olympics in Atlanta. In March, Brian was deployed to Iraq, serving as a truck commander for more than 20 combat logistics patrols and working full-time as a technician with the Indiana Army National Guard. His comrades remember Brian as a respected leader who brought both professionalism and humor to his service, and as a man who loved his family. For his exceptional service and sacrifice, Brian was awarded the Army Achievement Medal, National Defense Service Medal, Humanitarian Service Medal,

Army Reserve Component Achievement Medal with 5 Oak Leaf clusters, Armed Forces Reserve Medal, Iraqi Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, and the Joint Meritorious Unit Award.

While we struggle to express our sorrow over this loss, we can take pride in the example Brian set. Today and always, Brian will be remembered by family, friends, and fellow Hoosiers as a true American hero, and we cherish the sacrifice he made while dutifully serving his country.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Brian's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Brian K. Miller in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this struggle in which we are engaged, and the immeasurable pain that comes with so great a loss, I pray that Brian's family can find comfort in the words of the prophet Isaiah who said:

> He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Brian.

SERGEANT GARY M. HENRY

Mr. President, I also rise today with a heavy heart to honor the life of SGT Gary M. Henry from Indianapolis, IN. Gary was 34 years old when he lost his life on August 4, 2008, in Baghdad, Iraq, from injuries sustained from a roadside bomb that hit his vehicle. He was a member of the 38th Military Police Company, 38th Infantry Division, Army National Guard in Danville, IN.

Today, I join Gary's family and friends in mourning his death. Gary will forever be remembered as a loving husband, devoted father, son, brother, friend, and soldier. He is survived by his wife, Regina Lynn; his children, Shelby Brooke, Gavin Michael, and Ashtyn Taylor; his father, Gary Henry; his mother and step-father, Marajo and Rick Castor; his sister, Jennifer Clark; his step-sister, Stevie Ewing; his step-brother, Jon Castor; and his grandparents, Margaret Hawkins, Orville Henry, and Pat Henry.

Gary Henry was one of Indianapolis' great public servants, and his passion was visible in every aspect of his life. He joined the Indiana National Guard in 1991 while he was a student at Whiteland High School. Gary retired from the Guard 12 years ago, but rejoined in 2007, hearing once again the call to national service. A 12-year veteran of the Indianapolis Fire Department, Gary was known to his peers as a team player, a dependable and upstanding leader who could be counted on during hard times. He served as a captain and coordinator of special operations, head of the crisis response team, a paramedic, and a Marion County Deputy.

While we struggle to express our sorrow over this loss, we can take pride in the extraordinary example Gary set. Today and always, Gary will be remembered by family, friends, and fellow Hoosiers as a true American hero, and we cherish the sacrifice he made while dutifully serving his country.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Gary's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Gary M. Henry in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this struggle in which we are engaged, and the immeasurable pain that comes with so great a loss, I pray that Gary's family can find comfort in the words of the prophet Isaiah who said:

> He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Gary.

SPECIALIST JONATHAN D. MENKE

Further, Mr. President, I rise today with a heavy heart to honor the life of SPC Jonathan D. Menke from Madison, IN. Jon was 22 years old when he lost his life on August 4, 2008, in Baghdad, Iraq, from injuries sustained from a roadside bomb that detonated near his vehicle. He was a member of the 38th Military Police Company, 38th Infantry Division, Army National Guard in Danville, IN.

Today, I join Jonathan's family and friends in mourning his death. Jonathan will forever be remembered as a loving son, brother, friend and soldier. He is survived by his mother, Debbie Kay Estes Sizemore; his father and stepmother, Daniel and Paula Menke; his sisters, Kristen Pearson and Nichole Menke; and his brother, Matthew Eversole. Jon was preceded in death by his brother, Shane Pearson.

A lifelong Hoosier, Jon was born in Columbus, IN, and raised in Madison. A 2005 graduate of Madison Consolidated High School, Jon was a successful student with many talents. He was a member of the football and track teams, qualifying for a regional meet as a member of the 400-meter relay team. He was on the honor roll, was awarded for his art skills in sculpture, and had leading roles in school plays. A natural artist, Jon also played guitar and banjo.

In March of 2004, Jon answered the call to serve his country and joined the Indiana National Guard. He graduated from basic training at Fort Leonard Wood in 2005. Returning to his education, Jon attended Indiana University-Purdue University Indianapolis and Ivy Tech in Indianapolis. In February of 2008, Jon was called to active duty and deployed to Kuwait and later to East Baghdad, his last assignment. Jon was an exemplary soldier. For his outstanding service and sacrifice, Jon was awarded the Bronze Star Medal, the Purple Heart, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal with Bronze Service Star, Global War On Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon and the Combat Action Badge.

While we struggle to express our sorrow over this loss, we can take pride in the example Jon set. Today and always, Jon will be remembered by family, friends, and fellow Hoosiers as a true American hero, and we cherish the sacrifice he made while dutifully serving his country.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Jon's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Jonathan D. Menke in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this struggle

in which we are engaged, and the immeasurable pain that comes with so great a loss, I pray that Jon's family can find comfort in the words of the prophet Isaiah who said:

He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jon.

NAMING OF U.S. COURTHOUSE IN RICHMOND, VA

Mr. WARNER. Mr. President, I rise today to speak on S. 2403, a bill to name the new United States courthouse in Richmond, VA, for two distinguished jurists and sons of VA.

Senator WEBB and I introduced this bill together last year, and the bill passed the Senate on June 24, 2008. The House of Representatives is expected to pass this bill tonight, with a minor technical change. It is my hope that the Senate will accept this minor modification and pass this bill when the legislation returns to the Senate tonight or early tomorrow.

Our bill will recognize two of Virginia's outstanding jurists: Spotswood Robinson III and Robert Mehrige, Jr. They were lawyers who throughout their careers adhered to the principle of ''equal justice under law.''

The first, Spottswood William Robinson, III, was born in Richmond, VA, on July 26, 1916. He attended Virginia Union University and then the Howard University School of Law, graduating first in his class in 1939 and serving as a member of the faculty until 1947.

Judge Robinson was one of the core attorneys of the NAACP Legal Defense and Educational Fund from 1948 to 1960, achieving national prominence in the legal community with his representation of the Virginia plaintiffs in the 1954 U.S. Supreme Court case Brown v. Board of Education. Brown outlawed public school segregation declaring ''separate but equal'' schools unconstitutional.

In 1964, Judge Robinson became the first African American to be appointed to the U.S. District Court for the District of Columbia and, in 1966, President Johnson appointed Judge Robinson the first African American to the United States Court of Appeals for the District of Columbia Circuit. Finally, on May 7, 1981, Judge Robinson became the first African American to serve as chief judge of the District of Columbia Circuit.

Our second jurist, Judge Robert R. Merhige, Jr., was born in 1919 and later attended High Point College in North Carolina. He subsequently earned his law degree from the T.C. Williams School of Law at the University of Richmond, from which he graduated at the top of his class in 1942.

From 1942 to 1945, Judge Merhige served in the U.S. Air Force, he practiced law in Richmond from 1945 to 1967, establishing himself as a formidable trial lawyer representing criminal defendants as well as dozens of insurance companies.

On August 30,1967, Judge Merhige was appointed U.S. District Court Judge for the Eastern District of Virginia, Richmond Division by President Lyndon B. Johnson, serving as a Federal judge until 1998. In 1972, Judge Merhige ordered the desegregation of dozens of Virginia school districts. He considered himself to be a ''strict constructionist'' who went by the law as spelled out in precedents by the higher courts. In 1970, he ordered the University of Virginia to admit women. As evidence of Judge Merhige's groundbreaking decisions, he was given 24-hour protection by Federal marshals due to repeated threats of violence against him and his family. His courage in the face of significant opposition of the times is a testimony to his dedication to the rule of law.

As my colleagues may be aware, I have worked to name the new courthouse in Richmond for these two men for several years. I am proud that the Virginia Congressional delegation, the Virginia Bar Association, the mayor of Richmond, and many others decided that the best way to honor both men was to have them equally share the honor of having the courthouse so named.

With the ribbon cutting for this grand facility tentatively set for October 17 of this year, I can think of no better time than now to move this legislation in honor of Spottswood Robinson and Robert Merhige. I thank the committee for the consideration of this bill and look forward to working with my colleagues in seeking its passage.

COMMENDING OLYMPIAN SHAWN MACHEL JOHNSON

Mr. HARKIN. Mr. President, today I honor an Iowan who has shown tremendous strength of spirit, as well as a fierce determination and world-class talent. Olympic gymnast Shawn Machel Johnson has been and continues to be a model of character and fitness, as well as a source of inspiration for all Americans.

Shawn recently returned from Beijing, where she made us all very proud, competing in the 2008 Olympics and winning one gold and three silver medals. The gold medal was for her performance in the balance beam finals, while the silver medals were for the team competition, the women's all-around, and the floor individual finals.

Since Johnson was 3 years old, she has exhibited a love for gymnastics, and received constant support and encouragement from her parents Teri and Doug Johnson, and coaches Liang Qiao and Liwen Zhuang. She is greatly admired and respected by her fellow gymnasts at Chow's Gymnastics and Dance in West Des Moines, where she has been training since she joined the facility at age 6. Her training and her strong commitment to the sport have propelled her to success in the series of competitions that led her to the Beijing Summer Olympics.

In addition to her rigorous training of up to 25 hours per week, she has also excelled academically. She is now in her junior year at Valley High School in West Des Moines, and has been on the ''A'' Honor Roll. I believe very strongly that promoting fitness and providing quality education are both key factors in ensuring that children have a bright and successful future. Shawn Johnson is an inspiration to Iowa's young people to stay active, be studious, do what they love, and follow their dreams.

I would like to congratulate Johnson for bringing home four Olympic medals and commend her for her outstanding commitment to the sport of gymnastics. I hope that she continues to pursue her passion and that we will see her endearing smile and more of her amazing performances in London in 2012.

COMMENDING OLYMPIAN LOLO JONES

Mr. HARKIN. Mr. President, today I honor an Iowan who has courageously pursued her dreams through great adversity and who has displayed outstanding character and grace throughout her life. Lori ''Lolo'' Jones recently returned from Beijing, where she competed as a hurdler in the 2008 Olympic Games. Lolo made us all very proud as she represented the United States in Beijing. Although she did not come away from Beijing with a medal, she realized her dream of competing in the Olympics and was a model of athleticism, sportsmanship, and determination.

Lolo has had seemingly limitless energy, a positive attitude and an intense focus on running since she was a child. It is these characteristics that have allowed her to overcome what many would consider to be challenging circumstances, including the fact that her family relocated frequently throughout her childhood.

As a student at Roosevelt High School in Des Moines, she excelled at running as well as academics. After graduating from Roosevelt, Lolo became the first in her family to attend college when she enrolled at Louisiana State University, where she excelled on the LSU track team. She graduated with an economics degree and a minor in Spanish, yet deferred seeking a career in her field of study, determined to pursue her running career instead. She worked part-time jobs to support herself and to have free time to travel for competitions. After missing an opportunity to compete in Athens in 2004,

her former LSU coach persuaded sponsors to recognize Lolo's great potential, allowing her to devote herself to becoming a world-class professional athlete.

Competing in and winning many races around the world in the years leading up to the 2008 Beijing Olympics, Lolo became a highly respected athlete, not only for her performances, but for her exemplary sportsmanship and generosity.

And, through it all, Lolo never forgot where she began her journey. She returned to Roosevelt High School earlier this year to make a donation for improvements to the track, and also for new shoes and equipment for the track team. She also donated winnings from a recent race to a victim of the flooding that ravaged Iowa this spring.

I salute Lolo Jones for her extraordinary discipline and hard work, for her determination to improve and excel as an athlete, and also for her grace, generosity, and strength of character. She has been, and will continue to be, a wonderful role model for all athletes and for all young people seeking to excel in their field. I congratulate her on all of her achievements and on realizing her dream of competing in the Olympics. I hope and expect that we will see Lolo again in London in 2012, this time hurdling her way toward Olympic gold.

RECOGNIZING THE LA SALLE ACADEMY PLAYERS

Mr. REED. Mr. President, today I recognize the achievement of the La Salle Academy Players, the theater troupe from my high school alma mater, which recently gave four performances of ''The Scottish Play: Macbeth'' at the Edinburgh Fringe Festival. This prestigious event, the world's largest arts festival, is held annually in Scotland.

The La Salle Players were one of only 43 high school troupes chosen to perform from among hundreds of high school drama programs by the American High School Theatre Festival. La Salle Academy was the first Rhode Island private high school and only the second Rhode Island high school to have been selected in the 14 years that the American High School Theatre Festival has participated in the Fringe Festival.

I am especially pleased to share that, by all reports, the young men and women of the La Salle Players conducted themselves with great talent and poise, representing both their school and their country with distinction.

I want to individually recognize the cast and crew, faculty, and staff, who were instrumental to this effort: Brother Michael McKenery, the president of La Salle Academy, served as producer. The student cast and crew included Trisha Moise, Tiia Groden, Gabbie Whitney, John Pleasants, Dan Tracy, John Coletta, Nick Oliveira, Nick Montecalvo, Ryan Zins, Cam Burns, Matt Petrarca, Mark Sullivan, Valentina Szlashta, Michael Commendatore, Alex Schlageter, Sean Walsh, Kevin Cronin, Molly B. Allen, Katie Ryan, Emily Maher, Colin Whitney, Ashley Smith, Stephen Zukauskas, JR McKenzie, and Michael Gebhart. Faculty and staff included Thomas Haynes, Elissa Cerros, Margaret Hayes, and David Cabral.

RECOGNIZING THE 60TH ANNIVERSARY OF WUOM-FM

Mr. LEVIN. Mr. President, it is with pleasure that I, along with my Michigan colleague, Senator STABENOW, congratulate WUOM-FM on 60 years of successful broadcasting. Over the past six decades, WUOM-FM, the University of Michigan's flagship public radio station, has become a fixture in public broadcasting, distinguishing itself through the breath and depth of its programming and through its unwavering dedication and service to its many listeners throughout southeastern Michigan.

Since its inception as a small radio station broadcasting in the Ann Arbor area, WUOM-FM has been a consistent and important voice in public radio in Michigan. In 1950, WUOM broadcasted its first Michigan Football game, a tradition it would enjoy for the next 50 years, and in 1958, it broadcasted its first Detroit Symphony Orchestra performance from the Ford Auditorium. Two years later, Michigan Radio broadcasted Senator John F. Kennedy's famous campaign speech at the University of Michigan, where he spoke about public service as a responsibility of freedom, a speech that helped to bring about the creation of the Peace Corps. In 1971, WUOM joined National Public Radio and became one of the first radio stations to air ''All Things Considered''.

WUOM has grown and evolved since its first public broadcast on July 5, 1948. Today, Michigan Radio, which includes WUOM, WVGR and WFUM, broadcasts from Ann Arbor, Grand Rapids, and Flint, respectively, and enjoys the largest listening audience of any public radio station in the State and is among the leaders nationally. Michigan Radio's programming format changed from classical music to a news and information format in 1996. With this change one thing has remained the same: the superb quality of each and every broadcast segment. With more than 400,000 listeners tuning in each week, Michigan Radio has become an important source of news and information about local, state, national and world affairs for the listening public.

As technology has evolved, so has Michigan Radio. Today, it is broadcasted in high definition and is accessible from mobile devices across Michigan. Listeners can tune in to programming from National Public Radio, Public Radio International, and the BBC, as well as local programs, such as the Environment Report and Jack Lessenberry's Essays and Interviews.

WUOM has been the recipient of many awards throughout its history. In the past year alone, Michigan Radio has earned more than 30 awards. The most notable was the 2008 National Edward R. Murrow Award for Best News Documentary, which was awarded for ''Ashes to Hope: Overcoming the Detroit Riots.''

Michigan Radio has forged an impressive reputation for quality programming, public service, and integrity. It is in this spirit that we know our Senate colleagues join us in congratulating each individual who has contributed to the success of WUOM-FM over the past 60 years, dedicating endless hours, energy, and hard work in pursuit of excellence in public broadcasting. I wish them another 60 years of outstanding achievement.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through an email address set up for these stories to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Priority: Explore in this country for oil

How do high fuel prices affect me and my family? We do not travel nearly as much as before. I am telecommuting one day a week. We have cut out all spending except the bare essentials. We are worried about losing jobs as the economy continues to collapse.

I have no doubt that the fuel prices will continue to increase as the extremists in this country continue to sabotage efforts to tap local fuel sources. They are diligent in their efforts to slowly undermine and destroy this country. Unfortunately, there is no hope that they will be stopped. I am doing what I can to not spend as much on fuel, such as using a wood stove for heat in the winter. Of course, the natural gas-fired furnaces are cleaner-burning, but the extremists do not consider that when they ban mining for gas and oil and, in a roundabout way,

drive up the price of everything. Wood for the stove is very cheap or free.

I would use fossil-fuel-free transportation more than I already do if the roadways were safer for that. I could use my horses to get around, but the city codes and the highways are not set up for that. Other people are trying to use bikes. I saw a smashed bike in front of a large vehicle in the middle of a busy road today. The ambulance was just getting to the scene. Not too safe to use bikes.

If nothing effective can be done to bring down fuel prices, then the roadways need to be set up for using horses and carts and bicycles and foot traffic. City codes need to be changed to allow the use of horses and other draft animals. That was the most effective method of transportation before the invention of cars, and draft animals are used in other countries that do not have fossil-fuel-fired vehicles. It is extreme, but all I see are fuel prices going up so fast that quickly most people will not be able to get around. Bicycles are limited as to how much stuff you can haul. So draft animals are the only way.

With the short-sighted ban on horse slaughter, there are now way too many horses around being abandoned and given away. It is the perfect solution: A lot of these unwanted horses can be used for transportation as soon as city codes and CC&R's are changed to allow people to keep horses on small land parcels. I have a few acres and pasture for my horses, but a lot of people do not have that. I cannot use my horses to go to the big towns because the roads are suited for high-speed cars, not for horses. My horses and I would end up like that bike I saw today, twisted and crumpled in the road in front of some large car.

CAROLE, *Kuna.*

Thank you for the opportunity to state briefly how higher energy processes are impacting my own life. I like to think of myself as well-educated, environmentally responsible, and having control of my life and my family finances. We are fiscally responsible. We try to live to an established budget. We pay our bills on time, and we set aside money for a rainy day. However, with today's skyrocketing gas prices and energy costs, I do not think we are going to be able to sustain our current lifestyle any longer. We have made cuts where we can. We have tried to reduce the number of trips we need to take in our vehicles, but just doing that is not nearly enough. We have had to cut out some of our luxuries such as cable television. Given what is presented on television these days, that was not too much of a sacrifice, either. Now we are starting to wonder if we will be able to get enough food on the table, or keep our kids in the clothes that they need. We have 3 growing children, and it seems their clothes only fit for a few weeks. Now we are considering reducing the amounts we contribute to our 401K investment plan, cutting out family vacations, and working more hours.

It is funny how the things that are most important in life such as spending time with your children are the things that must suffer because of the condition of the economy. It is frustrating that we are having to cut the investments we are trying to make in our future just to make ends meet today. Further, every bill seems to be going up, and my salary is not increasing at all. We feel lucky to have a job at all as there have been many who have been laid off where I work. We might be considered upper middle class, but I wonder how much longer this will last as the economy and government policies are slowly driving all of us into poverty.

There are a lot of things in the world to worry about. For the sake of my children, I hate to see this direction we are heading in. Also, I am disappointed at how [some of] our lawmakers in Washington, D.C., wish to play politics, but do not seem to have any intentions on fixing the problems. All we see right now [is partisian] posturing just to win votes, economy be damned. They like to tell themselves that they have our best interests in mind, but given the lack of action, I am starting to wonder what good it is to have a government at all. How bad are things going to get before someone starts doing something about it?

What can be done about it? I think we need to step it up on several fronts. We need more gas and oil production here at home. We need to encourage more conservation. We need to demand car companies increase their mpg. We need to actively encourage nuclear power production and stop listening to all the crazy special interest groups that are out there. We need to stop worrying about an international war that is literally draining all of our resources. We have got to stop worrying about universal healthcare and everything else that will not succeed if we do not have a sound economy. Let us get focused and do it now. If we do not, it will be too little, too late.

Thanks for taking a minute to listen to my story. I was starting to wonder if any of our politicians knew we were out here.

JEFF, *Iona.*

It goes something like this. I am on Social Security Disability, and my mother and stepfather, aunts, and uncles are on Social Security. In the last ten years, the increase in benefits has been around 2.5% each year. Rent has increased 35%; gas, 50%+; natural gas, 30%; electricity, 35%; food, 30%; and basic water fees were $18 in 1999, and now are over $40.

An economist said that the economy raising 3% per year is a good thing, did not say the price of goods/services going up was a good thing. He meant that those working getting a 3% increase in funds to spend was a good thing.

Thinking that I live on $750 per month, and bills are $350–400 per month, then trying to have insurance to drive a car, I was suspended because I had none. And I thought I would save money by not driving. It does not work that way, as food prices have risen over one-third, which makes getting insurance or paying my fines not on the top of my list. [I may need to rely on friends to drive me to Twin Falls to purchase groceries.]

I understand that things are changing, but I need to ask: how much profit is enough? I also think we should go back to the stipend system for elected officials. Those that lead this government should not be doing it for the money; it should be for the honor of the position.

I would also think that the government running its own business in competition to show a profit for tax relief would be a great way to show corps that it can be done, and it would force the lowering of prices. I think it would be cool to run a state-funded cellphone system, in areas not accessible to cell. The fees could be used for taxes, as well selling the towers for profit to the cellphone corps. Force the suppliers to compete.

ED.

While no one wants to pay more for anything, and most people are glad to have things for cheap or free, there comes a time to pay what the true value of energy is. Americans have been pretty lucky to pay low energy costs for as long as we have and we have become convinced that cheap energy is our God-given right.

Unfortunately, cheap energy comes at a cost, and future generations have been subsidizing our cheap energy. It is sad that we have been willing to pass the bill on to them in terms of pollution and the national debt. Since our military is in essence used to secure oil, that is another hidden costs that most people do not realize that someone will have to pay.

I do not think paying more for fuel is such a bad thing because I think most people overuse fuel. People need to be more considerate in fuel use, and if higher prices will reduce fuel use, then so be it.

As a farmer who grows food for my local community, higher fuel price actually means I can charge more for the food I grow since food prices are increasing everywhere. I have low transportation costs, so I will actually make more money as a result. I cannot complain about that.

If you sincerely want to do something about energy prices, Senator Crapo, then I suggest you promote the development of local economies, There is no need to ship and truck things from halfway around the world when, in reality, we can be producing what we need locally. That will reduce fuel use, which will lower demand, which will lower prices. We will also be reducing pollution and become more economically self-sufficient.

Our current system is completely unsustainable, and to complain about high fuel prices misses the point. I would much rather have you fighting for sound economic and environmental policies rather than continue to promote a system will at some point will collapse, anyway. As a leader, it is your job to make tough decisions, not pander to what seems to be selfish energy use.

Sincerely,

GARRETT, *Moscow.*

Thank you for the opportunity to comment on the effects that high gasoline prices are having on our family's budget. To begin with, we are a family of six: My wife Nancy and I have four children, ages 23, 21, 18, and 16. We live in Boise, and both Nancy and I commute to work on bicycles. I work for the State of Idaho, and my wife is a first grade teacher. We enjoy the jobs we have been blessed with in Boise.

Although we have received consistent salary increases, the percentages of these increases are certainly not keeping up to the increases in a lot of goods and services, and most notably, in gasoline costs.

Commuting on bicycles has saved us money and kept us in good shape, but it does have its risks! Our four children bicycle to work, college and high school. We have one main family car, and two of our children have cars. However, one of the cars is currently ''off the road'' and parked in our driveway. And the other one is destined for that, too. We still use the family car for a number of local trips, but we try to avoid or combine them when possible.

We are planning to take a trip to California in less than two weeks. Each year we take a group of people to help at a place called Gleanings for the Hungry, which is a Christian volunteer organization that processes food and ships it to hungry people all over the world.

We considered taking two vehicles for the seven people who are in our part of the team,

but instead we may all crowd into our minivan in order to save gas money and wear and tear on the other car.

So, Senator, these are the ways that the high gas prices have affected us. I do not think that we will see lower gas prices again, so it is time for all of us to use our ''Yankee Ingenuity'' and make the best of this situation.

Sincerely,

KEN.

I am not surprised in the least that the situation is what it is. Actually, I am a little surprised that energy costs are not much higher at this time. I have been in contact with my Federal Representative, the Honorable Mike Simpson, regarding your update letter, namely, the high cost of gasoline, and energy in general. I sent him a link to a speech given in 2006, by a man that was present, for three years, on the building of the Alaska pipeline. His words were, ''. . . I am considering your suggestion to accelerate completion of the Alaskan pipeline with great interest.'' What say you, Senator?

The oil reserves that we hold are more than sufficient, to not only bring our pump prices down, but also allow us to pay off our outrageous, $9.3 Trillion national debt, in the space of five years, and allow us to consume oil for the next 200 years or so (at least!). Perhaps you, Senator Crapo, would be willing to watch this video. You, too, will be enlightened, as I have been by this knowledge, and perhaps will be persuaded to come to the aid of your country, in our darkest hour. This is a link to the video—http://wideeyecinema.com/?p=203.

CURT, *Boise*.

Being a sort of forward-looking individual, in 2005 we purchased a Volkswagen Jetta with a diesel engine. It is a wonderful little car, but the unique thing about it is that it gets fifty as in 50 miles per gallon. Now I have watched as our illustrious leadership have mollycoddled the automobile makers here in the U.S. and even actually required the raising of the automobile mileage here in this country to a measly 35 miles per gallon average for vehicles. This when vehicles running on diesel already get way more than that! Now we do not drive that much because of gas and diesel prices, but since I can drive nearly 700 miles on a 14-gallon tank of gas, how often do you think we fill up? Admittedly, the prices of a tank of gas amaze us each time we do fill up, but still, we can, and often do, go a month without buying diesel. Even if I were to drive to ''town'' every day, I could drive almost half a month without filling up!

While such action by our leadership I guess is to be expected, I would like to know when [Congress] will ever get enough gumption to provide leadership for this nation? As a sort of forward-looking individual, I guess it would be fair to say that waiting for anyone living and working within the Beltway to provide any kind of leadership on energy is probably a moot point. While [partisan battles cloud everything,] the world forges ahead, trying hard to ignore the lack of ability to get anything done.

We hire you (elect you) to provide leadership, guide the country in and out of crises but, to be quite frank, [I am extremely disappointed in the partisanship that seems to permeate everything that happens in Congress]. The congressional confidence level is, as you know, at the lowest level ever. Somebody has to do something—even if it is wrong!

Since I do not work in your environment, I do not have a remedy for the environment of ''do nothing'' that seems pervasive in the Beltway. I do believe, however, that all influence from well-paid lobbyists and those with more money that they know what to do with should be put in some kind of less effective position relative to policy influence. While I understand that people need to be able to contact the people representing them, they should be limited to doing so only by the same means as the rest of us who do not and cannot have someone following legislators around influencing them at every turn.

Sorry, Senator, to rant about this on your forum for high energy prices. But I do not think [the current leadership] has or is providing any leadership in this or a variety of other areas. It seems as if we, the public, have to solve our own problems while Congress muddles around [in partisan bickering.] I have a car that gets 50 miles per gallon of fuel—what does your car get? What do your staff cars get? How many of you use any of the many kinds of ''commuter'' transportation available within the beltway?

Have a good day—please try and help us working on the energy problem solve it!

RAYMOND and SHERRY.

Today I filled ¾ of my car's gas tank. It cost $80 plus. Need I say more?

GRANT, *Boise*.

Thank you for expressing an interest in the situation of one family here in Lewiston. Any time we plan to drive somewhere, we give more thought to the need for the trip and whether it can be postponed or eliminated. In deciding whether to travel, the miles to be driven and our estimated fuel consumption (cost) are discussed. My wife works at LCSC (Lewis Clark State College). Instead of my driving her to her office, I now walk with her to work. The walk saves fuel and gives us time together. Now that the summer air conditioning season is here, we are keeping the thermostat at about 75 deg. If the electric bill is much higher we will raise the thermostat again. With the increased cost of groceries, we are starting to shop in Clarkston, WA; i.e. no state sales tax. Instead of eating out several times a week, we may only go out once now. When getting gasoline, I limit my purchase to about $20, or, about 5 gallons.

We spend a lot of time trying to figure out why in a country with so many natural resources and safe nuclear power we are not developing addition resources for the benefit of the population. Why is an ever expanding polar bear population more important than American citizens?

Thanks for expressing an interest.

AL and HOLLY.

ADDITIONAL STATEMENTS

COMMEMORATING KOJO NNAMDI'S 10TH ANNIVERSARY

• Mr. CARDIN. Mr. President, today I commemorate the 10th anniversary of Kojo Nnamdi broadcasting on the American University's WAMU 88.5. Over the course of the last decade, based on his skills as an interviewer and his keen insight, Nnamdi has grown into a national treasure and one of the most respected broadcasters in the National Capital Region. ''The Kojo Nnamdi Show'' features 2 hours of news, political issues, and social trends of the day in a magazine program format.

It is hard to remember a time before Kojo Nnamdi was part of the WAMU 88.5 broadcasting family, but it was just 10 years ago, in 1998, when Nnamdi left his host position at WHUT–TV's public affairs show ''Evening Exchange'' to become the host of WAMU's radio program ''Public Interest.'' He replaced former host Derek McGinty, filling a vibrant radio talk show slot that can be traced back to 1977 with Fred Fiske. The program officially was renamed ''The Kojo Nnamdi Show'' in September 2002.

Nnamdi was born Rex Paul in Guyana. He came to this country in 1967 to attend college. He began broadcasting in 1973 at WHUR–FM and chose his radio persona based on the Akan word for Monday—Kojo—and Nnamdi Azikiwe, a fellow journalist and the founder of modern Nigerian nationalism who was the first President of Nigeria.

Nnamdi's global perspective and inviting demeanor have made his radio program a must-do for both regional and national leaders. Each weekday, he challenges his guests and call-in audience alike to explore a variety of current and emerging topics relevant to our daily lives. As good a listener as he is an interviewer, Nnamdi opens our consciousness to new ideas. He is so highly skilled that the Washington Post has called him, ''maybe the best interviewer in town.''

Locally, Nnamdi has become one of the foremost experts on the political and social scenes of Annapolis, Richmond, and Washington, DC. On Fridays, 1 hour of his show is renamed ''The Politics Hour'' while he opens his airwaves to the region's elected officials, community activists and local leaders. I personally have looked forward to joining Nnamdi for his show time and again.

As Kojo Nnamdi enters his second decade broadcasting at WAMU 88.5, I take great pride in joining with countless others in our community and across the Nation in congratulating him on this milestone. I listen with anticipation for his next topic and his next guest who will help open our minds and further our dialog.•

175TH ANNIVERSARY OF THE MARTIN GUITAR FACTORY

• Mr. CASEY. Mr President, today I congratulate the Martin Guitar Factory, in Nazareth, PA, on celebrating 175 years of successful guitar making. C.F. Martin & Co. has continually produced the highest level of craftsmanship, design, quality, and tone for the acoustic guitar for over a century and a half.

Established in 1833, the Martin Guitar Factory has been at the leading

edge of guitar manufacturing for six generations. The founder of Martin Guitar, Christian Frederick Martin, Sr., was born in 1796 in Germany and began the craft at the young age of 15. Since the guild system in Germany limited the opportunities for guitar production, C.F. Martin, Sr., decided to emigrate to the United States in the 1830s. Martin Guitar set up shop in New York City for 6 years before finally settling in the Lehigh Valley in 1839. After a century and a half of success in guitar manufacturing, C.F. Martin & Co. continues to produce the finest quality American acoustic guitars today. Each year, Martin Guitar manufactures and ships approximately 170,000 guitars all over the world and welcomes over 21,000 visitors to its factory in Nazareth, Northampton County. Martin Guitars have been played by some of our Nation's greats, such as Elvis and Johnny Cash, and are still being played today by Eric Clapton, Beck, Willie Nelson, and John Mayer, to name just a few.

In addition to Martin Guitar's accomplishments and I believe this is key, the company has demonstrated incredible staying power through six generations. C.F. Martin & Co. is the oldest surviving manufacturer of guitars in the world and is thus an extraordinary model to other businesses. I am proud to say that C.F. Martin & Co. has long been and will remain a vital staple of the Lehigh Valley.

Special recognition for this anniversary belongs to the sixth generation chairman and CEO Mr. Christian F. Martin IV, and the hard-working staff of Martin Guitar, for continuing the long standing tradition of crafting America's finest acoustic guitars. It is with great pride that I congratulate the Martin Guitar Factory on 175 outstanding years of achievement. ●

TRIBUTE TO ROBERT FULWIDER

● Mr. GRASSLEY. Mr. President, today I congratulate Mr. Bob Fulwider as he nears the end of his term as the 103rd chairman of the Nation's largest insurance association, the Independent Insurance Agents & Brokers of America, IIABA. Mr. Fulwider was elected to the IIABA's executive committee in 2002, and was installed as the association's chairman last September.

Founded in 1896, IIABA, or the Big ''I'' as it is better known, is the Nation's oldest and largest association of independent insurance agents and brokers, representing a network of more than 300,000 agents, brokers, and their employees. During his term as chairman of the Big ''I'', Bob Fulwider has been a leader on a number of issues for the association including regulatory reform and natural disaster insurance. Perhaps most importantly, during this year's consideration of the farm bill and specifically its impact on crop insurance, Mr. Fulwider was a forceful advocate for his association who led with professionalism and determination.

Mr. Fulwider has over his lifetime built two financial and insurance planning service businesses throughout eastern Iowa including West Liberty and West Branch, IA. Mr. Fulwider is also a former national board director and a past president of the Independent Insurance Agents of Iowa, IIAI.

Mr. Fulwider has been honored with several national and state awards. He has been honored with two IIABA Presidential Citations—in 1987 and 1994. He was named IIAI Agent of the Year in 1993 and received the association's ''Mr. Chairman'' Award in the same year. He also received the Agent of the Year Award in 1990. He is the first honoree in the Iowa association's history to receive the award twice. In 2002, Mr. Fulwider was honored with the Sydney O. Smith Award, IIABA's highest individual government affairs honor. In 2003 he was named to the Iowa Insurance Hall of Fame.

In addition, Mr. Fulwider is extremely active in his community. After graduating from Iowa State University, he taught in Iowa public high schools and served on the Iowa State University faculty prior to entering the insurance business. Mr. Fulwider is past president of the Muscatine County Economic Development Council and training director and board member of the Iowa Council—Boy Scouts of America. Mr. Fulwider has served as Scoutmaster of his local troop for 25 years and has received numerous Scouting awards including the Silver Beaver. Additionally, he is active in his church and Masonic Lodge.

I want to thank Bob Fulwider for his work with the IIABA over the years and for his commitment to his profession, his community, and our state of Iowa. His efforts are greatly appreciated. I am proud to count Bob as both a constituent and a friend. I wish him, his wife Jan, and their family all the best in their future endeavors.●

50TH ANNIVERSARY OF THE AMERICAN SOCIETY OF HEMATOLOGY

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate the American Society of Hematology, which is observing its 50th anniversary this year, and to salute the advances hematologists have been able to make in biomedical research, largely as a result of the funding for the National Institutes of Health that many of us in the Senate fight for each year.

The American Society of Hematologists—ASH—represents more than 15,000 clinicians and scientists committed to the study and treatment of blood and blood-related diseases, including blood cancers, bleeding and clotting diseases, and hereditary disorders. Hematologists have made remarkable contributions to the advancement of biomedical research and are active participants in NIH biomedical research programs, recipients of NIH grants, and contributors to NIH's biomedical research accomplishments. I am pleased to note that some of this groundbreaking research is being conducted in Iowa by ASH member Dr. George Weiner and his team at the Holden Comprehensive Cancer Center at the University of Iowa.

Hematologists have been at the forefront of some of the most remarkable advancements in medicine over the past half century. ASH members have turned Federal research dollars into effective treatments for diseases that were once disabling or a death sentence, and have been pioneers in the fields of bone marrow transplantation and gene therapy.

By the NIH's own estimates, the overall 5-year survival rate for childhood cancers rose to nearly 80 percent during the 1990s from under 60 percent in the 1970s. A diagnosis of acute lymphoblastic leukemia was fatal for every child who developed it in the 1960s, but today, after new combinations of drugs were developed by hematology researchers, and aggressive treatment of the brain and spinal fluid were incorporated, approximately 80 percent of children with the disease are cured.

NIH also notes that the emergence of new, more precise ways to treat cancer, such as drugs that target abnormal proteins in cancer cells, have contributed to a dramatic increase in the average life expectancy for Americans. Again, hematologists have been at the forefront of these discoveries.

Acute promyelocytic leukemia—APL—was once described as the most malignant form of acute leukemia. Today, the treatment of APL has become a model for treating cancer with targeted therapy. In combination with chemotherapy, targeted treatment has significantly improved survival in patients with APL and raised remission rates to about 85 percent.

In the 1950s the only treatment for chronic myelogenous leukemia—CML—was radiation of the spleen, granting patients about 30 months of survival. Analysis of the CML-specific chromosomal translocation allowed the development of imatinib, a gene-targeting drug that is the paradigm for a new generation of ''smart'' drugs that allow disease-specific therapy. Using this non toxic oral drug, more than 75 percent of patients diagnosed with CML achieve a durable, complete cytogenetic remission.

I have consistently fought for increases to NIH annual budget, and will continue to due so to ensure that hematologists and researchers around the Nation continue to have the resources

necessary to lead in new fields of biomedical investigation and translate new scientific discoveries into improved diagnostic, therapeutic, and preventive strategies.

Again, I salute the American Society of Hematology for a magnificent first 50 years. With continued NIH funding, I am confident that hematologists will have even greater successes in treating and eliminating blood diseases over the next 50 years.●

COMMENDING ALLAMAKEE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Allamakee Community School District, and to report on their participation in a unique federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin Grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Allamakee Community School District received a 2004 Harkin Grant totaling $394,382 for a collaborative project addressing a myriad of needs throughout the community. After eight failed efforts to pass a referendum to make improvements to the high school, it was time to think outside the box.

Community leaders established the PRIDE committee to undertake a comprehensive planning process that looked at the needs of the school district as well as those of the community. The result was a proposal to renovate the high school and build an addition to the existing building. The committee also recommended building a new facility across the street from the high school to house a satellite center for Northeast Iowa Community College, a community wellness center, a senior center, and a youth center. This project was a unique partnership between the school district, city, county and community college. And their hard work paid off with the passage of a $10 million bond issue approved by 78 percent of the voters.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the patrons, staff, administration, and governance in the Allamakee Community School District.

I would like to recognize a number of individuals for their outstanding leadership on the project, in particular, members of the Allamakee PRIDE Committee—Michael Myers from Veterans Memorial Hospital, Dave Martin from Martin Funeral Home, Dennis Lyons from Farmers and Merchant's Bank, Joe Cunningham from the Waukon City Council, Patty Fosaaen from the Allamakee Board of Education, superintendent of schools David Herold and former superintendent of schools John Speer. I would also like to recognize members of the Allamakee County Board of Supervisors—Kathy Campbell, Lenny Burke, and the late Bill Clark; members of the Board of Education—President Tom Baxter, Bob Hager, Scott Melcher, Dwight Watkins and former member Sheryl Evanson; members of the Waukon City Council—former mayor Dwight Jones, Steve Wiedner, Rod Peterson and former members Drew Hager and Duane DeWalle; and several key school district administrators—buildings and grounds manager Dennis Mahr, business manager Janice Rea, junior high principal Joe Griffith and assistant high school principal Bob Wasson. Finally, I would recognize some of the personnel responsible for grant writing and for the bond referendum—Safe Schools/Healthy Students project director Barb Winters, elementary principal Ann Hart, Gail Prestemon from Waukon State Bank, Mary Jo Meyer from Farm Bureau Financial Services and Allamakee Community School District librarian Linda Groe.

As we mark the 10th anniversary of the Harkin School Grant Program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Allamakee Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

COMMENDING BOONE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers administrators, and school board members in the Boone Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Boone Community School District received a 2005 Harkin grant totaling $183,500. The grant helped the district renovate and convert several classrooms at the high school into state-of-the-art science labs, install technology infrastructure at a new middle school, and provide a fiber optic connection to Franklin Elementary School, to provide high speed Internet access. This project provides the type of facilities that befit the educational ambitions and excellence of this school district

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Boone Community School District. In particular, I would like to recognize the leadership of the members of the school board, Dr. Jeff Anderson, Pam Boehm, Everett Johnson, Kirk Leeds and Brad O'Neal and former members Stan Brandmeyer, Jim Malloy, and Paulette Newbold. I would

also recognize superintendent Dr. Theron Schutte, high school principal Dave Kapfer, former middle school principal Nate Heying, Franklin principal Dan Gould, technology coordinator Bog Patterson, director of buildings and grounds Dean Berkland, and John Haila from Haila Engineering.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Boone Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

COMMENDING CLEAR CREEK AMANA EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Clear Creek Amana Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Clear Creek Amana Community School District received a 2005 Harkin grant totaling $500,000, which it used to help build North Bend Elementary School in North Liberty. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent new schools like North Bend Elementary do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the dedicated educators in the Clear Creek Amana School District, which serves the towns of Tiffin, Oxford and North Liberty, as well as the historic Amana Colonies. The district has 1,420 students in grades K–12, and is growing steadily. It takes great pride in its teaching staff of 118 fully certified teachers, more than 30 percent of whom have been with the district at least 15 years. To have so many long-serving teachers is unusual in education today, and it speaks volumes about the quality of this school district, as well as the dedication and loyalty of its teaching staff.

I salute the entire staff, administration, and governance in the Clear Creek Amana district. In particular, I would like to recognize the leadership of Lisa Green-Douglas and Jeanne Goldsmith who served as the cochairs of the committee that won passage of the $25.5 million bond issue to build a new elementary school and a new high school in the district. I would also like to recognize the members of the school board: Jim Seelman, Don Schaapveld, Tim Hennes, Kathi Huebner, Kevin Kinney, Elizabeth Momany, Matthew Croco, and Kathy Zimmerman as well as Superintendent Paula Vincent and elementary school principal Brenda Parker.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Clear Creek Amana School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

COMMENDING DAVIS COUNTY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Davis County Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Davis County Community School District received a 2003 Harkin grant for $498,000 to help remodel the north entrance of the high school. The district also received two fire safety grants totaling $161,000 to make needed repairs to buildings throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Davis County Community School District. In particular, I would like to recognize the leadership of the Board of Education—President Marty Owen, Vice President Ken Wuthrich, Edward Reese, Jr., Rob Melvin, Susan Knapp, Rita Grob, and Rob Lynch. I would also like to recognize Superintendent Sam Miller and former Superintendent Anne Morgan.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings

and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Davis County Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

COMMENDING INDEPENDENCE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Independence Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Independence Community School District received two Harkin grants totaling $450,000. A 1999 fire safety grant for $100,000 was used to install smoke detectors and replace doors at the high school. A 2005 grant totaling $350,000 was used to help build the Early Childhood Center to provide five classrooms for prekindergarten programs. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Independence Community School District. In particular, I would like to recognize the leadership of the board of education, President Dawnye Sturtz, Vice President K.C. Robb, Joseph Olsen, Charlie McCardle, and John Christiansen; former board members, Martin Brown, Kevin Greenley, Bob Reiff, and Shelly Whited, as well as elementary principal Dr. Mary Jean Blaisdell and Superintendent Devin Embray.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Independence Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

COMMENDING PERRY COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Perry Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Perry Community School District received Harkin grants totaling $505,095 which it used to help build two additions at the high school to provide additional classrooms and administrative offices and to make fire safety repairs in the middle school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent new schools like Perry High School do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Perry Community School District. In particular, I would like to recognize the leadership of the board of education—President Dave Menz, Vice President Kathy Powell, Dan Wilhelmi, Darek Vankirk, Scott Seeley, board secretary Nancy Gee and board treasurer Dwayne Hochhalter and former board members—Gary Huitt, Kent Feiedrichsen, Larry Lyons, Rudy Zagar, board secretary Mary Boege, Chuck Painter, Shirley Keenan-Allyn and board secretary Dean Stumbo. I would also like to recognize Superintendent Randall McCaulley, former Superintendent Ellen Wrzeski, high school principal Dan Marburger and the Kids 2000 Committee.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the

Perry Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

REMEMBERING WALTER C. ''BUD'' O'MEARA

● Mr. LIEBERMAN. Mr. President, it is with a heavy heart that I honor today the memory of Walter C. ''Bud'' O'Meara, a teacher, coach, and good friend who passed away on August 3, 2008. I am deeply saddened by Walter's death and will keep his friends and family in my thoughts during this difficult time.

Growing up in my hometown of Stamford, CT, Walter spent most of his free time at the local YMCA, where he developed a passion for sports. While attending Stamford High School—SHA—in the 1930s, Walter was captain of the basketball team and an all state quarterback. His abilities on the football field earned him a scholarship to Notre Dame, the most storied program in the history of college football, where he played under Coach Elmer Layden, one of the Four Horsemen.

After graduating from Notre Dame, Walter joined the U.S. Navy, where he would become a lieutenant in the Naval Air Corps. While in the Navy, Walter married his wife, Grace, whom he had met on a blind date. They would remain married until Grace's death in 2005. As a member of Air Group 19, Walter flew bombers in the Pacific Combat Zone during the Second World War and was awarded the Air Medal for his service. Walter would keep in touch with his friends from Air Group 19 throughout his life.

After the war, Walter returned to SHS as a teacher and coach. In 1958, he was named head football coach, and proceeded to lead Stamford High to back-to-back State championships in 1958 and 1959. In addition to his duties as football coach, Walter also coached American Legion Baseball for 9 years. Again, Walter proved adept at getting the most out of his athletes, producing five State championship teams, and two regional champions.

While his teams' accomplishments on the field are certainly impressive, Coach O'Meara's greatest contribution to Stamford High was the constant source of friendship and support he provided his students. Years later, his players still fondly recall the influence he had on them not just on the playing field but in life as well. When I attended SHS, all students, whether athletes or not, knew that Coach O'Meara was someone they could approach whenever they needed assistance.

When he retired from coaching, Walter continued to serve as an administrator at SHS and managed the Roxbury Swimming and Tennis Club for over 25 years. He also worked as a professional football scout for 9 years.

However busy Walter was, he always made time for his family and friends. Those who knew him best said that no matter his professional success, his greatest pride was reserved for his 6 daughters, 11 grandchildren and 6 great-grandchildren.

While I will miss my good friend Walter O'Meara, I take solace that his example will live on in all of us who were lucky to have known him.●

CELEBRATING THE 30TH ANNUAL DICK LUGAR FITNESS FESTIVAL

● Mr. LUGAR. Mr. President, I appreciate this opportunity to share my gratitude for the remarkable work of the students and staff at Indianapolis's Butler University over our 30-year partnership in encouraging fitness and health awareness in central Indiana.

This Saturday, September 13, 2008, I will have the privilege of joining my friends and fellow Hoosiers at the 30th Annual Dick Lugar Community Walk, Run and Health Fair, held on the attractive grounds of Butler University. This festival was inaugurated in May of 1979 in order to highlight the positive benefits of fitness and nutrition to members of the local community. From the very beginning, this initiative was designed to appeal to a wide spectrum of people. Youth and families were encouraged to participate in an effort to reach out beyond the normal universe of running enthusiasts and to capitalize on those who could serve as a model for young people. With the inclusion of the health fair our partnership strove to engage older adults as well. And in 1983, the festivities began to include a Health and Fitness Award, given in recognition of individuals and organizations that have made exemplary contributions to the community in these important areas.

The Fitness Festival remains an event I look forward to with excitement each year. The running and race-walk competitions, the health fair with local experts and organizations in attendance, and the general fellowship all promise to be especially memorable in this signal year. Accordingly, I would like to take special care in highlighting those most responsible for the festival's perennial success.

Butler University and its dedicated president, Dr. Bobby Fong, deserve considerable praise. The university's eagerness to not only host, but embrace this opportunity to promote the benefits of a fit and healthy lifestyle reminds me of why Hoosiers are so proud of our colleges and universities' roles in improving the quality of life for individuals throughout Indiana. Thanks must also be given to the Butler students and faculty, and the community members who volunteer as organizers and race workers; the individuals who devote their experience and expertise at the health fair booths; the city of Indianapolis and Marion County for logistical support; other supporting organizations, whose generosity and commitment to health awareness in the Indianapolis community is highly commendable; and the thousands of individuals who have participated in the Fitness Festival over the course of its life.

It is important that as citizens we do what we can at the Federal, State, and community levels to promote the benefits of leading healthy lifestyles. This auspicious occasion provides a wonderful opportunity to commend Butler University for its efforts in this regard.●

100TH ANNIVERSARY OF THE MISSOURI SCHOOL OF JOURNALISM

● Mrs. MCCASKILL. Mr. President, today I would like to honor the important and national contributions of the Missouri School of Journalism in Columbia, MO, on its 100th anniversary.

When the school opened its doors on September 14, 1908, it became the world's first school of journalism. The University Missourian published its first issue that day, exemplifying the school's ''Missouri Method'' of hands-on training at multiple professional media outlets affiliated with the school. In fact, the school still operates the only network-affiliated television newsroom in the country designed as a teaching facility.

The school's pioneering endeavors continued in 1921 and 1934 with the awarding of the first master's and doctoral degrees in journalism. And now more than 20,000 alumni from all over the world have become leaders in journalism, mass communication, and academe.

The free press plays an integral role in our society, as a champion of freedom and watchdog of liberty. The achievements of this school are a mark of pride for its students and faculty, for Missouri, and the Nation. I congratulate the school on the celebration of its 100th anniversary and look forward to future groundbreaking endeavors from the school's leadership, faculty, alumni, and students.●

TRIBUTE TO THE MALCOLM GROW MEDICAL CENTER

● Ms. MIKULSKI. Mr. President, today I wish to recognize the great services that the Malcolm Grow Medical Center has done for this country. Malcolm Grow celebrated its 50th anniversary on July 31, 2008, and in those 50 years, it has provided medical care for those serving in the U.S. Air Force as well as their families. They follow in the proud tradition of medicine which their namesake developed.

MG Malcolm C. Grow was the first surgeon general of the U.S. Air Force,

serving from July 1 to November 30, 1949. In 1943, General Grow received the Legion of Merit for developing body armor to protect combat crews. His research led the way in developing a light body armor and steel helmet that saved many lives and improved our fighters' morale.

Today there are 372,200 eligible beneficiaries within 40 miles of the Malcolm Grow Medical Center. On a typical day, Malcolm Grow providers see 930 outpatients, 90 dental patients, 72 emergency room patients and has 5 inpatients. Staff complete seven surgical procedures and perform two deliveries. The Aeromedical Staging Flight takes care of 30 patients transitioning through the National Capital Region and carries out 1,963 pharmacy procedures. In 2007, Malcolm Grown oversaw over 10,400 patient and attendant movements alone.

General Grow's innovative spirit has lived on at the Malcolm Grow Medical Center as it celebrates its 50th birthday. They are the East Coast hub for aeromedical evacuation and provide health care services to our Nation's top leaders. I am proud to honor the great contribution which this facility has made to our service members, our Armed Forces, and our Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE STATING THAT THE STATUTORY PREREQUISITE TO BECOME EFFECTIVE IS NO LONGER SATISFIED, AS REQUIRED BY SECTION 123 B. OF THE ATOMIC ENERGY ACT OF 1954, FOR THE PROPOSED AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION FOR COOPERATION IN THE FIELD OF PEACEFUL USES OF NUCLEAR ENERGY TRANSMITTED TO THE SENATE ON MAY 13, 2008—PM 62

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

On May 13, 2008, I transmitted a message to the Congress transmitting the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy (the ''proposed Agreement''), pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153 (b), (d)) (the ''Act'').

In view of recent actions by the Government of the Russian Federation incompatible with peaceful relations with its sovereign and democratic neighbor Georgia, I have determined that the determination regarding the proposed Agreement in Presidential Determination 2008–19 is no longer effective. Accordingly, a statutory prerequisite for the proposed Agreement to become effective, as required by section 123 b. of the Act, is no longer satisfied. If circumstances should permit future reconsideration of the proposed Agreement, a new determination will be made and the proposed Agreement will be submitted for congressional review pursuant to section 123 of the Act.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 8, 2008*.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on August 1, 2008, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 3370. An act to resolve pending claims against Libya by United States nationals, and for other purposes.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bill was signed on August 1, 2008, during the recess of the Senate by the President pro tempore (Mr. BYRD).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on August 4, 2008, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 2245. An act to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood 'Bud' Link Department of Veterans Affairs Outpatient Clinic.

H.R. 4137. An act to amend and extend the Higher Education Act of 1965, and for other purposes.

H.R. 4210. An act to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building''.

H.R. 4918. An act to name the Department of Veterans Affairs medical center in Miami, Florida, as the ''Bruce W. Carter Department of Veterans Affairs Medical Center''.

H.R. 5477. An act to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building''.

H.R. 5483. An act to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building''.

H.R. 5631. An act to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building''.

H.R. 6061. An act to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the ''Kenneth James Gray Post Office Building''.

H.R. 6085. An act to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building''.

H.R. 6150. An act to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building''.

H.R. 6340. An act to designate the Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, as the ''Charles L. Brieant, Jr., Federal Building and United States Courthouse''.

H.R. 6432. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program, to establish a program of fees relating to generic new animal drugs, to make certain technical corrections to the Food and Drug Administration Amendments Act of 2007, and for other purposes.

H.R. 6580. An act to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, to amend the Internal Revenue Code of 1986 to repeal the dollar limitations on contributions to funeral trusts, and for other purposes.

S. 3294. An act to provide for the continued performance of the functions of the United States Parole Commission.

S. 3295. An act to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bills were signed on August 4, 2008, during the recess of the Senate,

by the President pro tempore (Mr. BYRD).

MESSAGE FROM THE HOUSE

At 3:00 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6599. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes.

MEASURES DISCHARGED DURING RECESS

The following measure was discharged from the Committee on Foreign Relations, pursuant to 42 U.S.C. 2159, and placed on the Calendar:

S.J. Res. 42. Joint resolution relating to the approval of the proposed agreement for nuclear cooperation between the United States and the Russian Federation.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Health, Education, Labor, and Pensions by unanimous consent, and referred as indicated:

H.R. 5057. An act to reauthorize the Debbie Smith DNA Backlog Grant Program; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3430. A bill to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6599. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that she had presented to the President of the United States the following enrolled bills:

On August 1, 2008:

S. 3370. An act to resolve pending claims against Libya by United States nationals, and for other purposes.

On August 5, 2008:

S. 3294. An act to provide for the continued performance of the functions of the United States Parole Commission.

S. 3295. An act to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7371. A communication from the Director, Policy Issuance Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Availability of Lists of Retail Consignees During Meat or Poultry Product Recalls'' (RIN0583–AD10) received on August 1, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7372. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Perishable Agricultural Commodities, Peanuts, Pecans, Ginseng, and Macadamia Nuts'' (Doc. No. AMS–LS–07–0081) (RIN 0581–AC26) received on August 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7373. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker, Movement of Fruit From a Quarantined Area; Bag Markings'' (Docket No. APHIS–2008–0080) received on August 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7374. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the annual report of the National Security Education Program for fiscal year 2007; to the Committee on Armed Services.

EC–7375. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, notification of the Department's decision to convert to contract the aircraft maintenance, administration, and corrosion control functions currently performed by 375 military personnel at various locations Navy-wide; to the Committee on Armed Services.

EC–7376. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (15) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7377. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Item Identification and Valuation Clause Update'' (DFARS Case 2007–D007) received on August 8, 2008; to the Committee on Armed Services.

EC–7378. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Ship Critical Safety Items'' (DFARS Case 2007–D016) received on August 8, 2008; to the Committee on Armed Services.

EC–7379. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Competition Requirements for Purchases from Federal Prison Industries'' (DFARS Case 2008–D015) received on August 8, 2008; to the Committee on Armed Services.

EC–7380. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Trade Agreements—New Thresholds'' (DFARS Case 2007–D023) received on August 8, 2008; to the Committee on Armed Services.

EC–7381. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–7382. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (73 FR 42266) received on August 5, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7383. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (73 FR 42265) received on August 5, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7384. A communication from the Acting Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Guidance on the Use of Company Web Sites'' (Release Nos. 34–58288, IC–28351) received on August 5, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7385. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation Z (Truth in Lending)'' (Docket No. R–1320) received on August 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7386. A communication from the Administrator, Research and Innovative Technology Administration, Department of Transportation, transmitting, pursuant to law, a report entitled ''Transportation Statistics Annual Report 2007''; to the Committee on Commerce, Science, and Transportation.

EC–7387. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule for Amendment 89 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area to Implement the Bering Sea Habitat Conservation Measures'' (RIN0648–AW06) received on August 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7388. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Coast Groundfish; Biennial Specifications and Management Measures; Inseason Adjustments'' (RIN0648–AX02) received on August 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7389. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1 and #2'' (RIN0648–XH85) received on August 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7390. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #3 and #4'' (RIN0648–XH91) received on August 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7391. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XJ36) received on August 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7392. A communication from the Director, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to a U.S. Navy Shock Trial'' (RIN0648–AT77) received on August 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7393. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Utah Regulatory Program'' (Docket No. UT–044–FOR) received on June 13, 2008; to the Committee on Energy and Natural Resources.

EC–7394. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standards for Business Practices and Communication Protocols for Public Utilities; Final Rule'' (Docket No. RM05–5–005; Order No. 676–C) received on August 8, 2008; to the Committee on Energy and Natural Resources.

EC–7395. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Sierra Nevada Bighorn Sheep (Ovis canadensis sierrae) and Taxonomic Revision'' (RIN1018–AV05) received on August 5, 2008; to the Committee on Environment and Public Works.

EC–7396. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Northern Spotted Owl'' (RIN1018–AU37) received on August 5, 2008; to the Committee on Environment and Public Works.

EC–7397. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Poa atropurpurea and Taraxacum californicum'' (RIN1018–AV04) received on August 5, 2008; to the Committee on Environment and Public Works.

EC–7398. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Devils River Minnow'' (RIN1018–AV25) received on August 5, 2008; to the Committee on Environment and Public Works.

EC–7399. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Schuylkill County Area'' (FRL No. 8702–1) received on August 8, 2008; to the Committee on Environment and Public Works.

EC–7400. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Arizona; Maricopa County PM–10 Nonattainment Area; Serious Area Plan for Attainment of the 24-Hour and Annual PM–10 Standards'' (FRL No. 8703–3) received on August 8, 2008; to the Committee on Environment and Public Works.

EC–7401. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona, Arizona Department of Environmental Quality, Pima County Department of Environmental Quality'' (FRL No. 8701–7) received on August 8, 2008; to the Committee on Environment and Public Works.

EC–7402. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flubendiamide; Pesticide Tolerance'' (FRL No. 8360–2) received on August 8, 2008; to the Committee on Environment and Public Works.

EC–7403. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebuconazole; Pesticide Tolerances'' (FRL No. 8376–2) received on August 8, 2008; to the Committee on Environment and Public Works.

EC–7404. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thifensulfuron Methyl; Pesticide Tolerances'' (FRL No. 8374–4) received on August 8, 2008; to the Committee on Environment and Public Works.

EC–7405. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tribenuron Methyl; Pesticide Tolerances'' (FRL No. 8374–5) received on August 8, 2008; to the Committee on Environment and Public Works.

EC–7406. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; to the Committee on Finance.

EC–7407. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Utility Allowances Regulations Update'' ((RIN1545–BC22) (TD 9420)) received on August 5, 2008; to the Committee on Finance.

EC–7408. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Converting an IRA Annuity to a Roth IRA'' ((RIN1545–BE65) (TD 9481)) received on August 5, 2008; to the Committee on Finance.

EC–7409. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''July—September 2008 Section 42 Bond Factor Amounts'' (Rev. Rul. 2008–36) received on August 5, 2008; to the Committee on Finance.

EC–7410. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Severance of a Trust for Generation-Skipping Transfer Tax Purposes'' ((RIN1545–BE70) (TD 9421)) received on August 5, 2008; to the Committee on Finance.

EC–7411. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tier I Issue IRC Section 118 Abuse Directive #4'' (Uniform Issue List Number: LMSB–4–0608–034) received on August 8, 2008; to the Committee on Finance.

EC–7412. A communication from the Under Secretary of State for Political Affairs, transmitting, pursuant to law, a report relative to the efforts being undertaken to complete the mission in Iraq successfully; to the Committee on Foreign Relations.

EC–7413. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to contributions of the United States to international organizations for fiscal year 2007; to the Committee on Foreign Relations.

EC–7414. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report summarizing the Department's activities during calendar year 2007 under the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act of 1998; to the Committee on Foreign Relations.

EC–7415. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of firearms sold commercially in the amount of $1,000,000 or more to the United Arab Emirates; to the Committee on Foreign Relations.

EC–7416. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of firearms sold commercially in the amount of $1,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC–7417. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services in the amount of

$50,000,000 or more to the Republic of Korea, the United Kingdom, New Zealand, Canada, Israel, Australia and Italy; to the Committee on Foreign Relations.

EC–7418. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services in the amount of $50,000,000 or more to the Government of Colombia; to the Committee on Foreign Relations.

EC–7419. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services in the amount of $50,000,000 or more to Egypt; to the Committee on Foreign Relations.

EC–7420. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services in the amount of $50,000,000 or more to the United Arab Emirates, Saudi Arabia, and Tunisia; to the Committee on Foreign Relations.

EC–7421. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services in the amount of $50,000,000 or more to Germany, Sweden, and Spain; to the Committee on Foreign Relations.

EC–7422. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services (Propulsion Shaft Seals and Pump Seal System Hardware) in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–7423. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services (Radio System for the United Kingdom Nimrod MRA4 Aircraft Program) in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–7424. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services (C–130 engine nacelles) in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–7425. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services in the amount of $100,000,000 or more to Taiwan; to the Committee on Foreign Relations.

EC–7426. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services in the amount of $100,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–7427. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license for the manufacture of significant military equipment abroad (manufacture, supply and distribution of sporting and recreational firearms) to Belgium, Canada, Portugal and Japan; to the Committee on Foreign Relations.

EC–7428. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license for the manufacture of significant military equipment abroad (Have Quick II and SATURN Electronic Counter-Countermeasures) to France; to the Committee on Foreign Relations.

EC–7429. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license for the manufacture of significant military equipment abroad (microcontrollers for the U.S. Army's Individual High Explosive Air Burst Weapons System) to Taiwan and Malaysia; to the Committee on Foreign Relations.

EC–7430. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed transfer of major defense equipment with an original acquisition value of more than $14,000,000 to the Government of Norway; to the Committee on Foreign Relations.

EC–7431. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for a license for the manufacture of significant military equipment abroad (M61A1, GAU–12/U, GAU–22/A and M197 Guns, and M89E1 Feeders) to Italy; to the Committee on Foreign Relations.

EC–7432. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for a license for the manufacture of significant military equipment abroad and the export of technical data, defense services, and defense articles in the amount of $50,000,000 or more to the United Kingdom, Germany, and France; to the Committee on Foreign Relations.

EC–7433. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, notification of the proposed removal from the United States Munitions List of a digital transceiver that was developed for military application, but has no military specific features and now has both military and civil applications; to the Committee on Foreign Relations.

EC–7434. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, notification of the proposed removal from the United States Munitions List of vessels for the containment and transportation of explosive devices that have primary applications in law enforcement and security; to the Committee on Foreign Relations.

EC–7435. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the International Traffic in Arms Regulations: The United States Munitions List Category VIII'' (RIN1400–AC47) received on August 8, 2008; to the Committee on Foreign Relations.

EC–7436. A communication from the Assistant General Counsel for Regulations, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Improving the Academic Achievement of the Disadvantaged—Migrant Education Program Final Regulations'' (RIN1810–AA99) received on August 1, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7437. A communication from the Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to Representation of Others Before The United States Patent and Trademark Office'' (RIN0651–AB55) received on August 8, 2008; to the Committee on the Judiciary.

EC–7438. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC–7439. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled, ''Fiscal Year 2007 Performance Summary Report''; to the Committee on the Judiciary.

EC–7440. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, a report relative to the Academy's activities during the year ending December 31, 2007; to the Committee on the Judiciary.

EC–7441. A communication from the Deputy Assistant Administrator, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Elimination of Exemptions for Chemical Mixtures Containing the List I Chemicals Ephedrine and/or Pseudoephedrine'' (RIN1117–AB11) received on August, 2008; to the Committee on the Judiciary.

EC–7442. A communication from the Acting White House Liaison, Department of Justice, transmitting, pursuant to law, (4) reports relative to vacancy announcements within the Department, received on August 05, 2008; to the Committee on the Judiciary.

EC–7443. A communication from the Acting General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Inflation Adjustment to Size Standards, Business Loan Program, and Disaster Assistance Loan Program'' (RIN3245–AF41) received on August 8, 2008; to the Committee on Small Business and Entrepreneurship.

EC–7444. A communication from the Acting General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Fuel Oil Dealers Industries'' (RIN3245–AF67) received on August 8, 2008; to the Committee on Small Business and Entrepreneurship.

EC–7445. A communication from the Secretary of Agriculture, transmitting, the report of draft legislation, ''To amend the Packers and Stockyards Act, 1921, to provide authority to collect license fees from persons participating in the Packers and Stockyards Programs, and for other purposes''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7446. A communication from the Associate Administrator, Office of Congressional and Intergovernmental Relations, Environmental Protection Agency, transmitting, the

report of proposed legislation relative to the Toxic Substances Control Act and the Federal Insecticide Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7447. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Almonds Grown in California; Order Amending Marketing Order No. 981'' (Docket No. FV07–981–1) received on August 19, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7448. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Department of the Navy and has been assigned case number 08-01; to the Committee on Appropriations.

EC–7449. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Department of the Army and has been assigned case number 07-01; to the Committee on Appropriations.

EC–7450. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the Department's purchases from foreign entities in Fiscal Year 2007; to the Committee on Armed Services.

EC–7451. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John A. Bradley, United States Air Force Reserve, and his placement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

EC–7452. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7453. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (18) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7454. A communication from Chief Financial Officer, Department of Housing and Urban Development, transmitting, pursuant to law, the report of the final set of amendments to the Department's Fiscal Year 2008 Annual Performance Plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–7455. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to amending the Export Administration Regulations; to the Committee on Banking, Housing, and Urban Affairs.

EC–7456. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Community Development Investments (12 C.F.R. part 24)'' (RIN1557-AD12) received on August 18, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7457. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (73 FR 44924) received on August 18, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7458. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Authorization to Impose License Requirements for Exports or Reexports to Entities Acting Contrary to the National Security or Foreign Policy Interests of the United States'' (RIN0694-AD82) received on August 18, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7459. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Electronic Filing of Export and Reexport License Applications, Classification Requests, Encryption Review Requests, and License Exception AGR Notifications'' (RIN0694-AD94) received on August 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7460. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Truth in Lending'' (Docket No. R-1305) received on August 18, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7461. A communication from the Assistant Secretary, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Electronic Payment of Fees for Outer Continental Shelf Activities'' (RIN1010-AD43) received on August 18, 2008; to the Committee on Energy and Natural Resources.

EC–7462. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Report on Section 3167 of the Department of Energy Science Education Enhancement Act Related to Education Partnerships with Minority Educational Institutions''; to the Committee on Energy and Natural Resources.

EC–7463. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, the Fiscal Year 2007 Status Report to Congress for the Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project; to the Committee on Energy and Natural Resources.

EC–7464. A communication from the Assistant Secretary, Electricity Delivery and Energy Reliability, Department of Energy, transmitting, pursuant to law, a report entitled ''A Preliminary Report on the Potential Impacts of Plug-in Hybrid Electric Vehicles on the U.S. Electric System''; to the Committee on Energy and Natural Resources.

EC–7465. A communication from the Assistant Secretary, Energy Efficiency and Renewable Energy, transmitting, pursuant to law, the Implementation Report on Energy Conservation Standards Activities, combining the fifth semi-annual Energy Policy Act of 2005 report and the second semi-annual Energy Independence and Security Act of 2007 report; to the Committee on Energy and Natural Resources.

EC–7466. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled, ''Annual Energy Review 2007''; to the Committee on Energy and Natural Resources.

EC–7467. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Rural Interstate Corridor Communications Study; to the Committee on Environment and Public Works.

EC–7468. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''United States - Morocco Free Trade Agreement'' (RIN1505-AB76) received on August 8, 2008; to the Committee on Finance.

EC–7469. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Fire Safety Requirements for Long Term Care Facilities, Automatic Sprinkler Systems'' (RIN0938-AN79) received on August 18, 2008; to the Committee on Finance.

EC–7470. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tier I Issue IRC Section 118 Abuse Directive #4'' (LMSB-4-0608-034) received on August 18, 2008; to the Committee on Finance.

EC–7471. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice - Section 475 Valuation Safe Harbor'' (Notice 2008-71) received on August 18, 2008; to the Committee on Finance.

EC–7472. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Financing Commitments and Section 163(e)(5)'' ((Rev. Proc. 2008-51)(RP-133208-08)) received on August 18, 2008; to the Committee on Finance.

EC–7473. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''S Corporation Guidance under AJCA 2004 and GOZA of 2005'' ((RIN1545-BE95)(TD9422)) received on August 18, 2008; to the Committee on Finance.

EC–7474. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Employee Plans Compliance Resolution System (''EPCRS'')'' (Rev. Proc. 2008-50) received on August 20, 2008; to the Committee on Finance.

EC–7475. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transfer of Sponsorship of a Pension Plan'' (Rev. Rul. 2008-45) received on August 18, 2008; to the Committee on Finance.

EC–7476. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2008-69) received on August 18, 2008; to the Committee on Finance.

EC–7477. A communication from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting proposed legislation entitled ''The Foreign

Agents Registration Technical Amendments Act of 2008''; to the Committee on Foreign Relations.

EC–7478. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the International Traffic in Arms Regulations: U.S. Munitions List Interpretation'' (22 CFR Part 121) received on August 18, 2008; to the Committee on Foreign Relations.

EC–7479. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing agreement for the manufacture of significant military equipment abroad (Germany), involving the export of defense articles, including technical data, and defense services to support the replication of the Have Quick I/II and SATURN Electronic Counter-Counter Measure for integration into Radio Communications Equipment; to the Committee on Foreign Relations.

EC–7480. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing agreement for the manufacture of significant military equipment abroad (France), involving the export of technical data, and defense services for the manufacture of the Have Quick II and SATURN Electronic Counter-Countermeasures; to the Committee on Foreign Relations.

EC–7481. A communication from the Program Manager, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Service of Process'' (45 CFR Part 4) received on August 19, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7482. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Radiology Devices; Reclassification of Bone Sonometers'' (Docket No. FDA-2005-N-0346) received on August 19, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7483. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''General and Plastic Surgery Devices; Reclassification of the Tissue Adhesive for Topical Approximation of Skin Device'' (Docket No. FDA–2006–P–0140) received on August 18, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7484. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Current Good Manufacturing Practice and Investigational New Drugs Intended for Use in Clinical Trials'' (Docket No. FDA–2005–N–0170) received on August 18, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7485. A communication from the Chief, Forest Service, Department of Agriculture, transmitting, pursuant to law, a report relative to the Tribal Forest Protection Act of 2004; to the Committee on Indian Affairs.

EC–7486. A communication from the Under Secretary for Management, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Department's commercial activities inventory for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–7487. A communication from the Principal Deputy Assistant Secretary for Policy and Planning, Department of Veterans Affairs, transmitting, pursuant to law, an inventory of commercial activities that are currently being performed by the Department's Federal employees for calendar year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–7488. A communication from the Senior Procurement Executive and Director for Acquisition Management, Department of Commerce, transmitting, pursuant to law, the Department's fiscal year 2007 inventory report; to the Committee on Homeland Security and Governmental Affairs.

EC–7489. A communication from the Executive Director, Project on National Security Reform, transmitting a report entitled ''Project on National Security Reform July 2008 Preliminary Findings''; to the Committee on Homeland Security and Governmental Affairs.

EC–7490. A communication from the White House Liaison, Office of Personnel Management, transmitting, pursuant to law, the report of a vacancy for the position of Director, received on August 19, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7491. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (73 FR Part 43632) received on August 18, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7492. A communication from the Director, Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Cutoff Dates for Recognition of Boundary Changes for the 2010 Census'' (RIN0607–AA47) received on August 18, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7493. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; North American Industry Classification System Based Federal Wage System Wage Surveys'' (RIN3206–AL45) received on August 19, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7494. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Competitive Area'' (RIN3206–AL64) received on August 19, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7495. A communication from the Principal Deputy Assistant Attorney General, transmitting, pursuant to law, the 2006 Annual Report of the National Institute of Justice; to the Committee on the Judiciary.

EC–7496. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on August 18, 2008; to the Committee on the Judiciary.

EC–7497. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended: Fingerprinting'' (22 CFR Part 41) received on August 19, 2008; to the Committee on the Judiciary.

EC–7498. A communication from the Deputy Under Secretary and Deputy Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revision of Patent Fees for Fiscal Year 2009'' (RIN0651–AC21) received on August 18, 2008; to the Committee on the Judiciary.

EC–7499. A communication submitted jointly by the Assistant Secretary of the Army (Civil Works) and the Under Secretary for Memorial Affairs, Department of Veterans Affairs, transmitting, pursuant to law, a report entitled ''Report on Alternative Measures to Address Cracks in the Monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia''; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES DURING RECESS

Under the authority of the order of the Senate of August 1, 2008, the following reports of committees were submitted on August 22, 2008:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2700. A bill to amend the Oil Pollution Act of 1990 to double liability limits for single-hull tankers and tank barges for 2009, and for other purposes (Rept. No. 110–445).

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 2728. A bill to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs (Rept. No. 110–446).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, without amendment:

S. 3362. A bill to reauthorize and improve the SBIR and STTR programs, and for other purposes (Rept. No. 110–447).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 344, a bill to permit the televising of Supreme Court proceedings (Rept. No. 110–448).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 3061. A bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN:

S. 3450. A bill to provide for the rescission of funds made available for fiscal year 2009

for Iraq reconstruction; to the Committee on Appropriations.

By Mr. FEINGOLD:

S. 3451. A bill to amend the Small Business Act to extend the Small Business Innovation Research and Small Business Technology Transfer programs, to increase the allocation of Federal agency grants for those programs, to add water, energy, transportation, and domestic security related research to the list of topics deserving special consideration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. HUTCHISON:

S. 3452. A bill to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 3453. A bill to authorize the adjustment of status for immediate family members of aliens who served honorably in the Armed Forces of the United States during the Afghanistan and Iraq conflicts; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 268

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 268, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 316

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 316, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 400

At the request of Mr. SUNUNU, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 561

At the request of Mr. BUNNING, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 686

At the request of Mr. LIEBERMAN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 686, a bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historical Trail.

S. 727

At the request of Mr. COCHRAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. CRAPO) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 860

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1141

At the request of Mr. BINGAMAN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1141, a bill to amend the Internal Revenue Code of 1986 to allow employees not covered by qualified retirement plans to save for retirement through automatic payroll deposit IRAs, to facilitate similar saving by the self-employed, and for other purposes.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1169, a bill to ensure the provision of high quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency in the health care system.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1410

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1556

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

At the request of Mr. SMITH, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from

New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1556, supra.

S. 1755

At the request of Mr. CASEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 2052

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2052, a bill to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2668

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2682

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2682, a bill to direct United States funding to the United Nations Population Fund for certain purposes.

S. 2686

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2686, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, and transit users as well as children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on streets and highways.

S. 2781

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2781, a bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare program.

S. 2875

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2875, a bill to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2899

At the request of Mr. HARKIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2899, a bill to direct the Secretary of Veterans Affairs to conduct a study on suicides among veterans.

S. 2913

At the request of Mr. LEAHY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2913, a bill to provide a limitation on judicial remedies in copyright infringement cases involving orphan works.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2990

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2990, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins.

S. 3140

At the request of Mr. WEBB, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3140, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 3187

At the request of Mr. HAGEL, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3187, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 3209

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3209, a bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes.

S. 3237

At the request of Mr. CASEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3237, a bill to assist volunteer fire companies in coping with the precipitous rise in fuel prices.

S. 3246

At the request of Mr. CARDIN, the names of the Senator from Utah (Mr. HATCH), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 3246, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to set the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction.

S. 3252

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3252, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 3263

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 3263, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. 3299

At the request of Mr. ENSIGN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3299, a bill to amend title 38, United States Code, to extend

the demonstration project on adjustable rate mortgages and the demonstration project on hybrid adjustable rate mortgages.

S. 3308

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 3308, a bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes.

S. 3317

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3317, a bill to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the ''Corporal John P. Sigsbee Post Office''.

S. 3331

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3331, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 3362

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3362, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

S. 3367

At the request of Mr. SMITH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3367, a bill to amend title XVIII of the Social Security Act to revise the timeframe for recognition of certain designations in certifying rural health clinics under the Medicare program.

S. 3380

At the request of Mrs. CLINTON, the names of the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3380, a bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

S. 3384

At the request of Mr. CARPER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3384, a bill to amend section 11317 of title 40, United States Code, to require greater accountability for cost overruns on Federal IT investment projects.

S. 3401

At the request of Mr. GRAHAM, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 3401, a bill to provide for habeas corpus review for terror suspects held at Guantanamo Bay, Cuba, and for other purposes.

S. 3403

At the request of Ms. CANTWELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 3403, a bill to amend title 49, United States Code, to require determination of the maximum feasible fuel economy level achievable for cars and light trucks for a year based on a projected fuel gasoline price that is not less than the applicable high gasoline price projection issued by the Energy Information Administration.

S. 3414

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3414, a bill to recapture family-sponsored and employment-based immigrant visas lost to bureaucratic delays and to prevent losses of family-sponsored and employment-based immigrant visas in the future, and for other purposes.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from North Carolina (Mr. BURR) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3437

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3437, a bill to limit the use of certain interrogation techniques, to require notification of the International Committee of the Red Cross of detainees, to prohibit interrogation by contractors, and for other purposes.

S. CON. RES. 86

At the request of Mr. KERRY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Con. Res. 86, a concurrent resolution expressing the sense of Congress that the United States, through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all of its forms and seek to strengthen measures to conserve whale species.

S. CON. RES. 87

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Con. Res. 87, a concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence.

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

S. RES. 619

At the request of Mr. SESSIONS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 619, a resolution expressing support for a constructive dialogue on human rights issues between the United States and Bahrain.

S. RES. 640

At the request of Mr. CARDIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 640, a resolution expressing the sense of the Senate that there should be an increased Federal commitment to public health and the prevention of diseases and injuries for all people in the United States.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from Missouri (Mr. BOND), the Senator from Maryland (Mr. CARDIN), the Senator from Minnesota (Mr. COLEMAN), the Senator from New York (Mr. SCHUMER) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN:

S. 3450. A bill to provide for the rescission of funds made available for fiscal year 2009 for Iraq reconstruction; to the Committee on Appropriations.

Mr. COLEMAN. Mr. President, legislation I am introducing today will rescind $1.1 billion in fiscal year 2009 funding for Iraq's reconstruction.

As you know, on the first of this month, U.S. forces handed security control of the Anbar province to the Iraqi government. This was an area that was considered all but lost to al-Qaida just 2 years ago, but as a result of the surge and related policies, today the Iraqis are able to take over the lead role for security in the province. This not only is a shining example of the success of the surge, but also shows the great improvements that the Iraqi government has made since the country's historic elections in 2005.

In fact, I believe these gains are so significant that it's time for the Iraqis to foot the bill for their reconstruction.

From 2005 to 2007, the Iraqi government brought in an estimated $96 billion—94 percent of that coming from

oil revenues—and a cumulative budget surplus of $29 billion. An August 5, 2008, report by the Government Accountability Office estimated that in 2008 the Iraqis will generate up to $86 billion, with a surplus of up to $50 billion. This means that, by the end of this year, the Iraqis will have realized a budget surplus of up to $79 billion.

I have long been calling for the Iraqi government to assume more responsibility for its own reconstruction costs. Just as they continue to take the lead in securing their country as the situation on the ground improves, I once again call on the Iraqis to take more responsibility for their country's reconstruction. The Iraqis have made great progress in developing their oil infrastructure, and they are now in a position to assume greater financial responsibility of their economic future.

There is no reason that we can't begin to return American tax dollars to the U.S. Treasury. That is why today I am introducing legislation that would rescind more than $1 billion in funding that has been appropriated for future Iraqi reconstruction.

My legislation will rescind approximately $1.1 billion in Iraqi reconstruction funding appropriated by Congress for fiscal year 2009. It is important to note that this legislation will not affect any of the funding for our soldiers who are putting themselves in harm's way every day. Nor will it affect ongoing projects, nor any money that has already been obligated.

I urge my colleagues to join me in congratulating the Iraqis in the improvements they have made by allowing them to take control of their own reconstruction. For the people of Iraq, this is a matter of self-determination and self-reliance. For American taxpayers, it's a matter of fairness.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3450

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

SECTION 1. RESCISSION OF CERTAIN FISCAL YEAR 2009 FUNDS FOR IRAQ RECONSTRUCTION.

(a) BRIDGE FUNDS FOR ECONOMIC SUPPORT FUND FOR IRAQ.—The amount appropriated by subchapter B of chapter 4 of title I of the Supplemental Appropriations Act, 2008 (Public Law 110–252) under the heading ''ECONOMIC SUPPORT FUND'' and available for assistance for Iraq is hereby rescinded.

(b) DEFENSE BRIDGE FUNDS FOR IRAQ SECURITY FORCES FUND.—The amount appropriated by chapter 2 of title IX of the Supplemental Appropriations Act, 2008 under the heading ''IRAQ SECURITY FORCES FUND'' is hereby rescinded.

By Mr. FEINGOLD:

S. 3451. A bill to amend the Small Business Act to extend the Small Business Innovation Research and Small Business Technology Transfer programs, to increase the allocation of Federal agency grants for those programs, to add water, energy, transportation, and domestic security related research to the list of topics deserving special consideration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. FEINGOLD. Mr. President, we need to take strong steps to promote job creation, innovation and sustainable long term economic development and there is no better way to do this than by stimulating and supporting small business innovation, especially in areas of national priority. As part of this effort, today I am introducing the Strengthening Our Economy Through Small Business Innovation Act of 2008.

Job growth, innovation and economic development are driven by our small businesses. Small businesses also tend to be based in our cities and communities and so they are major contributors to our local economies. Half of our county's payroll jobs and most of our new job opportunities are provided by small businesses. Small businesses are proven innovators and drive commercialization of cutting edge technologies. They also are effective partners with universities to enhance product creation, develop university income and attract university graduates and faculty through increased innovative job opportunities.

Over the last 25 years, through the Small Business Innovation and Research program, SBIR, and, more recently, Small Business Technology Transfer program, STTR, up to 2.5 percent and 0.3 percent, respectively, of Federal R&D funds from 11 Federal agencies have been specifically allocated to our Nation's small businesses to fund innovation.

My bill does three things. First, it extends the SBIR and STTR programs for a further 14 years so that small businesses, as well as universities and non-profit research organizations that collaborate with small businesses, can continue to leverage Federal research and development funding.

Second, it significantly increases the allocation of funds and the awards from large Federal research and development budgets to small businesses through the SBIR and STTR programs. It would increase the SBIR allocation from its current 2.5 percent to 10 percent and the STTR allocation from 0.3 percent to 1.0 percent over a 3 year period. It would increase SBIR phase I awards from $100,000 to $300,000 and phase II awards from $750,000 to $2.2 million. Third, it identifies specific funding priorities for energy innovation; safe and secure water; domestic security; and transportation.

Not only are small businesses our major source of employment, they employ about one third of our country's scientists and engineers and generate more patents on a per capita basis than large businesses and universities. This is simply a good investment in sustained job creation and innovation.

Studies by both the independent Government Accountability Office and The National Research Council have established that these programs are very effective in addressing their stated purposes. The NRC's comprehensive study, which was completed last year, found that the SBIR program ''is sound in concept and effective in practice.'' It also found that the program was ''stimulating technological innovation''; ''linking universities to the public and private markets''; ''increasing private sector commercialization of innovations'' at an ''impressive'' rate; and ''providing widely distributed support for innovation activity.'' The study concluded that:

> [T]he program is proving effective in meeting Congressional objectives. It is increasing innovation, encouraging participation by small companies in R&D, providing support for small firms owned by minorities and women, and resolving research questions for mission agencies in a cost effective manner. Should the Congress wish to provide additional funds for the program in support of these objectives, those funds could be employed effectively by the nation's SBIR.

The NRC's study found that universities and other non-profit research institutions will benefit significantly from the increase in both the SBIR and the STTR programs. The STTR allocation increase will directly benefit universities and efforts to bring university-based research into the commercial marketplace, as a partnership with a non-profit research institution, such as a university, is a requirement of all STTR award recipients.

The NRC study also found that many of the small businesses that receive SBIR funding are rooted in the university infrastructure so there will be synergies as investigators and graduates from universities, will have opportunities to be part of commercial developments. More than ⅔ of SBIR companies report that at least one founder was previously an academic. About one-third of SBIR company founders were most recently employed as academics before founding the company. Over a third of SBIR projects cite direct university involvement with: 27 percent of projects having university faculty as contractors on the project; 17 percent using universities themselves as subcontractors; and 15 percent employing graduate students.

In its report accompanying reauthorization legislation, the Senate Small Business and Entrepreneurship Committee recently concluded that:

> increases in the SBIR allocation will invest money in research, contracting, internships, and other collaborative activities done with universities, with the contracting and patenting activities with SBIR companies being a sizable source of revenue for universities as well. The university-industry partnerships that SBIR creates are crucial in

that they provide an applied research and commercialization focus that otherwise likely would not be present in university research. More specifically, the partnerships are important in exposing faculty and the next generation of scientists and engineers to commercial research and development. SBIR businesses provide graduate and undergraduate students with hands-on experience and job opportunities that universities would be unable to provide alone.

Our country faces some major challenges in which targeted research and development will be critical. Congress, with non-partisan expert guidance, has a role to play in guiding our national research and development priorities and, in this case, stimulating small business innovation in specific areas of critical national need. The National Academies of Science and other independent government research organizations provide us with carefully researched and considered recommendations on how we can address these priorities, so my bill draws on their recommendations to develop innovative energy technologies; enhance water quality and security; strengthen domestic security; and address transportation priorities. I urge my colleagues to support my legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5265. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5266. Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was orcfered to lie on the table.

SA 5267. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5265. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. MODIFICATION OF OFFSET AGAINST COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

Section 1413a(b)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''shall be reduced'' and all that follows through ''exceeds'' and inserting ''may not, when combined with the amount of retirement pay payable to the retiree after any reduction under sections 5304 and 5305 of title 38, cause the total of such combination to exceed''; and

(2) in subparagraph (B), by striking ''shall be reduced'' and all that follows through ''exceeds'' and inserting ''may not, when combined with the amount of retirement pay payable to the retiree after any reduction under sections 5304 and 5305 of title 38, cause the total of such combination to exceed''.

SA 5266. Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ACCELERATION OF PHASED-IN ELIGIBILITY FOR CONCURRENT RECEIPT OF BENEFITS.

Section 1414 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''December 31, 2013'' and inserting ''September 30, 2008''; and

(2) in subsection (c)—

(A) by striking ''December 31, 2013'' and inserting ''September 30, 2008'';

(B) in paragraph (5), by inserting after ''For a month during 2008'' the following: ''ending on or before September 30'';

(C) by striking paragraphs (6) through (10); and

(D) by redesignating paragraph (11) as paragraph (6).

SA 5267. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—

(1) IN GENERAL.—The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) Any recommendations regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) OTHER CONTENT.—The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term ''Air America'' means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term ''associated company'' means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce that the Senate Committee on Energy and Natural Resources will hold a business meeting on Thursday, September 11, 2008, at 9:30

a.m., in room SD–366 of the Dirksen Senate Office Building.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an energy summit has been scheduled under the auspices of the Committee on Energy and Natural Resources.

The summit will be held on Friday, September 12, beginning at 9:30 a.m., in room SD–G50 of the Dirksen Senate Office Building, Washington, DC.

The purpose of the summit is to consider how to achieve a more secure, reliable, sustainable, and affordable energy future for the American people.

All Senators are invited to attend and present their views and recommendations. A limited number of experts will also be invited to participate and make oral statements. In addition, anyone wishing to submit written statements for the record may send them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC. 20510–6150, or by e-mail to rosemarie_calabro@energy.senate.gov.

For further information, please contact Deborah Estes at (202) 224–5360, Tara Billingsley at (202) 224–4756, or Rosemarie Calabro at (202) 224–5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. President, I would like to announce for the Information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources. The hearing will be held on Tuesday, September 16, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the current state of vehicles powered by the electric grid and the prospects for wider deployment in the near future.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact Mike Carr at (202) 224–8164 or Rachel Pasternack at (202) 224–0883.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Suzanne McGuire, a fellow in the office of Senator PRYOR, be granted floor privileges for the remainder of the second session of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the following named staff members of the Committee on Armed Services be granted privileges of the floor at all times during the Senate's consideration of and votes relating to S. 3001, the national defense authorization bill:

The PRESIDING OFFICER. Without objection, it is so ordered.

HOLDS PERMANENT FLOOR PRIVILEGES

Borawski, June M.; Brewer, Leah C.; Bryan, Joseph M.; Caniano, William M.; Clark, Jonathan D.; Cohen, Ilona R.; Collins, David G.; Cowart, Christine E.; Creedon, Madelyn R.; Cronin, Kevin A.

DeBobes*, Richard D.; Dickinson, Marie Fabrizio; Eisen, Gabriella; Fieldhouse, Richard W.; Forbes, Diana Tabler; Greene, Creighton; Howard, Gary J.; Hutton, Paul C.; Jacobson, Mark R.; Kiley, Gregory T.

Kingston, Jessica L.; Kostiw*; Michael V.; Kuiken, Michael J.; Kyle, Mary J.; Lang, Christine G.; Leeling, Gerald J.; Levine*, Peter K.; McConnell, Thomas K.; McCord, Michael J.; Monahan, William G.P.; Morriss*, David M.

Niemeyer, Lucian L.; Noblet, Michael J.; Pasha, Ali Z.; Paul, Christopher J.; Pearson, Cindy; Quirk V, John H.; Rusten, Lynn F.; Sebold, Brian F.; Seraphin, Arun A.; Smith, Travis E.; Soofer, Robert M.; Stackley, Sean G.; Sutey, William K.; Wagner, Mary Louise; Walsh, Richard F.; Wells, Breon N.; White, Dana W.

Mr. LEVIN. Mr. President, I ask unanimous consent that U.S. Army MAJ Alison Martin, a military legislative fellow in Senator DODD's office, be granted the privilege of the floor during the debate on S. 3001.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that Robert Bruce, a Marine Corps fellow, be granted the privileges of the floor during consideration of S. 3001.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriation provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Barbara Mikulski:									
Canada	Dollar		876.00						876.00
United States	Dollar				1,993.25				1,993.25
Gabrielle Batkin:									
Canada	Dollar		876.00						876.00
United States	Dollar				1,993.25				1,993.25
Senator Patrick J. Leahy:									
Ireland	Euro		759.00						759.00
Czech Republic	Koruna		372.00						372.00
Turkey	Lira		328.00						328.00
Ed Pagano:									
Ireland	Euro		759.00						759.00
Czech Republic	Koruna		372.00						372.00
Turkey	Lira		328.00						328.00
Kevin McDonald:									
Ireland	Euro		759.00						759.00
Czech Republic	Koruna		372.00						372.00
Turkey	Lira		328.00						328.00
Katherine A. Eltrich:									
Ireland	Euro		759.00						759.00
Czech Republic	Koruna		372.00						372.00
Turkey	Lira		328.00						328.00
Dr. John Eisold:									
Ireland	Euro		759.00						759.00
Czech Republic	Koruna		372.00						372.00
Turkey	Lira		328.00						328.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Thad Cochran:									
Ireland	Euro		759.00						759.00
Czech Republic	Koruna		372.00						372.00
Turkey	Lira		328.00						328.00
Kay Webber:									
Ireland	Euro		759.00						759.00
Czech Republic	Koruna		372.00						372.00
Turkey	Lira		328.00						328.00
Michele Wymer:									
Ireland	Euro		759.00						759.00
Czech Republic	Koruna		372.00						372.00
Turkey	Lira		328.00						328.00
Howard Sutton:									
Mexico	Peso		1,050.00						1,050.00
United States	Dollar				2,180.99				2,180.99
Ellen Stein Beares:									
Spain	Euro		1,608.00						1,608.00
United Kingdom	Pound		1,170.00						1,170.00
France	Euro		1,207.00						1,207.00
United States	Dollar				8,534.00				8,534.00
Total			18,459.00		14,701.49				33,160.49

SENATOR ROBERT BYRD,
Chairman, Committee on Appropriations, July 29, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick J. Leahy:									
Switzerland	Franc		1,194.64						1,194.64
Kevin McDonald:									
Switzerland	Franc		1,254.47						1,254.47
United States	Dollar				2,919.71				2,919.71
Total			2,449.11		2,919.71				5,368.82

SENATOR ROBERT BYRD,
Chairman, Committee on Appropriations, July 29, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William G. P. Monahan:									
Pakistan	Dollar		126.00						126.00
Afghanistan	Dollar		75.00						75.00
Israel	Dollar		180.00						180.00
United States	Dollar				9,038.30				9,038.30
Senator E. Benjamin Nelson:									
Germany	Euro		391.00						391.00
Pakistan	Rupee		96.00						96.00
Italy	Euro		273.00						273.00
Andrew Vanlandingham:									
Germany	Euro		321.00						321.00
Pakistan	Rupee		46.00						46.00
Italy	Euro		243.00						243.00
Senator Carl Levin:									
Pakistan	Rupee		126.00						126.00
Afghanistan	Afghani		75.00						75.00
Israel	Shekel		180.00						180.00
United States	Dollar				9,056.30				9,056.30
Richard D. DeBobes:									
Pakistan	Rupee		126.00						126.00
Afghanistan	Afghani		75.00						75.00
Israel	Shekel		180.00						180.00
United States	Dollar				9,038.30				9,038.30
Senator Joseph I. Lieberman:									
United States	Dollar				10,988.00				10,988.00
Japan	Dollar		135.00						135.00
Singapore	Dollar		333.00						333.00
Vance Serchuk:									
United States	Dollar				10,988.00				10,988.00
Japan	Dollar			135.00					135.00
Singapore	Dollar		333.00						333.00
Total			3,449.00		49,108.90				52,557.90

SENATOR CARL LEVIN,
Chairman, Committee on Armed Services, July 25, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
Ireland	Euro		609.00				150.00		759.00
Czech Republic	Koruna		272.00				100.00		372.00
Turkey	Lira		228.00				100.00		328.00
William Duhnke:									
Ireland	Euro		609.00				150.00		759.00
Czech Republic	Koruna		272.00				100.00		372.00
Turkey	Lira		228.00				100.00		328.00
Neal Orringer:									
Bolivia	Boliviano		108.00						108.00
Argentina	Peso		312.00						312.00
United States	Dollar				2,733.00				2,733.00
Total			2,638.00		2,733.00		700.00		6,071.00

SENATOR CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs,
July 25, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1 TO JUNE 30, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Floyd DesChamps:									
United States	Dollar				8,684.56				8,684.56
Thailand	Baht		1,626.00						1,626.00
Todd Bertoson:									
United States	Dollar				6,135.30				6,135.30
Chile	Peso		1,636.00						1,636.00
Total			3,262.00		14,819.86				18,081.86

SENATOR DANIEL K. INOUYE,
Chairman, Committee on Commerce, Science, and Transportation,
Aug. 1, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2007

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jessica Maher:									
Greenland	Krone		180.00						180.00
Ashley Horning:									
Greenland	Krone		140.00						140.00
Senator Bill Nelson:									
Greenland	Krone		257.00						257.00
Senator Johnny Isakson:									
Greenland	Krone		256.00						256.00
Senator Bernard Sanders:									
Greenland	Krone		257.00						257.00
Senator Sheldon Whitehouse:									
Greenland	Krone		257.16						257.16
Senator Barbara Mikulski:									
Greenland	Krone		140.44						140.44
Senator Frank Lautenberg:									
Greenland	Krone		307.00						307.00
Senator Benjamin Cardin:									
Greenland	Krone		257.30						257.30
Senator Amy Klobuchar:									
Greenland	Krone		350.00						350.00
Senator Bob Corker:									
Greenland	Krone		120.44						120.44
Erik Olson:									
Greenland	Krone		188.50						188.50
Michael Goo:									
Greenland	Krone		350.00						350.00
Michael Quiello:									
Greenland	Krone		160.44						160.44
Marc Morano:									
Greenland	Krone		260.00						260.00
Arvin Ganeson:									
Greenland	Krone		160.44						160.44
Mark Wilson:									
Greenland	Krone		350.00						350.00
John Eisold:									
Greenland	Krone		350.00						350.00
Alex Herrgott:									
United States	Dollar				7,676.29				7,676.29
Sweden	Krona		1,395.00						1,395.00
Netherlands	Euro		1,282.68						1,282.68
Turkey	Lira		1,288.00						1,288.00
James O'Keeffe:									
United States	Dollar				7,676.29				7,676.29
Sweden	Krona		1,395.00						1,395.00
Netherlands	Euro		1,282.68						1,282.68
Turkey	Lira		1,288.00						1,288.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2007—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Ordal:									
Greenland	Krone		140.44						140.44
United States	Dollar				6,231.02				6,231.02
United Kingdom	Pound		779.00						779.00
France	Euro		354.00		766.50		1,850.00		2,970.50
Iceland	Krona		234.00		194.50		338.00		766.50
Bettina Poirier:									
Greenland	Krone		350.00						350.00
United States	Dollar				6,231.02				6,231.02
United Kingdom	Pound		905.00						905.00
France	Euro		354.00		766.50		1,850.00		2,970.50
Iceland	Krona		234.00		194.50		338.00		766.50
Peter Rafle:									
Greenland	Krone		225.24						225.24
United States	Dollar				6,231.02				6,231.02
United Kingdom	Pound		603.00						603.00
France	Euro		354.00		766.50		1,850.00		2,970.50
Iceland	Krona		234.00		194.50		338.00		766.50
Senator Barbara Boxer:									
Greenland	Krone		257.30						257.30
United States	Dollar				6,231.02				6,231.02
United Kingdom	Pound		524.00						524.00
France	Euro		354.00		766.50		1,850.00		2,970.50
Iceland	Krona		234.00		194.50		338.00		766.50
Total			18,409.06		44,120.66		8,752.00		71,281.72

SENATOR BARBARA BOXER,
Chairman, Committee on Environment and Public Works, Aug. 13, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Eric Thu:									
United States	Dollar				10,842.56				10,842.56
Thailand	Baht		1,608.00						1,608.00
James O'Keeffe:									
United States	Dollar				8,229.97				8,229.97
Spain	Euro		1,458.00				150.00		1,608.00
United Kingdom	Pound		1,070.00				100.00		1,170.00
France	Euro		1,107.00				100.00		1,207.00
Total			5,243.00		19,072.53		350.00		24,665.53

SENATOR BARBARA BOXER,
Chairman, Committee on Environment and Public Works, July 25, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden, Jr.:									
France	Euro		834.00						834.00
United States	Dollar				3,103.85				3,103.85
Senator Joseph R. Biden, Jr.:									
Italy	Euro		861.00						861.00
United States	Dollar				7,184.75				7,184.75
Senator Robert Casey:									
Pakistan	Rupee		130.00						130.00
India	Rupee		86.00						86.00
United States	Dollar				9,362.40				9,362.40
Senator Christopher Dodd:									
Bolivia	Dollar		202.00						202.00
Argentina	Peso		312.00						312.00
Ecuador	Dollar		174.00						174.00
Senator Russ Feingold:									
Pakistan	Rupee		93.04						93.04
India	Rupee		718.00						718.00
United States	Dollar				7,960.28				7,960.28
Senator John Kerry:									
Saudi Arabia	Riyal		348.00						348.00
Israel	Shekal		176.00						176.00
Egypt	Pound		162.00						162.00
France	Euro		278.00						278.00
United States	Dollar				8,190.00				8,190.00
Jonah Blank:									
Thailand	Dollar		960.00						960.00
Malaysia	Dollar		1,338.00						1,338.00
United States	Dollar				9,854.33				9,854.33
Joshua Blumenfeld:									
Bolivia	Dollar		102.00						102.00
Argentina	Peso		252.00						252.00
Ecuador	Dollar		134.00						134.00
Jay Branegan:									
Vietnam	Dollar		1,460.00						1,460.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Cambodia	Dollar		385.00						385.00
United States	Dollar				9,157.32				9,157.32
Shellie Bressler:									
Uganda	Shilling		1,764.62						1,764.62
United States	Dollar				10,342.94				10,342.94
Neil Brown:									
Chad	Franc		1,095.00						1,095.00
Ghana	Cedi		1,120.00						1,120.00
United States	Dollar				15,882.34				15,882.34
Brooke Daley:									
Peru	Nuevo Sol		1,850.00						1,850.00
Brazil	Real		864.00						864.00
United States	Dollar				6,076.30				6,076.30
Isaac Edwards:									
Korea	Won		200.00						200.00
Russia	Ruble		500.00						500.00
United States	Dollar				9,330.00				9,330.00
Steve Feldstein:									
Nicaragua	Cordoba		174.00						174.00
United States	Dollar				2,406.30				2,406.30
Paul Foldi:									
Uganda	Shilling		2,072.00						2,072.00
United States	Dollar				10,342.94				10,342.94
Mark Helmke:									
Germany	Euro		2,561.48						2,561.48
United States	Dollar				6,979.66				6,979.66
Frank Jannuzi:									
Thailand	Baht		960.00						960.00
Taiwan	Dollar		1,795.00						1,795.00
United States	Dollar				9,830.83				9,830.83
Jofi Joseph:									
Pakistan	Rupee		130.00						130.00
India	Rupee		273.00						273.00
United States	Dollar				9,694.40				9,694.40
Danielle Langton:									
Russia	Ruble		877.00						877.00
United States	Dollar				7,761.78				7,761.78
Mark Lopes:									
Nicaragua	Cordoba		253.62						253.62
Honduras	Lempira		553.23						553.23
United States	Dollar				1,559.30				1,559.30
Frank Lowenstein:									
Saudi Arabia	Riyal		348.00						348.00
Israel	Shekal		176.00						176.00
Egypt	Pound		162.00						162.00
France	Euro		198.00						198.00
United States	Dollar				8,190.00				8,190.00
Sarah Margon:									
Pakistan	Rupee		156.00						156.00
India	Rupee		1,023.00						1,023.00
United States	Dollar				7,990.28				7,990.28
Dan McLaughlin:									
Kenya	Shilling		474.00						474.00
Tanzania	Shilling		308.00						308.00
Uganda	Shilling		272.00						272.00
Rwanda	Franc		272.00						272.00
Italy	Euro		273.00						273.00
United States	Dollar				5,979.67				5,979.67
Carl Meacham:									
Peru	Nuevo Sol		1,890.00						1,890.00
Brazil	Real		964.00						964.00
United States	Dollar				6,076.30				6,076.30
Kenneth Myers III:									
Russia	Ruble		760.00						760.00
United States	Dollar				7,761.78				7,761.78
Michael Phelan:									
Chad	Franc		1,095.00				777.00		1,872.00
Ghana	Cedi		1,120.00				856.00		1,976.00
United States	Dollar				15,882.34				15,882.34
Shannon Smith:									
Uganda	Shilling		1,624.00						1,624.00
United States	Dollar				10,343.00				10,343.00
Chris Socha:									
Djibouti	Franc		336.00						336.00
Ethiopia	Birr		996.00						996.00
Botswana	Pula		434.00						434.00
Senegal	Franc		796.00						796.00
United States	Dollar				12,122.96				12,122.96
Marik A. Frens-String:									
Vietnam	Dong		740.00						740.00
Cambodia	Riel		645.00				233.00		878.00
United States	Dollar				8,981.32				8,981.32
Puneet Talwar:									
Netherlands	Euro		446.00						446.00
United States	Dollar				7,102.04				7,102.04
David Wade:									
Saudi Arabia	Riyal		348.00						348.00
Israel	Shekal		176.00						176.00
Egypt	Pound		162.00						162.00
France	Euro		278.00						278.00
United States	Dollar				8,190.30				8,190.30
Debbie Yamada:									
United Kingdom	Pound		231.00						231.00
Kazakhstan	Tenge		748.00						748.00
Italy	Euro		262.00						262.00
Total			43,760.99		243,639.71		1,866.00		289,266.70

SENATOR JOSEPH R. BIDEN, JR.
Chairman, Committee on Foreign Relations, July 25, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Wendy Anderson:									
United States	Dollar				10,080.76				10,080.76
Israel	Shekel		147.58						147.58
Pakistan	Rupee		161.26						161.26
United Arab Emirates	Dirham		14.60						14.60
India	Rupee		178.97						178.97
Saudi Arabia	Riyal		81.00						81.00
Clyde Hicks:									
United States	Dollar				6,590.97				6,590.97
Israel	Shekel		104.87						104.87
Pakistan	Rupee		225.74						225.74
United Arab Emirates	Dirham		192.00						192.00
Total			1,106.02		16,671.73				17,777.75

SENATOR JOSEPH LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
July 8, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Andrew Kerr			2,079.00						2,079.00
	Dollar				3,567.40				3,567.40
Gordon Matlock			2,053.00						2,053.00
	Dollar				4,216.73				4,216.73
David Koger			2,008.00						2,008.00
	Dollar				4,730.28				4,730.28
Caroline Tess			1,099.00						1,099.00
	Dollar				5,980.00				5,980.00
Senator Bill Nelson			1,432.00						1,432.00
	Dollar				5,980.00				5,980.00
Eric Pelofsky			1,537.20						1,537.20
	Dollar				7,112.84				7,112.84
Michael Pevzner			1,644.00						1,644.00
	Dollar				8,453.28				8,453.28
Louis Tucker			1,635.00						1,635.00
	Dollar				5,441.30				5,441.30
Bryan Smith			1,529.57						1,529.57
	Dollar				5,478.44				5,478.44
Evan Gottesman			816.00						816.00
	Dollar				7,990.28				7,990.28
Michael Pevzner			1,924.99						1,924.99
	Dollar				7,807.09				7,807.09
Todd Rosenblum			1,924.99						1,924.99
	Dollar				7,807.09				7,807.09
John Maguire			1,924.99						1,924.99
	Dollar				7,807.09				7,807.09
Daniel Jones			1,924.99						1,924.99
	Dollar				7,807.09				7,807.09
Eric Pelofsky			1,387.00						1,387.00
	Dollar				8,543.28				8,543.28
Todd Rosenblum			1,644.00						1,644.00
	Dollar				8,543.28				8,543.28
Total			26,563.73		107,265.47				133,829.20

SENATOR JOHN D. ROCKEFELLER,
Chairman, Committee on Intelligence, Aug. 1, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM APR. 1 TO JUNE 30, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kathleen Frangione:									
United States	Dollar				10,842.56				10,842.56
Thailand	Baht		1,608.00						1,608.00
Virginia Worrest:									
United States	Dollar				10,711.56				10,711.56
Thailand	Baht		1,876.00						1,876.00
Total			3,484.00		21,554.12				25,038.12

SENATOR JOHN F. KERRY,
Chairman, Committee on Small Business and Entrepreneurship,
July 16, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CONGRESSIONAL-EXECUTIVE COMMISSION FOR TRAVEL FROM APR. 1 TO JUNE 30, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kara Abramson:									
United States	Dollar				9,357.96				9,357.96
Kazakhstan	Tenge		2,161.00				1,658.58		3,819.58
Kyrgyzstan	Som		1,002.51		115.52		298.29		1,416.32
Total			3,163.51		9,473.48		1,956.87		14,593.86

REPRESENTATIVE SANDER LEVIN,
Congressional-Executive Commission on China, July 23, 2008.

DISCHARGE AND REFERRAL—H.R. 5057

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 5057 and that the bill be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF CERTAIN AUTHORITIES OF THE DEPARTMENT OF STATE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 6456, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6456) to provide for extensions of certain authorities of the Department of State, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. BOXER. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6456) was ordered to be read a third time, was read the third time, and passed.

RESOLUTIONS DISCHARGED AND THE CALENDAR

Mrs. BOXER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged and the Senate now proceed to the en bloc consideration of the following Senate resolutions: S. Res. 647, S. Res. 649. I further ask that the Senate then proceed to Calendar No. 922, S. Res. 620, and Calendar No. 923, S. Res. 622, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the resolutions en bloc.

Mrs. BOXER. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY

The resolution (S. Res. 647) designating September 9, 2008, as ''National Fetal Alcohol Spectrum Disorders Awareness Day'' was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 647

Whereas the term ''fetal alcohol spectrum disorders'' includes a broader range of conditions and therefore has replaced the term ''fetal alcohol syndrome'' as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas, although the economic costs of fetal alcohol spectrum disorders are difficult to estimate, the cost of fetal alcohol syndrome alone in the United States was $5,400,000,000 in 2003 and it is estimated that each individual with fetal alcohol syndrome will cost taxpayers of the United States between $1,500,000 and $3,000,000 in his or her lifetime;

Whereas, in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked ''What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol . . . would the rest of the world listen?''; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2008, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''; and

(2) calls upon the people of the United States—

(A) to observe National Fetal Alcohol Spectrum Disorders Awareness Day with appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize further effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) to observe a moment of reflection on the ninth hour of September 9, 2008, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY

The resolution (S. Res. 649) designating September 18, 2008, as ''National Attention Deficit Disorder Awareness Day'' was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 649

Whereas Attention Deficit/Hyperactivity Disorder (also known as ADHD or ADD), is a chronic neurobiological disorder that affects both children and adults, and can significantly interfere with the ability of an individual to regulate activity level, inhibit behavior, and attend to tasks in developmentally-appropriate ways;

Whereas ADHD can cause devastating consequences, including failure in school and

the workplace, antisocial behavior, encounters with the criminal justice system, interpersonal difficulties, and substance abuse;

Whereas ADHD, the most extensively studied mental disorder in children, affects an estimated 3 to 7 percent (4,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socio-economic lines;

Whereas scientific studies indicate that between 10 and 35 percent of children with ADHD have a first-degree relative with past or present ADHD, and that approximately ½ of parents who had ADHD have a child with the disorder, suggesting that ADHD runs in families and inheritance is an important risk factor;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with ADHD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than ½ of children and adults with the disorder receive treatment and, furthermore, poor and minority communities are particularly underserved by ADHD resources;

Whereas the Surgeon General, the American Medical Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, the American Psychological Association, the American Academy of Pediatrics, the Centers for Disease Control and Prevention, and the National Institutes of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of ADHD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of ADHD, and the dissemination of inaccurate, misleading information contributes as an obstacle for diagnosis and treatment;

Whereas lack of knowledge combined with issues of stigma have a particularly detrimental effect on the diagnosis and treatment of the disorder;

Whereas there is a need for education of health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper comprehensive diagnosis and treatment, the symptoms of ADHD can be substantially decreased and quality of life can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 18, 2008, as ''National Attention Deficit Disorder Awareness Day'';

(2) recognizes Attention Deficit/Hyperactivity Disorder (ADHD) as a major public health concern;

(3) encourages all Americans to find out more about ADHD, support ADHD mental health services, and seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to—

(A) endeavor to raise awareness about ADHD; and

(B) continue to consider ways to improve access and quality of mental health services dedicated to improving the quality of life of children and adults with ADHD; and

(5) calls on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs and activities.

NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

The resolution (S. Res. 620) designating the week of September 14–20, 2008, as National Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease, and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 620

Whereas polycystic kidney disease (known as ''PICD''), one of the most prevalent life-threatening genetic diseases in the United States, is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, on people of all ages, and affects equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas this devastating disease comes in 2 hereditary forms, with autosomal dominant polycystic kidney disease (ADPKD) affecting 1 in 500 worldwide, including 600,000 PKD patients in the United States, according to prevalence estimates in the National Institutes of Health;

Whereas families in which 1 or both parents have ADPKD have a 50 percent chance of passing the disease on to each of their children;

Whereas autosomal recessive polycystic kidney disease (ARPKD), a rarer form of PKD, affects 1 in 20,000 live births and too often leads to death early in life;

Whereas parents who carry the gene for ARPKD pass on the disease to 25 percent of the children the parents conceive;

Whereas, in addition to patients directly affected by PKD, countless friends, loved ones, family members, colleagues, and caregivers must shoulder the physical, emotional, and financial burdens that polycystic kidney disease causes;

Whereas polycystic kidney disease, for which there is no treatment or cure, is the leading genetic cause of kidney failure in the United States and the fourth leading cause overall;

Whereas the vast majority of polycystic kidney disease patients reach kidney failure at an average age of 53, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the ''baby boomers'', continues to age;

Whereas end stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to that cost by an estimated $2,000,000,000 annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidney and the cardiovascular, endocrine, hepatic, and gastrointestinal organ systems and instills in patients a fear of an unknown future with a life-threatening genetic disease and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease cause many patients to live in denial and forego regular visits to their physicians or to avoid following good health management which would help avoid more severe complications when kidney failure occurs;

Whereas people who have chronic, life-threatening diseases like polycystic kidney disease have a predisposition to depression and the resulting consequences of depression due to their anxiety over pain, suffering, and premature death;

Whereas the Senate and taxpayers of the United States desire to see treatments and. cures for disease and would like to see results from investments in research conducted by the National Institutes of Health (NIH) and from such initiatives as the NIH Roadmap to the Future;

Whereas polycystic kidney disease is a verifiable example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit polycystic kidney disease sufferers, save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies, and make available several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide who are dedicated to expanding essential research, fostering public awareness and understanding of polycystic kidney disease, educating polycystic kidney disease patients and their families about the disease to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas these volunteers engage in an annual national awareness event held during the third week of September, and such a week would be an appropriate time to recognize National Polycystic Kidney Disease Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 14–20, 2008, as ''National Polycystic Kidney Disease Awareness Week'';

(2) supports the goals and ideals of a national week to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support National Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease, and to foster understanding of the impact of the disease on patients and their families.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

The resolution (S. Res. 622) designating the week beginning September 7, 2008, as ''National Historically Black Colleges and Universities Week'' was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 622

Designating the week beginning September 7, 2008, as ''National Historically Black Colleges and Universities Week''.

Whereas there are 103 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 7, 2008, as ''National Historically Black Colleges and Universities Week''; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–21

Mrs. BOXER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 8, 2008, by the President of the United States: Hague Convention on International Recovery of Child Support and Family Maintenance, Treaty Document No. 110–21. I further ask consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague on November 23, 2007, and signed by the United States on that same date, with a view to receiving the advice and consent of the Senate to ratification, subject to the reservations and declaration set forth in the report of the Secretary of State. The report of the Secretary of State, which includes an overview of the Convention, is enclosed for the information of the Senate.

The United States supported the development of the Convention as a means of promoting the establishment and enforcement of child support obligations in cases where the custodial parent and child are in one country and the non-custodial parent is in another. The Convention provides for a comprehensive system of cooperation between the child support authorities of contracting states, establishes procedures for the recognition and enforcement of foreign child support decisions, and requires effective measures for the enforcement of maintenance decisions. It is estimated that there are over 15 million child support cases in the United States and that an increasing number of these cases will involve parties who live in different nations. United States courts already enforce foreign child support orders, while many countries do not do so in the absence of a treaty obligation. Ratification of the Convention will thus mean that more U.S. children will receive the financial support they need from both their parents.

The Department of State and the Department of Health and Human Services, which leads the Federal child support program, support the early ratification of this Convention. The American Bar Association and the National Child Support Enforcement Association have also expressed support for the Convention. Although some new implementing legislation will be required, the proposed Convention is largely consistent with current U.S. Federal and State law. Cases under the Convention will be handled through our existing comprehensive child support system, which involves both Federal and State law. The Departments of State and Health and Human Services have been working on preparation of the necessary amendments to Federal law to ensure compliance with the Convention, and that legislation will soon be ready for submission to the Congress for its consideration. The National Conference of Commissioners on Uniform State Laws has worked closely with the Departments of State and Health and Human Services to develop the necessary amendments to uniform State child support legislation.

The Convention requires only two contracting states for entry into force. No state has yet ratified the Convention. Early U.S. ratification would therefore likely hasten the Convention's entry into force. This would be in the interests of U.S. families, as it would enable them to receive child support owed by debtors abroad more quickly and reliably. I therefore recommend that the Senate give prompt and favorable consideration to the Convention and give its advice and consent to ratification, subject to the reservations and declaration described in the accompanying report of the Secretary of State, at the earliest possible date.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 8, 2008*.

ORDERS FOR TUESDAY, SEPTEMBER 9, 2008

Mrs. BOXER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, September 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; that following morning business, the Senate resume consideration of the motion to proceed to S. 3001, the Department of Defense authorization bill; that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus luncheons to meet; and that time during any recess, adjournment, or morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. BOXER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Tuesday, September 9, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

MISSISSIPPI RIVER COMMISSION

ROBERT B. ELEY, OF MISSISSIPPI, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF NINE YEARS, VICE SAM EPSTEIN ANGEL, TERM EXPIRING.

NATIONAL BOARD FOR EDUCATION SCIENCES

PATRICK J. WOLF, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING MARCH 15, 2012, VICE CRAIG T. RAMEY, TERM EXPIRED.

JOHN L. WINN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012, VICE GERALD LEE, TERM EXPIRING.

PAUL E. PETERSON, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011, VICE HERBERT JOHN WALBERG, TERM EXPIRED.

DOUGLAS J. BESHAROV, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011, VICE RICHARD JAMES MILGRAM, TERM EXPIRED.

ELIZABETH ANN BRYAN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012. (REAPPOINTMENT)

LYNN S. FUCHS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012, VICE JOSEPH K. TORGESEN, TERM EXPIRING.

ROBERT C. GRANGER, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012. (REAPPOINTMENT)

CAROLINE M. HOXBY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012. (REAPPOINTMENT)

FEDERAL MINE SAFETY AND HEALTH ADMINISTRATION

MICHAEL YOUNG, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2014. (REAPPOINTMENT)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

DAVE HEINEMAN, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011, VICE MEL CARNAHAN.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

JAMES X. DEMPSEY, OF CALIFORNIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM OF FIVE YEARS EXPIRING JANUARY 29, 2013. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF THE NATIONAL GUARD BUREAU AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 601 AND 10502:

To be general

LT. GEN. CRAIG R. MCKINLEY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAVID D. MCKIERNAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM G. WEBSTER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MARGARET W. BOOR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL DANIEL B. ALLYN
BRIGADIER GENERAL RODNEY O. ANDERSON
BRIGADIER GENERAL JAMES O. BARCLAY III
BRIGADIER GENERAL ARTHUR M. BARTELL
BRIGADIER GENERAL JOHN R. BARTLEY
BRIGADIER GENERAL JOHN M. BEDNAREK
BRIGADIER GENERAL DONALD M. CAMPBELL, JR.
BRIGADIER GENERAL JOHN F. CAMPBELL
BRIGADIER GENERAL CHARLES T. CLEVELAND
BRIGADIER GENERAL JEFFREY J. DORKO
BRIGADIER GENERAL KENNETH S. DOWD
BRIGADIER GENERAL GINA S. FARRISEE
BRIGADIER GENERAL MICHAEL FERRITER
BRIGADIER GENERAL MICHAEL T. FLYNN
BRIGADIER GENERAL WILLIAM B. GARRETT III
BRIGADIER GENERAL JAMES L. HODGE
BRIGADIER GENERAL JAMES L. HUGGINS, JR.
BRIGADIER GENERAL JOHN D. JOHNSON
BRIGADIER GENERAL NICKOLAS G. JUSTICE
BRIGADIER GENERAL SUSAN S. LAWRENCE
BRIGADIER GENERAL KEVIN A. LEONARD
BRIGADIER GENERAL GREGG F. MARTIN
BRIGADIER GENERAL JAMES M. MILANO
BRIGADIER GENERAL JOHN W. PEABODY
BRIGADIER GENERAL DAVID G. PERKINS
BRIGADIER GENERAL JAMES L. TERRY
BRIGADIER GENERAL MICHAEL S. TUCKER
BRIGADIER GENERAL JOSEPH L. VOTEL
BRIGADIER GENERAL FRANCIS J. WIERCINSKI
BRIGADIER GENERAL TERRY A. WOLFF

HOUSE OF REPRESENTATIVES—*Monday, September 8, 2008*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 8, 2008.

I hereby appoint the Honorable JESSIE L. JACKSON, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

On the first day of this autumn session of the 110th Congress of the United States, Members of the House of Representatives gather to do the work of the people to establish the common good of the country.

As Representatives, they speak for their constituents and act in their name. Bless not only their very best intentions to serve well the will of the people, but empower them to set aside all that inhibits true freedom at work in them. By Your inspiration, may every decision they make bring joy, security and true satisfaction to the Nation.

Lord, give them peace at all times and in all circumstances so each one may be his or her very best, together reach their full potential, accomplish great deeds, and give You glory now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. CARNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. CARNEY led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the passing of the gentlewoman from Ohio (Mrs. JONES), the whole number of the House is 434.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 1, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 1, 2008, at 4:12 p.m.:

That the Senate passed without amendment H.R. 2245.

That the Senate passed without amendment H.R. 4918.

That the Senate passed without amendment H.R. 6340.

That the Senate passed without amendment H.R. 6580.

That the Senate agreed to without amendment H. Con. Res. 318.

With best wishes. I am

Sincerely.

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 1, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 1, 2008, at 1:25 p.m.:

That the Senate passed without amendment H.R. 4210.

That the Senate passed without amendment H.R. 5477.

That the Senate passed without amendment H.R. 5483.

That the Senate passed without amendment H.R. 5631.

That the Senate passed without amendment H.R. 6061.

That the Senate passed without amendment H.R. 6085.

That the Senate passed without amendment H.R. 6150.

That the Senate passed without amendment H.R. 6432.

That the Senate passed S. 3241.

Appointments: Commission on Wartime Contracting.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 1, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 1, 2008, at 5:40 p.m.:

That the Senate passed with an amendment H.R. 2095.

That the Senate passed with an amendment H.R. 2608.

That the Senate passed with an amendment H.R. 5683.

That the Senate passed S. 2507.

That the Senate passed S.J. Res. 45.

With best wishes I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Friday, August 1, 2008:

H.R. 2245, to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the ''Elwood 'Bud' Link Department of Veterans Affairs Outpatient Clinic''

H.R. 4040, to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission

H.R. 4137, to amend and extend the Higher Education Act of 1965, and for other purposes

H.R. 4210, to designate the facility of the United States Postal Service located at 401 Washington Avenue in

Weldon, North Carolina, as the ''Dock M. Brown Post Office Building''

H.R. 4918, to name the Department of Veterans Affairs Medical Center in Miami, Florida, as the ''Bruce W. Carter Department of Veterans Affairs Medical Center''

H.R. 5477, to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building''

H.R. 5483, to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building''

H.R. 5631, to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building''

H.R. 6061, to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the ''Kenneth James Gray Post Office Building''

H.R. 6085, to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building''

H.R. 6150, to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building''

H.R. 6340, to designate the Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, as the ''Charles L. Brieant, Jr., Federal Building and United States Courthouse''

H.R. 6432, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the Animal Drug User Fee Program, to establish a program of fees relating to generic new animal drugs, to make certain technical corrections to the Food and Drug Administration Amendments Act of 2007, and for other purposes

H.R. 6580, to ensure the fair treatment of a member of the armed forces who is discharged from the armed forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the armed forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts, and for other purposes

S. 3294, to provide for the continued performance of the functions of the United States Parole Commission

S. 3295, to amend title 35, United States Code, and The Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes

S. 3370, to resolve pending claims against Libya by United States nationals, and for other purposes.

REPUBLICAN FAILURES

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

Mr. HOYER. Mr. Speaker, Senator Moynihan once said, ''You are entitled to your own opinions, but you are not entitled to your own facts.''

The dominant political fact of the last 8 years has been Republican failure, serial governing malpractice. This month, we will be holding them to account.

There ought to be a heavy cost for 2.5 million lost jobs; for 5 million more of our fellow citizens thrust into poverty; for stagnating wages; for skyrocketing costs of essentials; for 8.6 million more Americans uninsured; for surpluses turned into record deficits; for an America whose respect has been reduced around the world; for foreign borrowing that has exceeded the total racked up under the first 42 Presidents combined. All of that happened under the grip of Republican ideology. Eight years in the White House, 6 years with all the levers of power, and after all that, they suggest more of the same.

Every time they try to change the subject, every time they pretend to be agents of change, we will answer with the simple facts of failure. We have faith in the facts. We will stake an election on that faith. And when we win, we will govern secure in that faith.

CONGRESS IS IN THE DARK

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

Mr. POE. Mr. Speaker, we're back. After a 5-week break, Congress has returned to do the people's business.

The number one concern among Americans is the high cost of energy, especially gasoline. Americans want Congress to come up with an energy plan to make our Nation independent from energy control of foreign powers. We send millions of dollars a day overseas to countries that don't like us and hold us hostage until we pay the ransom for that crude oil.

But Congress is not going to deal with energy legislation today. In fact, our first priority, our very first order of business after this long recess is to name a new Federal building in Virginia. And the second thing we're going to do is name a new Federal building in New York.

So no votes today on offshore drilling, no votes on drilling in ANWR, developing clean coal technology, building nuclear power plants, or anything else regarding energy.

For 5 weeks the lights were off in the House of Congress, and while we were gone they stayed off. We might as well leave them off now because Congress is still in the dark about energy independence.

And that's just the way it is.

THE WORKING CONGRESS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to return to the most do-something Congress in the last 8 years, the Congress that has addressed the plight of soldiers and education benefits and health care, and the Congress that is going to solve the energy crisis: The working Congress.

That's why I stand here today because I would like us to continue to work to help the automobile dealers in Detroit, and as well to help those homeowners who need mortgage repair and mortgage refinance, and give them an opportunity for the American Dream.

I am saddened by the conflict between Georgia and Russia, not Georgia in the United States, but I believe that is a NATO issue. And I would ask that we not give $1 billion for repairing Georgia; we need to give $1 billion to help repair our auto industry and to help those in mortgage crisis. Yes, we can be a partner in their rebuild, we believe in their democracy, but it is time now to reinvest in home. Give them a contribution, along with the NATO efforts. Give them the ability to stand strong. Provide for them the opportunity to engage in conflict resolution between Russia and Georgia. But it is time now not to give excessive funds to ensure that they stand up, we need to stand up here in America.

I ask my colleagues to reflect on this so that we can rebuild America in this do-something Congress.

LET'S VOTE ON AMERICAN ENERGY

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

Mr. BROUN of Georgia. Mr. Speaker, last week I was here and other Republicans were here. The week before I was here. Republicans have been coming to this floor every single day since we voted to adjourn back in July. We've been here working for the American people to try to find commonsense solutions to our energy crisis.

We hear from the other side that they want to support the poor and the

elderly. That's hogwash. The poor and the elderly are suffering more from energy prices than anything else. People can't afford to go to the doctor or drive to take their kids to school. School buses can't take kids to school.

We've been coming here every single day working to try to do something for the American public, but the Democrats went on vacation. They haven't continued to work like the Republicans have. We've got to find solutions to our energy crisis that makes sense economically, makes sense environmentally, and that's exactly what the American Energy Act will do.

So I call upon my Democratic colleagues, let's have an up or down vote on American energy so that we can make sense for the poor, the working class, everybody in America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Let the Chair remind visitors in the gallery that they are guests of the House of Representatives, but expressions of approval or disapproval of the proceedings are not permitted.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

SPOTTSWOOD W. ROBINSON III AND ROBERT R. MERHIGE, JR. FEDERAL COURTHOUSE

Mr. CARNEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2403) to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse,'' as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2403

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

SECTION 1. DESIGNATION.

The United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, shall be known and designated as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 2403.

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 2403, as amended. This bill honors the distinguished careers of two giants in the civil rights field.

From 1948 until 1960, Judge Robinson served at the NAACP's Legal Defense and Education Fund. During that time he was instrumental in representing the Virginia plaintiffs in the landmark lawsuit Brown vs. Board of Education, which declared separate but unequal schools as unconstitutional.

In 1961, President John F. Kennedy appointed Judge Robinson to the U.S. Commission on Civil Rights, a six-member bipartisan commission charged with studying civil rights violations in the United States. Judge Robinson was confirmed by the Senate by a vote of 73–17.

In 1964, President Lyndon B. Johnson appointed Judge Robinson to the District Court, and 2 years later he became the first African American to serve on the U.S. Court of Appeals for the D.C. Circuit. Judge Robinson served as Chief Judge of the U.S. Court of Appeals from 1981 to 1986, and served on the Court until his retirement in 1992.

□ 1415

Judge Robert Merhige, Jr. was born in Brooklyn, New York on February 5, 1919. Judge Merhige attended High Point College in North Carolina and received his law degree from the University of Richmond's T.C. Williams School of Law in 1942. Upon graduation he enlisted in the United States Army Air Corps, where he served as a crewman aboard a B–17 bomber based in Italy.

Judge Merhige was U.S. district judge for the Eastern District of Virginia in 1967. He served there for over 30 years. He was a frequent lecturer at the University of Virginia and served on the faculty of the University of Richmond. While on the bench, Judge Merhige ordered the University of Virginia to admit women, and 2 years later he led the order to desegregate dozens of schools in Virginia.

Two weeks into his service on the court, Judge Merhige drew the first of many high-profile cases that became the landmark of his career. He ordered the release of black activist H. Rap Brown, who was imprisoned in Virginia after making an impassioned and militant speech in Maryland.

Mr. Speaker, this bill has broad bipartisan support, and I urge my colleagues to join me in supporting this bill.

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

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

S. 2403 designates the new Federal Courthouse on East Broad Street in Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert Merhige Jr. Federal Courthouse.'' Both Judge Robinson and Judge Merhige were exceptional leaders and prominent figures in the desegregation and civil rights movement.

Spottswood W. Robinson III was a distinguished jurist and a Virginia native. His was a career of firsts, beginning with his graduation from law school, first in his class. He then became the first African American to be appointed to the United States District Court for the District of Columbia, the first African American to serve on the U.S. Court of Appeals, and the first African American chief judge of the D.C. Circuit.

Beyond simply being the first African American to serve in these positions, Judge Robinson worked on many important cases that helped to pave the way for those who followed. During his time working at the NAACP, Judge Robinson worked on the Brown v. Board of Education case and was part of several other groundbreaking civil rights judicial decisions.

Prior to his appointment to the bench, Judge Robinson served on the United States Commission on Civil Rights and was dean of the Howard University Law School. Much like Judge Robinson, Judge Merhige will be remembered for, among many other accomplishments, his significant impact in the civil rights movement.

Judge Merhige's 1967 opinion to desegregate Virginia schools was one of the most important and groundbreaking steps in the civil rights movement. Following the issuance of the opinion, Judge Merhige had an around-the-clock guard to protect him from those who disagreed. While his decision was unpopular at the time, it was a vital step towards educational equality in Virginia.

Prior to his service on the Federal bench as a judge, Merhige served honorably in the United States Air Force during World War II. He returned home

to work as a lawyer and an advocate for a variety of clients in his adopted State of Virginia.

The naming of this courthouse after these two well-respected judges is an appropriate way to honor their service. While their service as jurists had an impact on the entire Nation, they will also be remembered as distinguished Virginia judges.

The bill has the support of the two Senators from Virginia and the entire Virginia congressional delegation. I support this legislation and urge my colleagues to do the same.

And I would just ask that we reflect upon the circumstances in Virginia today, the progress that we have made since these decisions and since these judges led us out of segregation and into this modern era where we are in a society where our children grow up without real comprehension of what some of their predecessors lived through.

I would urge adoption.

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

Mr. CARNEY. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT) such time as he may consume.

Mr. SCOTT of Virginia. Mr. Speaker, it is my honor and privilege to rise in support of S. 2403, a bill to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr. United States Courthouse.''

The Commonwealth of Virginia has a rich history of contributions in the founding of this country and in the establishment and development of our legal system. Virginia practitioners such as George Wythe, Thomas Jefferson, John Marshall, James Monroe, and Henry Clay have all profoundly shaped and molded our country's legal traditions. In fact, the first law school in the country was our own College of William and Mary located in Williamsburg, Virginia.

It is therefore fitting that we would name the new Federal Courthouse in our State's capital after two distinguished jurists, Judge Spottswood W. Robinson III and Judge Robert R. Merhige, Jr., whose exemplary careers under the law displayed the best ideals and principles of our Constitution and legal traditions.

Spottswood William Robinson III was born in Richmond, Virginia, on July 26, 1916, and passed away in his home in Virginia on October 11, 1998. He attended Virginia Union University and then Howard University Law School, graduating first in his class in 1939 and serving as a member of the faculty until 1947.

In 1964 Judge Robinson became the first African American to be appointed to the United States District Court for the District of Columbia. In 1966 President Lyndon B. Johnson appointed Judge Robinson the first African American to the United States Court of Appeals for the District of Columbia Circuit. On May 7, 1981, Judge Robinson became the first African American to serve as chief judge of the District of Columbia Circuit. Judge Robinson served on the U.S. Commission on Civil Rights and as dean of the Howard University Law School.

In addition to these exemplary and groundbreaking roles, Judge Robinson is probably best known for his role as one of the lead attorneys with the NAACP Legal Defense and Education Fund from 1948 to 1960 and specifically for his representation of the Virginia plaintiffs in the 1954 landmark U.S. Supreme Court case of Brown v. Board of Education, which declared ''separate but equal'' schools unconstitutional and is one of the landmark cases in our Nation's history.

Judge Robert R. Merhige was born in New York, New York on February 5, 1919, and passed away in Richmond on February 18, 2005. He attended High Point College in North Carolina where he received his undergraduate degree in 1940. He then earned his law degree from T.C. Williams School of Law at the University of Richmond from which he graduated at the top of his class in 1942.

From 1942 to 1945, during World War II, Judge Merhige served in the United States Army Air Force as a crewman on a B–17 bomber based in Italy. After the war he returned to Richmond where he practiced law from 1945 to 1967. During that time, Judge Merhige established himself as a formidable trial lawyer representing a wide variety of clients.

In August of 1967, Judge Merhige was appointed U.S. District Court judge for the Eastern District of Virginia, Richmond Division, by President Lyndon B. Johnson, where he served for 31 years. While on the Federal bench, Judge Merhige presided over some of the most important and complex litigation in United States history. He ordered the University of Virginia to admit women in 1970. In 1972 he ordered the desegregation of dozens of Virginia school districts. As a result of his decision, he and his family were victims of threats and violence, and he was given 24-hour protection by U.S. marshals. His judicial courage and independence in the face of strong opposition is a testament to his dedication to equal justice under the law, and I believe his example is as pertinent today as it was then.

The new Federal Courthouse in Richmond is under construction and nearing completion. I believe that naming it after these two exemplary jurists will not only serve as a tribute to their fierce adherence to the Constitution and to their legacy of equal justice under the law but also will serve as a reminder of their contributions to ensuring a fair and just legal system for all people.

Mr. Speaker, I commend Senator JOHN WARNER and Senator JIM WEBB for introducing this bill in the Senate, as well as the support from the entire Virginia delegation. I would like to thank Chairman OBERSTAR and Chairwoman NORTON, Ranking Members MICA and GRAVES, Representatives CARNEY and KING, and both the Democratic and Republican leadership for the swift passage of this measure.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to say a few extra words about this resolution and about the progress that this country has made.

I have by now a few years on me, longer than a half century, and having grown up in the very Caucasian Midwest but traveled almost all the corners of this country and a lot of places in the world, and I have seen some examples of the segregation that existed back in those years that flowed through post-Civil War all the way up through the 1950s and 1960s and began to break down in the 1960s. And as I mentioned in my brief remarks in the opening, it is a condition today where we have a desegregation and integration that is far, far superior to what we had in our society a generation or two ago. And the young people growing up today really don't have, I think, a touch or a feel for what this Nation was like or the culture that was there. The South has transformed remarkably from what it was to where it is today.

I would submit that the leadership of these two gentlemen is part of the solution. They deserve significant credit for the leadership to move out of this.

I would state that we are all God's children, and because of that we need to pull together and recognize there is much more that identifies us together than separates us apart. And when we get to this point where we are pulling together as one Nation, one people, and one cause and erase the divides that are easy to identify, we get to the point where we can joke with one another and laugh with one another and work with one another and love and fight with one another in a fashion that enhances this country and glorifies our Creator, then that is where this Nation needs to go. This is a big step in the right direction. It's timely. I urge the adoption of this resolution, and I appreciate all the gentlemen and gentlewomen from Virginia that are cosponsors of this resolution.

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

Mr. CARNEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, allow me to rise for a brief

moment to congratulate the Senators from Virginia and my good from friend and colleague on the Judiciary Committee, Mr. SCOTT, and, of course, the manager of this legislation and the minority manager as well.

No one who has benefited from the civil rights of the law, if you will, could ignore the contributions of Spottswood William Robinson III. So I rise today to again add my respect for the naming of this courthouse after these two jurists, both Robert Merhige and of course Spottswood W. Robinson III, but particularly want to add my appreciation to what Judge Robinson did for education in the lawsuit that was filed on behalf of 100 parents and 450 students at Moton High School in Prince Edward County, convinced that their only chance was getting this case before the Supreme Court. In addition, his work on the 1954 Brown versus Board of Education, the work of his efforts with the NAACP Legal Defense Fund, he laid the pathway for those of us who are the beneficiaries of his great work.

Let me also suggest that the same with Robert Merhige and his work on civil rights issues but also dealing with major corporate litigation cases.

These namings sometimes are alluded to as not being very important, but as we proceed on many important issues such as solving the energy crisis, I'm glad, Mr. Speaker, that we stop for a moment to give honor to individuals who laid the groundwork not only for me and those like me but really for America, and those who stand on the floor of the House that value democracy and equal opportunity, these individuals are deserving of the respect and admiration of this United States Congress and certainly are deserving of the naming of the courthouse after them.

I rise today in support of S. 2403, which designates the new Federal courthouse in Richmond, Virginia as the "Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse." I want to thank Senator WARNER and the Senate Transportation and Infrastructure, and Senator WEBB, for remembering a great educator, civil rights attorney, and judge, along with U.S. Representative BOBBY SCOTT of Virginia who has championed this legislation.

BACKGROUND

Spottswood William Robinson III

Spottswood William Robinson III, was born in Richmond, Virginia, on July 26, 1916. He attended Virginia Union University and then attended Howard University School of Law, graduating first in his class in 1939.

Like his fellow jurist, Thurgood Marshall, he often credited the law school with instilling in its students the notion of social responsibility. He said, "one of the things that was drilled into my head was . . . 'This legal education that you're getting is not just for you, it was for everybody. So when you leave here, you want to put it to good use.'"

Spottswood Robinson argued one of the Supreme Court cases that led to the 1954 decision striking down school segregation. In early 1951, Robinson, who would later become a Federal judge, and his law partner in Richmond had no plans to attack school segregation in Virginia as unconstitutional. They were more focused on forcing local school systems to invest more in segregated black schools.

But that was before Barbara Johns, a high school junior, called their law office in April. She complained that nothing at her school—buses, textbooks, facilities—even approached the quality of those provided at White schools.

Robinson and his then-law partner Oliver Hill filed suit on behalf of 100 parents of 450 students at Moton High School in Prince Edward County, Va., convinced that their only chance lay in getting the case before the U.S. Supreme Court.

The issues in that case and four others—including Brown vs. Board of Education—were decided in the high court's historic 1954 Brown decision declaring "separate but equal" schools unconstitutional.

Former Virginia Gov. Douglas Wilder wrote in a tribute to Robinson that, "Where one can ride on a bus, a train, or plane, or where one can live and rent or buy a house, or whether public education has to be given the same level to all people are basic Issues. Spottswood Robinson has been there . . . in his quiet, unassuming . . . way, charting and paving a path for countless Americans . . . who owe to him a great debt of gratitude."

Judge Robinson was a faculty member of the Howard University School of Law from his graduation in 1939 until 1947. Judge Robinson was one of the core attorneys of the NAACP Legal Defense and Educational Fund from 1948 to 1960. Through the NAACP LDF Robinson worked on important civil rights cases including Brown v. Board of Education and Chance v. Lambeth, 4th Cir., 1951, establishing the invalidity of carrier-enforced racial segregation in interstate transportation.

From 1960–64 Spottswood Robinson became Dean of the Howard University School of Law. He then served as a member of the United States Commission on Civil Rights from 1961 to 1963.

In 1964, Judge Robinson was the first African-American to be appointed the United States District Court for the District of Columbia. In 1966, Judge Robinson became the first African-American appointed to the United States Court of Appeals for the District of Columbia Circuit when he was appointed by President Johnson.

On May 7, 1981, Judge Robinson became the first African-American to serve as Chief Judge of the court. Judge Robinson took senior status in 1989 and later retired. He passed on in 1998. Leaving behind a legacy of civil rights leadership and legal advocacy.

Robert R. Merhige, Jr.

Robert R. Merhige Jr., was the U.S. District Court judge who ordered Virginia schools desegregated and presided over major corporate litigation cases. His unusually long tenure on the Federal bench—31 years—brought him many cases of national importance. He wrote the decision for a three-judge panel that threw out the appeals of Watergate figures G. Gordon Liddy, Bernard Barker, and Eugenio Martinez, after they were convicted of breaking into the office of Daniel Ellsberg's psychiatrist.

He ordered the University of Virginia to admit women in 1970. He clarified the rights of pregnant women to keep their jobs. He presided over the trials of Ku Klux Klan and American Nazi Party members accused of injuring and killing members of the Communist Workers Party in Greensboro, NC, in 1979.

No decision made him more unpopular than his orders to integrate dozens of Virginia's school systems. He was widely considered the most hated man in Richmond in the early 1970s and required 24-hour protection by U.S. marshals. Segregationists threatened his family, spat in his face, and shot his dog to death after tying its legs. Protesters held weekly parades outside his home. A guest cottage on his property, where his mother-in-law lived, was burned to the ground.

Not long ago he told the Richmond Times-Dispatch that he was still amazed, disappointed and angry at the public reaction to his rulings. He was known for his kindness and integrity and for brooking no delays or foolishness in his court, part of the Eastern District of Virginia known as the "rocket docket." He once ordered a marshal to remove a man who had fallen asleep in the courtroom. The man, it turned out, was his father.

Born in New York, Mr. Merhige attended High Point College in North Carolina and received his law degree from the University of Richmond's T.C. Williams School of Law in 1942.

He served in the Army Air Forces in World War II as a crewman on a B–17 bomber based in Italy. Mr. Merhige practiced law in Richmond from 1945 until he was appointed to the Federal bench in 1967 by President Lyndon B. Johnson.

Two weeks into his job, the new judge drew the first of the controversial cases that became the hallmark of his career. He ordered the release of African-American activist H. Rap Brown, who was imprisoned in Virginia after making an impassioned and militant speech in Maryland.

In 1968, Mr. Merhige ruled that the conflict in Vietnam was a war, whether or not it was a declared war. That ruling came in a case in which 96 Army reservists tried to avoid serving in Vietnam. Mr. Merhige denied their request.

On a tour of his memorabilia-filled chambers two decades later, a reporter noted that among signed photographs, which ranged from former FBI director J. Edgar Hoover to former attorney general Ramsey Clark, a copy of President Richard M. Nixon's resignation adorned the mantelpiece. "I wanted that since the day he was inaugurated," Mr. Merhige was quoted as saying.

Conclusion

Mr. Speaker, Judge Robinson and Judge Merhige were men who stood their ground, followed their conscience and the law. I am pleased to see the good State of Virginia—known as the Capitol of the South—recognizing two men who sought to change it—for the better.

I urge my colleagues to support S. 2403, and the new Federal courthouse that celebrates these two great civil rights advocates.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 2403, a bill to designate the United States courthouse, located at 700 East Broad Street, Richmond, Virginia, as the

"Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse". Spottswood W. Robinson III and Robert R. Merhige, Jr., were appointed to the Federal bench by President Lyndon B. Johnson in 1964 and 1967, respectively. Judge Robinson graduated from Howard University Law School, was a prominent civil rights lawyer, and was appointed by President Kennedy to the U.S. Commission on Civil Rights. Judge Merhige graduated from the University of Richmond, served in the U.S. Army, and was considered one of the most formidable lawyers in Virginia. Judge Merhige was known for presiding over several high-profile cases and was noted for ordering the University of Virginia to admit women.

Both judges served with distinction and played a key role in the racial integration of Virginia schools so it is fitting and proper to name the U.S. courthouse in Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse".

I urge my colleagues to join me in support of S. 2403, the "Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse".

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and pass the Senate bill, S. 2403, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1430

THEODORE ROOSEVELT UNITED STATES COURTHOUSE

Mr. CARNEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2837) to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse".

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2837

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

SECTION 1. THEODORE ROOSEVELT UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, shall be known and designated as the "Theodore Roosevelt United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Theodore Roosevelt United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. CARNEY).

GENERAL LEAVE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on S. 2837.

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 2837, a bill which designates the courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the Theodore Roosevelt United States Courthouse.

As we all know, President Roosevelt was the 26th President of the United States. He led an extraordinary life. He steered the United States into world politics and was a polished and accomplished public servant and indeed was a Nobel Peace Prize winner.

Theodore Roosevelt was born in New York City on October 27, 1858, and died in Oyster Bay, New York, in 1919. He served as the 26th President of the United States. During his youth, he struggled with ill health and later dedicated his life to strenuous outdoor activities and Spartan living. He served during the Spanish American War, leading the Rough Rider Regiment, which became famous during the battle of San Juan Hill.

He was elected Governor of New York in 1898. Upon the assassination of President McKinley in 1901, he became President, and served until 1909. He believed the government should serve as an equal and fair arbiter between great economic forces such as labor and management.

Roosevelt's life was rich with varied experiences. He served as Police Commissioner of New York City, Governor of New York, and was an avid outdoorsman and naturalist, an ardent conservationist, and the author of 26 books. As I mentioned before, he was awarded the Nobel Peace Prize in 1905. He died peacefully in his sleep in 1919.

I support this bill, and I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

S. 2837 designates the United States Courthouse in Brooklyn, New York, as the Theodore Roosevelt United States Courthouse.

Theodore Roosevelt, one of our most famous Presidents and a true American icon, was born in New York City in 1858. In many ways, Teddy Roosevelt defies easy description. Over the course of his amazing life he was an historian, explorer, a hunter, a frontiersman, a conservationist, an author, a soldier, a political reformer, a Governor, and he was our Nation's youngest President.

After graduating from Harvard in 1880, he was elected to the New York Assembly, where he was a prolific Republican activist.

In 1884, after the tragic loss of his first wife and his mother, he struck out for the Western Frontier. In the Dakotas, Roosevelt became an avid hunter and rancher. As a deputy sheriff, he chased down horse thieves and criminals. The tough cowboy persona Roosevelt developed on the frontier would stay with him for the rest of his life.

Roosevelt made his mark as a political reformer when he became President of the New York City Police Commissioners and took on the corrupt practices of the time.

When the Spanish American War broke out in 1898, Roosevelt resigned his position as Assistant Secretary of the Navy to organize and lead a volunteer cavalry brigade, known as the Rough Riders. Roosevelt and the Rough Riders became famous for their assault on San Juan Hill.

After Roosevelt's success on the battlefield, he was elected the Governor of New York, as a Republican. Roosevelt's reputation as a political reformer grew as he took on the State's machine politics and corruption.

His reputation as a reformer helped put him on the McKinley Presidential ticket. Roosevelt was a powerful campaign asset and helped lead the landslide Republican victory in the 1900 election. Roosevelt became the youngest American President ever, at age 42, when President McKinley was tragically assassinated. The year then was 1901.

Teddy Roosevelt was a strong political reformer, a conservationist, which I identify with, and the President that elevated the United States to a world power. Roosevelt busted up monopolies and trusts. He created the National Park Service, the Forest Service, he built the Panama Canal, and he expanded the United States Navy into a fleet capable of projecting U.S. power into every corner of the globe. Roosevelt's foreign policy can be summed up in one sentence: "Speak softly and carry a big stick."

President Roosevelt will be forever known as an American icon and one of our best Presidents. It is fitting that this courthouse in Brooklyn will bear his name. I look forward to the inspiration that will be given from that courthouse to especially the young people

who walk into those doors in Brooklyn. I urge that my colleagues support this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 2837, a bill to designate the U.S. courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse". This bill honors former President Theodore Roosevelt, who at various times served as a member of the United States Civil Service Commission, President of the New York Board of Police Commissioners, Assistant Secretary of the Navy, and as a Colonel of a voluntary cavalry regiment of the United States Army during the Spanish-American War, which became known as "Roosevelt's Rough Riders".

President Roosevelt also has the distinction of becoming, at the age of 42 in 1901, the youngest serving president at that time. During his two terms in office, President Roosevelt's list of achievements include facilitating and ensuring the construction of the Panama Canal, establishing the Department of Commerce and the Department of Labor, signing the Elkins Anti-Rebate Act for railroads, and greatly advancing environmental conservation efforts by providing Federal protection for close to 230 million acres of land. He was also awarded the Nobel Peace Prize in 1906, for his work in ending the Russo-Japanese War.

Becaue of his honorable and distinguished service it is appropriate to name the U.S. courthouse in Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse".

I urge my colleagues to join me in support of S. 2837.

Mr. KING of Iowa. I yield back the balance of my time.

Mr. CARNEY. I yield back as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and pass the Senate bill, S. 2837.

The question was taken.

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

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

The yeas and nays were ordered.

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

ADDRESSING WAIVER OF ATTORNEY-CLIENT PRIVILEGE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2450) to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2450

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

SECTION 1. ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT; LIMITATIONS ON WAIVER.

(a) IN GENERAL.—Article V of the Federal Rules of Evidence is amended by adding at the end the following:

"Rule 502. Attorney-Client Privilege and Work Product; Limitations on Waiver

''The following provisions apply, in the circumstances set out, to disclosure of a communication or information covered by the attorney-client privilege or work-product protection.

''(a) DISCLOSURE MADE IN A FEDERAL PROCEEDING OR TO A FEDERAL OFFICE OR AGENCY; SCOPE OF A WAIVER.—When the disclosure is made in a Federal proceeding or to a Federal office or agency and waives the attorney-client privilege or work-product protection, the waiver extends to an undisclosed communication or information in a Federal or State proceeding only if:

''(1) the waiver is intentional;

''(2) the disclosed and undisclosed communications or information concern the same subject matter; and

''(3) they ought in fairness to be considered together.

''(b) INADVERTENT DISCLOSURE.—When made in a Federal proceeding or to a Federal office or agency, the disclosure does not operate as a waiver in a Federal or State proceeding if:

''(1) the disclosure is inadvertent;

''(2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and

''(3) the holder promptly took reasonable steps to rectify the error, including (if applicable) following Federal Rule of Civil Procedure 26(b)(5)(B).

''(c) DISCLOSURE MADE IN A STATE PROCEEDING.—When the disclosure is made in a State proceeding and is not the subject of a State-court order concerning waiver, the disclosure does not operate as a waiver in a Federal proceeding if the disclosure:

''(1) would not be a waiver under this rule if it had been made in a Federal proceeding; or

''(2) is not a waiver under the law of the State where the disclosure occurred.

''(d) CONTROLLING EFFECT OF A COURT ORDER.—A Federal court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court—in which event the disclosure is also not a waiver in any other Federal or State proceeding.

''(e) CONTROLLING EFFECT OF A PARTY AGREEMENT.—An agreement on the effect of disclosure in a Federal proceeding is binding only on the parties to the agreement, unless it is incorporated into a court order.

''(f) CONTROLLING EFFECT OF THIS RULE.—Notwithstanding Rules 101 and 1101, this rule applies to State proceedings and to Federal court-annexed and Federal court-mandated arbitration proceedings, in the circumstances set out in the rule. And notwithstanding Rule 501, this rule applies even if State law provides the rule of decision.

''(g) DEFINITIONS.—In this rule:

''(1) 'attorney-client privilege' means the protection that applicable law provides for confidential attorney-client communications; and

''(2) 'work-product protection' means the protection that applicable law provides for tangible material (or its intangible equivalent) prepared in anticipation of litigation or for trial.''.

(b) TECHNICAL AND CONFORMING CHANGES.—The table of contents for the Federal Rules of Evidence is amended by inserting after the item relating to rule 501 the following:

''502. Attorney-client privilege and work-product doctrine; limitations on waiver.''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply in all proceedings commenced after the date of enactment of this Act and, insofar as is just and practicable, in all proceedings pending on such date of enactment.

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

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, this legislation enacts a new Federal Rule of Evidence, proposed by the Judicial Conference, to address a growing problem that is adding inordinate and unnecessary burden, expense, uncertainty, and inefficiency to litigation.

The new rule 502 reaffirms and reinforces the attorney-client privilege and work product protection by clarifying how they are affected by, and withstand, inadvertent disclosure in discovery.

As the author of the companion bill, H.R. 6610, in the House, I urge my colleagues to join me in supporting the Senate-passed bill so that we can send it to the President and enact it into law without further delay.

Doing the research on this legislation and spending time with a number of lawyers, and the American Bar Association, Mr. Speaker, I can assure you that this has no negative impact on those lawyers representing defendants or those lawyers representing plaintiffs. In fact, unlike the courthouse and the courtroom, plaintiff lawyers and defendant lawyers, the plaintiff bar and the defendant bar, have come together in a unanimous voice, indicating that this will in fact enhance their ability to represent their clients and to ensure that they may have the broadest based discovery possible.

We have asked and answered a series of questions that impact this particular legislation, including engaging the Federal bench. And so I move that my colleagues view this enthusiastically and that it be supported.

The attorney-client privilege and work product protection are crucial to our legal system. They encourage businesses and individuals to obtain legal counsel when appropriate by protecting the confidentiality of communications between clients and their attorneys, and documents prepared by attorneys to assist their clients in litigation. In fact, this is the backbone, the infrastructure of civil and criminal litigation.

These legal protections are not absolute, however. Traditionally, persons seeking to rely on them must maintain the confidentiality of the information involved. If the information is shared outside the circle of confidentiality provided by the law, the legal protection is forfeited, or waived, as the purpose for it no longer applies.

This traditional principle can work unfair results in modern-day litigation when privileged information is disclosed by accident. Fast-moving litigation or expensive and vast litigation has both plaintiff and defendant shooting back and forth various documents, particularly in extensive discovery. In the course of the kind of voluminous discovery that often takes place, this can happen, where a privileged document is seen by the other party.

When vast amounts of documents are transmitted and stored electronically and can be searched and collected in the same manner, it is all too easy for a document containing privileged information to be overlooked, despite careful efforts to prevent it. Even in my practice of some years ago, the technology has made it different. I remember being in a massive case, a personal injury case, where documents were going back and forth, but I might say, Mr. Speaker, that it moved a lot slower than it does today.

Unfortunately, the case law has not kept up with these developments of expedited discovery and the electronic use of passing documents. Outdated legal precedents from an earlier era continue to create uncertainty. There are precedents, for example, holding that an inadvertent disclosure of a single document or communication not only can waive the privilege as to that one item, but can result in a blanket waiver as to all information concerning the same subject. That can collapse a case.

Concern about the potential adverse consequences has in recent years forced clients and their lawyers to undertake exhaustive, time-consuming, and expensive examination of documents item by item, often page by page, before they can be comfortable turning them over in discovery. That impacts, of course, negatively plaintiffs and defendants.

The document reviews can be grossly disproportionate in cost to the stakes of the underlying litigation and significantly impede the efficient processing of cases through the courts.

Courts have developed a balance rule in the case law that appropriately protects confidentiality, while guarding against abuses. But one court's order and one district's order and one circuit's order has uncertain authority, at best, in another court. Only a uniform rule can bring the certainty needed, and a uniform rule in the area of evidentiary privileges can only be achieved by an act of Congress.

The rule we are submitting today, submitted to Congress last year by the Judicial Conference, is a product of careful deliberations in its Advisory Committee on Evidence Rules, informed by years of examination of the issue in its Committee on Rules of Practice and Procedure.

The Advisory Committee enlisted the help of eminent jurists, practitioners, and legal scholars, and sought and obtained extensive public comment both in written submissions and at two hearings. The rule that resulted has wide support in the legal community. I know, Mr. Speaker. I have spent time, my staff has spent time with lawyers on both sides of the bar, and I can assure you their voices were one in arguing for the passage of this change.

In order to more fully explain how the new rule is to be interpreted and applied, the Advisory Committee also prepared an explanatory note, as is customary, for publication alongside the text of the rule. The text of the explanatory note appears in the RECORD in the Senate debate.

The proposed rule has now also undergone careful review in the House, as well as the Senate. During its consideration in the House Judiciary Committee, a number of questions arose regarding the scope and contours of the effect of the proposed rule on current law regarding attorney-client privilege and work product protection. That is a very important and cherished right, to ensure that privilege does not interfere or hamper the rights of a plaintiff, sometimes the underdog, and the defendant.

The Judicial Conference was able to answer all these questions satisfactorily, without need to revise the text of the rule as submitted to Congress. In order to further reduce any potential uncertainty regarding how the rule is to be interpreted and applied, the committee has asked and the Judicial Conference has agreed to augment the explanatory note. I would like to insert the agreed addendum to the explanatory note in the RECORD at this point.

STATEMENT OF CONGRESSIONAL INTENT REGARDING RULE 502 OF THE FEDERAL RULES OF EVIDENCE

During consideration of this rule in Congress, a number of questions were raised about the scope and contours of the effect of the proposed rule on current law regarding attorney-client privilege and work-product protection. These questions were ultimately answered satisfactorily, without need to revise the text of the rule as submitted to Congress by the Judicial Conference.

In general, these questions are answered by keeping in mind the limited though important purpose and focus of the rule. The rule addresses only the effect of disclosure, under specified circumstances, of a communication that is otherwise protected by attorney-client privilege, or of information that is protected by work-product protection, on whether the disclosure itself operates as a waiver of the privilege or protection for purposes of admissibility of evidence in a federal or state judicial or administrative proceeding. The rule does not alter the substantive law regarding attorney-client privilege or work-product protection in any other respect, including the burden on the party invoking the privilege (or protection) to prove that the particular information (or communication) qualifies for it. And it is not intended to alter the rules and practices governing use of information outside this evidentiary context.

Some of these questions are addressed more specifically below, in order to help further avoid uncertainty in the interpretation and application of the rule.

Subdivision (a)—Disclosure vs. Use

This subdivision does not alter the substantive law regarding when a party's strategic use in litigation of otherwise privileged information obliges that party to waive the privilege regarding other information concerning the same subject matter, so that the information being used can be fairly considered in context. One situation in which this issue arises, the assertion as a defense in patent-infringement litigation that a party was relying on advice of counsel, is discussed elsewhere in this Note. In this and similar situations, under subdivision (a)(1) the party using an attorney-client communication to its advantage in the litigation has, in so doing, intentionally waived the privilege as to other communications concerning the same subject matter, regardless of the circumstances in which the communication being so used was initially disclosed.

Subdivision (b)—Fairness Considerations

The standard set forth in this subdivision for determining whether a disclosure operates as a waiver of the privilege or protection is, as explained elsewhere in this Note, the majority rule in the federal courts. The majority rule has simply been distilled here into a standard designed to be predictable in its application. This distillation is not intended to foreclose notions of fairness from continuing to inform application of the standard in all aspects as appropriate in particular cases—for example, as to whether steps taken to rectify an erroneous inadvertent disclosure were sufficiently prompt under subdivision (b)(3) where the receiving party has relied on the information disclosed.

Subdivisions (a) and (b)—Disclosures to Federal Office or Agency

This rule, as a Federal Rule of Evidence, applies to admissibility of evidence. While subdivisions (a) and (b) are written broadly to apply as appropriate to disclosures of information to a federal office or agency, they do not apply to uses of information—such as routine use in government publications—that fall outside the evidentiary context. Nor do these subdivisions relieve the party seeking to protect the information as privileged from the burden of proving that the privilege applies in the first place.

Subdivision (d)—Court Orders

This subdivision authorizes a court to enter orders only in the context of litigation

pending before the court. And it does not alter the law regarding waiver of privilege resulting from having acquiesced in the use of otherwise privileged information. Therefore, this subdivision does not provide a basis for a court to enable parties to agree to a selective waiver of the privilege, such as to a federal agency conducting an investigation, while preserving the privilege as against other parties seeking the information. This subdivision is designed to enable a court to enter an order, whether on motion of one or more parties or on its own motion, that will allow the parties to conduct and respond to discovery expeditiously, without the need for exhaustive pre-production privilege reviews, while still preserving each party's right to assert the privilege to preclude use in litigation of information disclosed in such discovery. While the benefits of a court order under this subdivision would be equally available in government enforcement actions as in private actions, acquiescence by the disclosing party in use by the federal agency of information disclosed pursuant to such an order would still be treated as under current law for purposes of determining whether the acquiescence in use of the information, as opposed to its mere disclosure, effects a waiver of the privilege. The same applies to acquiescence in use by another private party.

Moreover, whether the order is entered on motion of one or more parties, or on the court's own motion, the court retains its authority to include the conditions it deems appropriate in the circumstances.

Subdivision (e)—Party Agreements

This subdivision simply makes clear that while parties to a case may agree among themselves regarding the effect of disclosures between each other in a federal proceeding, it is not binding on others unless it is incorporated into a court order. This subdivision does not confer any authority on a court to enter any order regarding the effect of disclosures. That authority must be found in subdivision (d), or elsewhere.

The new rule protects the confidentiality of privileged information against waiver in several ways. It protects information inadvertently disclosed in discovery, as long as the party has taken reasonable efforts to avoid disclosing privileged information and, upon learning of the disclosure, promptly takes reasonable steps to rectify it.

It protects against a waiver extending to other, undisclosed documents except where privileged information is being intentionally used to mislead the fact finder to the disadvantage of the other party, so that fairness requires that other information regarding the same subject matter also be available.

□ 1445

And it authorizes courts to enter orders enforceable in all jurisdictions permitting parties to make initial discovery exchanges efficiently without waiving the right to appropriately assert privilege later for documents culled for actual use as evidence.

This is sort of a back-up protection. This is your guarantee. This is an assistance to the idea of protecting privilege. This is extremely important, in that vast majority of documents exchanged in discovery, in some cases running to millions of pages, ultimately prove to be of no interest.

Importantly, the rule does not alter the law regarding when the attorney-client privilege or work product protection applies in the first instance. It is narrowly targeted to address the question of when the specified kinds of litigation-related disclosures do or do not operate as a waiver of the privilege that would otherwise apply.

Mr. Speaker, this legislation enjoys strong support in the House Judiciary Committee and the Senate Judiciary Committee and, of course, the House Judiciary Committee, with both sides of the aisle supporting it. I would like to especially commend Congressman JIM SENSENBRENNER for encouraging the Judicial Conference when he was chairman of the committee to pursue developing a new rule of evidence to address this problem.

I urge my colleagues to support this important legislation.

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

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last year the U.S. Judicial Conference submitted a proposed addition to the Rules of Evidence governing waivers of the attorney-client privilege or work product immunity. Rules governing evidentiary privilege must be approved by an act of Congress.

The Judicial Conference concluded that the current law on waivers of privilege and work product is largely responsible for the rising costs of discovery, especially discovery of electronic information. The reason is that if a protected document is produced, there is a risk that a court will find a subject matter waiver that will apply not only to the instant case and document, but to other cases and documents as well. The fear of waiver also leads to extravagant claims of privilege.

Mr. Speaker, the Judicial Conference devoted great process to drafting their proposal. For more than a year, the conference's Advisory Committee on Evidentiary Rules conducted hearings that featured testimony that was submitted by eminent judges, lawyers and academics. The advisory committee later coordinated with the Conference of Chief Justices to assure that the evolving draft addressed federalism concerns raised by the individual State court systems.

In April of 2006, the advisory committee held a conference at Fordham Law School at which a selected group of academics and practitioners reviewed the draft. More revisions were developed that resulted in a revised rule that was published for public comment in August of 2006. The advisory committee received more than 70 public comments and heard testimony from 20 witnesses at two hearings.

In April of 2007, further changes were made based on this process, and the new rule 502 was released. This draft was approved by the Committee on Rules of Practice and Procedure and the full Judicial Conference. The text of S. 2450 incorporates the submission developed and approved by the Judicial Conference. The Senate passed the measure on February 27, 2008, by unanimous consent.

The content of the new rule includes the following provisions: If a waiver is found, it applies only to the information disclosed, unless a broader waiver is made necessary by the holder's intentional and misleading use of privileged or protected communications or information. An inadvertent disclosure does not operate as a waiver if the holder took reasonable steps to prevent such a disclosure and employed reasonably prompt measures to retrieve the mistakenly disclosed communications or information.

If there is a privileged or protected disclosure at the Federal level, then State courts must honor the new rule in subsequent State proceedings. If there is a disclosure in a State proceeding, then admissibility in a subsequent Federal proceeding is determined by the law that is most protective against a waiver. A Federal Court order that a disclosure does not constitute a waiver is enforceable in any Federal or State proceeding.

Finally, Mr. Speaker, parties in a Federal proceeding can enter into a confidentiality agreement providing for mutual protection against waiver in that proceeding.

Mr. Speaker, the cost of discovery has spiked in recent years based on the proliferation of e-mail and other forms of electronic recordkeeping. Litigants must constantly sift through a mountain of documents to ensure that privileged material is not inadvertently released. While most documents produced during discovery have little value, attorneys must still conduct exhaustive reviews to prevent disclosures. The cost to litigants is staggering and the time consumed by courts to supervise these activities is excessive.

The system is broken and must be fixed. S. 2450 does just that by providing a predictable standard to govern waivers of privileged information. The legislation improves the efficiency and the discovery process, while it still promotes accountability. It alters neither Federal nor State law on whether the attorney-client privilege or the work product doctrine protects specific information. The bill only modifies the consequences of an inadvertent disclosure once a privilege exists.

The process devoted to the development of new Federal Rule of Evidence 502 by the Judicial Conference was extensive. The Senate has reviewed the

measure and approved it by unanimous consent with an accompanying committee report. The House Judiciary Committee spent months informally reviewing S. 2450, a process that included intense discussions with representatives of the judiciary and a Fordham Law School professor who assisted in the drafting of the rule.

Now, Mr. Speaker, it is time to act. I urge my colleagues to support S. 2450.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his very kind remarks about the bipartisan negotiations at the level of the House Judiciary Committee. I was delighted again to also have the companion bill, H.R. 6610, on that legislation.

I do want to add a particular point of contention dealing with subdivision E, party agreements. This subdivision simply makes clear that while parties to a case may agree among themselves regarding the effect of disclosures between each other in a Federal proceeding, it is not binding on others unless it is incorporated into a court order.

I think this is very important, and it was certainly a point that others, various counsel raised, because of the impact that it might have, the far-reaching impact it might have. This particular subdivision does not confer any authority on a court to enter any order regarding the effect of the disclosures. That authority must be found in subdivision D or elsewhere. So we see that this rule has been meticulously refined in order to ensure that the sanctity of the attorney-client privilege is preserved.

This is good legislation, and I would ask my colleagues to support it.

Mr. Speaker, I yield back my time, asking for support of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the Senate bill, S. 2450.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CHILD SOLDIERS ACCOUNTABILITY ACT OF 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2135) to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2135

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Soldiers Accountability Act of 2008''.

SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND USE OF CHILD SOLDIERS.

(a) CRIME FOR RECRUITING OR USING CHILD SOLDIERS.—

(1) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

''§ 2442. Recruitment or use of child soldiers

''(a) OFFENSE.—Whoever knowingly—

''(1) recruits, enlists, or conscripts a person to serve while such person is under 15 years of age in an armed force or group; or

''(2) uses a person under 15 years of age to participate actively in hostilities;

knowing such person is under 15 years of age, shall be punished as provided in subsection (b).

''(b) PENALTY.—Whoever violates, or attempts or conspires to violate, subsection (a) shall be fined under this title or imprisoned not more than 20 years, or both and, if death of any person results, shall be fined under this title and imprisoned for any term of years or for life.

''(c) JURISDICTION.—There is jurisdiction over an offense described in subsection (a), and any attempt or conspiracy to commit such offense, if—

''(1) the alleged offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20));

''(2) the alleged offender is a stateless person whose habitual residence is in the United States;

''(3) the alleged offender is present in the United States, irrespective of the nationality of the alleged offender; or

''(4) the offense occurs in whole or in part within the United States.

''(d) DEFINITIONS.—In this section:

''(1) PARTICIPATE ACTIVELY IN HOSTILITIES.—The term 'participate actively in hostilities' means taking part in—

''(A) combat or military activities related to combat, including sabotage and serving as a decoy, a courier, or at a military checkpoint; or

''(B) direct support functions related to combat, including transporting supplies or providing other services.

''(2) ARMED FORCE OR GROUP.—The term 'armed force or group' means any army, militia, or other military organization, whether or not it is state-sponsored, excluding any group assembled solely for nonviolent political association.''.

(2) STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code is amended by adding at the end the following:

''§ 3300. Recruitment or use of child soldiers

''No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 10 years after the commission of the offense.''.

(3) CLERICAL AMENDMENT.—Title 18, United States Code, is amended—

(A) in the table of sections for chapter 118, by adding at the end the following:

''2442. Recruitment or use of child soldiers.''; and

(B) in the table of sections for chapter 213, by adding at the end the following:

''3300. Recruitment or use of child soldiers.''.

(b) GROUND OF INADMISSIBILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

''(G) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has engaged in the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is inadmissible.''.

(c) GROUND OF REMOVABILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

''(F) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has engaged in the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is deportable.''.

(d) ASYLUM AND WITHHOLDING OF REMOVAL.—

(1) ISSUANCE OF REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Homeland Security shall promulgate final regulations establishing that, for purposes of sections 241(b)(3)(B)(iii) and 208(b)(2)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)(iii); 8 U.S.C. 1158(b)(2)(A)(iii)), an alien who is deportable under section 237(a)(4)(F) of such Act (8 U.S.C. 1227(a)(4)(F)) or inadmissible under section 212(a)(3)(G) of such Act (8 U.S.C. 1182(a)(3)(G)) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.

(2) AUTHORITY TO WAIVE CERTAIN REGULATORY REQUIREMENTS.—The requirements of chapter 5 of title 5, United States Code (commonly referred to as the ''Administrative Procedure Act''), chapter 35 of title 44, United States Code (commonly referred to as the ''Paperwork Reduction Act''), or any other law relating to rulemaking, information collection, or publication in the Federal Register, shall not apply to any action to implement paragraph (1) to the extent the Attorney General or the Secretary Homeland of Security determines that compliance with any such requirement would impede the expeditious implementation of such paragraph.

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

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, let me note what a tragedy it is that we have to stand on the floor of the House in 2008 to speak

about the exploitation of children as soldiers. Up to 250,000 children are exploited each day around the world in state-run armies, paramilitaries and guerilla groups. These child soldiers, boys and girls as young as 8 years old, are forced to serve as combatants and human mine detectors. They are often used to conduct suicide missions, and many are used as sex slaves. In fact, we have seen many of them turn themselves in Liberia, Sierra Leone and Colombia. In many cases they are provided with drugs and alcohol to numb them to the atrocities they are required to commit. In all cases, their childhoods are taken from them, their health and lives are endangered, and their psyches are destroyed.

It is a war crime under customary international law to recruit or use children under 15 years of age as soldiers.

I am reminded of an early amendment when I first came to the United States Congress that I added to an appropriations bill that we should restrain the use of appropriations foreign aid for those countries that would not commit to releasing their child soldiers. It is an ongoing and persistent problem.

It is a violation of the Optional Protocol to the Convention on the Rights of the Child, which 110 countries, including the U.S., have ratified, to recruit or use child soldiers under the age of 18. But such actions do not currently violate U.S. criminal or immigration law. We are thus hindered in our ability to prevent those who use or recruit child soldiers from coming to our country, and we are unable to punish those perpetrators who make it here. In contrast, other grave human rights violations, including torture, are punishable under U.S. criminal and immigration law.

The Child Soldier Accountability Act of 2008 would correct this disparity by making it a Federal crime and violation of immigration laws to recruit or use child soldiers under the age of 15.

This bipartisan legislation was sponsored in the Senate by Senators DICK DURBIN and TOM COBURN, the chairman and ranking member of the Senate Judiciary Committee Subcommittee on Human Rights and the Law. They worked together on this bill to ensure that war criminals who would exploit children cannot find safe haven in our country.

The bill we vote on today is slightly changed from the bill that was sent to us by the Senate. It now includes changes agreed to in bipartisan and bicameral discussions between Senators DURBIN, COBURN, JON KYL and JEFF SESSIONS, as well as numerous House Members, including Judiciary Committee Chairman JOHN CONYERS and Ranking Member LAMAR SMITH, Crime Subcommittee Chairman BOBBY SCOTT and Ranking Member LOUIE GOHMERT, and Immigration Subcommittee Chairwoman ZOE LOFGREN and Ranking Member STEVE KING.

The United States must hold accountable the war criminals who steal the childhood of innocents by turning them into killers or human fodder. I thus urge my colleagues to support this important legislation.

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

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2135, the Child Soldier Accountability Act of 2008, which prohibits the use of children under the age of 15 in military forces or armed conflicts.

Children are currently used as soldiers in over 20 countries. An estimated 200,000 to 300,000 children are used as soldiers for rebel groups, militias and government armed forces. The individuals who recruit children do so because children are physically vulnerable and easily intimidated. Many children are recruited by force and often compelled to follow orders under threat of death. Child soldiers are a global phenomenon. The problem is most critical in Africa and Asia, but armed groups in the Americas, Eurasia and the Middle East also use child soldiers.

The United States is a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. President Clinton signed the Optional Protocol in 2000 and it was ratified by the Senate in 2002.

The Optional Protocol requires states to raise the age of voluntary recruitment from 15 and to impose a binding declaration of the minimum age for recruitment into their armed forces. The protocol also requires states to take all feasible measures to ensure that members of the armed forces under the age of 18 do not participate in hostilities and prohibits the conscription of anyone under the age of 18 into the armed forces.

The protocol prohibits the recruitment or use in hostilities of children under the age of 18 by rebel or other nongovernmental and armed groups and requires states to criminalize such practices.

In addition to joining the Optional Protocol, the United States funds programs to, one, rehabilitate children who were abducted in Southern Sudan and Northern Uganda; two, demobilize 4,000 children soldiers in Afghanistan and enroll them in education and counseling programs; and three, reintegrate former child combatants in Burundi, the Democratic Republic of the Congo, and Liberia.

□ 1500

The bill before us today complements the ongoing efforts of the United States to combat the use of child soldiers. S. 2135 is the product of several months of good-faith negotiations among Democrats and Republicans in the House and Senate and the administration.

The amended version of S. 2135 that the House will vote on today includes several technical changes to clarify the intent and scope of the bill. Most notably, the bill ensures that U.S. military recruiting practices are not impeded by this legislation. The bill also authorizes the government to deport or deny admission to any individual who recruits or uses child soldiers under the age of 15. I urge my colleagues to support this bill.

I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it gives me great pleasure to yield such time as he may consume to the chairman of the Subcommittee on Crime of the House Judiciary Committee, BOBBY SCOTT of Virginia.

Mr. SCOTT of Virginia. I thank the gentlelady for yielding.

Mr. Speaker, I rise in support of S. 2135, the Child Soldiers Accountability Act of 2008. S. 2135 amends title 18 of the United States Code to create a criminal provision under U.S. law aimed at those who recruit or conscript children under the age of 15 into armed conflict. It establishes criminal penalties for up to 20 years in prison and up to life imprisonment if death results from the crime.

The bill also makes it a violation of immigration law for any person seeking admission to the United States to have committed such acts.

Finally, the bill would extend United States jurisdiction to perpetrators of this crime who are present in the United States, regardless of their nationality or where the crime takes place, so that those who commit these crimes cannot use this country as a safe haven from prosecution. This type of jurisdiction exists for similar crimes such as laws on torture and genocide, which allow for extraterritorial jurisdiction for crimes committed outside of the United States.

In at least 18 countries around the world, children are utilized as direct participants in war. Many of these children soldiers, some as young as 8 years old, are abducted or recruited by force and often compelled to follow orders to participate under harsh duress. And girls make up more than 30 percent of child soldiers and participate in many conflicts. Oftentimes, they are abused and raped. Once recruited, these children, boys and girls, participate in all forms of combat, even wielding AK–47s and M–16s as portrayed in the media.

There is international opposition to recruiting and using child soldiers. Over 110 countries, including the United States, have ratified the Optional Protocol to the Convention on the Rights of the Child, which prohibits the recruitment and use of child soldiers under the age of 18. Nevertheless, the prevalence and nature of the

child soldier problem is not going away. It continues to plague the international community. For example, in Uganda, the rebel group has abducted at least 20,000 children and has forced them to work as laborers, soldiers, and sex slaves. We hear about the ongoing persecution and atrocities in Burma, but what has escaped media attention is the use of child soldiers there, as the government has recruited up to 70,000 children, more than any other country in the world.

Recruiting and using child soldiers does not currently violate United States criminal law. S. 2135 was introduced by Senator DURBIN and Senator COBURN to correct that problem. We overwhelmingly passed the Genocide Accountability Act last year to end the immunity gap in genocide law. By this bill, we seek to do the same thing for those who maliciously recruit and use innocent children in warfare. I urge my colleagues to support the bill.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I listen to the debate here and contemplate the global situation of 200,000, 300,000 child soldiers and what that means, and the repatriation, so to speak, of the child soldiers in Afghanistan, having just returned from Iraq, Afghanistan, and Georgia, and having walked in some of the dust-covered mountains and in the dust-covered plains over there and been brought up to speed in briefings in both of those countries, it occurs to me how tough it is over in that part of the world, how close they are to the Stone Age, and how difficult it is to live in that country, let alone stand and fight, and the generations of warfare that have built one on top of the other. There is not a generation there that can remember not having fought.

Life expectancy in Afghanistan, 44 years. Up until a couple years ago, Afghanistan, by my recollection, was the only country in the world where men could expect to live longer than women, even though men were the ones that were most often killed in the conflict. The health care is that bad.

When young people are brought up in warfare and they are conscripted into the military and they are confronted with armed conflict at an early age, they may not know any other way of life. And to bring them back into education and try to repatriate them into more of, as we would see it, a normal lifestyle is a very difficult task. But Mr. Speaker, we must. We must break that cycle of violence. We must break that cycle of violence and the culture that reconstitutes at each generation. That is the case in Afghanistan, it is the case in Iraq, it is the case in the West Bank and in the Gaza strip and Israel proper. And it goes on and on and on around this world.

When little children, when little girls are raised to wear a pseudo suicide belt as part of perpetuating a culture of violence, when they are taught to hate people because of their religion or their ethnicity and they see that practiced on the news every day, when I turn on al-Jazeera TV and I see the venom and the hatred that is there, when I watch the leaders of the people that oppose us bring it back home to be inspiring in recruiting people who believe that their path to salvation is killing people who are not like them, then I understand how important it is to break this cycle. I don't know if we are going to be able to do that. I think this bill will move us a little bit closer along that way. At least it stands on the right principle for the right cause, and I urge its adoption.

I yield back the balance of my time.

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

By listening to my two colleagues from Iowa and from Virginia, you can see the commonality of viewpoints on this persistent and cancerous aspect of our world society, the continuous use of child soldiers.

I offer to my colleagues the words of a child soldier, and I read them as follows:

''My parents refused to give me to the LITE, so about 15 of them came to my house. It was both men and women in uniforms with rifles and guns in holsters. I was fast asleep when they came to get me at one point in the morning. These people dragged me out of the house. My father shouted at them, saying, 'What is going on?' Some of the LITE soldiers took my father away towards the woods and beat him. They also pushed my mother onto the ground when she tried to stop them.''

This girl was recruited by the Tamil Tigers in Sri Lanka at age 16.

Another story from a young child:

''Early on, when my brothers and I were captured, the LRA explained to us that all five brothers couldn't serve in the LRA because we would not perform well. So they tied up my two younger brothers and invited us to watch. Then they beat them with sticks until two of them died. They told us it would give us strength to fight. My youngest brother was 9 years old.''

Martin, recruited by the Lord's Resistance Army in Uganda at age 12.

This legislation of course is long overdue. And I would ask my colleagues to consider that it may be time after time and year after year that we have to continue to pass this legislation, but I would hope that we would be persistent, hope that the President signs this legislation, and, as well, that we can stamp out the cancer of using and victimizing these wonderful children.

I would like to submit these statements into the RECORD from Human Rights Watch: Child Soldiers, The Voices of Child Soldiers.

THE VOICES OF CHILD SOLDIERS

''The section leader ordered us to take cover and open fire. There were seven of us, and seven or ten of the enemy. I was too afraid to look, so I put my face in the ground and shot my gun up at the sky. I was afraid their bullets would hit my head. I fired two magazines, about forty rounds. I was afraid that if I didn't fire the section leader would punish me.''—Khin Maung Than, recruited by Burma's national army at age eleven.

''My parents refused to give me to the LTTE so about fifteen of them came to my house—it was both men and women, in uniforms, with rifles, and guns in holsters. . . . I was fast asleep when they came to get me at one in the morning. . . . These people dragged me out of the house. My father shouted at them, saying, ''What is going on?'' but some of the LTTE soldiers took my father away towards the woods and beat him. . . . They also pushed by mother onto the ground when she tried to stop them.''—girl recruited by the Tamil Tigers in Sri Lanka at age sixteen.

''I was captured in Lofa County by government forces. The forces beat me, they held me and kept me in the bush. I was tied with my arms kept still and was raped there. I was fourteen years old. . . . After the rape, I was taken to a military base. . . . I was used in the fighting to carry medicine. During the fighting I would carry medicine on my head and was not allowed to talk. I had to stand very still. I had to do a lot of work for the soldiers, sweeping, washing, cleaning. During this time, I felt really bad. I was afraid, I wanted to go home, but was made to stay with the soldiers.''—Evelyn, recruited in Liberia by government forces at age fourteen.

''I had a friend, Juanita, who got into trouble for sleeping around. We had been friends in civilian life and we shared a tent together. The commander said that it didn't matter that she was my friend. She had committed an error and had to be killed. I closed my eyes and fired the gun, but I didn't hit her. So I shot again. The grave was right nearby. I had to bury her and put dirt on top of her. The commander said, ''You did very well. Even though you started to cry, you did well. You'll have to do this again many more times, and you'll have to learn not to cry.''—Angela, joined the FARC–EP in Colombia at age twelve.

''Early on when my brothers and I were captured, the LRA explained to us that all five brothers couldn't serve in the LRA because we would not perform well. So they tied up my two younger brothers and invited us to watch. Then they beat them with sticks until two of them died. They told us it would give us strength to fight. My youngest brother was nine years old.''—Martin, recruited by the Lord's Resistance Army in Uganda at age twelve.

Mr. HONDA. Mr. Speaker, I rise today to speak in very strong support of the Child Soldiers Accountability Act of 2007. S. 2135 addresses the ongoing struggle to protect children from the horrors of war. The recruitment, enlisting, or conscripting of children in any armed force is unacceptable. Child soldiers face increased mortality rates as well as emotional and psychological damage that are often irreversible. The time has come for the United States to once again uphold justice and stand up for defenseless children who are at risk of losing their childhood, their families, and their physical and emotional well being.

Currently, more than 250,000 child soldiers suffer at the hands of exploitative, ruthless

military commanders. Too often, their cries for help are stifled by poverty, ongoing armed conflict, and political instability; it is our responsibility to take up their cause and punish those who have participated in their torment to the extent possible. There is widespread disagreement on the particulars of what might constitute justification for war or aggressive military action, but it is almost universally acknowledged that children should not be used as combatants in such conflicts.

It is imperative that the United States sends a clear and firm message condemning the use of child soldiers and showing our willingness to take the necessary measures to respond to those who would use children in this fashion. Passing S. 2135 is a significant step forward in holding perpetrators accountable for their actions, particularly in light of the fact that the United States has not yet ratified the United Nations Convention on the Rights of the Child, which expresses the wide-ranging opposition to the use of minor children as soldiers. Children in any country deserve the same opportunity to succeed and thrive at life; I believe this bill will solidify our commitment to a higher moral standard.

By passing S. 2135 we have the opportunity to join the many nations fighting the scourge of child soldiering which is why I urge my colleagues to join me in supporting S. 2135.

Ms. JACKSON-LEE of Texas. I ask my colleagues to enthusiastically support this particular legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the Senate bill, S. 2135, as amended.

The question was taken.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

HOUR OF MEETING ON TOMORROW

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. tomorrow for morning-hour debate; and further, that when the House adjourns on Wednesday, September 10, it adjourn to meet at 11 a.m. on Thursday, September 11.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 10, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on September 10, 2008.

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

There was no objection.

RECESS

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

Accordingly (at 3 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 2403, by the yeas and nays;

S. 2837, by the yeas and nays;

S. 2135, by the yeas and nays.

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

SPOTTSWOOD W. ROBINSON III AND ROBERT R. MERHIGE, JR. FEDERAL COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2403, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and pass the Senate bill, S. 2403, as amended.

The vote was taken by electronic device, and there were—yeas 376, nays 0, not voting 57, as follows:

[Roll No. 567]

YEAS—376

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Chabot
Childers
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner

Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—57

Andrews
Berry
Boswell
Boucher
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Carnahan
Cazayoux
Chandler
Clay
Conyers
Cubin
Cummings
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Ellison
Emerson
Engel
Gilchrest
Grijalva
Hodes
Hoekstra
Holden
Hulshof
Kennedy
Kirk
Lee
Levin
Loebsack
Maloney (NY)
McCrery
McNulty
Meeks (NY)
Melancon
Neal (MA)
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Rohrabacher
Rush
Saxton
Scott (VA)
Shuler
Smith (NE)
Smith (WA)
Stupak
Terry
Towns
Udall (CO)
Udall (NM)
Velázquez
Weller

□ 1857

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to designate the United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, as the 'Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse'.''.

A motion to reconsider was laid on the table.

ANNOUNCING THE PASSING OF THE HONORABLE STEPHANIE TUBBS JONES

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

Ms. KAPTUR. Mr. Speaker, I seek to be recognized in order to officially for the first time on the RECORD place the passing from this life of our beloved colleague, Congresswoman STEPHANIE TUBBS JONES of Ohio's 11th District.

I would like to announce to my colleagues that after votes this evening, we will manage a special bereavement resolution. Many Members, I know, will want to pay tribute to STEPHANIE's beautiful life. We as Ohioans, as Buckeyes, share her son Mervyn's profound sense of loss; but also I know we share an equal gratitude for the manner in which she lived her life and what she contributed, not just to her family or her church family or her staff, but to our country and indeed to our world.

When STEPHANIE hugged many of us before we left in August, I can tell you I certainly didn't think I would be down here this evening. Any Member who wishes to honor her life can do so after the votes are cast this evening.

Let me just mention to my colleagues that we knew STEPHANIE here as Chair of the Ethics Committee and as the first African American woman to serve on the Ways and Means Committee. But her path was not an easy one. Coming from East Cleveland, she was a gregarious leader who blazed many trails.

□ 1900

She was one of the few women who have ever served in the Ohio delegation, and the first African American woman ever to be elected to the Congress of the United States from the State of Ohio. She was the first black woman to become a judge of the Cuyahoga County Common Pleas Court, as well as the county's first African American prosecutor.

She gave so much to so many. I always seemed to catch STEPHANIE running through the airport with her suitcase, traveling somewhere, with that boundless energy and that constant smile; and we will pay tribute more fully to her later this evening.

To her son, Mervyn, who I would expect is listening this evening, we all know that your mother's strength will hold you now in a very profound way; and we extend our deepest sympathy to you. We know that in the years ahead you will come to appreciate even more what her life has meant to our country.

Mr. Speaker, I think my dear colleague, Mr. BOEHNER, the minority leader, has remarks at this time.

I will be happy to yield you time.

Mr. BOEHNER. Let me thank my colleague from Ohio for her words.

We all loved STEPHANIE. Here is a lady who gave her entire career to public service, and she did so in a way that was gregarious, that was outspoken, loud, if you will.

All of you know STEPHANIE. Her office was next to mine over in the Longworth Building, and we always knew when STEPHANIE was coming back to her office because she would be walking down the hall talking to somebody. But she and I were friends and we were smoking buddies. Now, I know that might offend some of you, but you just never know how well you get to know someone over a cocktail. But here was a lady who blazed a lot of trails, who dedicated her life to public service, and someone that we will dearly miss in this Chamber.

Ms. KAPTUR. I thank the gentleman.

And as I paid my respects at the wake the day before the service, I was reminded I had been in that church twice before to pay tribute to STEPHANIE's father who died during her tenure here, and then her husband who also died. And it was almost hard to walk into that church for the third time, and my respect for her grew even more for the strength that she showed to all of us despite these enormous personal losses that she had borne.

Mr. Speaker, in concluding, let me just say that from 1 Peter 4:10–11, this is what the prayer card said at her funeral service:

> Each one should use whatever gift he has received to serve others, faithfully administering God's grace in its various forms. If anyone speaks, he should do it as one speaking the very words of God. If anyone serves, he should do it with the strength God provides, so that in all things God may be praised through Jesus Christ. To him be the glory and the power forever and ever. Amen.

And at the base of the card is STEPHANIE's signature with the words, ''I hope I made you proud.''

Mr. Speaker, may I ask now for the membership to rise and pay tribute to the life of Congresswoman STEPHANIE TUBBS JONES.

The SPEAKER pro tempore. Members will now rise for a moment of silence in honor of the distinguished gentlelady from Ohio, the distinguished chairwoman of the Ethics Committee, Congresswoman STEPHANIE TUBBS JONES.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

THEODORE ROOSEVELT UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2837, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and pass the Senate bill, S. 2837.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 1, not voting 57, as follows:

[Roll No. 568]

YEAS—375

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack

Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Chabot
Childers
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Petri
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—57

Andrews
Berry
Boswell
Boucher
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Carnahan
Cazayoux
Chandler
Clay
Conyers
Cubin
Cummings
Davis, Tom
DeGette
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Ellison
Emerson
Engel
Gilchrest
Grijalva
Hodes
Hoekstra
Holden
Hulshof
Kirk
Lee
Levin
Loebsack
Maloney (NY)
McCrery
McNulty
Meeks (NY)
Melancon
Neal (MA)
Olver
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Rohrabacher
Rush
Saxton
Shuler
Smith (NE)
Smith (WA)
Stupak
Terry
Towns
Udall (CO)
Udall (NM)
Velázquez
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1912

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHILD SOLDIERS ACCOUNTABILITY ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2135, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the Senate bill, S. 2135, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 0, not voting 62, as follows:

[Roll No. 569]

YEAS—371

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Chabot
Childers
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Petri
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali

Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—62

Andrews
Becerra
Berman
Berry
Blackburn
Boswell
Boucher
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Carnahan
Cazayoux
Chandler
Clay
Conyers
Cubin
Cummings
Davis, Tom
DeGette
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Ellison
Emerson
Engel
Gilchrest
Grijalva
Hodes
Hoekstra
Holden
Hulshof
Kirk
Lee
Levin
Linder
Loebsack
Maloney (NY)
McCrery
McNulty
Meeks (NY)
Melancon
Neal (MA)
Paul
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Rohrabacher
Rush
Saxton
Sestak
Shuler
Smith (NE)
Smith (WA)
Stupak
Terry
Towns
Udall (CO)
Udall (NM)
Velázquez
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1920

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on September 8, 2008, I was called away on personal business. I regret that I was not present to vote on S. 2403, S. 2837, and S. 2135.

Had I been present, I would have voted "yea" on all votes.

PERSONAL EXPLANATION

Ms. LEE. Mr. Speaker, due to personal matters, today I missed rollcall vote No. 567 on final passage of S. 2403, rollcall vote No. 568 on final passage of S. 2837, and rollcall vote No. 569 on final passage of S. 2135. Had I been present, I would have voted "yea" on each of these rollcall votes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 362

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Concurrent Resolution 362.

The SPEAKER pro tempore (Mr. SESTAK). Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERSONAL EXPLANATION

Mr. SCOTT of Virginia. Mr. Speaker, on the passage of S. 2403, I was unavoidably detained. I would like the RECORD to reflect that had I been present I would have voted "yes."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1619

Mr. COHEN. Mr. Speaker, I seek unanimous consent to have my name removed from H.R. 1619 as a sponsor.

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

There was no objection.

PERMISSION FOR COMMITTEE ON NATURAL RESOURCES TO FILE SUPPLEMENTAL REPORT ON H.R. 3667, MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be authorized to file a supplemental report on H.R. 3667.

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

There was no objection.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE STEPHANIE TUBBS JONES, A REPRESENTATIVE FROM THE STATE OF OHIO

Ms. KAPTUR. Mr. Speaker, I rise this evening in order to consider the bereavement resolution in memory of our beloved colleague.

The Clerk read the resolution, as follows:

H. RES. 1415

Resolved, That the House has heard with profound sorrow of the death of the Honorable Stephanie Tubbs Jones, a Representative from the State of Ohio.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. KAPTUR. Mr. Speaker and colleagues, it is with a profound sense of sadness, as well as a deep sense of privilege that I rise this evening to commemorate and to celebrate the life of our friend, colleague, and sister, Congresswoman STEPHANIE TUBBS JONES of Ohio's 11th District. This evening, we do this with the deepest gratitude for her life, and on behalf of our entire Ohio delegation, the people of our State, her home city of Cleveland, and citizens far and wide, who were blessed to know and walk, work, worship and smile along with STEPHANIE.

On the day of her funeral, the Cleveland Plain Dealer, or actually it was the day after, the Sunday Plain Dealer, had a very large photo of the memorial service held in Cleveland, Ohio. And the headline read, STEPHANIE TUBBS JONES, 1949 to 2008: Tears flow, laughter rolls during memorial service. And the paper goes on to recount so many beautiful, beautiful remarks and remembrances that people across this country attributed to her life. We will be placing this in the CONGRESSIONAL RECORD, as well as I would like to read from my home paper, the Toledo Blade, way on the other side of the State from where STEPHANIE represented. It stated, a leader passes, the loss of her fighting spirit will be keenly felt, deeply mourned and difficult to replace.

I think particularly this evening of her son, Mervyn. We wish him comfort, and we wish him her strength as he mourns her passing.

We all know that when one met STEPHANIE, you knew you had met strength. You knew you had met someone who endured struggle. She had a keen intelligence, a high-minded idealism, and wow, her charisma just overflowed.

The other day I was in my district and I met a man from Cleveland who had gone to school with STEPHANIE. And I said, tell me, was STEPHANIE always that enthusiastic? He said, "Marcy, I went to law school with her. She never changed."

And from the time she was in her late teens and early 20s to her service here, she had the same boundless energy, drive and positive spirit.

She was a devoted wife, a beloved mother, a sister to us all, and an elected leader, in that order. And she relished all of her life's roles. Her drive and energy were genuine, and they were infectious. And she carved a nobler path for America with her election as the first African American woman from Ohio to serve in the U.S. Congress. We Ohioans were very proud of her.

I know that I, like my colleagues, have so many vivid lasting memories of STEPHANIE. Upon her first swearing in, I still recall a little table in a reception hall here where I was able to present her with a single red rose as

she was sitting next to her predecessor, Congressman Louis Stokes, and how she poignantly responded. She knew the steepness of the climb.

I recall my efforts to comfort her on the loss of her husband, and she immediately reciprocated as she shared with me, over my Blackberry, a favorite poem from which she drew succor.

Imagine how many memories each of us has, how many thousands of lives she touched, representing a district and State that tested her talents, her spirit, and her conscience daily. She served people well beyond her district, logging thousands of miles in freedom's cause.

I don't think I saw STEPHANIE too many times without that little valise in the back room here. She was always going somewhere. She held a hard job, and she put her entire being into it. She literally gave herself to us. And in her memory, we should dedicate ourselves to her unfinished work.

One can imagine how few women have ever served in the Congress from our State. To those afforded the privilege, there is a priceless bond that links our spirits and provides support.

STEPHANIE was such a valued sister. Though her years with us were far too short, her impact endures well beyond the years. She made history. She spoke her conscience, and she reveled in every step of the journey.

Thanks be to God, she did not suffer in the end. The Lord spared her that, perhaps as, through her life, she had endured too much personal sadness and loss that would have broken lesser spirits.

In loss, STEPHANIE's strength strengthens us. Her enduring personal legacy of character and endurance, beyond her milestone achievements, remain the portrait of her life. Our delegation is especially honored to fittingly commemorate her life and achievements here this evening.

[From the Sunday Plain Dealer, Aug. 31, 2008]

STEPHANIE TUBBS JONES, 1949–2008: TEARS FLOW, LAUGHTER ROLLS DURING MEMORIAL SERVICE

(By Tony Brown)

It was a moment that surely would have earned one of the wide, knowing smiles remembered so well by all the friends of Stephanie Tubbs Jones.

Rep. Tim Ryan of Niles, the man Tubbs Jones used to call her ''white son,'' and fellow Congressman Kendrick Meek of Florida, whom she nicknamed her ''black son,'' had just finished moving tributes to their congressional ''mom.''

That's when Mervyn Jones II, her real son, slipped out of his front-row seat to join his ''brothers'' in an intimate, tearful embrace in front of thousands gathered to bid farewell to the first black woman elected to Congress from Ohio.

The three remained locked in each other's arms well into remarks made by former Rep. Louis Stokes, the man whose seat Tubbs Jones inherited in 1989.

After the men returned to their places, Sen. Barack Obama—the son of a black father and a white mother who grew up to become the first black presidential nominee of a major U.S. political party—turned in his chair to console a still-sobbing Meek.

In that moment, amid the grieving and the laughter and the consolation and the stories and the campaign rhetoric of the celebration of a life well-lived, everyone under the vaulted ceiling of Public Hall—all friends of Tubbs Jones—shared in that group hug.

It was a hug that encircled the woman whose body lay in a flag-draped casket that rested on a square of red carpet in front of the stage: Rep. Stephanie Tubbs Jones, who died of a burst brain aneurysm on Aug. 20 at the age of 58.

Friend was a word heard over and over as the nation's most powerful Democratic leaders, fresh from Obama's nomination in Denver, joined religious leaders and Tubbs Jones' beloved constituents, family and sorority sisters in testifying to the immensity of Tubbs Jones' spirit.

Former President Bill Clinton, not scheduled to speak but unable to help himself, called his relationship with Tubbs Jones ''16 years of astonishing friendship.''

So astonishing that Tubbs Jones continued to support a failing presidential bid by his wife, Sen. Hillary Clinton, well after many of the congresswoman's constituents had voted for Obama.

''She was not a fair-weather friend,'' Hillary Clinton told the crowd.

''I certainly know what that means. Now, her friendship was not uncritical. When she was your friend, she felt it her responsibility to inform you of all the matters that needed improvement.''

Obama, Clinton's opponent for the party's presidential nomination, also counted himself among Tubbs Jones' buddies.

''I am here today to pay tribute to an extraordinary American and a devoted public servant, a mother, a daughter, a sister, a wife and a dear friend to so many here in Cleveland, so many in Ohio and so many across America.

''And during the most recent contest, Stephanie and I were on different sides, and we would see each other, she would say to me, ''This is what it means to be a friend for me.' All I could say is, 'I understand.'''

There were more words of praise and prayer from elected officials, some quoting Shakespeare and Scripture, during the three-hour-and-47-minute marathon of tributes.

Speakers included Sen. Sherrod Brown, Mayor Frank Jackson, Cuyahoga County Commissioner Jimmy Dimora, Rep. Carolyn Kilpatrick of Michigan and Ohio Gov. Ted Strickland.

And they told plenty of funny and poignant stories.

Perhaps the funniest and most poignant was recounted by Bill Clinton, who recalled accompanying Tubbs Jones to Puerto Rico on a primary campaign visit for his wife.

''Now, how Stephanie became a native Puerto Rican in 15 minutes, I'll never know,'' Clinton said, warming to his subject.

They went into a shop, Clinton said, where Tubbs Jones admired a piece of locally made jewelry. Clinton bought it surreptitiously and presented it to her.

''She looked at me and laughed and she said, 'You know, I really like this,' she says. 'It's not often a man'll give a woman a piece of jewelry and not want anything for it.' I totally lost it.''

So did Clinton's audience. As the laughter died down, the former president moved in for the kicker.

''I looked at her and said, 'Stephanie, you have given me and our family more, you have given your people and this country more than you will ever know.'''

In addition to the eloquent politicians who were gathered, there were plenty of just plain friends who laughed and wept and patted each other on the back to the rhythm of hymns like ''Amazing Grace'' and ''Canaan's Happy Shore.''

Some of the late arrivals almost didn't make it into the funeral.

At 11:30 a.m., about 30 minutes after the service began, Secret Service officers blocked the entrance. ''The event is closed,'' one told approaching visitors.

Within minutes, the number lingering at the entrance grew to more than a dozen. They spoke in shared disbelief. ''Stephanie would not want this,'' one woman said angrily.

Someone in charge agreed. Within minutes, the officers stepped aside. Newcomers flowed into the cavernous auditorium until well past noon.

One of the most moving speakers the Friends of Stephanie heard Saturday was no politician or preacher.

She was a 16-year-old named Tiffany Robertson, a member of an all-girls health careers class at Cleveland's Martin Luther King Jr. High School that Tubbs Jones took under her wing two years ago.

''''This is the future,''' Tiffany recalled Jones telling the girls.

The congresswoman took time from her political and legislative schedule to visit the class and take them places. She took them to church one Sunday, but Tiffany had to work.

So Jones dropped by the workplace with Tiffany's classmates in tow.

''We're family,'' Tiffany told her classmates, who stood in a show of unity with their peer.

''We got to stick together. We got to carry on her legacy. She was steward, protector and advocate to us.

''I will miss her as a friend.''

''There's a famous song a few years back . . . and the refrain of the song says, 'If you have a choice, to sit it out or dance, I hope you dance.' And we all know that Stephanie didn't sit it out, she danced.''—Tim Ryan, U.S. Representative from Ohio.

''Stephanie was the kind of political leader who needed hours to go grocery shopping because everyone she saw wanted a moment of her time, and she willingly gave it. Because if you met Stephanie, she was your friend.''—Ted Strickland, Ohio Governor.

''Oftentimes, late at night, on the campaign trail, whether the news had been good or bad, she would have a look in her eye. Sometimes she would grab my hand, and she would say, 'Oh, I miss my husband, I wish he were here.' Well, they are together now.''—Hillary Clinton, U.S. Senator.

''That's not the air show. The rumbling you hear is the rearrangement of chairs in heaven.''—Dennis Eckart, Former Representative standing outside Public Hall as a jet roared by.

''I considered her my congresswoman as well. We talked all the time about statewide issues.''—Michael Coleman, Columbus Mayor.

''Whenever Stephanie came in contact with young people, she inspired them, she taught them, she mentored them, she stayed in touch with them. Her legacy is in their legacy.''—Sherrod Brown, U.S. Senator from Ohio.

''Whenever we talked on the phone, she would say, 'Congresswoman, I love ya.' And I'd say: 'I love you, too.' She was a great congressman. She was a good friend. Thanks,

Stephanie, I love ya.''—Louis Stokes, former U.S. Representative from Ohio.

''For Stephanie, it wasn't enough to rise up from modest circumstances and break so many barriers herself. She had to reach back and pull others through the doors she opened.''—Barack Obama, Democratic presidential nominee.

''I want to let you know, Cleveland, that you were represented by one of the best . . .Ladies and gentlemen, she lived a life that was worth living.''—Kendrick Meek, U.S. Representative from South Carolina.

''I'll always know her as Aunt Stephanie. She had a big smile.''—Erin Norton, 24, of Cleveland, whose uncle lived next to Tubbs Jones.

''All the good things she started, it's like she's still living.''—Schuvar Murray, 37, of Cleveland.

[From the Blade, Aug. 24, 2008]

A LEADER PASSES

Society's' downtrodden, disadvantaged, disillusioned, and disconnected have lost an influential voice and ally in Washington with the unexpected passing of Stephanie Tubbs Jones, the first black woman to represent Ohio in the U.S. House of Representatives.

The 11th District representative from the east side of Cleveland died Wednesday after suffering a brain hemorrhage.

The loss to Ohio and the nation was described by one of her colleagues as ''incalculable,'' and that was an understatement. It was a setback for the cause of impassioned, committed, gutsy leadership, especially for the district, made up of east Cleveland and its nearby suburbs, which Ms. Tubbs Jones served so tirelessly.

A decade ago, the 58-year-old Democrat was handpicked by U.S. Rep. Lou Stokes to be his successor after his legendary stewardship of that congressional district for 30 years. Over five terms, Mr. Stokes said, ''she took it to a higher level, a new level. She made me so proud.''

A gregarious leader, she also blazed trails for others with a resume of many firsts—the first black woman to become a judge of Cuyahoga County Common Pleas Court, as well as the county's first black prosecutor, succeeding the storied John T. Corrigan.

In Washington, she was also the first black woman to sit on the powerful House Ways and Means Committee, where she was a force to be reckoned with. Fiercely partisan, but not necessarily predictable, she was that unusual politician who said what she meant and meant what she said.

In 2001, she endorsed an unknown black lawyer for Cleveland mayor over the more politically experienced Jane Campbell, who eventually won. This year, she perplexed—and provoked—her constituents with her unflagging support of Hillary Clinton for president over newcomer Barack Obama.

But her word was her bond, said the Rev. Jesse Jackson. ''It didn't waver in the wind.'' Like all congressional Democrats, she was scheduled to serve as a super delegate at the Democratic National Convention in Denver next week to witness the formal nomination of Mr. Obama as the first black candidate for president of the United States.

Ms. Tubbs Jones, who once said she considered herself a voice for minorities across the country, would have reveled in the moment. The loss of her fighting spirit will be keenly felt, deeply mourned, and difficult to replace.

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Mr. Speaker, I would like to yield at this time to Congresswoman BETTY SUTTON from the Ohio delegation, the able Representative from Akron, Lorain.

Ms. SUTTON. I thank the gentlewoman from Ohio for yielding me the time.

And I, too, rise today with heaviness in my heart but also with a deep sense of gratitude and respect for my colleague, my friend, STEPHANIE TUBBS JONES. Her passing is truly a tragic loss for the people of Ohio's 11th District, whom she loved so very much, and for all of the people who she stood up for across this country.

STEPHANIE was truly an historic figure in American politics. She achieved many firsts and she blazed many trails in a way that only STEPHANIE could. She was the first African American and first female prosecutor in Cuyahoga County, Ohio; the first African American woman to sit on the Common Pleas bench in Ohio; the first African American woman to be elected to Congress from Ohio, and the first African American woman to serve on the House Ways and Means Committee, a job she truly loved.

STEPHANIE attacked her job as a Congresswoman with passion and a contagious enthusiasm on behalf of those she served. She was effective and determined. Her strength exceeded courage. She was fearless. She lived her life and represented her constituents giving it everything she had. She had no time for fear.

Her amazing spirit touched and brightened so many lives, and with every first that STEPHANIE achieved, with every rung of the ladder she climbed, STEPHANIE always reached back to help others following behind. From encouraging the young women and men in her office who interned, to inspiring the young people from her hometown of Cleveland, STEPHANIE was a force. And she loved her staff and spoke of them as family. STEPHANIE was not pretentious. She treated all people as they should be treated, with dignity and respect.

Mr. Speaker, when I first arrived in these hallowed Halls in January of 2007, I was very fortunate to have STEPHANIE here to help me. She was a colleague and a friend who I could turn to for advice not only on the many crucial issues that we face but also simply on how to navigate this body. And when I thanked her for helping me along, she would always wave a hand in the air and explain, ''Hey, we're sisters.'' STEPHANIE'S friendship and mentorship were vital to me, and I am grateful that she touched my life

STEPHANIE was honest and loyal. You could count on her word. She was the type of person who could lift up the spirits of those feeling down. She was willing to work with others for the good that was greater than just herself, but she was also tough and willing to fight as necessary to protect the rights of the people of this great country. Nowhere was this more evident than in the fight she led to ensure the integrity of our voting process. STEPHANIE also worked tirelessly to promote home ownership and to help keep families in their homes.

But with all of her achievements, nothing compared to that of the strong young man that STEPHANIE raised, her son, Mervyn. STEPHANIE'S face would beam when she talked about Mervyn. There could be no question beyond everything she gave in service, everything she accomplished, they all paled in comparison to how proud she was of Mervyn. She loved him and continues to love him beyond measure.

STEPHANIE also had a beautiful and strong sister who she loved and appreciated so deeply. When STEPHANIE spoke of her sister Barbara, it was clear how special Barbara was to her.

Mr. Speaker, I could go on and on about the life of this amazing woman. I am so honored to have known her and to have served alongside of her. STEPHANIE was more than my colleague; she was my friend, and we were sisters. I will miss her greatly.

My thoughts and prayers are with her son Mervyn, and her very special sister Barbara, and the rest of her family.

Mr. REGULA. Mr. Speaker, I rise today to express deep sadness on the sudden passing of our colleague in this House and a member of the Ohio delegation, Congresswoman STEPHANIE TUBBS JONES.

August was a busy month for us. We have participated in events in our districts and meetings in our offices. Many of us participated in our party's presidential conventions. Unfortunately, too many of these tasks and goals were cut short and cut short too early for our colleague. We grieve her loss here this evening.

Throughout our time together in this House, the members of the Ohio delegation have been a congenial group and not a partisan one. We regularly worked together to share common responsibilities and actions to improve and strengthen our State. STEPHANIE brought energy and enthusiasm to our delegation and to our work, and we will miss her terribly.

As you will hear throughout this evening's remarks by my colleagues, Congresswoman STEPHANIE TUBBS JONES is a Member who held many firsts in our delegation. And I won't repeat those because many Members will touch on it.

To me, Congresswoman STEPHANIE TUBBS JONES was my friendly, outgoing, and upbeat colleague. We often traveled back and forth together in the same plane from Ohio to Washington for our congressional session. I will miss her wonderful personality and the energy she brought to our delegation and to this House.

This morning, when I was getting ready to leave for the airport, I said to my wife, ''You know, I'm going to really miss Stephanie because we would always be on the plane together most the time, the same flight, and she was always so upbeat and she had the common expression, 'Well, how are you doing today? How are you doing today?' ''

Well, we did well together, but I will miss her energy and personality that she brought to the delegation and to this House. I worked with STEPHANIE—her district was not far from mine—and we had a common interest in furthering the medical facilities in Cleveland, Ohio, some of the best in the United States; and it was a pleasure always to work with her and to enjoy her boundless enthusiasm and good nature.

And certainly on behalf of my colleagues in the Ohio delegation, we express our sincere sympathy to her son, Mervyn Jones, and to her sister, Barbara Walker, as well as to her thousands of constituents and to her devoted staff.

The SPEAKER pro tempore. The Chair understands the gentlewoman from Ohio to have yielded half her time to the gentleman from Ohio.

And the gentleman from Ohio reserves the balance of his time.

Ms. KAPTUR. Mr. Speaker, I would like to call on the distinguished Member from Cleveland, the colleague of Congresswoman JONES, Congressman DENNIS KUCINICH.

Mr. KUCINICH. I thank the gentlelady.

When I look at this Chamber this evening, there are so many Members of Congress here, each who wants to pay tribute to her. I'm going to keep my remarks brief, not in any way reflecting the depth of grief that I feel over Stephanie's passing.

We shared not only districts—because my district is mostly on the West side of the Cuyahoga River and hers is mostly on the east side of the Cuyahoga River—but we shared political careers, having worked with each other for the better part of three decades. And the STEPHANIE that we saw here in the Congress, the one of the 100-megawatt smile, the boundless energy, the telling sense of humor, the challenging approach when you may not agree with her, that was the STEPHANIE that I knew for 30 years.

But we also shared a friendship about family. And she went through it in the last years of her life with the loss of loved ones close to her, her father, her husband. And when we would have major events in our lives, like we do with close friends—and she was a close friend to many of us—we would share many of these things. And there was a lot of sadness to share. But there was also a moment when, for me, I had one of the biggest things happen in my life, and STEPHANIE was the first person I wanted to share it with.

More than 3 years ago, I met a woman who walked into my office as part of a meeting for policy, and even though I had a very brief conversation with her, I knew something had happened at that moment. And I just knew at that moment that this was somebody I was going to marry, and I didn't even have a discussion with her about anything except for policy for more than about half a minute. And I ran down to the floor to tell my friend STEPHANIE, because that's the kind of friend she was. You would want to tell her when you thought something big was happening in your life.

And so I said, ''Stephanie, I met her.'' And she looked at me and her eyes widened, and she gave her big smile, and she went, ''Shut up!'' And she had that kind of way of assessing things brilliantly and quickly in a manner and a tone and a language that was STEPHANIE.

And she really brought the wisdom of a keen legal mind and melded it with a street sense into this political persona that touched people all over this country and, indeed, in other countries as well. She had that magic.

Her presence is so powerful that I know I speak for other Members when I say that even at this moment, weeks later after her passing, we still can't believe it. That's how powerful a presence she was personally. And when she engaged you, you knew you were in a conversation and it was real.

When Members of Congress arrived to pay respects at the Bethany Church, we saw the sidewalks lined with her constituents. We saw a line to get into Bethany Church that was more than a block long. Hundreds of people waiting in line.

I had the chance to talk to some of them. You could see—you have to look into people's eyes, look at their faces, and you see the faces of people who are struggling with life, who are dealing with the kinds of problems that STEPHANIE came to Congress to address: trying to save their homes, trying to save their jobs, trying to keep their families together. And their eyes are searching today because they know they have lost a champion, and it puts such a great responsibility on all of us, a greater responsibility on all of us to uphold those things that she came to Congress for, the basic rights of people.

This was a loss for women who have strived for recognition in this body. This is a loss for African Americans who saw in her a champion, the first African American woman elected to Congress from the State of Ohio.

But what STEPHANIE did, her genius and her magic was she just broke all of the barriers. She went beyond gender and beyond race and emerged to a whole different political element. That's why she can't be replaced. And that's why, long after many of us have left this Chamber, people will still be talking about STEPHANIE TUBBS JONES.

STEPHANIE, we love you, and we will remember you.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Speaker, it's been a tough term for the Ohio delegation. First we lost Paul Gillmor, and now we've lost STEPHANIE. Too early for both of them in their lives. But I think it's these times when people in the country need to know the friendships that happen in this House. We may differ politically on certain issues, but we don't differ when it comes to making friends and friendships here in this House.

STEPHANIE had that beautiful energy that you will hear about and heard about before about her that we will all remember. She never met a stranger. Wherever we traveled in the world, STEPHANIE always had that great smile on her face. Whenever we were in Cleveland together—I have a daughter who lives in Cleveland, and STEPHANIE would give me a ride when I would fly into Cleveland to my daughter's house. She would stop and talk to my grandkids. Even though she was in Dennis' district, she was still working that side of town, too, because STEPHANIE worked wherever she was.

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She is a loss to all of us. She worked on issues that transcends this body, these human issues, and the people in her district are not going to forget that, and they truly do have a loss.

We traveled together many times to view the troops, and I just came back yesterday from Korea. In Korea, I talked about STEPHANIE to one of the general officers, and he said, I remember her. When we were in Bosnia, you came there in Thanksgiving and how she related to the troops in her own special way and talked to these young people about what they were doing, what they're going to do in the future.

But the most important thing about STEPHANIE, STEPHANIE never forgot who she was. She was a friend to all of us, but she never forgot her district.

One time, I talked STEPHANIE into going on a trip with me to Italy, and she said, ''I can't go. It's our 25th wedding anniversary. Mervyn and I want to spend our 25th wedding anniversary together.'' And this was when you could do this. I don't even know if I want to tell this, but she's gone and I'm retiring. So maybe I can tell this story now without going to the Ethics Committee. But I said, ''Stephanie, we're going to give you a party in Venice. You tell Mervyn it's going to be a very romantic time and it isn't going to cost him a cent.'' Guess what. They went on the trip.

And even after Mervyn's tragic passing—and I was there with her then—she would recall the great time we had together. And I'm not going to miss her

because she's going to be here with all of us, but who's going to miss her is Mervyn, Junior. He's lost not only his mother and his father but his grandparents in a very short period of time, and this is a young man. I hope his aunt can help him, and I hope all of us don't forget this young man and his life. And we're not going to forget STEPHANIE.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Ways and Means Committee from New York City, our beloved colleague, CHARLES RANGEL.

Mr. RANGEL. Thank you so much, Chairwoman KAPTUR, for giving me this courtesy and this opportunity.

I was a very long and dear friend of Louis Stokes. I loved him, I worked with him, and when he decided that he was going to retire, I did everything that I could to share with him how much he would be missed by his country and by this Congress. But when he had me to meet in Cleveland with STEPHANIE, I was convinced that—some of you may have met people that you know that it really wouldn't make any difference what they decided to do. Their intellect, their drive, their personality would make them successful, and especially for a woman and an African American woman in Ohio or any other part of the United States, to be a prosecutor, to be a judge and then to come to the Congress, it had to be extraordinary, the same way Harriet Beecher Stowe, Fannie Lou Hamer, people of extreme resilience.

And so from then, she said that she wanted to get on the Ways and Means Committee, and boy, the Ways and Means Committee has never been the same since she's joined with us. She would come to the meeting where we would be fighting and arguing and, with a smile, light it up. But that didn't prevent her from getting involved in the argument and many times on a different side of the Chair. But at the end of the day, I knew that once she was convinced that was the way the committee was going, you couldn't stop STEPHANIE TUBBS JONES.

I say in conclusion, one of the reasons that so many of you must like her, love her is because I don't remember that many complaints that she had about the Chair not responding to the needs of her constituents, especially when the housing market fell in Cleveland.

But so many of you that she brought to the chairman of this committee, that was not on the committee, because you had convinced her that it was important to your community, and she, as a person on that committee, thought we should look into it, and there was never but never a frivolous request. Every time she came she had done so much homework that I just know that the gap that she leaves in my heart and our committee will never be filled by anyone else.

I thank you for this opportunity of sharing.

Mr. REGULA. I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman from Ohio, the Ohio delegation, and the gentlelady Ms. KAPTUR for allowing me to be a part of this.

STEPHANIE was a special friend. I am terribly saddened by the untimely passing of STEPHANIE TUBBS JONES. She was someone who cared deeply about helping others, especially those who couldn't help themselves. TUBBS JONES was a wonderful philanthropist and friend. I will miss serving with her as cochair on the House Philanthropy Caucus.

Representative TUBBS JONES and I began our work in the House the same year together in 1998. I was honored last year to have the opportunity to partner with her to establish the Congressional Philanthropy Caucus, an initiative that she was very passionate about. Her tireless and tenacious advocacy for the philanthropic field and commitment to, and leadership was very inspiring and helped to forge new relationships and partnerships between and among law-makers and grant-makers.

The Caucus was formed at the behest of the Council on Foundations, a Washington, D.C., area-based nonprofit association of more than 2,100 grant-making foundations and corporations. The Caucus aims to educate and inform law-makers about the field of philanthropy.

As a member of the House Ways and Means Committee, STEPHANIE stressed the importance of reestablishing charitable incentives that have expired, emphasizing the impact such tools have on giving in the United States and around the world. She was a strong believer that charitable incentives help grow charitable giving to populations in need across the country. Demonstrating her commitment to her charitable values, Representative TUBBS JONES was an original cosponsor of the Public Good IRA Rollover Act of 2007, H.R. 1419, which proposed to expand the IRA charitable rollover. That Act is especially significant to the philanthropic field because it proposes to allow distributions to donor-advised funds, supporting organizations, and private foundations to qualify as charitable giving tools.

In addition, when given the opportunity on the House floor, Representative TUBBS JONES continually advocated for philanthropy, encouraged our colleagues to join the Philanthropy Caucus, and sponsor legislation promoting charitable giving. She met with her foundation constituents just a few weeks ago to discuss their work and contributions to her home State.

Representative TUBBS JONES was a champion for the philanthropic sector and will be greatly missed for her contributions to the charitable giving field.

On behalf of the members of the Congressional Philanthropy Caucus, and the many grant-makers that STEPHANIE supported around the country, specifically Ohio foundations, we wish to offer our sincere condolences and to extend her family, son Mervyn, colleagues, and staff, our deepest sympathies for their loss.

Ms. KAPTUR. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, it is indeed an honor to be able to stand in this House of Representatives and say a few words for my distinguished colleague, STEPHANIE TUBBS JONES.

You know, on everybody's tombstone there are three things. There's first the date you were born and then the date you die, and in between there is a dash. And the question we all must answer at some point is what do you do with the dash. STEPHANIE TUBBS JONES did an amazing amount with her dash.

Born to hardworking, loving parents—Mary, who was a cook at Case Western University in Cleveland; her father, Andrew, was a sky cap—good, hardworking people, who gave love to STEPHANIE. She rose to become a prosecutor, a judge, a trial lawyer, all the way up to the Congress of the United States.

And I tell you, in between, Mr. Speaker, she learned how to play a mean game of Bid Whist, Mr. Speaker. But I will tell you, Mr. Speaker, she kept the faith, she finished her course, and she fought the good fight. And therefore, there is put up for STEPHANIE TUBBS JONES an extraordinary crown of righteousness that the Lord, the righteous Judge, appointed and has given to STEPHANIE TUBBS JONES, and we thank God for sending STEPHANIE TUBBS JONES our way.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentlelady from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman for yielding and thank the Members of the delegation for having this very important time to remember our colleague.

STEPHANIE was a force in our delegation, and she was also an inspiration to everybody here and everybody who knew her. Perhaps we'll never understand or totally accept the reasons that people are taken from us in such tragic and untimely ways; yet there is always some comfort found when we can look at a life and see the great purpose that dwelled therein. And STEPHANIE TUBBS JONES lived with such great purpose and made such a difference, and that will help those of us that she left behind.

The last time I talked to STEPHANIE was not unlike most of us right here,

but it was not in this Chamber. It was in her outer office. It was the office right outside the door that is her car. And STEPHANIE was working in her outer office, and she was right by the door. And I passed there, and we were waiting for votes. I knocked on her window, and she said, ''Come on in, Deb,'' and I crawled in her office. I was glad to see it looked sort of like my car. There were papers everywhere. There were books. It was just like an office.

And we started not doing business but just chatting, like so often we would do when we would find a minute together. We talked of such great things in life as my daughter's hair. Now, for those of you who don't know, I have an adopted daughter who's African American, who was born in STEPHANIE's district. And STEPHANIE took an inordinate amount of interest in the lack of quality hair care that I provided to my daughter, and STEPHANIE was great about always giving me good advice for Mia, and she wanted to become a greater part of Mia's life.

We had plans to make that happen the next visit to Washington, and I'm sad especially for Mia that that won't happen because STEPHANIE is a wonderful mentor for so many people, women especially. I'm sorry that that relationship never took hold, but I will never forget the impact that she had on me.

What a wonderful, strong personality. What a contagious smile, and her laughter and her buoyancy held me up many times when I needed just that extra shoulder.

She had such purpose in her life, and that is her lasting legacy. We will all miss her, especially her family. There are so many that became part of her family. There are so many that she loved and touched in such an important, meaningful way. She will sorely be missed, Mr. Speaker.

I offer my deepest condolences to her family, to her son who will miss her most of all. She was loved by so many, as she so rightly should have been.

Ms. KAPTUR. Mr. Speaker, I yield 1½ minutes to STEPHANIE's colleague from the State of Ohio, Congressman ZACK SPACE.

Mr. SPACE. I thank the gentlelady.

I rise today to remember a dear friend and dedicated legislator, STEPHANIE TUBBS JONES. She was a tireless advocate for justice, a dedicated mother, and a terrific legislator and a fighter for the people of Ohio.

It will be very difficult for me to match the eloquence of someone like Chairman RANGEL, certainly the gentlelady from Toledo, the gentleman from Canton, or my friend Mr. KUCINICH from Cleveland. But DENNIS said something during his presentation that struck me as being extraordinarily accurate.

STEPHANIE did represent this magical, political persona that was meddled between her keen legal mind and her street sense. She had compassion, knowledge. She was just a great person and a great legislator. She was a trail blazer, as those from the Ohio delegation have pointed out, in many respects.

But something that many might not know is that STEPHANIE actually had an effect on the people in congressional district, which is, while sharing the same State of Ohio, a very long way from east Cleveland. STEPHANIE served as an inspiration for women in politics, as well as our African American community there as well. She fought for justice and equality at every turn in her career, and this was a tragic loss for the people of Congress and the people of Ohio.

Indeed, I still feel her presence here, and I suspect we will for quite some time. This has been a tragic loss for this body.

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Mr. REGULA. I yield to the gentlelady from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I rise today to pay my respects to a great lady, STEPHANIE TUBBS JONES.

Just over 3 years ago, I first saw STEPHANIE in this very room. As I was sworn into office, she came over and greeted me with a great big smile and an enormous hug, welcoming me to this wonderful body. Although we share different political views, STEPHANIE understood that friendship trumped politics. I felt fortunate to call her my friend.

When I went to Cleveland last week to pay my respects, I was welcomed by her wonderful family—her sister, Barbara; her nieces, her cousins, and her wonderful son, Mervyn.

I learned something about STEPHANIE I didn't know. I didn't realize that she was involved in a very famous case, a case that spurred not only a TV show but also a movie, ''The Fugitive.'' It was the Sam Shepard case. She was involved with that case, making sure justice was done.

I want to say thank you to the Lord for letting us have STEPHANIE as long as we did. We never know when the hour comes that he will come for us. I know that STEPHANIE was prepared for him because she was always prepared for her family and for her constituents, and she had that great big smile. I'm sure that it's there in heaven.

To Mervyn, to Barbara and to the rest of the family, you have my prayers. To the constituents of Cleveland, you have her heart.

May she rest in peace.

Ms. KAPTUR. Mr. Speaker, I'd like to yield a minute and a half to STEPHANIE's distinguished colleague from Ohio, our dear friend, Congressman CHARLES WILSON.

Mr. WILSON of Ohio. Mr. Speaker, I'm sad to be here this evening, but I'm also proud that we can rise on this occasion to join my colleagues in paying tribute to the honor of STEPHANIE TUBBS JONES. It's right that we express the condolences of the House of Representatives. I feel like she was a dear friend to all of us, and I know that I loved her and that so many of my colleagues did.

It came as a terrible shock a week ago Tuesday when we found out that STEPHANIE died, but it's appropriate that we have this resolution we're doing this evening to appropriately honor a devoted American, and STEPHANIE was a devoted American.

Congresswoman STEPHANIE TUBBS JONES was a champion for the residents in the Greater Cleveland area. She was a tireless voice for our State of Ohio. She always greeted me with a big smile and, many times, with a hug. It was just the way she did and the way she treated people. A colleague of hers recently said that he felt that STEPHANIE treated people that way because it was almost as if God were watching. She was taken from us way too soon.

Mr. Speaker, her work was not finished. She is counting on us to carry on. My deepest sympathy goes out to her son, Mervyn, to her sister, Barbara, and to her extended family. She will be sorely missed by the Ohio congressional delegation, by all of Congress, and I will miss working with her.

Mr. REGULA. Mr. Speaker, we have no further requests for time.

Ms. KAPTUR. Does the gentleman yield?

Mr. REGULA. Yes, I yield.

Ms. KAPTUR. Would the gentleman be kind enough to yield us any remaining time he might have so we can complete the speakers on our side.

Mr. REGULA. Yes, we'd be happy to yield whatever time we have left to your side.

Ms. KAPTUR. I thank the gentleman very much.

Mr. Speaker, would you please tell me how much time we have remaining then?

The SPEAKER pro tempore. The gentlewoman from Ohio controls the remainder of the time, which is 25½ minutes.

Ms. KAPTUR. Thank you very much.

I would like then to yield 2 minutes to our fine colleague from the State of California, who was such a close associate and friend of STEPHANIE's, Congresswoman LOIS CAPPS.

Mrs. CAPPS. I thank my dear colleague from Ohio.

Mr. Speaker, I rise in sad support of this resolution to pay tribute to our colleague, the Honorable STEPHANIE TUBBS JONES.

As so many have said, STEPHANIE had the gift of making us all her friends and, for me and for others, her sisters.

As has been said, she was a tireless advocate on behalf of working families and civil rights long before she came to

Congress, and she continued her devotion to these causes over the last decade. I was proud to work with her in the last few years against a proposal that would have undermined the Equal Employment Opportunity Commission. Her leadership on this issue was exemplary of her commitment to protecting people against discrimination. I will cherish this opportunity to work with her.

She was also a wonderful and active member of the Congressional Caucus for Women's Issues. She cochaired the task force on Women in the Judiciary with her colleague from Ohio and fellow former judge, DEBORAH PRYCE.

She also led efforts to raise awareness and to fund greater research into uterine fibroids. This is a disease that affects as many as three and four women over the course of their lifetimes. Yet it's rarely discussed in public. She had the courage to bring this otherwise taboo subject to the forefront in the quest to bring relief to millions of women who have and who will suffer from fibroids.

The people of Ohio and of the entire Congress have lost a true champion. For me, there was a personal bond with STEPHANIE TUBBS JONES. She lost her husband suddenly after she came to Congress, and I had lost mine recently, and so we had a bond, a sad one, but one that we both cherished. We made an agreement that we didn't need to talk. We just needed, when we saw each other, to give each other a hug, and I will cherish those hugs, and that bond still exists.

I send my condolences to her son and to her family members, and I hope they know that the grief is shared by all of us, and our dedication to upholding the causes which motivated and for which she showed such great leadership will inspire us to continue and, in each of our own ways, to make that legacy that was STEPHANIE TUBBS JONES' live on.

Ms. KAPTUR. Mr. Speaker, I'd like to yield 2 minutes to the Representative from California who was a close colleague of STEPHANIE's, Congresswoman SUSAN DAVIS.

Mrs. DAVIS of California. Mr. Speaker, I rise today to honor not only one of my colleagues but a dear friend, the Honorable STEPHANIE TUBBS JONES.

As we all know, she served the 11th Congressional District of Ohio with dignity and pride, and she represented her district with compassion, always with compassion, fighting for justice and equality.

I was very fortunate because, when I arrived here in 2001, my office was right across the hall from STEPHANIE's, and so you can imagine how embraced I felt by her and by all of her staff, by all of the people who were so close to her, such a loyal group of people.

There have been many stories told this evening, and many more will be told of her accomplishments; there have been many tributes that people have paid to her, but in this very brief time, I just wanted to talk for a minute about how her influence goes far beyond the district that she represented because, for years, Representative TUBBS JONES had been a special guest speaker before a group of young people from San Diego, the Aaron Price Fellows. She always came to those meetings at my request, and was always so enthusiastic. She would just captivate this room of high schoolers, who come from very diverse backgrounds, with warmth and humor. She would weave her congressional experience with her personal stories to excite the whole group, and she would encourage their discussion. She'd love their questions and really would be so energized, energized in that room of young people every year that she spoke to them just as she did every time she spoke on this very floor. I think it says so much about STEPHANIE that she shared her time and a lot of that time with students far from her district.

So, today, we remember her as such an inspirational leader, inspirational for so many—from high school students, to her constituents, of course, and to all of us here—to her colleagues. I am proud to say that I will continue to be inspired by her as I serve in Congress, and I can just think her saying today, ''Hey, girlfriend.'' So I want to say to her ''Thanks, girlfriend. Thank you for everything.''

Ms. KAPTUR. Mr. Speaker, I would like to yield 1 minute to the distinguished gentlelady from Chicago, Congresswoman JAN SCHAKOWSKY, who was a real soul sister to STEPHANIE.

Ms. SCHAKOWSKY. Mr. Speaker, STEPHANIE and I were in the same class. We came in in 1998, and immediately bonded as friends and classmates. She and my husband became very good friends. We would joke about it that my husband, Bob, was her boyfriend, and at their last conversation, it ended with his saying, ''Love you, Stef,'' and her saying, ''Love you, Bob.'' I'm jealous of that because they had that moment where they actually said the word that I feel so much tonight, that I loved STEPHANIE TUBBS JONES.

STEPHANIE was a force of nature. She was a big woman and she filled a room. I can just picture her now. Can't you just picture her coming down and speaking from this podium right now and just filling the space with her presence, with her sense of justice, with her passion, and with, of course, her smile? STEPHANIE was fiercely loyal. She was a supporter of HILLARY RODHAM CLINTON's. Some of us were on the other side, but that didn't challenge our friendship.

Connie Schultz, who is a Pulitzer Prize winner for the Cleveland Plain Dealer said, ''Our friendship was forged by her to the bones understanding of what it means to be a woman, willing to stick your neck out for your beliefs.''

STEPHANIE was fearless and she was loved. I loved her. I love you, Stephanie.

Ms. KAPTUR. I would now like to yield time to the distinguished Congressman from North Dakota, Congressman EARL POMEROY, a friend of STEPHANIE's for many years.

Mr. POMEROY. I thank the gentlelady for yielding.

I doubt our departed sister, STEPHANIE, would ever have imagined the impact she had. In fact, the Cleveland Plain Dealer referenced her essential humility even when mentioning her personal electricity in this editorial of August 22:

''I have no illusions about myself,'' TUBBS JONES told the Plain Dealer reporter Fran Henry in 1995. ''It could all go up in a puff of smoke. I'll never lose sight of that.''

STEPHANIE's presence on Earth has come so tragically to an all too early end, but her achievements—rising from the daughter of a factory worker and skycap to the positions of judge, county prosecutor, five-term Member of Congress—have made a lasting impact at each and every step along the way, especially with the many, many lives she touched.

I was privileged to sit by her on the Ways and Means Committee. You could probably call us the odd couple—a reserved, middle-aged man from the most rural part of our country, teamed with the most energetic, charismatic, bombastic, thoroughly urban STEPHANIE TUBBS JONES.

Over the years, on our committee together, I came to fully understand just how deep and how genuine her passion for others was, especially for those less fortunate, for those needing help. We'd joke about taking turns keeping each other settled down even under considerable provocation sometimes in Ways and Means debate. My counsel of ''take it easy, Stephanie'' would be met in turn with ''now settle down, Earl.'' In one hearing on inexcusable Social Security delays, we both just lost it entirely. I'll never forget that hearing; it's one of my favorites.

One of the greatest compliments I've had in this Congress, in any Congress I've served in, was when she'd call me her country boyfriend. She had the most incredible way of making those she met feel better. In the place where smiles, laughter and deep compassion are never in sufficient supply, STEPHANIE TUBBS JONES will be deeply, deeply missed but never forgotten.

Ms. KAPTUR. I thank the gentleman for his remarks and presence this evening.

I would like to yield 2 minutes now to one of STEPHANIE's sisters here from the State of Texas, Congresswoman SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank you very much.

This is such a wonderful story that I'm listening to as we honor STEPHANIE TUBBS JONES, so I'm going to speak on some issues that showed her in her fullness and in her love of life.

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And that was as a House basketball coach. She was that woman with a smile. She was a Good Samaritan. She was also like Ruth; if she was your friend, she was going to stick with you. She loved life, loved her family. How wonderful it was to be part of her family. And she allowed this Congress to be part of her family because everyone knew Mervyn, her husband; her son; her sisters; her mother and father, who I got a chance to know. But yet when she got on that basketball court and she was the coach, I tell you that was a winning smile, a winning coach, and a winning team.

And there was nothing more exciting than being at the 2008 House basketball team game. This was a game for charity. But you couldn't tell Coach STEPHANIE TUBBS JONES that she was out there for charity. She was out there to win, and I think it was the NBA championship, for she ran up and down that court. She gave the best coaching. She told the guys, who happened to be Members of Congress and others, what they could and could not do. And even though she wasn't the referee and she wasn't the penalizer, she'd penalize her team.

And what an exciting time to see in this year's 2008 winning basketball effort, Mervyn, her son, make the winning basketball shot. It was so exciting that those of us that were in the stands ran out onto the court, of course in violation, but we were able to get away with that. And I was so excited, in my short stature of 5′2½″, I asked the greatest coach that I knew that I work with her next year, and she gave me the greatest honor and said ''yes.'' That was STEPHANIE TUBBS JONES, the lover of life.

But yet as a prosecutor, one would think she would be hard nosed and she'd be running toward prosecution and incarceration. But she teamed up with her dear friend DANNY DAVIS, and they shed their light all around this campus, both the House and the Senate, to work on what we call the Second Chance bill.

So I rise today on behalf of the incarcerated whom STEPHANIE loved whom she gave an opportunity, through her work with DANNY DAVIS and those who cosponsored this legislation, to say to these individuals they could have a second chance.

May God allow her to rest in peace, but may her star shine continuously through us. We love her and we love her family.

Ms. KAPTUR. Mr. Speaker, I would like to place in the RECORD the names of the very able staff of Congresswoman STEPHANIE TUBBS JONES. This staff has endured great sadness, and they have tried to carry on with their leader being in spiritual guidance but not there personally.

And I would like to thank, from her district office, Betty Pinkney, her district director; Beverly Charles, her senior liaison; Theresa Lang Coaxum, her health liaison; Sharon Cole, business liaison; Saulette Reed, her office manager.

And here in Washington, Kimberley Alton, her legislative director; Lalla King Green, her scheduler; Eric Hammond, her staff assistant; Aaron Wasserman, her legislative correspondent; Darrell Doss, her tax counsel; Athena Abdullah, her health counsel; Nicole Y. Williams, her communications director; and Patrice Willoughby, dear Patrice, her chief of staff and counsel, who has tried to stand in STEPHANIE's place during these very difficult days.

And, finally, from the Committee on Standards, Dawn Kelly Mobley, the counsel to the chairwoman.

These are wonderful, wonderful staff people who have STEPHANIE's heart, and we want to do everything we can to help them through this very difficult time. And we thank them for their service to STEPHANIE and serving the people of the 11th District and the people of our country.

Also, Mr. Speaker, I would like to place in the RECORD before I call on our final speaker this story: There were many tributes paid to STEPHANIE at the service in Cleveland. One of the most moving speakers, the friends of STEPHANIE, heard Saturday from no politician or preacher but from a young 16 year old named Tiffany, a member of an all girls health careers class at Cleveland Martin Luther King Junior High School that STEPHANIE took under her wing 2 years ago. Tiffany recalled JONES telling the girls ''This is the future. You are the future.'' And the Congresswoman took time from her political and legislative schedule to visit the class and take them places. She took them to church one Sunday, but Tiffany had to work that day. So STEPHANIE dropped by to the workplace with Tiffany's classmates in tow. STEPHANIE kept her eye on every one of them. ''We're family,'' Tiffany told her classmates, who stood in a show of unity with their peer. She said, ''We've got to stick together. We have got to carry on in her legacy. She was steward, protector, and advocate to us. I will miss her as a friend.''

STEPHANIE had friends of all ages. We thank her for her leadership and for the seeds that she planted in the new growth forest that is growing in Cleveland and growing across this country to which she devoted her life.

Mr. Speaker, I would like to call as our final speaker in this bereavement resolution STEPHANIE's very good friend from the State of Missouri, Congressman EMANUEL CLEAVER.

Mr. CLEAVER. Mr. Speaker, when Congresswoman TUBBS discovered that I had three sons who had gone to college on basketball scholarships, she asked if I would bring them here for the annual fund-raising basketball game with the Georgetown Law School faculty. None of them could come this year; so I was drafted by STEPHANIE TUBBS JONES in language that I would normally not use during a sermon. But I did show up and immediately became angry because she pulled me out of the game just because I could not make it down the court in a minute in the transition game. So I cheered for the remainder of the evening for our team that Congresswoman SHEILA JACKSON-LEE mentioned did win in overtime.

But the most significant moment for me came when we all saw the signs that the pages had made for us. They were cheering us on. And the pages sent me a statement that they asked if I would read on their behalf. And I quote:

''Ask any one of the pages from the spring 2008 class to list their favorite memories from the 5 months we spent working on the hill, an anecdote about MS. STEPHANIE TUBBS JONES will likely be included. For some of us it is the unwavering charisma shown when she was the Speaker pro tempore. For others it is the simple act of coming to say good-bye to us at our departure ceremony. For most of us, it is the night of the 2008 home court charity basketball game, where our chants cheering on the Hill's Angels team and the Coach TUBBS JONES rang 10 times louder than the formidable Georgetown students cheering section and led our team to a surprising victory.

That night and for the rest of the time we knew MS. TUBBS JONES, we weren't just pages sitting in the back of the House. We experienced that night the true strength, pride, and enthusiasm of STEPHANIE TUBBS JONES, a strength rooted in her devotion to making things better, a pride in her job as a public servant evident every single day, and an unmatched enthusiasm for our service as pages. She was the type of woman you only dream of meeting at some point in your life and the friend we never expected to find in the halls of Congress last spring.

''Just as we will never forget our time as pages, we will never forget STEPHANIE TUBBS JONES.

''The spring 2008 page class.''

Mr. Speaker, STEPHANIE TUBBS JONES was my friend. We had the opportunity to spend time together, and I don't want to reminisce and say things that others have already said. Let me just say that I hate death. I hate it. And if I had an opportunity to erase it or kill it, I would. But death, unfortunately, is a part of life and we will all experience

it. The issue is not death so much as it is life, and we are granted an unspecified period of time, and many of us deal with those moments with a kind of carelessness that certainly was not planned when we were given our time on this Earth.

STEPHANIE TUBBS JONES was exuberant. She lived her life. She lived it out to the fullest. And I can say that if you understand that life is not a time to just waste and then look at the time of STEPHANIE TUBBS JONES, you know she understood that. And I would say that death is not a cul-de-sac for some. It's not an end. Death is a beginning. And for STEPHANIE TUBBS JONES, it was a comma for a new beginning. She lived her life and she lived it with zest and zeal.

She pulled me in Kansas City on the dance floor in front of hundreds of people and made me dance. I have a photograph of that that I had been hiding that I am now going to bring out with pride because I think when she did that, she was also saying live your life and live it to the fullest. Never ever allow cobwebs to cover you. If you rest, you rust. STEPHANIE TUBBS JONES never rusted.

Ms. KAPTUR. Mr. Speaker, in concluding this first hour this evening in honor of our dear colleague STEPHANIE TUBBS JONES, let me just say that STEPHANIE TUBBS JONES was a true mother of this Republic. Let the record show that. Let the record comfort her son in years hence.

And I want to say to our dear, dear friend and colleague Congressman REGULA, whose district sort of held STEPHANIE's up on the southern side, I want to thank him so very much, the dean of the Republican side of the aisle, for being here throughout this evening and through the wonderful participation of her colleagues of various persuasions here on the floor. The friendships went beyond party, and I thank the gentleman for his participation.

Mr. REGULA. Well, I would just comment that to know STEPHANIE was to love her. She just had that ebullient personality that you couldn't resist.

I also want to comment on one other thing, and that is that thousands of people in East Cleveland, in her district, have better health care today than they would have without STEPHANIE. She focused on the health care assets of East Cleveland, some of the best in the Nation, and as a result, the people that she represented have a better chance to take advantage of the health care facilities. And that's a legacy of STEPHANIE that most people aren't aware of and yet touches the lives of literally thousands of people.

And I congratulate the gentlewoman from Ohio for having this Special Order tonight because STEPHANIE was special.

Ms. KAPTUR. Thank you, Congressman REGULA, and I want to thank all of our colleagues who have participated this evening. I can guarantee you that every word that is on the RECORD will come to comfort Mervyn and the Tubbs Jones family, their church family, her sisterhood, all the people of Cleveland, all the people who have known STEPHANIE across our Nation. I want to thank our colleagues for their generosity and for their good hearts.

Mr. Speaker, I would like to say that the Ohio delegation stands beside those from the Congressional Black Caucus, who will have the second hour this evening in remembrance of STEPHANIE TUBBS JONES. We thank them very much for doing this. I know how very much their words will mean not just today but in future years to those who love STEPHANIE always.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise tonight deeply saddened by the passing of my friend and colleague, Congresswoman STEPHANIE TUBBS JONES.

Congresswoman TUBBS JONES was an extraordinary woman, wife, mother, and leader.

Congresswoman STEPHANIE TUBBS JONES made history by becoming the first African-American woman to be elected to Congress from her State of Ohio.

Throughout her career, Congresswoman TUBBS JONES demonstrated a serious commitment to her constituents and represented them well.

She dedicated her life to uplift and inspire those around her. Her dedication, strong will, and spirit gave hope to so many people.

Congresswoman TUBBS JONES and her work will never be forgotten as she lives in us all. She has left her mark in history, in Congress, and in our hearts.

I will deeply miss her and my thoughts and prayers are with her family.

Mr. LEWIS of Georgia. Mr. Speaker, the untimely death of Republican STEPHANIE TUBBS JONES gives us pause. There was a great writer who once said that the death of one of us diminishes us all. As Stephanie's friends and colleagues in the U.S. Congress, we all feel a little lost and a little less because one of our most fearless champions is gone.

Those who are voiceless in America today, who have been left out and left behind, have lost a warrior, a fighter, a crusader who did what she could to defend the dignity of human kind. There was not anything shy about Stephanie.

She had the courage, the ability, and the desire to speak up and speak out, to fight for what she believed was right, what was fair and just.

As a fellow member of the Ways and Means Committee, she was very concerned about using the tax code to help lift the burdens of the least among us. I always enjoyed it when she made a statement or questioned a witness. She was a brilliant judge and prosecutor, and that helped make her a gifted member of Congress.

STEPHANIE TUBBS JONES will be deeply missed by the Cleveland community, by the people of Ohio, by the citizens of America, by her family, friends, and all of her colleagues in the U.S. Congress. Peace be with you STEPHANIE, my friend. May God Almighty grant you eternal peace.

Mr. JEFFERSON. Mr. Speaker, I first met STEPHANIE TUBBS-JONES through her legendary predecessor, Representative Louis Stokes, who described her simply as "full of life.' Indeed, she was. And, to have heard her impassioned speech denoting the short-comings of a housing bill the Congress recently passed, a speech made just before the Congress went on its August break, it as impossible to see her death foreshadowed. Her zeal for public service, her love for the members of Congress, and particularly of the CBC members, and her commitment to people who needed a hand up from government, defined her life here.

In a larger sense she was a devoted family person. She lost both her parents during her service here, and, I having also lost my mother and father over my years here, gave us the opportunity for quiet reflection on what our parents had meant to us, and helped to deepen our friendship.

She was devoted to the memory of her husband, Mervyn, who died just a few years ago. When I chaired the Congressional Black Caucus Foundation, I urged her to join the board, which she did. From that point, she launched the Mervyn Jones Golf Classic which has raised millions in scholarship funds for worthy and needy college students. She was awfully proud of her son Mervyn II, who often came to the gym to play basketball with us "old jocks" and often schooled us with his basketball skills.

Her service on the Ways and Means Committee with me over several years gave me insight into her caring heart for health care and human resource issues but also into her competence as an infighter in the legislative process. She made her points, stood her ground and quite often carried her position. She sought me out after Hurricane Katrina hit my district and my State, offering advice and real help. STEPHANIE identified with human suffering everywhere and wanted to do something about it.

I was stunned and saddened by her sudden and unexpected death as were we all. And it was the hardest thing not to take the plane ride to Cleveland to attend her funeral and memorial service. It was only after the sage and stern advice from my Chairwoman CAROLYN CHEEKS-KILPATRICK that I reluctantly canceled my trip to Cleveland to attend to the issues back at home with Hurricane Gustav bearing down on our people. I know I was well covered by the members who did attend and part of me will always regret not being there. But, looking at it from another vantage point—not having fully seen her in death—my memories of her will only be those of her in life—not just in life but "full of life" as Lou Stokes described her.

Mrs. LOWEY. Mr. Speaker, I rise to mourn the loss of my friend and colleague STEPHANIE TUBBS JONES.

STEPHANIE TUBBS JONES was a kind and caring friend, a hard-working and diligent colleague, and a committed representative. She was also a trailblazer—she was the first African-American and the first female prosecutor in Cuyahoga County, Ohio, the first African-American woman to be elected to serve Ohio in the House of Representatives, and the first African-American woman to serve on the powerful House Ways and Means Committee.

STEPHANIE TUBBS JONES was an inspiration to me and to others who aspire to represent their constituents with passion, dedication, and integrity. A champion of voting rights, she stood up for those who lacked a voice to ensure that they are not denied the most fundamental right of our democracy—the right to vote.

In her role as Chair of the House Ethics Committee, she led the House of Representatives in ensuring that Members of Congress live up to high standards. She understood that increasing Americans' confidence in their government requires honest and ethical behavior by their leaders.

All those who loved STEPHANIE TUBBS JONES, including her son Melvyn Leroy Jones II, and her sister Barbara Walker, are in my thoughts and prayers.

As we mourn the passing of this intelligent, hard-working, and caring representative, we celebrate her accomplishments. We are reminded that despite the tragedy of her passing, her life was a blessing for her colleagues, her friends, her family, her constituents, and so many who needed a champion.

Ms. HIRONO. Mr. Speaker, I rise today to join my colleagues in expressing great sympathy on the sudden passing of STEPHANIE TUBBS JONES.

STEPHANIE TUBBS JONES was a pioneer her entire professional career: She was the first African-American and the first female prosecutor in Cuyahoga County, Ohio; the first African-American woman to sit on the Common Pleas bench in Ohio; the first African-American woman to be elected to Congress from Ohio; and the first African-American woman to serve on the House Ways and Means Committee.

As a first term member of Congress, my service with STEPHANIE was too short, but I will fondly remember her bright smile and vibrant personality. Her leadership and passion will be sorely missed.

I would like to extend my deepest condolences to STEPHANIE's son, Mervyn Leroy Jones II, and her sister, Barbara Walker.

Ms. MATSUI. Mr. Speaker, I rise today joining my colleagues in tribute, sharing kind words and memories of our colleague and dear friend Congresswoman STEPHANIE TUBBS JONES.

I was deeply saddened when I heard the news of her death. My sincerest thoughts and prayers go out to her son Mervyn, to all her family, and to her friends and supporters during this difficult time. '

STEPHANIE TUBBS JONES was an inspiration and a tireless advocate for her constituents. She was a fighter. A strong woman of conviction and intelligence, whose values and experience guided her advocacy and fearlessness.

STEPHANIE broke molds, she broke glass ceilings, and then swept away the stereotypes. STEPHANIE was never one to be absorbed into the folds of a monochrome following. She was outspoken and proactive, bold in demeanor and action. Her always bright and powerful attire spoke to her outgoing personality, which never shied away from a challenge and approached every day with enthusiasm and confidence. Her skill in crafting intelligent and responsible legislation shows that she viewed the world through this diverse spectrum of color, dismissing the notion that solutions to complex problems can come from a world of simply black and white.

Justice and inclusion were at the heart of her work. In her 10 years in Congress and her lifetime of service she always put justice, opportunity, and equality atop all other pursuits. STEPHANIE did not come from a life of privilege simply to serve the privileged. She came from a working class community and put her heart and soul into lifting up that community with every step of the ladder she climbed.

I remember how highly coveted she was by the then members of the Ways and Means committee, when joining the powerful committee soon after her election. My husband Bob served on the then committee and recognized in her character the genuine desire to serve her Nation, her constituents, and those whose voices had yet to be fully heard. Her experience as a prosecutor and judge gave her arguments tenacity and her decisions finality.

STEPHANIE TUBBS JONES effectively represented her Cleveland district for over a decade. Yet she never dismissed the acknowledgment that her success as a groundbreaking figure touched many outside her district's boundaries. Her work looked beyond district lines and party lines to affect, inspire, and speak for those in need of justice and advocacy.

My heart goes out to her loved ones. I know that she will be greatly missed by everyone who knew her. Her impact will continue to be felt, not only in her Cleveland district and the U.S. House of Representatives, but by the many individuals who benefited from her service.

Mr. STARK. Mr. Speaker, I rise today with great sadness to mourn the passing of my good friend and colleague, STEPHANIE TUBBS JONES.

While serving with STEPHANIE on the Ways and Means Committee, and more closely on the Health Subcommittee, I experienced firsthand what a fierce and effective advocate she was in Congress. She was an uncompromising champion for health care as a right for everyone. Her constant effort highlighting the disparities in our health care system and her tireless work on behalf of End-Stage Renal Disease patients made her an outstanding representative. She is, in a word, irreplaceable.

Her spirited advocacy and commitment to justice and fairness were accompanied by warmth and strong loyalty. Those who worked closely with her were privileged to see both her intense passion and joy for her work.

I extend my sincerest condolences to her son Mervyn and her sister Barbara, and the many women and men who counted her among their family and friends. As a colleague and friend, I am honored to have served beside her. She will be sorely missed.

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the life and legacy of our dear friend, Congresswoman STEPHANIE TUBBS JONES. Since her arrival here nearly 10 years ago as the first African-American woman elected to Congress by Ohio, she was a tireless advocate for the poor and our Nation's working families. Despite the tremendous personal losses she suffered, including the tragic loss of her sister, her parents, and her husband Mervyn of 26 years, she never wavered in her commitment to the people of Ohio.

STEPHANIE TUBBS JONES will be remembered as a role model, an ardent and bold voice for progressive causes, and a champion for the rights of the disenfranchised. She will be a tough act to follow. Her remarkable passion and bravery continue to be an inspiration to us all, and we will all truly miss her presence in this Chamber.

Mr. RANGEL. Mr. Speaker, I rise today to pay special tribute to one of our own; my friend and colleague, the Honorable Chairwoman STEPHANIE TUBBS JONES who represented the 11th congressional district of Ohio for five terms. Sadly she passed away at the young age of 59 on August 20, 2008 from an aneurysm in her brain. She is survived by her son, Mervyn L. Jones II, and her sister Barbara Walker.

Congresswoman TUBBS JONES truly was a pioneer. She became the first African-American woman to chair the Committee on Standards of Official Conduct in the 110th Congress and the first African-American woman to serve on the Committee on Ways and Means in the 108th Congress where she played an important role on the health subcommittee. She fought tirelessly for wealth building and economic development, access and delivery of health care, and quality education for all. The Congresswoman had the ability to remain grounded and always continued to work and include the interests of her constituents when dealing with issues.

It was an honor and a privilege to have worked directly with her on the Committee on Ways and Means. On the Health Subcommittee she focused on End Stage Renal Disease (ESRD), disparities and she played an important role in the SCHIP debate. She was a strong supporter of tax provisions designed to encourage the rehabilitation of historic, and other real property, and to encourage community development. Despite her constituency that is mainly unionized, she supported the Peru Trade Promotion Agreement and other free-trade agreements as long as they met the International Labor Organizations Declaration on Fundamental Principles and Right to Work.

She will be missed by members on both sides of the aisle and by staff on the hill who admired and enjoyed working with her as well. We who knew and worked with her will surely be among many who will miss her smile, her tenacity, and her infectious love of life. She leaves us an inspirational legacy, a memorable record of public service and a charge to keep fighting for what is right and just. She will forever be in our hearts.

Mr. UDALL of New Mexico. Mr. Speaker, history will remember STEPHANIE TUBBS JONES as a trailblazer. News reports about her death are littered with firsts: first black woman to represent Ohio in the House, first black woman on Ways and Means, first woman and first African-American prosecutor in Cuyahoga County.

Those who worked with her will remember her electric smile, the kind of smile that made you feel like everything would be alright. We will remember her warmth, how she could hug somebody and give them a piece of her high

spirits. She had that uncanny ability to make everybody she encountered—from presidents to homeless constituents—feel like they had known her for years. Her gift was to connect with people on a purely human level. No pretense. When confronted with immensely powerful men and women, she would treat them with the same casual kindness that won her the love of her constituents back in Cleveland.

Most importantly, we will remember her courage. STEPHANIE was never intimidated by anybody or anything. When she saw injustice, she did something about it, even when the battle would be difficult and victory uncertain. She spoke for those in need of a champion. In her career, she transcended the barriers of race, class and gender that continue to undermine the great American creed of equal opportunity. In her work, she helped ensure that those barriers will not stop future generations of Americans from achieving their potential.

STEPHANIE loved warm words, but she preferred strong actions. Let her example help us to speak truth to power and stand up for justice. The best tribute we could offer to so passionate and committed a public servant is to continue her work.

Mr. RYAN of Ohio. Mr. Speaker, I rise today to honor my friend, mentor, and a true pioneer. Congresswoman STEPHANIE TUBBS JONES was taken from us at far too young an age when she passed away on August 20th. On August 30th, during a memorial ceremony held at the Cleveland Public Hall, I addressed the hundreds of friends and family in attendance to pay tribute to STEPHANIE and I would like to share those remarks here as well:

There was a famous song a few years back called, ''I Hope You Dance.'' And it's a song that passes along some advice to all of us, and the refrain of the song says, ''If you have the choice to sit it out or dance, I hope you dance.'' And we all know that STEPHANIE didn't sit it out; she danced. She danced through this life with a style all her own, and she now gets to dance once again with her favorite partner, Mervin. Whether literally dancing on the dance floor or dancing through life, she possessed the key quality of any great dancer—she was fearless. She wasn't real concerned with criticism because she got her instructions from the inside. And as Connie Shultz pointed out last week in her wonderful column, ''When the rough and tumble side of Cleveland politics reared its head and threatened STEPHANIE, she simply said, 'I don't have time for fear.'''

Gandhi said, ''My life is my message.'' And so it is with STEPHANIE. Her life instructs us that if we live a life without fear, we allow God's light to pour through us, like His light poured through STEPHANIE. We saw this light in her bright smile and her catchy laugh; her high-fives she always liked to give when she made a witty comment; and the nicknames she gave us, as Congressman MEEK said, I was the ''white son.'' We felt this light in her passion for justice and her warmth for humanity. Her life teaches us that if we live with courage and allow God's light to shine, we can travel farther and higher than we ever dreamed; that we can achieve the seemingly unachievable; and that we can break glass ceilings and overcome barriers with grace and joy. Whether it's Mervin, or Barbara, or her staff, or Members of Congress, or Senators, or presidential candidates, STEPHANIE's death gives us what she gave us so many times in life—our marching orders: To live a fearless life. To let our light shine. To bring joy and hope. To lift people. To dance. The daughter of Cleveland's life mission. And the credo she asks us to live by is reflected in the short poem called, ''I Am One.''

I am only one,
But I am one.
I cannot do everything,
But I can do something.
And that which I can do,
I ought to do.
And that which I ought to do,
By the grace of God, I shall do.

We love you, STEPHANIE.

Mr. BACA. Mr. Speaker, I rise today to offer my sincere condolences for the passing of the Honorable STEPHANIE TUBBS JONES.

Not only was she a true hero and noble leader in the United States Congress, a trailblazer for all minorities, but she was also a friend who will be dearly missed.

Representative STEPHANIE TUBBS JONES' passing is a tragic loss for this Congress and our Nation. Her leadership on the ethics committee and on voting rights will never be forgotten. On behalf of the Congressional Hispanic Caucus, we send our prayers and condolences to her family, friends and staff.

As Chairman of the Congressional Hispanic Caucus, I worked with Representative JONES together on a variety of projects, including our fundraising efforts for Gallaudet University here in Washington, as well as other endeavors which promoted advocacy for low-income and minority communities.

Having been blessed with the opportunity to get to know her outside the walls of Congress as a team member of the Democratic Congressional Basketball Team, I was impressed by her continually cheerful disposition and lively energy. Due to this vigor, she was always able to spread joy to others and add a positive light no matter the situation.

STEPHANIE's death will be felt by all, not just within Cleveland community, but also throughout the Nation because of the ideals she stood for. I offer the thoughts and prayers of my wife Barbara and myself to Congresswoman STEPHANIE TUBBS JONES' son Mervyn and for her family for their loss.

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I rise to express my most sincere condolences on the death of the Honorable STEPHANIE TUBBS JONES.

I was extremely saddened to hear the news of Congresswoman JONES' passing. Since 1999, she has proudly and honorably served Ohio's eleventh district.

STEPHANIE TUBBS JONES was the daughter of an Airport skycap. She grew up in Cleveland and graduated from college and law school at Case Western. She began her life of public service when she went to work as a local government lawyer and went on to serve 8 years as a judge on the Court of Common Pleas of Cuyahoga County. As the first African American woman elected from Ohio to serve in Congress, she brought a fresh energy and new perspective to the House. No one was surprised when she quickly rose to a position on the powerful Ways and Means Committee.

I got to know STEPHANIE in my first term in Congress because my office was next door to hers. She was never too busy to help a freshman member in whatever way she could. Her energy was boundless, and I will sorely miss her smile—it could light up a crowded room. Those who had the good fortune to know this incredible woman know what I am talking about.

During her four terms in Congress, she was a champion for the people of the eleventh district. She worked tirelessly to create equal opportunities for all people in this country as she fought to increase the minimum wage, to increase funding to public schools, and to create affordable and accessible healthcare.

The people of Ohio have lost a great political leader, and we have lost a beloved and respected colleague. We will all miss her friendly smile and her passion for her fellow man.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, it is with tremendous sadness that I rise to mourn the passing of our dear colleague, the Honorable STEPHANIE TUBBS JONES of Ohio. STEPHANIE's death is an unbelievable tragedy for her family and all of us who loved her. It is a tremendous loss for her Cleveland constituents and our Nation. Her passing reminds us how precious life is and how we must treasure the time we spend with our loved ones.

STEPHANIE's absence is profoundly personal for me because she was a very special person and a friend. Many, many memories and personal stories come to mind when I think of her. She was a caring person who showed her kindness and friendship freely. Her deep, strong, loving voice is memorable. STEPHANIE's energy and strength—almost fearlessness—to fight for what she believed in, and at the same time, be open to opposing points of view was admirable.

I can't count the number of times I watched STEPHANIE on the floor of this House boldly speaking out on behalf of Americans and her Ohio constituents. She was passionate and never shied away from fighting for justice, equality, and the belief that this great country can do so much better for so many of the citizens who have been left behind. A powerful voice for justice in Congress and an extraordinary public servant is the best way I can describe STEPHANIE and her legacy.

As the chair of the House Ethics Committee, Congresswoman TUBBS JONES had one of the most difficult duties in Congress. Her experience as a judge and a prosecutor made her perfectly suited for the responsibility of maintaining the integrity of the U.S. House of Representatives.

Today is STEPHANIE's 59th birthday. It is heartbreaking that she is not here with us, but I am proud to celebrate her life of service and her commitment to both her family and the families she represented. Congresswoman TUBBS JONES was the epitome of a citizen servant and demonstrated to all who knew her a spirit of joy, hope and compassion. I feel honored to have known her and privileged to have served with her in this House. STEPHANIE will be missed by me and many others, but she will not be forgotten.

Mr. COHEN. Mr. Speaker, I rise today to honor our departed colleague the Honorable STEPHANIE TUBBS JONES.

Many have attested to STEPHANIE's contagious smile and fierce loyalty to her friends.

I always respected and admired her. I can honestly say that she was a nice and professional colleague. We spoke for the last time a couple of weeks ago at the Congressional Black Caucus's Annual Retreat in Tunica, Mississippi. I feel a sense of gratitude for our meeting. We talked. We embraced. STEPHANIE expressed her congratulations for my success as a freshman legislator. She spoke fondly of her time in Memphis as she visited her family there.

Over the past decade, STEPHANIE was an undeniable force in Congress. She broke barriers in 1998 by being elected the first African American woman in Congress from Ohio. She persisted over the years and was appointed to the powerful Ways and Means Committee. She served with a sense of pride as the chairwoman of the House Ethics Committee.

STEPHANIE and I co-sponsored a great deal of legislation together. On July 29, 2008, we unified as Members of Congress and passed H. Res. 194: the formal apology for government's involvement in slavery and Jim Crow. STEPHANIE was one of my earliest co-sponsors. She was a community conscious legislator. She fought for the people and sponsored legislation on issue areas ranging from community economic development to enfranchisement and retirement security.

I am forever grateful that my last interaction with STEPHANIE concluded with a deep and meaningful hug. My only regret is that STEPHANIE and I will not have the opportunity to work together in the future.

Ms. LEE. Mr. Speaker, I rise today to pay tribute to the life and legacy of Congresswoman STEPHANIE TUBBS JONES.

First, I would like to offer my deepest condolences to her entire family, especially her son Mervyn and her sister Barbara. I want to also offer my condolences to the constituents of Ohio's Eleventh Congressional District, to all of her many friends, her colleagues—especially in the Congressional Black Caucus—and of course to her staff here in Washington and in Ohio.

On August 20, 2008 the people of Cleveland, this Nation and the world lost a giant in the fight for equality and justice when we lost my beloved friend and colleague Congresswoman STEPHANIE TUBBS JONES.

So many know Congresswoman TUBBS JONES for her exceptional work on behalf of her constituents and for the many barriers she broke and trails she blazed as the first African American woman elected to Congress from Ohio, as the first African American woman to serve on the powerful Ways and Means Committee, and as the first to chair the House Ethics Committee.

Congresswoman TUBBS JONES and I came to Congress about the same time. We worked closely together for a decade and she was one of the most remarkable persons I have ever known. Whether it was standing up for Ohio voters and fighting for election reform or fighting to end the unjust war and occupation in Iraq, she always stood on the right side of justice.

She was a political giant, a skilled legislator, an incredible orator, but she was much more than that to me. She was also my sister in arms, my confidant, and my friend. We spent many an evening in Washington together throughout our decade long friendship.

From attending events together, to just grabbing dinner or an occasional down moment, we've spent a great deal of time throughout the years. We also spent many mornings together. You see STEPHANIE was also my gym partner along with Congresswoman LAURA RICHARDSON.

STEPHANIE and I also had the chance to travel together on several occasions to places like Cuba and Israel. I will always treasure those times and memories. It was during some of our travel together, and our work together for the Congressional Black Caucus Foundation, that I got the chance to know her husband, Mervyn Jones, whom she loved dearly and tragically lost in October 2003.

In the wake of his death, STEPHANIE created a scholarship golf tournament in his memory, which has become a successful annual event. I know she would be pleased that a scholarship has been now arranged in her honor.

Unquestionably, her passing has left a tremendous hole in the Congress, in the Congressional Black Caucus, and in my heart. I will miss my beautiful friend and sister, Congresswoman TUBBS JONES so very much.

My thoughts and prayers remain with the Congresswoman's entire family, her son Mervyn, her sister Barbara, her staff, her friends and her many supporters.

May her soul rest in peace.

Mrs. MALONEY of New York. Mr. Speaker, today, I join my colleagues to remember and celebrate the life of a dear friend and colleague, STEPHANIE TUBBS JONES. It is during times like these that we are both able to smile, thinking about those who we admired and who have distinctly touched our lives—and in the case of STEPHANIE TUBBS JONES—touched the lives of thousands of Clevelanders who were so devoted to her and she to them. And of course, we sadly mourn the death of a woman who was dedicated to making the lives of Ohioans and Americans better. From increasing the minimum wage to making healthcare available to all, STEPHANIE was at the forefront, fighting for all of our families.

Congresswoman STEPHANIE TUBBS JONES is the real-life American success story. Born to a factory worker and skycap, STEPHANIE went to public schools in Ohio, then became a prosecutor and municipal judge and finally, the first African-American woman from Ohio elected to the United States Congress. Nearly 10 years ago, she was a little-known Democrat from Ohio who rose to prominence becoming Chair of the House Committee on Standards of Official Conduct and a member of the powerful House Ways and Means Committee.

Like so many, STEPHANIE was taken from us too soon and too abruptly. I extend my sincerest condolences to STEPHANIE's family and especially to her beloved son, Mervyn. Your mom was a great lady and a wonderful friend. We will all miss her dearly.

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of my colleague and dear friend, United States Congresswoman STEPHANIE TUBBS JONES, who left us far too soon.

STEPHANIE's fearless passion for social justice, unyielding commitment to improving the lives of her most vulnerable constituents, and limitless love for her family and friends, will forever resound throughout our Cleveland community and across our nation. Her professional achievements were many—her success as a county prosecutor, municipal judge, trial court judge and Congresswoman are well known, but it was her strength of character in the face of personal hardship, her dedication to and ability in helping others and her luminous zest for life that ran through everything she did. It is these attributes, framed by her hearty laugh and generous heart—that will forever be remembered.

STEPHANIE's life touched and inspired countless lives, young and old, and her energy and positivity knew no bounds—reaching from the block clubs of Cleveland, to the halls of Congress, across the country and around the world. Wherever she went, people were drawn to her quick smile, sharp intellect, easy going nature and passion for making the world a better place. The child of devoted, working class parents, STEPHANIE blazed a trail of possibility and hope for women everywhere, especially for African American women, when she made history upon being elected as the first African American woman from Ohio elected to Congress. STEPHANIE was not afraid to stand up against the tide—she was one of the Representatives to vote ''no'' to authorizing the use of force in Iraq—an action she believed to be a grave affront to the honor of United States veterans and the honorable service of our United States military women and men.

STEPHANIE's sage advice and ability to get to the heart of the matter was coveted by her family and wide circle of friends. Her warmth, friendship and loyalty inspired and strengthened the lives of many, including my own. People from all walks of life—from United States Senators to the cashier around the corner—called STEPHANIE ''friend'' and ''sister.''

STEPHANIE's most cherished roles were as wife and mother. Her unwavering devotion to her family was evidenced her entire life. Together, STEPHANIE and her late husband, Mervyn Jones Sr., raised their son, Mervyn, Jr., who was heart, soul and center of STEPHANIE's life.

Mr. Speaker and colleagues, please join me in honor and remembrance of my dear friend and confidant, Congresswoman STEPHANIE TUBBS JONES. Our shared experiences—from our Cleveland childhood to standing together in the House of Representatives—was the foundation for a friendship that grew and strengthened over the past thirty years.

Her passing is a profound loss for all of us, and especially for her beloved son, Mervyn, yet her fiery spirit, love for her family and friends, and commitment to serving the most fragile of our society will be forever reflected in those who loved and knew her well—in Cleveland, Washington, and far beyond. The indomitable spirit, love for life and passion for social justice that defined my friend, STEPHANIE TUBBS JONES, will live on forever, through every friendship she ever forged and within everyone whose life was improved, inspired and lifted because of her, and she will be remembered always.

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

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

There was no objection.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2030

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable John A. Boehner, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 27, 2008.

Hon. NANCY PELOSI,
Speaker,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 4(a) of the Commission on the Abolition of the Transatlantic Slave Trade Act (P.L. 110–183), I am pleased to appoint Mr. Donald Murphy of Cincinnati, Ohio to the Commission on the Abolition of the Transatlantic Slave Trade.

Mr. Murphy has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, August 1, 2008.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena, issued by the United States District Court for the District of Columbia, for the production of documents.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

DANIEL P. BEARD.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is September 8, 2008 in the land of the free and the home of the brave, and before the sun sets today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,013 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Mr. Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 13,013 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Mr. Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is September 8, 2008, 13,013 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

DRILLING IN ANWR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER of Florida. Mr. Speaker, I rise today to talk about one of the central issues of our time, and that is whether or not we should drill for oil in Alaska in an area known as ANWR.

I have just returned from a 4-day trip to ANWR to do a fact-finding mission to see this area firsthand. Those in our country who are for drilling in the ANWR section of Alaska say that there's a large amount of oil there, that it can be drilled in an environmentally friendly manner, and that the Alaskan people want it. Those who are against drilling in ANWR say there's only a trivial amount of oil there, it will hurt the pristine wilderness, and it will hurt the wildlife in that area, particularly polar bears and caribou.

Well, to answer those questions for myself, I went there. I just want to walk through a couple of them. First, let's talk about the amount of oil in the ANWR area. Having been there and talked with the experts, I can tell you that there is 10.4 billion barrels of oil in ANWR, according to the U.S. Geological Survey and the U.S. Department of Interior. That 10.4 billion barrels of oil is enough oil to provide my home State of Florida with all of its petroleum needs for 29 years. It's enough to provide 1 million barrels of oil a day, every day, for the next 30 years.

The next issue comes up, Well, this will hurt the pristine wilderness area. Well, I traveled to ANWR, and you can see this map. This is the entire ANWR area. The only village in ANWR is called Kaktovik. I stood right there in the Arctic Ocean looking down at ANWR with the head elected leader, Mr. Fenton Rexford. As I looked out, all I saw was a flat, barren tundra.

I asked Mr. Rexford, Where are the trees? He said, there are no trees within 100 miles of this area that would be drilled. The area is not a pristine wilderness. It looks more like the moon than it does the rain forest.

The next issue becomes, Well, this will hurt wildlife. We hear from those who have concerns particularly about caribou and polar bears. I saw both on my trip in visiting various parts of Alaska. There are 5,000 polar bears approximately in Alaska, and 800,000 caribou. Caribou are by far the most numerous of the large mammals in Alaska.

Are we concerned about diminishing numbers? No. Both the numbers of polar bears and caribou have increased every year since the last three decades. In fact, we know that they can coexist because right next to ANWR is an area called Prudhoe Bay, the single largest oil field in the United States.

When oil started to be taken out of Prudhoe Bay in the mid seventies, there were 3,000 caribou in that area. Today, there are over 30,000 caribou. The numbers have increased tenfold.

So the bottom line from my fact-finding mission to Alaska is this. There is a significant amount of oil there. Over 10 billion barrels. The Alaskans do want it, over 70 percent Statewide, and 90 percent of those who live along the ANWR coastal plain. This can be done without harm to the wilderness. There's not a tree within 100 miles. And 99.9 percent of ANWR would be off-limits to the drilling. It can be done without harm to wildlife, either polar bears or caribou. And we can have it all. We can have responsible, environmentally friendly drilling that reduces our dependence on foreign oil.

I made a promise to the Eskimo tribal leaders when I was there in Kaktovik, a small town with 300 folks, that I would come back and tell their story as objectively as I could. They said so few Members of Congress have ever visited there and they would like to just get the truth out for both sides. I hope today, by laying out as best I can my factual findings, I have honored their request. I urge folks to look at this issue objectively, as I have, and try to reach a fair conclusion.

CONGRESSIONAL BLACK CAUCUS TRIBUTE TO THE HONORABLE STEPHANIE TUBBS JONES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. KILPATRICK. For the Members who have sat all night as we pay special homage to our friend, colleague, and very special woman, Congresswoman STEPHANIE TUBBS JONES, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Special Order for Congresswoman STEPHANIE TUBBS JONES.

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

There was no objection.

Ms. KILPATRICK. I'd like to yield to the former chairman, my predecessor of the Congressional Black Caucus, Congressman MEL WATT.

Mr. WATT. I thank the gentlelady for convening this Special Order for us to pay tribute to our friend and colleague, STEPHANIE TUBBS JONES.

In the midst of all our sadness I think the one thing that keeps occurring over and over and over again is wonderful, uplifting, fun stories and memories of STEPHANIE TUBBS JONES. In fact, I was privileged to share a whole sequence of fun, funny, uplifting experiences with STEPHANIE TUBBS JONES, and I concur with my colleague, EMANUEL CLEAVER, who made a comment earlier that this life did not cheat our friend STEPHANIE TUBBS JONES. She lived and enjoyed every single minute of it. Even when she was working, she was having fun. So I suspect you're going to hear from this group that is coming for this Special Order more stories about our experiences with her because they were all a series of fun experiences.

Let me start with this experience. Probably 3 weeks before STEPHANIE TUBBS JONES' death, 7:30 a.m. in the morning the phone rings at my residence in Charlotte, North Carolina, and on the other end is STEPHANIE TUBBS JONES saying, Mel, I got into your city last night at about 10 o'clock in the morning. I was on my way from Memphis, Tennessee, where I had been campaigning for a person who was running for Congress, and I was on my way to give a speech in Cincinnati, Ohio, and there was bad weather in Cincinnati, Ohio, and I ended up spending the night at a motel in Charlotte, North Carolina, and I don't have any clothes and I am supposed to be giving a speech in Cincinnati later today. What can you do for me?

I said, Well, STEPHANIE, no problem. I will just have somebody pick you up, take you to the shopping center. You can do your shopping, buy a whole new wardrobe. So she went to all this excuse to go shopping. We will hook you up.

So that very morning, as soon as the stores opened in Charlotte, one of my staff members had STEPHANIE TUBBS JONES at the mall and she did her shopping and we got her to the airport by 11:30 that morning to catch her flight to Cincinnati. She went to Cincinnati and gave her speech.

Now I missed the opportunity to see the outfits—not one, but outfits—that STEPHANIE TUBBS JONES purchased that morning. She promised me she was going to show me the special outfit that she purchased, and I never got the opportunity to see it.

But as those kinds of stories that make STEPHANIE TUBBS JONES a real person to us, not just a colleague in Congress, but a friend, a peer, a confidante, a person that you knew that if she ever made a commitment to you, would be there come heck or high water. I am cleaning it up a little bit.

□ 2045

She was our friend, a delightful, wonderful person, always with a smile. She never got cheated in this life, because she lived every moment of it.

I thank my colleague for yielding me time. I know there are so many other of my colleagues here to pay tribute. I could go on and on and on, but I won't. I thank you for doing this. My condolences to Barbara and Mervyn and the entire Stephanie Tubbs Jones family.

Ms. KILPATRICK. Thank you very much.

Sister Sister, that is who she was to me. And to Mervyn too, and Barbara and the rest of the family, it has been said, this night is for you. She lives in this Chamber, and she always will.

I yield new now to a former U.S. Ambassador to Micronesia, the Congresswoman from California, Congresswoman DIANE WATSON.

Ms. WATSON. Thank you so much, Madam Chairman, and thank you, Mr. Speaker. I had some prepared remarks, but I think the intimate stories really speak to who she was and how we felt about who she was.

After the untimely passing of our colleague Juanita Millender-McDonald, STEPHANIE called and she says, ''Hey girl, I am coming out there to spend some time. I just want to be in Juanita's space.''

So she came out, and I picked her up. And representing Hollywood, I took her with me that weekend, and she met Ben Vereen and she met other celebrities, and she was so thrilled. She said to me, ''I'm coming out again, girl. I'm coming out again.''

After we had our AKA Boule several weeks ago here and we had our pink and green, she came in the last I saw her in her red. And she came strutting down this aisle, and she said, ''See, I got my red on. We are getting ready to have our Boule too.'' I said, ''Well, your red is just a deeper pink.'' We laughed. And that was the last time I saw her.

STEPHANIE was that kind of person, who, as everyone has described her as being, she lived life to the fullest. She was a fighter with a tremendous presence. She stood up for tens of thousands who could not stand up for themselves, and she fought for justice, equality and opportunity for every American. In her home State of Ohio

and in her beloved city of Cleveland, she led the fight for election reform to assure that every American's vote was counted and was valued.

STEPHANIE was also loved and respected by her colleagues here on Capitol Hill, where in relatively short order she was appointed the first, among her many firsts, African American woman to the prestigious Ways and Means Committee. She also served as chairwoman of the Committee on Ethics and made great strides to work across the aisle in a nonpartisan manner.

I admired her enthusiasm for public service, her integrity, her warmth and her keen intellect. I extend to the family my condolences, to her friends and to all of her colleagues. Her presence will be missed. But I know she is in this assemblage at this moment. Her shoes will be hard to fill, but, STEPHANIE, we feel the surge of energy as we speak of you this evening.

Thank you, Madam Chairman.

Ms. KILPATRICK. I thank the gentlewoman from California.

I yield now to a young man from Newark, New Jersey, chairperson of our African Globalism Committee, the gentleman from Newark, Congressman DONALD PAYNE.

Mr. PAYNE. Madam Chairman, the Chair of our Congressional Black Caucus who has done such an outstanding job, it is really a great loss. We have this untimely loss of our wonderful friend and colleague, STEPHANIE TUBBS JONES. A void has been left in the lives of all of those of us who had the privilege of knowing this remarkable, vibrant and accomplished woman. It is a loss shared by her family, her many friends, her Ohio constituents, and all of those around our great Nation who looked to her as a champion of justice, a person who was an advocate for the everyday people.

A former county prosecutor, a judge on the municipal court, she went to break glass ceiling after glass ceiling, with her election as the first African American woman to be elected to Congress from Ohio. She tore down barriers here in the House of Representatives when she successfully sought a seat on the Ways and Means Committee, and those walls came down. She was like at Jericho. When she blew that trumpet, the walls just came tumbling down. She was just so full of energy.

In the little time that she was on the Ways and Means Committee, her reputation for fairness was so great that she was selected as Chair of the Ethics Committee. To chair the House Ethics Committee, you have to be the fairest person among that body. It is a tough, tough position. So, once again she was called to duty. It is really not an office you seek, it is just something that is bestowed upon you, and when you are asked, you have to take it.

She was a pioneer who forged ahead, not just for herself, because she knew that she was opening doors for others. As Cochair of the Caribbean Caucus, I had the pleasure of traveling with STEPHANIE. We would go to the Caribbean, and she was a great traveling companion. She had a lot of interest in global issues. She was interested in understanding other cultures. She was interested in those people in nations less fortunate than ours.

She was enthusiastic about promoting international trade. She wanted to have economic development to address the problems of poverty and hunger around the world. She wanted to bring more educational opportunities to regions in the Caribbean and other places that we traveled.

Even though she was a diligent public servant, STEPHANIE always found time to laugh and enjoy life. A terrific sports fan, she was unrivaled in her enthusiasm for her hometown teams, the Cleveland Browns, the Cleveland Cavaliers, and she even cheered the Cleveland Indians, even though they had not won a World Series since 1948 and she would complain about that.

She was just so proud of Mervyn II. She loved to sail. My brother is a sailor, and they would talk about just getting out. The only water I like is when I take my shower every day, and that is about it. But she loved to sail, and she just knew all about it, and her sister Barbara right there paid attention.

I remember her proud father. He was elderly and he was so dignified. One time we were staying on the same floor at the CBC's hotel where we were, and his tie came loose. He was walking so proud, and I said, could I just fix it for you? I just felt good just trying to do something. And he was just so proud. I know how my grandfather was, the dignified black men who had to endure so much. But when they walked, they walked proud and they walked straight as an arrow, and that is how he was.

She was just great. She was my pal. She was my traveling companion. It just hard to find words for STEPHANIE, full of life, full of energy. I didn't smoke, but I used to tell her she needed to slow down on that smoking. But we did have some times together. I won't get into that. We don't want to get into too many details.

But she was good at everything. She did a great job with that tennis and golf tournament every Wednesday at the Congressional Black Caucus lunch. She would say, you have got to come. You have got to support it, scholarships for children.

It is hard to be in Congress without STEPHANIE there, but we are going to have to remember her. She was my pal.

With the untimely loss of our wonderful friend and colleague, STEPHANIE TUBBS JONES, a void has been left in the lives of all those who had the privilege of knowing this remarkable, vibrant, and accomplished woman. It is a loss shared by her family, her many friends, her Ohio constituents, and all those around our great nation who looked to her as a champion of justice and also an advocate for their everyday concerns.

A former county prosecutor and judge of the Cleveland Municipal Court, she went on to break another glass ceiling with her election as the first African American woman elected to Congress from Ohio. She tore down a barrier here in the House of Representatives when she successfully sought a seat on the Ways and Means Committee, which had no African American woman member at the time. It was a measure of her reputation for fairness that she was selected to serve as Chair of the House Ethics Committee.

She was a pioneer who forged ahead not just for herself, but because she knew that she was opening doors for others who would benefit from her groundbreaking steps.

As Co-Chair of the Caribbean Caucus, I had the pleasure of traveling with STEPHANIE TUBBS JONES, and what a great traveling companion she was. She had a strong interest in global issues, in understanding other cultures, and in improving the lives of those in nations less fortunate than ours. She was enthusiastic about promoting international trade and economic development; in addressing the problems of poverty and hunger; and she wanted to bring more educational opportunities to regions where such opportunities were severely lacking.

Even though she was a diligent public servant, STEPHANIE always found time to laugh and to enjoy life. A terrific sports fan, she was unrivaled in her enthusiasm for her teams, the Cleveland Browns, the Cleveland Cavaliers, and she even cheered on the Cleveland Indians, even though they had not won the World Series since 1948—a year before she was born.

She was also very proud of her son, Mervyn II, and she loved spending time with her sister, Barbara Walker. I recall the care and attention she paid to her elderly father; it was touching to see the bond between them when they were together.

STEPHANIE lived life out loud. Her dazzling smile, her passion for causes, and her devotion to her family made her a remarkable person to know.

Her home town newspaper, the Cleveland Plain Dealer, summed it up well when they wrote that she was "tough, exuberant, passionate . . . a woman from modest means who rose to national prominence."

Our thoughts and prayers remain with her family as we mourn the loss of STEPHANIE TUBBS JONES and celebrate her amazing life and legacy.

Ms. KILPATRICK. Thank you, Congressman.

You know, you have heard it said tonight that she was a friend and a leader and intelligent and you could count on her when she gave you her word. We all felt that. And I think as Congressman PAYNE said, she is in this Chamber, and she will be in this Chamber, and it is our responsibility to carry her spirit and her dedication to building a new America for all of God's people.

The caucus has received many letters and congratulations, condolences and

expressions of love for Congresswoman STEPHANIE TUBBS JONES. At this I would like to put some of them in the RECORD, from the South African Embassy, from the Embassy of Turkey, from the Black Women Lawyers' Association of Greater Chicago, and from the Embassy of Colombia. The list goes on and on, and we will be putting them in all week long. To you, Sister Sister, you live, and you always will.

EMBASSY OF TURKEY,
Washington, DC, August 21, 2008.

Hon. CAROLYN KILPATRICK,
Chairwoman, Congressional Black Caucus, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN KILPATRICK, I learned with profound sadness and regret the passing of Congresswoman Stephanie Tubbs Jones, Chairwoman of the House Committee on Standards of Official Conduct and a valuable member of the Congressional Black Caucus.

Chairwoman Jones took great personal interest in Turkey and was dedicated to upholding the strong relations, friendship, strategic partnership and alliance between our two great nations. We will always feel her great loss in our hearts.

On this note, I would like to extend our deepest condolences and sympathies to the members of the Congressional Black Caucus.

Sincerely yours,

NABI SENSOY,
Ambassador.

SOUTH AFRICAN EMBASSY,
Washington, DC, August 22, 2008.

Hon. CAROLYN C. KILPATRICK,
Chairwoman, Congressional Black Caucus, Rayburn Building, Washington, DC.

DEAR MADAM CHAIRWOMAN, it was with sadness that I learned of the sudden and untimely passing of Congresswoman Stephanie Tubbs Jones. A spirited Representative from the great state of Ohio, Ms. Tubbs Jones stood up proudly for what she believed in, and her infectious zest for life, her optimism and her service to others, are all the qualities that she brought to the U.S. House of Representatives, and to all that had the pleasure of knowing her, and she will be sorely missed. On behalf of the Republic of South Africa, I hereby wish to convey our sincere condolences to the family, friends, constituents, colleagues and especially to you our friends in the Congressional Black Caucus, and you remain in our thoughts throughout this very difficult time.

Yours sincerely,

WELILE NHLAPO,
Ambassador.

BLACK WOMEN LAWYER'S ASSOCIATION OF GREATER CHICAGO, INC.,
Chicago, Illinois, August 21, 2008.

Re death of the Honorable Congresswoman Stephanie Tubbs Jones.

Hon. CAROLYN CHEEKS KILPATRICK,
Chairman, Congressional Black Caucus, Rayburn Building, Washington, DC.

DEAR CONGRESSWOMAN KILPATRICK: The Black Women Lawyers' Association of Greater Chicago wishes to honor the late Congresswoman Stephanie Tubbs Jones for her numerous accomplishments and achievements in her role as a member of the Ohio Congressional Delegation, an African-American lawyer, and an activist.

As the Chairman of the esteemed Congressional Black Caucus, we respectfully ask that you place the enclosed resolution into the Congressional Record.

Should you have any questions about our bar association, please do not hesitate to contact me.

Respectfully,

MARY A. MELCHOR,
President, Black Women Lawyers' Association of Greater Chicago.

Enclosure.

A RESOLUTION FOR U.S. CONGRESSWOMAN STEPHANIE TUBBS JONES (OH–11)

''For I am already being poured out like a drink offering, and the time has come for my departure. I have fought the good fight, I have finished the race, I have kept the faith. Now there is in store for me the crown of righteousness, which the Lord, the righteous judge, will award to me on that day—and not only to me, but also to all who have longed for his appearing.'' II Timothy 4:6–8

In commemoration of the Life of U.S. Congresswoman Stephanie Tubbs Jones (OH–11) from the members of the Black Women Lawyers' Association of Greater Chicago, Inc.:

Whereas, it is with deepest regret that we are compelled to mourn the passing of U.S. Congresswoman Stephanie Tubbs Jones on August 20, 2008, the first African-American woman elected to the United States House of Representatives from Ohio; and

Whereas, Congresswoman Jones was a lifelong resident of the 11th District of Ohio, which encompasses most of the East Side of Cleveland and parts of the West Side of Cleveland and includes parts of 22 suburbs; and

Whereas, Congresswoman Jones was in her fifth term in office and a strong advocate for many issues, including championing wealth building and economic development, access and delivery of health care, and quality education for all; and

Whereas, Congresswoman Jones chaired the Committee on Standards of Official Conduct (Ethics), served on the powerful Ways and Means Committee, and was an active member of numerous Congressional Caucuses, including the Congressional Black Caucus; and

Whereas, Congresswoman Jones introduced several pieces of legislation including, the Uterine Fibroids Research and Education Act to increase funding for research on uterine fibroids and provide enhanced public education about this condition; the Predatory Mortgage Lending Practices Reduction Act, which would require certification of mortgage brokers and enhance penalties for predatory loans, and the Campus Fire Prevention Act, which would provide money to equip college dorms, fraternities, and sorority houses with fire suppression devices; and

Whereas, Congresswoman Jones introduced the ''Count Every Vote'' Act of 2005, which seeks to provide an all-encompassing solution to a broad range of voting irregularities that occurred during the 2004 presidential election, and was an original co-sponsor of multiple significant pieces of legislation, including healthcare for low and middle-income families and community re-entry for exfelons; and

Whereas, Congresswoman Jones made a number of historic achievements in her distinguished career as a public servant, including serving as the first African-American and the first female Cuyahoga County, Ohio Prosecutor, the first African-American woman to sit on the Common Pleas bench in the State of Ohio, and a Municipal Court Judge in the City of Cleveland; and

Whereas, Congresswoman Jones received numerous honors throughout her lifetime, including the National Bible Association Capitol Hill Distinguished Leadership Award, the Human Rights Campaign of Cleveland Equality Award, the Backbone Campaign's Backbone Award, and the Carib News Multi-National Business Conference Marcus Garvey Award; and

Whereas, Congresswoman Jones was a graduate of Cleveland Public Schools; received her undergraduate degree in Social Work from Case Western Reserve University in 1971; received her Juris Doctorate from Case Western Reserve University School of Law in 1974; and received honorary doctorates from David N. Myers University, Notre Dame College and Central State University; and

Whereas, Congresswoman Jones was an active member of Delta Sigma Theta Sorority Incorporated and served on its national Social Action Committee; and was a lifelong member and member of the Board Trustees of Bethany Baptist Church in Cleveland, Ohio; and

Whereas, Congresswoman Jones was married to Mervyn L. Jones, Sr., deceased (2003), for 27 years and is the proud mother of Mervyn Leroy Jones, II.

Be it therefore resolved, that we, the members of the Black Women Lawyers' Association of Greater Chicago, Inc., pause on this day with abiding sympathy to support the family of Congresswoman Jones;

Be it further resolved, that we offer our admiration, respect, and support of the legacy of Congresswoman Jones and give recognition for the many ''firsts'' that she achieved as an African-American woman, lawyer, and legislator and an outspoken champion of justice for her Congressional District, the State of Ohio, and the nation;

Be it finally resolved that a copy of this resolution shall be given to the family of Congresswoman Stephanie Tubbs Jones; and a copy shall be presented to the Speaker of the U.S. House of Representatives, Nancy Pelosi, and the U.S. Congressional Black Caucus at the Democratic National Convention which will take place in Denver, Colorado from August 25, 2008 through August 28, 2008; and a copy shall also be placed in the archives of the Black Women Lawyers' Association of Greater Chicago, Inc.

Respectfully submitted, this 21st day of August, 2008 by the membership of Black Women Lawyers' Association of Greater Chicago, Inc., by Mary A. Melchor, President.

EMBASSY OF COLOMBIA,
Washington, DC, August 21, 2008.

Hon. CAROLYN C. KILPATRICK,
Chairwoman of the Congressional Black Caucus, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN KILPATRICK, I would like to extend my most heart-felt condolences for the passing of Congresswoman Stephanie Tubbs Jones to you and the members of the CBC.

During my time in Washington, I had several opportunities to meet with Congresswoman Tubbs Jones, and was fortunate to have had the chance to be with her during her visit to Colombia. Her high spirit, sharp mind and positive outlook left a lasting impression, and she will be missed.

Her son, Mervyn Jones, her family, her staff and her colleagues remain in our prayers.

Sincerely,

CAROLINA BARCO,
Ambassador.

Ms. KILPATRICK. Mr. Speaker, I would like to yield the balance of my

time to a young man who has taken this House by storm. He chairs our Congressional Black Caucus Foundation, one of Congresswoman TUBBS JONES' sons, also a member of the Ways and Means Committee. I yield the balance of my time to Congressman KENDRICK MEEK.

The SPEAKER pro tempore. The gentleman from Florida will control the remainder of the time.

Mr. MEEK of Florida. Thank you so very much, Madam Chairman.

I would like to thank my leader and colleague from the great city of Detroit, Ms. KILPATRICK, for yielding the balance of the time. We will continue to go down the list I have been given here, Mr. Speaker, as we continue to honor our fallen colleague.

Next on this list I have Congressman DANNY DAVIS from the great State of Illinois, a very good friend of the Congresswoman, STEPHANIE TUBBS JONES.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to join with my colleagues as we come this evening to pay tribute to our colleague, STEPHANIE TUBBS JONES. I am pleased to follow so many of my distinguished colleagues, because they have said so much until there isn't much to say. But the interesting thing is that with STEPHANIE TUBBS JONES, you never run out of things to say, because she was so much and meant so much to so many.

It is interesting that when you knew STEPHANIE, you knew her whole family. You just didn't know her, you knew her sister; you knew her father; you knew her mother; you knew Mervyn; you knew her husband, Mervyn the first; you knew Mervyn the second; you knew nieces and nephews; you knew friends; and you almost got to know the whole of Cleveland if you knew STEPHANIE TUBBS JONES.

STEPHANIE, as many people have already indicated, had a great legal mind. Prior to coming to Congress, she served as both a prosecutor and a judge. And the interesting thing about prosecution is that you are generally trying to make sure that the law is upheld, and that once people commit infractions, that they pay a price. Of course, that is what prosecutors often do.

Well, STEPHANIE had another interest in the law, and she wanted to make sure that the law also had a sense of justice. And even though she was a prosecutor, brother KENDRICK, even though she was a prosecutor, she was a champion for those who had committed crimes, who had been convicted of crimes, and was one of the staunchest supporters of something called the Second Chance Act.

□ 2100

That is a bill which simply says that once individuals have fallen, that they also need to be lifted up; that once they have had problems, they need to be reclaimed; and, once they had committed crimes for which they may have been punished, they also needed to be redeemed. And so it was very pleasant for me to work with STEPHANIE on the Second Chance legislation.

She befriended people from all walks of life. It didn't matter if they were Democrats or Republicans, or they had been prosecuted.

As a matter of fact, when I think of her, I often think of the poet Homer, who talked about the kind of house that he wanted to live in, and I think STEPHANIE was an embodiment of that kind of house. And when he said,

"Let me live in my house by the side of the road, where the race of men go by. Men who are good, men who are bad, wise, foolish. But then, so am I. So why would I sit in the scorner's seat or hurl the cynic's ban? But let me live in my house by the side of the road and be a friend to man."

STEPHANIE was indeed a friend to mankind, to humankind.

I thank you, Mr. Chairman.

Mr. MEEK of Florida. I thank you so much, Congressman DAVIS. And she was very proud of the fact that she was able to work with you on the Second Chance Act, and was there when the bill was signed.

I want to call on my very good friend and STEPHANIE's good friend, I call her my Brooklyn Congresswoman, Congresswoman YVETTE CLARKE from the great State of New York.

Ms. CLARKE. To my colleague and very good friend, KENDRICK MEEK, I want to thank you for picking up the mantle. I know that STEPHANIE is watching us and is a part of all that is taking place.

Mr. Speaker, I rise in honor of the distinguished woman from Ohio, and I still can't believe that she has transitioned. I have taken the Congresswoman's passing somewhat personally. You have heard many of the Members speak about their relationship with her and the pet names or nicknames that she had for them. Well, mine was Baby Girl.

My sister, friend, mentor, Representative STEPHANIE TUBBS JONES, to the Representative of the 11th Congressional District of Ohio, Cleveland, Ohio, from the 11th Congressional District of New York, Brooklyn, New York, I love you.

STEPHANIE TUBBS JONES was the consummate public servant. As a new Member-elect to the 110th session of Congress, one of the very first persons to embrace me on the Hill was STEPHANIE TUBBS JONES. She opened her office, her office staff to helping me to adjust to Washington, to select my staff, and to share with me what her transition had been as she reflected back on becoming a member here in Congress 10 years previously.

I had the privilege to have been mentored by her, and the one thing I can say is that she was one determined diva. We danced together, we shopped together, we drove together. Three things that I know that she loved to do, dance, shop, and drive. As a matter of fact, she shared with me the fact that if I loved to drive, then I have got to put my staff under reins and get me a car and do my thing, because that is what she had to do.

She worked hard, she played hard, she loved hard. She was proud to represent the people of Cleveland, and she loved her family. She simply adored her son and wanted the very best for him in this life, Mervyn, Jr. She was an inspiration in my life. She loved her country, and she fought for our people every day with an abiding commitment to their struggles.

When STEPHANIE entered any venue, the chemistry changed, and the atmosphere immediately acknowledged her presence. Her history, a trailblazer, a fighter for women's rights, women's health, civil rights, civil liberties, Congresswoman STEPHANIE TUBBS JONES was always on the move for justice and equality. And I learned so much from this woman, and I just feel privileged to have had her as my mentor.

She dedicated much of her life in service to others. She has bequeathed to us a legacy and an imperative for me to do the same. To Mervyn, Jr., to Barbara, to the Tubbs Jones family, to her constituents in Ohio, to her staff in Ohio, to her staff here in Washington, may the love of God be a comfort to you in this time of our bereavement.

Bon voyage, my sweet sister. See you in that great getting-up morning. Fare thee well.

Mr. MEEK of Florida. Thank you so very much, Congresswoman. And I know that Ms. TUBBS JONES meant so much to you.

I would like to call on another good friend and new friend, but a colleague of Congresswoman STEPHANIE TUBBS JONES, Ms. DONNA EDWARDS from the Fourth District of Maryland, who posted her condolences statement on the 21st of this month, Mr. Speaker, the passing of Ms. TUBBS JONES.

Ms. EDWARDS of Maryland. Mr. Speaker, and Mr. Chairman, I am really grateful to be here this evening to speak of my new colleague, STEPHANIE TUBBS JONES.

When I was first elected to Congress just a few weeks ago, one of the first calls that I received was from STEPHANIE TUBBS JONES. And when I came here to this floor to be sworn in to the United States Congress as the first African-American woman to represent our great State of Maryland, it was STEPHANIE TUBBS JONES who greeted me and said, "Hello, girlfriend. I am a first, too." And I won't forget that. And she knew, not asking me about my office or how I was planning to settle in, but she said to me, "You have a man-child." And I have said, "Yes, I

do.'' And to me, that was a mark not just of a colleague and of a politician, but it was a mark of a woman. And I understood from her as a mother what it meant to be a mother to a manchild.

The next question she asked me was whether I planned to play basketball, because she knew that I had coached my son in basketball. I am not really quite sure how she knew that, but she did. And so she immediately said to me that not only did I have to play basketball, but I also had to learn how to golf. And so I am going to take that as her marching orders as I serve in the United States Congress, and try to serve in her memory, not just as a great woman, as a great politician, and as a great sportswoman.

And I had the privilege of admiring STEPHANIE TUBBS JONES not in the United States Congress but outside and from afar, and the great privilege just prior to coming to serve in this body of speaking at an event with her in the spring. And she lit up the room. And very recently someone in my congressional district asked me, ''Did you know Stephanie Tubbs Jones?'' And however one knows a person, what I could say is one of my favorite words in the English language is ebullient. And STEPHANIE TUBBS JONES was ebullient.

Thank you.

Mr. MEEK of Florida. Thank you so very much for that very kind and moving dedication to Congresswoman TUBBS JONES.

One of my good friends from California, LAURA RICHARDSON, who has taken this Congress by storm and has worked very well in the 37th Congressional District of California, Mr. Speaker, it is very unique having women that have come to Congress because, as you know, the Congressional Black Caucus has been hit hard this particular Congress with losing three women of our caucus in this 110th Congress alone. And all of them played a very substantial role.

This next speaker is, I wouldn't call a replacement, but an addition to that greatness as we continue to march on to allow good representation from all over the country here, Congresswoman LAURA RICHARDSON.

Ms. RICHARDSON. Mr. Speaker, Mr. MEEK, thank you for yielding at this time.

It is interesting, from Florida, you brought up that we as members of the Congressional Black Caucus have lost three great women in this session. And as I came in as a new Member really learning from Congresswoman Juanita Millender-McDonald who I had worked for, when I came into this body, I came into a family. And that was something that Congresswoman STEPHANIE TUBBS JONES taught us; that coming to Congress wasn't about a group, it wasn't just about legislation, it was about people who were committed to working together to make our communities better. That is why we came here.

And I'll never forget when I stood in this very spot to share my comments of what it was that I hoped to do on behalf of my community, and I knew that Ms. TUBBS JONES was really hurting because she missed her colleague, Ms. Juanita Millender-McDonald. But in that same hand, she knew enough to know that, as I stood there, she was willing to embrace me. She was willing to help me. And she wanted to make sure that I had everything that Ms. McDonald had and then some. So I will never forget as I spoke and I turned, and, yes, she was one of those first big smiles that I saw, and she said, ''Hey, girl. How are you?'' As she would always tell us.

And Ms. TUBBS JONES, what I wanted to share with her family and with all of us today is just a couple things. One, what I know of Congresswoman STEPHANIE TUBBS JONES is that she was always ready. And I think that is a good lesson, not only for us as colleagues, but as young people coming forward, being ready to seize the opportunity, being ready to speak up and to stand up, and not to hesitate at all.

Another thing that always stood out for me with her was just her knowledge. You heard a lot of people tonight talk about the fact of her law background and all of that. But it was so much that was in her head, so much of what she wanted to take of what she had learned to really change America as we see it today.

And that brings me to my third point about sports, and people have talked about that. Yes, I think we are going to have a big basketball team next year, and I am sure we will work hard to win in her honor. But I want to talk about two other sports that were so special to her.

One, taking her son to the Super Bowl. That was something that she valued and she treasured. And I would challenge all of us CBC members that we need to make sure that he goes next year and the years forward with us and our families.

Number two, her love for golf. We had in honor of her husband, who had also served our caucus so well, we had named the spouse's program after him, and I am sure next year we are going to have to add her name to it.

But also, I want to talk about another sport, and that is just being in the gym. You know, Congresswoman BARBARA LEE, they were gym partners, and I just happened to be the beneficiary of being the third person there. And when you hear people talk about the fervor and how vigorously she approached everything, it wasn't just here at work. It was her on the treadmill, it was her on the Stepmaster. It was her getting ready to come in here and do work. She was always about working hard and really benefiting in any way that she could to help somebody else.

And the last two things I want to talk about is, one, her commitment to youth. If you would come on this floor, it was not uncommon that Congresswoman STEPHANIE TUBBS JONES would pull you aside and say, ''Girl, I've got somebody I want to you to meet.'' And if it wasn't a page from her local area, if it wasn't a young intern who she was in the process of hiring, her commitment to young people was second to none. And I have got to tell you, as being a relatively young Member of Congress, it is critical that we take on that mantle. It was something that she knew and she understood more than most, and that was, the development that we do for our future young people is really showing wisdom for the future.

And, lastly, I want to say our travels that we had on behalf of Senator CLINTON. I had an opportunity to go; Congresswoman STEPHANIE TUBBS JONES was her cochair for her national campaign, and we had an opportunity to travel to South Carolina, to Ohio, to Nevada. I didn't go to Puerto Rico as some did, but she went all over the place. But in honor of the sisterhood of the traveling pantsuits, I want to say that Congresswoman STEPHANIE TUBBS JONES, when I had an opportunity to go to Ohio, because she was also working in so many other States, her folks loved her.

□ 2115

Her folks still love her. And it was out of that respect that they had for her that anyone who came as her guest, they were so well-treated. And my time that I had a chance to spend in Ohio, and to all the young elected officials that she mentored and she helped, being a part of those 8–12 months that we had an opportunity to work, there was no one who ever wearied in her drive. There was no one who ever hesitated. There was no one who worked harder to make sure that Americans really understood the value of what we have in our elected officials.

And so, as I close, I just want to say, my time that I had with Congresswoman STEPHANIE TUBBS JONES was to know her love, was to know how sincere she was, and lastly, she was unwavering when she committed herself to you.

We love you and we love the family. Thank you very much.

Mr. MEEK of Florida. Thank you so very much, Congresswoman.

Mr. Speaker, I am just going to yield time for my good friend and a good friend of my mother's, Congresswoman Carrie Meek, MARCY KAPTUR, who is the Dean of women here in the House, longest serving woman on the Appropriations Committee, and also Dean of the Ohio delegation that held an hour

prior to this one as we dedicated a resolution and condolences of the House to STEPHANIE TUBBS JONES.

And as she sat here listening to the stories and testimonials of members of the Congressional Black Caucus of how we remember STEPHANIE TUBBS JONES, I turned around and I said, MARCY, do you have anything else that you would like to share with the House? And she said, I want to talk about the red dress. So I want to hear this too. I yield to Ms. KAPTUR.

Ms. KAPTUR. I thank the gentleman from Florida (Mr. MEEK). And your mother certainly had a man child too. And we love Carrie Meek, Congresswoman Meek. I miss her very much, and she must be very, very proud of you. I am certain of that.

We have shared so many memories this evening, and there are very serious ones that I will end with. But I have to say that I can still see STEPHANIE sitting in the Speaker's chair in the reddest of red suits, and she just beamed. And she loved that chair, and she loved that gavel, and she used it. You could hear it ring against the walls when she would hit that gavel down.

And I did not know that she was not the only member of a sisterhood that wore those red dresses. It wasn't until her service in Cleveland that I saw an entire street from side to side covered with women in red dresses. STEPHANIE had many acquaintances and many friends. And I know that those red outfits gave her strength, and it certainly brightened this Chamber.

I remember her scarves with the fringes. I don't know where STEPHANIE got all those, but they certainly added a flourish here, and they helped to cheer us up and to add to the full smile, ear to ear, that greeted every person that she ever met.

Now, some of us knew about her cheers. There were many cheers, sports cheers, political cheers, Democratic cheers. She had a chant and a rhyme and a rhythm about her, and she had a presence, and she took those cheers forward. I know one of those cheers, one of the more recent ones with a rhyme was H-I-L-L-A-R-Y. I know that that was one of the latest cheers.

She had a great devotion to youth, to the younger women who are serving in this Chamber, three of whom we just heard from, Congresswoman RICHARDSON, Congresswoman EDWARDS, and Congresswoman CLARKE. And it almost seems somewhat providential that as we lost three women from the Congressional Black Caucus, we have three younger women on the floor tonight. That says something right there. And I have no doubt STEPHANIE is watching over making sure that the numbers even get better.

I think that her path breaking efforts in so many ways put her in the footsteps of Sojourner Truth; particularly, I am woman, I can do anything. I am woman, I can do anything. I know STEPHANIE believed that to her very core. Her zest for life and her indomitable spirit surround us, surround her son, surround her sister, surround all of her friends, her church friends in Ohio, all of those who came to know her, appreciate her.

And I know that Congressman Louis Stokes, her predecessor, feels this loss particularly deeply. And I recall with great affection his service here. And as the years go on, it is amazing the events that we witness and that we endure.

And in STEPHANIE's memory, I want to thank Congressman MEEK for holding this special hour on behalf of the Congressional Black Caucus and allowing me to add a few words to the eloquence that has been spoken this evening in memory of our beloved friend. And I yield back the time you have kindly given me.

Mr. MEEK of Florida. Thank you so very much. And MARCY, I just want to thank you for being a good friend of STEPHANIE's, and continuing to carry the flag here in the House.

I would like to bring on another Member, a great Member of Congress, and she is a good, good sister of STEPHANIE's, was a good friend and traveled to Cleveland in between STEPHANIE's departure and her homegoing service to be with STEPHANIE's family. And we know her as Congresswoman SHEILA JACKSON-LEE. And she was another fighter here in Congress that sleeps with her fists balled up. And STEPHANIE and her were sisters as it relates to that. So my good friend from the great State of Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I feel like family has gathered here on the floor, and I thank my good and distinguished friend. We are like family. And his mother, and as he has come here, and the extended family relationship.

And so, even as I spoke on the bereavement resolution, I wanted to come and be part of the Congressional Black Caucus special order because I could feel the warmth and spirit just continue to flow through. And I hope the CONGRESSIONAL RECORD doesn't mind us talking about spirit flowing through.

I want to acknowledge her staff that is staying here till the end that are in the gallery there, and they are like family as well. And we know that STEPHANIE would say she loved her staff, both in Washington and in Cleveland.

Certainly, I think the most poignant moment of the going home service was my friend and brother, the Honorable KENDRICK MEEK, and Congressman RYAN, having stood together, stoically, strongly, and specially to talk about Congresswoman STEPHANIE Tubbs Jones and, as well, as they did so, you could feel in that huge, huge Cleveland Convention Center, everyone just pouring love toward them. And I think it drew Mervyn, her son, out of his seat to go up on the stage and to see the most powerful embrace that one could ever see. It will be lasting. I think it will go down in the annals of her record, when you pull her up and you look at this celebration, this homegoing service, you will note that there was this kind of experience, this moving experience. And I want to thank my distinguished Member of Congress from Florida, Congressman MEEK, for just pouring his heart out during that service. I think all of us just paused for a moment to see the largeness and the bigness of our relationship with STEPHANIE.

So I wanted to come because I didn't get a chance to just mention more extensively, someone who allowed you to know most of her family members during her time here in Congress. And the goodness is, I think we should celebrate that her family members lived, her mom and dad lived to see her become a Member of Congress. Her husband, of which, someone mentioned they had celebrated 25 years together or more, lived to see her in the United States Congress and enjoyed being part of her commitment to the Congressional Black Caucus, with the Congressional Black Caucus Foundation. They were a couple. They were a pair.

In fact, I am envious and dream of the fact that I used to hear the stories about the yachting that they did together as a couple, and always said one day I would have the time to go. But just to think about how she used her life experiences of joy and large living to touch everyone's life.

When we talked about airlines, when we talked about the troubles airlines were having, I remember her talking after 9/11. She would always get in there that her dad was a skycap. When they were talking about salaries or talking about working conditions at the airlines, she had an affinity because she would get in there that her dad was a skycap, and she was proud of that.

And I want everybody to know, since we live in this kind of multi-cultural society, that being a skycap was a big, big deal for an African American and an African American man. It was a middle class, it was a working job that had benefits, but it was an important responsibility. I know that because my uncle was a skycap. So that was an important, if you will, connection for her dad who supported this family.

And of course, her mom and her sisters, and the sister who I had a chance, as Congressman MEEK mentioned, I had a chance to visit Barbara and Mervyn when I went to visit them at home.

There were friends, and I know that I will get in trouble, but I know that the Mayor of Warrensville I believe is the name, Mayor Fudge, a dear friend and a part of the Delta family. But I know the guy that she calls Joe Hewitt;

never a single name, just calling him Joe Hewitt, larger than life, someone that she cared about; he cared about her. We had a chance to fellowship with their family.

So I wanted to just come and say that, as we talk about sisterhood, it is really real. And as we talk about traveling with her, it is really real. As we talk about being larger than life, it is really real as well.

And I want to close simply by just adding to what my good friend, MARCY KAPTUR from Cleveland said, as I looked at the three Congresspersons, one from Maryland, California and New York, three beautiful young women. And we lost Congresswoman Julia Carson, Juanita Millender-McDonald, and now STEPHANIE TUBBS JONES, all mentors. And look at the legacy that they have left.

Look at the legacy of STEPHANIE TUBBS JONES, who I call a great patriot, a great American, because she could fight you for her love for America. She would not take a back seat. Whether or not she was talking about predatory lending or whether she was talking about health care that did not occur in her community around the Nation, or those incarcerated persons who were treated unfairly and didn't get a second chance, she still loved America.

So I want to leave us with the words of Sojourner Truth. And it was when she was sitting in the back of the room, and it was during the abolitionist movement, suffragette movement. And it was crowded, and she saw they saw her hand raise up, and the person called on sir, or indicated that she was a man. And Sojourner Truth stood up and said, ain't I a woman? I born 13 children into slavery. Ain't I a woman?

To STEPHANIE TUBBS JONES, there will be no doubt that she was a woman's woman and a leader's leader.

And finally, in closing, if I can read from Philippians Chapter 4, verse 8: Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue, if there be any praise, think on these things.''

Let us think on the life of STEPHANIE TUBBS JONES, and let us, in all of our imperfections, and we have them, embellish those things in ourselves. And as the Congressional Black Caucus, let us live on, and the Congressional Black Caucus Foundation, of which my distinguished colleague is the Chair, let her spirit live on as we do her work and do the work of the Lord.

I rise today with a conflict of emotions to recognize Congresswoman STEPHANIE TUBBS JONES. I stand with a heavy heart enriched and gladdened that I had the opportunity of knowing and working with such a beacon of light here in Congress.

Before heading to the funeral I was reminded of the words of, Mother Teresa, ''There is a light in this world, a healing spirit—more powerful than any darkness we may encounter. We sometimes lose sight of this force, when there is suffering, and too much pain. Then suddenly, the spirit will emerge through the lives of ordinary people who hear a call and answer in extraordinary ways.''

That is why although I rise with a heavy heart at the loss of a colleague and friend, I stand with a realization and gratefulness for all that Congresswoman STEPHANIE TUBBS JONES was able to do for her family, for her constituents, and for her country in her brief time here on this earth. I also believe that Congresswoman TUBBS JONES is in a better place and is looking down on us with that contagious smile and generous nature that made us all love working with her.

As Women's Caucus and Congressional Black Caucus members, the Congresswoman and I spent a lot of time working together and talking about our lives, our unique work, and the issues facing our nation.

HISTORY

I had the opportunity to get to know this great woman and learn that she was born in Cleveland, Ohio, where she graduated from the city's public schools, later earning degrees from Case Western Reserve University, the Flora Stone Mather College, and Case Western Reserve University School of Law.

I knew that she was a proud member of Delta Sigma Theta; and even more proud to have been married to the love of her life, Mervyn L. Jones, Sr., for over 27 years until his passing in 2003. Together she and Mervyn had one son; Mervyn Leroy Jones, Jr., who was the light of her life.

Like me, STEPHANIE TUBBS JONES was a lawyer who had been a local judge. She served on the Cleveland Municipal Court in 1981, and later on the Court of Common Pleas of Cuyahoga County before becoming the Representative for the 11th District of Ohio.

She was selected to be the Chairwoman of the House Ethics Committee to watch over the standards of ethical conduct for members of the House. She also served on the powerful House Ways and Means Committee where she fought for economic development and financial opportunities for all. She was loved by her district, and was routinely reelected against nominal opposition.

STEPHANIE TUBBS JONES spent 58 years on this earth and she was a blessing and her memory will always be a treasure. She was loved beyond words, and will be missed beyond measure by all that knew her.

Over the last few months, Congresswoman TUBBS JONES and I travelled across the country together. She was always focused on doing the ''right thing''. She understood that in this unique work of ours we serve the people, but we must also answer to our conscience. Doing the ''right thing'' in this job is not always an easy task—but she did it day in and day out as she worked to help the people of Ohio, Americans across this great Nation, and our men and women overseas.

She was an outstanding example of what it means to be leader. She epitomized service before self. Indeed, as a society, we must do all we can do to build upon the strength of service to help strengthen the fabric of the Nation. I offer the TUBBS-JONES family encouragement in their time of bereavement by saying, ''Blessed are those who mourn, for they will be comforted.'' Her work on Earth is complete. We join the Lord in saying, well done, thou good and faithful servant. She was a fighter for issues that affect the least among us and in all the years she was in Congress—she never forgot that. Now let us not forget her.

CONCLUSION

The Bible states in Philippians chapter 4 verse 8: ''Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things.''

Let us remember Congresswoman STEPHANIE TUBBS JONES, a public servant, a colleague—a friend.

[From the New York Times, Aug. 21, 2008]

STEPHANIE TUBBS JONES, LAWMAKER, DIES AT 58

(By Dennis Hevesi)

Stephanie Tubbs Jones, the first African-American woman elected to the House of Representatives from Ohio and a leader in the fight against predatory lending practices, died Wednesday. She was 58.

The cause was a ruptured brain aneurysm that Ms. Tubbs Jones suffered Tuesday, Eileen Sheil, a spokeswoman for the Cleveland Clinic, which owns the Huron Hospital in East Cleveland where the congresswoman died, told The Associated Press.

Ms. Tubbs Jones, a Democrat, was in her fifth term as representative of the 11th Congressional District, which includes most of the east side of Cleveland. Two years ago, she was re-elected with 83 percent of the vote. Before her first election to Congress, in 1998, she had been the chief prosecutor for Cuyahoga County in Ohio.

Considered a liberal, Ms. Tubbs Jones was a co-sponsor of legislative efforts to broaden health care coverage for low- and middle-income people and of programs supporting the re-entry of convicts into their communities. She was also the author of legislation requiring certification for mortgage brokers and stiffer penalties for predatory loans.

In June, Ms. Tubbs Jones voted against emergency supplemental financing for the wars in Iraq and Afghanistan.

''I feel it important that we have a plan for a timely redeployment of our troops from Iraq and Afghanistan before we continue funding what has become a seemingly endless war,'' she said at the time.

When Congress officially ratified President Bush's re-election in January 2005, Ms. Tubbs Jones joined Senator Barbara Boxer, Democrat of California, in initiating a rare challenge to what has historically been a polite formal ceremony. They were objecting to accepting Ohio's 20 electoral votes for Mr. Bush, citing voting irregularities in the state.

Instead of holding a courteous joint session to certify the election, lawmakers were forced to retreat to their separate chambers for two hours of debate. In the end, the House voted 267 to 31 against the challenge; in the Senate, the vote was 74 to 1.

Stephanie Tubbs was born in Cleveland on Sept. 10, 1949. She graduated from Case Western Reserve University in 1971 and received her law degree there three years later.

From 1976 to 1979, she was an assistant Cuyahoga County prosecutor. In 1981, she won election as a Cleveland Municipal Court judge, and 10 years later she was appointed chief prosecutor.

As chief prosecutor, Ms. Tubbs Jones was at the center of a controversy in 1998 when she refused to reopen an investigation into the 1954 murder of the wife of Dr. Sam Sheppard, dismissing new DNA evidence that Dr. Sheppard's supporters said would have exonerated him.

The case had received nationwide coverage in the 1950s. Dr. Sheppard spent 10 years in prison before the Supreme Court ruled that his trial had been prejudiced by publicity. He was acquitted at a second trial, in 1966, and died in 1970. With the new evidence, Dr. Sheppard's son was seeking to collect damages on behalf of his father. Ms. Tubbs Jones argued that the new DNA results would be inadmissible because the samples were too old.

Ms. Tubbs Jones's husband of 27 years, Mervyn L. Jones Sr., died in 2003. She is survived by her son, Mervyn II.

Mr. MEEK of Florida. Thank you so very much, Congresswoman. And it is a very kind tribute and kind words given to our colleague.

Mr. Speaker, I just want to take the remainder of our time just to speak a few minutes on reflection of my friend and colleague, Congresswoman STEPHANIE TUBBS JONES. I can say that there has been several days of reflection and testimony to her life and her presence here in this Chamber.

I can also share with the House, Mr. Speaker, that this tribute will continue on Wednesday. The Speaker has called a memorial service of the House and of the Congress in Statuary Hall at 11 a.m., so those Members of the House or staff and friends can come and reflect and hear further stories of STEPHANIE and her contributions to this great country.

□ 2130

The Congressional Black Caucus Foundation will host a reception for all in the Rayburn room afterwards, which we will post pictures of STEPHANIE and the contributions that she's not only made to this country but also to young people who are walking the Halls of Congress. She spearheaded efforts within the Congressional Black Caucus Foundation to provide internships and fellowships for so many students who ordinarily wouldn't have the opportunity to do it working along with our Congressional Black Caucus spouses.

I came to the Chamber today with mixed feelings. It was a special kind of warmness that hit me when I walked into the Chamber because so many times we would have the chance to talk and laugh and talk about things that took place either over the weekend or over the break. And ''Stephanie Hall,'' like leader Boehner talked about a little earlier today, her office is right down the hall from my office, and we served on the Ways and Means Committee together. So it's almost like not only Congresswoman TUBBS JONES, but her staff and my staff, it was almost like having a good neighbor, someone you can go get a cup of sugar from. Someone you can go sit down and hold common goals with.

And we all know—and you heard a lot of folks saying you're going to miss her because she was one of those individuals that you assumed was just going to pop up at any moment. I was talking with my wife when we attended her home-going service in Ohio, and she said, ''It just seems like STEPHANIE's going to walk up behind us and say, 'Hey, what's going on,' '' because that was the kind of unique person that she was.

I think during this whole time as I continue to reflect and really live deep in the spirit of how good God is, here in the present to have served with someone like STEPHANIE, to have folks on both sides of the aisle, to have people who know what it means to punch in and punch out every day when they go to work, those that wake up early to catch the bus to go to work, those that are cleaning hotel rooms, those that are driving the carts at Cleveland Airport. There are so many times that STEPHANIE would talk to them and make them feel like real people. All of them, including what we may call the ''blue shirts'' here in the Capitol building, those that work here, those that clean, those uniforms, the police officers, everyone knew STEPHANIE for being the person that will treat them the same way they would treat a Member of Congress or a President or a leader of a country or what have you.

I say all of that to say that the best conversation that I keep going back to, and I spoke of this at her memorial service, was a conversation that I had with my mother about STEPHANIE TUBBS JONES.

STEPHANIE was a member of our family. Period. Dot. And she would travel to south Florida and would do things together with my mother, and they had a relationship prior to my arrival because they were both Delta sisters. And it took me, Mr. Speaker, a while, because my mother and I really work hard to talk every day. And I was holding off from calling her because I said I know if I call her, we're going to get in the middle of this conversation about STEPHANIE. And sure enough, we did.

And my mother, who I consider the person in my family that's closest to the cross—that's not in the way of saying that she's about to pass on, but she's very spiritual—and a woman who has traveled a similar route as STEPHANIE has traveled in her time. We were talking, and all of a sudden she just rained down on the phone and said, ''Kendrick, she had an appointment with the Maker.'' And that has provided more comfort to me, and I believe to others, of saying that why would she have to have such an untimely death. Well, it's not up to us to say what is timely and what is untimely. That's something that's already planned from birth.

And just looking at her trail and her track as we continue to reflect on her light, that God would allow her to play a national role in the primary election and to be judged by others and cherished by certain individuals and to be known nationally and internationally for her presence in the primary election, this Presidential election. And then after the primary is over, be the person, serve as the instrument to bring those that were the two that were running for office against one another together in a special way. And to be able to work on behalf of Senator OBAMA, to have that opportunity before her death to be able to bring them together at her homegoing service is beyond coincidental.

So we have to really look at every day, cherish every day as though it's our last day to serve.

STEPHANIE spent a number of days, a number of hours hugging those that may have had some doubt about her judgment and her actions, but that's the kind of person because she had this uniqueness that very few may have.

So I close with this, Mr. Speaker, because I almost feel like a visiting Baptist preacher. If I had time, I would really be able to get into the deepness of STEPHANIE's presence, and it will always be here in this Chamber. I'm glad she lived life in the way she lived it because so many times those that pass and they move on, they say, ''Goodness. I wish they would have had the opportunity to do this, this, and this,'' and I can't say that about STEPHANIE because she did it all.

She held all of us up. She will continue to hold all of us up, and as long as I'm a Member in this Congress and a Member of the Ways and Means Committee and serving in the leadership position, she will be someone I will never ever forget because she called TIM RYAN and I—you know, we know about Mervyn—but we were her congressional sons. She would put it this way, ''TIM is my white son and KENDRICK is my black congressional son.'' And TIM could not be here tonight, but I know he will be here in the future.

And I want the Members to know that she loved this body. And we will forever, ever remember her, and we will continue to have this great celebration of life for the next coming days.

Mr. Speaker, with that, I want to not only thank our chair, Congresswoman KILPATRICK, who serves as the Chair of the Congressional Black Caucus, but all Members of Congress that have come forth this evening to share words of comfort with the family and the country for such a loss of a great leader, a great hero, and someone that has been an icebreaker for so many people.

My love and all of our love and our condolences go out to the family and her staff, which was her extended family, here in Congress and back in Cleveland, and to the hundreds of constituents that wrapped the streets to pay their appreciation to STEPHANIE.

And may her spirit live long in the Halls of Congress.

Mr. HASTINGS of Florida. Mr. Speaker, I rise to honor the life and contributions of Congresswoman STEPHANIE TUBBS JONES. STEPHANIE was a good friend of mine, and I am still in shock by her sudden passing. She brought energy and enthusiasm, brilliance and dedication to this Congress, and her presence is already sorely missed.

In the weeks since her passing, I have been reflecting on her many contributions to her constituents, her state, and her country, not only most recently in the House of Representatives but also in a lifetime of service. She broke barriers, and in the process elevated the lives of those she touched, both professionally and personally. The first African-American woman elected to Congress from the state of Ohio, STEPHANIE has set the bar incredibly high with her dedication and devotion, and paved the way for future generations to follow. As an attorney, judge, and Member of Congress, she worked tirelessly on behalf of reducing poverty, ensuring access to education and affordable health care, and advocating for the rights of minorities nationwide. STEPHANIE and I saw eye-to-eye on many important issues, whether it was fighting to ensure affordable housing, or for greater protection for Haitian and other refugees, or for the simple notion that every vote should be counted. In the 110th Congress alone STEPHANIE introduced legislation to revitalize low-income communities, protect and ensure voting rights, curtail predatory lending, and provide greater resources for uterine fibroids research, a personal commitment of hers that I know she has carried for many years.

STEPHANIE and I have similar backgrounds as lawyers, judges, and of course Members of Congress, and thus I have always thought that she and I shared a kinship that went beyond just our professional responsibilities. I hold her in the highest degree of respect and admiration. Since her untimely passing, I find myself recalling her personal inspiration as she and I and so many others in this body continue to fight for a better, more equal, and more prosperous society. She is the very definition of a role model.

Mr. Speaker, STEPHANIE's presence will not be easily replaced, if it ever can. The country should value her service; and I, for one, also value her friendship.

Mr. BONNER. Mr. Speaker, it is with great sadness that I rise today to honor the memory of former Ohio Congresswoman STEPHANIE TUBBS JONES and her lifetime of dedication to the people of Ohio and the United States. I was deeply saddened to learn our colleague passed away so suddenly. We have not only lost a wonderful friend but an individual who made a number of historic achievements during her lifetime.

After graduating from law school at Case Western Reserve University, STEPHANIE began her career with Cleveland's sewer district before serving as an attorney with the city's Equal Employment Opportunity Commission. In 1976, she served as an assistant Cuyahoga County prosecutor before her election as Cleveland Municipal Court judge in 1981. Two years later, the governor of Ohio appointed her to a judgeship with the Court of Common Pleas of Cuyahoga County, and in 1991, STEPHANIE was appointed Cuyahoga County prosecutor.

STEPHANIE was elected to represent the 11th District of Ohio in the U.S. House of Representatives in 1998. Throughout her 5 terms of office, she strove for advances in health care, economic development, and education. Recently, she had become a leader in the fight against predatory lending practices.

Most notably, STEPHANIE'S legacy will be her career filled with firsts. She was the first African-American and the first female to serve as prosecutor in her native Cuyahoga County, Ohio. STEPHANIE was the first African-American to be chief prosecutor in the State of Ohio's history. She also became the first African-American woman to represent Ohio in Congress and the first to serve on the House Ways and Means Committee.

At the beginning of the 110th Congress, STEPHANIE was named chairwoman of the House Committee on Standards of Official Conduct, of which I am a member.

STEPHANIE TUBBS JONES will be deeply missed by her family—her son, Mervyn Jones II and her two sisters—as well as the countless friends she leaves behind. Our thoughts and prayers are with them all at this difficult time.

Mr. MEEK of Florida. I yield back the balance of my time.

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY. Mr. Speaker, I thank you.

We're going to spend our hour tonight on behalf of the minority party talking about energy, once again. This is the most pressing concern, I think, of our Nation right now in these tough economic times.

But before I get started, I want to join with my colleagues, my Democratic colleagues, and pay tribute, Mr. Speaker, to STEPHANIE TUBBS JONES, the gentlewoman from Ohio. I guess you can say that everything's been said that needs to be said, but not everybody has had an opportunity to say it. I can't improve upon the kind words that we've heard here over the last hour in regard to her life and what a great person she was.

Mr. Speaker, I would like to mention one thing that I thought about a lot after hearing of her untimely and sad passing. She is the second member, Mr. Speaker, of the Ohio delegation to die in office during this 110th Congress. The first was a member on our side of the aisle—again, very loved and respected—Paul Gillmor. Just like Ms. JONES, like Representative JONES, as bipartisan whenever he could be, as she was.

And I went to his funeral in Columbus, Ohio, the great capital of Ohio. And the eulogies that were offered on behalf of Representative Gillmor, the very first one, Mr. Speaker, was offered by Representative STEPHANIE TUBBS JONES. And it was very touching, very loving. You know, it's a sad thing, of course, her passing. But God has His plan, and we have our plans, but His plan takes precedent over everything we do.

But she was a great Member of this body, and I join my colleagues in expressing my sincere sympathy to the family.

Mr. Speaker, we are here finally back in session after a long 5-week absence, the so-called August recess. And, Mr. Speaker, I think you and all of my colleagues know that many Republican Members—we asked our Democratic colleagues to join us on this floor during the recess—in fact I think some 134 Republican Members—that's not 100 percent on our side, but it's getting darn close to 80, 85 percent—Members came back, some several days, took a break away from their families, from their constituents in this traditional August recess to come back here and say, you know, we really should not be at home. We should not be in our districts no matter how important the work there is. It's very important. Certainly, there is some politicking going on during election season.

But I think, Mr. Speaker, most of my constituents told me, and I'm sure every Member of this body, that you need to get back up there and do the people's work. We're suffering, we're struggling with these high gas prices; our kids are going to be going back to school in a couple of weeks and the school bus is probably not going to be running, and it's a safety issue. And some school districts across the country are talking about cutting back to a 4-day school week. It's one thing for a 4-day work week, but a 4-day school week for our youngsters . . .

So we were talking about that every day. Every day we had anywhere from 5 to 15 Republican Members in this Chamber.

Now, the lights were dim, the air-conditioning was either too cold or it was too hot, the C–SPAN cameras were not running. These microphones—I'm hoarse today Mr. Speaker, because of straining my voice during that time. But it was an absolute wonderful experience.

All of the people that were visiting the Nation's Capitol, their Capitol, the people's House, during that time, during those 5 weeks, we asked them if they wanted to come and have a unique opportunity to sit in our seats right

here in this Chamber. Rarely do they get the chance to do that. It's not like sitting in the gallery. To actually come down and sit in the seats where the Members sit and debate and vote.

And this Chamber was virtually full many of those days, a lot of times three-fourths full, half full. But untold numbers of American citizens had an opportunity. And they were not just Republicans, Mr. Speaker. They were Democrats, they were independents, they were voters. They were people that enjoyed listening to this discussion about the crisis that we're in and what, at least on our side of the aisle, we felt need to be done.

We talked at length about the American Energy Act, the bill that was introduced by minority leader JOHN BOEHNER of the great State of Ohio. Leader BOEHNER introduced the American Energy Act probably 2½ months ago, in fact. And it languished wherever it went to, probably the Energy and Commerce Committee, and never saw the light of day. And that bill, Mr. Speaker, is the all-of-the-above Energy Act. Yes, the cornerstone of the bill is to drill, to drill here in the United States or off of its Outer Continental Shelf, to drill now so that we lower these gas prices and get some relief to the great people of this country who are struggling so much right now economically. And yet the bill never had an opportunity to see the light of day.

I have got a number of posters, Mr. Speaker, that I want to refer to, and I'm going to put that on the easel here for a minute so my colleagues can join with me in understanding some of the issues.

□ 2145

Well, the first poster says, ''Nancy Pelosi, we're here and where are you?'' Well guess what, my colleagues. She's back. She's back. But it took 5 weeks to get her back, and during the time that we were begging her to come back and call this Congress into a special session, she had the power to do that.

Madam Speaker was out, among other things, promoting her new book, ''Know Your Power.'' I'm sure Madam Speaker was referring to the power of a woman, and I think that's a good thing. I have three daughters and four grand-daughters, and I hope one day that they will have an opportunity to achieve what Madam Speaker's achieved. They obviously won't be the first female Speaker in the history of this country because she has that title now, but know her power, the power to convene the Congress and pass legislation. She, and only she, could do that, and yet she refused to come back even for a few days, even maybe for a week. She would still, as would the rest of us, have 4 weeks to work in our districts or go on vacation or whatever during that August recess.

The ironic thing, Mr. Speaker, about this is Ms. PELOSI said in the elections of 2006—gee, it's been almost 2 years ago when the Democratic Party was the minority party. She said that, you know, this do-nothing Congress, these do-nothing Republicans, we need to replace them, and among other things, of course, she said that bills should generally come to the floor under a procedure that allows open, full and fair debate, consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute. Now, that is a direct quote by Speaker PELOSI back in 2006.

Well, she has already pretty much said that any energy bill, Mr. Speaker, that comes to the floor is going to be basically with a closed rule. We, in the minority, are not going to have an opportunity to amend, and it's not going to look anything like the American Energy Act, the All-of-the-Above Act, which allows not just drilling here, drilling now, but it includes so many other things that we'll speak about during this hour.

But before I go on, I wanted to take the opportunity—two of my colleagues, Mr. Speaker, and I hope maybe some others will join us later in the hour, but the first colleague is the gentleman from Florida, and he should know a lot, a lot indeed, about the Outer Continental Shelf and what is being done and what's not being done. I yield at this time to my colleague from Florida, the honorable RIC KELLER.

Mr. KELLER of Florida. I thank the gentleman from Georgia for yielding.

Mr. Speaker, I have just returned from a 4-day trip to Alaska. I went there on a fact-finding trip to learn more about what is becoming one of the central issues of our time, and that is, whether or not we should drill in the portion of Alaska known as ANWR, particularly the section called 10–02.

Before venturing off on this trip, I listened to folks on both sides. Those who were for the drilling said that there's a large amount of oil there, that exploration can take place in an environmentally friendly way, and that the Alaskan people themselves want it.

Those who were against drilling there said there's only a trivial amount of oil there, this will hurt the pristine wilderness, and it will endanger wildlife, particularly caribou and polar bears.

Well, after spending 4 days on a fact-finding mission, I'm prepared to relay to you what I saw in response to these three key issues. First, what is the amount of oil there? Second, will it hurt the pristine wilderness? And third, will it hurt the wildlife?

I can tell you from my trip to ANWR and the Northern Slope and talking with experts in and out of the government that there is approximately 10.4 billion barrels of oil in ANWR, according to the U.S. Department of the Interior and U.S. Geological Survey. How much is 10.4 billion barrels of oil? It is enough oil to provide all of my home State of Florida's needs for 29 years. 10.4 billion barrels of oil is enough to provide 1 million barrels a day every day for the next 30 years. It is the single largest source of untapped oil of any location in the entire United States.

If I can show you a chart, Mr. Speaker, to give you an analogy of why we have some comfort that that's true, you see this is the State of Alaska, ANWR in the upper left. It's about the size of South Carolina, about 19 million acres. Drilling would be limited to a real tiny area up here—this is called the 10–02 ANWR coastal plain area—to a section of only 2,000 acres, just about the size of the red dot here. So literally 99.99 percent of ANWR would not have drilling, and I told you there's roughly 10.4 billion barrels in this 2,000-acre area.

Next door to it you will see a sign says Prudhoe Bay Oil Field. This is the single largest oil field in the United States. It has 15 billion barrels of oil. They have already extracted 12 billion, and there are 3 billion remaining. Now, when you go up there like I did and you compare the two areas, they look roughly the same.

Why is there drilling at Prudhoe Bay and not in ANWR? It's simple. This area is owned by the State of Alaska. They want the drilling and they allow it. This area is owned by the Federal Government. It has not yet been allowed.

What's significant also is you see a line here, it says TAPS. That's the Trans-Alaska Pipeline. What's so key about extracting this large quantity of oil is you have an 800-mile pipeline that takes the oil all the way down to the southern tip of Alaska to a city called Valdez. There it is picked up by tankers and taken to refineries in the lower 48 States and from the refineries turned into gasoline and shipped to your local retail gasoline dealer where you purchase the gasoline.

So we have a huge amount of oil. We have a pipeline infrastructure ready to move it. The only question is whether we will.

That brings us to the next issue. Will it hurt the wilderness? As I already said, 99.99 percent of the wilderness will be off limits, if you call it wilderness. But I happened to go to all of these areas, but this little town right here, Kaktovik, is the only village in ANWR, and I stood there at the edge of Kaktovik looking through this 10–02 coastal plain area with the leader from that small Eskimo tribe, a man named Felton Rexford.

I looked out and I'll show you what I saw. I saw a flat, frozen, barren tundra. As the camera looks at that picture, folks may look at it and say, well, what am I looking at? I don't see any trees. I can't see any wilderness. That's exactly what I saw as I stood there, and

I said to the elected leader from the Eskimo tribe: Where are the trees in the area that we're talking about drilling? And he said, Congressman, there's not a tree within 100 miles. Not a tree within 100 miles.

So much for the beautiful wilderness that we hear about in so many of the photos that are seen. I can tell you those photos aren't the area that we're talking about drilling.

Well, the next issue becomes: What about the wildlife? We don't want to hurt the caribou and the polar bears that live in Alaska. I saw both on my trip to Alaska. Alaska has 800,000 caribou, the most numerous large animals anywhere in Alaska, and 5,000 polar bears. I can tell you, in the last three decades, every single year the population of polar bears has increased. Every single year the population of caribou has increased.

In fact, I mentioned to you that the biggest oil field is called Prudhoe Bay next to the ANWR area, and I toured Prudhoe Bay. And as I toured there—here we are—I saw some caribou right there among the oil fields. And I talked to the wildlife experts who were with us. I said, Is that unusual? They said, Not at all. Back in the 1970s when oil was discovered here in Prudhoe Bay and they started drilling, there were 3,000 caribou in that area. Today, there are over 30,000. The caribou population has increased tenfold.

And so to wrap up, Mr. Speaker, what I learned in summary is that there is a significant amount of oil there, 10.4 billion barrels. I learned that the Alaskans want it: 70 percent of the Alaskans statewide, 90 percent of those who live in the ANWR area. I learned that we can do this without having any harm to the wilderness or to the wildlife and that we can have it all done with responsible, environmentally friendly drilling that reduces our dependence on foreign oil.

I have great respect for all four of the individuals running for President on the national tickets, Republicans and Democrats, but having been to Alaska and spent 4 days with the world leading experts on this issue, I can tell you that in my humble opinion Governor Sarah Palin knows more about this issue than all three men combined. I'm excited with the energy she brings to this debate and the knowledge she has about drilling because she knows these issues cold. And I hope in this Presidential election, whether you're a Republican or Democrat, listen to what this lady says because she's been saying what I learned over the past 4 days. There's very few of us that get to see it in person.

So, with that, let me thank the gentleman from Georgia so much for yielding his time to me.

Mr. GINGREY. Mr. Speaker, I really appreciate the gentleman from Florida being with us tonight, and I thank him for that very intelligent discussion of ANWR and some of the statistics that he presented to us.

Mr. Speaker, the 1.5 million barrels a day that Representative KELLER was talking about is not an insignificant amount of oil, and if you add that to 2.5 million barrels a day that we could be getting from the Outer Continental Shelf and another 2.5 million barrels a day that we could be extracting from the shale out in the Midwest, those five Rocky Mountain States, you would have a doubling of the amount of domestic production of oil. We would go from 7 million barrels a day to about 14 million barrels a day, and of course, you know, right now we're importing 60 percent of what we use. So his discussion is very pertinent and very timely.

Mr. Speaker, at the outset, I was talking about what our current Speaker, Ms. PELOSI, some of the quotes that she made back in 2006, and I want to share in this poster a few more with you. She said then, This leadership team will create the most honest, most open and most ethical Congress in history. Now, Speaker NANCY PELOSI said that November 16, 2006.

This is now, a recent quote. When we asked for an opportunity to have regular order on an energy bill coming through the Energy and Commerce Committee, a bill that was marked up by both Democrats and Republicans, majority and minority, and that would go through the amendment process and that maybe even some amendments submitted to the Rules Committee would be made in order so that we could have a fair and open discussion, when she was questioned about that, when reference to a quote back in 2006, Ms. PELOSI said, and this is a quote, I'm not giving the gavel to them. They will have to use their imagination as to how they can get a vote. Speaker PELOSI said that on August 3, 2008. I guess kind of like she's using her imagination to lower energy prices.

And I think my next colleague who is going to speak will talk a little bit about the imagination and what her plan happens to be, but I'll show a couple of more slides before I yield to the gentlewoman from North Carolina (Ms. FOXX) who has been such a strong advocate on this issue.

This is another quote from Ms. PELOSI. This call for drilling in areas that are protected—in other words, the Outer Continental Shelf and ANWR that the gentleman from Florida was just talking about—this call for drilling in areas that are protected is a hoax. It is an absolute hoax on the part of the Republicans and this administration.

Another quote from Speaker PELOSI, If you don't agree with that, my colleagues, just call (202) 224–3121 and voice your concern about a quote like that.

□ 2200

But listen to this. Look at this quote that Ms. PELOSI, our distinguished Speaker, gave on one of the national news networks a week or so ago when she was asked: ''Why not drill? Why not open up these areas?'' After all, the United States owns this source of fossil fuel, both natural gas and petroleum. Her quote then was: ''I'm trying to save the planet.'' I think she actually banged the table and repeated it. ''I'm trying to save the planet.''

Well, so is this guy Carl Pope, executive director of the Sierra Club. His quote was: ''We're better off without cheap oil. We're better off without cheap gas.''

So what they want to do is save the planet, but I fear, Mr. Speaker, that in the process they'll be destroying this country.

With that, I am going to yield to my distinguished colleague from North Carolina, a champion who has been back on this floor for most of the August recess, not just for a day or two. In fact, she led the Republicans on several occasions, and she does such a great job. At this time, I'm honored to yield to the gentlewoman from North Carolina, VIRGINIA FOXX.

Ms. FOXX. Well, thank you, Mr. GINGREY. Thank you, Congressman GINGREY, for your leadership on this hour tonight as well as for your help earlier this year in August for what we were doing in calling to the attention of the American people those who are creating this problem with the high gas prices. I want to add some comments to my colleague from Florida's comments about drilling in ANWR.

I had the great opportunity to go to Alaska in 2005. I'd been there once before just purely as a tourist, but I went as a Member of Congress in 2005. I also saw Prudhoe Bay. I also saw Valdez. I also flew over ANWR. I want to add my comments and support to the things that he has said.

When the ANWR was set aside, the Arctic National Wildlife Refuge—I think it was in the early 70s—it was specific in the bill that some of that land would be set aside for oil drilling because people knew then that there was oil there and that it should be drilled for, but since that time, the Democrats have time and time and time again stopped us from drilling there. A bill passed in 1995—it passed both Houses—to allow drilling in ANWR, and President Clinton vetoed it. Since then, many, many times we have brought up votes, and the Democrats have consistently voted against drilling there.

He is absolutely right. The ANWR area is nothing but a frozen desert. Where we would be drilling is a frozen desert. It looks gray like that picture he showed. We saw it from the air. It looks exactly like that. It is akin to the deserts of Saudi Arabia, but it happens to be a frozen desert.

You know, the Lord gave us all of the resources, I believe, in this world that we need, but they just don't always look like they're the resources that we need, and sometimes they're tied up in unusual places, but the way I've described it to my colleagues and to my constituents is the way that I have heard it described as to the area that we would drill in ANWR, the 2000 acres: A postage stamp is to a football field as those 2000 acres are to the State of Alaska. It's a minuscule part of the State of Alaska, and it would do no harm.

Also, there is one thing that my colleague Mr. KELLER didn't mention. He did show a wonderful map of how close the pipeline is now to that area. We're told that, in 18 months, we could have oil flowing from ANWR into the Alaska pipeline. In fact, it's going to be necessary to keep oil flowing into that pipeline or the pipeline is going to have to be shut down. So the Democrats continue to say it's going to take 10 years. It will only take 10 years if they and their trial lawyer friends and their radical environmentalist friends continue to bring lawsuits. What takes so long for us to create the energy that we need in this country are the lawsuits that keep getting filed. We could do this. We could be getting gas from the Outer Continental Shelf, I understand, in 3 years if we don't have to continually fight lawsuits to get this energy.

During the period of time when we were debating this in August—when the cameras were turned off, when the lights were turned off, when the mikes were turned off—I said that we have a choice to make here in the Congress. We are either going to be pro-American energy or anti-American energy. The Republicans in this Congress are pro-American energy. There is no reason why this country cannot be completely energy independent. Now, today, we've emphasized drilling.

By the way, let me make one other comment about the drilling in Alaska that nobody has made. I saw this again when I was there. You know, when you see the pictures of ANWR again, you see caribou grazing in a meadow with daisies blooming. That's, again, not the area that we would be drilling in. There are no caribou. There are living things there, I'm sure, in that frozen wasteland but not anything that you can see.

The other things that you see are these oil rigs like you see in Texas, these things that go up and down, and they're not very attractive armaments or implements, but when we saw the oil wells in Alaska, for the life of me, you couldn't have known that those were oil wells. They are simple boxes, maybe a little bit taller than I am, and they have valves on them. They look sort of like oxygen tanks with some valves on them, but they're not unattractive at all. They're in little boxes that sort of look like cabanas. We saw a whole row of about, I'd say, 100 or 150 of them. You would have no idea. They might be refrigerators for all one knows, but they're not unattractive at all.

Again, the radical environmentalists want us to think that we're going to be assaulted visually and that the environment is going to be assaulted by our drilling in ANWR. They want us to do nothing. I think the comment by the gentleman from the Sierra Club is very typical of what they feel. They don't want us to have cheap gas because they don't want us to use the good resources that the Lord gave us.

Mr. GINGREY. Would the gentlelady yield for just one comment on that before you continue?

Ms. FOXX. Sure.

Mr. GINGREY. Representative FOXX, you requoted what the gentleman from the Sierra Club said. Again, he said, ''We're better off without cheap gas.''

Also, I want to point out, Mr. Speaker, that the leader of the Senate, the Senate majority leader, Senator Harry Reid of Nevada, said fossil fuel is poison, that fossil fuel is poison and that we need to completely rid ourselves of that by, I think, the year 2012. So I just wanted to point that out.

I yield back to the gentlewoman.

Ms. FOXX. Well, I thank my colleague from Georgia for mentioning that because I wanted to also mention that Republicans have consistently said we're for all of the above. We're not just for drilling in ANWR, just for drilling in the Outer Continental Shelf. We want all of the alternatives. We want to be energy independent. We certainly believe in advancing solar, wind, hydro, and whatever other sources there are out there. Most of us believe that, in a short period of time, we'll be completely independent of many fossil fuels. We have coal that we could be using, clean-burning coal. We're the Saudi Arabia of coal.

The interesting thing about the fact that the Democrats don't want us to drill is that they say they want alternatives, but they don't fund alternatives. Our bill that would allow for drilling would take the money that the Federal Government would get from those leases, and it would use that money to develop alternatives. While they've authorized programs for alternatives, they haven't funded them. So they're being very disingenuous when they say they want alternatives, because they are not allowing us to have alternatives because they're not funding them. It's a program that, I think, deserves the emperor's new clothes' award.

Mr. GINGREY. In reclaiming my time just for a second before yielding back to the gentlewoman from North Carolina, what she is talking about, Mr. Speaker, is an energy trust fund that could be, as she pointed out, obtained from royalties that the Federal Government gets from the oil companies—Big Oil, the Democrats use that pejorative constantly—but they would have to pay significant royalties to the Federal Government, which, as Ms. FOXX pointed out, would be put in a trust fund to have grants for research and development for alternative sources such as wind and solar and other things.

I'll continue to yield to the gentlewoman.

Ms. FOXX. Well, again, I appreciate that help with what I was saying because it reminds me of another point that I want to make, and that is, by not allowing this new exploration, we are ensuring that Big Oil will stay in control of the issues. When new areas are opened up, it opens up the opportunities for smaller oil companies and for new entrepreneurs to get involved in the business.

So the best thing that could happen to the ''big oil companies,'' those people who the Democrats demonize constantly, is for us not to open up new areas for drilling, because they have such a lock on the existing areas, and so they are helping, unwittingly perhaps, the existing oil companies to stay big by decreasing the competition for them.

Now let's talk a little bit about what is the Democrats' plan. They say no, no, no, no, no to all of the things which we have proposed which we believe the American people want. We know that from the surveys. Our hope in coming back here for this session is that the American people will have put a lot of pressure on our Democratic colleagues in saying to them: ''You must tell the Speaker that she needs to bring up a bill for a vote, and that's all we're asking for. We want a clean up or down vote.''

Now, I had said this many of the times that I was here during August. One day in July, before we went on recess and when the Republicans were talking about this—we'd been talking about this all of this year that we needed to do something to increase the supply and bring down the price of gasoline—somebody asked one of Speaker PELOSI's aides: ''Well, what is your plan for bringing down the price of gasoline?'' The answer was: ''Drive small cars and wait for the wind.''

Well, this is how somebody has characterized this. This is the Democrats' energy plan: drive small cars and wait for the wind. Well, most people in this country can't trade their big cars for small cars. They need their big cars. They have families, and they need to transport them or they have so much invested in those cars already, and they're not wealthy people like our Speaker is. They are people who are working hard for a living, and they can't do that.

Well, I have likened this to when the French people told the Queen of France

that the people had no bread. She said, ''Let them eat cake.'' Well, that's, I think, what the Democrats are saying to the American people. Let them eat cake. Whereas, the Republicans are saying we have alternatives. Let's vote on those alternatives. Yes, I think this deals with some of the quotes that Mr. GINGREY was talking about, that Congressman GINGREY from Georgia was talking about a few minutes ago.

We did get promises. In fact, the Speaker promised in 2006 that the Democrats had a commonsense plan for bringing down the price of gasoline. That was when the price of gasoline was around $2. Now it's almost $4. They've done nothing about it. This is what one of their Members said: ''We sort of stretched the truth, and people ate it up.'' This was stated by Representative PAUL KANJORSKI, a Democrat from Pennsylvania, on the Democrats' campaign promises. They made those promises.

Now, what have Republicans done? Thirty-five times the Democrats have voted down Rules Committee Republican-offered solutions to lower your gas prices and to address America's urgent energy needs. The Speaker said we'll have to use our imagination for ways that we can get a vote. Well, ladies and gentlemen, we have used every opportunity presented to us in this Congress to force a vote on providing American-made energy.

□ 2215

And every time the Democrats have stifled that.

We're not asking for a lot. We are asking for an up-or-down vote. Now, we have it broken down. We are not asking you to take our word for it. We have it broken down. Eleven times they voted ''no'' to consider amendments that would lower the average price of regular unleaded gasoline; four times to lower the price of gasoline and diesel by increasing our domestic fuel supply; six times they voted ''no'' to address alternative fuels; and fourteen times to address additional energy solutions provided by the American Energy Act, No More Excuses Energy Act, Coal-Liquid Fuel Act, Deep Ocean Resources Energy Act, Boutique Fuel Reduction Act, and the American Energy Independence and Price Reduction Act.

Republicans continue to try, and we are going to continue to bring up these issues every day that the Congress is in session and when we go out of session. But we do need the American people to help on this. We're going to bring it up. But if you live in the district of a Democrat who has not yet said he or she will vote ''yes'' for additional energy, then you need to be calling the House of Representatives and you need to be calling the Speaker's office to let them know. But it's better to call your Member of Congress and ask that Member to tell them.

Now, here's the other energy plan presented by their nominee for President. Our nominee for President, Senator MCCAIN, has said he wants to increase American-made energy. Senator OBAMA's plan is check your tires and get them inflated properly and that's the solution to the American energy needs. That's just not going to cut it, Senator OBAMA. I'm sorry. We have got to increase supply.

Americans have been doing a wonderful job of conserving. And, again, I want to make it very clear Republicans believe in all of the above. We support conservation, but we support alternatives such as solar, wind, hydro, every other alternative that there is out there. We are willing to do that. But we know we cannot do this without increasing supply. And I simply think that we need to ask the Democrats are you pro-American energy or are you anti-American energy? If you're not interested in increasing the supply that we have within our borders, then you're anti-American energy. That is being anti-American people because it's the average working person, the retired people, young people who are being hurt by the high price of gasoline. And I think that that approach is the approach of people who are totally out of touch with the real world, and I am very disappointed in that.

I am going to yield back to my colleague now, Mr. GINGREY, from the great State of Georgia.

Mr. GINGREY. I want to thank again the gentlewoman from North Carolina, who did a wonderful job, I think, of explaining what has not been going on in this body.

And I think it's important for the American people to understand something. When the Democratic minority back in the 2006 election cycle, Mr. Speaker, when they were campaigning—this is campaign season now; so 2 years ago they were in the minority and talked about the ''do-nothing,'' ''do-nothing'' Republican majority and made statements such as, well, they are only here 3 days a week, only here in Washington doing the people's business, passing laws that need to be passed, these Republicans, these ''lazy'' Republicans was the characterization, Mr. Speaker, of the then Republican majority. They are only up here 3 days a week, not doing anything, not doing the people's work, and when we get the majority, we promise to do the people's work. And indeed, Mr. Speaker, you weren't here at that particular time, but the statement was we will go to a 5-day work week like everybody else across America, and, indeed, some people work 6 and 7 days a week and they have two jobs, not one. So this idea of coming and doing the people's work, that sounded good to me. I liked that.

Now, keep in mind what has happened since the Democrats have gained the majority. The people gave them that confidence, gave them that trust and said okay, that sounds good to us, and they gained the majority. Well, what have they done? Well, let me just say that we are now back in session here in September, the second week in September. And we are going to be here, including today, and this day is almost gone, it's 10:30 at night—Mr. Speaker, we are going to be here 15 days. Now, we are going to be here 15 days. Maybe it will turn out to be 12 or 10. But the Democratic majority says that we are going to be 15 days, 5 days this week, 5 days next week, and 5 days the following week. Ladies and gentlemen, that's 15 days out of 5 months.

Remember now, the whole month of August and the first week in September, we were on recess, and the Democratic majority, Mr. Speaker, has already emphatically said that we want our Members to go home and be in their districts and campaign for reelection or whatever and we are not coming back until the next Congress, until the 111th Congress in January after the new President is inaugurated. I mean it's just unbelievable.

Now think about it. Mr. Speaker, if the American public were watching our proceedings tonight and they heard what I'm saying to my colleagues on both sides of the aisle, 15 days in 5 months, that's deplorable. If that's what we are going to do, if that's what we have resorted to in this Congress, then this ought to be a part-time job. This shouldn't be a full-time job. That's fine with me. If you want to make it a part-time job, I will go back home and start delivering babies again 6 months out of the year.

But let me just use a word that I think most of my colleagues understand: This is the height of mendacity. This is the height of hypocrisy to make that kind of promise and then not deliver to the American people. Ms. FOXX talked about it, Representative FOXX, Representative KELLER.

And Representative KELLER is still with us, and I would be happy to yield to him for further thoughts or comments that he may have on this issue. We only have about 10 minutes left, but let me yield back to my friend from Florida.

Mr. KELLER of Florida. I thank my friend for yielding. I would just take a couple minutes.

Mr. Speaker, you may be surprised to learn, as I was when I went there, that there is not a tree within 100 miles of where we are drilling and that the animals peacefully co-exist and, in fact, have done well. You may wonder why am I hearing this for the first time? Let me explain something to you.

This is the only village in all of ANWR, called Kaktovik. And when I sat there with the leader of the village, Mr. Felton Rexford, who lived there his whole life, and I would say he's in his mid- to late 60s, he was so kind to me.

And as I sit there in 30 degree weather in the hottest month, in the middle of August, he told me I was one of the few people that ever bothered to visit there, that they were surprised. Hardly anyone has ever been there. It's 30 degrees in the hottest month. It's 30 below in the winter. They just got running water there in the year 2000. Only 300 Eskimos live there. They have a doctor that visits their town one time a year. There are no roads in and out of the village. They have to travel by snowmobile, and they live off of whales. So when you hear about this being a pristine wilderness area that's going to hurt the wildlife, you're hearing it from people that have never been there and have a vested interest in telling you that because they are probably trying to raise money for some fringe group.

And I made a promise to Mr. Felton Rexford that when I would get back to Congress, I don't know if I would sway anybody but I would come to the floor of Congress and tell the truth. And the truth is these are the most environmentally conscious people in the country that I have ever met, and they think it can be done in an environmentally friendly way and they support it. And the area there looks like the surface of the moon and not a rainforest, and we can have it all.

So I wanted to honor that, Mr. GINGREY, and I appreciate your giving me the chance to speak tonight on this very key issue.

Mr. GINGREY. I thank my colleague and friend from Florida.

As I was saying, of course, Mr. Speaker, 15 days in the last 5 months, and you look at the schedule for this week, and there is unbelievably nothing, nothing on the agenda that has anything to do with energy.

We are going to have two bills, one I guess on Thursday and one on Friday or maybe Wednesday and Thursday. One of them is the No Child Left Inside Act of 2008 to reauthorize the National Environmental Education Act to help improve the quality of environmental education for primary and secondary school students. And then if you think that one's important, H.R. 3667, the Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008, authorizes $300,000 for a study of a segment of the Missisquoi River in Vermont for potential designation as Wild and Scenic. Not only does H.R. 3667 not create more American energy, but it might actually prevent future energy exploration along the river like the siting of a liquefied natural gas plant as an example.

And the other 2 days we are doing nothing but suspension bills, and those suspension bills are the ones that you have to have a two-thirds vote. There is little opposition to those bills, and yet they are given 20 minutes of debate on each side, 40 minutes on each of these suspension bills to make it look like we're doing something up here.

Now, Mr. Speaker, I will say that the Democratic majority has done some things since they took control. In January, 2007, when the price of regular gasoline was $2.22, that date we congratulated the U.S. Santa Barbara soccer team. And then on September 5, when the price of regular had gone to $2.84, that was National Passport Month. February 6, 2008, when the price of regular had gone to $3.03, we were commending the Houston Dynamo soccer team. Then on May 14, 2008, the price of regular $3.77, that was National Train Day. Then on May 20, 2008, regular gasoline $3.84 a gallon, that was Great Cats and Rare Canids Act. Really important. On June 10, 2008, the price of regular $4.09 a gallon, the International Year of Sanitation bill. Really important. And then last but not least, June 17, 2008, when the price of regular had gotten up to $4.14, that was the Monkey Safety Act day. We were doing some things all right. We were really working hard up here.

Well, look, the bottom line is this: We have a bill. The Republicans have a bill. We have a comprehensive bill. Yes, the cornerstone is ''Drill Here, Drill Now.'' But this is the all-of-the-above approach to energy independence, and that's what we have to have, not only for our domestic needs but for the security of this Nation. And I commend our nominee for President, JOHN MCCAIN, and our nominee for Vice President, Sarah Palin, because they understand we need to drill on the Outer Continental Shelf. And we will have a Vice President who is from an energy State and understands the importance of those resources that we own.

So, Mr. Speaker, we want to do things in a bipartisan way. And in closing, I know we are getting very close to that hour, but in closing let me just say this: We can work together. We can work together. I know I spent a lot of time up here railing tonight against Speaker PELOSI, but I respect her. She is the Speaker of this House not just for the Democrats but also for the Republicans. We respect her. We respect the chairman of the Energy and Commerce Committee, the distinguished Mr. JOHN DINGELL from Michigan.

□ 2230

He knows about this country and its needs. Why can't we get together, Mr. DINGELL and Mr. BARTON, and let's have a bill that is comprehensive, a little give and take on both sides of the aisle, because it's for the American people, and let's worry more about them than the next election. The next election, Mr. Speaker, will take care of itself. Let the people judge on that.

I am going to tell you, when you go back home I am hearing from my constituents, and I know everybody in this House Chamber is hearing from their constituents. We can do it. It's time. It's time to do it, and it's time to do it now.

I think it would be unconscionable if we go home 3 weeks from now and we have not done this. I am willing to stay. I am willing to stay, and 134, maybe even 194 Republicans, and hopefully some good, rock solid Democrats will stay with us this time until we get an energy bill done in a comprehensive, bipartisan way.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, JULY 30, 2008, AT PAGE 17263

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. GEORGE MILLER of California. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 398

Resolved by the House of Representatives (the Senate concurring), That, when the House adjourns on the legislative day of Thursday, July 31, 2008, Friday, August 1, 2008, or Saturday, August 2, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, September 8, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, August 1, 2008, through Friday, September 5, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, September 8, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CORRINE BROWN of Florida (at the request of Mr. HOYER) for August 1 on account of death in family.

Mr. CONYERS (at the request of Mr. HOYER) for today on account of personal business.

Mr. ELLISON (at the request of Mr. HOYER) for today on account of business in district.

Ms. KILPATRICK (at the request of Mr. HOYER) for August 1 on account of personal business.

Mr. LEVIN (at the request of Mr. HOYER) for August 1, today and the balance of the week.

Mr. MCNULTY (at the request of Mr. HOYER) for today and until 4 p.m. on September 10.

Mr. KIRK (at the request of Mr. BOEHNER) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. REGULA) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. POE, for 5 minutes, today, September 9, 10, 11, 12, and 15.

Mr. JONES of North Carolina, for 5 minutes, today, September 9, 10, 11, 12, and 15.

Mr. FRANKS of Arizona, for 5 minutes, today, September 9, 10, 11, and 12.

Mr. WELDON of Florida, for 5 minutes, September 10.

Mr. BURTON of Indiana, for 5 minutes, today, September 9, 10, 11, and 12.

Mr. DAVIS of Kentucky, for 5 minutes, today and September 11.

Mr. KELLER of Florida, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2507. An act to address the digital television transition in border states; the Committee on Energy and Commerce.

S. 3241. An act to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building''; the Committee on Oversight and Government Reform.

S.J. Res. 45. Joint resolution expressing the consent and approval of Congress to an interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin; the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2245. An act to designate the Department of Veterans' Affairs outpatient clinic in Wenatchee, Washington, as the Elwood 'Bud' Link Department of Veterans' Affairs Outpatient Clinic.

H.R. 4040. An act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

H.R. 4137. An act to amend and extend the Higher Education Act of 1965, and for other purposes.

H.R. 4210. An act to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building''.

H.R. 4918. An act to name the Department of Veterans Affairs medical center in Miami, Florida, as the ''Bruce W. Carter Department of Veterans Affairs Medical Center''.

H.R. 5477. An act to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building''.

H.R. 5483. An act to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building''.

H.R. 5631. An act to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia as the ''Corporal Bradley T. Arms Post Office Building''.

H.R. 6061. An act to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois,, as the ''Kenneth James Gray Post Office Building''.

H.R. 6085. An act to designate the facility of the United States Postal Service located at 42222 RAncho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building''.

H.R. 6150. An act to designate the facility of the United States Postal Service located at 14500 Loraine Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building''.

H.R. 6340. An act to designate the Federal building and United States courthouse located at 300 Quarropas Street in White Plain, New York, as the ''Charles L. Brieant, Jr., Federal Building and United States Courthouse''.

H.R. 6432. An act to amend the Federal Food, Drug, and Cosmetics Act to revise and extend the animal drug user fee program, to establish a program of fees relating to generic new animal drugs, to make certain technical corrections to the Food and Drug Administration Amendments Act of 2007, and for other purposes.

H.R. 6580. An act to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trust, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 3294. An act to provide for the continued performance of the functions of the United States Parole Commission.

S. 3295. An act to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes.

S. 3370. An act to resolve pending claims against Libya by United States nationals, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on August 6, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 2245. To designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood ''Bud'' Link Department of Veterans Affairs Outpatient Clinic.

H.R. 4040. To establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

H.R. 4137. To amend and extend the Higher Education Act of 1965, and for other purposes.

H.R. 4210. To designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building''.

H.R. 4918. To name the Department of Veterans Affairs medical center in Miami, Florida, as the ''Bruce W. Carter Department of Veterans Affairs Medical Center''.

H.R. 5477. To designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building''.

H.R. 5483. To designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building''.

H.R. 5631. To designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building''.

H.R. 6061. To designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the ''Kenneth James Gray Post Office Building''.

H.R. 6085. To designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building''.

H.R. 6150. To designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building''.

H.R. 6340. To designate the facility of the United States Postal Service located at 300 Quarropas Street in White Plains, New York, as the ''Charles L. Brieant, Jr., Federal Building and United States Courthouse''.

H.R. 6432. To amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program, and for other purposes.

Lorraine C. Miller, Clerk of the House also reports that on August 25, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 6580. To ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitted the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 32 minutes p.m.), under its previous order and pursuant to House Resolution 1415, the House adjourned until tomorrow, Tuesday, September 9, 2008, at 10:30 a.m., for morning-hour debate, as a further mark of respect to the memory of the late Honorable STEPHANIE TUBBS JONES.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8076. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Almonds Grown in California; Order Amending Marketing Order No. 981 [Docket No. AO-214-A7; AMS-FV-07-0050; FV07-981-1] received August 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8077. A communication from the President of the United States, transmitting a request for FY 2009 budget amendments for the Departments of Agriculture, Commerce, Education, Health and Human Services, Homeland Security, the Interior, Labor, and State, as well as the Environmental Protection Agency; (H. Doc. No. 110-141); to the Committee on Appropriations and ordered to be printed.

8078. A letter from the Under Secretary of Defense, Department of Defense, transmitting nine Selected Acquisition Reports (SARs) for the quarter ending June 30, 2008 pursuant to section 2432, Title 10 United States Code; to the Committee on Armed Services.

8079. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the 39th report pursuant to Section 3204(f) of the FY 2000 Emergency Supplemental Act; to the Committee on Armed Services.

8080. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8081. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7793] received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8082. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8083. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8084. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting reports in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8085. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting a report submitted in accordance with Section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8086. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Authorization to Impose License Requirements for Exports or Reexports to Entities Acting Contrary to the National Security or Foreign Policy Interests of the United States. [Docket No. 0612243150-8535-02] (RIN: 0694-AD82) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8087. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the report on Conventional Armed Forces in Europe (CFE) compliance; to the Committee on Foreign Affairs.

8088. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-472, ''Taxation Without Representation Federal Tax Pay-Out Message Board Installation Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8089. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-474, ''Closing of a Public Alley in Square 700, S.O. 07-9626, Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8090. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-475, ''Tenant Opportunity to Purchase Notification Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8091. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-476, ''Injured Fire Fighter Relief Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8092. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-477, ''Student Voter Registration Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8093. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-478, ''Abatement of Nuisance Properties and Tenant Receivership Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8094. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-479, ''Director of the Office of Public Education Facilities Modernization Allen Lew Compensation System Change and Pay Schedule Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8095. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-480, ''Recreation Enterprise Fund Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8096. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-481, ''Tingey Street, S.E. Right-of-Way Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8097. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-482, ''Expanding Opportunities for Street Vending Around the Baseball Stadium Clarifying Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8098. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-484, ''Adams Morgan Taxicab Zone Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8099. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-483, ''Heat Wave Safety Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8100. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-485, ''Workforce Housing Production Program Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8101. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-486, ''Special Events Swimming Exception Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8102. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — COMPETITIVE AREA [RIN: 3206-AL64] received August 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8103. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems;

North American Industry Classification System Based Federal Wage System Wage Area [RIN: 3206-AL45] received August 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8104. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Critical Position Pay Authority (RIN: 3206-AK87) received August 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8105. A letter from the Acting Chief, Regulatory Affairs Bureau of Land Management, Department of the Interior, transmitting the Department's final rule — Recreation and Public Purposes Act; Solid Waste Disposal [WO-350-08 1430 PN-24 1A] (RIN: 1004-AE03) received August 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8106. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ19) received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8107. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ17) received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8108. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ16) received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8109. A letter from the Program Analyst, Department of Transporation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Models DHC-2 Mk.I, DHC-2 Mk.II, and DHC-3 Airplanes [Docket No. FAA-2008-0444; Directorate Identifier 2008-CE-024-AD; Amendment 39-15555; AD 2008-12-12] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8110. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. FAA-2008-0331; Directorate Identifier 2008 CE-2009-AD; Amendment 39-15569; AD 2008-13-06] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8111. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model DHC-2 Series Airplanes [Docket No. FAA-2008-0393 Directorate Identifier 2008-CE-011-AD; Amendment 39-15533; AD 2008-11-11] (RIN: 212-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8112. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Model L-1011 Series Airplanes [Docket No. FAA-2008-0637; Directorate Identifier 2008-NM-078-AD; Amendment 39-15561; AD 2008-12-17] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8113. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000EX Airplanes and Model Falcon 900EX Airplanes [Docket No. FAA-2008-0364; Directorate Identifier 2006-NM-281-AD; Amendment 39-15562; AD 2008-12-18] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8114. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; M7 Aerospace LP SA226 and SA227 Series Airplanes [Docket No. FAA-2008-0313; Directorate Identifier 2007-CE-095-AD; Amendment 39-15560; AD 2008-12-16] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8115. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GENERAL AVIA Costruzioni Aeronatiche Models F22B, F22C, and F22R Airplanes [Docket No. FAA-2008-0423 Directorate Identifier 2008-CE-010-AD; Amendment 39-15556; AD 2008-12-13] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8116. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model DHC-2 Series Airplanes [Docket No. FAA-2008-0393 Directorate Identifier 2008-CE-011-AD; Amendment 39-15533; AD 2008-11-11] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8117. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109E, A109S, and A119 Helicopters [Docket No. FAA-2008-0630; Directorate Identifier 2008-SW-19-AD; Amendment 39-15554; AD 2008-12-11] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8118. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sandel Avionics Incorporated Model ST3400 Terrain Awareness Warning System/Radio Magnetic Indicator (TAWS/RMI) Units Approved Under Technical Standard Order(s) C113, C151a, or C151b,; Installed on Various Small and Transport Category Airplanes [Docket No. FAA-2007-0290; Directorate Identifier 2007-NM-250-AD; Amendment 39-15557; AD 2006-16-18 R1] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8119. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2007-29333; Directorate Identifier 2007-NM-141-AD; Amendment 39-15547; AD 2008-12-04] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8120. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MORAVAN a.s. Model Z-143L Airplanes [Docket No. FAA-2008-0426 Directorate Identifier 2008-CE-016-AD; Amendment 39-15549; AD 2008-12-06] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8121. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2008-0300; Directorate Identifier 2008-NM-019-AD; Amendment 39-15552; AD 2008-12-09] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8122. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ and EMB-145XR Airplanes [Docket No. FAA-2008-0292; Directorate Identifier 2007-NM-286-AD; Amendment 39-15550; AD 2008-12-07] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8123. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Legal Descriptions of Multiple Federal Airways in the Vicinity of Farmington, NM [Docket No. FAA-2008-0186; Airspace Docket No. 08-ANM-2] (RIN: 2120-AA66) received August 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8124. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Area Navigation (RNAV) and Miscellaneous Amendments [Docket No. FAA-2002-14002; Amdt. Nos. 1-57, 91-296, 97-1336, 121-333, 125-52, 129-42, 135-110] (RIN: 2120-AH77) received August 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8125. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Recording of Major Repairs and Major Alterations — received August 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8126. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Implementing the Maintenance Provisions of Bilateral Agreements [Docket No.: FAA-2004-17683] (RIN: 2120-AI19) received August 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8127. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Fees for Certification Services and Approvals Performed Outside the United States [Docket No.: FAA-2007-27043; Amendment Nos. 61-116, 63-35, 65-49, 187-4] (RIN: 2120-AI77) received August 22,

2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8128. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Prairie Du Sac, WI. [Docket No. FAA-2007-28778; Airspace Docket No. 07-AGL-6] received August 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8129. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Emporium, PA [Docket No. FAA-2007-0275; Airspace Docket No. 07-AEA-15] received August 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8130. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Emporium, PA [Docket No. FAA-2007-0275; Airspace Docket No. 07-AEA-15] received August 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8131. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Phillipsburg, KS [Docket No. FAA-2006-25943; Airspace Docket No. 06-ACE-13] received August 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8132. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30600; Amdt. No 3262] received August 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8133. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 Airplanes Equipped with an Auxiliary Fuel Tank System Installed in Accordance with Supplemental Type Certificate SA00404AT [Docket No. FAA-2008-0135; Directorate Identifier 2007-NM-345-AD; Amendment 39-15551; AD 2008-12-08] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8134. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Transport Category Airplanes Equipped with Auxiliary Fuel Tanks Installed in Accordance with Certain Supplemental Type Certificates [Docket No. FAA-2007-0089; Directorate Identifier 2007-NM-117-AD; Amendment 39-15546; AD 2008-12-03] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8135. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. AT-200, AT-300, AT-400, AT-500, AT-600, and AT-800 Series Airplanes [Docket No. FAA-2008-0247; Directorate Identifier 2008-CE-003-AD; Amendment 39-15540; AD 2008-11-17] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8136. A letter from the Disabled American Veterans, transmitting the 2008 National Convention Proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 110-142); to the Committee on Veterans' Affairs and ordered to be printed.

8137. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's Major final rule — Child Support Enforcement Program; Medical Support (RIN: 0970-AC22) received August 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8138. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — IRC 965 Dividend Repatriation Audit Guidelines [LMSB-4-0808-043] received August 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8139. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Qualified Forestry Conservation Bonds [Notice 2008-70] received August 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8140. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274. — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-46) received August 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8141. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare and Medicaid Programs; Fire Safety Requirements for Long Term Care Facilities, Automatic Sprinkler Systems [CMS-3191-F] (RIN: 0938-AN79) received August 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. Supplemental report on H.R. 3667. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System (Rept. 110–668 Pt. 2).

Mr. OBERSTAR: Committee on Transportation and Infrastructure. S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse'' (Rept. 110–823). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. S. 2403. An act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse''; with amendments (Rept. 110–824). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 6064. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States; with an amendment (Rept. 110–825). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5243. A bill for the relief of Kumi Iizuka-Barcena (Rept. 110–826). Referred to the Private Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 2575. A bill for the relief of Mikael Adrian Christopher Figueroa Alvarez (Rept. 110–827). Referred to the Private Calendar.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5743. A bill to provide the Secretary of Homeland Security with the authority to procure real property and accept in-kind donations (Rept. 110–828). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 263. A bill to authorize the Secretary of Homeland Security to establish a program to award grants to institutions of higher education for the establishment or expansion of cybersecurity professional development programs, and for other purposes; with an amendment (Rept. 110–829, Pt. 1). Ordered to be printed.

Mr. BRADY of Pennsylvania: Committee on House Administration. House Resolution 1207. Resolution directing the Chief Administrative Officer of the House of Representatives to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically; with an amendment (Rept. 110–830). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 6475. A bill to establish the Daniel Webster Congressional Clerkship Program (Rept. 110–831). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FILNER (for himself and Mr. BUYER):

H.R. 6832. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. BIGGERT:

H.R. 6833. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide church pension plans the opportunity to offer automatic enrollment into the plans, and for other purposes; to the Committee on Education and Labor.

By Ms. DELAURO (for herself, Mr. LARSON of Connecticut, Mr. MURPHY of Connecticut, Mr. COURTNEY, and Mr. SHAYS):

H.R. 6834. A bill to designate the facility of the United States Postal Service located at 4 South Main Street in Wallingford, Connecticut, as the ''CWO Richard R. Lee Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. HALL of New York:

H.R. 6835. A bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions; to the Committee on Ways and Means.

By Mr. MCCOTTER:

H.R. 6836. A bill to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the ''John J. Shivnen Post Office

Building''; to the Committee on Oversight and Government Reform.

By Mr. PORTER:

H.R. 6837. A bill to designate the facility of the United States Postal Service located at 7925 West Russell Road in Las Vegas, Nevada, as the ''Private First Class Irving Joseph Schwartz Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. SCOTT of Virginia (for himself and Mr. GOHMERT):

H.R. 6838. A bill to establish and operate a National Center for Campus Public Safety; to the Committee on the Judiciary.

By Mr. SIMPSON:

H.R. 6839. A bill to designate a previously unnamed peak in the Sawtooth Wilderness of the Sawtooth National Forest in the State of Idaho as ''Mount Ernie Day''; to the Committee on Natural Resources.

By Mr. POE:

H. Res. 1414. A resolution congratulating the United States Olympians of the 2008 Beijing Olympics; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR:

H. Res. 1415. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Stephanie Tubbs Jones, a Representative of the State of Ohio; considered and agreed to.

By Mr. BOUSTANY:

H. Res. 1416. A resolution honoring Dr. Michael DeBakey for his lifetime of accomplishments; to the Committee on Energy and Commerce.

By Mr. MURPHY of Connecticut:

H. Res. 1417. A resolution expressing the sense of the House of Representatives that all public elementary schools and public secondary schools should display a copy of the Declaration of Independence, the Constitution, and the Bill of Rights; to the Committee on Education and Labor.

By Mr. SARBANES (for himself, Mr. HOYER, Mr. GILCHREST, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. RUPPERSBERGER, Mr. BARTLETT of Maryland, Ms. EDWARDS of Maryland, Ms. NORTON, Mr. DAVIS of Illinois, Mr. TOWNS, Mrs. MALONEY of New York, Ms. MCCOLLUM of Minnesota, Ms. WATSON, Mr. YARMUTH, Mr. HOLDEN, Mr. MCGOVERN, Mr. BURTON of Indiana, Mr. GRIJALVA, Mr. POE, Mr. DOYLE, Mr. HODES, Mr. CARSON, Mr. SPACE, Mr. ARCURI, Mr. COHEN, Mr. HINCHEY, Mr. SHAYS, Ms. HIRONO, Ms. BORDALLO, Mr. FARR, Mr. UDALL of Colorado, Mr. DREIER, Mr. HASTINGS of Washington, Mr. SESSIONS, Mr. BISHOP of Utah, Ms. CASTOR, Mr. WELCH of Vermont, Mr. CARDOZA, Ms. SUTTON, Ms. MATSUI, Ms. CLARKE, Mr. SERRANO, Mr. BISHOP of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. HARE, Mr. PALLONE, Mr. SIRES, Mr. WEXLER, Mr. PERLMUTTER, Mr. SESTAK, Mr. PATRICK MURPHY of Pennsylvania, and Mr. GEORGE MILLER of California):

H. Res. 1418. A resolution congratulating Michael Phelps, 2008 Beijing Summer Olympics champion swimmer, on winning 8 gold medals in the Games of the XXIX Olympiad and becoming one of the most highly decorated athletes in Olympic history; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MUSGRAVE:

H.R. 6840. A bill for the relief of Arsen Mkrtchyan, Hrach Mkrtchyan, and Elmira Poghosyan; to the Committee on the Judiciary.

By Mr. TANCREDO:

H.R. 6841. A bill for the relief of Thomas J. Sherlock; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 145: Mr. SHAYS.
H.R. 343: Mrs. GILLIBRAND.
H.R. 368: Ms. ESHOO.
H.R. 405: Mr. ABERCROMBIE.
H.R. 411: Mr. CRENSHAW.
H.R. 549: Mr. HOEKSTRA.
H.R. 618: Mr. MARCHANT.
H.R. 619: Mr. WEINER.
H.R. 758: Mr. SARBANES.
H.R. 769: Mr. ADERHOLT.
H.R. 820: Mr. PAYNE.
H.R. 940: Ms. JACKSON-LEE of Texas.
H.R. 971: Mr. CUMMINGS and Mr. BROWN of South Carolina.
H.R. 1063: Mr. MORAN of Kansas.
H.R. 1078: Mr. LYNCH.
H.R. 1110: Mr. ADERHOLT.
H.R. 1153: Mr. MCHUGH.
H.R. 1178: Mr. ALTMIRE.
H.R. 1223: Mr. ROSS and Mr. CUELLAR.
H.R. 1228: Mr. PRICE of North Carolina.
H.R. 1279: Mr. SMITH of New Jersey, Mr. STARK, and Mr. DOGGETT.
H.R. 1280: Mr. LEWIS of Georgia, Mr. PAYNE, Mr. KENNEDY, and Mr. WELCH of Vermont.
H.R. 1295: Mr. MCHENRY.
H.R. 1322: Ms. SHEA-PORTER.
H.R. 1554: Ms. JACKSON-LEE of Texas.
H.R. 1588: Mr. FILNER.
H.R. 1590: Mr. MEEKS of New York.
H.R. 1621: Mr. KUCINICH.
H.R. 1650: Mr. MELANCON and Mr. BRALEY of Iowa.
H.R. 1653: Mr. SIRES.
H.R. 1673: Mr. BAIRD.
H.R. 1738: Mr. MORAN of Kansas and Ms. KAPTUR.
H.R. 1776: Mr. BOUCHER.
H.R. 1903: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1983: Mr. STARK.
H.R. 2047: Mr. LIPINSKI.
H.R. 2092: Ms. BALDWIN and Mr. HINCHEY.
H.R. 2169: Ms. LINDA T. SÁNCHEZ of California, Ms. WATSON, and Ms. RICHARDSON.
H.R. 2236: Mr. LEVIN.
H.R. 2241: Mr. ABERCROMBIE.
H.R. 2275: Ms. JACKSON-LEE of Texas.
H.R. 2371: Mr. KILDEE.
H.R. 2472: Mr. KAGEN and Mr. COURTNEY.
H.R. 2514: Mr. MAHONEY of Florida.
H.R. 2567: Mr. STEARNS.
H.R. 2606: Mr. FARR, Mr. BOSWELL, Mr. LYNCH, Mr. HALL of New York, Mr. JONES of North Carolina, and Mr. KILDEE.
H.R. 2691: Mr. MORAN of Kansas.
H.R. 2694: Mr. BOUCHER.
H.R. 2713: Mrs. MUSGRAVE.
H.R. 2994: Mr. LOEBSACK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SESTAK.
H.R. 3035: Mrs. MUSGRAVE, Mr. SPRATT, Mr. SHUSTER, and Mr. BISHOP of New York.
H.R. 3051: Mr. HARE.
H.R. 3089: Mr. GARRETT of New Jersey.
H.R. 3186: Mr. GOODLATTE.
H.R. 3187: Mr. COURTNEY and Mr. BRALEY of Iowa.
H.R. 3202: Mr. CARSON.
H.R. 3326: Mr. COURTNEY, Mr. LARSON of Connecticut, Mr. BRALEY of Iowa, Mr. WEXLER, Mr. LYNCH, Mr. HIGGINS, Mr. KENNEDY, Mr. ISRAEL, Mr. OLVER, Mr. WELCH of Vermont, Ms. WASSERMAN SCHULTZ, Ms. LINDA T. SÁNCHEZ of California, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Mr. FILNER, Mr. BACA, Mr. SCHIFF, Mr. THOMPSON of Mississippi, Mr. RYAN of Ohio, Ms. HARMAN, Mr. GEORGE MILLER of California, Mr. ROTHMAN, and Ms. WOOLSEY.
H.R. 3334: Mr. RAMSTAD and Mr. PAYNE.
H.R. 3407: Mr. CUMMINGS.
H.R. 3439: Mr. ELLISON.
H.R. 3622: Mr. DONNELLY.
H.R. 3652: Ms. DELAURO and Mr. KENNEDY.
H.R. 3689: Mr. NEAL of Massachusetts.
H.R. 3737: Mr. HOLT, Mr. HARE, and Ms. BALDWIN.
H.R. 3820: Mr. HAYES.
H.R. 3874: Mr. HAYES and Mr. HILL.
H.R. 3961: Mr. MICHAUD.
H.R. 4048: Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. CONYERS, and Ms. KILPATRICK.
H.R. 4088: Mr. SMITH of New Jersey and Mr. CAZAYOUX.
H.R. 4138: Mr. SMITH of New Jersey.
H.R. 4236: Mr. PALLONE, Mr. STARK, and Ms. VELÁZQUEZ.
H.R. 4329: Mr. HINCHEY and Mr. DEFAZIO.
H.R. 4335: Mr. BISHOP of New York.
H.R. 4613: Mr. LEWIS of Kentucky.
H.R. 4838: Mr. MICHAUD.
H.R. 4899: Ms. BORDALLO and Mr. PAYNE.
H.R. 4930: Mr. BUTTERFIELD and Mr. PETRI.
H.R. 4987: Mrs. SCHMIDT.
H.R. 4992: Ms. JACKSON-LEE of Texas.
H.R. 4993: Ms. JACKSON-LEE of Texas.
H.R. 5087: Mr. FOSTER.
H.R. 5161: Mr. STARK and Ms. BORDALLO.
H.R. 5167: Mr. GOODE.
H.R. 5268: Mr. SCOTT of Georgia, Ms. KILPATRICK, Mr. RODRIGUEZ, Mr. BACA, Mr. GORDON, and Ms. HIRONO.
H.R. 5404: Ms. SHEA-PORTER.
H.R. 5426: Mr. BUTTERFIELD.
H.R. 5441: Mr. KLEIN of Florida.
H.R. 5447: Mr. WEXLER.
H.R. 5450: Mr. WHITFIELD of Kentucky.
H.R. 5461: Ms. ROS-LEHTINEN.
H.R. 5546: Mr. STUPAK.
H.R. 5580: Ms. DELAURO.
H.R. 5595: Mr. MAHONEY of Florida and Mr. MICHAUD.
H.R. 5660: Mr. LYNCH.
H.R. 5672: Mr. MAHONEY of Florida.
H.R. 5698: Mr. FILNER and Mr. PRICE of North Carolina.
H.R. 5714: Ms. ROS-LEHTINEN, Mr. BISHOP of New York, Mr. MILLER of North Carolina, Mr. POE, Mr. BERRY, Mr. HINCHEY, Mr. ISSA, Mr. KLINE of Minnesota, Mrs. CAPITO, Mr. WELLER, Mr. PERLMUTTER, Mrs. EMERSON, Mrs. BACHMANN, Mr. SMITH of New Jersey, Mr. KAGEN, and Mr. TOWNS.
H.R. 5756: Ms. RICHARDSON.
H.R. 5762: Ms. LEE.
H.R. 5772: Mr. MCGOVERN.
H.R. 5784: Mr. GOHMERT.
H.R. 5793: Mr. DENT, Mr. PAYNE, Ms. FOXX, Mr. KUHL of New York, Mr. WESTMORELAND, Ms. PRYCE of Ohio, Mr. HASTINGS of Washington, Mr. MCHENRY, Mr. RODRIGUEZ, Mrs. MUSGRAVE, Mr. WAMP, Mr. DAVIS of Kentucky, Mr. SAXTON, and Mrs. DRAKE.

H.R. 5814: Mr. SHAYS, Mr. MCCOTTER, and Mr. ISRAEL.

H.R. 5823: Mr. REYES, Mr. LOEBSACK, Mr. SPACE, Mr. YOUNG of Florida, Mr. KILDEE, and Mr. FATTAH.

H.R. 5833: Ms. DELAURO.

H.R. 5852: Mr. PAYNE and Mr. GEORGE MILLER of California.

H.R. 5854: Mr. MILLER of North Carolina, Mr. HAYES, Mr. BROWN of South Carolina, Ms. BORDALLO, Mr. LEVIN, Mr. BACA, Mr. PLATTS, Mr. WILSON of South Carolina, Mr. MCCAUL of Texas, and Mr. OBERSTAR.

H.R. 5873: Mr. HINCHEY and Ms. SCHAKOWSKY.

H.R. 5936: Mr. LATHAM and Mr. COSTELLO.

H.R. 5950: Mr. LINCOLN DIAZ-BALART of Florida and Ms. MCCOLLUM of Minnesota.

H.R. 5971: Mr. WILSON of South Carolina.

H.R. 5977: Mr. HUNTER.

H.R. 5979: Mr. MCGOVERN and Mr. HINCHEY.

H.R. 6066: Ms. SLAUGHTER, Mr. HINCHEY, Mr. PAYNE, and Mr. SNYDER.

H.R. 6088: Ms. MCCOLLUM of Minnesota.

H.R. 6104: Mr. BISHOP of New York, Mr. MOORE of Kansas, Ms. BORDALLO, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. MORAN of Virginia, Mr. ABERCROMBIE, Ms. GIFFORDS, Mrs. CHRISTENSEN, Mr. CARSON, Mr. JEFFERSON, Mr. DOYLE, Mr. KENNEDY, and Mr. MILLER of North Carolina.

H.R. 6108: Mr. TIAHRT.

H.R. 6122: Mr. ROTHMAN.

H.R. 6153: Mr. HARE.

H.R. 6185: Mr. BARRETT of South Carolina.

H.R. 6274: Mr. BARRETT of South Carolina.

H.R. 6278: Mr. HINCHEY.

H.R. 6282: Mr. KIND and Mr. CALVERT.

H.R. 6293: Ms. JACKSON-LEE of Texas.

H.R. 6375: Mr. TOWNS, Mr. KIND, and Ms. BALDWIN.

H.R. 6379: Mr. BOREN.

H.R. 6385: Mr. REICHERT.

H.R. 6387: Mr. SHUSTER and Mr. TOM DAVIS of Virginia.

H.R. 6403: Ms. JACKSON-LEE of Texas.

H.R. 6434: Mr. DOGGETT.

H.R. 6453: Mr. MCHENRY.

H.R. 6458: Mr. BLUMENAUER and Mr. GRIJALVA.

H.R. 6460: Mr. MCHUGH and Mr. RYAN of Ohio.

H.R. 6462: Mr. BOREN, Mr. LUCAS, Mr. KING of New York, Mr. WALZ of Minnesota, and Mr. WU.

H.R. 6477: Ms. CLARKE.

H.R. 6485: Ms. ROYBAL-ALLARD, Mr. DAVIS of Illinois, Mr. FRANK of Massachusetts, Mr. YOUNG of Florida, Mr. Foster, Mr. ISRAEL, Mr. SERRANO, Mr. KENNEDY, Ms. ROS-LEHTINEN, and Mrs. TAUSCHER.

H.R. 6518: Ms. MCCOLLUM of Minnesota and Mr. BRADY of Pennsylvania.

H.R. 6528: Ms. ZOE LOFGREN of California.

H.R. 6559: Mr. JOHNSON of Georgia.

H.R. 6566: Mr. HASTINGS of Washington, Mr. BURGESS, Mr. SHADEGG, Mr. MILLER of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRENSHAW, and Mr. YOUNG of Alaska.

H.R. 6567: Mr. MARSHALL, Mr. LATHAM, Mr. GOODE, Mr. WOLF, and Mr. GORDON.

H.R. 6568: Mr. GORDON, Mr. BAIRD, Mr. ALLEN, Mr. SMITH of New Jersey, Mr. RANGEL, Mr. KING of New York, Mr. PLATTS, Mr. OLVER, Mr. MCNULTY, Mr. ABERCROMBIE, and Mr. MARSHALL.

H.R. 6577: Mr. KUHL of New York.

H.R. 6594: Mr. ISRAEL, Mr. WEXLER, Mr. SIRES, Mr. ROTHMAN, Mr. MURPHY of Connecticut, Ms. VELÁZQUEZ, Mr. KUHL of New York, Mr. WALSH of New York, Mr. LOBIONDO, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. CHANDLER, Mr. HARE, Ms. BERKLEY, Mr. GRIJALVA, Mr. CARSON, Mr. CROWLEY, Mr. DOYLE, Mr. ARCURI, Mr. HALL of New York, Mr. FILNER, Mr. AL GREEN of Texas, Mr. MEEKS of New York, Mrs. GILLIBRAND, Mr. BACA, Mr. WALZ of Minnesota, Mr. HINCHEY, Mr. PASCRELL, Ms. SUTTON, Mr. ABERCROMBIE, Ms. LEE, and Ms. DELAURO.

H.R. 6597: Mr. GONZALEZ, Mr. COHEN, Ms. ROS-LEHTINEN, Mr. SERRANO, and Mr. REYES.

H.R. 6598: Mr. COHEN, Mr. ALLEN, Ms. CORRINE BROWN of Florida, Mr. WAXMAN, Mrs. SCHMIDT, Mr. KING of New York, Mr. GILCHREST, Mr. BLUMENAUER, Mr. SERRANO, Mrs. TAUSCHER, Mr. PLATTS, Mr. WEXLER, Mr. KUCINICH, Mr. HINCHEY, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. YOUNG of Florida, Mr. KIRK, Mr. BERMAN, Mr. STARK, Ms. TSONGAS, Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. ABERCROMBIE, Mr. VAN HOLLEN, Mr. BROWN of South Carolina, Mr. DOYLE, and Mr. MCNULTY.

H.R. 6620: Mr. BISHOP of Georgia and Mr. TIERNEY.

H.R. 6630: Mr. GORDON, Mr. BERRY, Mr. MCHUGH, Mr. SALI, and Mr. CALVERT.

H.R. 6643: Mr. STARK, Mr. MCDERMOTT, Mr. HINCHEY, Mr. MORAN of Virginia, Mr. WAXMAN, Mr. TIERNEY, Ms. MCCOLLUM of Minnesota, and Ms. LEE.

H.R. 6680: Mr. BERMAN, Mr. HASTINGS of Florida, and Ms. BALDWIN.

H.R. 6687: Mr. SPACE and Ms. GIFFORDS.

H.R. 6691: Mr. BROUN of Georgia, Mr. KUHL of New York, Mr. LATTA, Mr. POE, Mr. AKIN, Mr. SENSENBRENNER, Mr. CHABOT, Mr. BURTON of Indiana, Mr. DAVID DAVIS of Tennessee, Mr. WHITFIELD of Kentucky, Mr. MCCAUL of Texas, Mr. MORAN of Kansas, Mr. SHUSTER, Mr. GINGREY, Mr. ENGLISH of Pennsylvania, Mr. WILSON of South Carolina, Mr. LEWIS of Kentucky, Mr. ROGERS of Kentucky, Mr. KLINE of Minnesota, Mr. REYNOLDS, Mr. WESTMORELAND, Mr. YOUNG of Alaska, Mrs. BLACKBURN, Mr. DAVIS of Kentucky, Mr. ROGERS of Alabama, Mr. BUCHANAN, Mr. TIAHRT, Mr. CULBERSON, Mr. BACHUS, Mr. JONES of North Carolina, Mrs. CAPITO, Mr. HIGGINS, Mr. WILSON of Ohio, Mr. BACA, Mr. COSTELLO, Mr. SAM JOHNSON of Texas, Mr. PETERSON of Pennsylvania, Mr. ADERHOLT, Mrs. BACHMANN; and Mr. GOODE.

H.R. 6695: Mr. MURPHY of Connecticut and Mr. BARTON of Texas.

H.R. 6701: Ms. SCHAKOWSKY, Mr. OLVER, Mr. FALEOMAVAEGA, Mr. GORDON of Tennessee, Mr. HOYER, Mr. ETHERIDGE, Mr. BRALEY of Iowa, Mr. MCINTYRE, Mr. POMEROY, Mr. WEINER, Mr. RODRIGUEZ, Mr. WU, Mr. PASCRELL, Mr. HINCHEY, Mrs. MCCARTHY of New York, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. KANJORSKI, Mr. HOLDEN, Mr. SALAZAR, Mr. OBERSTAR, Mr. CARDOZA, Ms. SPEIER, and Mr. SKELTON.

H.R. 6728: Mr. HASTINGS of Florida.

H.R. 6733: Mr. COSTELLO.

H.R. 6742: Mr. JOHNSON of Georgia.

H.R. 6772: Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Mr. BUCHANAN, Mr. MARIO DIAZ-BALART of Florida, Mr. STEARNS, Mr. BOYD of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. MACK, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, Ms. CASTOR, Mr. HASTINGS of Florida, Mr. KLEIN of Florida, Mr. MICA, Mr. PUTNAM, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FEENEY, Mr. KELLER of Florida, Mr. MEEK of Florida, Mr. MILLER of Florida, Mr. YOUNG of Florida, and Mr. WELDON of Florida.

H.R. 6798: Mr. KUHL of New York and Mr. MICHAUD.

H.R. 6826: Mr. OLVER and Mr. GORDON of Tennessee.

H. Con. Res. 81: Mr. DOOLITTLE and Mr. YOUNG of Florida.

H. Con. Res. 194: Mrs. MYRICK.

H. Con. Res. 223: Mr. WAMP, Mr. BURTON of Indiana, and Ms. HIRONO.

H. Con. Res. 333: Mr. PORTER.

H. Con. Res. 362: Mr. HALL of New York, Mr. FATTAH, Mrs. NAPOLITANO, Mr. CHANDLER, Ms. DEGETTE, Ms. TSONGAS, Ms. BORDALLO, and Ms. RICHARDSON.

H. Con. Res. 388: Ms. GRANGER and Mr. MICHAUD.

H. Con. Res. 393: Mr. RAMSTAD, Mr. STARK, Ms. KAPTUR, Mr. SESSIONS, Mr. DAVIS of Illinois, Mr. WAXMAN, Mr. HINCHEY, Mr. ALTMIRE, Ms. BERKLEY, Mr. PORTER, Ms. ZOE LOFGREN of California, Mr. PLATTS, Mr. GORDON of Tennessee, Mr. MCNULTY, Mr. FILNER, and Ms. WATSON.

H. Con. Res. 400: Ms. ZOE LOFGREN of California, Mr. TOWNS, Mr. CUMMINGS, Ms. MATSUI, and Ms. BERKLEY.

H. Res. 271: Mr. FRANKS of Arizona and Mr. BISHOP of New York.

H. Res. 389: Mr. DELAHUNT and Mr. SERRANO.

H. Res. 758: Mr. WAMP.

H. Res. 888: Mr. WELDON of Florida.

H. Res. 1000: Mr. MCGOVERN, Mr. SMITH of Washington, Mr. MELANCON, Mr. HILL, Mr. CAPUANO, Ms. MATSUI, Mr. TERRY, Mr. ENGEL, Mr. BOUCHER, Mr. INSLEE, Mr. FILNER, Ms. BALDWIN, Mr. MATHESON, and Mr. ROSS.

H. Res. 1042: Mr. CAMP of Michigan, Mr. ROTHMAN, Mr. WALZ of Minnesota, Mr. RODRIGUEZ, and Mr. SHAYS.

H. Res. 1064: Ms. JACKSON-LEE of Texas, Mr. UPTON, Mr. EHLERS, Mr. FARR, Mrs. CHRISTENSEN, and Ms. KILPATRICK.

H. Res. 1200: Mrs. LOWEY, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Mr. ORTIZ, Mr. HAYES, Mr. PERLMUTTER, Mr. HILL, and Mr. TURNER.

H. Res. 1222: Mr. COOPER.

H. Res. 1227: Mrs. TAUSCHER, Mr. DOGGETT, Ms. ZOE LOFGREN of California, Mr. SHAYS, Mr. FRANK of Massachusetts, and Mr. CAPUANO.

H. Res. 1319: Mr. WAMP and Mr. WAXMAN.

H. Res. 1338: Mr. BERMAN.

H. Res. 1352: Mr. LINCOLN DIAZ-BALART of Florida, Mrs. EMERSON, and Mr. BISHOP of New York.

H. Res. 1377: Ms. LEE, Mr. CROWLEY, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 1379: Mr. HONDA, Mr. SMITH of Washington, Mr. LEWIS of Georgia, Mr. INSLEE, Mr. STARK, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, and Mr. HINCHEY.

H. Res. 1383: Mr. FORTUÑO.

H. Res. 1390: Mr. MAHONEY of Florida, Mr. DANIEL E. LUNGREN of California, Mr. CHANDLER, and Ms. MOORE of Wisconsin.

H. Res. 1392: Mr. FRANK of Massachusetts, Mr. RAMSTAD, Mr. KILDEE, and Mr. KNOLLENBERG.

H. Res. 1395: Ms. ZOE LOFGREN of California.

H. Res. 1402: Mr. ROTHMAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative GEORGE MILLER of California or a

designee to H.R. 3036, the No Child Left Inside Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1619: Mr. COHEN.

H. Con. Res. 362: Mr. LEWIS of Georgia.

EXTENSIONS OF REMARKS

TRIBUTE TO PASTOR KENNETH L. BARNEY, SR.

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Pastor Kenneth L. Barney, Sr., upon the celebration on his 30th pastoral anniversary.

In July 1978, Pastor Barney and his wife, Sister Ellen Barney, accepted a pastorship at the Oakcrest Community Baptist Church in Laurel, Maryland. At the time, their congregation consisted of approximately seven members. As time went on, the membership began to grow, with worshippers coming from areas across the region. As an increasing number of members hailed from Baltimore, Pastor Barney and the congregation relocated to Randallstown in Baltimore County.

In March 1988, 10 years after becoming pastor at the Oakcrest Community Baptist Church, Pastor Barney and his congregation officially changed its name to the New Antioch Baptist Church. New Antioch Baptist Church is currently ministering to over 4,000 members through Pastor and Sister Barney and other church leaders.

In addition to his pastoral duties, Pastor Barney has delivered addresses at national councils and participated as a ''Discussion Leader'' in the 2008 Oxford Round Table held in Oxford, England. In addition, Pastor Barney traveled to Morocco as part of a 2004 U.S. delegation invited by King Mohammed VI. Along with his fellow delegates, Pastor Barney participated in a Muslim-Evangelical Christian dialogue with Moroccan heads of government and university students to help develop a friendship between the Muslim community in Morocco and the Christian community in the United States.

Madam Speaker, I ask that you join with me today to honor Pastor Kenneth Barney on the occasion of his 30th pastoral anniversary. The small congregation with whom he began his pastorship thirty years ago has multiplied into a membership of over 4,000 under his guidance. It is with great pride that I congratulate Pastor Barney on his significant contributions to the faith community in Maryland and around the world.

HONORING WILLIAM CERIONI

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. RADANOVICH. Madam Speaker, I rise to honor the life and accomplishments of William ''Bill'' Cerioni and to recognize him upon being named the ''Memorial Honoree'' by the Madera Chamber of Commerce. Mr. Cerioni was honored at a reception on Thursday, August 21, 2008, at the Fourth Annual Lifetime Achievement Awards and Board of Directors Installation Dinner.

Mr. Bill Cerioni was born and raised in Madera, California. His father owned and operated Cerioni's Clothing Store. As a child he would work in the store sweeping floors and washing windows earning 25 cents per week. Mr. Cerioni graduated from Madera High School and attended Fresno State University, now California State University, Fresno. He was in school for 2 years before he joined the military during World War II. He had dreams of becoming a Navy pilot; however, with poor vision, the Navy and the Army Air Forces turned him away. He did enlist with the Army Air Forces as a gunner and served in the 8th Air Force Division just outside of London, England.

In 1946, Mr. Cerioni became a partner at Cerioni's Clothing Store with his father. He had new ideas and wanted to broaden the clientele by providing a wider selection of merchandise and building a new store. In 1947 construction began and in 1949 the new store opened, which included a ladies' department. The family business experienced tremendous success. Mr. Cerioni's father passed away in 1962 and the business was left to him to operate. Remembering the family history of the store, Mr. Cerioni put his own sons to work in the store to continue the tradition of a father-son partnership.

Mr. Cerioni was an avid golfer. He and his golf partners, Attorney Denny Green and Dr. Ray Miles, decided to develop a private golf and country club. They purchased land with backing from a number of community members. With some hard work and perseverance, the doors of the Madera Golf Country Club were opened in 1954. He always took pride in what he did, and felt that his success was the result of providing quality services and products. Since he understood that success came from the community, it was important for him to show the same support to the community.

Beyond his business, golf and his family, he gave to his community. Mr. Cerioni was a member of the Madera Rotary Club for over 30 years, with perfect attendance for 28 of those years. He was a charter member of the 20/30 Club, involved in his church, member of the Madera Elks and was very active in the Madera Merchants Association and the Madera Chamber of Commerce. He assisted in launching the Downtown Parking Commission. Over the years, Mr. Cerioni was financially supportive to numerous local charities, including school activities.

As a young man, Mr. Cerioni met and married Francis Miller from Sanger, California. They have two children, Jeff and Craig; and four grandchildren Ryan, Tisha, Rori, and Bart.

Madam Speaker, I rise today to posthumously honor William ''Bill'' Cerioni for his dedication to his family, his business and his community. I invite my colleagues to join me in honoring his life and wishing the best for his family.

A TRIBUTE TO MARRITJE GREENE, RECIPIENT OF THE ST. MADELEINE SOPHIE AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. ESHOO. Madam Speaker, I rise today to honor Ms. Marritje Greene, a recipient of the prestigious St. Madeleine Sophie Award from Sacred Heart Schools. Established in the year 2000, the St. Madeleine Sophie Award honors individuals in the Sacred Heart community who have made a sustained and significant contribution to the schools and embody the goals and criteria of a Sacred Heart education. The individuals honored are selected by a committee comprised of the senior administrative team in conjunction with the chair of the board of trustees and are honored at a reception and at the Mass of the Holy Spirit, the first all-school liturgy of the school year. The recipients will be VIP guests at various SHS events throughout the year and featured in their alumni magazine, The Heart of the Matter, for their commitment to the mission of Sacred Heart education.

Marritje Greene was chosen along with three other distinguished recipients to be recognized with the award for her dedication to the goals and criteria of Sacred Heart Schools. Mother of three young adult children, Lindsay, Jamie (SHP 2004), and Charlie (SHP 2006), Ms. Greene has been a strong leader, supporter and resource within the Sacred Heart community, especially in her service on the SHS Board of Trustees. While her sons were students at SHS, she was active with the SHP Parents Association, where she actively participated in the annual auction, parent education seminars, and community building. Ms. Greene also initiated a gathering of the northern peninsula families to form a support community for those students and families that would be commuting to school. Wherever she saw a need, she filled it. She is entering her fifth year on the board of trustees and has served as the head of the major gifts committee and is a member of the development committee and the committee for trustees. She is a very ''quiet'' donor and never seeks praise or recognition. One friend says, ''her zest for life and charm makes others feel like participating and giving—all while enjoying themselves.''

Madam Speaker, I ask the entire House of Representatives to join me in honoring Ms. Marritje Greene as she is recognized by the St. Madeleine Sophie Award. Through her

many contributions to her family and friends, and especially the Sacred Heart community, she has more than earned the St. Madeleine Sophie Award. Through her special leadership and commitment to excellence, she has established a lasting legacy at Sacred Heart Schools and in the life of every student who comes through its distinguished halls. Our community and our country have been strengthened by Marritje Greene and it is a privilege to honor her and her work.

TRIBUTE TO THE 30TH ANNIVERSARY OF AFRO-IN BOOKS AND CAFÉ, INC.

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. MEEK of Florida. Madam Speaker, today I rise to recognize the 30th year of operation of the Afro-In Books and Café, Inc. in Miami, Florida. Three decades ago, founders Dr. Earl A. Wells and his wife Eursla Wells envisioned a community where people of all ages could congregate with hunger and thirst for the wisdom of their ancestors and explore all there is to know about the great people from which they come. All the while, the Afro-In Books and Café, Inc. has retained its prominence as Miami's oldest and largest black book store.

Founded in 1978, Afro-In Books and Things served as a meeting place for artists and intellectuals to discuss the important issues of the day. Both founders are retired educators from the Miami-Dade County Public School System and fulfilled their dream of bringing quality books, periodicals, and literature to the inner city community of Greater Miami. Since its opening, the bookstore always made it a point to feature books written by and about people of color. Additionally, Dr. and Mrs. Wells were instrumental in the development of the Miami International Book Fair which has grown tremendously over the years. The Afro-In Books and Café, Inc. remains an annual participant in the book fair.

From 1996 to December 2005, the operation of Afro-In Books and Things was managed by Mr. William D.C. Clark and his wife Stephana, who is the grand-daughter of Miami pioneer Dr. D.A. Dorsey. They significantly expanded the selections offered in the bookstore. In February 2006, Afro-In Books and Things was obtained by Ms. Jamila Capp and her father, Dr. Larry Capp. The bookstore was renamed, Afro-In Books and Café, Inc. and was remodeled to include a café, patio dining, and Internet services.

Currently, the new Afro-In Books and Café, Inc., has hosted many book-signings by such luminaries as Dr. Rudy Crew, Paul Robeson Jr. and many local authors. In addition, lectures, poetry readings, political, and community meetings are held regularly at the bookstore. Over the years, the Afro-In Books and Café, Inc., has hosted many celebrities including Maya Angelou, Jada Pinkett Smith, Will Smith, Bernadette Stanis, and many others.

Madam Speaker, please join me in applauding the Afro-In Books and Café, Inc. as it celebrates 30 years of synonymous quality and exceptional public service. From its early days, the bookstore has possessed a commitment to preserving history, educating the community, and upholding a determination to create an environment that welcomes all who are prepared to enrich their knowledge.

HONORING THE DRIVE FOR SUPPLIES PROJECT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize the achievement of the Drive for Supplies project, a community service program developed by Learn Shop, Inc., and implemented in conjunction with Montgomery County Public Schools (MCPS).

Since its creation in 1999 by Kevin and Louis Newcomer, founders of Learn Shop, Inc., the Drive for Supplies project has collected over $100,000 in school supplies. In 2008, thanks to the efforts of dedicated student and adult volunteers, Drive for Supplies collected and distributed over 15,000 pounds of school materials.

The supplies will be delivered to nonprofit agencies, county schools with a large number of low-income students, and needy schools in Washington, DC. With the help of international aid organizations, supplies will also make their way to needy children overseas.

Madam Speaker, I am honored to commend MCPS Superintendent Dr. Jerry Weast, Kevin and Louis Newcomer, and everyone involved in the Drive for Supplies project. At a time when it is critical for our country to be a leader in conservation and community service, Drive for Supplies is leading the way in instilling these important values in our students and throughout our community.

HONORING DR. RAO MUSUNURU

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. BILIRAKIS. Madam Speaker, I rise today to honor one of my outstanding constituents, Dr. Rao Musunuru, for receiving a Point of Light award from Florida Governor Charlie Crist.

The Governor's Point of Light program recognizes Florida residents who demonstrate exemplary service to their communities. Dr. Musunuru deserves this award for his longstanding and ongoing efforts to raise health awareness in my west central Florida district.

Dr. Musunuru, who is one of my State's top cardiologists, has been a long-time proponent of promoting heart health and education. He has helped pass important State laws to improve health care, including the Florida Stroke Act, legislation I worked on in the State legislature before coming to Congress.

Dr. Musunuru has received many awards for his good work. The American Heart Association named him its "National Volunteer Advocate of the Year" in 2007 and its "National Physician of the Year" in 2005. Last year, Dr. Musunuru was appointed to serve on the National Heart, Lung, and Blood Advisory Council at the National Institutes of Health.

Madam Speaker, Dr. Musunuru's work has improved the lives of many of those I represent and is an example of what volunteerism and community service are all about. I congratulate him and wish him success in his future efforts.

CONGRATULATING DeLAY MIDDLE SCHOOL FOR EXCELLENCE IN MATHEMATICS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate DeLay Middle School of Lewisville, Texas, for being the recipient of the 2008 Intel Schools of Distinction Award for Mathematics Excellence.

DeLay Middle School has been honored as one of two middle schools in the United States to win a 2008 Intel Distinction Award, and was the only middle school nationwide recognized for excellence in math by Intel. For this prestigious award DeLay Middle School will be given a package of a $10,000 cash grant and curriculum supplies including hardware and software valued at more than $160,000.

The Intel Schools of Distinction Award is given annually to six schools that have demonstrated exemplary instruction in the subjects of mathematics and science. By winning this award, DeLay Middle School marks itself as an institution committed to providing outstanding education, a role model to other schools in our Nation.

I commend DeLay Middle School of Lewisville. Their hard work and desire to excel deserves the highest recognition and congratulations. I'm very proud to represent these students, teachers, and faculty in the U.S. House of Representatives.

HONORING ISAAC LEE HAYES, JR.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. LEE. Madam Speaker, I rise today with a heavy heart and great sadness. On August 10, 2008, our Nation lost one of its greatest artists, composers, and actors. Mr. Isaac Lee Hayes, Jr., was a bright light who inspired many and contributed immensely to the fabric of our society. Although his energy and love for life will be sorely missed, there is no doubt that his legacy will continue far into the future and motivate generations of people from all walks of life for years to come.

Mr. Hayes was born on August 20, 1942, in Covington, TN. An acclaimed singer-songwriter, musician, producer, composer, and actor, he was admired and loved by all who

knew him. Mr. Hayes was a self-taught musician who, at the age of 22, was hired by Stax Records of Memphis to play backup piano and saxophone for the legendary Otis Redding. Isaac literally helped bring southern soul music into the 20th century, writing such hits as ''Hold On, I'm Coming'' and ''Soul Man'' with his partner, Mr. David Porter. His recording success continued with such timeless albums as Hot Buttered Soul and Black Moses. His 1971 ''Theme from Shaft'' won the Oscar for Best Original Song, making him the first African-American singer-songwriter to win this coveted award. He also won several Grammy Awards for his work.

By the early 1970s, Mr. Hayes was working with chart-topper Barry White. As an actor, Hayes played the title character in the 1974 action film Hot Truck Turner and he had a recurring role in the 1970s TV police drama The Rockford Files. Most recently, he appeared in the 2005 film Hustle & Flow. In 2002 Isaac Lee Hayes, Jr., was inducted into the Rock and Roll Hall of Fame.

Isaac was talented beyond belief, however this was only one of his monumental attributes. At his core, Isaac Hayes was a humanitarian, activist, and tireless advocate for what is good and right in the world. He was a man of deep convictions and even deeper compassion for those most in need. In 1992, he was crowned an honorary king of Ghana's Ada District as a token of thanks for his humanitarian work in the region. His limitless contributions to African-American society and the diverse populations of the continent of Africa simply can not be overestimated.

With the sad loss of Isaac Hayes, today the world has a little less soul. His work as head of the Isaac Hayes Foundation serves as an inspiration to us all. Those who knew him personally will forever be grateful for having Isaac in our lives.

I met Isaac in the early 1990's during a visit to Ghana. We became close friends and had many discussions about our love for and connections to our motherland. He shared with me his excitement about the many things he was doing for his village in Ghana and his deep commitment to making life better for the people there, especially the children of his village. Later, Isaac became a dedicated supporter of my efforts in Congress and for that I am deeply grateful. The world has lost a wonderful, brilliant warrior and many have lost a genuine friend. I know that his legacy and his memory will live on through the lives that he touched.

A family man, Isaac had many loving children, grandchildren, and great-grandchildren. He leaves behind innumerable friends and loved-ones, including his wife, Adjowa, and his two-year old son, Nana Kwadjo Hayes. My thoughts and prayers are with Isaac's family. I know how much he loved his family and words can not express my sympathy over this tremendous loss. On behalf of California's Ninth Congressional District, we salute this great talent and spirit by honoring his legacy. Isaac Lee Hayes, Jr., will be sorely missed. May his soul rest in peace.

HONORING THE 50TH ANNIVERSARY OF THE CENTRAL FAIRFAX CHAMBER OF COMMERCE

HON. TOM M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor the Central Fairfax Chamber of Commerce as it celebrates its 50th anniversary.

Since its inception in 1958 as the Court House Square Businessmen's Association, the chamber has grown from 27 members to over 900. Despite its tremendous growth, the Central Fairfax Chamber of Commerce has continued to focus on the prosperity of small businesses, community involvement and being a liaison between business and government throughout the Fairfax region.

The Fairfax Boulevard Partnership, sponsored by the Central Fairfax Chamber of Commerce, is a perfect example of the organization's foci. The plan for this partnership is to stimulate new energy and development along the Fairfax Boulevard and Lee Highway (Rtes. 50/29) business corridor. Ultimately, this would increase economic viability, create an identity for the corridor, improve the aesthetic environment and foster business development. Vitalization of this area will turn ''commuters into consumers'', enticing those passing through to see the area not only as their route home but as an economic center.

The Central Fairfax Chamber of Commerce also takes an active role in enhancing the surrounding community through local events. The chamber sponsors events such as: The Margaret Kilpatrick Adams Scholarship Program, Cox's Movies under the Moon, George Mason University Halloween Child Safety Program and Robinson Secondary School DECA Intern Day. Their level of community involvement not only makes them a leader in local business but a leader in their community as well.

According to the Washington Business Journal, the Central Fairfax Chamber of Commerce is among the top 10 chambers in the country. The chamber facilitates a bond between local business leaders and State and local officials. This creates unique opportunities to interact while invigorating the economy of Fairfax.

Madam Speaker, in closing, I would like to congratulate the Central Fairfax Chamber of Commerce on 50 years of success. They have become a strong organization committed to serving the interests of their members and their communities. I call upon my colleagues to join me in applauding the chamber members' past accomplishments and in wishing them the best of luck in the many years to come.

HONORING MAURICE CAPPELLUTI

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. RADANOVICH. Madam Speaker, I rise to honor the achievements of Maurice Cappelluti and to congratulate him upon being honored with the ''Lifetime Achievement Award'' by the Madera Chamber of Commerce. Mr. Cappelluti was honored on Thursday August 21, 2008, at the Fourth Annual Lifetime Achievement Awards and Board of Directors Installation Dinner.

Mr. Maurice Cappelluti was born on February 23, 1930, in Madera, CA. He attended Lincoln Elementary School and graduated from Madera Union High School in 1947. A year later he graduated from the National Institute of Dry Cleaning in Silver Spring, MD. In November 1948, Mr. Cappelluti enlisted in the California Army National Guard and graduated from Officer Candidate School in 1953. He became a second lieutenant and commanded the Madera unit for 3 years. He then transferred to the Army Reserve 6237th School as an instructor for Command and General Staff Studies. He was promoted to Assistant Commandant for the Fresno School and served in that position for 4 years. He was then promoted to colonel and transferred to standby reserve. In 1965 he was awarded a Medal of Merit for his instrumental role during the Watts Riots. In 1966 he joined the Army Reserve. Mr. Cappelluti retired as a Colonel in 1990.

During his time with the California National Guard, Mr. Cappelluti married Marie Bonandrini. Later, he entered into a family business with his parents, Madera Dry Cleaners. His brother joined the business and in 1965 he and his brother purchased the business from their parents. This business was sold to his son in 1999.

Mr. Cappelluti is an active member of Saint Joachim's Church. He served on the Parish Council, was cochairman of the Thanksgiving Dinner Dance, cochairman of the Harvest Festival and has served on numerous other church committees. He also serves outside of the church. Once a week for the past 4 years, Mr. Cappelluti, has cooked at the Holy Family Table, which provides meals for homeless families in Madera. He is a charter member of the 20–30 Club and he was a member of the Madera Kiwanis Club for 35 years. He served as a board member for 5 years for the Red Cross Madera board. Mr. Cappelluti was a trustee for the Madera Cemetery Board for 23 years, and was named the 2008 ''Trustee of the Year'' by the California Association of Public Cemeteries. He has also served on the boards of San Joaquin Memorial High School, Madera Hospital Foundation and was a member of the Young Men's Institute for over 60 years.

Madam Speaker, I rise today to commend and congratulate Maurice Cappelluti upon being awarded with the ''Lifetime Achievement Award.'' I invite my colleagues to join me in wishing Mr. Cappelluti many years of continued success.

TECHNICAL CORRECTION OF H.R. 6385 ORIGINAL COSPONSORSHIP

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. KIRK. Madam Speaker, please let the record show that Representative DAVE

REICHERT was an original cosponsor of the Apollo Energy Independence Act, H.R. 6385, and was integral to the introduction of this legislation. Congressman REICHERT was left off of the original cosponsor list due to administrative error.

HONORING SEAN ROONEY AND THE U.S. OLYMPIC MEN'S INDOOR VOLLEYBALL TEAM

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. ROSKAM. Madam Speaker, I rise today to honor the remarkable accomplishments of Sean Rooney of Wheaton, Illinois, and his contributions to the 2008 U.S. Olympic Men's Indoor Volleyball Team's triumph to win the gold medal in the 2008 Olympics in Beijing.

At Wheaton-Warrenville South High School in my district, Sean was a standout player who garnered Illinois State Player of the Year honors and led his team to a State championship in 2001. He then went on to Pepperdine University, where he became one of their top players and helped lead them to a national championship in 2005. After graduating in 2005, Sean continued to pursue his love of the sport, playing professionally for 2 years.

Then, Sean was selected to represent his country on the international stage as a member of the United States' Men's Indoor Volleyball Team in the Games of the XXIX Olympiad in Beijing, China. As the competition was beginning, though, the team faced a tragic setback when Todd Bachman, the father-in-law of the team's coach, Hugh McCutcheon, was fatally stabbed and his wife was seriously injured following an act of random, senseless violence.

In the face of this adversity, the team rallied behind their coach and his family to win three games. When their coach returned for the remainder of the tournament, the team won five more games, including an incredible upset victory over the top-ranked team from Brazil to win the Gold Medal.

The Olympic Games are a time for countries to come together in the spirit of competition and sportsmanship. They are a time to showcase the best our country has to offer. Sean Rooney and the Men's Volleyball Team showed outstanding courage, commitment and athleticism at the Beijing Olympics and our country couldn't be more proud.

Madam Speaker and distinguished colleagues, please join me in recognizing Sean Rooney and the entire Men's Indoor Volleyball Team for their remarkable performance in the 2008 Beijing Olympic Games.

HONORING THE DEDICATION OF RUDDER HIGH SCHOOL IN BRYAN, TEXAS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. EDWARDS of Texas. Madam Speaker, I rise today to honor James Earl Rudder High School in the community of Bryan-College Station, Texas.

It was a privilege to take part in the dedication ceremony because the Rudder family has had a very personal impact on my life. Mrs. Earl Rudder was like a second mother to me, although in fairness, I should point out that she effectively adopted thousands of Aggies over several generations. That did not make her any less special to me, and I want to thank the Rudder children—Ann, Linda, Bud and Bob—for sharing for so many years your mother and father with all of us in your extended Aggie family.

I never met General Rudder, because he died just months before I enrolled at A&M in 1970, but like every American and every citizen of the world who benefited from the defeat of Nazi forces in World War II, I am the beneficiary of his indomitable courage on D-day, which marked the beginning of the end for Hitler's plan of world domination.

In a more personal way, I paid for my graduate school education with the scholarship I received when I was awarded the Earl Rudder Award upon my graduation from A&M in 1974. Nevertheless, receiving that award has always been a source of deep humility to me, because I know that I could not even walk in the shadows of this great American's shoes.

I want to salute the school board members, Superintendent Cargill, Principal Piatt, and all who made this new school possible. James Earl Rudder High School is far more than brick, glass, and mortar, because a school represents the very best of our values as a community. This school represents the commitment of one generation to the next. It represents this community's willingness to tax itself to ensure that its children have a fair chance to reach their highest God-given potential.

It is in our schools and houses of worship that we witness our best sense of community, a sense that we truly are our brothers' keepers. It is in our schools that we Americans strive to provide for equality of opportunity for all. Ours is an imperfect, never ending journey, but in that march toward equality for all, we show our greatness and goodness as a nation.

Thomas Jefferson was the 33-year-old author of our Declaration of Independence. He was our third and one of our greatest Presidents. Yet, before he died, he made it clear that he wanted it etched on his gravestone that he was the founder of a university. In his wisdom, Thomas Jefferson understood the importance of education to our democracy.

Two centuries later, I believe that each of you who played a role in founding James Earl Rudder High School shares the right to be proud of your accomplishment. It is my hope that the life and values of Earl Rudder will be an inspiration to every student here from this day forward. We should never forget the story of Earl Rudder, because his is the story of the American spirit. It is a story from which we can all learn.

Born in the small town of Eden, Texas, Earl Rudder did not inherit material wealth, but his family, faith and education helped mold a true leader. Like so many Americans, he dedicated his life to helping others, to serving his country.

After graduating from Texas A&M in 1932, Earl Rudder was commissioned as a second lieutenant in the U.S. Army Reserve. He then chose the noble profession of teaching—first as a coach and teacher at Brady High School and later at Tarleton State College. In 1941, his country called him to duty, and did he ever answer that call. Rising through the ranks because of his integrity, courage and leadership skills, he was chosen to lead the 2nd Ranger Battalion by one of the most respected generals to ever serve in the U.S. Army, GEN Omar Bradley.

His D-day mission was to lead the best of the best up the 100-foot cliffs of Pointe du Hoc to disarm massive German guns that could have killed thousands of American G.I.s and put the Allied invasion of France at risk.

General Bradley said this about the responsibility given then LTC Earl Rudder: ''No soldier in my command has ever been wished a more difficult task than that which befell the thirty-four-year-old Commander of this Provisional Ranger Force.''

Two hundred and twenty-five Rangers began their mission on that perilous day when literally the fate of the world was in their hands. Only 99 survived, but because of the heroism of Earl Rudder and Rudder's Rangers that day, our world survived the tyranny of Adolf Hitler. Lieutenant Colonel Rudder, this great Aggie and American, didn't stop there. He went on to lead a unit in the Battle of the Bulge and became one of the most decorated veterans of World War II.

Having every right to say his public service was completed at the end of World War II, Earl Rudder did what so many of America's veterans have done throughout our history. He spent the rest of his life in service to others and to the country he loved. He moved back to Brady, Texas, and became its mayor. He was elected Land Commissioner of Texas, a position he used to clean up abuses in veterans' land programs.

When he became the president of Texas A&M University, his beloved alma mater, Earl Rudder told his close classmate of '32 and my mentor, Congressman Olin E. Teague, that he had to make a decision that in some ways brought more heat on him than German guns at Pointe du Hoc. He decided to allow women into A&M and to make the Corps of Cadets voluntary for A&M students.

Some Aggies didn't talk to President Rudder ever again. But, just as he did on D-day, Earl Rudder showed the courage of his conviction. Just as D-day literally helped save the world as we know it, President Rudder's decision in the 1960s saved the future of Texas A&M. It was, perhaps, the most important decision ever made by any president of Texas A&M, and I am not sure if any other person but Earl Rudder could have made it. In 1967, President Lyndon Johnson presented Earl Rudder with the Distinguished Service Medal, our Nation's highest civilian award.

Love of faith, family, and country; courage under fire; integrity; and lifelong service to others—these were the values of Earl Rudder. They are the quintessential American values that have made ours the greatest Nation in the world.

My hope is that the story and values of Earl Rudder will inspire the lives of everyone who

walks through these doors for generations to come. If so, then ours will be a better community and a better country, and we will have truly honored the service of this American hero.

May God bless James Earl Rudder High School and all who will serve there.

TRIBUTE TO MARGARET HOELZER

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. CRAMER. Madam Speaker, I rise today to pay tribute to an outstanding individual from my district, Ms. Margaret Hoelzer.

Ms. Hoelzer, an accomplished swimmer, recently competed in the 2008 Summer Olympic Games in Beijing where she earned a Silver Medal in the women's 200m backstroke and a Bronze Medal in the women's 100m backstroke. In addition, she and her teammates were awarded a Silver Medal in the women's 4xl00m medley relay. A two-time Olympian, Ms. Hoelzer also competed in the 2004 Summer Olympic Games in Athens, where she placed fifth in the 200m backstroke.

While her Olympic successes are certainly impressive, Ms. Hoelzer's swimming career includes numerous other medals and honors, both in U.S. and international competition. She is the former world record holder and world champion in the 200m backstroke. She was the silver medalist in the 200m backstroke at both the 2003 and 2005 World Championships, and she won her first U.S. national title in the 200m backstroke at the 2005 World Championship Trials.

In addition to her many accomplishments in the sport of swimming, her activities outside the pool truly distinguish Margaret Hoelzer as a champion. When she's not swimming, Ms. Hoelzer is a mentor and role model to the young people who take part in her youth swim clinics. As a motivational speaker, she takes her "if you put your mind to it, anything is possible" message of perseverance to countless children in her community. In addition, Ms. Hoelzer volunteers at the National Children's Advocacy Center in Huntsville, where she works with abused children. Upon completion of her master's degree in sociology at Auburn University, she hopes to continue her work with abused children as a psychologist.

On Thursday, September 4, 2008, Ms. Hoelzer was honored with a reception in her hometown of Huntsville, Alabama. There Ms. Hoelzer's family, friends, and community celebrated her accomplishments and contributions to the sport of swimming. I rise to join them in their tribute and to thank Ms. Hoelzer for her service to our community.

HONORING RICHARD GRIFFIN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life of longtime Richmond City Councilmember Richard Griffin. A tireless public servant and proud resident of the East Bay, Mr. Griffin passed away Wednesday, August 13, 2008. He was 74 years old.

Richard Griffin was born in 1934. He lived in the city of Richmond for 37 years, and served in the United States Armed Forces. Mr. Griffin served as a public school teacher and principal in Oakland before embarking on a formal political career. As an educator, he was an active union member in the United Administrators of Oakland Schools, Local 83.

Richard was a strong believer in the importance of good mentors for our young people, and an unwavering advocate for the right to a quality education for all. Richard was an excellent role model for our youth, especially African-Americans. He never tired of working to level the playing field so that the bright, young, talented students whom he taught would have the best opportunities to pursue fulfilling and successful lives.

Mr. Griffin held degrees in both chemistry and biology biology from San Francisco State University. He later earned a master's degree in Education. In addition to teaching, his career included diverse experiences, such as working as a microbiologist for Schlitz Brewery and as chief chemist for General Dynamics Corporation. An expert in his field, Richard was awarded three National Science Foundation Scholarships.

He later went on to spend more than two decades tirelessly serving the residents of Richmond as an esteemed member of their city council. He was appointed to his position on the city council in 1981 to fill a vacancy. His last term ended in 2006, when he decided not to seek re-election. During his tenure on the city council, he also served as vice-mayor.

His colleagues on the Richmond City Council remember him as extremely affable, charismatic, and passionate about the needs of the constituency he represented. Residents and city employees have described him as one of the most accessible elected officials, always available to listen and reach out to residents and city agencies and interested in addressing complex issues in a hands-on and collaborative fashion.

Mr. Griffin was widely known as a champion for the rights of senior citizens and was a strong advocate of redevelopment projects which would improve access for those with special mobility needs. He was also keenly involved in the development of Richmond's crime-prevention programs. Richard understood, however, that being "tough on crime" was not enough. He aimed, instead, to protect the populace and encourage the healthy development of city neighborhoods. During the early 1980s, his support helped firmly establish the police commission, which investigates allegations of police brutality and works to ensure that every person, even those who have been accused of committing a crime, are treated humanly and with dignity.

A man of faith, Richard was a dedicated member of St. John's Missionary Baptist Church. He always made time for community service and, in addition to contributing to the good work of his church, also served as the director of both the Richmond Girls Club and the Greater Richmond Social Service Corporation, respectively.

Richard was a man of great wisdom. He provided tremendous support to me when I ran for the State Senate in 1996. I am deeply grateful for his counsel, his assistance, and his friendship.

Today, California's 9th Congressional District salutes and honors Mr. Richard Griffin. Our deepest condolences go out to his loving wife, two sons, three grandchildren, and many friends and colleagues. We thank his family for sharing this exuberant and compassionate spirit with us. May his soul rest in peace.

RECOGNIZING THE DEDICATION OF DENNIS M. BARRY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Dennis M. Barry, as he retires as the Interim Director of Contra Costa County's Department of Conservation and Development, after 30 years of service.

Dennis M. Barry's career with the county encompasses 20 years with the Planning Department, later established as the Community Development Department, 10 years as Community Development Director, and 4 months as Interim Director of the Department of Conservation and Development.

In his role as Contra Costa County General Plan Review Program Manager in 1987, Barry led the General Plan Congress, which produced the first comprehensive update to the General Plan in over 25 years. As Director of Community Development, Barry spearheaded the Urban Limit Line through the County process including public hearings and adoption by voters. Throughout his career, Dennis M. Barry has been dedicated as a consummate planner and innovative leader.

Throughout his illustrious career, Dennis M. Barry received several awards for his service to the residents of Contra Costa County. These awards include the following: the Contra Costa County Employee of the Year in 1991, CSAC Challenge Award for the County Growth Management Program 1990, and for the Countywide General Plan in 1991; and CSAC Circle of Service Award.

Dennis M. Barry's outstanding service to Contra Costa County also included several policy changes that significantly impacted land use, housing projects and public safety. He assisted in drafting and placing Measure C on the ballot in 1990, which established the Contra Costa County 65/35 Land Preservation Plan. He drafted and brought Ordinance 96–50, Land Use Permits for Development Projects involving Hazardous Materials and Hazardous Wastes, for hearings. Barry was involved in the formation of the Dougherty Valley General Plan Amendment and Specific Plan, which requires 25 percent of the units to be occupied by low and moderate income families.

As Dennis M. Barry retires, I would like to thank him for his dedication to the quality of life for the residents of Contra Costa County, and his leadership in the field of planning. I wish him the best of luck in his future endeavors.

HONORING PAULA BARALDI

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. RADANOVICH. Madam Speaker, I rise to honor the achievements of Paula Baraldi and to congratulate her upon being honored with the ''Lifetime Achievement Award'' by the Madera Chamber of Commerce. Mrs. Baraldi will be honored at a reception on Thursday, August 21, 2008 at the Fourth Annual Lifetime Achievement Awards and Board of Directors Installation Dinner.

Mrs. Baraldi was born and raised in Madera, California to Enrico and Armanda De Cesario She has one younger brother, Robert. She graduated from Madera High School in 1946 and immediately began working for a public accountant. In 1951, she married Ralph Baraldi and moved to Huron, California. In 1954, they moved back to Madera. At this time, she, her husband and Louie Mariani started a redi-mix concrete plant. Her brother Robert had also opened his own business, De Cesari Stationery. Robert was called to service in Vietnam, so they sold the redi-mix business and acquired the stationery store. Mrs. Baraldi owned and operated De Cesari Stationery for many years. She believes her success has been due to her family, friends, great customers and strong work ethic.

Mrs. Baraldi has concentrated many of her efforts in community service to ensure that Madera would continue to grow as a friendly city and a solid place to raise a family. She served as director and treasurer for the board of directors of the Madera Chamber of Commerce. She participated in the Retail Merchants and Governmental Affairs Committee. She was heavily involved in the women's movement of the 1960s and 1970s. She has also been involved with the Soroptimist Club of Madera, Madera Historical Society, American Cancer Society, National Association of Republican Women, Association of Stationers, San Joaquin Paleontology Association and a member of Saint Joachim's Church.

Madam Speaker, I rise today to commend and congratulate Paula Baraldi upon being awarded with the ''Lifetime Achievement Award.'' I invite my colleagues to join me in wishing Mrs. Baraldi many years of continued success.

A TRIBUTE TO MICHAEL MURPHY, RECIPIENT OF THE ST. MADELEINE SOPHIE AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. ESHOO. Madam Speaker, I rise today to honor Mr. Michael Murphy, a recipient of the prestigious St. Madeleine Sophie Award from Sacred Heart Schools. Established in the year 2000, the St. Madeleine Sophie Award honors individuals in the Sacred Heart community who have made a sustained and significant contribution to the Schools and embody the goals and criteria of a Sacred Heart education. The individuals honored are selected by a committee comprised of the senior administrative team in conjunction with the Chair of the Board of Trustees and are honored at a reception and at the Mass of the Holy Spirit, the first all-school liturgy of the school year. The recipients will be VIP guests at various SHS events throughout the year and featured in their alumni magazine, The Heart of the Matter, for their commitment to the mission of Sacred Heart education.

Michael Murphy was chosen along with three other distinguished recipients to be recognized with the award for his dedication to the goals and criteria of Sacred Heart Schools. Michael (Mike) Murphy; father of Patrick (SHP 2007), has been teaching at St. Joseph's School of the Sacred Heart for 16 years as a middle school teacher. Mr. Murphy was also ordained a permanent deacon for the Archdiocese of San Francisco in 2006. As classroom teacher and deacon, Mr. Murphy has provided spiritual guidance for his students while encouraging them to examine their spiritual lives. He challenges his students to be aware of social justice issues and to engage in service learning. Through discipline, humor and hard work, Mr. Murphy makes a difference in the lives of his students. He stepped in as interim principal for St. Joseph's for the 2007–08 school year and he accepted the role graciously and proved an effective leader for a community in need. Under his strong leadership, the St. Joseph's community reestablished many of its outreach efforts, developed a master plan for new construction and began the first year of a five-year strategic plan.

Madam Speaker, I ask the entire House of Representatives to join me in honoring Michael Murphy as he is recognized by the St. Madeleine Sophie Award. Through his many contributions to his family and friends, and especially the Sacred Heart community, he has more than earned the St. Madeleine Sophie Award through his special leadership and commitment to excellence. He has established a lasting legacy at Sacred Heart Schools in the life of every student who comes through its distinguished halls. Our community and our country have been strengthened by Michael Murphy and it is a privilege to honor him and his work.

HONORING REVEREND CHARLES BELCHER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. LEE. Madam Speaker, I rise today to honor the wonderful life of Reverend Charles Belcher. His vibrant spirit, insatiable commitment to service, and his unwavering compassion for the human family will be sorely missed by all those who had the honor of knowing him and coming in contact with his ministry. We lost this exceptional community leader and dedicated man of God on August 9, 2008.

Reverend Charles Belcher was born on January 17, 1939, in Schaal, Arkansas, to his loving mother, Lottie Belcher, and her husband, the late Reverend Jim Belcher. At the young age of 5, Charles' family moved to California. Although this was in some way the adopted home of his family, the contributions Reverend Belcher and his parents made to the Greater Bay Area are humbling in their sincerity and magnitude.

Education and personal growth were always extremely important values to Reverend Belcher, which he fostered throughout his life and promoted among the many young people that looked up to him. Charles Belcher graduated with honors from El Cerrito High School. He earned his bachelor's degree from Utah State University and later received a master's degree in divinity from San Francisco Theological Seminary. He would go on to earn a prestigious PhD from Ashland Theological Seminary. Reverend Belcher married Ms. Ethel Scott with whom he had a daughter, Kimberly, and a son, Charles II. At age 57, he married Ms. Doris Denson, and his loving family grew with the addition of Doris' children Bonita, Tony, Dana, and Sheila.

Reverend Belcher was widely known as a spiritual leader with great integrity and honor. In the Bay Area he served at numerous churches, including the St. Peter CME Church in El Cerrito, the Bee Bee Memorial CME Cathedral in Oakland, and most recently the Resurrection AME Church of Richmond.

Reverend Belcher was a man of great faith and energy. He enthusiastically embraced every opportunity to serve congregations and communities throughout our Nation, bringing with him a keen empathy for the local community. His service extended to churches throughout the country including CMEs in Los Angeles, Oklahoma City, and Cleveland. Under the leadership of Bishop Vernon Byrd, Reverend Belcher became an Itinerate Elder in the African Methodist Episcopal Church at Bethel AME in San Francisco in 1997. Reverend Belcher served as the organizing pastor at two churches in California, the Upper Room Christian Church in Los Angeles and the Resurrection AME Church in Richmond. Reverend Belcher dedicated every day of his adult life to his passion for God and community development. At the time of his passing, the Reverend was serving as pastor of St. John AME Church in St. Louis, Missouri.

Reverend Belcher fought for justice and equality for African Americans, low-income families, and communities of color, and he worked tirelessly to make this a better world. His dedication to public service throughout the Bay Area is both diverse in its capacities and remarkable in its scope. In 2001, he was elected to the Richmond City Council where he served a 4-year term. In addition to serving the city of Richmond, Reverend Belcher worked as an administrative assistant to Oakland Mayor Lionel Wilson. He was a member of the Peralta Community College District board and served on the board of the NAACP's Richmond branch.

I met Reverend Belcher while a student at Mills College in the early 1970s. I attended a class he taught and was amazed by his keen intellect, his deep insight, and his determination to teach and speak the truth.

The contributions Reverend Belcher made to his community throughout his life are innumerable. He was a true inspiration, and an exceptional role model, especially for young men and women of color striving to build up their communities, contribute to their neighborhoods, and improve their opportunities so that they may pursue productive and full lives. His legacy will surely live on through the lasting impact he made on so many lives.

Today, California's 9th Congressional District salutes and honors Reverend Charles Belcher. We extend our deepest condolences to his family and loved ones, especially his mother, Ms. Lottie M. Belcher, his wife, Ms. Doris Denson-Belcher, his children Kimberly and Charles II, his step-children Bonita, Tony, Dana, and Sheila, his grandchildren, and the many special members of his close and devoted family as well as his countless friends. May his soul rest in peace.

HONORING THE LIFE AND SERVICE OF DAN PACKER, CHIEF OF THE EAST PIERCE FIRE DEPARTMENT

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. SMITH of Washington. Madam Speaker, I rise to honor the memory of Dan Packer, chief of the East Pierce Fire Department, who recently died in the line of duty as he was helping to save lives and property from the wildfires burning in northern California. Dan was a veteran firefighter, respected leader, wildfire expert, as well as a father and a friend to many. His service to our community and his friendship will be sorely missed.

Originally from Montana, Dan was an avid rodeo bull rider and first joined the fire service in Burien, Washington, in 1981. He began serving as chief of the fire department in Bonney Lake in 1995 and was instrumental in joining several jurisdictions into an organization now known as the East Pierce Fire District. Today, East Pierce serves over 75,000 citizens across nearly 150 square miles with the support of more than 100 firefighters and staff members and 40 volunteers. Dan Packer also served as a president of the Washington Fire Chiefs.

As a part of a Washington State-based incident response team, Chief Packer was called to service to respond to wildfires that have affected more than 600 acres of Siskiyou County in northern California. In this role, he combated the Panther Fire and was preparing to assume the duties of the division supervisor for time—battling the blazes in the Klamath National Forest near the town of Happy Camp. Reports indicate that on Saturday, July 26, 2008, while scouting the fire, flames suddenly overcame Chief Packer and, tragically, he was not able to escape.

I extend my heartfelt condolences and prayers to the East Pierce Fire Department, the many firefighters who had the honor of serving at Dan Packer's side in both California and Washington State, and particularly to his wife, four daughters, two grandchildren, and his mother in this time of terrible grief and loss.

RECOGNIZING INTERNATIONAL LITERACY DAY

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. TIBERI. Madam Speaker, today we commemorate International Literacy Day, a day that provides us an opportunity to assess the status of literacy and adult learning both in our country and around the world.

While much progress has been made since the first Literacy Day 42 years ago, much remains to be done. According to United Nations estimates, some 774 million adults lack minimum literacy skills. One in five adults is still not literate and two-thirds of them are women.

Fortunately, there are countless organizations and individuals dedicated to ensuring that every man, woman and child has an opportunity to learn basic skills. In my home state, the Ohio Literacy Network has been meeting the needs of adult learners for 21 years. Since its inception in 1987, the network has played a leading role in promoting awareness of adult literacy needs, advocating on behalf of adult learners and service providers, encouraging public-private literacy efforts and facilitating the exchange of literacy information. In short, the Ohio Literacy Network is dedicated to building stronger communities by providing opportunities to any adult wanting to learn basic literacy skills.

I salute the Ohio Literacy Network, and similar organizations throughout the world, as they man the front lines in the battle to better the lives of individuals by improving their basic skills.

HONORING THE RETIREMENT OF CAPTAIN RUSSELL L. SHAFFER FROM THE UNITED STATES NAVY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor Captain Russell L. Shaffer, Judge Advocate General's Corps, United States Navy, who is retiring after more than 21 years of faithful service to our Nation, culminating in his service as the Department of the Navy's Director of Legislation.

After earning a bachelor of arts degree from Ohio Wesleyan University in 1983, Captain Shaffer was commissioned in 1985. He earned his juris doctorate degree from Case Western Reserve University School of Law in 1987, and began his active duty service in the Navy JAG Corps Student Program.

He served on three occasions in the Naval Legal Service Command, as Commanding Officer of the Naval Legal Service Office North Central at the Washington Navy Yard, as the Executive Officer of the Europe and Southwest Asia office in Naples, Italy, and as a prosecutor, defense counsel, and claims attorney in Norfolk, Virginia.

He also served several tours in the Office of the Judge Advocate General, as an attorney in the General Litigation Division, as the Deputy Executive Assistant to the JAG and as the Executive Assistant to the JAG.

He served as the Staff Judge Advocate for Commander, Amphibious Group TWO in Norfolk, Virginia, and for the Commander, THIRD Fleet in San Diego, California. His other assignments have included tours on the staff of the Chief of Naval Operations, with the Commander, South Atlantic Force, U.S. Atlantic Fleet, and as a Legislative Counsel in the Navy's Office of Legislative Affairs.

During his distinguished career, Captain Shaffer earned master of laws in environmental law from the George Washington University in 1996 and he has been an active member of the Ohio Bar. His personal decorations include the Legion of Merit, 3 awards, the Meritorious Service Medal, 5 awards, the Navy-Marine Corps Commendation, 2 awards, and the Navy-Marine Corps Achievement Medal.

It is through the commitment and sacrifice of Americans like Captain Shaffer that our Nation is able to continue upon the path of democracy and strive for the betterment of mankind. I am proud, Madam Speaker, as a fellow Virginian, to thank him and his family for his honorable service to our Nation in the United States Navy. I wish him fair winds and following seas as he concludes a distinguished naval career.

HONORING WILLA DELLUMS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. LEE. Madam Speaker, I rise today to honor one of the most inspiring and compassionate individuals in the rich and vibrant history of Oakland, California. On Sunday, August 17, 2008, Willa Dellums, the mother of my dear friend and predecessor in the U.S. House of Representatives, the Honorable Ronald V. Dellums, passed away at the age of 89. Although Willa lived a full and beautiful life, this is a tremendous loss to our community. Her presence will be sorely missed.

Willa Mae Terry was born December 11, 1918 to the union of Willie Terry and Estelle Poole in Houston, Texas. Willa was the youngest of three children born to this union, including siblings Bessie Blount and James Terry, who preceded her in death. At the age of 5, her parents moved west to California in search of a better life.

Willa lived in Oakland for 85 years, where she was known for her independence, ease of making friends, and unlimited kindness. Her compassion was one of strength, however, and she became equally known for her bravery and steadfast resiliency.

Willa Dellums was the first African American to be hired at the J.C. Penney store in downtown Oakland, California. Full of determination and resolute, Willa eventually became a clerk in Oakland's central government offices. Daily, Willa was faced with the incredible challenges of being a woman of color at a time when the glass ceilings of racism and sexism were blatant and unapologetic. Rather than cower in

the face of harrowing prejudice, Willa used every challenge as an opportunity to reinforce her strong character, morals, and humanity toward others.

Willa, who was unable to attend college, was an unwavering advocate of the importance of education. She closely mentored her children throughout their school age years, and was a constant advocate for their continued learning and growth, even when they were well into their careers and were successful leaders in their own right. Throughout their lives, her children continuously credited Willa with instilling a sense of pride and responsibility in them. Many other members of our community, including myself, were also able to look up to Willa to solidify these values within our lives—in this way, we were all members of her family.

Mrs. Dellums was my friend and confidant for many years. She guided me through many troubling moments in my life. I will always remember her as a kind and brilliant woman who was non judgmental, yet totally honest with her feedback and insights. We talked for hours on the telephone and I was always amazed at her energy and clarity.

I have many personal wonderful memories of Mrs. D. She knew I needed more exercise and invited me to walk with her on many occasions. Those walks were invigorating. She walked very fast and I could hardly keep up with her. After our walks we'd go eat, and my last meal with her was at a sandwich shop on Lakeshore Boulevard. We both had half a sandwich and a cup of soup.

One day we went to the farmer's market at Jack London Square and then drove around West Oakland. I drove by her former home on Wood Street where she raised her son Ron and daughter Theresa. I told her that I thought this house should be designated as an historic site and she was excited about the idea.

Mrs. D. loved to travel. Oftentimes she would invite me to go with her and Theresa on one of their adventures in far off lands, generally on a boat cruise. My one regret is that my life was so hectic, I could never find the time for a vacation. She always wanted me to slow down and take a break, and it was out of her love and concern that she recognized I needed more rest and balance in my life.

Many have spoken of Mrs. D's culinary abilities. She was a wonderful cook and I loved her chili. Some of my most fond memories are going by her house, eating chili and looking at photo albums. I have had the privilege to visit many countries, primarily on official business, and would take photo albums of these trips to Mrs. D. She was especially interested in the ones from Africa and Israel.

There are very few people who have touched my life in such a magnificent manner. Mrs. Dellums was a shining light in my life and was a great role model for me and other African American women. She was brilliant, kind, sensitive, loving and tough.

It is with deep sorrow, yet gratitude that we say good-bye to Mrs. Willa Dellums. However, her legacy lives through her loving children, Mayor Ron Dellums and Ms. Theresa Simmons. Countless Oaklanders benefited from her love and mentorship and on their behalf, I say thank you.

Mrs. Dellums was married to Vernie Dellums for 43 years. He preceded her in death in 1978. Our deepest condolences go out to her children Ron and Theresa, grandchildren, and her entire family.

On behalf of the residents of the 9th Congressional District, I salute the incredible life of this remarkable and courageous woman. May her soul rest in peace.

HONORING DARWIN SHEBELUT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. RADANOVICH. Madam Speaker, I rise to honor the achievements of Darwin Shebelut and to congratulate him upon being honored with the ''Lifetime Achievement Award'' by the Madera Chamber of Commerce. Mr. Shebelut was honored at a reception on Thursday, August 21, 2008, at the Fourth Annual Lifetime Achievement Awards and Board of Directors Installation Dinner.

Mr. Shebelut was born on August 8, 1920, in Madera, California. He graduated from Madera High School in 1938 as the senior class president. After high school he attended Stanford University and received a degree in mechanical engineering. He also served in the United States Army for 4 years during World War II. Upon returning to Madera, Mr. Shebelut became a businessman and an opportunist. His father owned and operated a Chevrolet dealership in Madera that he eventually took over. Under his leadership the dealership grew to include Oldsmobile and Toyota. Mr. Shebelut purchased 182 acres of subdivided land in what is now the center of Madera. He formed a water company through the public utilities commission and developed the area into a residential and commercial area. He built Madera's first shopping center in 1954 on that land. During the late 1970s Mr. Shebelut purchased 50 more acres of land and rezoned the area to include residential, multiple housing and commercial properties. He developed another shopping center and was the co-owner of an adjacent apartment complex. He also owned and operated the Credit Bureau during the 1940s and 1950s. Mr. Shebelut was the president and director of American Standard Life Insurance Company, was the director of the Northern California Automobile Dealers Association for 20 years and a member of the National Automobile Dealers Association.

Outside of owning and operating numerous businesses, Mr. Shebelut was very involved in the community. He served the city of Madera as a director of the development agency and in the early 1950s he served as a Madera City councilman. In the County of Madera he served as a director of the joint development agency, commissioner of the Juvenile Justice Commission and was the director for 18 years of the Transportation Authority. He served as the director for numerous organizations, including Madera Businessmen's Association, Madera Industrial Development Corporation and Boy Scouts of America Sequoia Council. He has served as trustee for the University of California, San Francisco's Fresno Foundation, California-Nevada Methodist Homes and Hospitals, San Joaquin River Conservation Trust and the Queen of the Valley High School. Mr. Shebelut was one of the founders of Madera Community Hospital in 1964 and later served as a trustee and chairman of the board. He has also been involved in Madera Noon Rotary for 42 years (and served as president), Elks Lodge 1918 (charter member), the Veterans of Foreign Wars, American Legion, Fresno Chapter International Wine and Food Society, Fresno Chapter of Skal International, Fresno Owls Club and Madera Golf and Country Club (member of organizing group).

Madam Speaker, I rise today to commend and congratulate Darwin Shebelut upon being awarded with the ''Lifetime Achievement Award.'' I invite my colleagues to join me in wishing Mr. Shebelut many years of continued success.

ON THE RETIREMENT OF LIEUTENANT COLONEL DONALD S. CHAMPION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. BARTLETT of Maryland. Madam Speaker, I rise today to recognize the career and achievements of a great military officer and constituent of the Sixth District of Maryland—LTC Donald S. Champion. After over 29 years of long and distinguished service Colonel Champion will retire from his present position as Chief, Congressional Outreach Program in the Office of Air Force Reserve, Policy Integration Directorate, AF/REI, Pentagon, Washington DC. For the past 3 years Colonel Champion has been responsible for all legislative outreach as well as all legislative matters concerning Reserve Plans and Programs and Operations for the Air Force Reserve and Air Force Reserve Command.

Colonel Champion graduated from Virginia Polytechnic Institute & State University receiving a bachelor of arts degree in communications and public relations. He was commissioned a second lieutenant in 1979. He attended undergraduate navigator training at Mather Air Force Base, California. Following graduation he attended F–4 Replacement Training Unit at Homestead Air Force Base, Florida, where he was a distinguished graduate. In 1984 he was selected to attend undergraduate pilot training at Laughlin Air Force Base, Texas.

After earning his wings he attended lead-in fighter training at Hollman Air Force Base, New Mexico, where he was selected as Air to Air Top Gun. He was assigned to Langley Air Force Base, Virginia following training to fly the F–15C. There he served as a flight commander. He returned to the training world where he served as a T–37 Instructor Pilot at Sheppard Air Force Base, Texas. He went on to become a T–38 instructor pilot at Columbus Air Force Base, Mississippi.

Throughout his distinguished career, Colonel Champion was consistently recognized for his outstanding performance and dedication to duty. For the past 3 years Colonel Champion

has served as a liaison to the United States Congress where he well and faithfully represented the Air Force Reserve to the House and Senate. He was personally helpful to me and my staff during his tenure on the Reserve Staff at the Pentagon. His military awards include the Meritorious Service Medal with one oak leaf cluster and the Air Force Commendation Medal with two oak leaf clusters.

On behalf of a grateful Nation, I thank Colonel Champion, and his daughters Kelsey and Lindsay, for their commitment and sacrifices made throughout his honorable military career. Congratulations on completing an outstanding and successful career in service to our great Country.

HONORING ASBAREZ NEWSPAPER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Asbarez newspaper upon the celebration of their 100th anniversary.

Asbarez newspaper began publication in August of 1908 in Fresno, California. The publication began as a weekly paper that was committed to providing news and information to the Armenian-American community. In 1908, the focus of this community was the instability of the homeland. Throughout the years, Asbarez has reported on the ever-changing, and fragile, conditions of the Republic of Armenia. The paper covered the tragedy of the Armenian genocide, the triumph of the first independent republic, the growing pains of a community, the catastrophic earthquake, the fall of the Soviet Union, the Nagorno-Karabakh liberation struggle, the rise of the independent Nagorno-Karabakh Republic and the realities of the people of Javakhk in southern Georgia. Asbarez provides news, information, commentary, criticism, and thought.

On May 1, 1970, Asbarez began publishing its English section. During the early 1970s the offices and publishing headquarters moved to Los Angeles. Today, Asbarez is the largest and only bilingual newspaper serving the 750,000 plus Armenian-Americans in the western United States. It is published five times per week, Tuesday through Saturday. The newspaper also serves as voice for the community and is a source of information for Congress, libraries around the Nation and newsrooms of major media outlets. In 1997 Asbarez launched its Web site, keeping Armenians even more up to date with the issues that interest them the most. Asbarez has become a trusted source for news about the evolving Armenian realities.

Madam Speaker, I rise today to commend and congratulate Asbarez newspaper on 100 years of business. I invite my colleagues to join me in wishing Asbarez newspaper many years of continued success.

A TRIBUTE TO BOB THOMAS, SR.

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. WALDEN of Oregon. Madam Speaker, I rise today to draw our colleagues' attention to a gentleman and outstanding citizen who has demonstrated that long-term success is possible in America if one has a vision and is willing to work hard to turn it into reality. This gentleman has also devoted himself to the principles we celebrate here in our country—freedom to build a successful business, and loyalty to family and community.

Today I pay special recognition and honor to Bob Thomas, Sr., of Baker County, OR, a genuine ''up by the bootstraps'' livestock producer who never lost his vision for what the Angus cattle breed could become; a dedicated husband to his wife, Gloria, with whom he raised four very successful children; a leader in his church, community, and industry—and a gentleman whose friends and neighbors have always been able to rely on.

Bob and Gloria moved to the Baker Valley of picturesque eastern Oregon in the early 1960's from New York, via Iowa. With them came their treasured seed stock for their line of Angus beef cattle. In the winter, Gloria fed the cows with young son Rob in the pickup. Bob was also working as a sales representative for Powder River Equipment, selling gates and ranch equipment to supplement their ranch income. They worked very hard to achieve their dream—a high quality herd of registered Angus cattle.

Their first purebred Angus sale was held in October, 1973 and throughout the years Bob and Gloria always made everyone feel like they were special to them because, in fact, they were special to them. Now, nearly 35 years later, that same high quality Angus breeding stock is sold in a 2-day sale in October, as well as a spring sale in March.

The Thomas family still shows the same hospitality and personal attention today as they did at their very first sale. Following in the footprints of Bob and Gloria, son Rob and his wife Lori continue the Thomas tradition as highly respected leaders in their industry and community. They maintain the same unwavering commitment to the high quality of their Angus line and service.

Madam Speaker, I want to especially honor Bob for his many years of dedication to and support of the people of Baker County and the rural way of life in eastern Oregon. His fellow citizens greatly appreciate his high principles, commitment to high quality and standards, and his friendship. Please join me in congratulating and thanking Bob Thomas, Sr.

CONGRATULATING POLLY TADLOCK ON BEING THE NAMESAKE OF POLLY TADLOCK ELEMENTARY SCHOOL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Polly Tadlock of Frisco, TX for her many contributions as an educator in the North Texas area and Frisco Independent School District. Mrs. Tadlock was recently chosen as the namesake of Polly Tadlock Elementary School, a new facility in Frisco ISD.

Frisco ISD recommended the naming of a new facility for a former employee whose contributions have gone above and beyond the call of duty. Mrs. Tadlock has been noted for going above the call of duty with her willingness to help her students inside and outside of the classroom. She is known for following her students as they left the classroom and entered adulthood, creating lifelong relationships. According to Polly, ''the lifelong relationships with students are the greatest rewards of all.'' Mrs. Tadlock taught for a total of 24 years in the North Texas area. She served the district of Frisco from 1968 to 1989, when she decided to retire.

Mrs. Tadlock was born in Ponder, TX, later moving to Fort Worth to continue her education. After receiving her bachelor's and master's from Texas Women's University, Mrs. Tadlock began her teaching career in Pilot Point, TX, later spending the majority of her 24 years as an educator in the Frisco Independent School District.

Madam Speaker, it is an honor today to rise in recognition of Mrs. Tadlock, whose dedication to the students and families of Frisco has made her truly deserving of such an honor. Her devotion to her community serves as an inspiration and as an example to us all, and I am proud to represent her in the U.S. House of Representatives.

THE POLISH AMERICAN CONGRESS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. SAXTON. Madam Speaker, I rise today in recognition of The Polish American Congress. On September 28, 2008, The Polish American Congress will hold a ''Terrorist Attack Memorial Service'' to honor and commemorate the victims of the Katyn Forest Massacre, as well as pay a tribute to those who perished on September 11, 2001.

In addition to carrying out the overall mission of the Polish American Congress, the New Jersey Division chooses to hold a memorial for the victims of both the Katyn Forest Massacre and the September 11, 2001 attacks on our country. The Katyn Forest Massacre occurred during World War 2 as a result of the Soviet Union's persecution of thousands during the communist era. The September

11th attacks on the United States claimed more than 3,000 lives. The New Jersey Division of the Polish American Congress has taken it as their mission to commemorate the lives lost in both incidents.

The Polish American Congress is an umbrella organization, with over 3,000 clubs that exist to serve various levels and aspects of the Polish communities of the United States. They promote different areas of education and cultural programs to further the knowledge of Polish history, as well as to stimulate Polish American involvement in their community .

Madam Speaker, I would like to extend my sincere gratitude for the leadership, commitment, and service that the Polish American Congress has demonstrated in their existence throughout the community.

HONORING SISTER JOAN FOLEY

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Sister Joan Foley, who is the recipient of the Seven Springs Rotary Club's prestigious Paul Harris Award. Sister Foley has always put service above self in a lifelong commitment and passion to helping the communities around her.

Sister Foley joined the Medical Mission Sisters in 1954 to help solve health care issues in lesser-developed parts of the world. She began her mission in Pakistan, where she supervised a busy clinical lab and trained many young Pakistanis. Sister Foley later became involved in several community health care networks focusing on rural and minority populations in the United States. She then served for 6 years as the Coordinator of Medical Mission Sister's Eastern District and currently is the Sector Coordinator in North America.

In 1991, Sister Foley sought out a new mission in Florida's Pasco County. She saw a need to help local jobseekers find employment regardless of age, income, background, or education. Sister Foley first started the Connections program in her car to help individuals manage their job search and connect with area employers. Today, the program has grown substantially but still offers free one-on-one assistance and many other resources to jobseekers. Sister Foley stepped down as director of Connections this past spring; however, her vision will continue to enrich the community.

Madam Speaker, I am truly honored to recognize Sister Foley's mission that has improved the lives of people all over the world. For nearly 20 years she has made Pasco County a better place by providing new hopes and better futures. The Paul Harris Award is a wonderful recognition of her hard work and devotion.

A TRIBUTE TO MARY ANN ROBBIANO, RECIPIENT OF THE ST. MADELEINE SOPHIE AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. ESHOO. Madam Speaker, I rise today to honor Mrs. Mary Ann Robbiano, a dear friend and a recipient of the prestigious St. Madeleine Sophie Award from Sacred Heart Schools. Established in the year 2000, the St. Madeleine Sophie Award honors individuals in the Sacred Heart community who have made a sustained and significant contribution to the Schools and embody the Goals and Criteria of a Sacred Heart education. The individuals honored are selected by a committee comprised of the senior administrative team in conjunction with the Chair of the Board of Trustees and are honored at a reception and at the Mass of the Holy Spirit, the first all-school liturgy of the school year. The recipients will be VIP guests at various SHS events throughout the year and featured in their alumni magazine, The Heart of the Matter, for their commitment to the mission of Sacred Heart education.

Mary Anne Robbiano was chosen along with three other distinguished recipients to be recognized with the Award for her dedication to the Goals and Criteria of Sacred Heart Schools. Mother of three adult children, Kay (SHP 1972), Paul, and Angie (SHP 1976), Mrs. Robbiano began her relationship with Sacred Hearts Schools when her oldest daughter entered kindergarten in 1960. She was the school nurse from 1968 until 1976, and dealt with many different problems and situations including comforting homesick, boarders, tending to skinned knees, broken bones, colds and flues. Each child was treated as if she were her own daughter. Oakwood, the home for the retired Religious of the Sacred Heart, was built in 1976 and Mrs. Robbiano was asked to be the Director of Nursing at the Oakwood Infirmary. Her philosophy was to treat each woman with respect and dignity. Since her retirement in 1990, she remains dedicated to Oakwood by volunteering her time to the nuns through the Oakwood Auxiliary and the Children of Mary. She and her husband Paul celebrated their 60th wedding anniversary with a Mass at the Oakwood Chapel in September 2007.

Madam Speaker, I ask the entire House of Representatives to join me in honoring Mrs. Mary Ann Robbiano as she is given the St. Madeleine Sophie Award. Through her countless contributions to her family and friends, and most especially the Sacred Heart community, she has more than earned this Award. Her hard work and commitment to excellence are a lasting legacy at Sacred Heart Schools and live on in the life of every student who has come through its distinguished halls. Her deep faith and the practice of it have inspired everyone who knows her. Our community and our country have been bettered because of Mary Ann Robbiano and I consider it a privilege to know her and honor her.

TRIBUTE TO 50TH ANNIVERSARY OF THE CHURCH OF THE OPEN DOOR

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. MEEK of Florida. Madam Speaker, today I rise to honor the 50th anniversary of the Church of the Open Door, United Church of Christ in Miami, Florida. Since its inception, the church has stood in the community as a symbol of perseverance and inspiration. This historic anniversary of the Church of the Open Door, United Church of Christ marks a time of remembrance of a storied past and renewal for a bright future.

In April 1958, Marie Faulkner Brown, daughter of Congregational minister Rev. Dr. William F. Faulkner, sought to fulfill a specific need of her Congregational background through spiritual guidance. She called together a group of 10 people with a Congregational denominational background similar to hers to discuss the possibility of forming an interracial Congregational church in Miami.

The small group continued to meet regularly and chose the name, Congregational Christian Fellowship. The superintendent of the Florida Conference, Rev. Dr. Robbins Ralph was impressed with the honesty and eloquence of this beginning group and appointed Dr. Wiley Scott, pastor of Miami Beach Community Church, to chair a steering committee that provided leadership for the group from local Congregational ministers. Superintendent Ralph and Dr. Scott were instrumental in sharing their favorable impression of this beginning church with the national church. The national church was generous with funds to buy a parsonage on Northwest 9th Avenue, and subsidized the group for 5 years. It also gave financial support to purchase the property where the church is now located, the current edifice and the family life center. The group began meeting in the Florida room of Dr. Kelsey L. Pharr and later moved to Bethany Seventh Day Adventist Union Academy for Sunday morning worship services.

The name Church of the Open Door, Congregational, was voted on September 20, 1959. The church was incorporated on September 28, 1959, with 75 charter members. The first interim pastor, a Congregational minister, was Rev. Dr. Charles Wicks. Rev. Dr. Henry Curtis McDowell, a missionary to Angola, West Africa, for 40 years, served as the founding pastor. The current pastor, who previously served as pastor of Amistad United Church of Christ in Maryland, is Rev. Dr. R. Joaquin Willis.

Madam Speaker, please join me in applauding and honoring the Church of the Open Door, United Church of Christ as it celebrates 50 years of dedicated fellowship. Throughout the past 50 years, the clergy and members have dedicated themselves to providing spirituality, service, and guidance to the church and greater community of Miami, Florida. It is my hope the Church of the Open Door, United Church of Christ continues to stand as a beacon of resolve, inspiration, and worship for many years to come.

HONORING MONTE PISTORESI

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. RADANOVICH. Madam Speaker, I rise to honor the achievements of Monte Pistoresi and to congratulate him upon being honored with the Lifetime Achievement Award by the Madera Chamber of Commerce. Mr. Pistoresi will be honored at a reception on Thursday, August 21, 2008, at the Fourth Annual Lifetime Achievement Awards and Board of Directors Installation Dinner.

Monte Pistoresi attended school in Chowchilla, California, and graduated from the University of Santa Clara in 1960 with a business administration degree. Upon graduating, he entered into the United States Army. In 1963, he began to work for his family's Chevrolet dealership in Chowchilla. The dealership had one ambulance that was used to provide services to the Chowchilla area. Mr. Pistoresi helped to drive the ambulance on emergency calls. In 1981, the dealership closed, but he was the successful bidder for the city of Madera ambulance contract. By 1982, the company had 3 ambulances and 10 employees. Today, Pistoresi Ambulance has been serving Madera for 26 years and has 8 ambulances and 45 employees.

Mr. Pistoresi is always giving back to the community, everything from umpiring Little League baseball games to his involvement in the Madera Chamber of Commerce. He was a member of the Madera Community Hospital Foundation from 1990 to 1998, and on the board of trustees for the hospital from 1998 to 2008. Mr. Pistoresi is a member of the Madera Kiwanis Club, Golden Valley Chamber of Commerce, Madera Elks, Madera NAACP, Madera County Emergency Medical Care Community, Women's Prison Citizen Advisory Board, and the city of Madera Parks and Recreation Advisory Board. Mr. Pistoresi also donates time and money to Children's Hospital Central California. Due to his involvement in the community, he has received many awards and recognitions including the Madera Chamber of Commerce Business Person of the Year, Hispanic Chamber of Commerce and Chowchilla Chamber of Commerce Citizen of the Year, Madera Elks and Kiwanis Distinguished Citizenship Award, and the Martin Luther King Committee Humanitarian Award.

Madam Speaker, I rise today to commend and congratulate Monte Pistoresi upon being awarded with the Lifetime Achievement Award. I invite my colleagues to join me in wishing Mr. Pistoresi many years of continued success.

RECOGNIZING ROBERT A. HAND'S 25 YEARS OF SERVICE AT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. HASTINGS of Florida. Madam Speaker, today I am pleased to pay tribute to Bob Hand for his 25 years of untiring service to the Commission on Security and Cooperation in Europe, the Helsinki Commission. Bob joined the Commission's professional staff on August 1, 1983, though his human rights advocacy work began years earlier and included a stint as an intern with the Commission. A man of deep principles and convictions, Bob has approached each challenge with determination and diligence.

Driven by a quiet passion for upholding the human rights commitments enshrined in the Helsinki Final Act, Bob helped compile lists of individuals denied their fundamental freedoms by regimes in Eastern Europe and the Soviet Union. His work in promoting free market principles and protection of the environment included efforts specifically aimed at encouraging individual entrepreneurs and strengthening the role of non-governmental organizations. A case in point was his active role in defending environmental activists during the 1989 Sofia Meeting on the Protection of the Environment, an event that paved the way for the ouster of the Bulgarian dictatorship. Bob played a leading role in preparations for the 1990 Bonn Conference on Economic Cooperation in Europe, an historic East-West meeting that embraced key principles, such as rights to private property and the importance of the rule of law in the economic sphere, among others.

For more than two decades, Bob has served as the Commission's point person for the Balkans region. He was an early advocate of raising human rights concerns with Belgrade when Yugoslavia was still included among the ranks of the Neutral and Non-Aligned countries. A keen analyst of developments in the Balkans, Bob began drawing attention to potential flash points like Kosovo long before others. He volunteered to be deployed as an expert on the Mission to Kosovo, Sanjak, and Vojvodina fielded by the then Conference on Security and Cooperation in Europe in the early 1990s. With his able assistance, the Helsinki Commission remained at the forefront of efforts to uphold Bosnia's right to self defense in the face of armed aggression and genocide. He has persistently worked to document the human toll suffered by victims, among them those who perished during the massacre at Srebrenica, and to press for apprehension of indicted war criminals like Ratko Mladić, who remain at large. Elsewhere in the region, Bob has worked particularly hard to promote democracy, human rights and rule of law in Albania, a country he first visited in 1990. Beyond his responsibilities monitoring developments in the Balkans region, Bob ably serves as secretary for the U.S. delegation to the OSCE Parliamentary Assembly.

Madam Speaker, as Chairman of the Helsinki Commission, I am pleased to recognize and commend Bob Hand for his faithful, dedicated, and tireless service to me and my colleagues.

HONORING ANGELO DESORBO ON THE OCCASION OF HIS 100TH BIRTHDAY

HON. ROSA L. DELAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join family, friends, and the West Haven community in wishing a very special happy birthday to Angelo DeSorbo who is celebrating his 100th birthday.

Angelo DeSorbo might best be known as the gentleman selling plants and flowers at ''Kimberly Open-Air Market on the corner of Ella Grasso Boulevard and Kimberly Avenue in New Haven—a vocation he has enjoyed for more than 65 years. Kind-hearted and generous with a smile, Mr. DeSorbo is well-known throughout the community and has become a good friend to many of his customers. Even today, though he sometimes has difficulty walking, he is driven to his stand every morning, weather permitting. He may be celebrating his centennial anniversary, but Angelo DeSorbo is still young at heart and spry of spirit. In the decades that he has been at the ''Kimberly Open-Air Market,'' Mr. DeSorbo has become a New Haven institution—a community treasure.

Marking decades of hard work, this occasion reflects an important milestone in Mr. DeSorbo's life. Over the years, he has witnessed remarkable changes and extraordinary progress. Living standards have blossomed for most Americans as technology has altered some of our most basic expectations. Indeed he can take pride in having participated in some of the most exciting times in our history, and can look forward to the progress of the new millennium.

I am proud to stand today to pay tribute to the remarkable life of Angelo DeSorbo and to join his daughter, Adelaide; her husband, Michael; his two grandchildren and four great-grandchildren, in wishing him a very happy 100th birthday. Mr. DeSorbo has left an indelible mark on our community and I wish him many more years of health and happiness. Happy birthday.

IN RECOGNITION OF 30 YEARS OF SERVICE BY THE SACRAMENTO CHINESE COMMUNITY SERVICE CENTER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. MATSUI. Madam Speaker, I rise today to congratulate and acknowledge the Sacramento Chinese Community Service Center for 30 years of service to immigrants, refugees, and disadvantaged groups in the Sacramento area.

The Sacramento Chinese Community Service Center was founded in 1978 to aid newly arrived Chinese immigrants in dealing with the myriad challenges of immigration and cultural

adaptation. Over the last few years, its programs have expanded to help other non-Chinese immigrants, refugees, and other disadvantaged groups that call Sacramento home including those of Hmong, Mien, Vietnamese, Ukrainian, and Russian descent.

The SCCSC assists more than 4,000 clients each year, including 2,400 children in their after school programs. It offers 26 programs, including youth mentoring and counseling, employment assistance, translation, transportation and home health visits for senior citizens, parenting workshops, job skill workshops and paid work experience, and citizenship classes.

The SCCSC has received recognition for its successes, including having received the Gloria Rose Memorial Grant Award from the United Way California Capitol Region for being an agency which achieves outstanding results, and works towards building a stronger, healthier, and more compassionate community. The SCCSC has also received the Spirit of Mentoring Award from the California Mentor Foundation for providing an exemplary community-based mentor program.

Madam Speaker, I wish to congratulate the Sacramento Chinese Community Service Center upon the occasion of its 30th anniversary, and express my gratitude to the center for providing essential services and support to new immigrants, citizens, refugees, at-risk youth, senior citizens, and others in need. The Sacramento Chinese Community Service Center has provided the community with a wide array of opportunities, and I wish its leaders the best of luck as they continue in their service.

HONORING ARMY STAFF SERGEANT ALEX JIMENEZ

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. CROWLEY. Madam Speaker, I rise today with a heavy heart to honor, salute, and pay tribute to one of our brave fallen soldiers.

Army Staff Sergeant Alex Jimenez went to Iraq for the first time in 2005. Already fluent in Spanish, he quickly taught himself Arabic and became a translator for fellow soldiers who needed to communicate with the Iraqi people they had been sent there to protect. Army officials always praised his leadership and strength.

Alex took pride in the Army and his responsibilities as a soldier. He once told his cousin, "Honestly, I signed the contract, and it doesn't matter what my opinion is. I just think about the guy to my left and the guy to my right making it home. That's all I care about." He recognized the importance of his duties, writing, "I believe that in the United States Army, I may reach my goals which are—making positive differences, bringing peace to the innocent, and making justice my duty as a U.S. soldier."

Without a doubt, Alex achieved all of these goals.

Without a doubt, Alex made his family, his army, and his hometown community of Corona, Queens very proud.

And, without a doubt, Alex's services to our country was honorable and distinguished.

Sadly, however, on May 12, 2007, Alex Jimenez, along with six of his fellow soldiers, was patrolling a deserted highway south of Baghdad, looking for insurgents planting roadside bombs, when he and the group came under fire. Staff Sergeant Alex Jimenez, who was on his second tour in Iraq, Specialist Byron Fouty, and Private First Class Joseph J. Anzack Jr. were taken prisoner.

The four soldiers who died in the attack were Sergeant Anthony J. Schober, Private First Class Daniel W. Courneya, Private Christopher E. Murphy, and Sergeant First Class James D. Connell, all of Delta Company, 4th Battalion, 31st Infantry, 2nd Brigade Combat Team, 10th Mountain Division. Private First Class Joseph J. Anzack Jr.'s body was recovered on May 23, 2007.

The Queens community mourned for the loss of Alex's fellow soldiers and, together, we prayed for the safe return of Alex and Byron. Despite our wishing and hoping for the best, the bodies of Staff Sergeant Alex Jimenez and Specialist Byron W. Fouty were found on July 8, 2008.

So many worked tirelessly to bring Alex home, and the Queens community and Alex's family are so appreciative and grateful for their efforts. Because now, we have the opportunity to say goodbye to Alex one more time and to lay his body to rest.

As a parent, I know that this loss will stay with Sergeant Jimenez's family forever. But, I hope that in some small way, Alex Jimenez's parents have some relief now that they finally have the opportunity to lay their son to rest. Those closest to him will always remember his love for music and his family, and his loyalty as a soldier and friend. I extend my deepest and most sincere sympathies to the family of Staff Sergeant Alex Jimenez, and thank them for their sacrifice for our country.

I would like to close my remarks by reading a few pieces of the U.S. Army Soldier's Creed, which exemplifies the type of person Staff Sergeant Jimenez was; a man who loved his family and his country.

I am a Warrior, and a member of a team.
I serve the people of the United States, and live the Army Values.
I will always place the mission first.
I will never accept defeat.
I will never quit.
I will never leave a fallen comrade.
I am a guardian of freedom and the American way of life.
I am an American Soldier.

HONORING WILL G. BASS, JR.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. LEE. Madam Speaker, I rise today to honor the wonderful life of Mr. Will G. Bass, Jr. of Oakland, CA. We lost this exceptional community leader and dedicated leader and dedicated man of God on July 19, 2008.

Will G. Bass, Jr. was born on May 25, 1939 in Gilbert, LA. His parents were the late Will and Ivory Cameron Bass, and he was baptized under the leadership of Reverend R.N. Teats in the Cuba Baptist Church at a very early age. He remained an active member of this congregation until moving to California as an adult.

Education and personal growth were important values to Mr. Bass, which he fostered throughout his life and promoted among the many young people that looked up to him. As a young man in Louisiana, Will attended and graduated from Franklin Parish Training School. He later graduated with a degree in Business from Grambling University before moving to California where he met and married Ms. Betty J. Dobson on August 6, 1960. Theirs was a loving union which spanned almost five decades and produced two children, DiLeen and Nelda. A family man, Will honored and cherished these three women, and it was very clear to his friends and community that his favorite pastime was spending time with his family, which continued to grow in size and compassion throughout the years.

A dedicated advocate for the prosperous development of his adopted community in California, Will was widely known as an astute businessman. He was the Founder and President of the Integrated Technology Group (ITG), which provides services as an information technology and business assistance firm, as well as a land consultant. As a result of Will's ingenuity, creativity, and personal drive, ITG was involved in some of the major and historic development projects in the Greater Bay Area. This included the 1 billion dollar Hunters Point Shipyard Development Project and the 1.3 billion dollar Oakland Airport Expansion Project.

Will Bass was a man of many talents and accomplishments, reflective of the great diversity and innovation present in the East Bay, where the 9th Congressional District lies. Among one of Will's many great personal attributes was his astute ability to think globally, while acting locally. He was able to foresee major international trends in a way that pushed opportunities for Oakland to the forefront and developed new frontiers for my constituency. An example of this was his pioneering accomplishment as the first African American businessman in the Bay Area to be substantially involved in trade with Russia, China, and South Africa. When my esteemed colleague in the Senate, the Honorable DIANNE FEINSTEIN, was Mayor of San Francisco, Mr. Bass accompanied her to Abidjan, Cote d' Ivoire, west Africa to establish the San Francisco-Abidjan Sister City Committee. This was the first time an African city had been engaged in a sister city endeavor with San Francisco.

Will Bass was a Founding Member and Past President of the 100 Black Men of the Bay Area, Inc. He served on the Board of Trustees of Allen Temple Baptist Church, and was a Founding Member, Treasurer and Board Member of the San Francisco African American Chamber of Commerce. Will was also a Founding Member of the Oakland African American Chamber of Commerce, and he served on the boards of the American Institute of Ethics, the Westside Health Center, and a host of other organizations.

The contributions Will made to his community throughout his life are endless. He was a

true inspiration, and an exceptional role model, especially for young men and women of color striving to build up their communities. Thanks to his inspiration, they now contribute to their neighborhoods and work to improve their opportunities so that they may pursue productive and full lives. His legacy will surely live on through the lasting impact he made on so many lives.

Today, California's 9th Congressional District salutes and honors Mr. Will G. Bass, Jr. We extend our deepest condolences to his family and loved ones, especially his wife, Mrs. Betty Bass, his daughters, DiLeen Dean and Nelda Jacobs, his sisters, Bernice Bass and Estelle Bass Harnage, his brother, Lannie Bass, his aunts, Pearl Shaw, Neicie Scott, and Roberta Cameron. He is also survived by his grandchildren Quianna, Annaque, Kameron, Niah and Savana Dean, and Trenton Jacobs, and his nieces and nephews, Ivory Bass, Yyanisha Gregory, Jamie Harnage, Marcus Bass, Chonsae Bass, and Jason Harnage. May his soul rest in peace.

COMMEMORATING THE 150TH ANNIVERSARY OF SAINT MARY OF SORROWS CHURCH

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today to commemorate the 150th anniversary of Saint Mary of Sorrows Church, in Fairfax, VA.

Saint Mary of Sorrows Church was the first Catholic Church in Fairfax County. The original church was erected by Irish immigrants in 1858 and is still in use today.

Throughout its history, St Mary's has been a sanctuary not only for its parishioners but for any person in need of help. During the Civil War, the church and its grounds were used as a field hospital for soldiers wounded from the Second Battle of Manassas and the engagement near Chantilly. Clara Barton, who later founded the Red Cross, was among those who provided medical care. The church also sacrificed some of the wooden pews for firewood while treating those wounded from battle.

Because of St. Mary's distinguished history and devotion to helping those in need, it is registered as a Virginia Historic Landmark and has been added to the National Register of Historic Places. In 1961, the American Red Cross, in conjunction with the Virginia State Historical Commission, placed a plaque on the church memorializing Clara Barton's work at St. Mary's.

During the past 150 years, Saint Mary of Sorrows Church has grown to over 3,000 families and added a second, larger church building. St. Mary's continues to serve its fellow citizens through many social ministry programs including support for members of the armed forces, the homeless, the disabled and the impoverished.

Madam Speaker, in closing, I would like to congratulate Saint Mary of Sorrows Church on its 150th anniversary. It has been a role model for community service throughout its history. I call upon my colleagues to join me in applauding St. Mary's for its past accomplishments and in wishing them the best of luck in the many years to come.

A TRIBUTE TO KEN THOMPSON RECIPIENT OF THE ST. MADELEINE SOPHIE AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. ESHOO. Madam Speaker, I rise today to honor Mr. Ken Thompson, a recipient of the prestigious St. Madeleine Sophie Award from Sacred Heart Schools. Established in the year 2000, the St. Madeleine Sophie Award honors individuals in the Sacred Heart community who have made a sustained and significant contribution to the Schools and embody the Goals and Criteria of a Sacred Heart education. The individuals honored are selected by a committee comprised of the senior administrative team in conjunction with the Chair of the Board of Trustees and are honored at a reception and at the Mass of the Holy Spirit, the first all-school liturgy of the school year. The recipients will be VIP guests at various SHS events throughout the year and featured in their alumni magazine, The Heart of the Matter, for their commitment to the mission of Sacred Heart education.

Ken Thompson was chosen along with three other distinguished recipients to be recognized with the Award for his dedication to the Goals and Criteria of Sacred Heart Schools. Mr. Thompson arrived at Sacred Heart Schools in January 1989 as a long-term substitute physical education instructor at St. Joseph's. An Honors graduate in mathematics from UC Berkeley, as well as a former Cal basketball star, he was hired the following year to serve as the Sacred Heart Prep Athletic Director and to coach basketball and teach math. Three years later, he moved full-time into the academic world as SHP Math Chair, where he markedly strengthened the department and demonstrated the leadership that would lead him to be named Dean of Faculty in 2002. Two years later, he became Academic Dean, a position he has filled with extraordinary intelligence, conscientiousness, and diplomacy. The classic Renaissance Man, Ken is also an actor and a singer. He currently directs and writes musical arrangements for two a cappella groups on campus, one for faculty men and one for both faculty and students. Since the winter of 2005, he has waged a valiant war against leukemia, providing a model of courage and fortitude to the entire Sacred Heart community.

Madam Speaker, I ask the entire House of Representatives to join me in honoring Mr. Ken Thompson as he is recognized by the St. Madeleine Sophie Award. Through his many contributions to his family and friends and especially the Sacred Heart community, he has more than earned the St. Madeleine Sophie Award and through his special leadership and commitment to excellence, he has built a lasting legacy at Sacred Heart Schools and in the life of every student who comes through its distinguished halls. Our community and our country have been strengthened by Ken Thompson and it is a privilege to honor him and his work.

HONORING BERNARD JARVIS ROBINSON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. RADANOVICH. Madam Speaker, I rise to honor the achievements of Bernard ''Jake'' Robinson and to congratulate him upon being honored with the ''Lifetime Achievement Award'' by the Madera Chamber of Commerce. Mr. Robinson will be honored at a reception on Thursday August 21, 2008 at the Fourth Annual Lifetime Achievement Awards and Board of Directors Installation Dinner.

Mr. Jake Robinson was born on August 19, 1933 in Arkansas. Mr. Robinson was born during a time of great societal barriers, and continually worked to overcome those barriers. As a child he loved to play basketball, and even fabricated a make-shift hoop. As a freshman in high school he wanted to play, but was told that he was not good enough. He continued to practice with his hoop and as a sophomore he made the basketball team at Scipio A. Jones High School. The team was unbeatable and Mr. Robinson was awarded All-State, All-Regional and All-American honors. He was the first African American in Arkansas to make the All-Star basketball team. After high school he continued to play basketball in college at Arkansas AM and N College.

After serving in the U.S. Army, Mr. Robinson went to work for Forehand Motors washing cars. He quickly moved up the ladder and became a parts manager. Mr. Robinson was the only African American in management in the Northern Division of General Motors. During his career he received numerous accolades and awards for his commitment to excellence from General Motors. He retired after 39 years. His commitment to his career was equal to his commitment to his community.

Mr. Robinson served 17 years on the Board of Trustees of Madera Unified School District. The B.J. Robinson Gymnasium at Thomas Jefferson Middle School was erected as a tribute to his dedicated service. He was also a member of the Kiwanis Club, worked on the Citizens Committee for Measure E, is a former member of the Madera Linkage Foundation, involved with the NAACP and an advocate for youth athletics. He worked tirelessly to see the completion of Martin Luther King, Jr. Middle School and successfully lobbied to have the canal by the school covered for the safety of the students and neighborhood.

Due to his endless efforts, Madera High School honored Mr. Robinson as the Grand Marshall for the 1999 Homecoming Parade and Football game. Martin Luther King, Jr Middle School named him as Humanitarian of the Year in 1995. He was recognized by Kiwanis International for Distinguished Service for 1999–2000. Mr. and Mrs. Robinson were named as the Couple of the Year in 1988 during Black History Month and received the NAACP's Curtis Collier Award.

Madam Speaker, I rise today to commend and congratulate Bernard ''Jake'' Robinson upon being awarded with the ''Lifetime Achievement Award''. I invite my colleagues to join me in wishing Mr. Robinson many years of continued success.

HONORING THE LIFE OF BOB WAYNE THORTON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. HALL of Texas. Madam Speaker, I rise today to honor the memory of a great community activist, excellent farmer and friend, Mr. Bob Wayne Thorton of Van Alstyne, Texas.

Bob Thorton was a fourth-generation farmer, working land in Grayson and Collin counties for more than 65 years. Though he could do just about anything from carpentry to plumbing, he loved farming the most. The Thortons were leaders in the farming industry, as they were the first to bring in equipment, the first to mechanize their operations and usually the first to help another farmer get past a rough spot with the loan of money and equipment. As a result of his many contributions, Bob was named Collin County's Conservationist Farmer of the Year in 1986.

Bob was a community activist most of his life, but unless one had firsthand knowledge of his activities, his achievements would have gone unknown because he was such a humble individual. He was one of the original members of the American Agriculture Movement, a grassroots organization to help farmers become involved with government, politics and the public policy that affects their livelihoods, and served as National Vice President and 3 years as National President. He spent many years lobbying at the state and national levels, during which time he participated in the 1979 ''tractor-cade'' that rolled into Washington, DC, more than 6,000 tractors strong. He was a founding member and president of South Grayson Water Supply, a charter member of the Hurricane Creek Country Club, and served on the Van Alstyne Library Board. Through his political activist endeavors, Bob became friends with several elected representatives, such as former U.S. Sen. John Tower, former Speaker of the House Sam Rayburn, and Secretary of Agriculture John Block. Because of Willie Nelson's support of family farmers, Bob and Nelson also became good friends.

Bob is survived by daughters Sheryl Priest of North Little Rock, Arkansas, Brenda Baggett of Friendswood and Linda Wood of Van Alstyne, five grandchildren, two great-grandchildren, and sister JoAnn Cavender of Van Alstyne. He was one who believed in family and held his family heritage as a lifetime priority.

Madam Speaker, we are privileged to have known such an honest man and humble public servant. Please join me today as we honor his memory and celebrate the life of Mr. Bob Wayne Thorton.

HONORING PRAIRIE CREEK GREENWAY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the Prairie Creek Greenway in Platte County, MO. On September 8, 2008, the National Recreation Trail (NRT) Dedication and Tour of Missouri Watch Event is publicly announcing Prairie Creek Greenway as the only trail in Missouri to receive NRT designation this year. This distinguished award is one of the highest honors a local government can receive for a trail project.

I would also like to recognize and thank the Platte County Commissioners: Betty Knight, Jim Plunkett, and Tom Pryor. Due to their constant work and dedication, they truly made the Prairie Creek Greenway a success and an asset to the community. The creation of this trail in Platte County will help preserve the natural beauty of Missouri.

This honor for the Prairie Creek Greenway would not have been possible without the help of private partnerships between the county, developers, and homes association connected to the Greenway. I applaud the effort and devotion that has been put into this trail in Platte County, MO and commend the recognition of the Greenway.

CONGRATULATING THE WAR IN THE PACIFIC NATIONAL HISTORICAL PARK ON ITS 30TH ANNIVERSARY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. BORDALLO. Madam Speaker, I rise today to congratulate the War in the Pacific National Historical Park on Guam on the occasion of its 30th anniversary. In August 1978, the War in the Pacific National Historical Park was established by Public Law 95–348 to commemorate the bravery and sacrifices of those involved in the Pacific Theater of World War II and to preserve the historic sites on Guam. As we join together for this celebration, let us also remember the Park's mission to preserve a unique story in American history that strives to honor not only the courage of our liberators, but the patriotism of the liberated.

For the past 30 years, the War in the Pacific National Historical Park has preserved seven units on Guam. These units include battlefields, trenches, gun emplacements, and historic structures throughout the island. Because of the diligent efforts made by the National Park Service to preserve the story of the occupation and liberation of Guam from December 8, 1941 to July 21, 1944, visitors are able to learn about the battle for Guam by visiting sites at the Asan Bay Overlook, Agat Beach Unit and Ga'an Point, Asan Beach Unit, Fonte Plateau Unit, Mt. Alifan Unit, Mt. Chachao/Mt. Tenjo Unit, and Piti Guns Unit.

During this 30th anniversary, we are especially honored to commend the National Park Service for the 2008 restoration project of the Memorial Wall at the Asan Bay Overlook. Inscribed on the Memorial Wall are the names of the thousands of individuals, liberators who died in the battle for Guam, and the liberated who died or suffered injury, forced labor, forced march and internment during the occupation of Guam. Through this restoration project, the National Park Service has ensured that our island will have this lasting monument to honor and remember Guam's greatest generation.

We commend the National Park Service on the reopening of the T. Stell Newman Visitors Center. In 2002, the Visitors Center, formerly located in Piti, was destroyed by Supertyphoon Pongsona, but has since been restored for the public at its new location in Sumay. This restoration was made possible through a successful partnership between the National Park Service and the U.S. Navy.

The War in the Pacific National Historical Park is an extraordinary way for the people of Guam and our fellow Americans to recognize the history of Guam and the battles in the Pacific Theater. On behalf of the people of Guam, I congratulate the War in the Pacific National Historical Park for a successful 30 years of service to our island and our Nation and I wish them continued success in the decades to come.

HONORING BENNY FRIEDMAN OF SANTA ROSA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today with my colleague Rep. LYNN WOOLSEY to honor a local hero from Santa Rosa, CA. Benny Friedman, a beloved philanthropist and the founder of Friedman's Home Improvement, passed away on July 9, 2008, at the age of 90, after a life that touched and inspired many.

''If we don't have it, you don't need it,'' the famous Friedman's slogan, is typical of Benny's way of doing business—with both humor and the needs of his customers in mind. And profits from the business were used to enhance the community through promotion and support of local organizations.

Born in 1918 to a Russian Jewish family that had fled the pogroms, Benny worked hard throughout his youth. After his father's death, he left high school to support the family, learning about the hardware business by working in Mike Cohen's store. In 1940, he married Rosemary Zittin, a Russian immigrant, and shortly thereafter enlisted with his brother Joe to fight in World War II.

After the war, the brothers purchased a junkyard in Petaluma and were later joined by their younger brother Harry. Over the decades, the business grew, thanks to the brothers' philosophy of working hard and treating everyone, customers and employees, with fairness and respect. During this time, their children and grandchildren joined the business,

and today there are stores in Santa Rosa, Sonoma, and Ukiah.

Benny retired 20 years ago but continued to delight family, friends, and community with his warmth, humor, and good spirits. His wife Rosemary died in 2001, and in 2006, he married Irene, whom he had met at the senior lodge where they both lived.

In Santa Rosa, Benny will be remembered as the co-founder of the Wells Fargo Center for the Arts, now one of Sonoma's County major venues. With his wife Rosemary and brother Joe, he built the Friedman Center, a community hall at Congregation Beth Ami. He donated generously to other local causes, giving back to the community which had enabled an impoverished immigrant to achieve success for himself and his family.

Benny is survived by his wife Irene, his brother Harry, his children Bill Friedman and Debbie Chapman, four grandchildren and eight great-grandchildren.

Madam Speaker, Benny Friedman's life is an example for all of us that hard work, honesty, and caring for others lead to success. But Benny went far beyond that in giving back to this community and to all who knew him. I will miss Benny, but I am thankful to have had the opportunity to be one who knew him.

HONORING JUDGE DERRELL HALL

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. HALL of Texas. Madam Speaker, I am privileged today to express my deep admiration for former Fannin County Judge Derrell Hall, who provided outstanding leadership for his community for over 23 years as Judge, Commissioner and Probation Officer.

Judge Hall's experience and excellence as County Commissioner and Chief of Juvenile Probation led to his appointment as Fannin County Judge in 1997 after a previous Judge's mid-term resignation. Derrell's character and strong sense of responsibility were evident to his community, and he was continually re-elected to lead his county and community.

Born in Bonham, Texas, on March 4, 1953, Derrell Hall is a lifelong resident of Fannin County and currently lives as the fourth generation on his family farm that his great-grandfather settled in 1908 in the tiny Mulberry community on the Red River. He and his wife, Judy Patterson Hall, are members of Mulberry Methodist Church, and are parents to five daughters and two sons. Their growing family includes four grandsons and three granddaughters.

Derrell worked for a number of years as a farmer and rancher in his home community. After receiving a Bachelor of Science degree in Political Science from East Texas State University in 1983, Derrell served as County Commissioner of Precinct One in Fannin County and became certified by the state of Texas as a Juvenile Probation Officer. From 1993 through 1996, he served as Chief of Juvenile Probation until his appointment as Fannin County Judge.

Throughout his public life, Derrell always sought to foster a better community for all of the families in Fannin County. He served as Chairman of the Fannin County Juvenile Board and a member of Fannin County's Fair Board, Appraisal District, 4-H and Youth Advisory Board, and Court Appointed Special Advocates (CASA) of Fannin County—a program that recruits, screens, trains and supervises volunteers to advocate for abused and neglected children involved in the court system. In addition, he served on the Northeast Texas Council on Alcohol and Drug Abuse, as President of both the Texoma Council of Governments and the Rural Rail Transportation District, and served 15 years on the administrative board for Cooke-Fannin-Grayson Juvenile Detention Facility and Boot Camp.

Derrell Hall is a man who understands that for a small community to thrive, it needs strong leaders who are willing to serve in many diverse capacities. As Derrell pursues new career interests, I join his many friends and supporters who look forward to seeing the new achievements Derrell is sure to accomplish. Madam Speaker, as we adjourn today, I ask my colleagues to join me in paying tribute and expressing our gratitude to this outstanding public servant in Fannin County—Derrell Hall.

HONORING BENNY FRIEDMAN OF SANTA ROSA, CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague Congressman MIKE THOMPSON to honor a local hero from Santa Rosa, CA. Benny Friedman, a beloved philanthropist and the founder of Friedman's Home Improvement, passed away on July 9, 2008, at the age of 90, after a life that touched and inspired many.

''If we don't have it, you don't need it,'' the famous Friedman's slogan, is typical of Benny's way of doing business—with both humor and the needs of his customers in mind. And profits from the business were used to enhance the community through promotion and support of local organizations.

Born in 1918 to a Russian Jewish family that had fled the pogroms, Benny worked hard throughout his youth. After his father's death, he left high school to support the family, learning about the hardware business by working in Mike Cohen's store. In 1940, he married Rosemary Zittin, a Russian immigrant, and shortly thereafter enlisted with his brother Joe to fight in World War II.

After the war, the brothers purchased a junkyard in Petaluma and were later joined by their younger brother Harry. Over the decades, the business grew, thanks to the brothers' philosophy of working hard and treating everyone, customers and employees, with fairness and respect. During this time, their children and grandchildren joined the business, and today there are stores in Santa Rosa, Sonoma, and Ukiah.

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JOE POWELL: LABOR LEADER OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. FILNER. Madam Speaker, I rise today to honor a longtime leader in the labor movement, Joe Powell. Joe is the business manager/financial secretary of the Sheet Metal Workers' Local 206 representing approximately 1,300 members. As business manager, Joe serves as the chairman of the committee which negotiates wages, hours, and conditions of employment.

As financial secretary, Joe assumes full responsibility and liability to the local union and the Sheet Metal Workers' International Association for all monies received and recorded. Additionally, Joe serves in numerous capacities with other Local 206 affiliates such as the trustee for the Sheet Metal Workers' Trust Fund, chairman of the San Diego Joint Apprenticeship Training Committee, JATC, executive board member for the AFL–CIO Labor Council, co-chairman for the Local 206 401(a) plan and executive board member of the San Diego Building and Construction Trades Council.

Joe showed his desire to participate in the advancement of his union's labor movement in 1994 when he was elected conductor for Sheet Metal Workers' Local 206. He served in this position until 1997 when he ran for and was elected as a trustee of the Sheet Metal Workers' Local 206. Joe served as a trustee until 2000 and in July 2000, he was elected as business representative of his local. From 2000 to 2004, Joe was responsible for the dispatching and drug testing of members and handling any grievances that may arise. From 2004 to the present, Joe Powell has served as business manager and financial secretary-treasurer of Local 206.

Advancement in education has also been a priority to Joe as he has completed numerous courses and training that has greatly aided his

career development. In addition to completing his 4-year apprenticeship training and becoming a certified instructor in CPR and first-aid training, he attended the National Labor College at the George Meaney Center where he received the bachelor's degree in labor studies.

Joe has been a resident of Alpine, California, his entire life along with his wife and daughter. His wife and family have been very supportive of his career choices.

I am very proud to join with the San Diego labor community in honoring Joe Powell as the 2008 Labor Leader of the Year.

TRIBUTE TO BRIDGET McCUE OF CAPE CORAL, FL

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. MACK. Madam Speaker, I rise today to honor an outstanding young hero from my district, Bridget McCue of Cape Coral, Florida, for her extraordinary bravery during a fire.

On July 31, 2008, a small fire broke out in the computer room at the McCue home. Thanks to 13-year-old Bridget's quick thinking, she was able to get her younger brother and sister out of the house and to safety. She then called 911 from a neighbor's house and called her parents, who were returning home from an errand.

Bridget's parents, Randy and Barbara, credit Bridget's training through a Red Cross babysitting class for her quick thinking and bravery. She is a role model for other teenagers across southwest Florida and is very deserving of the Lee County Red Cross' Certificate of Recognition for Extraordinary Personal Action. The people of southwest Florida and I are very proud of Bridget and her accomplishments.

Madam Speaker, it is an honor and a privilege to represent such a courageous young lady as Bridget McCue in Congress. I wish Bridget and her family all the best and congratulate her on a job well done.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. YARMUTH. Madam Speaker, it is with great honor that I rise today to recognize the National Association of Postal Supervisors on their 100th anniversary. This organization, which started in my hometown a hundred years ago, has become an international leader in the fight for workers' rights.

In 1908, 50 individuals gathered at the Seelbach Hotel in Louisville, Kentucky, to fight for the working conditions of their fellow employees. These individuals were tired of endless hours without break, deplorable working conditions, low and inequitable pay, and stringent penalties for speaking out. This meeting marked the beginning of a powerful voice in Washington that now represents 34,000 active and retired employees. NAPS has fought hard to provide hard-working people with a decent salary, proper benefits, and the opportunity to work with dignity. And today, on their 100th anniversary, it is safe to say they succeeded.

Generations of postal supervisors have come and gone since that day in 1908, and each has built upon the accomplishments of their predecessors. NAPS continues to fight for reform, taking a stand for full pension and health care benefits, working to bring postal leadership into line with the 21st century, and increasing the revenue for the United States Postal Service. The organization is also leading the call for a vote by mail system so every individual has the opportunity to participate in our democracy regardless of the barriers they face on election day.

With NAPS' long history of success, I feel confident the organization will continue to deliver victories for the next generation of postal supervisors. As the congressional Representative for Branch 1, the first of what will grow into scores NAPS' branches in all 50 States, Puerto Rico, the Virgin Islands, and Guam, I offer my sincere thanks for years of hard work and wish you a happy centennial celebration.

HONORING THE LIFE OF GLEN A. SMITH, SR.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. HALL of Texas. Madam Speaker, I rise today to honor the memory and accomplishments of a man who dedicated his life to service and seizing the day, Glen A. Smith of Rockwall.

Smith was born on May 24, 1939, in Normal, Illinois to Myers and Marybelle (Miller) Smith. He married Peggy (Pannell) Smith, and they were fortunate to have five wonderful children, Kimberli Geissler Smith of Fort Worth, Glen Allen Smith, Jr. of Dallas and Katy Chesshir of Sachse, and stepchildren Christina Hoff of Forney and Joel Rhorer of Prairie Home, Missouri.

Smith was the owner of Curry Auto Leasing in Dallas for many years until his retirement in September of 2005. In March 2007, he opened Smitty's Roadhouse Bar & Grill in Rockwall, which he owned and operated until his death. Glen enjoyed living life to the fullest, and was a race car driver all of his life, racing in the 24 hours of LeMans in France and receiving the 1986 Formula Atlantic Indy Car Rookie of the Year Award.

Glen was also involved with his community and in civic affairs. He was a member of the Rockwall Breakfast Rotary Club and was also a City of Rockwall Planning & Zoning Commissioner. He also believed in sharing his faith and was a member of the Preston Hollow Presbyterian Church in Dallas.

Madam Speaker, we are privileged to have known such a great public servant and genuine individual. Please join me today as we honor the memory and celebrate the life of Glen A. Smith, Sr.

HONORING HM2 (FMF) ANTHONY MARK FEJERAN CARBULLIDO, U.S. NAVY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. BORDALLO. Madam Speaker, I rise today to honor the life of Hospital Corpsman Petty Officer 2nd Class Anthony M. Carbullido, United States Navy. He was assigned to the Naval Hospital Corps School in Great Lakes, Illinois, where he volunteered for his second assignment as a combat medic in July 2007, stationed in Herat, Afghanistan. HM2, FMF, Carbullido died on August 8, in Sangatesh, Afghanistan, from injuries sustained when his convoy vehicle hit an improvised explosive device.

Anthony Carbullido was born on August 25, 1982, and grew up in Agat, Guam. He attended Southern High School and graduated with the class of 2000. After graduation, Tony answered the call to duty and enlisted in the United States Navy on September 28. He reported to Recruit Training Command, Great Lakes, Illinois, on November 1, 2000, and afterwards he reported to the Naval Hospital Corps School where he completed training on June 8, 2001. HM2 Carbullido's first duty station was at the Naval Medical Center, San Diego, California. He received additional training at the Fleet Medical Service School at Camp Pendleton, California, and was later assigned to the 1st Marine Logistic Group, Marine Forces Pacific where he deployed with the Marines to Iraq on a 7-month tour. Upon earning his instructor qualification, he was assigned to Naval Hospital Corps School as an instructor at Great Lakes. It was during this tour at Great Lakes that HM2 Carbullido volunteered for a second deployment and was assigned to augment the United States Army at the Afghan Regional Security Integration Command West in Herat, Afghanistan. He provided training and medical assistance to United States and Afghan forces and was recognized by his comrades as a professional and compassionate corpsman. He received many awards and commendations, most notably the Bronze Star for Valor and the Purple Heart.

On behalf of the people of Guam, I offer my condolences to his wife Summer Chaney Carbullido, his daughter Lexie, his parents Anthony Jesus and Aurora Fejeran Carbullido, his siblings Austin Matthew and Ashley Maria, his grandmother Maria Sablan Fejeran, and to his extended family and friends. He will be missed dearly by his family, friends, and our island community. HM2 Anthony M. Carbullido died in the service of our Nation and we honor his patriotism and his dedication. He is a hero who made the ultimate sacrifice for our freedom. We will always remember him and we will always be grateful for his service in the United States Navy.

God bless the Carbullido family, God bless our men and women in the Armed Forces, God bless Guam, and God bless our Nation, the United States of America.

CONGRATULATING THE ST. VINCENT DE PAUL KITCHEN FOR 25 YEARS OF SERVICE TO THOSE IN NEED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the St. Vincent de Paul Kitchen in Wilkes-Barre, Pennsylvania, which is observing its 25th year of continuous service to those in great need.

In 1983, Catholic Social Services in Wilkes-Barre recognized that a growing number of people in the community were suffering and in need of material assistance. Monsignor Donald McAndrews, the executive director of CSS, laid the groundwork for the kitchen with the belief that if people in need could be fed, they could attend to other needs more easily.

Monsignor believed that the kitchen project would be needed for 2 to 3 years and could then be dissolved once the regional economy improved.

He purchased a vacant automotive garage that was being targeted for sheriff sale due to tax delinquency. Local labor unions donated manpower to accomplish minimal renovations. Used kitchen equipment was purchased and CSS obtained a restaurant license.

Sister Lucille Brislin, the kitchen's first director, recruited volunteers and the first meal served 60 people. The kitchen continued to serve one meal a day 7 days a week. Local supermarkets helped by donating leftover bread and pastries. The kitchen depended on private donations and the community responded to that call for help.

Five years after it opened, the kitchen added a free clinic to assist in caring for the homeless. A used clothing room and a food bank were added later to expand services.

However, the need continued to grow. More than 300 meals a day were being served. In 2003, major renovations were undertaken to accommodate the growing demand. Those renovations were completed in 2005.

In 2007, an evening meal was added 3 nights per week which is served to about 125 people.

Donations are still encouraged and CSS conducts two organized fundraisers each year to help continue the services available at the kitchen. A core group of 60 volunteers come at least once each week and groups of volunteers come once or twice a year.

Madam Speaker, please join me in congratulating those who make possible the humanitarian services that emanate from the St. Vincent de Paul Kitchen in Wilkes-Barre. Without fanfare, demand for recognition, or monetary compensation, the volunteers who dispense nutritional, medical, and clothing services are helping those in the greatest need sustain not only their very lives but also their hope that new opportunities will emerge to end their dependence on others and restore their ability to become self-sufficient.

HONORING THE LIFE OF U.S. ARMY SPECIALIST JONATHAN MENKE

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. HILL. Madam Speaker, on August 4, 2008, the great Hoosier state lost one of its sons. Army SPC. Jonathan Menke was killed in Baghdad, Iraq, when his vehicle was struck by an improvised explosive device. Specialist Menke was born in Columbus, Indiana, and raised in Madison, Indiana.

An honor roll student, Jon graduated from Madison Consolidated High School in 2005, where he played football and ran track. During his senior year, he surprised friends and family by landing the role of Gaston in ''Beauty and the Beast.''

Jon joined the Indiana National Guard in March 2004. In 2008, while living and attending college in Indianapolis, Menke was activated by the Indiana National Guard and sent to support Operation Iraqi Freedom.

Specialist. Menke served with the 38th Military Police Company, stationed in Rustamiyah, Iraq. During his tour, Specialist. Menke frequently asked his father to send him things for the Iraqi children—namely shoes, toys, and candy. In Jon's mind, the needs ofthe Iraqi children were more important than his own comforts.

SPC Jonathan Menke is a hero and a true example of Hoosier values. His ultimate sacrifice deserves our most sincere thanks. I, along with the towns of Madison and Columbus, mourn the death of SPC Jonathan Menke. His friends and loved ones are in my prayers.

HONORING THE MEMORY OF BYRON BERNARD, B.B., BOON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. HALL of Texas. Madam Speaker, I am honored to pay tribute to the memory of Byron Bernard, B.B., Boon, of Linden, Texas. Mr. Boon was born January 10, 1919, in Carterville, Texas, to Andrew Camp Boon and Eudora Kerr Boon.

B.B. attended East Texas Teachers College with my wife Mary Ellen. He began his career teaching school at Warren Springs. He later became principal at Almira Schools, and from 1940 to 1941 supervised the National Youth Administration in Linden.

He joined the Army on Christmas Day in 1941 and entered the Army Air Corps on the 12th of January in 1942. B.B. ferried all types of airplanes throughout the United States and Canada. He flew BT–13s, AT–6s, B–17s, B–24s, B–25s, P–51s and was involved in the moving of troops and cargo. One of his flying assignments was to keep the route from Alaska to the Hudson Bay open so the Germans could not get a foothold in Newfoundland.

Between 1947 and 1949, he was an instructor in the Pilot's Aircraft Instrument Training School at Barksdale AFB in Shreveport, Louisiana. On one particular flight to Richmond, Virginia, his plane caught on fire. True to his sense of humor, he announced ''Byron Bernard Boon says bail out boys, she's burning.'' All the crew bailed out, and everyone survived.

On February 2, 1949, he was in a midair collision at Barksdale AFB, was critically injured and spent over a year of rehabilitation in Walter Reed Hospital. Captain Boon married Louise Bozeman in the chapel at Walter Reed Hospital on September 24, 1949. Shortly after their marriage he was forced to retire from the Air Force due to injuries sustained in the crash.

In October 1950, B.B. returned to Cass County and bought an insurance agency in Linden. He became active in the community, serving various community and church boards. He was a member of the Linden Masonic Lodge #192, a Shriner, a member of the Linden Lions Club, Linden Chamber of Commerce, former mayor of Linden and served on the Linden Municipal Hospital Board of Directors. He was also an avid pilot, owning and flying airplanes until he was 80.

He is survived by two daughters and one son-in-law, Sue and Larry Hill and Brenda Deming all of Linden; five grandchildren and spouses, Tanya and Kenneth Recer and Chris and Sonya Hill of Longview, Tammy and Andy Kozsuch of Tyler, Justin and Kim Deming of Pflugerville and Jonathan and Katherine Deming of Mesquite; seven great-grandchildren, Ryan Recer, Seth Kozsuch, Sarah Kozsuch, Kate Kozsuch, Kaden Kozsuch, Emma Hill and Payton Deming; and numerous nieces and nephews.

Madam Speaker, please join me in a final salute to Captain Byron Bernard Boone, a man who gave so much to his family, his community and his country.

HONORING THE 100TH ANNIVERSARY OF SONOMA CITY HALL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague Congressman MIKE THOMPSON to honor the 100th anniversary of the Sonoma City Hall. This iconic building has long stood as a symbol of the unique community that is the city of Sonoma.

City Hall sits in the center of the 8-acre Sonoma Plaza, the largest town square in the State of California. Dedicated on September 7, 1908, the city hall was built using local basalt stone and originally designed with four identical facades, allowing merchants from any side of the square to boast that city hall faced their business.

Surrounding the city hall on Sonoma Plaza are many historical buildings, including the Mission San Francisco Solana, Captain Salvador Vallejo's Casa Grande, the Presidio of Sonoma, the Blue Wing Inn, the Sebastiani Theatre, and the Toscano Hotel. Not far from city hall, on the northeast corner of the plaza,

John C. Fremont led the Bear Flag Revolt in 1846, which would lead to California becoming the 31st State 4 years later. The plaza has been a National Historic Landmark since 1960 and still serves as the town's focal point, hosting many community festivals and drawing tourists all year round.

In honor of this anniversary, City of Sonoma Historian George McKale has organized a commemoration committee to help celebrate this event with the community. Over the last year, members of the committee have arranged for a photo exhibition, as well as sponsoring a poster contest for local students, a lecture series, and a historic quarry hike, all to honor Sonoma's City Hall.

Madam Speaker, it is appropriate at this time that we acknowledge the 100th anniversary of Sonoma City Hall. In years to come, this beautiful and historic structure will continue to be one of the most memorable images of the city of Sonoma to residents and visitors alike.

HONORING THE 100TH ANNIVERSARY OF SONOMA CITY HALL

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

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TO COMMEMORATE THE 100TH ANNIVERSARY OF OUR LADY OF SORROWS CHURCH IN GRAND RAPIDS, MICHIGAN

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. EHLERS. Madam Speaker, it is my distinct pleasure to rise today in commemoration of the 100th anniversary of Our Lady of Sorrows Church in Grand Rapids, Michigan. On Saturday, September 13, 2008, a centennial dinner will celebrate this extraordinary milestone, and it is a privilege to recognize and honor Rev. Theodore J. Kozlowski and the congregation of this remarkable church for the model of Christian service and the beacon of hope they have offered to the Grand Rapids community over the past century.

From the first mass celebrated on September 20, 1908, by their young energetic priest, Father Salvatore Cianci, Our Lady of Sorrows was founded primarily to provide for the growing Italian community in Grand Rapids. Meeting in the basement chapel of St. Andrew's Cathedral, this fledgling church offered the opportunity for Italians to worship and continue their faithful prayer life in the language of their childhood. Through the devoted efforts of Fr. Cianci and the small but very dedicated congregation, a dream became reality on Easter Sunday 1921, when a new structure intended as a temporary church, and also a second building intended to house a future school, were blessed and dedicated. Even though the Great Depression prevented the parish from fulfilling its dream of a permanent house of worship for almost 40 years, Our Lady of Sorrows School did open its doors for the first time on September 25, 1922, with 56 students in attendance. Certainly this was an exceptional accomplishment for a church which originated from the hard work and perseverance of just a handful of Italian immigrant families.

A long, faith-filled journey has led the congregation of Our Lady of Sorrows to now carry out the same legacy of their Italian forefathers for the growing Hispanic population in our community. Today, as this parish reaches out to each member and to a larger, more diverse community with loving acts of kindness, they continue to enrich and inspire those who are touched by their works. Our Lady of Sorrows is well known and widely respected for bringing a greater understanding of all cultures within the Catholic Church to others throughout the greater Grand Rapids area.

This extraordinary anniversary reminds all of us that wonderful things do happen when we seek to serve and glorify God. Reflecting on the many struggles and joys Our Lady of Sorrows has faced during its first century of service to the Lord, it is the perfect time to reaffirm and strengthen our own faith, recognize the call to reach out to others, and share the power of God's love. I am proud to represent the many parishioners of various races and ethnic groups who call Our Lady of Sorrows their church home, and am grateful to this congregation for their illuminating example of God's kindness. I am honored to extend my best wishes for a memorable, grace-filled celebration of a century of caring concern and service to the Grand Rapids community.

HONORING THE PUBLIC SERVICE OF HAMMER RESIDENCES

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. RAMSTAD. Madam Speaker, I rise today to recognize all the good people at Hammer Residences, who have come to Washington, DC, to take part in the American Network of Community Options and Resources (ANCOR) 2008 Governmental Activities Seminar and "DSPs to DC" events.

Hammer Residences is working in my district to provide direct support and services to individuals with disabilities of all ages. Hammer employs 300 direct support professionals who provide a range of supports services 7 days a week, 24 hours a day, to help further the public policy goal of enabling people with mental and physical disabilities to live and work in their community. This outstanding, highly trained, highly skilled and highly committed workforce supports over 400 people with disabilities in our community.

Hammer's services include residential and in-home services, case management and other support services for both children and adults with disabilities.

For most of this week, people from Hammer Residences and all the attendees at ANCOR's events are meeting with their congressional offices. They are discussing the deepening workforce crisis threatening the quality of support services to people with disabilities throughout the Nation.

Without an adequately paid, trained and dedicated workforce, Americans with disabilities and their families face a less secure future. Without the necessary workforce, providers cannot help our nation fulfill its commitment to people with disabilities embodied in the Americans with Disabilities Act and the U.S. Supreme Court's Olmstead decision.

I applaud the people at Hammer Residences for taking a lead on this workforce issue. This is problem-solving at its best, and I encourage all of my colleagues to examine their commitment to providing the best support possible to people with disabilities in their districts.

There is no better way to recognize this workforce's contribution to the Nation than to ensure that these dedicated direct support professionals are fairly compensated. I ask that my colleagues join me in cosponsoring the bipartisan Direct Support Professionals Fairness and Security Act (H.R. 1279) and urging hearings on this important issue in the coming weeks.

HONORING THE LIFE OF LEONARD BRENT ''BUD'' DOGGETT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor the life of a true servant of the greater Washington, DC, region, Leonard Brent ''Bud'' Doggett.

Bud Doggett was a lifelong resident of the District of Columbia, a leading entrepreneur and philanthropist, and a tireless advocate for a thriving Capital region. Bud was a trusted advisor to both local and Federal elected officials in the District, northern Virginia, and Maryland. As a representative of northern Virginia, I have always believed that you cannot have a healthy region without a healthy Washington; Bud's lifetime of achievement did much to further this goal.

Bud was born on August 25, 1920, and attended Georgetown Prep. Upon graduation, he joined the Army, served in Europe as a World War II infantryman, and was awarded the Bronze Star for heroic actions.

After the war, he returned home and joined the parking business founded by his parents in 1926, working with local businesses and the downtown community to develop a comprehensive plan for parking in the city. During the following years, Bud served as founder and president of both the Washington Parking Association and the National Parking Association, which now boasts more than 1,200 corporate members.

Bud was also a past president and active member of the Greater Washington Board of Trade for more than 50 years, during which he helped develop large segments of the District and secured employment for many in the community's disadvantaged populations. His support was crucial to such Washington landmarks as the Kennedy Center for the Performing Arts and the old Washington Convention Center, heralded as the country's fourth largest after it was completed in 1982.

One of Bud's greatest legacies continues today. In 1964, he founded Heroes, Inc., a group of local business leaders who without fanfare have provided millions of dollars to families of police officers and firefighters in the greater Washington area who died in the line of duty.

Heroes, Inc., currently is committed to providing full college scholarships, including tuition, room and board, books, supplies and many other incidental costs, to the 192 dependents of the 157 Heroes appearing on the organization's Honor Roll form.

I was saddened to learn that Bud Doggett passed away on August 13, 2008, at the age of 87. He will surely be missed, but his place in the region's history and his service to the greater DC area, including its police and firefighting heroes, will not soon be forgotten.

HONORING THE LIFE AND ACCOMPLISHMENTS OF R.E. ''EARL'' SLAUGHTER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. HALL of Texas. Madam Speaker, I rise today to honor the memory and accomplishments of a man who dedicated his life to the health and well being of others, R.E. ''Earl'' Slaughter of Rockwall.

Earl was born December 6, 1925, in Edgewood to John Arthur, Sr., and Flora Anne (Cox) Slaughter. He was a 1943 graduate of Edgewood High School and a 1949 graduate of the University of Texas School of Pharmacy. He served his country honorably in the United States Army Air Corps during World War II.

Earl married Yvonne McMurray on September 14, 1947, in Denton. Their marriage produced five wonderful children, Cathy Slaughter who lives in Rockwall, Betsy Blundell of Rowlett, Richard Slaughter of Rockwall, Scott Slaughter of Austin, and Dean Slaughter who lives in The Colony.

For 5 decades Earl operated what was the only pharmacy in Rockwall—Rockwall Drug. He and his brother E.K. acquired the business about 3 years after it opened on the square in downtown Rockwall. Then, Rockwall was a small rural community and Earl was a lifeline for so many people. In the beginning he opened the pharmacy at 7 a.m. and stayed open until 10 p.m. Many nights he would return after hours to fill emergency prescriptions.

Rockwall Pharmacy and Earl Slaughter were at the center of most things that happened in Rockwall. With a storefront so close to the Rockwall County courthouse, its employees and elected officials would gather at the fountain before work, at lunch, and after work to discuss the day's events.

Earl was also deeply involved with his community and civic affairs. He was a member of the Texas Pharmacy Association for more than 50 years. He was the past president of the Rockwall Independent School District and the Chamber of Commerce. He was on the City Planning/Zoning Board, and received the Soroptimist Man of the Year Award in 2003. He was also active in the American Legion and Lions Club. Earl believed in sharing his faith and was a member of the First United Methodist Church in Rockwall.

Madam Speaker, one of Earl's former employees summed it up best when she said that Earl helped people every way he could.

I count it an honor to have been friends with this great public servant and his wonderful family. What our world needs today are a few more Earl Slaughters. Please join me today as we honor his memory and celebrate his life's accomplishments.

TRIBUTE TO THE FLORIDA ADDICTIONS INSTITUTE

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. MACK. Madam Speaker, I rise today to honor the Florida Addictions Institute's second graduating class. These dedicated individuals will go on to become certified drug addiction counselors throughout southwest Florida and the rest of the State.

There's no question that being a drug and alcohol counselor is not an easy job and garners little public recognition. But it's a personally rewarding job, and one that can have a profound impact on shaping addicts' lives to make them productive, giving members of society.

Sadly, 1 in 10 persons is addicted to drugs and/or alcohol at some time in their lives—making substance abuse one of our Nation's top health problems. It is estimated that 5,000 new addictions professionals are needed each year to replace those leaving the field.

That's why the work of the Florida Addictions Institute is so vital. The institute trains the next wave of caring, certified substance abuse counselors to help people from all walks of life overcome substance abuse.

Madam Speaker, it is a true honor and a privilege to represent the staff and graduates of the Florida Addictions Institute in Congress, and I wish this year's graduating class all the best as they set out to make a difference in the lives of others. The people of southwest Florida join me in thanking them for their selfless and dedicated service.

RECOGNIZING THE CONTRIBUTIONS OF JAMES CHEN-YU CHIN

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. BORDALLO. Madam Speaker, I rise today to honor and recognize Mr. James Chen-Yu Chin, Director General of the Taipei Economic and Cultural Office in Guam for his service and contributions to our island community. Mr. Chin has served as the Director General since 2003 and he has been a valuable member of our island community and an effective advocate for his constituents who reside on Guam.

Director General Chin has promoted cultural and economic exchanges between Taiwan and Guam, particularly through efforts to engage and inform both communities about the growth and opportunities available within each respective economic market.

During his tenure, Director General Chin hosted three successful visits for the President and Vice President of Taiwan, allowing the opportunity to showcase the many attributes of Guam's thriving business and tourism industries. His hospitality extended to other visiting groups over the span of 5 years, which included tourism promoters, performing groups, sports teams, and investors, all of which

helped to build Guam's public visibility within the Taiwan community.

Director General Chin also assisted our community by expanding opportunities for cooperation. He assisted the Guam Police Department by sharing Taiwan's expertise and best practices in public security and forensic science. He also facilitated educational and academic exchanges between the University of Guam and the Micronesia Area Research Center with their academic counterparts from Taiwan's national universities. These opportunities included exchanges of experts in the fields of agriculture and marine science to the mutual benefit of both academic institutions.

Director General Chin's extensive background in foreign affairs contributed to enhancing the relationship between the people of Guam and Taiwan. His many contributions to our island community have been appreciated by the nonprofit organizations and the service organizations in which he has been an active participant. Whether it has been responding to regional disasters or assisting in local relief efforts, James and his wife, Grace, have been outstanding members of our island community and they have shown how much they love our island by their involvement.

Director General James Chen-Yu Chin has made a lasting impression on Guam and his leadership and community contributions have improved our island significantly. It is through his many accomplishments that we enjoy a warmer friendship with the people of Taiwan. May God bless James and Grace and their family as we bid them farewell with a heartfelt thank you and Si Yu'os Ma'ase.

RECOGNIZING A.P. MERRITT AS SBA'S 2007 SMALL BUSINESS PERSON OF THE YEAR

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. HALL of Texas. Madam Speaker, it is my pleasure to rise today to honor A.P. Merritt of Merritt Tool Company in Kilgore, TX, as the U.S. Small Business Administration's (SBA) regional Small Business Person of the Year 2007 Award Recipient.

Each year, the U.S. Small Business Administration recognizes individuals on a State, district, and national level for their performance, commitment, and support of small businesses in the Nation. Merritt, the president of Merritt Tool, was presented the Small Business Person of the Year Award at a special awards ceremony in April of this year for his diversification efforts, success in earning government contracts, business growth and community service. Merritt Tool Company (MTC) is a modern machine shop manufacturing facility, specializing in complex milling, turning, grinding and assembly, serving customers in the aerospace, energy and commercial industries. The company was founded in 1928 and today employs about 100 workers in its machine shop and metal operation in Kilgore.

In conjunction with the honor of receiving this prestigious award, Gregg County Judge Bill Stoudt proclaimed that the 16th day of May be known as A.P. Merritt Day in Gregg County, Texas, for years to come.

Madam Speaker, I am extremely proud of A.P. Merritt's accomplishments, his consistency in business and his continued leadership in the Kilgore community. I ask that my colleagues join me in honoring a man who represents the best in entrepreneurial spirit, Mr. A.P. Merritt.

AMERICAN ENERGY DEBATE

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. FOXX. Madam Speaker, It's been 5 long weeks since the Democrat majority adjourned for a summer recess without passing legislation to bring down the cost of gas.

But House Republicans have been on the floor of the House discussing solutions to our Nation's energy crisis anyway.

We've been engaging average Americans on this vital issue and we won't stop the debate until Congress takes up real, comprehensive energy legislation.

Republicans have offered a plan—the American Energy Act—to increase the production of American-made energy in an environmentally safe way.

Is it too much to ask for a simple up or down vote on this bill? Isn't this supposed to be the people's Congress?

Today I call on the Speaker to bring this bill up for a vote so we can bring the price down at the pump.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 9, 2008, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 10

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine ways to improve consumer protection in the prepaid calling card market.

SR–253

Appropriations

Defense Subcommittee

Business meeting to markup Department of Defense appropriations for fiscal year 2009.

SD–192

Environment and Public Works

To hold hearings to examine improving the Federal Bridge Program, focusing on an assessment of S. 3338, to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and H.R. 3999, to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System.

SD–406

Finance

Business meeting to consider S. 3038, to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, S. 1070, to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and S. 1577, to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

SD–215

Homeland Security and Governmental Affairs

To hold hearings to examine audits at the Defense Contract Audit Agency.

SD–342

Judiciary

To hold hearings to examine new strategies for combating violent crime, focusing on drawing lessons from recent experience.

SD–562

10:30 a.m.

Foreign Relations

To hold hearings to examine protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Albania and the Republic of Croatia adopted at Brussels on July 9, 2008, and signed that day on behalf of the United States and the other Parties to the North Atlantic Treaty (Treaty Doc. 110–20).

SD–419

1:30 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine Russia, Georgia, and the return of power politics.

HROB–2325

2 p.m.
Foreign Relations
To hold hearings to examine the nominations of Sung Y. Kim, of California, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks, C. Steven McGann, of New York, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati, and Carol Ann Rodley, of Virginia, to be Ambassador to the Kingdom of Cambodia.
SD–419

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine managing the challenges of the federal government transition, focusing on assessing the readiness and planning for the transition and identifying critical needs for the new Administration to address.
SD–342

3 p.m.
Environment and Public Works
Transportation Safety, Infrastructure Security, and Water Quality Subcommittee
To hold hearings to examine the quality and environmental impacts of bottled water.
SD–406

SEPTEMBER 11

9 a.m.
Foreign Relations
To hold hearings to examine the nominations of Brian H. Hook, of Iowa, to be an Assistant Secretary of State (International Organization Affairs), Gregori Lebedev, of Virginia, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform, Gregori Lebedev, of Virginia, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, and Matthew A. Reynolds, of Massachusetts, to be an Assistant Secretary of State (Legislative Affairs).
SD–419

9:30 a.m.
Indian Affairs
To hold hearings to examine S. 3128, to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project, S. 3355, to authorize the Crow Tribe of Indians water rights settlement, and S. 3381, to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos.
SD–628

Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine dividend tax abuse, focusing on ways that offshore entitites avoid taxes on United States stock dividends.
SD–106

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345, Cannon Building

10 a.m.
Judiciary
Business meeting to consider S. 2746, to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, S. 2838, to amend chapter 1 of title 9 of United States Code with respect to arbitration, S. 3136, to encourage the entry of felony warrants into the NCIC database by States and provide additional resources for extradition, S. 1276, to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, S. 3197, to amend title 11, United States Code, to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days, S. 3325, to enhance remedies for violations of intellectual property laws, S. 3296, to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice, S. 2052, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces, H.R. 5235, to establish the Ronald Reagan Centennial Commission, S. 3166, to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States, and the nominations of Jeffrey Leigh Sedgwick, of Massachusetts, to be an Assistant Attorney General, J. Patrick Rowan, of Maryland, to be an Assistant Attorney General, and William B. Carr, Jr., of Pennsylvania, to be a Member of the United States Sentencing Commission.
SD–562

Small Business and Entrepreneurship
To hold hearings to examine business start-up hurdles in underserved communities access to venture capital and entrepreneurship training.
SR–428A

10:30 a.m.
Aging
To hold hearings to examine 1–800-MEDICARE Information (1–800–633–4227).
SR–325

12 noon
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Carol Waller Pope, of the District of Columbia, and Thomas M. Beck, of Virginia, both to be a Member of the Federal Labor Relations Authority.
SD–342

SEPTEMBER 16

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine reasons that broadband internet access matters.
SR–253

Energy and Natural Resources
To hold hearings to examine the current state of vehicles powered by the electric grid and the prospects for wider deployment in the near future.
SD–366

2:30 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine the state of democracy and human rights in Belarus and how the Belarusian authorities are complying with their OSCE election commitments in advance of the September 28 parliamentary elections.
B318, Rayburn Building

SEPTEMBER 17

9:30 a.m.
Judiciary
To hold oversight hearings to examine the Federal Bureau of Investigation.
SH–216

Veterans' Affairs
To hold hearings to examine the nomination of Patrick W. Dunne, of New York, to be Under Secretary for Benefits of the Department of Veterans Affairs.
SR–418

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine protected marine areas, focusing on federal and state efforts to conserve, manage, and restore marine resources.
SR–253

SEPTEMBER 18

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold an oversight hearing to examine bus safety.
SR–253

SEPTEMBER 24

9:30 a.m.
Veterans' Affairs
To hold oversight hearings to examine cooperation and collaboration by the Departments of Veterans Affairs and

Defense on information technology efforts.

SR–418

10 a.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine the imbalance in United States-Korea automobile trade.

SR–253

POSTPONEMENTS

SEPTEMBER 10

10 a.m.

Rules and Administration

To hold hearings to examine S. 3308, to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies.

SR–301

SEPTEMBER 11

2:30 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine transparency in accounting, focusing changes, focusing proposed changes to accounting for off-balance sheet entities.

SD–538

SENATE—*Tuesday, September 9, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, give us this day love and reverence for Your Name. May we trust You so completely that no challenge will intimidate us. Remind us that You will never forsake us and will sustain us through life's storms.

Lord, continue to empower the Members of this body. Help them to grow in their respect and esteem for each other as they become more like You. Strengthen them to live expectantly, knowing that You will supply them with serendipities, wonderful surprises of Your grace. Let Your peace, which passes all understanding, keep their hearts and minds in the knowledge of Your love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 9, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the distinguished Republican leader and I are going to shortly have a conversation that will hopefully help us as a body to determine which direction we are going to go over the next few days. We have before us the Defense authorization bill; 30 hours postcloture is running now. We have our regular caucuses this afternoon, as we always do, and hopefully this afternoon we will start legislating.

Following the statement I just completed, there will be a period of morning business, with Senators allowed to speak for 10 minutes each, with the Republicans controlling the first half and Democrats controlling the second half. Following that, we will resume consideration of the motion to proceed to S. 3001, the Defense authorization bill. The Senate will recess, as I have indicated before, from 12:30 until 2:15 today to allow for the weekly caucus luncheons to occur.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour, with the time equally divided and controlled and with the Republicans controlling the first half of the time and the majority controlling the second half of the time.

The Senator from Texas is recognized.

TAKING ACTION

Mr. CORNYN. Mr. President, as we return from the August recess, we return to the same problems Congress left unresolved when we left in July.

As I traveled around the State of Texas, I continued to hear people express concerns not only about high energy prices but high food prices. They are concerned that Congress is not doing enough to deal with this crisis. Frankly, I have to say that as I talked to Republicans and Democrats and Independents in my State, it was hard to find anybody who felt as though Congress is doing its job. That is right. I don't care whether they were Republican or Democrat or Independent, there is a reason Congress has a historically low congressional approval rating, according to most public opinion polls, and that is because people look at Congress and they see not a genuine attempt to roll up our sleeves and try to solve problems but too much partisanship, too much point-scoring, too much posturing for the upcoming election.

I don't know any Member of this Senate who actually ran for election and hoped to serve in this distinguished body who anticipated coming up here and being stuck in the same old replay day after day, month after month, where Congress has essentially become dysfunctional in dealing with the concerns of the American people. Rather, I think most of us hope to come up here and actually make a difference, actually get something done. I know there is concern that if something gets done, somebody is actually going to get credit for having solved a problem. I think that is a risk we ought to take because if Democrats and Republicans were actually working together to try to solve problems, I think both sides would get credit and the American people would feel better about their elected officials and feel as though maybe Congress and Washington are somehow a little less disconnected from the rest of the country.

For example, we know that when we left here in August, one of the things we had hoped to do was to get a vote on more domestic drilling to be able to produce American energy rather than depend, as we do—$700 billion worth—on importing that energy from other sources. I am glad there have been some continuing discussions, and I am hopeful that ultimately we will be able to actually do something—do something relevant, do something responsive, do something significant to deal with these high prices. We know there are several things we can do—yes, conservation is part of it, using less, but also producing more American energy so we are less dependent on importing oil from dangerous and unfriendly regions of the world.

Now, it is interesting, because I think the majority of the American people look at Congress and they don't necessarily distinguish between Republicans and Democrats and who is in charge and who is not in charge. I have to say congratulations to our Democratic friends who won the majority in the Senate and in the House in the 2006 election. That is the good news. The bad news is the Democrats are actually in charge of setting the agenda. When Congress is stalemated over something as important to the average American and Texas family as high energy prices and we are unable to get it teed up so we can actually have a meaningful debate and a vote, an up-or-down vote on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

more domestic production of American energy, it is because our friends on the Democratic side control the agenda and they so far have refused to allow us that vote. I hope, after traveling their States and listening to the American people over this last month, their position will have softened a little bit and they will be open to this idea of producing more American energy so we are less reliant on imported energy from other countries.

We are going to have a couple of chances to do this. If presumably there were an energy bill that was allowed to come up, that would be one chance. There is another chance we know we are going to have because this is basically the vote we are going to have before we leave that is going to decide whether the Federal Government is going to continue a moratorium on offshore drilling.

For almost 30 years now, Congress has imposed an annual appropriation rider on appropriations bills that has banned exploration and production of oil from offshore sources. We are going to have a shot at that regardless of what happens because we are going to have to renew that to keep the Government going forward. My hope would be that we would be a little more farsighted than that and we would be a little bit more willing to consider ideas on both sides of the aisle to do what I know the American people are desperate to see Congress do, and that is to actually work together to solve the country's problems on a bipartisan basis and not to continue to turn a deaf ear to people who are in some distress because of high energy prices and all of the consequences associated with it.

We know the economy has moved to the top of the Nation's priority list in the upcoming election, some 56 days from now. Of course, there is more to the economy than high energy prices, but I submit that is a significant—a very significant—part of it.

We need to deal with issues such as obstructing free trade. We have had the Colombia Free Trade Agreement which actually would create markets for American-produced agriculture and manufactured goods in a country that now—my State alone sells $2.3 billion worth of goods a year to that country, but they are put at a disadvantage because there is a tariff added to the cost of those goods as they are imported into Colombia but not so when their goods are sent to the United States. So wouldn't it make sense, when our economy is softening and when people are concerned about jobs, as we all are, to say: Yes, we need to have more markets for American agricultural produce and for manufactured goods because that would create jobs here at home. To me, it just makes common sense, but we see nothing but obstruction there.

Then, when it comes to suggestions about how to deal with so many issues, our friends on the other side of the aisle—and including, frankly, some Republicans in the so-called Gang of 10 regarding the Energy bill—have proposed raising taxes on domestic oil and gas production by $30 billion. We tried that before. There is going to be some division, some difference of ideas on both sides of the aisle. We tried that before during the Carter administration, and, because of a windfall profits tax, rather than increasing our independence, increasing our self-sufficiency, we actually depressed domestic production of oil and gas because those taxes were put disproportionately on American-based, shareholder-owned companies when, in fact, you cannot impose those taxes on Saudi Arabia or Canada or Mexico. By Congress, in a discriminatory fashion, imposing those taxes on American shareholder-owned oil companies, it actually depressed domestic production, which is opposite of what we have all said that we want to do, which is to decrease our dependence on foreign oil.

So we have some huge challenges, there is no doubt about it, and the American people are crying out for a Congress that is actually going to respond to those issues.

We also know that in the national security debate that is so much a part of this Presidential race but ought to be a part of what we focus on—job No. 1: the national security of the American people—they want to make sure there is responsible leadership in place dealing with an ever-dangerous world. If there was any doubt about it, the Russian invasion of the Democratic Republic of Georgia should have reminded people that this is a dangerous world. We cannot let our guard down. We need to remain strong because only from a position of strength will the United States be able to maintain peace. When our enemies see us let our guard down and do things such as try to micromanage the troops and set an arbitrary timetable on when they come home rather than based on conditions on the ground, they see that not as a sign of strength, they see that as a sign of weakness, which emboldens bullies and emboldens nations that would like to take advantage of that.

The last thing I wish to mention in my 10 minutes is that the American people want fiscal responsibility. They want to see Congress actually doing the job we get elected to do and get paid to do. For us to be here now in September having not yet passed a single appropriations bill out of 13 appropriations bills is not fiscal responsibility. It is simply kicking the can down the road and more of the same. Frankly, what the American people do not want to see is more of the same. They want change all right. But I submit to you they want the right kind of change. They wish to see a Congress that is actually functioning, actually addressing their concerns, and actually working together to solve problems.

So far, with this Congress that is controlled by our friends on the other side of the aisle, we have been unable to tee up many of these important issues. I hope in the short period of time we have in the month of September, where we are actually going to be in session, we will have a productive session and work together to try to solve some of these problems because, frankly, our record so far under the Democratic leadership is dismal.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, would the Chair let me know when 9 minutes has elapsed.

The ACTING PRESIDENT pro tempore. The Chair will do so.

CLEAN ENERGY INDEPENDENCE

Mr. ALEXANDER. Mr. President, I thank the Senator from Texas for his wise comments. As usual, he is right on the mark. I want to talk about the same subject, which is on the mind of almost every Tennessean I saw in the last 5 weeks, and I am sure it is on the minds of most Americans. During this work period, all during August and part of September, in Tennessee, I did what I imagine most of us from the Senate did. In my case, I visited a producer in Knoxville who delivers tomatoes and vegetables to schools and restaurants. He was talking about the triple whammy that high energy prices cause when they have to pay extra for fuel to bring them to Knoxville, and pay extra to deliver them; and then the farmer, in the first place, had to pay extra to grow them because of energy costs. For the trucking company in Jackson, TN, and the food banks in Nashville and Memphis, it is all the same story about how high energy prices are hurting people and affecting the lives of Tennesseans.

I wasn't surprised to find that Tennesseans and most Americans know there is no silver bullet and they know we cannot solve this problem tomorrow. But they expect us to start today, not tomorrow, to deal with the problem. That is why last May I went to Oak Ridge, TN, to say what I thought we ought to do about high energy prices. I proposed a new Manhattan project for clean energy independence. I said, to begin with, we should do the things we know how to do, and that is to drill offshore environmentally for oil and gas that we know we have and that we can use to increase our supply and reduce the price at home. That is in the case of transportation, primarily.

In the case of electricity, we should pursue much more aggressively the technology we invented, which is nuclear power. It is only 20 percent of our

electricity, but if you care about global warming and clean air, it is 70 percent of our clean electricity. My proposal was that we borrow a page from history, from World War II, when President Roosevelt created a secret plan to build a bomb before Germany did, because if Germany got the bomb, it would have blackmailed the United States and the world. We succeeded due to that Presidential leadership, by the congressional leadership, and by drafting companies, literally, into the Manhattan project, by recruiting the best scientists in the world, by stating a clear objective and using American know-how to do it. I suggested we should do that same thing—maybe seven mini-Manhattan projects with seven grand challenges:

No. 1. We should make electric cars and trucks commonplace. That is getting to be a little more accepted. I talked to the head of the Austin, TX, utility district. He said they have a million cars in his district—and light trucks—that he guesses maybe 10 percent of them could be run by electricity instead of gasoline within 5 years, and maybe half of them within 15 to 20 years. That is 120 million vehicles if that percentage applied to the whole country. I asked how many more powerplants would you have to build so half of your cars and light trucks could be run on electricity instead of gasoline. ''Zero'' is the answer, because if you plug in at night, his utilities, and the Tennessee Valley Authority, and most utilities have plenty of excess electricity unused at night that they can sell to us at cheaper rates to plug our cars and trucks into. So that is one way to use less gas and oil—by using more electric cars. So over 5 years we should make that commonplace.

A second grand challenge that I offered was to make carbon capture—the capturing of carbon out of coal plants—a reality within 5 years. We talk a lot about this, taking carbon out of coal plants' pollution—that produces about half of our electricity—and make it a reality. We have not done it yet. We do it a few places by putting carbon back down into the ground for oil. But over 5 years, if we made a crash program out of it, as we did with the Manhattan project, we might find a way to get rid of that carbon, help global warming, use the powerplants, which is homegrown electricity, and it would set an example for China, India, and other places that are building dirty coal plants that will affect our air as well.

Third, making solar power cost competitive with fossil fuels. Wind is useful in some places, and it has a subsidy. More widespread and promising is solar power. Solar thermal powerplants are solving the problem we have with wind, which is that we cannot store electricity made from it yet. It blows when it wants to. With these solar thermal plants, they make steam, which can be put in the ground and use it when needed to create electricity.

Fourth, safely reprocess and store nuclear waste. We should do that.

Fifth, make advanced biofuels cost competitive with gasoline. There is a limit to what we can do with corn to make fuel, but there are plenty of crops, such as switchgrass, which, with further research on a crash program, we could use less gas and oil.

Sixth, we should make new buildings green buildings. Over the next 30 years, we should make new buildings green buildings.

Finally, participate in the international research for fusion. I know that is a long shot. But the United States should participate in trying to recreate on Earth the way the Sun creates energy.

If we had a new Manhattan project for clean energy independence that began by doing what we already know how to do—drill offshore, create more nuclear power, and do the seven things I mentioned—that would be the kind of policy we should adopt and people would respect us for. But what happened? We didn't take it up. When we left in August, despite the fact that, according to surveys by Dave Winston, 81 percent of the American people agree with the idea of a new Manhattan project for clean energy independence, we were still arguing about whether we ought to be discussing high gasoline prices.

Unfortunately, the Democratic leader didn't want to allow us to bring up legislation that we wanted to bring up, which would find more American energy. Apparently, that has changed a little bit, and I am glad to see that. We may have some choices this month.

The question is: What can we do in the next 3 weeks? We are having an energy summit on Friday. That is good. The Democratic and Republican leader and the Democratic and Republican head of the Energy Committee will organize it. It would have been better if we had it in June or July. But that is good. Apparently, we will have legislation to consider, perhaps from the House, and perhaps Senator BINGAMAN will have legislation. And there is the legislation that the group called the Gang of 10, 16, or 20, a group working in a bipartisan way to solve the problem, is working on. We Republicans offered the Gas Price Reduction Act, which includes drilling offshore, encouraging electric cars, dealing with speculation and oil shale in the Western States. That would be a start.

As the Senator from Texas said, we have to deal with the question in the appropriations process that has restricted all these years our ability to drill offshore. You see, we stick it in the appropriations bill every year and say you cannot drill offshore. So we are going to have to deal with that by the end of the month. The responsible way to do that is to bring it up and vote on it. Let everybody stand up and say whether they think it is a good idea to give every single American State the opportunity to drill for oil and gas at least 50 miles offshore, and for that State to keep 37.5 percent of the proceeds. If I were the Governor of a State with a coastline, which I am not, I would be doing that quickly and using those revenues for higher education, keeping taxes down, and improving the environment.

At the very least, we should make certain in these next 3 weeks that we do job one, which is, to me, making sure that we drill offshore to produce American energy. That would keep $50 billion or $60 billion more at home and send a signal that the third largest producer of oil in the world is willing to produce, and it would at least get us started down the road to finding more American oil and using less foreign oil.

I ask unanimous consent that my remarks in Oak Ridge in May about a new Manhattan project for energy independence be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

United States Senator Lamar Alexander, Oak Ridge National Laboratory, May 9th, 2008

A NEW MANHATTAN PROJECT FOR CLEAN ENERGY INDEPENDENCE

SEVEN GRAND CHALLENGES FOR THE NEXT FIVE YEARS

Plug-in electric cars and trucks, carbon capture, solar power, nuclear waste, advanced biofuels, green buildings, fusion

HISTORY

In 1942, President Franklin D. Roosevelt asked Sen. Kenneth McKellar, the Tennessean who chaired the Appropriations Committee, to hide $2 billion in the appropriations bill for a secret project to win World War II.

Sen. McKellar replied, ''Mr. President, I have just one question: where in Tennessee do you want me to hide it?''

That place in Tennessee turned out to be Oak Ridge, one of three secret cities that became the principal sites for the Manhattan Project.

The purpose of the Manhattan Project was to find a way to split the atom and build a bomb before Germany could. Nearly 200,000 people worked secretly in 30 different sites in three countries. President Roosevelt's $2 billion appropriation would be $24 billion today.

According to New York Times science reporter William Laurence, ''Into [the bomb's] design went millions of man-hours of what is without doubt the most concentrated intellectual effort in history.''

THE GOAL: VICTORY OVER BLACKMAIL

I am in Oak Ridge today to propose that the United States launch a new Manhattan project: a 5-year project to put America firmly on the path to clean energy independence.

Instead of ending a war, the goal will be clean energy independence—so that we can deal with rising gasoline prices, electricity prices, clean air, climate change and national security—for our country first, and—because other countries have the same urgent needs and therefore will adopt our ideas—for the rest of the world.

By independence I do not mean that the United States would never buy oil from Mexico or Canada or Saudi Arabia. By independence I do mean that the United States could never be held hostage by any country for our energy supplies.

In 1942, many were afraid that the first country to build an atomic bomb could blackmail the rest of the world. Today, countries that supply oil and natural gas can blackmail the rest of the world.

NOT A NEW IDEA

A new Manhattan Project is not a new idea—but it is a good idea and fits the goal of clean energy independence.

The Apollo Program to send men to the moon in the 1960s was a kind of Manhattan Project. Presidential candidates John McCain and Barack Obama have called for a Manhattan Project for new energy sources. So have former House Speaker Newt Gingrich, Democratic National Committee chairman Howard Dean, Sen. Susan Collins of Maine and Sen. Kit Bond of Missouri—among others.

And, throughout the two years of discussion that led to the passage in 2007 of the America COMPETES Act, several participants suggested that focusing on energy independence would force the kind of investments in the physical sciences and research that the United States needs to maintain its competitiveness.

A NEW OVERWHELMING CHALLENGE

The overwhelming challenge in 1942 was the prospect that Germany would build the bomb and win the war before America did.

The overwhelming challenge today, according to National Academy of Sciences president Ralph Cicerone, in his address last week to the Academy's annual meeting, is to discover ways to satisfy the human demand for and use of energy in an environmentally satisfactory and affordable way so that we are not overly dependent on overseas sources.

Cicerone estimates that this year Americans will pay $500 billion overseas for oil—that's $1,600 for each one of us—some of it to nations that are hostile or even trying to kill us by bankrolling terrorists. Sending $500 billion abroad weakens our dollar. It is half our trade deficit. It is forcing gasoline prices toward $4 a gallon and crushing family budgets.

Then there are the environmental consequences. If worldwide energy usage continues to grow as it has, humans will inject as much CO_2 into the air from fossil fuel burning between 2000 and 2030 as they did between 1850 and 2000. There is plenty of coal to help achieve our energy independence, but there is no commercial way (yet) to capture and store the carbon from so much coal burning—and we have not finished the job of controlling sulfur, nitrogen, and mercury emissions.

THE MANHATTAN PROJECT MODEL FITS TODAY

In addition to the need to meet an overwhelming challenge, other characteristics of the original Manhattan Project are suited to this new challenge:

It needs to proceed as fast as possible along several tracks to reach the goal. According to Don Gillespie, a young engineer at Los Alamos during World War II, the ''entire project was being conducted using a shotgun approach, trying all possible approaches simultaneously, without regard to cost, to speed toward a conclusion.''

It needs presidential focus and bipartisan support in Congress.

It needs the kind of centralized, gruff leadership that Gen. Leslie R. Groves of the Army Corps of Engineers gave the first Manhattan Project.

It needs to ''break the mold.'' To borrow the words of Dr. J. Robert Oppenheimer in a speech to Los Alamos scientists in November of 1945, the challenge of clean energy independence is ''too revolutionary to consider in the framework of old ideas.''

Most important, in the words of George Cowan as reported in the excellent book edited by Cynthia C. Kelly, ''. . . The Manhattan Project model starts with a small, diverse group of great minds.''

I said to the National Academies when we first asked for their help on the America COMPETES Act in 2005, ''In Washington, D.C., most ideas fail for lack of the idea.''

THE AMERICA COMPETES MODEL FITS, TOO

There are some lessons, too, from America COMPETES.

Remember how it happened. Just three years ago—in May 2005—a bipartisan group of us asked the National Academies to tell Congress in priority order the 10 most important steps we could take to help America keep its brainpower advantage.

By October, the Academies had assembled a ''small diverse group of great minds'' chaired by Norm Augustine which presented to Congress and to the President 20 specific recommendations in a report called ''Rising Above the Gathering Storm.'' We considered proposals by other competitiveness commissions.

Then, in January 2006, President Bush outlined his American Competitiveness Initiative to double over 10 years basic research budgets for the physical sciences and engineering. The Republican and Democratic Senate leaders and 68 other senators sponsored the legislation. It became law by August 2007, with strong support from Speaker Pelosi and the President.

NOT ELECTED TO TAKE A VACATION THIS YEAR

Combining the model of the Manhattan Project with the process of the America COMPETES Act has already begun. The National Academies have underway an ''America's Energy Future'' project that will be completed in 2010. Ralph Cicerone has welcomed sitting down with a bipartisan group to discuss what concrete proposals we might offer earlier than that to the new president and the new Congress. Energy Secretary Sam Bodman and Ray Orbach, the Energy Department's Under Secretary for Science, have said the same.

The presidential candidates seem ready. There is bipartisan interest in Congress. Congressman Bart Gordon, Democratic Chairman of the Science Committee in the House of Representatives—and one of the original four signers of the 2005 request to the National Academies that led to the America COMPETES Act—is here today to offer his ideas. Congressman Zach Wamp, a senior member of the House Appropriations Committee who played a key role in the America COMPETES Act, is co-host for this meeting.

I have talked with Sens. Jeff Bingaman and Pete Domenici, the chairman and senior Republican on the Energy Committee who played such a critical role in America COMPETES, and to Sen. Lisa Murkowski, who likely will succeed Sen. Domenici as the senior Republican on the Energy Committee.

Some say a presidential election year is no time for bipartisan action. I can't think of a better time. Voters expect presidential candidates and candidates for Congress to come up with solutions for $4 gasoline, clean air and climate change, and the national security implications of our dependence on foreign oil. The people didn't elect us to take a vacation this year just because there is a presidential election.

SO HOW TO PROCEED?

A few grand challenges—Sen. Bingaman's first reaction to the idea of a new Manhattan Project was that instead we need several mini-Manhattan Projects. He suggested as an example the ''14 Grand Challenges for Engineering in the 21st Century'' laid out by former MIT President Chuck Vest, the president of the National Institute of Engineering—three of which involve energy. I agree with Sen. Bingaman and Chuck Vest.

Congress doesn't do ''comprehensive'' well, as was demonstrated by the collapse of the comprehensive immigration bill. Step-by-step solutions or different tracks toward one goal are easier to digest and have fewer surprises. And, of course, the original Manhattan Project itself proceeded along several tracks toward one goal.

Here are my criteria for choosing several grand challenges:

Grand consequences, too—The United States uses 25 percent of all the energy in the world. Interesting solutions for small problems producing small results should be a part of some other project.

Real scientific breakthroughs—This is not about drilling offshore for oil or natural gas in an environmentally clean way or building a new generation of nuclear power plants, both of which we already know how to do—and, in my opinion, should be doing.

Five years—Grand challenges should put the United States within five years firmly on a path to clean energy independence so that goal can be achieved within a generation.

Family Budget—Solutions need to fit the family budget, and costs of different solutions need to be compared.

Consensus—The Augustine panel that drafted the ''Gathering Storm'' report wisely avoided some germane topics, such as excessive litigation, upon which they could not agree, figuring that Congress might not be able to agree either.

SEVEN GRAND CHALLENGES

Plug-in electric cars and trucks, carbon capture, solar power, nuclear waste, advanced biofuels, green buildings, and fusion.

Here is where I invite your help. Rather than having members of Congress proclaim these challenges, or asking scientists alone to suggest them, I believe there needs to be preliminary discussion—including about whether the criteria are correct. Then, Congress can pose to scientists questions about the steps to take to achieve the grand challenges.

To begin the discussion, I suggest asking what steps Congress and the Federal government should take during the next five years toward these seven grand challenges so that the United States would be firmly on the path toward clean energy independence within a generation:

1. Make plug-in hybrid vehicles commonplace. In the 1960s, H. Ross Perot noticed that when banks in Texas locked their doors at 5 p.m., they also turned off their new computers. Perot bought the idle nighttime bank computer capacity and made a deal with states to manage Medicare and Medicaid data. Banks made money, states saved money, and Perot made a billion dollars.

Idle nighttime bank computer capacity in the 1960s reminds me of idle nighttime power plant capacity in 2008. This is why:

The Tennessee Valley Authority has 7,000–8,000 megawatts—the equivalent of seven or

eight nuclear power plants or 15 coal plants—of unused electric capacity most nights.

Beginning in 2010 Nissan, Toyota, General Motors and Ford will sell electric cars that can be plugged into wall sockets. FedEx is already using hybrid delivery trucks.

TVA could offer ''smart meters'' that would allow its 8.7 million customers to plug in their vehicles to ''fill up'' at night for only a few dollars, in exchange for the customer paying more for electricity between 4 p.m. and 10 p.m. when the grid is busy.

Sixty percent of Americans drive less than 30 miles each day. Those Americans could drive a plug-in electric car or truck without using a drop of gasoline. By some estimates, there is so much idle electric capacity in power plants at night that over time we could replace three-fourths of our light vehicles with plug-ins. That could reduce our overseas oil bill from $500 billion to $250 billion—and do it all without building one new power plant.

In other words, we have the plug. The cars are coming. All we need is the cord.

Too good to be true? Haven't U.S. presidents back to Nixon promised revolutionary vehicles? Yes, but times have changed. Batteries are better. Gas is $4. We are angry about sending so many dollars overseas, worried about climate change and clean air. And, consumers have already bought one million hybrid vehicles and are waiting in line to buy more—even without the plug-in. Down the road is the prospect of a hydrogen fuel-cell hybrid vehicle, with two engines—neither of which uses a drop of gasoline. Oak Ridge is evaluating these opportunities.

Still, there are obstacles. Expensive batteries make the additional cost per electric car $8,000–$11,000. Smart metering is not widespread. There will be increased pollution from the operation of coal plants at night. We know how to get rid of those sulfur, nitrogen, and mercury pollutants (and should do it), but haven't yet found a way to get rid of the carbon produced by widespread use in coal burning power plants. Which brings us to the second grand challenge:

2. Make carbon capture and storage a reality for coal-burning power plants. This was one of the National Institute of Engineering's grand challenges. And there may be solutions other than underground storage, such as using algae to capture carbon. Interestingly, the Natural Resources Defense Council argues that, after conservation, coal with carbon capture is the best option for clean energy independence because it provides for the growing power needs of the U.S. and will be easily adopted by other countries.

3. Make solar power cost competitive with power from fossil fuels. This is a second of the National Institute's grand challenges. Solar power, despite 50 years of trying, produces one one-hundredth of one percent of America's electricity. The cost of putting solar panels on homes averages $25,000–$30,000 and the electricity produced, for the most part, can't be stored. Now, there is new photovoltaic research as well as promising solar thermal power plants, which capture the sunlight using mirrors, turn heat into steam, and store it underground until the customer needs it.

4. Safely reprocess and store nuclear waste. Nuclear plants produce 20 percent of America's electricity, but 70 percent of America's clean electricity—that is, electricity that does not pollute the air with mercury, nitrogen, sulfur, or carbon. The most important breakthrough needed during the next five years to build more nuclear power plants is solving the problem of what to do with nuclear waste. A political stalemate has stopped nuclear waste from going to Yucca Mountain in Nevada, and $15 billion collected from ratepayers for that purpose is sitting in a bank. Recycling waste could reduce its mass by 90 percent, creating less stuff to store temporarily while long-term storage is resolved.

5. Make advanced biofuels cost-competitive with gasoline. The backlash toward ethanol made from corn because of its effect on food prices is a reminder to beware of the great law of unintended consequences when issuing grand challenges. Ethanol from cellulosic materials shows great promise, but there are a limited number of cars capable of using alternative fuels and of places for drivers to buy it. Turning coal into liquid fuel is an established technology, but expensive and a producer of much carbon.

6. Make new buildings green buildings. Japan believes it may miss its 2012 Kyoto goals for greenhouse gas reductions primarily because of energy wasted by inefficient buildings. Many of the technologies needed to do this are known. Figuring out how to accelerate their use in a decentralized society is most of this grand challenge.

7. Provide energy from fusion. The idea of recreating on Earth the way the sun creates energy and using it for commercial power is the third grand challenge suggested by the National Institute of Engineering. The promise of sustaining a controlled fusion reaction for commercial power generation is so fantastic that the five-year goal should be to do everything possible to reach the long-term goal. The failure of Congress to approve the President's budget request for U.S. participation in the International Thermonuclear Experimental Reactor—the ITER Project—is embarrassing.

ANYTHING IS POSSIBLE

This country of ours is a remarkable place.

Even during an economic slowdown, we will produce this year about 30 percent of all the wealth in the world for the 5 percent of us who live in the United States.

Despite ''the gathering storm'' of concern about American competitiveness, no other country approaches our brainpower advantage—the collection of research universities, national laboratories and private-sector companies we have.

And this is still the only country where people say with a straight face that anything is possible—and really believe it.

These are precisely the ingredients that America needs during the next five years to place ourselves firmly on a path to clean energy independence within a generation—and in doing so, to make our jobs more secure, to help balance the family budget, to make our air cleaner and our planet safer and healthier—and to lead the world to do the same.

Mr. ALEXANDER. Mr. President, I yield the floor.

Mr. KYL. Mr. President, is there 10 minutes remaining on our side?

The ACTING PRESIDENT pro tempore. There is 9 minutes 20 seconds.

GRIDLOCK

Mr. KYL. Mr. President, the American people sent us here to get things done, and they are obviously very frustrated with the fact that this has been a do-nothing Congress, a do-nothing Senate. We have not gotten much done. In fact, the problem has been identified by both of the Presidential candidates, Senators McCain and Obama, who have railed about the fact that we need reform in this body because nothing is getting done on behalf of the American people.

The Democrats have been in charge of the Senate and House for the last 2 years. So one wonders why haven't we been able to get things done? For example, to fund the Government for next year, we are supposed to by now have passed 13 appropriations bills to fund all of the departments of the U.S. Government. Not one appropriation bill has been passed and sent to the President. We are going to have to bundle everything up in a giant ball at the end of September and, instead of carefully considering each individual department, we are going to have to adopt a continuing resolution so the Government can continue to operate. That is not the way to do business.

With rare exception, the majority leader in the Senate has been less interested in enabling the Senate to work its will and finding consensus than simply pushing an agenda of the majority in a sort of my-way-or-the-highway kind of approach. This has led to gridlock and, as I said, not much getting done.

Let me illustrate this by a simple statistic that says it all. In 2008 alone, so far, 28.4 percent of all rollcall votes have been cloture votes. That is a record historic high. Over 28 percent of our votes—over a fourth of them—have been cloture votes. Last year set the all-time record at 14 percent, and the average is 4.3 percent.

Why is this important? Because cloture stops debate, and it stops Republicans, in this case, from offering our solutions, alternatives, or amendments to what the Democratic leader puts on the floor. He says it is either this way or nothing. You either vote on this or we are not going to let you have amendments and we are going to have a cloture vote. Again, 28.4 percent of the votes have been cloture votes.

I remember several years ago when my colleague John McCain stood on the Senate floor fighting for the right of a Democratic Senator to get a vote on an amendment. He said something we all agreed with, which is that a Senator has a right to get a vote on his or her amendment. That was then and this is now: Sorry, Republicans, no votes on amendments. We are going to fill the legislative tree—a parliamentary tactic—or file cloture and stop anything from being debated or voted on. We don't want to take tough votes or give Republicans a chance to win one of the votes.

What have been some of the results? Well, in 2007, some very important tax provisions expired. The research and development tax credit, for example,

and the ability to fix the alternative minimum tax so it doesn't apply to most taxpayers. We have to pass what is called a tax extender bill to extend these expiring provisions and make sure the AMT doesn't get 23 million to 26 million American families this year. We have not gotten it done so far. Why? There is an obvious way to do this. The ranking member on the Finance Committee pretty well figured out how this could occur. No, we cannot get that done.

On energy production, both of my colleagues have talked about that issue. The majority leader called up the so-called antispeculation bill. We all agree we could add resources to the Commodity Futures Trading Commission and make sure it has the ability to regulate this futures trading in a way that would prevent manipulation and speculation in the market. But we also appreciate the fact that supply and demand is a much larger factor with regard to the price of gasoline, for example. So Republicans wanted to offer amendments that created some alternatives to the Democratic bill that would assist in nuclear energy production, coal to liquids, and allow offshore drilling as one of the key elements of it. We need relief from high gasoline prices. The Democratic leader said no.

The only thing the President could do was to at least remove an Executive moratorium, which he did. That moratorium no longer exists. What happened to gas prices? Oil prices have dropped, I should say, by $40 a barrel, and gas prices have dropped somewhat off of the high above $4 because of the market's belief now that when the President withdrew the Executive moratorium, it was the first step. The second step would be Congress doing something, and that would increase production, and therefore reduce the cost of the oil, and therefore enable the American consumer to pay less at the pump. But Congress still has not done anything.

Now we hear that next week the majority leader is going to allow a bill to come to the floor, but it is not going to provide the kind of offshore drilling that Republicans have been advocating. The ability to debate it is going to be very circumscribed. We are not going to be able to present the kind of amendments we would like to present and have this debated and amended so we can come up with real solutions.

Another example is free trade. The Colombia Free Trade Agreement is one that almost everybody acknowledges is a good thing. It is critical for our relationship with this important country in our hemisphere, which is standing against the likes of Hugo Chavez of Venezuela. Yet the Democrats, because of their concern about the reaction of labor unions, have said, no, we are not going to take up this Colombia Free Trade Agreement.

These are the kind of issues—and let me add one more: judges. These are the kinds of issues Americans expect us to get done. We have only confirmed four circuit court judges this year, four in the entire year, less than the average of all of the last Presidents, certainly less than Bill Clinton. Yet the majority says we don't have time to do that.

Clearly, this is a do-nothing Congress. Clearly, our Presidential candidates, both of them, recognize reform is necessary.

Let me mention the last issue. I mentioned appropriations bills. We are going to have to ball them up into one giant bill called a continuing resolution. Mark my words, one of the things somebody is going to try to do is attach a rider to the appropriations bill—maybe in the middle of the night, I don't know—but it is going to be to continue a moratorium on offshore drilling. Mark my words, somebody is going to try to do that. We cannot allow that to happen. Will Republicans be cut off from our ability to prevent that rider from going on the appropriations bill or to allow us to vote it off, to have an amendment to say, no, moratorium and offshore drilling is not going to be on that continuing resolution? This is critical to the American future. Are we going to have this right?

These are the kinds of questions I think are going to be necessary for us to resolve before Congress is going to be able to get anything done. But I will suggest this as well: Republican Senators can only do so much in the minority when Democrats are in charge. As my colleague, Senator MCCAIN, said at the Republican Convention, if he is elected, change is on the way. And one of the big changes is going to go right back to what he said several years ago. As I said, whether it is a Democrat wanting a vote on an amendment or a Republican, they are going to get that vote, and we are not going to have so many cloture motions filed to cut off amendments, to cut off debate, and say it is my way or the highway.

The American people want something done. We still have time—even in the short time remaining in this year—to do something about the energy crisis in this country, and that means to get offshore drilling. That has to be at the top of our agenda. Secondly, we have to get the Government funded so it can continue operating next year without, as I said, a moratorium on more offshore drilling.

I am hopeful that in the next 3 weeks we will be able to do some things we have not been able to do in the last 6 months. But if we get cooperation from the majority, the minority stands ready to try to work out these issues, to conclude this session on a positive note in a way we can finally say we accomplished something this session for the American people. After all, that is what they sent us here to do.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been listening with great interest to my colleague from Arizona. I might say, before he leaves the floor, my hope is that after trying eight times and failing to pass a bill to extend the tax incentives for renewable energy, we will get a little cooperation from the other side in the coming weeks to begin the first step of what we ought to have been doing easily, and that is pass the tax extenders to encourage renewable energy.

One of the reasons they have opposed it is because we actually pay for it. One of the ways we pay for it is to say to hedge fund managers, who are only paying a 15-percent income tax rate anyway, that they cannot be running their income through foreign tax-haven countries as deferred compensation to avoid paying U.S. taxes. Because the other side is upset with that as a pay-for the tax extenders for renewable energy, eight times they have blocked our ability to extend renewable energy tax credits, which is a way of substantially expanding our country's homegrown energy.

It is interesting for people to comment on the floor and say we need more cooperation, when eight times we have tried to extend these tax incentives for renewable energy, and eight times we have been blocked by those who are concerned about protecting the ability of wealthy hedge fund managers to avoid paying Federal income taxes. Enough about that.

With respect to drilling, I was one of four Senators—two Republicans, two Democrats—who opened the 8.3 million acres called lease 181 in the Gulf of Mexico. I have other legislation I have had in for a year and a half to increase substantial drilling. It is a canard for a number of them to come to the Senate floor to say Democrats don't support drilling. It is simply factually wrong. That is a debate perhaps for tomorrow or another day.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 3454 and S. 3455 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ENERGY AND SPECULATION

Mr. DORGAN. Mr. President, since the Congress left in early August, much more has been written and much more explored with respect to the role of speculation in the oil futures market and what it has done to this country. The price of oil has come down some, which is good—from $147 a barrel down to $106 a barrel yesterday. It is still very high. Clearly, the role of speculators in running this price up in a year needs more investigation.

There are some who say: Well, there is no speculation. We have people who

come to the floor of the Senate and say there is no speculation here. Well, of course, what has happened from July to July, last year to this year, is the price of oil and gasoline doubled in this country. And there is nothing that has happened with respect to the supply and demand for oil and gas that justifies the doubling of the price.

A Washington Post story by David Cho says: Financial firms speculating for their clients or for themselves account for about 81 percent of all the oil contracts on NYMEX. A few speculators are dominating the vast market for oil trading.

Wall Street Journal: Speculator in oil market is key player in real sector.

We are now beginning to understand what has been happening in that market. The Commodity Futures Trading Commission, which is supposed to be the regulatory body on behalf of the public interest, has been steadfastly proclaiming now for over a year that there is no speculation here, or at least speculation is minimal. Nothing is happening that is untoward. Don't worry, be happy. In my judgment, this is the work of a regulatory body that has decided it doesn't wish to regulate. Regulators are supposed to be referees. Let the market work, but when there is a foul, call the foul. The Commodity Futures Trading Commission not only doesn't wear a striped shirt, it doesn't have a whistle and it is not even at the game. It isn't even interested. They say: Well, there is no problem. Yet the evidence is all around us that there is a problem.

The investigative reports by the Washington Post and the Wall Street Journal confirm that a vast majority of the trading in the oil futures market is done by profiteering speculators with the market power to drive up oil and gas prices. These aren't people who want to ever have any oil. They don't want to buy a quart of oil or a 30-gallon drum of oil. All they want to do is trade paper and make money on oil futures contracts. As a result, I believe intense speculation has driven up the price of oil, double in a year, in a manner that was not at all justified.

In July, the Commodity Futures Trading Commission reclassified a very large trading firm from commercial to non-commercial. This fact was hidden deep inside the bowels of the Commodity Futures Trading Commission Web site. But for a couple of enterprising reporters, the American public would still be unaware of that. They reclassified a very large trader. My understanding is that trader, I believe, had somewhere in the neighborhood of 300 million barrels of oil in its contracts. The same trader on June 6 reportedly held oil futures contracts that were triple the amount of oil that consumers in this country use every day. By the end of July, 4 swaps dealers held one-third of the speculative oil futures contracts traded on NYMEX.

This information confirms what many of us already knew—that the CFTC was dead wrong—has been repeatedly dead wrong—when it was telling Congress this past year that supply and demand, not excess speculation in the oil futures market, was driving up oil and gasoline prices to record highs.

Now, in light of this, I believe Congress has a responsibility to address speculation. I know there are various groups forming around here to bring forth certain kinds of energy proposals, and I commend them all. I think they make a lot of sense. I think we ought to do all of or most of that which is being discussed—drill more, conserve more, produce much more in renewables, and address speculation. But there are some who are putting together proposals that decidedly leave out the issue of speculation. They leave it out. Why? Because they are getting pressure from the same special interests that have been speculating. The same big interests that helped drive up the price of oil and gas double in a year have prevailed upon some in this Congress not to touch them. Don't do anything.

We have a responsibility when we consider energy policy next week and beyond to talk about position limits that would wring the excess speculation out of these markets. The oil futures market is an important market. It is important for legitimate hedging of a physical product between producers and consumers. I fully understand that. But it is a broken market. It has been broken by excess, relentless speculation by those who are not hedging risk of a physical product. And we have a responsibility, I believe, to understand that the regulators, the Commodity Futures Trading Commission, and the assurances by these regulators have been discredited.

I think the conclusions trumpeted by the head of the CFTC, Mr. Lukken, that the wild increases in energy prices we have seen this past year are solely based on supply and demand is not the case. A study by an MIT economist this summer rebuts the claims of the CFTC that it is world demand, including demand by China and India, driving up prices. That is not true.

Since 2005, the rates of growth in world demand and Chinese demand have dropped some. Richard Eckaus, MIT Professor of Economics Emeritus, found in his study, which was published in June of this year, that the growth rate for world demand is less than 2 percent annually. He suggests the assertion by some that the drop in value of the U.S. dollar has played a big role in skyrocketing price is simply wrong. I believe the drop in the value of the dollar has played a role, but it is not a big role, and the MIT study demonstrates that.

Another study to be released this week looks at the flow of money into and out of the S&P Goldman Sachs commodity index in recent months, and that study has interesting conclusions. It finds that WTI crude oil future prices have risen and fallen almost directly related to the flow of investment money in and out of the energy futures market. When institutional investors poured more than $60 billion into the commodities market in January to May, the WTI price, West Texas Intermediate crude price, increased by $33 a barrel. When $39 billion was taken out by these investors, starting on July 15 through the end of August, the price began to drop. When speculators invest, the WTI price goes up; when they take money out, the price goes down.

One of the interesting things I wish to understand is where are the substantial losses from these speculators? Mr. Lukken, the head of the CFTC, suggests speculation isn't happening, against all the evidence that has now been published. But we know there is a dramatic amount of speculation. This chart shows the oil futures market taken over by speculators. In 2000, speculators accounted for just thirty-seven percent of the trades in the oil futures market, and now we are told it is 81 percent today 2008. The CFTC still says oil excess speculation isn't a problem.

My point this morning is simple: We should have, and will have, a debate on energy. The debate can be about yesterday or tomorrow. Those who say you can drill your way out of this, well, I think we ought to drill. I am all for drilling. But I think that is yesterday forever. If every 10 or 15 or 20 years we have folks around here in their loafers and suspenders bloviating about where we drill next, there is not much of a future in that, in my judgment.

What we need to do is change the whole game on energy and make us far less dependent on foreign sources of energy. Why should this country, with the strongest and best economy in the world, have its economic opportunity in the future dependent on whether Saudi Arabia, Kuwait, Iraq, Venezuela, or others will give us, or sell us oil? Sixty-five percent of the oil we need to run this economy comes from off our shores. That makes us unbelievably dependent. So, yes, let's drill here, but we are not going to drill our way out of this. T. Boone Pickens, who has been in the oil business for 40 years, says we are not going to drill our way out of this problem. I agree with that. But let me end where I started. He talks about solar and wind. I think we ought to do all those things. I think solar and wind have the capability to provide a substantial amount of additional energy for this country. In order to do that we have to continue with the tax incentives for solar and wind. But we have had eight votes on it, and eight times

the other side has blocked us in providing the incentives to provide dramatic new approaches for renewable energy. It makes no sense to me.

We said in 1916 that we want you to go looking for oil, and in fact we want you to look for oil and gas sufficiently that we will give you big tax breaks as you look and find oil and gas. So we put tax incentives in place. I wasn't here, of course, but we put tax policies in place nearly a century ago to say look for oil and gas and we will give you big tax breaks. Now, let's look at what we did for renewable energy. We put in place in 1992, 16 years ago, tax incentives for wind and solar and other renewable energy. They were short-term, fairly shallow tax incentives. They have been extended, short term, five times, and they have been allowed to expire three times. It is a pathetic response.

Even now, the current incentives die at the end of this year. They expire. We tried eight times to renew them and so far we have been blocked. Why? Because some of our colleagues are upset that one of the ways we pay for those is to shut down the tax scam being used by hedge fund managers to move their income through tax haven countries in something called deferred compensation to avoid paying even the minimal compensation to the Federal Government in taxes that they now pay. They get to pay already some of the lowest tax rates in America, at 15 percent, which I think makes no sense. But even so, many of them are trying to avoid U.S. taxes by using deferred compensation techniques to run it through offshore tax havens.

Our colleagues on the other side are so protective of that and believe, apparently, they should be able to continue doing that. They appear willing to shut down our ability to extend the tax credits for renewable energy in the long term for this country.

The plea for a little cooperation runs both ways around here. When I took the floor this morning, we had several colleagues talking about an interest in cooperation. I think there ought to be a lot of cooperation on everything. Let's start first with something that is going to shut down on December 31 of this year, and that is the incentives to continue and be more aggressive on developing renewable, homegrown energy, which reduces our need for foreign oil. Let us at least start to do that.

Mr. President, I believe my colleague is here to take the remaining portion of our time, so let me at this point yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, as I understand it, we are about to run out of time for morning business; is that correct?

The PRESIDING OFFICER. We have 6 minutes 40 seconds.

Mrs. BOXER. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business until 11:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND THE HIGHWAY TRUST FUND

Mrs. BOXER. Mr. President, I note that Senator MURRAY will be coming, and I am hopeful she will arrive shortly and then I will yield, after 5 minutes, my remaining time.

Senator DORGAN is very eloquent on the issue of energy and the issue of renewables. We have no more excuses. How many filibusters do we have to have around this place before we get the other side to relent?

In my State, we are on the cutting edge of alternative energies. We have part of our coastline that is drilled upon, but part of it is preserved because it supports a very robust tourist and recreation industry. So we have found a balance in our State. But we are going to lose a lot of momentum if we don't get on with at least going after the speculators and renewing these important tax breaks to alternative energies, and also, if I might say, tell the oil companies they need to drill.

Mr. President, I note Senator MURRAY has come to the floor, and I want to inform her that I took 15 minutes and I am going to take 5 and leave her 10, if that is all right with her, unless she needs more time.

All right. So, Mr. President, if you will tell me when 5 minutes has expired from this point.

I am so pleased Senator MURRAY has come to the floor. She works so hard to fund the transportation priorities of our Nation over in the Appropriations Committee, and my work is at the Environment and Public Works Committee, where we authorize the highway bill every 5 years.

We know today, because we have been informed by Secretary of Transportation Peters, that there is a dangerous shortfall in the Federal fund that helps our States pay for critical highway construction. We have tried to fix this problem many times—unfortunately, without the help of the Bush administration. Now we get an SOS: Thursday they are going to start reducing the funds to the States.

Happily, they have awakened to the reality, but, unhappily, they have not talked to Republican Senators because last night, when Senator REID tried to solve this problem so we can keep our construction going, keep our funds flowing to the States, there was an objection from the Republican side. Mind you, we are talking about an $8 billion sum of money that was taken from the fund years ago—in 1992, I believe it was; is that right? Or later than that? I am sorry, 1998. We borrowed $8 billion from the trust fund. Now all we are saying is we need to pay it back so we can make sure we can continue to build these important highways, fix our bridges, and help our transit systems. The fact is, if we do not do this, we are looking at tens of thousands, if not millions, of jobs lost.

Mr. President, I know you come from a State that is struggling economically, desperately needing change. I come from a State that is in a recession. We have horrible problems. The housing bust has affected us, and what is keeping us going, frankly, are solar energy projects, the wind energy projects, the highway projects. If, in fact, the Republicans continue to stand in the way of replenishing the highway trust fund, my State will be in big trouble. What will happen is that funds that were set aside for my State for important projects will not be forthcoming. My State of California, with more than 35 million people, receives more than $3 billion for Federal funding for highways per year. According to the California Department of Transportation, if no action is taken to avert the shortfall, California would experience a potential revenue reduction of $930 million. We are talking almost $1 billion to my State.

California is not alone. My Republican colleagues who come here and say: No, don't worry, forget it, who cares—I don't hear one word about any trouble spending American taxpayer dollars overseas. I never heard one of them say: We are spending $5,000 a second in Iraq on the war, let's bring some of that home—oh, no. But they are willing to make our people suffer here at home.

Enough is enough is enough. The other day, the President announced he is sending $1 billion to Georgia. For a minute, I thought: Gee, Atlanta is in need of some help. Oh, no, it is the country of Georgia. Why? They had a war, as we all know, and we are compassionate toward them. But the war cost them $1 billion. I ask rhetorically, are there countries in Europe that can help the country of Georgia? I don't mind doing our part. We say we had nothing to do with the war that started there. We are certainly angry at Russia for the way it responded to the incursion of Georgian troops. We believe it was overkill. We all agree on that. We all want to help. But $1 billion to the country of Georgia while Atlanta, GA, and Los Angeles, CA, and all our other cities and towns and States are struggling and suffering and losing jobs? Enough is enough.

I am going to work with my colleague and my dear friend, Senator MURRAY, who is such a leader on the funding of these programs we painstakingly authorize every 5 years. We are going to be on this floor as often as we can to move this, to ask unanimous

consent. We will let our Republican friends know. This is not a sneak attack. We are not going to do it when they are not aware of it. We are going to move to fix this problem every day, maybe several times a day, until our Republican friends relent.

I have used the 5 minutes. This is just the start of a battle I am happy to be engaged in on behalf of the American people.

I yield my time to Senator MURRAY, the remaining 10 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank the Senator from California for coming and talking about an absolutely critical issue this Congress should be focused on like a laser beam, and that is the issue of our highway funding for construction projects across this country and the highway trust fund. I and my Democratic colleagues have been telling the Bush administration repeatedly that we face a looming disaster across this Nation. We have proposed a solution that would enable this trust fund to stay solvent. We have warned that without action this year, we are going to face a financial disaster. We warned that it was coming very fast. But, as we have seen with a lot of problems in this country this year, President Bush and our Republican colleagues have, unfortunately, chosen to hide their heads in the sand and just avoid the problem. They told us earlier this year that the trust fund would have more than $3 billion in the bank at the end of this month. They have worked to block our proposed solution.

I rise today because last Friday, President Bush's Transportation Secretary, Mary Peters, finally acknowledged what we have been warning about for months now, and that is that the highway account of our highway trust fund is broke. The administration has taken a closer look at the real receipts they are getting in from the Federal gas tax and discovered that their estimates have been off by some $3 billion just since May. The Bush administration is now preparing to default on its bills to every one of our States. Right now, instead of reimbursing our States twice a day, as the Federal Government has always done, Secretary Peters has told the States that they are only going to get paid now once a week. That is happening right now in every State in this country.

This coming Thursday, 2 days from now, may be the last time the Federal Government will be able to reimburse 100 percent of their expenses. The Department of Transportation has told my Transportation and Housing Appropriations Subcommittee that on Thursday, September 18—just 9 days from now—reimbursements could drop to as little as 64 percent of the funds that our States are due. They will have to offer our States an IOU for the rest of that money. The result of the administration's failure to act on this is that we are now faced, in this country, across every single State, with an emergency situation. If we do not pass a solution very fast right here in the Senate, our States, every one of them, are going to be forced to cancel critical highway construction and repair projects that are ongoing right now that ensure our roads and our bridges are safe and secure.

Not only does this threaten the safety of our transportation infrastructure, it could bring about massive layoffs in the construction sector in this country. That is an area of our economy that has suffered one of the biggest hits in recent months, and this is going to have a huge impact across the country.

As we all know, this news is coming just as the unemployment rate has now reached the highest it has been in nearly 5 years. We are talking about a scenario in which ongoing highway projects could be stopped dead in their tracks if we do not take action in the next day or two. Across the country, thousands upon thousands of workers are going to be told to go home and not to come to work the next morning. These are critical safety and congestion relief projects that are ongoing right now across the country, and they could be halted—by the way, right in the heart of the construction season.

Fortunately, we do have a solution. It is ready to go, if only the Republicans would put their partisan ideology aside just for this event and work with us to get this passed. Earlier this year, we proposed returning, as the Senator from California talked about, $8 billion that was taken out of the highway trust fund back in 1998. Contrary to what some people have said about our proposal, it is not a bailout from the general fund of the Treasury. That $8 billion was collected from gas taxes for the purpose of being deposited into the highway trust fund. At the end of 1998, that money was taken from the trust fund because at the time the fund was flush and we didn't think we needed it. We definitely need it now, so we have proposed restoring to the trust fund the $8 billion that was borrowed and not a penny more. All the money that was borrowed, we propose putting it back into the highway trust fund.

This situation is extremely serious. After months of blocking our legislative solution, the Bush administration did a 180 and is now asking all of us please to get this bill on the President's desk by the end of this week. You would think that would be enough for his Republican allies. You would think they would finally see how dire this problem is and work with us to avoid the thousands of layoffs that are coming across the country if we do not act. Instead, last night, as we saw, they blocked our efforts to bring this bill to the floor and get it to the President.

Senator BOND and I—he is my ranking member on the Appropriations Transportation Subcommittee—included this proposed transfer in our Transportation, Housing and Urban Development appropriations bill this year. Democrats tried to press this proposal in June, in fact, as part of the FAA bill. Democrats included it in the tax extender package. We were blocked. We tried to pass it as part of the stimulus bill. We were blocked. We have seen this blocked by Republicans at every turn as this crisis has gotten larger and larger. Now it is on us.

The final effort we needed was just 60 votes. Do you know how many we got? We got 51. Only 5 Republicans voted to move that bill forward, while 42 Republican Senators voted against it. Now we are here in a crisis mode. But we have another chance, a final chance. The House has passed a similar bill by a 10-to-1 margin. It is not partisan over there. They know the emergency. That bill is here in the Senate. We could pass it by unanimous consent today. But, as we saw last night, Republicans are blocking it.

We literally cannot afford to tread water like this. I came to the floor yesterday to urge my Republican colleagues to see how important this legislation is. We are here again today making the case. I hope our colleagues across the aisle will listen and work with us. The obstruction and failure to take action has now gotten our country into a crisis, and we do not need another one. We have a housing and mortgage crisis. We have an economic crisis. We cannot afford, in this country right now, to have a transportation construction crisis in every one of our cities and communities across the country.

Within just a few days—take note—we are going to be seeing consequences across the country. This Thursday, as I said, could be the last day our States will be fully reimbursed by the Federal Government for the construction work that is ongoing. By this time next week, States are going to have to start doing without.

The stakes could not be higher. Mr. President, 84,000 jobs in this country were lost last month alone. We cannot put another American job at risk, and we cannot afford to play Russian roulette with our country's highway construction effort. That is what is happening right now. We have to act. We need to act now. I plead with our Republican colleagues, put your partisanship aside. When it comes to our country's safety, infrastructure, construction jobs, economy—all at risk—can we take care of that today, please? Can we move forward and fix this emergency that is upon us?

Mrs. BOXER. If the Senator will yield, I would like to engage in a colleague.

I ask for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, the reason I want to engage my friend in a colloquy—I know she has other important hearings and so on—is I want to be specific here. I have just looked at a chart of loss of jobs if we do not fix this shortfall. I wanted to make sure my friend in the chair understands that if we do not fix this, the State of Arkansas will lose almost 5,000 jobs.

I say to my friend, Senator MURRAY, I looked at Washington and if we do not fix this problem, 7,211 jobs—in the State of California, given our size, 32,315 jobs—will be lost if we do not fix this problem.

Now, as I calculated, that is six times more people than who live in Wasilla, AK, who would lose their jobs in California alone. So we are talking families, families who need good-paying jobs. I wanted to ask my friend a question, because I see that she has her chart that says, ''Democrats sounded alarm, Republicans pressed snooze.''

This was true in the early days. But I would urge her to change what they have done. Now they have turned the alarm into a siren in our State. I mean, my friend knows the calls that are coming into our committee, to her committee. People are concerned that these jobs will be stopped midway through or slowed down. And when you slow down the work, it is terrible for everybody. It is inconvenient, it is money lost to corporations, it is jobs lost. There is no excuse.

I say to my friend, does she agree now that, yes, in the beginning they snoozed, they also, according to my records, launched five filibusters against fixing this problem? So even then it was a little more aggressive than snoozing. And if we put that into the context of five filibusters, that is 5 of 92 filibusters the Republicans have launched this Congress.

So when we come back and we debate change versus the status quo, I say to the American people and ask my friend if she agrees: Are not we facing more of the same on obstruction, more of the same filibusters, more of the same: I do not really care about middle-class workers, you lose your job, too bad, as we spend our money abroad?

I ask my friend if she has this deep sense of where we are?

Mrs. MURRAY. Mr. President, I share with my colleague from California a real sense of frustration. The people across the country know we are in political season. They understand politics. They understand all of that. But this is beyond politics. This is about severe consequences. I do not understand putting partisan politics, more filibusters, an effort to not let anything happen, on the backs of every single community across this country.

These are specific dollars that go to keeping our construction projects moving along. Now, I get frustrated like everyone in the summer when you come across a project in progress and you have to wait. But I want that construction process done because I know that highway needs to be repaired.

We saw a bridge collapse not that long ago. Not that long ago deaths occurred. A huge community in Minnesota was impacted. That can happen across the country. We are attempting to fix those construction projects and they are going to be halted if we do not fix this trust fund problem.

This has dire consequences.

This is not about politics. It is not about a Presidential election. It is not about who is going to stop what. This is about real consequences in our community, jobs lost in the construction sector to families who will not have a paycheck next month in the middle of an economy that is already struggling.

In some of our States, as we know well, the construction season is short; it ends in a few short months. And those projects, if they are halted now, will not begin again until next March or April. The long-term consequences are real.

Our Governors had better wake up and start calling all of our Republican colleagues. Our community leaders who want these projects completed had better start calling our Republican colleagues. We have a solution in hand. It is easy to do. We can do it today. The President now has turned around, finally, and asked for this solution.

I do not understand why it is being blocked. It makes no sense to me. I can tell you, to those families who wake up 2 weeks from now without a job, and to those families who are trying to drive to get to work and all of a sudden they see a critical construction project stopped in their State, they are going to be asking all of us: What are you doing back there?

I heard Senator MCCAIN say recently: Watch what happens in Congress over the next several weeks. Well, I hope the American people are watching. What we see is obstruction and filibusters with dire consequences. It is going to be felt in every one of our communities if we do not put this aside for once and at least get this highway trust fund fixed.

Mrs. BOXER. In the remaining time we have, I want to thank my friend. We work very closely, because I am the Chair of the committee that authorizes these programs and she is the one who funds them. We work very closely with our ranking members. Those are bipartisan measures.

I want to be clear one more time, because pretty soon we are going to come back here and we are going to ask unanimous consent to fix this problem. We are going to be back here pretty soon.

I ask unanimous consent to have printed in the RECORD a document called ''State Federal Highway Funds in Jeopardy.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE FEDERAL HIGHWAY FUNDS IN JEOPARDY—SUPPORT BAUCUS-GRASSLEY TRUST FUND FIX TO PREVENT 34 PERCENT CUT

State	Actual FY 2008	Projected FY 2009 without fix	FY09 funding cut	Projected job loss
Alabama	$703,608,862	$490,508,434	−213,100,427	−7,416
Alaska	392,336,871	290,793,680	−101,543,191	−3,534
Arizona	667,147,856	438,664,311	−228,483,545	−7,951
Arkansas	456,190,231	320,021,084	−136,169,147	−4,739
California	3,241,415,426	2,312,797,348	−928,618,078	−32,315
Colorado	483,871,715	336,831,459	−147,040,256	−5,117
Connecticut	482,654,710	322,178,744	−160,475,967	−5,584
Delaware	151,330,042	105,505,130	−45,824,912	−1,595
Dist. of Col.	144,672,395	98,449,152	−46,223,243	−1,609
Florida	1,743,482,571	1,170,330,313	−573,152,259	−19,945
Georgia	1,254,148,068	854,334,154	−399,813,914	−13,913
Hawaii	161,397,489	108,732,842	−52,664,647	−1,833
Idaho	265,659,540	186,583,127	−79,076,413	−2,752
Illinois	1,226,941,903	860,514,023	−366,427,880	−12,751
Indiana	883,116,254	613,381,711	−269,734,544	−9,386
Iowa	422,814,986	275,671,959	−147,143,027	−5,120
Kansas	364,702,387	246,228,246	−118,474,141	−4,123
Kentucky	614,997,743	424,872,735	−190,125,008	−6,616
Louisiana	577,720,798	388,222,990	−189,497,808	−6,594
Maine	178,953,421	124,718,277	−54,235,144	−1,887
Maryland	578,678,880	388,200,419	−190,478,461	−6,628
Massachusetts	609,422,307	398,142,135	−211,280,172	−7,352
Michigan	1,007,665,781	762,900,607	−244,765,175	−8,518
Minnesota	575,827,393	433,242,592	−142,584,801	−4,962
Mississippi	433,794,557	300,588,496	−133,206,061	−4,635
Missouri	829,306,795	577,297,558	−252,009,237	−8,770

STATE FEDERAL HIGHWAY FUNDS IN JEOPARDY—SUPPORT BAUCUS-GRASSLEY TRUST FUND FIX TO PREVENT 34 PERCENT CUT—Continued

State	Actual FY 2008	Projected FY 2009 without fix	FY09 funding cut	Projected job loss
Montana	338,011,659	239,506,863	−98,504,796	−3,428
Nebraska	271,341,203	184,454,956	−86,886,247	−3,024
Nevada	274,821,219	173,608,407	−101,212,812	−3,522
New Hampshire	160,957,601	108,790,657	−52,166,944	−1,815
New Jersey	933,422,014	627,578,740	−305,843,274	−10,643
New Mexico	331,049,059	237,065,570	−93,983,489	−3,271
New York	1,652,187,126	1,082,942,105	−569,245,020	−19,809
North Carolina	982,279,233	690,898,439	−291,380,795	−10,140
North Dakota	226,404,974	155,931,552	−70,473,422	−2,452
Ohio	1,251,880,095	900,869,616	−351,010,479	−12,215
Oklahoma	542,557,073	369,868,439	−172,688,634	−6,009
Oregon	434,153,577	294,969,678	−139,183,898	−4,843
Pennsylvania	1,607,827,381	1,064,325,708	−543,501,672	−18,913
Rhode Island	200,252,272	131,121,237	−69,131,035	−2,406
South Carolina	572,462,981	390,280,157	−182,182,824	−6,340
South Dakota	245,963,474	174,549,231	−71,414,243	−2,485
Tennessee	768,763,258	533,198,427	−235,564,831	−8,197
Texas	2,802,411,108	1,942,990,215	−859,420,893	−29,907
Utah	273,508,721	188,070,215	−85,438,506	−2,973
Vermont	161,725,931	114,413,876	−47,312,055	−1,646
Virginia	907,625,718	636,053,577	−271,572,141	−9,450
Washington	623,821,456	416,592,681	−207,228,775	−7,211
West Virginia	391,319,504	271,937,690	−119,381,814	−4,154
Wisconsin	676,542,465	480,036,649	−196,505,816	−6,838
Wyoming	229,637,435	166,470,893	−63,166,542	−2,198
Subtotal	$35,312,785,520	$24,406,237,107	−10,906,548,414	−379,537
Allocated Programs	4,127,089,170	1,909,255,590	(2,217,833,580)	
Undesignated High Priority Projects	1,513,574	1,061,467	(452,108)	
Projects of National & Regional Sig.	410,949,000	230,558,400	(180,390,600)	
National Corridor Infrastructure Program	449,988,000	252,460,800	(197,527,200)	
Transportation Projects	590,259,516	331,158,586	(259,100,930)	
Bridge (Sec. 144(g))	92,400,000	64,800,000	(27,600,000)	
Transfer to Sections 154 & 164	231,066,579	4,468,050	(226,598,529)	
Total	41,216,051,359	27,200,000,000	(14,016,051,359)	

Source: Federal Highway Administration. Data include apportioned programs plus High Priority Projects. Transportation Construction Coalition analysis of job impact.

Mrs. BOXER. This shows in the State of New Hampshire, of Senator GREGG, who was the one who objected yesterday, a loss of 1,800 jobs. It shows in the State of South Carolina, the State of Senator DEMINT, a loss of 6,300 jobs.

I say to my friend from Montana, who I know supports repaying the highway trust fund that he is working to support, 3,428 jobs in the State of Montana would be lost. That is big. That is larger than some towns.

Think about more than 30,000 families in my case, 32,000 families being hit by layoffs in the middle of a recession because Republicans continue to filibuster and to filibuster and to do nothing. It is not going to go down well.

I am glad you mentioned that Senator MCCAIN says for the people to watch the Senate. I urge the people to watch the Senate this week where we are going to try to fix this highway trust fund, and we are going to get this done if we can. If we cannot, we know who is stopping us.

We are also going to work on a Defense authorization bill that is so important while there are two wars going on. I hope Senator MCCAIN will keep saying that on the stump: Watch the Senate. And this issue is going to be as clear as a bell. I urge you to go change that sign now, because, yes, the Republicans snoozed earlier, but now they are in fighting mode and they have raised the alarm to a siren.

And all of our Governors, you are right, ought to be calling, and our State legislators as well.

I want to thank you very much for your patience.

I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, the Senator from California and I have been on the Senate floor this morning talking about the dire straits we are in in terms of the construction trust fund, the highway trust fund, that provides the money across the country for construction projects and the fact that within a few short days our States are not going to be getting the checks they need to pay for those construction projects, resulting in layoffs across this country and construction projects literally coming to a halt very quickly.

We are going to offer a unanimous consent request to bring up that bill again and pass it and get it to the President, as he requested. We understand, unfortunately, now there is an objection on the Republican side, and we will not be able to do this request at this time. I respect our Republicans' request to be able to discuss this issue at their weekly meeting they are going to be having shortly to determine how to move forward. But I want everyone on notice this is a critical issue, it is not going to go away, and we are going to be asking again this afternoon to move this legislation forward because we believe we have a responsibility as leaders in this country to get this trust fund emergency problem fixed and moving. We hope our Republican colleagues, upon reflection, will join us and we can quietly pass this legislation this afternoon and move on to other major issues of the day.

But to me this is the most important critical issue facing us right now in the Senate, and I hope we can move it this afternoon.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, let me say, I agree with everything my friend said. We are talking about highway construction. We are talking about fixing dangerous bridges. We have all seen what happens when there is neglect there. We are seeing all of this happen in the middle of a recession, where last month alone 84,000 jobs were lost. As we look at the list, we see if our Republican colleagues and friends do not join us in this effort, and they do not fix this shortfall problem, which, by the way, is a reimbursement to the highway trust fund of moneys that were borrowed from it—it is a reimbursement—we are looking at a loss of 379,537 jobs.

Mr. President, I ask you in rhetorical fashion, is this the time where this country can afford to see 379,537 jobs disappear when we are already at the worst unemployment rate we have seen in 5 years? We have to stop business as usual around here. We need to start the change now—the change away from confrontation, everything is political, filibuster after filibuster. The time is now.

So we will be back after the caucuses have their meetings this afternoon in the hopes that they have resolved this issue, that they step out of the way and let us get this work done so our families—our families all across this country who work in the construction trades—can breathe a sigh of relief. They have enough on their plate. They cannot get good health care; they have problems sending their kids to school; the price of gas. We all know what has happened to our families. This would be one additional slap they simply do not deserve. They do not deserve any of this.

We say to our Republican friends, leave your politics outside the Chamber for this one.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I ask unanimous consent to speak for up to 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. WEBB. Mr. President, today I am going to offer an amendment to the Defense authorization bill that will do two things. The first is it will extend the mandate or, shall I say, direct the President to negotiate the extension of the mandate we now operate under inside Iraq under the rubric of the United Nations. The second would be to place a restriction on the implementation of the strategic framework agreement that is now being negotiated inside Iraq to bring it inside the Constitution of the United States and require that the Congress of the United States approve this strategic framework agreement before it is actually put into motion.

The reality right now is, our justification for operating inside Iraq under international law will expire at the end of this year. For almost a year, this administration has been negotiating two separate agreements with the Government of Iraq. One is a strategic framework agreement; the other is a status of forces agreement that would take place under the umbrella of the strategic framework agreement.

This period of negotiation has been done largely without the involvement of the Congress. It will, if implemented, shape and direct the policy of the United States in Iraq for a good period of time—our security framework, all these sorts of things that traditionally have taken place only inside a treaty. Under the Constitution, a treaty is required to be approved by a two-thirds vote in the Senate.

So we have two realities that have come together, that by the end of this year we need to address in some form or another. The first is we have to be operating under some proper international legal structure in order to maintain our forces in Iraq after December 31. The other is we need to be negotiating the right kind of bilateral future relationship between our country and the country of Iraq.

This amendment intends to resolve both of these situations in a way that is not disruptive, that is within the constraints of the Constitution, and it will allow us some time to get the right kind of strategic framework in place rather than our having to rush it, as we are seeing right now, to get something in place by the end of the year that is arguably not within the Constitution.

The first portion of this amendment basically says the President will direct the U.S. Special Representative to the United Nations to seek an extension of the multinational agreement that already is in place under the rubric of the Security Council of the United Nations. It also states it is the sense of Congress that this extension should expire within a year or earlier. It should expire at the end of next year, unless we have a strategic framework agreement in place, at which time it will expire earlier.

The second goes to the notion that this agreement must be approved with the consent of the Congress. I have not gone so far in this amendment as to say we should treat this agreement as we would treat a longer, more formal treaty, with the recognition that treaties sometimes get tied up for years, but that we should have a law by the Congress, a vote by a majority of the Congress, approving this major step forward in our relationship with the country of Iraq.

As it stands right now, I am a member of the Armed Services Committee. I am also a member of the Committee on Foreign Relations. We have not been shown one word of the actual document that is being negotiated. There are members of the Iraqi Parliament that have been shown portions of this document, if not all of it.

I think it is very important for us to give this agreement the time we can give it if we extend the mandate of the United Nations for a year but also to get the proper involvement of the Congress in this most important step into the future of our relationship with Iraq.

I hope my colleagues will support this amendment. I hope we can have bipartisan support on it. This is an amendment that goes to the propriety of the constitutional process and also is intended to take the time constraints out of the negotiation of this agreement with Iraq.

I yield the floor.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Missouri.

COLOMBIA

Mr. BOND. Mr. President, I rise today to talk about the remarkable success story in the fight against terrorism and narcotrafficking that I believe very strongly needs to be told. It is a story that has largely gone unnoticed because it has not taken place in the Eastern Hemisphere or east of here, where most of the world's attention is focused today. It comes, rather, from the Southern Hemisphere in a country where protagonists have surged ahead of narcoterrorists militarily, while simultaneously improving the overall security and safety of the civilian population. What is most important is they have done so while ensuring that protection of human rights and adherence to international humanitarian law are fully integrated into the daily life of every member of the security forces.

I am speaking about Colombia, of course. I visited there just a couple of weeks ago. I visited Bogota. I also visited Ecuador to find out what was going on in Latin America. I was greatly encouraged by the tangible evidence I saw in Colombia of a country in complete transformation. Most of us probably realize that just about 6 years ago, in 2002, as much as 40 percent of the area of Colombia was controlled by terrorist groups and ruthless narcotics trafficking. Many of my colleagues visited Colombia at the time and brought back grim reports, as they should have, of a country apparently descending into chaos, with a dim future, as Colombia was on the verge of becoming a failed state. The security situation was bleak, the economic outlook was decidedly negative, and drug trafficking threatened the very culture of Colombia and its people.

The situation had been slowly deteriorating in Colombia for decades. Even before the United States experienced the dramatic acts of terrorism of 2001 that would change our national perceptions forever, Colombians were dealing with an increasingly dangerous, deadly, and brutal form of terrorism that threatened to tear the

country apart. Drug cartels were controlling larger and larger swaths of territory and had turned Colombia into the world's leading exporter of cocaine. Much of the cocaine was finding its way into the United States. Insurgent groups we have come to know as the FARC or the ELN were turning Colombia into a war zone, negatively affecting the economy and threatening the very stability of the nation.

That was the situation in 1998 when former Colombian President Pastrana conceived Plan Colombia, a 6-year plan to end long-armed conflict, to eliminate drug trafficking, and promote economic and social development. As you may recall, the United States agreed to take a gamble and invest in Colombia. President Clinton, a Democrat, led the way, and he was followed by President Bush. Both were strong supporters. The good news is that since 1998, the United States has continued to be the principal contributor to the plan, mostly through the Andean Counterdrug Initiative but also through foreign military financing and the central counternarcotics account of the Department of Defense.

Today, our mutual objectives in support of Plan Colombia have evolved from a strict counternarcotics focus to encompass counterterrorism activities as well. Our investment appears to have paid off with dividends. I am happy to report that with U.S. aid to Colombian security forces and assistance in trade preferences under the Andean Trade Preferences Agreement, or the ATPA, the Colombian people have been positively transforming their nation. We owe a great debt of gratitude, as the people of Colombia do, to President Alvaro Uribe because his programs and policies have dramatically improved the security situation in Colombia and demonstrated his personal commitment to being a strong and capable partner in fighting drugs, crime, and terror.

Since Uribe took office in 2002, the Colombian Government reports that homicides have dropped by 40 percent, murders of union representatives have been reduced by 80 percent, kidnapings have declined by more than 80 percent, and terrorist attacks are down by more than 70 percent. That is a pretty amazing set of numbers, Mr. President. They are evidence of nothing less than a complete turnaround that has given the people of Colombia hope and a new country to live in, one free from constant fear of killings and kidnapings.

Now, in July of this year, the world watched with admiration and amazement as President Uribe and his administration, with their security forces, scored an impressive triumph against the Marxist terrorists of the Revolutionary Armed Forces of Colombia, the full name of the FARC. Members of the Colombian military successfully rescued 15 hostages, including 3 Americans, being held by FARC. They did it through guile, without any armed combat, and with great boldness and risk to the members of the participating team. Weeks later, more than 1 million Colombians marched in their nation's streets, calling on the FARC to release its remaining hostages and stop practicing terror.

Today, President Uribe's approval rating has soared above 90 percent, and the FARC, still holding 700 hostages, is now faced with increasing evaporation of its now limited popular support base.

As their security has improved, so has their economy. Last year, Colombia's economy saw the largest growth rate in nearly three decades, and unemployment and poverty are at the lowest levels in a decade. Improvements in security, stability, and economic development are adding to Colombia's reputation as a vibrant democracy with a history of free elections and solid opposition political parties.

Americans can be proud that U.S. assistance has been at the center of this historic turnaround. Americans can be prouder still of our partners in the Colombian Government who have ensured that while Colombian military and police forces have made significant strides against the FARC and taken back much of the territory once held by them, they have done so while completely overhauling their human rights programs, policies, and enforcement mechanisms.

In January of this year, the Colombian Minister of Defense released the integrated policy of human rights and international humanitarian law, a comprehensive policy that directs the integration of human rights and international law into all military instruction, stronger compliance and controls, legal defense of military personnel, specialized treatment of vulnerable groups, better integration with the civilian judiciary, and closer consultation with civil and international groups on human rights issues. The U.N. High Commissioner for Human Rights in Colombia called this a key step in promoting respect for human rights in the military.

I was told by members of our U.S. country team, at our embassy in Bogota, that this policy is a written encapsulation of the remarkable changes that have been made over the past several years in the Colombian security forces.

For example, the Defense Minister, Juan Manuel Santos, assigned seven colonels as inspector delegates for each division of the Army with authority to oversee investigations of human rights abuses committed by military personnel in their divisions, including the commanders. As a result, U.S. Embassy officials report impressive signs of progress in the suspension, arrest, or conviction of military and former military violators of human rights, including several general officers and greater civilian access and handling of human rights cases involving the military.

In addition, the Colombian Army has now installed judicial coordination offices as well as operational legal advisers in all units to advise commanders on human rights and international humanitarian law, to coordinate with civilian judicial authorities, and to conduct liaison with national and international organizations about ongoing cases. These legal advisers are present during the planning of any military operation to ensure that the targets are legitimate, that civilian casualties are avoided, and that the human rights of any captured terrorists are protected. The armed forces have designated human rights officers in all their battalions to support human rights training and instruction at the lowest level of the military. Operationally, I am told the Colombian armed forces have changed the nature of their missions on the ground against the FARC. What may have once been pure military operations conducted to kill terrorists and seize territory have become surgical operations specifically designed to protect lives and gather evidence for prosecution of terrorists in the Colombian judicial system. Legal advisers and prosecutors are present during every operation to begin, at the earliest possible time in the operation, the difficult task of evidence collection and prosecution under the law.

Mr. President, this is nothing short of an amazing turn of events. I have to stress, however, the message our people on the ground and the Colombians themselves have delivered to me. They emphasize that while the turnaround is dramatic, they are not out of the woods just yet, and critical challenges remain.

The terrorist and paramilitary groups are weakened but not yet defeated. Violence still threatens all sectors of Colombian society and continues to cause displacement and economic hardship. Defense Minister Santos told me they have already come a long way, but they have a little ways yet to go until they can stand fully on their own two feet. In other words, in the season of football this fall, we would say they are on the 10-yard line, and they need our continued support to cross the goal.

As a result of our investment in and support of President Uribe and the Colombian Government, Colombia has emerged as possibly our most successful bilateral partner in Latin America. It would be hard to find a greater friend, a bolder leader, and one who has made more progress than President Alvaro Uribe. The Colombians have worked hard in fighting against terrorists and drug traffickers, and they have done everything we have asked of them.

Mr. President, since Plan Colombia began in 1999, the United States has given nearly $6 billion in assistance to Colombia. Yet there is one more thing we can do to help them cross the goal line and ensure their success for the future. The Senate can and must cement America's long-term strategic partnership with Colombia by approving the one thing every Colombian official, every U.S. Embassy official, everybody we talk to who is in America—the U.S. businessman or others have told me that they must get—the free-trade agreement. This would be a great deal on several accounts for America.

Our two-way trade with Colombia reached $18 billion last year, making Colombia our fourth largest trading partner in Latin America and the largest export market for U.S. agricultural products in South America. As a representative of an agricultural exporting State, we need to get into that country. We need to get into that country without tariffs making our products less competitive. Exports to Colombia, despite the tariffs that they impose, reached $8.6 billion in 2007. The United States-Colombia Free Trade Agreement would open this growing economy further to U.S. goods and services. U.S. companies are already doing business with and in Colombia. There are 112 U.S. companies operating there. All seven of America's largest employers have active commercial relations with Colombia. The Colombia Free Trade Agreement would definitely benefit U.S. businesses. Upon entry into force of the agreement, over 80 percent, close to 90 percent, of U.S. exports of consumer and industrial goods to Colombia would enter duty free. U.S. farmers and ranchers would benefit by the immediate elimination of Colombia's duties on high-quality beef, cotton, wheat, soybeans, key fruits, and many processed foods.

Exports diversify our economy, shield it from shock in the domestic market, and help to close the trade deficit which we continue to hear so much about. According to the U.S. Chamber of Commerce, U.S. exports to free-trade countries are at twice the rate of non-free-trade countries.

Frankly, Mr. President, through the ATPA we already offer Colombia the advantages, the trade advantages, coming in largely duty free. The FTA with Colombia is one-sided. It knocks down their tariff barriers to our exports and I am at a loss to explain why we would not quickly approve it when our exporters, our farmers, our workers in manufacturing sectors, our people in the IT industry, and people working in the food industry, all have so much to gain. One might ask why the Colombians want this FTA when America would see most of the benefit. They gave me the answer to that question when I was in Bogota a few weeks ago. They believe the FTA will send a strong signal that the United States remains committed to its friends and is supportive of a continuation of positive reforms in Colombia, such as those I have already mentioned.

On the flip side, they believe—and I am afraid from everything I have seen it is true—if we fail to do it, if we send an adverse message, if we do not approve the FTA, it would be bad news, for we would be, in effect, telling our best ally we are not as close a strategic partner as they thought, and Hugo Chavez, Raoul Castro, and other Marxists in the region will have their heyday ridiculing the Colombians for having turned to the United States. To continue to delay the United States-Colombia free trade agreement would be a refutation of our strong friendship of the Colombian people, a dismissal of the blood and treasure spent over the last decade to help Colombia and eliminate terrorism and improve its economy, and a signal to our allies that no matter how hard you cooperate with the United States you will be abandoned in the end. As the Colombians told me, if we do not approve the FTA, Hugo Chavez and Raoul Castro will rub their noses in it, saying: This is the way the devil pays his friends.

We saw another side of that yesterday in a good op-ed piece in the Wall Street Journal by Mary Anastasia O'Grady, ''Latin Americans Want Free Trade.'' In that op-ed piece she pointed out what happened the last time we imposed tariffs, and when we cracked down on trade with Latin America. She quoted Sebastian Edwards that ''protectionist policies based on import substitution were well entrenched and constituted, by far, the dominant perspective'' in the downturn of Latin America. It:

> . . . made a mess out of the region, and not only because spiraling tariffs and nontariff barriers blocked imports and destroyed the export sector. They also . . . had a deleterious effect on politics too, as closed economies spawned powerful interests which seized not only on economic but political control and grew entrenched.

That is one of the reasons we have so many problems with so many countries in Latin America that are not realizing their full potential.

In sum, a Colombia FTA seems a simple but effective way to help solidify our image as a nation committed to helping our strategic allies in the world, in the Western Hemisphere, and standing shoulder to shoulder with us fighting those who attack our freedom. I urge my colleagues to consider seriously the importance of passing a Colombia FTA before this Congress ends in a few short weeks. This may be one of the few strongly bipartisan actions in the Senate before this session ends and, for our Colombian friends who know how important it is, this action would be unforgettable.

I ask unanimous consent that a copy of the Wall Street Journal op-ed piece to which I referred as part of my remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 8, 2008]

LATIN AMERICA WANTS FREE TRADE

(By Mary Anastasia O'Grady)

Of the two U.S. presidential candidates, one promises to expand international trading opportunities for American producers and consumers. The other pledges to raise the barriers that Americans already face in global commerce.

For Latin America, this is the single most important policy issue in the campaign. If Republican candidate John McCain wins, he says he will lead the Western Hemisphere toward freer trade. Conversely, Democratic candidate Barack Obama has promised that he will craft a U.S. trade policy of greater protectionism against our Latin neighbors. The former agenda will advance regional economic integration, the latter will further Latin American isolation.

Anyone who has read 20th-century history knows the seriousness of this policy divide. The last time Washington adopted a protectionist stance toward our southern neighbors was in 1930, when Congress passed the Smoot-Hawley tariffs. It took more than 50 years to even begin to climb out of that hole.

Many economists blame Smoot-Hawley for the depths of the U.S. depression. But Latin Americans have suffered even more over a longer period. Their leaders chose to retaliate at the time with their own protectionist tariffs, but the damage didn't end there.

In his 1995 book ''Crisis and Reform in Latin America,'' UCLA professor Sebastian Edwards writes that though there was a brief period of liberalization in Argentina, Brazil and Chile in the late 1930s, it didn't last long. Adverse conditions brought about by World War II prompted the region's policy makers to restore tariffs, in the hope that protectionism would stimulate economic development.

''By the late 1940s and early 1950s,'' writes Mr. Edwards, ''protectionist policies based on import substitution were well entrenched and constituted, by far, the dominant perspective.'' The U.N.'s Economic Commission on Latin American and the Caribbean, he adds, provided the ''intellectual underpinning for the protectionist position.''

Protectionism made a mess out of the region, and not only because spiraling tariffs and nontariff barriers blocked imports and destroyed the export sector. They also provoked an intellectual isolation as the information and new ideas that flow with trade dried up, along with consumer choice and competition. This had a deleterious effect on politics too, as closed economies spawned powerful interests which seized not only economic but political control and grew entrenched.

According to Mr. Edwards, it was only in the late 1980s and early 1990s that U.S. and Latin leadership (not counting Chile, which liberalized earlier) began to recognize the twin unintended consequences of this model—poverty and instability—and decided to act. ''Tariffs were drastically slashed, many countries completely eliminated import licenses and prohibitions and several countries began negotiating free trade agreements with the United States.''

Mexico and Canada signed the North American Free Trade Agreement with the U.S. in 1993, but the regional opening process continued well into this decade. A U.S.-Chile bilateral agreement kicked off in 2004. Five Central American countries and the Dominican

Republic signed their own FTA (CAFTA) with the U.S. in 2006. Peru's FTA with the U.S. was finalized in 2007. Colombia and Panama have signed agreements with the U.S. that are awaiting ratification by the U.S. Congress.

It is true that unilateral opening would have been a superior path. Yet for a variety of reasons—not the least the political attraction of reciprocity—FTAs have become fashionable. And there is no doubt that the agreements, warts and all, have aided in the process of dismantling trade barriers, strengthening the rule of law, and moving the region in the direction of democratic capitalism.

Mr. McCain wants the U.S. to continue its leadership role in opening markets in the region. He favors ratification of the Colombia and Panama FTAs, which the Democratic-controlled Congress is blocking. He also wants to lift the U.S.'s 54-cent tariff on Brazilian ethanol, and he wants to preserve NAFTA.

Mr. Obama would reverse regional trade progress. He supports House Speaker Nancy Pelosi's opposition to the Colombia FTA, even though it will open new markets for U.S. exporters. He promises to ''stand firm'' against pacts like CAFTA and proposes to force a renegotiation of NAFTA, which is likely to disrupt North American supply chains and damage the U.S. economy. By heaping new labor and environmental regulations on our trading partners, his ''fair trade'' proposal will raise costs for our trading partners and reduce their competitiveness.

Perhaps worst of all, his antitrade bias will signal the region that protectionism is back in style in the U.S., and encourage new trade wars. No good can come from that, for the U.S. or for Latin America.

Mr. BOND. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now close morning business.

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3001, which the clerk will report by title.

The bill clerk read as follows:

Motion to proceed to the bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered expired and that the Senate now proceed to the consideration of Calendar No. 732, which is S. 3001, the Defense Department authorization bill, and that once the bill is reported, it be considered under the following limitations: that the only first-degree amendments in order be those that are germane to S. 3001 or to H.R. 5658, and that the first-degree amendments be subject to second-degree amendments which are germane to the amendment to which it is offered; that there be up to 10 additional amendments which are relevant to S. 3001 or to H.R. 5658 and have been agreed upon by the leaders—the leaders being Senators MCCONNELL and REID—with up to 5 amendments per side; that those 10 relevant amendments also be subject to second-degree amendments which would be relevant to the first-degree amendment to which offered; that upon the disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill; that upon passage, it then be in order for the Senate to consider en bloc the following calendar items: Nos. 733, 734, and 735; that all after the enacting clause of each bill be stricken and the following divisions of S. 3001, as passed by the Senate, be inserted as follows: Division A: S. 3002; Division B: S. 3003; Division C: S. 3004; that these bills be read a third time, passed, and the motions to reconsider be laid upon the table en bloc; further, that these items appear separately in the RECORD; provided further that the Senate then proceed to the consideration of Calendar No. 758, H.R. 5658, the House companion; that all after the enacting clause be stricken and the text of S. 3001, as amended and passed by the Senate, be inserted in lieu thereof; the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be considered and agreed to; that upon passage of H.R. 5658, as amended, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring without further intervening action or debate, and that no points of order be considered waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object, and if I could just take a moment to explain why. As we have been discussing, we would like to proceed to the bill under a regular order. In discussing the proposed amendments we have ready to offer, I think it is clear they are relevant, if not germane. In fact, the first few we have suggested I know are germane.

I think we would be better served to just begin the process of bringing up amendments and having debate and votes on those amendments than trying to get the approvals that would be necessary to agree to this rather cosmic unanimous consent request. That is why we object to it at this time, but I assure the majority leader that based upon the amendments we have already indicated we wish to bring forth, I would hope there would be a clear understanding of good faith on both sides that that is the way we intend to proceed. I do appreciate that the majority leader then would presumably set up a parliamentary procedure by which the majority would have to approve the offering of any Republican amendment thereafter, so the majority certainly would be protected in doing that. It would still be our intention to bring forth the right kind of amendments to deal with this legislation.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, maybe we can do indirectly what we can't do directly. That is, we are going to go through the procedure here to—and when I finish the procedural issues I am going to bring before the Senate, then the two managers, Senator LEVIN and Senator WARNER, will be, in effect, the gatekeepers. They won't be under the control of Senator MCCONNELL or Senator REID. These two very professional, experienced legislators will move through these amendments as quickly as they can. We all relish the time we used to move to this bill and other bills to have an old-fashioned legislative battle. I don't think—with all that is going on around the country today, including the Presidential election being in effect and all the other things going on politically—we can do that.

I hope, as I said, we can do indirectly what we can't do directly. It would be good for the country if we could finish this bill this week. It is so important. It has extremely important elements in it, including a pay raise for our troops, a good pay raise for our troops. This bill has things that are done to improve our military that only these two managers of this bill could lead based on their experience. I believe I am right when I say I think this has been—this is the 30th bill Senators LEVIN and WARNER have worked on together, the 30th bill. It would be a shame, as Senator WARNER leaves this great career in the Senate, that in his final year we don't do something that is as much of his legislative history as anything he has done in his career, and that is the Defense authorization bill. So I hope

for his sake, the Senate's sake, and the country's sake, we can complete this legislation sometime this week.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered expired and the Senate now proceed to the consideration of S. 3001.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5290

Mr. REID. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5290.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

The provision of this bill shall become effective in 5 days upon enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5291 TO AMENDMENT NO. 5290

Mr. REID. Mr. President, I have a second-degree amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5291 to amendment No. 5290.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment strike ''5'' and insert ''4''.

MOTION TO RECOMMIT

Mr. REID. Mr. President, I now move to recommit the bill to the Armed Services Committee with instructions to report back to the Senate with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill S. 3001 to the Committee on Armed Services with instructions to report back with an amendment numbered 5292.

AMENDMENT NO. 5292 TO MOTION TO RECOMMIT

Mr. REID. I have an amendment at the desk, and I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5292 to the instructions of the motion to recommit.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

This section shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5293

Mr. REID. Mr. President, I have an amendment at the desk and I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5293 to the instructions of the motion to recommit the bill S. 3001.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike ''3'' and insert ''2''.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5294 TO AMENDMENT NO. 5293

Mr. REID. Mr. President, I have a second-degree amendment at the desk and I ask that it now be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5294 to amendment No. 5293.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment strike ''2'' and insert ''1''.

Mr. REID. Mr. President, finally, I now ask unanimous consent that no motion to proceed to any calendar item be in order during the pendency of S. 3001.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, for the time being, I would object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair clarifies for the Senate that pursuant to the previous unanimous-consent agreement, the motion to proceed to S. 3001 was agreed to.

The Senator from Michigan.

Mr. LEVIN. Mr. President, on behalf of the majority leader, I ask unanimous consent that no motion to proceed to any legislative or Executive Calendar item be in order during today's session of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, on behalf of the minority leader, no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL WAR ON TERROR

Mr. CASEY. Mr. President, I rise today to speak on where America stands in the global war on terror. This week, of course, marks the seventh anniversary of the 9/11 attacks on our country. While our allies in Europe have suffered terrible acts of terrorism in subsequent years since September 11, 2001, our Nation has been blessed with no attacks since that time. Yet that single fact should not obscure the reality that America remains dangerously vulnerable to future attacks

and that the very policies pursued by President Bush have made our Nation less secure.

Today, the President announced that he will redeploy 8,000 soldiers out of a total of 146,000 U.S. troops in Iraq over the remainder of this year and early next year. The scheduled replacements for those 8,000 forces will instead head to Afghanistan to respond to the sharply deteriorating circumstances there. I am pleased the President has started to come to grips with the severity of the threat we face in Afghanistan and the need to devote more U.S. troops and resources to what remains the central front in the war on terror. But let's be serious. Shifting 8,000 American troops to Afghanistan is wholly inadequate when we see Taliban extremists using sanctuary bases in Pakistan to increase attacks on U.S. and NATO forces there, when we see the Karzai government struggling to maintain the confidence of the Afghan people, and when we see the Taliban gaining new recruits by the day.

Against all evidence, President Bush continues to view Iraq as the central front on the war on terror. We have heard him say that over and over again. He refuses to acknowledge al-Qaida established a presence in Iraq only as a by-product of our invasion in 2003. He ignores recent intelligence reports that al-Qaida leaders are sending senior level commanders and new recruits into Afghanistan, not Iraq. President Bush disregards the fact that al-Qaida has reconstituted its global headquarters to plan future worldwide attacks of terrorism in the frontier regions of Pakistan, ungoverned territories that remain off-limits to Pakistani military. After September 11, 2001, this President vowed al-Qaida would never again enjoy sanctuary to target the American people. Yet we are seeing it happening again before our very eyes.

So, unfortunately, President Bush will end his Presidency in the same manner he started—with a disastrous miscalculation of the threat posed by al-Qaida and the necessary tools to combat Islamic extremism. When the President took office in January of 2001, he and his senior advisers dismissed the focus on terrorism held by the preceding administration, refusing to believe a superpower such as the United States could be threatened by nonstate actors. That mindset allowed the administration to ignore repeated warnings by the intelligence community that al-Qaida was preparing for a major attack on the United States.

Following the 9/11 attacks, the President rightfully moved to topple the Taliban regime in Afghanistan after they refused to turn over senior al-Qaida leaders. Yet the administration failed to recognize that only a long-term investment of troops, developmental assistance, and economic benefits was essential if Afghanistan was to not once again collapse into a failed state. Instead, the President shifted his focus to Iraq, redeploying such critical assets as Special Forces units and unmanned aircraft to the Persian Gulf to prepare for what was an inevitable war.

Five years later, we are still living with the consequences of this administration's rush to war in Iraq. Afghanistan teeters on collapse, with the drug trade resurgent and Taliban forces controlling more and more territory. Pakistan remains dysfunctional, with a difficult transition of power occurring now and an extremist insurgency taking root in its border regions. Iran has grown immeasurably stronger over the past 5 years, taking advantage of America's inattention to move forward on its nuclear program and support extremist groups throughout the Middle East. And what we can never forget, the men who perpetrated the most deadly attacks on American soil remain free 7 years after the fact. This is not only a slap in the face to the families of the 3,000 Americans murdered on September 11, it remains a continuing danger as al-Qaida plots new attacks on our Nation.

In his speech today at the National Defense University, the President made the following assertion:

> Together, with our allies, we made substantial progress towards breaking up terrorist networks—and we will not rest until they are destroyed.

We have heard similar statements from President Bush and senior administration officials dating back to 2002—that America is taking the fight to al-Qaida and winning the war on terrorism. The only problem is the administration has never defined what victory means nor provided a set of benchmarks to allow the American people to judge whether we are making real progress.

For that reason, I am joined today by Senator HAGEL in introducing an amendment to the Defense authorization bill to require the executive branch to produce, on a semiannual basis, a comprehensive report on the status of our Nation's efforts and the level of resulting progress to defeat al-Qaida and related affiliates in the global war on terrorism. The Congress receives numerous reports on the status of our efforts in individual theaters, such as Iraq and Afghanistan, but we have never received a basic update from the administration on what the United States is doing to ensure that al-Qaida never again succeeds in launching the type of devastating attacks such as those we suffered 7 years ago this week. This amendment, if adopted, would allow the Congress and the American people to hold administration officials—this or future administration officials—accountable when they claim we are winning against al-Qaida.

Let me briefly conclude by returning to a topic on which I have spoken previously on this floor—the danger of nuclear terrorism. Tomorrow, a high-level panel convened by the Partnership for a Secure America, consisting of some of the men and women who served on the 9/11 Commission, will release a report card on America's efforts to combat the proliferation of weapons of mass destruction and prevent a catastrophic act of terrorism involving such weapons on American soil. Press reports indicate the final grades will not be good. Our Government will receive an overall grade of C, with sharp criticism focused on our lack of a coherent governmentwide strategy, our acute vulnerability to an act of bioterrorism, and our continuing failure to secure loose fissile materials and nuclear stockpiles around the world.

Four years ago, this President declared in a campaign debate that he agreed with his opponent that the prospect of a nuclear weapon destroying an American city is the single greatest threat to U.S. national security. Yet while there have been useful efforts in recent years, it remains clear the U.S. Government has not marshaled all of its resources to combat this threat. For instance, we have spent more funds securing our aviation system against another hijacking than preventing a future act of nuclear terrorism. However, I fear when al-Qaida strikes our Nation the next time, they will not be using their old playbook.

America stands today less secure than it should be. Our massive military presence in Iraq, now approaching its seventh year, has strained our most precious resources—our men and women in uniform. It has reduced our flexibility to respond to various other threats throughout the world, including Russia's recent military incursion into Georgia, and emboldened other enemies—Iran most notably. We have failed to finish the job we started in Afghanistan. For too long, we tolerated a dictator in Pakistan on the basis that he was best equipped to serve as an ally in the war on terrorism, only to find out al-Qaida had reconstituted its central headquarters in that very nation.

The President and those who seek to continue his policies indefinitely will make speeches all week long that we are winning the war on terror. But they make those statements in direct contradiction to the assessments of our intelligence community, and they fail to offer the evidence to back up their assertions. Enough is enough. We cannot afford to continue the same misguided policies that have made America less safe for another 4 years.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, with the consent of the Republican leader, I ask unanimous consent that the motion and pending amendments be set aside so the Senate may consider the following first-degree amendments; that no amendments be in order to the amendments prior to a vote; and that any debate time provided under the agreement be equally divided and controlled in the usual form; that if a sequence of votes is established under the provisions of a separate consent, then there be 2 minutes equally divided and controlled prior to any vote; and that in any sequence the succeeding votes be 10 minutes in limitation:

Leahy amendment regarding statute of limitations, the Vitter amendment regarding missile defense with 2 hours of debate, the Nelson of Florida amendment regarding SBP-DIC offset, and the Kyl amendment regarding X-ban radar.

Further, that during Wednesday's session, the ban on motions to proceed continue to be in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5323

Mr. LEVIN. And now, Mr. President, I call up the Leahy amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. LEAHY, for himself, and Mr. BYRD, proposes an amendment numbered 5323.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a suspension of certain statutes of limitations when Congress has authorized the use of military force)

At the end of subtitle G of title X, add the following:

SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

Mr. LEVIN. Mr. President, for Members' information, in view of the agreement we have received, there will be no further votes today.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that we now go into a period of morning business, with Senators permitted to speak therein for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent to be recognized for 15 minutes, if I could.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Thank you, Mr. President.

IRAQ

Mr. GRAHAM. Mr. President, I rise in support of S. Res. 636 that Senator LIEBERMAN will be trying to introduce tomorrow. It is a resolution of the Senate, and he will be trying to introduce it tomorrow. I am going to speak on it tonight. I am a coauthor of it. It speaks about the phenomenal success of the surge, of troops into Iraq. But it is more than just a surge of 30,000 troops. It has been a surge on many fronts: political, economic, and militarily. The resolution would be a statement by the Senate recognizing that the surge has worked, that those who executed the strategy are recognized for being the great leaders they are, it is a compliment to our troops, and it is also a recognition that the Iraqi people have stepped to the plate and changed the tides that existed in their country of extremism and Iraq now is becoming a stable government, a country where people are working out their differences through the rule of law and representative democracy, and al-Qaida has been delivered a dramatic blow.

To put this in perspective, at the end of 2006, it was clear the old strategy was not working, that the troops we had in Iraq were not being used in a way to counter the insurgency and were not enough in number. All this came to a head in late 2006 when Senator MCCAIN, myself, and Senator LIEBERMAN, among others, were arguing for a change in strategy.

We had, I think, seven visits to Iraq; at the time about four. During our visits—Senator MCCAIN, myself, and Senator LIEBERMAN—every time we went, it was worse than the time before, up until the surge became the new strategy. The sergeants, the colonels, and captains were very blunt with us, saying this was not working. It was clear to us we did not have the right number of troops or the right strategy. In January of 2007, President Bush, much to his credit, announced a new strategy, an infusion of, I think, 30,000 new combat brigades into Iraq to bring about security.

It has always been our belief—Senator MCCAIN, myself, and Senator LIEBERMAN—that without security, it is hard to have a representative democracy. It is one thing to talk about political compromise and the difficulty of talk radio and MoveOn.Org. But it is another thing to talk about political compromise when your family is being murdered. It is very hard to administer the rule of law when the judges and the prospective participants in the trial are under siege and under attack. So without better security, there was no hope.

I have always believed that a security environment is required before you can have political compromise, economic progress, or any forgiveness. The economic progress in Iraq is pretty stunning: 5 percent growth. The oil revenues have almost doubled. Oil production has almost doubled. The economy is doing very well in Iraq compared to a year ago. The availability of energy and power is dramatically up. So the everyday life of the Iraqi people is still a struggle and difficult but far better than it was a year ago. There are a lot of people purchasing refrigerators and televisions and other electronic devices. The availability of power is at an all-time high. But demand is also at an all-time high.

Economically, inflation is down and the Iraqis have a surplus. People say: Well, should they pay us back? I would like to get some of our money back. They are certainly paying more. They are paying for all major reconstruction projects now, and they are paying for the operation of their army, for the most part.

But the best way to pay us back as a nation is for Iraq to be a place that embraces democracy, rejects al-Qaida, would be a buffer to Iranian ambitions, would be a place where a woman would have a say about her child. All that, to me, is priceless. For Iraq to go from a Saddam Hussein dictatorship to a representative government where Sunnis, Shias, and Kurds live in peace with each other, at peace with their neighbors is a major sea change in the overall war on terror and is a priceless event as far as I am concerned.

To have an Arab nation in the heart of the Mideast, a Muslim nation that rejected al-Qaida, is exactly what we need more of. The Iraqi people need to be acknowledged as to their sacrifice. What they have done has been tough. Their casualty rate has been about three times ours. The political reconciliation progress is moving forward now in Iraq. Fifteen of the 18 political benchmarks have been met by the Iraqi Government. The debaathification law was passed. That allows members of the Baath Party under Saddam to come back into the Government and get some of their old jobs back.

The amnesty law was passed. That means Sunni insurgents who were captured a year or 2 years ago as part of the insurgency to topple the Government in Baghdad will be let go and go back home and become part of the new Iraq.

Forgiveness is required before you have reconciliation. You see throughout Iraq a level of forgiveness that I think is encouraging. For the Shias and the Kurds to pass the amnesty law, telling their Sunni brothers and sisters: Let's start over, is a major step forward. For the Sunnis to embrace new elections after they boycotted them in 2005 is a recognition by the Sunni factions in Iraq that democracy is the way to go: Go to Baghdad through representation, not through violence. The Kurds have created stability in the north, and they are working with their partners in the south and in the west with the Sunnis and the Shias.

Maliki has stepped to the plate. I was not so excited about his leadership a year ago, but he has turned things around. The Shia-dominated Government in Iraq is taking on Shia militias in the southern part of Iraq, in the Basra area, that have been supported by Iranian special groups. The knock on Maliki was: Well, he is a sectarian leader. The fact that he would take on al-Sadr and Shia-backed militias from Iran—Iranian-backed militias in his own country—is a sign that he does not want to be dominated by Iranian theology.

So I am hopeful more so now than ever that Iraq has turned a corner economically, politically, and militarily. Their army is 100,000 stronger than it was before the surge, and they performed well after a slow start in the southern part of Iraq against the Shia militias, and they are fighting very well in Mosul.

One of the most stunning events and turnarounds, I believe, has been the recent handing over of Anbar Province back to the Iraqis. About 2 years ago, Anbar was declared lost. It was an al-Qaida stronghold—the Sunni part of Iraq—where al-Qaida was going up and down the streets of Ramadi holding a parade. And it was a very tough situation in Fallujah.

What happened was a combination of events. The Sunni Iraqis in that part of Iraq, in Anbar, tasted al-Qaida life and did not like it. They joined with the coalition forces and, with the addition of more troops, made a strong stand against al-Qaida. About a week ago, Anbar was turned back over to the Iraqis, and al-Qaida has been delivered a very punishing blow. They are not yet completely defeated, but structurally they are in disarray, and you see the message traffic among al-Qaida operatives that Iraq has been a nightmare for them, and it has turned out to be their Vietnam. At the end of the day, anything that will diminish al-Qaida is good for us. There is no more diminishing event when it comes to al-Qaida than to have fellow Sunni Muslims turn on them.

I am proud of the Iraqi people. They need to do more. I think they will. The surge has worked beyond my expectation—not just militarily. Politically and economically the surge has worked, and we are on the road now to what I would say is victory in Iraq.

People ask me: What is winning? Winning is being able to leave Iraq and have behind an ally in the overall war on terror. Winning would be having a partner in the heart of the Arab world, the Iraqi Government, that will reject al-Qaida and deny al-Qaida a safe haven or a foothold. Winning would be having a Shia-led government that will stand up to Iran, be a good neighbor but not allow Iran to become stronger. Winning would be a place in the heart of the Middle East where a woman would have a say about her children through democracy. Winning would be the rule of law replacing the rule of gun. All of that makes us safer. The consequences of losing in Iraq would be enormous and would have been enormous to our national security interests. Al-Qaida would have claimed victory over the United States. Iran would be dominating the southern part of Iraq. The sectarian violence that was widespread, in my view, would have spread throughout the region. There would have been Sunni-Shia battles throughout the Middle East and Turkey, and the Kurds would have had a real problem among themselves. So a failed state in Iraq would have been a nightmare for our security interests. Winning in Iraq means a stable government aligned with us that rejects al-Qaida, and means a buffer to Iranian ambitions; a nation that accepts democracy and would be a peaceful partner to its neighbors. That is a major victory in the war on terror because it was a place where al-Qaida was defeated by Muslims.

This resolution in great detail lays out what happened over the last year and a half regarding the surge. It is a statement by the Congress acknowledging success on the battlefield and in other areas. I hope this is one area where Republicans and Democrats can come together and recognize the great success of our troops and acknowledge the Iraqi people themselves looked chaos in the eye and turned it away. I know it has been difficult for this country; we spent a lot of money and lost a lot of lives. But this war we are involved in is not a place, it is not about taking your eye off the ball; it is about fighting the enemy wherever the enemy goes. I would argue that the world is better off without Saddam Hussein being in power. The big mistake we made after the fall of Baghdad is not having enough troops and letting the situation get out of hand. I don't believe it was a mistake at all to go after Saddam's regime after 17 U.N. resolutions were ignored. So I think the world is much better off without Saddam Hussein being in power.

I would argue we are now on the road to victory in Iraq where we are going to have a stable, functioning, representative government to replace a dictatorship—that will be our ally. This has come about with a lot of sacrifice on behalf of the men and women in uniform, their civilian counterparts, and Ambassador Crocker and General Petraeus have been great teammates over in Iraq. Here we are—a year ago tomorrow General Petraeus testified before the Congress. I wish to let him and all of those under his command, as well as Ambassador Crocker and all of those civilians who have been helping him, know that they have done an enormous good for the world, that they have protected our country from what I thought would have been a humiliating defeat. They have prevented that defeat. They have turned things around so that if we have the right exit strategy now, we are going to secure a major victory on the war on terror. Senator MCCAIN: Hats off to him. He has always been about winning. We are coming home, but we are going to come home winners, with honor, and a more secure America because of what has happened in Iraq in the last year and a half due to the surge.

I hope and pray we can have a vote on this resolution. It would be a good thing for the Senate to do. Whether you agree with us going into Iraq, that is an honest, genuine debate. Once there, we couldn't lose. We were about to lose. Thank God the surge was implemented, and more than anything else, thank God for good leadership, brave young men and women representing our Nation who took the fight to the enemy, and God bless the Iraqi people. I wish them nothing but the best in the future. I do believe the best days lie ahead for the Iraqi people, and that 20 years from now, long after many of us are gone, here in the Senate we will look back on this period and understand what was at stake better than we do today. We will be looking at

an Iraq that is part of the solution, not the problem, in the Mideast. History will say that the surge was a monumental event in the course of the war on terror, that the change in strategy was necessary work. I think militarily they will be studying this Petraeus plan for decades to come, and economically and politically, the courage that has been shown by the Iraqi people to step to the plate should be acknowledged by all of us.

At the end of the day, if we had continued with the old strategy, I think we would have lost. Iraq would have been a failed state and it would have been a mighty blow to this country and the overall war on terror. Now I think we can say with confidence we have turned a corner. Nothing is irreversible. However, I think the gains made on the political, economic, and military front are going to be hard to roll back if we will stay the course and end this fight. We are very close now to having our troops come home in a way that will make us all safer. I have always believed this one thing about Iraq: Our national security interests in history will judge us not by the date we left Iraq but by what we left behind. I think we are very close to being able to say in the coming months that we are going to leave behind a new nation that is part of the solution, not the problem; a place where Muslims said no to al-Qaida; a place where different groups chose the rule of law over the rule of gun; a place where the woman can finally have a say about her child and her children's future in the heart of the Mideast; and that truly makes us all safer.

I do hope Senator LIEBERMAN will be allowed to introduce his resolution and we will have a vote on that.

With that, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGHWAY TRUST FUND

Mr. REID. Mr. President, in July, the House of Representatives responsibly passed legislation to prevent the highway trust fund from running out of money. They put the date that the $8 billion would be transferred at October 1, the end of the fiscal year, the beginning of the new fiscal year. That legislation passed by an overwhelming bipartisan vote of 387 to 37.

The reason the bill receives such strong support is Democrats and Republicans in the House recognize that funding for these critical transportation projects is extremely important. This is infrastructure. For every billion dollars we spend in infrastructure, there are 47,500 high-paying jobs, and a lot of other jobs spin off from that amount. So this $8 billion is about half a million jobs. Yes, that is a lot when you think about the problems we have in the country today economically.

But when that bill reached the Senate before we left for the convention recesses, Republicans objected to it. Since that time, the legislation has even taken on more urgency. Gas prices have skyrocketed. Fewer Americans are driving, which has decreased the flow of the money into the trust fund.

Second, the Bush-McCain economy has plunged America further into economic peril. Just last month, 84,000 jobs were lost, bringing to the total this year during the Bush-McCain era over 600,000 jobs lost this year alone. And today it was announced that this year will be the largest deficit in the history of our country. So we have an economy that is in deep trouble, we have 84,000 jobs lost just last month and more than 600,000 this year, and it has just been announced that the deficit is the largest we have ever seen as a country.

The investments in this highway trust fund make our transportation safe. It is not just roads, it is mass-transit projects that are so important to this country. As I told the distinguished ranking member of the Budget Committee who was here objecting yesterday, maybe two or three decades ago, my being from Nevada, I may not have been concerned about mass transit, but we are now. Las Vegas is a metropolitan area with traffic congestion. We have to do something with mass transit. It cannot be handled on the highways.

With this new urgency in mind, the Bush administration joined us in calling for a transfer of these funds immediately. I received a call from the Secretary of Transportation saying this needs to be done. I said: Why didn't you help us before? Basically, the Bush-McCain crew was just hoping they could squeeze through before the new President is elected before anything would happen. But even this President has acknowledged that we have to do something.

Democrats and Republicans in the House, I repeat, have already voted to have this money transferred, and they did it last July. We want to follow suit. Yet some in the President's own party continue to refuse this economically vital legislation that is so important.

We have had 92 filibusters led by the Republicans so far. I am not sure if we counted the last one. Anyway, we will say 92. I have expressed many times my disappointment about the Republicans blocking legislation supported by a majority of Senators—a majority of Senators. They have blocked legislation not only that we Democrats support but a majority of Senators, Democrats and Republicans.

Here we have an interesting thing now. This is new. Republicans are blocking a bill supported by an overwhelming majority of both parties in the House and in the Senate and supported by the President of their own party. They are even blocking that. They are doing everything within their power to maintain the status quo. Yesterday, Republicans prevented us from passing this bill. It is so important that it be done. I have trouble understanding why the Republicans are objecting to a bill that Democrats and Republicans in the House support, Democrats and Republicans in the Senate support, and the President supports. They are objecting to their own best interests, it seems to me. But that is what they are doing. I think we should send this bill to the President's desk, as the President has requested.

The people who are objecting are using all kinds of excuses. Yesterday, they said they had a few amendments. Tonight, I guess they have a few more amendments. They think it is really not right to take the money to replenish the highway trust fund from the general fund, but they haven't objected to almost spending a trillion dollars of borrowed money going to Iraq. They haven't objected to taking tens of billions of dollars from the general fund to give tax breaks to big oil companies. That didn't seem to bother them. But when it comes to $8 billion to maintain our highways and our mass-transit projects that create jobs at a time when we have about 10 million Americans out of work, they are even blocking that. This legislation is prudent and necessary. It is a prudent and necessary investment in the economic well-being of our struggling Nation. I hope our Republican colleagues answer the call of President Bush and Secretary Chertoff. Judge Chertoff said the lack of investment in U.S. infrastructure is ''kind of like playing Russian roulette with our citizens' safety.'' That is what President Bush's Secretary of Homeland Security has said. So this is no time for games such as that.

So, Mr. President, here is my unanimous consent request: That the Finance Committee be discharged from its consideration of H.R. 6532 and the Senate proceed to its consideration; that the amendment at the desk be considered agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed at the appropriate place in the RECORD, with no intervening action or debate.

But we don't have a Republican here to object, and so I am not going to take advantage of their not being here. But

I hope the American people see what is going on. It is another day gone by with our not having the ability here because of the Republicans refusing to approve legislation that is extremely urgent. It is emergency legislation. We have been told so by the President and his Secretary of Treasury, and they still would not let us do this.

I wonder where JOHN MCCAIN is. What is his idea on this? Should we let the fund go belly up? Where is JOHN MCCAIN? Couldn't he send a statement, a message from somebody saying: I agree with President Bush, or does he disagree, for one of the rare, 10 percent of the times when he disagrees? The word out is he supports the President 90 percent of the time. It is really 95 percent of the time.

But is he now going to be part of the 5 percent where he says: I disagree with the President; I don't think that money should be replenished.

Where is JOHN MCCAIN? Let us hear from JOHN MCCAIN.

TRIBUTE TO LAURA SANDERS

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a remarkable teacher from my home State of Kentucky, Laura Sanders, who was recognized on August 19 as Kentucky's 2008 No Child Left Behind American Star of Teaching.

Sanders, a kindergarten teacher at Cumberland Trace Elementary School in Bowling Green, KY, has based her teaching career on the belief that all children can achieve and holds high expectations for each and every one of them.

She looks at each child's strengths and weaknesses and works with them individually or in small groups to ensure their success. She is the recipient of numerous awards recognizing her contributions to education.

For the 2006–2007 school year, her students' reading scores went from the 52 percent benchmark in the fall to 91 percent in the spring. For the 2007–2008 school year, her kindergarteners started with a 58 percent benchmark and by mid-year, 85 percent had met the benchmark scores.

However, it is her love of teaching, and the love she has for her students, that defines her effective and creative teaching style that gives students a willingness to learn.

''Love. Love the children that come in your door every day,'' Sanders advises other educators.

Patrice McCrary, who has been a colleague and friend of Sanders for over a decade, nominated Sanders for this year's award.

''I've had the honor and privilege of team teaching with her. This is our 11th year together, and I have never seen anybody who puts more into their teaching or loves their students more than Ms. Sanders does,'' McCrary said.

Each year since 2004, teachers across all grade levels and disciplines are honored in the fall as American Stars of Teaching based on their success in improving academic performance and making a difference in their students' lives.

Margaret Spellings, the Secretary of Education, acknowledged the outstanding teaching style that Sanders brings to her students.

''Teachers like Laura Sanders combine a passion for teaching with high expectations that every child can learn,'' Spellings said. ''We at the U.S. Department of Education are proud to recognize these dedicated, hard-working professionals, who are committed to closing the achievement gap and challenging every child to achieve his or her potential.''

Her former students are walking examples of her success and her passion for teaching. Mr. President, I ask my colleagues to join with me in recognizing Laura Sanders's unwavering dedication to education, her community, and Kentucky.

EXPANSION OF THE VERDE VALLEY MEDICAL CENTER

Mr. KYL. Mr. President, I am pleased to relate some good news from my State of Arizona. It is good news for Arizonans who live in the Verde Valley, which lies between Phoenix and Flagstaff.

The Verde Valley Medical Center, a 99-bed, full-service hospital, has recently completed a $35 million expansion project. The project, which took nearly 3 years to complete, increases the size of the facility and updates a portion of the existing space.

The expansion and renovation will add new medical services and help the center serve patients more efficiently. For instance, the medical imaging department will be moved to a centralized location, and more beds will be added to the telemetry unit, which serves patients who need to be monitored, but do not require intensive care. The updated facility also includes improvements and additions to serve women and children. The perinatal unit will move to a new location with a C-section operating room and a recovery room. The increase in the facility's size will also allow the creation of a pediatrics unit.

This recent project is only the latest expansion in the history of the Verde Valley Medical Center. For the past 70 years, the center has adapted to meet the needs of the growing community.

The origins of the Verde Valley Medical Center can be traced to 1939, when a small, outpatient facility brought xray equipment and an operating room to Cottonwood. At that time, the Marcus J. Lawrence Memorial Clinic, as the center was then known, served a small, rural population. In 1940, Yavapai County, which contains Cottonwood, was home to just over 26,000 Arizonans. Today, the county has a population of over 167,000.

The Verde Valley Medical Center has grown just like the region. Just 6 years after opening, the Marcus J. Lawrence Memorial Clinic added more beds and became a hospital. Two decades later, the hospital moved to its current location and opened a new 50-bed facility.

Then, in 1995, the medical center began extending its services into neighboring communities with the opening of a facility in Sedona. Later, new facilities would open in Camp Verde and Oak Creek. In 1998, the hospital became known as it is today, as the Verde Valley Medical Center, and 8 years later, the expansion project that has just been completed would begin.

With the opening of the expansion, Verde Valley Medical Center is ready to build on its record of serving the north-central Arizona community. During the 2008 fiscal year, the center served about 77,000 patients. This recent expansion will help to ensure that the medical center continues to meet the health care needs of Arizonans, just as it has for the past 70 years.

NEW MARKETS TAX CREDIT

Mr. KERRY. Mr. President, today I would like to speak about the new markets tax credit, NMTC—a vital development financing tool for low-income communities that is set to expire at end of this year unless Congress takes action.

The NMTC was signed into law 8 years ago in order to attract private investment to economically distressed communities by offering a modest Federal tax credit as an incentive for investors. Since its inception, this program has proven remarkably effective.

According to the Treasury Department, as of the first of July, the NMTC has been responsible for $11 billion of new investment in economically distressed communities across the country, including $600 million for community development entities based in Massachusetts. A January 2007 General Accountability Office report indicates that 88 percent of NMTC investors would not have made a particular investment in a low income community without the credit, and 69 percent had never made such an investment prior to working with the NMTC.

The NMTC program has successfully generated private investment in low-income communities. Community development entities, CDEs, that administer the program funds are frequently involved with communities with poverty rates higher than 30 percent and unemployment rates significantly greater than the national average. This program, by merging public and private investments, is infusing these communities with the resources to

begin new businesses, create new jobs, build new homes, and jumpstart their economies.

In Massachusetts, six community development entities have been awarded credit allocations. One such entity in Massachusetts, the Rockland Trust Company, is a commercial bank that has been serving Cape Cod, southeastern Massachusetts, and Rhode Island for over 100 years. In an effort to serve areas with high employment and low income, Rockland Trust applied for an NMTC allocation to expand its capacity to offer financing products that could effectively serve these communities. Since 2004, the Rockland Trust has received $75 million in credits, which have been used to finance 70 different non-real estate and real estate business loans ranging in size from $50,000 to $8 million. The NMTC loans made by Rockland Trust have been instrumental in financing the acquisition and redevelopment of over 2.1 million square feet of real estate and thus far have contributed to the creation of over 1,200 jobs.

The Massachusetts Housing Investments Corporation, MHIC, based in Boston, is another entity putting the tax credit to work in Massachusetts. MHIC has used the credit to finance a range of commercial and industrial real estate projects, large and small, that would not have been possible without the financing brought in by the credit. One such project, the Holyoke Health Center, HHC, is a federally qualified health center located in a community of 40,000 with a poverty rate of 27 percent and the highest per capita mortality rate and rate of teen births in the United States. After many unsuccessful attempts to obtain financing for its expansion, the Holyoke Health Center approached MHIC and within months the project was approved, achieved closing, and began construction. MHIC helped finance the largest investment ever made in Holyoke, and created a financing structure that has become a national model for other community health care expansion projects nationwide. The new state-of-the-art Holyoke facility houses primary care and laboratory services, an on-site pharmacy, a dental clinic, counseling services, a day care facility accommodating 100 preschool children. The project created 210 construction related jobs as well as 239 permanent jobs principally for Holyoke residents.

I am a strong supporter of NMTC because I have seen it work in Massachusetts and I believe in its potential to revitalize communities and businesses that are too often left out of the mainstream market. I encourage my colleagues to join me in strong support of the extension of the NMTC.

PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Mr. President, several years ago I started looking at the financial relationships between physicians and drug companies. I first began these inquiries by examining payments from pharmaceutical companies to physicians serving on Food and Drug Administration advisory boards. More recently, I began looking at professors at medical schools and their financial relationships with pharmaceutical companies. In turn, I scrutinized the grants that these physicians may have received from the National Institutes of Health.

I first examined a psychiatrist at the University of Cincinnati. Then I looked at three research psychiatrists who took millions of dollars from the drug companies and failed to fully report their financial relationships to Harvard and Mass General Hospital.

I then discovered a doctor at Stanford who founded a company that is seeking the Food and Drug Administration's approval to market a drug for psychotic depression. The National Institutes of Health is funding some of the research on this drug, which is being led by this same Stanford scientist. If his own research finds that the drug is successful, this researcher stands to gain millions. The NIH later removed this researcher from the grant.

I would now like to address two doctors with the University of Texas System.

Dr. Augustus John Rush is a psychiatrist at the University of Texas Southwestern Medical Center. During 2003–2005, Dr. Rush received an NIH grant to conduct a clinical training program. This program helped trainees understand how to conduct proper clinical trials and also dealt with medical ethics.

However, just 2 years before getting this Federal grant, Dr. Rush failed to report all of the money that Eli Lilly paid him. Dr. Rush disclosed $3,000 in payments from the company, but Eli Lilly tells me that they paid Dr. Rush $17,802 in 2001.

I would also like to discuss Dr. Karen Wagner, a professor at the University of Texas Medical Branch at Galveston.

Dr. Wagner was one of the authors on a Paxil study known as Study 329. This study was published in 2001.

Study 329 was cited in a New York case where GlaxoSmithKline was charged with ''repeated and persistent fraud.'' Part of the case against Glaxo was that the drug company promoted positive findings but didn't publicize unfavorable data.

In March 2006, Dr. Wagner was being deposed in a case on Paxil. During that deposition, Dr. Wagner was asked how much money she had taken from drug companies over the previous 5 years.

Her response? She said: ''I don't know.'' In fact, she testified that she couldn't even estimate how much money she received from the drug companies.

According to Glaxo, they paid Dr. Wagner over $53,220 in 2000. In 2001, when study 329 was published the company reported paying her $18,255.

During many of these years, Dr. Wagner has led NIH-funded studies on depression. These studies involved Paxil and Prozac; an antidepressant made by Eli Lilly. Eli Lilly reported to me that they paid Dr. Wagner over $11,000 in 2002. However, Dr. Wagner did not disclose this payment to the University of Texas.

Apparently, the University of Texas Medical Branch didn't require their physicians to disclose their financial relationships with the drug industry, until around 2002. But federal guidelines from 1995 are clear that researchers need to disclose this money when they take a grant from the NIH.

What makes this even more interesting is that from September 2003 through August 2004, Dr. Wagner was a voting member of the Conflict of Interest Committee at her university. That is right, she was one of the university's experts on conflicts of interest during the same time that she was not reporting her outside income.

Before closing, I would like to say that the University of Texas System has been very cooperative in this investigation. And I appreciate the continued cooperation of companies like GlaxoSmithKline and Eli Lilly.

I ask unanimous consent to have my letter to the University of Texas printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, September 9, 2008.

MARK G. YUDOF,
Chancellor, The University of Texas System, Austin, TX. 78701.

DEAR MR. YUDOF: The United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs and, accordingly, a responsibility to the more than 80 million Americans who receive health care coverage under these programs. As Ranking Member of the Committee, I have a duty to protect the health of Medicare and Medicaid beneficiaries and safeguard taxpayer dollars appropriated for these programs. The actions taken by recognized experts, like those at the University of Texas (University/Texas System) system's medical schools who are discussed throughout this letter, often have a profound impact upon the decisions made by taxpayer funded programs like Medicare and Medicaid and the way that patients are treated and funds expended.

Moreover, and as has been detailed in several studies and news reports, funding by pharmaceutical companies can influence scientific studies, continuing medical education, and the prescribing patterns of doctors. Because I am concerned that there has been little transparency on this matter, I have sent letters to almost two dozen research universities across the United States.

In these letters, I asked questions about the conflict of interest disclosure forms signed by some of their faculty. Universities require doctors to report their related outside income, but I am concerned that these requirements are sometimes disregarded.

I have also been taking a keen interest in the almost $24 billion annually appropriated to the National Institutes of Health (NIH) to fund grants at various institutions such as yours. As you know, institutions are required to manage a grantee's conflicts of interest. But I am learning that this task is made difficult because physicians do not consistently report all the payments received from drug and device companies.

To bring some greater transparency to this issue, Senator Kohl and I introduced the Physician Payments Sunshine Act (Act). This Act will require drug and device companies to report publicly any payments that they make to doctors, within certain parameters.

I am writing to assess the implementation of financial disclosure policies of the University of Texas system. In response to my letters of October 26, 2007, your University provided me with the financial disclosure reports that Dr. Augustus John Rush, Jr., at the University of Texas Southwestern Medical Center at Dallas (UTSW) and Dr. Karen Wagner at the University of Texas Medical Branch at Galveston (UTMB) filed during the period of January 2000 through June 2007. (the Physicians)

My staff investigators carefully reviewed each of the Physicians' disclosure forms and detailed the payments disclosed. I then asked that the University confirm the accuracy of the information. In February 2008 your counsel provided clarification and additional information from the Physicians pursuant to my inquiry.

In addition, I contacted executives at several major pharmaceutical companies and device manufacturers (the Companies) and asked them to list the payments that they made to Drs. Wagner and Rush during the years 2000 through 2007. These Companies voluntarily and cooperatively reported additional payments that the Physicians do not appear to have disclosed to the University.

Because these disclosures do not match, I am attaching a chart intended to provide a few examples of the data reported to me. This chart contains columns showing the payments disclosed in the forms the Physicians filed with the University and amounts reported by some of the Companies.

I understand that UTMB did not require that dollar amounts be reported in financial disclosures until 2002, despite federal requirements which required such reporting for NIH grantees in 1995. I also understand that UTSW's disclosures do not disclose if payments were made during a calendar year or an academic year.

I would appreciate further information to see if the problems I have found with these two Physicians are systemic within the University System.

INSTITUTIONAL AND NIH POLICIES

The Texas System requires that all compensation (income or monetary value given in return for services) be reported. Its policies consider compensation in the aggregate that meet or exceeded $10,000 for the current calendar year, or are expected to meet or exceed that amount in the next 12 months, to be a significant financial interest.

Further, federal regulations place several requirements on a university/hospital when its researchers apply for NIH grants. These regulations are intended to ensure a level of objectivity in publicly funded research, and state in pertinent part that NIH investigators must disclose to their institution any ''significant financial interest'' that may appear to affect the results of a study. NIH interprets ''significant financial interest'' to mean at least $10,000 in value or 5 percent ownership in a single entity.

Based upon information available to me, it appears that each of the Physicians identified above received NIH grants to conduct studies. During the years 2003–2005, Dr. Rush received an NIH grant to conduct a clinical intervention training program that was to provide trainees with, among other things, ''. . . knowledge and experience in the proper conduct of clinical intervention research, ethics, human subjects issues . . .'' However, my inquiry discovered that Dr. Rush did not disclose all of the drug and device industry payments to the University. For example, in 2001, Dr. Rush disclosed $3,000 in outside income for his work as an Advisory Board member for the Eli Lilly Company (Lilly). In contrast, Lilly reported to me that it paid Dr. Rush $17,802 for advisory services that year.

For calendar years 2000 through 2008, Dr. Wagner led NIH-funded studies on depression. These studies involved drugs produced by Lilly (Prozac) and GlaxoSmithKline (GSK) (Paxil). Lilly reported to me that it paid Dr. Wagner over $11,000 in 2002. However, and based upon the information in my possession, Dr. Wagner did not disclose this payment to the University in 2002 the first year that UTMB required financial disclosures from its faculty.

It seems that Dr. Wagner also did not report payments she received from GSK. GSK reported paying Dr. Wagner $53,220 in 2000—the first year of the NIH grant. Further, GSK reported paying her $18,255 in 2001, and $34,961 in 2002 and $31,799 in 2003. Between the years of 2000 through 2005, GSK reported paying Dr. Wagner $160,404. The only report Dr. Wagner made of these payments was in 2005 when she reported $600 from GSK.

In light of the information set forth above, I ask your continued cooperation in examining conflicts of interest. In my opinion, institutions across the United States must be able to rely on the representations of its faculty to ensure the integrity of medicine, academia, and the grant-making process. At the same time, should the Physician Payments Sunshine Act become law, institutions like yours will be able to access a database that will set forth the payments made to all doctors, including your faculty members.

Accordingly, I request that your respective institutions respond to the following questions and requests for information. For each response, please repeat the enumerated request and follow with the appropriate answer.

(1) For each of the NIH grants received by the Physicians, please confirm that the Physicians reported to the University of Texas System's designated official ''the existence of [a] conflicting interest.'' Please provide separate responses for each grant received for the period from January 1, 2000 to the present, and provide any supporting documentation for each grant identified.

(2) For each grant identified above, please explain how the University ensured ''that the interest has been managed, reduced, or eliminated.'' Please provide an individual response for each grant that each of the Physicians received from January 2000 to the present, and provide any documentation to support each claim.

(3) Please report on the status of the University's review of the discrepancies in the financial disclosures made by Drs. Rush and Wagner to the University, including what action, if any, will be considered.

(4) For Drs. Rush and Wagner, please report whether a determination can be made as to whether or not there is/was a violation of the guidelines governing clinical trials and the need to report conflicts of interest to an institutional review board (IRB). Please respond by naming each clinical trial for which the doctor was the principal investigator, along with confirmation that conflicts of interest were reported, if possible.

(5) Please provide a total dollar figure for all NIH monies received annually by the Texas System. This request covers the period of 2000 through 2007.

(6) Please provide a list of all NIH grants received by the University of Texas System. This request covers the period of 2000 through 2007. For each grant please provide the following:

a. Primary Investigator;

b. Grant Title;

c. Grant number;

d. Brief description; and

e. Amount of Award.

Thank you again for your continued cooperation and assistance in this matter. As you know, in cooperating with the Committee's review, no documents, records, data or information related to these matters shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.

I look forward to hearing from you by no later than September 23, 2008. All documents responsive to this request should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker (202) 224–4515.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

Attachment.

SELECTED DISCLOSURES BY DR. RUSH AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES AND DEVICE MANUFACTURERS

Year	Company	Disclosure filed with institution	Amount company reported
2000	Bristol-Myers Squibb	$4,000	$2,576
	Eli Lilly	Not reported	7,718
	Merck	23,800	n/a
	Pfizer	No amount provided	1,000
2001	Bristol-Myers Squibb	Not reported	2,921
	Eli Lilly	3,000	17,802
	Merck [1]	30,000	n/a
	Merck [2]	30,600	n/a
2002	Bristol-Myers Squibb	No amount provided	5,000
	Eli Lilly	3,000	4,500

SELECTED DISCLOSURES BY DR. RUSH AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES AND DEVICE MANUFACTURERS—Continued

Year	Company	Disclosure filed with institution	Amount company reported
	Merck	70,000	n/a
	Pfizer	No amount provided	7,500
2003	Bristol-Myers Squibb	No amount provided	250
	Cyberonics	25,000	≤75,000
	Eli Lilly	3,000	0
	Merck	40,000	n/a
2004	Bristol-Myers Squibb	250	750
	Cyberonics	56,250	≤75,000
	Eli Lilly	2,000	2,000
	Forst Pharmaceuticals	5,000	n/a
	Telesessions (Forest Labs)	18,000	n/a
2005	Cyberonics	[3] ≤25,200	62,000 [5]
	Eli Lilly	2,000	0
	Merck [4]	≤14,000	n/a
	Telesessions (Forest Labs)	[6] ≤15,000	n/a
2006	Cyberonics	≥10,000	[5] 100,000
	Telesessions (Forest Labs)	[7] ≤25,000	n/a
2007	Pfizer	2,000	2,000

[1] Dr. Rush reported on 7/11/01 statement of financial interests for serving as advisory board member.

[2] Dr. Rush reported in a request for prior approval of outside employment for services as consultant to U.S. Strategic Advisory Board for Substance P Antagonists.

[3] Dr. Rush reported in a request for prior approval of outside employment for $600 per hour (October 1, 2005 to October 1, 2007) for a maximum of 42 hours each calendar quarter. Payment for services as Chair of Depression Scientific Advisory Board and Consultant on issues related to clinical studies involving the use of vagus nerve stimulation therapy.

[4] Dr. Rush reported in a request for prior approval of outside employment for $3,500 per day (January 1, 2005 to December 31, 2006) for 4 days per year plus teleconferences. Payment for services as Insomnia Advisory Board Member.

[5] Payments reported by Cyberonics for consultation services performed during the year shown, although some of the checks were issued in a different year.

[6] Dr. Rush reported in a request for prior approval of outside employment for $1,000 per call (15 hours per year). Payment for services as faculty speaker on a series of conference calls as an educational service to physicians.

[7] Dr. Rush reported in a request for prior approval of outside employment for $1,000 per call (25 calls about 50 minutes each). Payment for services as faculty speaker on a series of conference calls as an educational service to physicians.

Note 1: When a Physician named a company in a disclosure but did not provide an amount, the text reads ''no amount reported.'' When a Physician did not list the company in the disclosure, the column reads ''not reported.'' The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

Note 2: The Committee estimated that the payments Dr. Rush disclosed totaled about $600,000 during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in his disclosures.

SELECTED DISCLOSURES BY DR. WAGNER AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES AND DEVICE MANUFACTURERS

Year	Company	Disclosure filed with institution	Amount company reported
2000 [1]	GlaxoSmithKline	Not reported	[2] $53,220
	Pfizer	Not reported	5,000
2001 [1]	Bristol-Myers Squibb	Not reported	4,194
	GlaxoSmithKline	Not reported	[3] 18,255
	Pfizer	Not reported	3,000
2002	Eli Lilly	Not reported	11,000
	GlaxoSmithKline	Not reported	34,961
	Pfizer	Not reported	2,500
2003	Eli Lilly	Not reported	9,750
	GlaxoSmithKline	Not reported	31,799
	Pfizer	Not reported	6,350
2004	AstraZeneca	Not reported	2,100
	Eli Lilly	Not reported	8,632
	GlaxoSmithKline	Not reported	17,371
	Pfizer	Not reported	1,000
2005	AstraZeneca	2,100	0
	Abbott Labs	14,000	n/a
	Eli Lilly	Not reported	300
	Pfizer	3,500	6,000
	GlaxoSmithKline	600	[4] 4,796
2006	Abbott Labs	10,000	n/a
	Bristol-Myers Squibb	5,400	7,204
	Eli Lilly	4,531	4,531
2007	Bristol-Myers Squibb	1,500	1,500
	Eli Lilly	3,281	3,281

[1] ''The University of Texas Medical Branch at Galveston's conflict of interest policy did not provide for annual disclosures until 2002.

[2] Payments for 19 talks on Paxil.

[3] Payments for 7 talks on Paxil.

[4] Honorarium and Expense. Paxil Psychiatry Advisory Board Member. Waldorf Astoria, 301 Park Ave., New York, NY. February 17, 2005.

Note 1: When a Physician named a company in a disclosure but did not provide an amount, the text reads ''no amount reported.'' When a Physician did not list the company in the disclosure, the column reads ''not reported.'' The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

Note 2: The Committee estimated the payments Dr. Wagner disclosed totaled about $100,000 during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in her disclosures.

EXHIBIT A
Speaker Event and Professional Programs Databases

SEQNUMB	PRODUCT	XTYPE	MTG DATE	TOPIC	FIRST NAME	LAST NAME	PAYEE	AMOUNT	PAYMENT TYPE	LOCATION	DATABASE
CON10037	Paxil	Dinner Meeting	4/5/2001	HO-Management Of Child & Adolescent Anxiety & Depression	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2000.00	Honorarium	GlaxoSmithKline Pharmaceuticals|One Franklin Plaza|Philadelphia, PA	CORE
CON11454	Paxil	Dinner Meeting	5/16/2001	HO-Psychcouncil	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2500.00	Honorarium	GlaxoSmithKline Pharmaceuticals|One Franklin Plaza|Philadelphia, PA	CORE
CON11034	Paxil	Dinner Meeting	7/17/2001	Contemporary Treatment of Depression	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2500.00	Honorarium	Townsend Hotel|100 Townsend Street|Birmingham, MI	CORE
CON11034	Paxil	Dinner Meeting	7/17/2001	Contemporary Treatment of Depression	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	1825.19	Expense	Townsend Hotel|100 Townsend Street|Birmingham, MI	CORE
CON17385	Paxil	Dinner Meeting	7/26/2001	HO-Major Depression and Social Anxiety Disorder in Children	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2500.00	Honorarium	GlaxoSmithKline Pharmaceuticals|One Franklin Plaza||Philadelphia, PA	CORE
CON17385	Paxil	Dinner Meeting	7/26/2001	HO-Major Depression and Social Anxiety Disorder in Children	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	430.00	Expense	GlaxoSmithKline Pharmaceuticals|One Franklin Plaza||Philadelphia, PA	CORE
CON15456	Paxil	Dinner Meeting	8/15/2001	HO-Treatment of Major Depression	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2500.00	Honorarium	GlaxoSmithKline Pharmaceuticals|One Franklin Plaza|Philadelphia, PA	CORE
SKB17173	Paxil	National Advisory Board	1/25/2002	Paxil Forum Consultants Update 2002-St. Regis Monarch Beach	KAREN	WAGNER		2600.00	Honorarium	St. Regis Monarch Beach Resort|23841 Stonehill Drive|Dana Point, CA	CORE
SKB17173	Paxil	National Advisory Board	1/25/2002	Paxil Forum Consultants Update 2002-St. Regis Monarch Beach	KAREN	WAGNER		1929.00	Honorarium	St. Regis Monarch Beach Resort|23841 Stonehill Drive|Dana Point, CA	CORE
SKB15659	Paxil	National Advisory Board	2/7/2002	Paxil Psychiatry Advisory Board Meeting	KAREN	WAGNER		3100.00	Honorarium	St. Regis|Two East 55th Street|at Fifth Avenue|New York, NY	CORE

GSK CONFIDENTIAL. PROVIDED TO THE COMMITTEE ON FINANCE PURSUANT TO SENATE RULE XXIX.

ANIMAL DRUG USER FEE ACT

Mr. ENZI. Mr. President, on August 1, 2008, the Senate passed H.R. 6432, the Animal Drug User Fee Amendments of 2008. Title I of this bill includes the reauthorization of the FDA's animal drug user fee program, while title II of this bill establishes the FDA's generic animal drug user fee program.

Performance goals, existing outside of the statute, accompany the authorization of animal drug user fees and animal generic drug user fees. These goals represent realistic projections of what the Food and Drug Administration's Center for Veterinary Medicine can accomplish with industry cooperation. The Secretary of Health and Human Services forwarded these goals to the chairmen of the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, in documents entitled ''Animal Drug User Fee Act Performance Goals and Procedures'' and ''Animal Generic Drug User Fee Act Performance Goals and Procedures.''

According to section 101(b) of H.R. 6432, ''the fees authorized by the amendments made in this Act will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified, for purposes of part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the CONGRESSIONAL RECORD.''

According to section 201(b) of H.R. 6432, ''the fees authorized by this title will be dedicated toward expediting the generic new animal drug development process and the review of abbreviated applications for generic new animal drugs, supplemental abbreviated applications for generic new animal drugs, and investigational submissions for generic new animal drugs as set forth in the goals identified in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the CONGRESSIONAL RECORD.''

Today I am submitting for the RECORD these documents, on behalf of Senator KENNEDY, who could not be here today, which were forwarded to the Committee on Health, Education, Labor and Pensions on July 30, 2008, as well as the letter from Secretary Leavitt that accompanied the transmittal of this document.

I ask unanimous consent to have material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, DC, July 30, 2008.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to formally transmit the Agreements on the Goals and Procedures for the reauthorization of the Animal Drug User Fee Act and new authorization for Animal Generic Drug User Fees. These documents incorporate the agreement made between the animal drug industry and FDA and contain the goals for the review of animal drug applications over the FY 2009 through FY 2013 period. These Goals and Procedures are a companion to the authorizing legislation reauthorizing the animal drug user fees and enacting new animal generic drug fees and they represent the commitment of the Administration to apply the user fees authorized by Congress towards the outlined goals and procedures.

We appreciate your leadership and considerable efforts of your Committee to make it possible to reauthorize the important animal drug user fee program and enact a corresponding user fee program for generic animal drugs.

Sincerely,

MICHAEL O. LEAVITT.

Attachments.

ANIMAL DRUG USER FEE ACT PERFORMANCE GOALS AND PROCEDURES

The goals and procedures of the FDA Center for Veterinary Medicine (CVM) as agreed to under the ''Animal Drug User Fee Act of 2008'' are summarized as follows:

1. *Application/Submission Goals*

a. For the application/submission goals below, the term ''review and act on'' is understood to mean the issuance of a complete action letter after the complete review of an animal drug application, supplemental animal drug application, or investigational animal drug submission which either (1) approves an animal drug application or supplemental application or notifies a sponsor that an investigational animal drug submission is complete or (2) sets forth in detail the specific deficiencies in such animal drug application, supplemental animal drug application, or investigational animal drug submission and, where appropriate, the actions necessary to place such an application, supplemental application, or submission in condition for approval. Within 30 days of submission, FDA shall refuse to file an animal drug application, supplemental animal drug application, or their reactivation, which is determined to be insufficient on its face or otherwise of unacceptable quality for review upon initial inspection as per 21 CFR 514.110. Thus, the agency will refuse to file an application containing numbers or types of errors, or flaws in the development plan, sufficient to cause the quality of the entire submission to be questioned to the extent that it cannot reasonably be reviewed. Within 60 days of submission, FDA will refuse to review an investigational animal drug submission which is determined to be insufficient on its face or otherwise of unacceptable quality upon initial inspection using criteria and procedures similar to those found in 21 CFR 514.110. A decision to refuse to file an application or to refuse to review a submission as described above will result in the application or submission not being entered into the cohort upon which the relevant user fee goal is based. The agency will keep a record of the numbers and types of such refusals and include them in its annual performance report.

b. FDA may request minor amendments to animal drug applications, supplemental animal drug applications, and investigational animal drug submissions during its review of the application or submission. At its discretion, the Agency may extend an internal due date (but not a user fee goal) to allow for the complete review of an application or submission for which a minor amendment is requested. If a pending application is amended with significant changes, the amended application may be considered resubmitted, thereby effectively resetting the clock to the date FDA received the amendment. The same policy applies for investigational animal drug submissions.

c. The term ''end-review amendment'' is understood to mean an amendment to an animal drug application, supplemental animal drug application, or investigational animal drug submission that is requested by the Agency after it has completed its review of the submitted information and determines that the submission of additional non-substantial data or information would likely complete the application or submission. This term does not include minor amendments requested by the Agency during review of applications or submissions that do not impact upon the user fee goals, as described in paragraph 1.b.

d. The term ''submission date'' is understood to mean the date CVM's Document Control Unit receives an application or submission.

2. *Non-administrative Animal Drug Applications*

a. The Agency will review and act on 90 percent of non-administrative animal drug applications and reactivations of such applications within

i. 180 days after the submission date (Day 180) if the Agency determines that the application is complete or incomplete. An application is incomplete if it would require substantial data or information to enable the Agency to complete a comprehensive review of the application and reach a decision on the approvability of the application; or

ii. 220 days after the submission date if the Agency determines that the submission of additional non-substantial data or information would likely complete the application and electronically requests an end-review amendment to the application on or before Day 180, but the sponsor fails to file such amendment on or before Day 210. If a sponsor files an amendment after Day 210, then the amendment is ineligible for consideration as an end-review amendment, the extended performance goal (345 days) will not apply, and a complete action letter will be issued by Day 220 for the original application; or

iii. 345 days after the submission date if the Agency electronically requests an end-review amendment to the application on or before Day 180 and the sponsor files an end-review amendment on or before Day 210.

b. The end-review amendment procedure is not intended to prevent the use of minor amendments during Agency review of an animal drug application as described in paragraph 1.b. above.

3. *Administration Animal Drug Applications*

a. Review and act on 90 percent of administrative animal drug applications (NADAs submitted after all scientific decisions have

been made in the investigational animal drug process, i.e., prior to the submission of the NADA) within 60 days after the submission date.

4. *Non-manufacturing Supplemental Animal Drug Applications*

a. The Agency will review and act on 90 percent of non-manufacturing supplemental animal drug applications (i.e. supplemental animal drug applications for which safety or effectiveness data are required) and reactivations of such supplemental applications within

1. 180 days after submission date (Day 180) if the Agency determines that the application is complete or incomplete. An application is incomplete if it would require substantial data or information to enable the Agency to complete a comprehensive review of the application and reach a decision on the approvability of the application; or

ii. 220 days after the submission date if the Agency determines that the submission of additional non-substantial data or information would likely complete the application and electronically requests an end-review amendment to the application on or before Day 180, but the sponsor fails to file such amendment on or before Day 210. If a sponsor files an amendment after Day 210, then the amendment is ineligible for consideration as an end-review amendment. the extended performance goal (345 days) will not apply, and a complete action letter will be issued by Day 220 for the original application; or

iii. 345 days after the submission date if the Agency electronically requests an end-review amendment to the application on or before Day 180 and the sponsor files an end-review amendment on or before Day 210.

b. The end-review amendment procedure is not intended to prevent the use of minor amendments during Agency review of a supplemental new animal drug application as described in paragraph 1.b. above.

5. Manufacturing Supplemental Animal Drug Applications

a. Review and act on 90 percent of manufacturing supplemental animal drug applications and reactivations of such supplemental applications within 120 days after the submission date.

6. Investigational Animal Drug Study Submissions

a. The Agency will review and act on 90 percent of investigational animal drug study submissions within

i. 180 days after the submission date (Day 180) if the Agency determines that the submission is complete or incomplete. A submission is incomplete if it would require substantial data or information to enable the Agency to complete a comprehensive review of the study submission and reach a decision on the issue(s) presented in the submission; or

ii. 220 days after the submission date if the Agency determines that the submission of additional non-substantial data or information would likely complete the submission and electronically requests an end-review amendment to the submission on or before Day 180, but the sponsor fails to submit such amendment on or before Day 210. If a sponsor submits an amendment after Day 210, then the amendment is ineligible for consideration as an end-review amendment, the extended performance goal (270 days) will not apply, and a complete action letter will be issued by Day 220 for the original submission; or

iii. 270 days after the submission date if the Agency electronically requests an end-review amendment to the submission on or before Day 180 and the sponsor submits an end-review amendment on or before Day 210.

b. The end-review amendment procedure is not intended to prevent the use of minor amendments during Agency review of a study submission as described in paragraph 1.b. above.

7. Investigational Animal Drug Protocol without Data Submissions

a. Review and act on 90 percent of investigational animal drug submissions consisting of protocols without substantial data, that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an animal drug application or supplemental animal drug application, within

i. 60 days after the submission date (Day 60) if the Agency does not request an end-review amendment to the protocol.

(1) If the Agency determines that the protocol is acceptable, the Agency will notify the sponsor of this decision electronically on or before Day 50, followed by a complete action letter; or

(2) If the Agency determines that a protocol is not acceptable, the Agency will notify the sponsor of this decision electronically, providing preliminary broad areas of protocol deficiency, on or before Day 50, with the subsequently issued complete action letter providing the detailed protocol assessment. The sponsor may contact the Agency for a brief clarification of these areas of deficiency prior to the issuance of the complete action letter; or

ii. 75 days after the submission date if the Agency electronically requests an end-review amendment to the protocol on or before Day 50, but the sponsor fails to submit such amendment within 10 days of the amendment request date. If a sponsor files an amendment more than 10 days after the amendment request date, then the amendment is ineligible for consideration as an end-review amendment, the extended performance goal (refer to 7.a.iii below) will not apply, and a complete action letter will be issued by Day 75 for the original submission; or

iii. the greater of 60 days after the original protocol is received by the Agency or 20 days after the amended protocol is received by the Agency if the Agency electronically requests an end-review amendment on or before Day 50 and the sponsor submits such amendment within 10 days of the date the amendment is requested.

b. Sponsors are not required to submit study protocols for review. However, for each voluntarily submitted protocol for a study that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an animal drug application or supplemental animal drug application, the Agency will issue a complete action letter providing comments resulting from a complete review of the protocol. The complete action letter will be as detailed as possible considering the quality and level of detail of the protocol submission; will include a succinct assessment of the protocol; and will state whether the Agency agrees, disagrees, or lacks sufficient information to reach a decision that the protocol design, execution plans, and data analyses are adequate to achieve the objectives of the study.

c. If the Agency determines that a protocol is acceptable, this represents an agreement that the data generated by the protocol can be used to support a safety or effectiveness decision regarding the subject animal drug. The fundamental agreement is that having agreed to the design, execution, or analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspectives on the issues of design, execution, or analyses unless the Agency by written order determines that a substantiated scientific requirement essential to the assessment of the study appeared after the Agency's protocol assessment, or public or animal health concerns unrecognized at the time of protocol assessment under this process are evident.

d. The end-review amendment procedure is not intended to prevent the use of minor amendments during Agency review of a protocol without data submission as described in paragraph 1.b. above.

8. Electronic Review of Applications/Submissions

a. The Agency will develop an electronic submission tool for industry submissions and online review capability within 24 months of appropriated ADUFA funds for FY 2009. The Agency will consult with the sponsors in the development of this tool.

9. Pre-Approval Foreign Inspections

a. The Agency and regulated industry are committed to improving the review and business processes that will facilitate the timely scheduling and conducting of pre-approval inspections (PAIs). To improve the timeliness and predictability of foreign PAIs, sponsors may voluntarily submit 1) at the beginning of the calendar year, a list of foreign manufacturing facilities that are subjects of animal drug applications, supplemental animal drug applications, or investigational animal drug submissions and may be subject to foreign PAIs for the following fiscal year; and 2) a notification 30 days prior to submitting an animal drug application, a supplemental animal drug application, or investigational animal drug submission that informs the Agency that the application includes a foreign manufacturing facility. Should any changes to the annual list occur after its submission to the Agency, the sponsor may provide the updated information to the Agency.

b. The Agency will keep a record of the number of foreign PAIs conducted for new animal drug applications, along with the average time for completing the PAIs, and include this information in its annual performance report. The time for completing the PAIs is understood to mean the time from the date of scheduling the inspection through notification to the Center of inspectional findings.

10. Public Workshops

a. The Agency and regulated industry agree to participate in 10 public workshops by the end of FY 2013 on mutually agreed upon topics.

11. Additional Efforts Related to Performance Goals

a. The Agency will review all submissions in accordance with procedures for working within a queue. An application/submission that is not reviewed within the applicable Application/Submission Goal time frame (noted above) will be reviewed with the highest possible priority among those pending.

b. The Agency and the regulated industry agree that the use of both formal meetings (e.g., presubmission conferences, workshops, etc.) and informal communication by both parties is critical to ensure high submission quality such that the above performance goals can be achieved.

c. The Agency and the regulated industry agree to explore and discuss the applicable use of pharmacokinetic/pharmacodynamic data in the development and evaluation of new animal drugs submitted for approval.

d. The Agency and the regulated industry agree to explore opportunities for exchange of information regarding the characteristics of a new animal drug, and to identify safety and effectiveness issues as early as possible in the drug development process.

e. The Agency and regulated industry commit to work together to explore shorter timeframes commensurate with the magnitude of the submitted data/information referenced under 11.c and 11.d.

12. Workload Adjustment

The Animal Drug User Fee Act requires FDA to annually adjust fee revenues after FY 2008 to reflect changes in review workload utilizing a weighted average of animal drug applications, supplemental animal drug applications for which data with respect to safety or effectiveness are required, manufacturing supplemental animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions. The Agency will use the method detailed below to calculate the workload adjustment, and the percent increase in fees will be the amount of the workload adjuster that is greater than one (1.0).

The term ''workload adjuster'' applicable to a fiscal year consists of the sum of the following 5 components:

a. The percent of change in the total number of original and reactivated animal drug applications submitted (comparing the five-year average number of such submissions for fiscal years 1998–2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of original and reactivated new animal drug applications over the most recent five-year period.

b. The percent of change in the total number of original and reactivated supplemental animal drug applications submitted for which data with respect to safety or effectiveness are required (comparing the five-year average number of such submissions for fiscal years 1998—2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of original and reactivated supplemental animal drug applications for which data with respect to safety and effectiveness are required over the most recent five-year period.

c. The percent of change in the total number of original and reactivated manufacturing supplemental animal drug applications submitted (comparing the five-year average number of such submissions for fiscal years 1998—2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of original and reactivated manufacturing supplemental animal drug applications over the most recent five-year period.

d. The percent of change in the total number of investigational animal drug study submissions submitted (comparing the five-year average number of such submissions for fiscal years 1998—2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of investigational animal drug study submissions over the most recent five-year period.

e. The percent of change in the total number of submitted investigational animal drug protocol submissions (comparing the five-year average number of such submissions for fiscal years 1998—2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of investigational animal drug protocol submissions over the most recent five-year period.

ANIMAL GENERIC DRUG USER FEE ACT PERFORMANCE GOALS AND PROCEDURES

The goals and procedures of the Food and Drug Administration (FDA or the Agency) as agreed to under the ''Animal Generic Drug User Fee Act of 2008'' are summarized as follows:

Five-Year Goals (to be implemented by September 30, 2013)

1. Review and act on 90 percent of non-administrative original abbreviated new animal drug applications (ANADAs) and reactivations of such applications within 270 days after the submission date.

2. Review and act on 90 percent of manufacturing supplemental ANADAs and reactivations of such supplemental applications within 270 days after the submission date.

3. Review and act on 90 percent of generic investigational new animal drug (JINAD) study submissions within 270 days after submission date.

4. Review and act on 90 percent of JINAD submissions consisting of protocols without substantial data, that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an ANADA or supplemental ANADA, within 100 days after the submission date.

5. Review and act on 90 percent of administrative ANADAs (ANADAs submitted after all scientific decisions have been made in the JINAD process, i.e., prior to the submission of the ANADA) within 100 days after the submission date.

For the application/submission goals above, the term ''review and act on'' is understood to mean the issuance of a complete action letter after the complete review of an original ANADA, supplemental ANADA, or JINAD submission which either (1) approves an original or supplemental ANADA or notifies a sponsor that a JINAD submission is complete or (2) sets forth in detail the specific deficiencies in such original or supplemental ANADA or JINAD submission and, where appropriate, the actions necessary to place such an original or supplemental ANADA or JINAD submission in condition for approval (''incomplete letter''). Within 30 days of submission, FDA shall refuse to file an original or supplemental ANADA, or their reactivation, which is determined to be insufficient on its face or otherwise of unacceptable quality for review upon initial inspection as per 21 CFR 514.110. Thus, the agency will refuse to file an application containing numbers or types of errors, or flaws in the development plan, sufficient to cause the quality of the entire submission to be questioned to the extent that it cannot reasonably be reviewed. Within 60 days of submission, FDA will refuse to review a JINAD submission which is determined to be insufficient on its face or otherwise of unacceptable quality upon initial inspection using criteria and procedures similar to those found in 21 CFR 514.110. A decision to refuse to file an application or to refuse to review a submission as described above will result in the application or submission not being entered into the cohort upon which the relevant user fee goal is based. The agency will keep a record of the numbers and types of such refusals and include them in its annual performance report.

FDA may request minor amendments to original or supplemental ANADAs and JINAD submissions during its review of the application or submission. At its discretion, the Agency may extend an internal due date (but not a user fee goal) to allow for the complete review of an application or submission for which a minor amendment is requested. If a pending application is amended with significant changes, the amended application may be considered resubmitted, thereby effectively resetting the clock to the date FDA received the amendment. The same policy applies for JINAD submissions.

Sponsors are not required to submit study protocols for review. However, for each voluntarily submitted protocol for a study that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an original or supplemental ANADA, the Agency will issue a complete action letter providing comments resulting from a complete review of the protocol. The complete action letter will be as detailed as possible considering the quality and level of detail of the protocol submission; will include a succinct assessment of the protocol; and will state whether the Agency agrees, disagrees, or lacks sufficient information to reach a decision that the protocol design, execution plans, and data analyses are adequate to achieve the objectives of the study. If the Agency determines that a protocol is acceptable, this represents an agreement that the data generated by the protocol can be used to support a safety or effectiveness decision regarding the subject new animal drug. The fundamental agreement is that having agreed to the design, execution, or analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspectives on the issues of design, execution, or analyses unless the Agency issues a written order that a substantiated scientific requirement essential to the assessment of the study appeared after the Agency's protocol assessment, or public or animal health concerns unrecognized at the time of protocol assessment under this process are evident.

The Agency and the regulated industry agree that the use of both formal meetings (e.g., presubmission conferences) and informal communication by both parties is critical to ensure high submission quality such that performance goals can be achieved.

The term ''submission date'' is understood to mean the date the FDA Center for Veterinary Medicine (CVM) Document Control Unit (DCU) receives an application or submission. DCU date stamps an application or submission on the day of receipt.

Work Queue Review Procedures

The Agency will review all submissions in accordance with procedures for working within a queue. An application/submission that is not reviewed within the applicable. Application/Submission Goal time frame (noted below) will be reviewed with the highest possible priority among those pending.

Interim Goals

Interim Application/Submission Goals

FY09 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2009 are reviewed within 700 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2009 are reviewed within 600 days after the submission date.

JINAD study submissions received during FY 2009 are reviewed within 700 days after the submission date.

JINAD submissions consisting of protocols without substantial data received during FY 2009 are reviewed within 400 days after the submission date.

Administrative ANADAs received during FY 2009 are reviewed within 120 days after the submission date.

FY10 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2010 are reviewed within 680 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2010 are reviewed within 570 days after the submission date.

JINAD study submissions received during FY 2010 are reviewed within 680 days after the submission date.

JINAD submissions consisting of protocols without substantial data received during FY 2010 are reviewed within 390 days after the submission date.

Administrative ANADAs received during FY 2010 are reviewed within 115 days after the submission date.

FY11 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2011 are reviewed within 500 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2011 are reviewed within 420 days after the submission date.

JINAD study submissions received during FY 2011 are reviewed within 500 days after the submission date. JINAD submissions consisting of protocols without substantial data received during FY 2011 are reviewed within 290 days after the submission date.

Administrative ANADAs received during FY 2011 are reviewed within 110 days after the submission date.

FY12 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2012 are reviewed within 380 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2012 are reviewed within 340 days after the submission date.

JINAD study submissions received during FY 2012 are reviewed within 380 days after the submission date.

JINAD submissions consisting of protocols without substantial data received during FY 2012 are reviewed within 190 days after the submission date.

Administrative ANADAs received during FY 2012 are reviewed within 105 days after the submission date.

FY13 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2013 are reviewed within 270 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2013 are reviewed within 270 days after the submission date.

JINAD study submissions received during FY 2013 are reviewed within 270 days after the submission date.

JINAD submissions consisting of protocols without substantial data received during FY 2013 are reviewed within 100 days after the submission date.

Administrative ANADAs received during FY 2013 are reviewed within 100 days after the submission date.

Amending Similar Applications and Submissions

The Agency and regulated industry agree that applications and submissions to the Agency will be complete and of sufficient quality to allow the Agency's complete and timely review. The Agency will refuse to file poor quality and incomplete applications and submissions rather than allowing them to serve as ''placeholders'' in the review queue that are subsequently amended to add the missing or inadequate portions.

The Agency recognizes that there are circumstances in which a controlled amendment process can make the review of similar, pending submissions more efficient, without compromising the sponsor's responsibility for high quality submissions. Thus, starting no later than FY 2012, if the Agency requests an amendment to a non-administrative original ANADA, manufacturing supplemental ANADA, JINAD study submission, or a JINAD protocol submission (a ''CVM-initiated amendment''), or issues an incomplete letter for such an application or submission, a sponsor may request to amend other, similar applications or submissions it has pending with the Agency (''sponsor-initiated amendment(s)'') in accordance with the following criteria:

1. The amended information for these similar applications or submissions must be the same as in the CVM-requested amendment or incomplete letter; and

2. The amended information must not significantly change the pending application or submission; and

3. The amended information for these similar applications or submissions must be submitted no later than:

a. 120 days after the submission date for a pending non-administrative original ANADA, manufacturing supplemental ANADA, or JINAD study submission; or

b. 50 days after the submission date for a pending JINAD protocol.

If the Agency determines that the above criteria have been met, it will not change the user fee goal for a pending application or submission that has been amended by a sponsor-initiated amendment If the above criteria have not been met, the Agency may consider the application or submission resubmitted on the date of the sponsor-initiated amendment, thereby resetting the clock to the date FDA received the amendment.

REPUBLICAN NATIONAL CONVENTION LAW ENFORCEMENT

Mr. COLEMAN. Mr. President, I rise to express a word of enthusiastic appreciation to the thousands of courageous and principled law enforcement members who did their utmost to allow the Republican National Convention in St. Paul to proceed in an orderly fashion. I saw some of their work with my own eyes and want them to know we respect them and the vital role they play in our Nation.

It has been said that every society is defined by the boundary between each individual's right to do whatever they want and the broader community's right to peace and order. Societies without such a border disintegrate into chaos and eventually repression. That boundary is not an abstract philosophical construct, but the life's work of law enforcement personnel who enforce society's laws.

This past week we saw an extreme test of that principle as self-described anarchists, who represented a very small segment of thousands of peaceful demonstrators, sought to disrupt proceedings of the convention. Law enforcement personnel acted with professionalism, restraint and great skill in the face of serious threats to public safety. The great irony is the actions of law enforcement guarantee the future rights of protestors to protest. I only wish the small minority of violent protestors had not created a climate of fear that may have regrettably kept observers away and reduced the patronage of St. Paul businesses, that were counting on increased sales during the convention week.

The convention, the first in Minnesota since 1892, presented many logistical obstacles. St. Paul is a town of less than 300,000, not the kind of metropolis where these events are usually held. The ability of multiple jurisdictions to work together to scale up their response to the level needed was a great example of the Minnesota can-do spirit.

Many thanks are due, specifically to St. Paul chief of police John Harrington whose team was able to ensure the safety of all of our visitors, displaying Minnesota admirably in the national spotlight. Special thanks are also very much in order to the law enforcement officers who traveled from all over Minnesota and the rest of the country to assist in the security efforts.

I would also like to take a moment to express my thanks for the excellent work of a few other individuals during the convention: St. Paul assistant chief of police Matt Bostrum, Minneapolis chief of police Tim Dolan, Minneapolis deputy chief of police Rob Allen, Bloomington chief of police John Laux, Ramsey County sheriff Bob Fletcher, Hennepin County sheriff Rich Stanek, and Minnesota Department of Public Safety commissioner Michael Campion all deserve our gratitude. They, and their departments, performed with excellence in the way they did their duty and their integration with other departments.

The week of September 1, 2008, will be remembered by almost all of the thousands of visitors to Minnesota as a great week and proof-positive that our State is capable of putting on a world class event. The ability of our excellent law enforcement personnel to play defense against those who sought to disrupt the festivities allowed the people attending the convention and a worldwide audience to see an orderly process of our democratic society at its finest.

My heartfelt thanks to all the Minnesotans who worked so hard to make our dreams a reality.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for this opportunity to express my concerns regarding the escalating price of living in Idaho due in large part to the ever increasing cost of energy.

I work for Alaska Airlines in Boise, Idaho. My gas bill to cover my commute has gone from $100 to $300 per month. My own industry has been heavily affected by the obscene rise in the cost of aviation fuel. Alaska Air is a profitable business. They have worked hard at putting a lot of cash in the bank. They never just spent their way into bankruptcy then emerged a few years later with all of their debts relieved. Now in order to stay alive, in addition to raising air fares and reducing routes, they have to charge seemingly ridiculous charges for the ordinary services associated with travel. And still the cost of fuel rises. Just today we received the second corporate letter, advising us that Alaska Airlines is doing all it possibly can to reduce costs, that each of us needs to be conscious of everything we do and be as profitable as we can with each service we provide. I work in a call center. Are those the voices of Pakistani call center agents I hear at Alaska Airline's front door? So not only are some of the finest American customer service agents in danger of losing our jobs, but the least respected of all call center personnel will smudge the heretofore finest airline service in the world.

I read that you have worked on alternative fuels. This is a fine aspiration, but with what result? At present alternative fuels can not even begin to touch the huge volume it would take to replace gas and oil energy. As a result of corn-based fuels, corn-based commodities around the world have also escalated in price. Cereal, tortillas, breads, dog food, chicken and beef feed, the list goes on, are all affected by increased prices I pay every day. And in third world countries, where such commodities are staples, people are facing shortages and starvation. When the farmer cannot afford to cultivate his crops, the trucker cannot afford to pick up the crops and bring them to market, and the market has to raise the prices of staples, how far behind are we from becoming a society of haves and haves and have-nots?

Senator CRAPO, for far too long we have let the environmental movement intimidate our energy policy in this country. It started with a little bit of this and that. We stopped drilling for oil and gas off our scenic coasts and large inland tracts of land deemed environmentally sensitive. We stopped approving refineries and thereby reduced our domestic supplies of fuel, relying instead on ever-increasing foreign sources. One of the biggest environmental accidents happened near Valdez, Alaska. Environmentalists blamed big oil. Ironically the oil spilled was imported from the Middle East. Accompanying all this was the slow rise in the price consumers pay to run their cars and heat their homes. Government has played both sides of the isle with C.A.F.E standards that have not improved gas mileage so much as to drive the price of cars to the same price as a good house in the 1960's. Refineries further increase the price of fuel required to manufacture multiple blends. All of these products are heavily taxed by our government. If the oil companies are accused of making obscene profits, then can we not say the same thing about the never-mentioned windfall profits our Federal government collects?

What would I do? I would ask you to start plans to find and develop our best sources of domestic oil and natural gas resources. I would ask you to find places in this country that would just love to refine petroleum and encourage their communities to do so. Just getting the plans on the board would burst this bubble of inflationary speculation. (These suggestions, if started today would take at least 10 years to get up and running).

I would also ask that we start plans to build safe and efficient nuclear power. France and Germany possess marvelous examples we can emulate and exceed. And further we need to fend off the environmentalist's incessant legal maneuvering that subvert inflate the price of energy development.

Well, this is more than two paragraphs. But it contains in my opinion, the elements we need to address today and with haste.

Thank you.

ROBERT, *Boise.*

I would expect that I am an average Idahoan in means of monthly financial resources. The average family in my valley has 2 full-time incomes of $8/hr, totaling around $2200.00/mo. take-home after taxes. The average family also has to travel 50 miles a day—5 days a week—just for that work. The average vehicle does 20MPG. That alone is $220 in gas a month ($30.00 over most people's monthly available gas budget). Now figure that the nearest shopping mall is 50 miles away, and the nearest shopping center is 15 miles away.

The economy is and will suffer to make the difference. On-line shopping to the lowest bidder is becoming a necessity, and activities of enjoyment are on the out. Some people find themselves in a position where they can no longer afford the job they have had for decades, and others like myself are forced to close storefronts, and look for alternative methods of doing business in order to make ends meet.

I consider myself a Statesman; amateur as that may be. It is near impossible to educate and influence the general populace toward principles of freedom and free market if my means of exposure to the people is severely hampered due to extravagant and unnecessary fuel costs.

If we want so much to be like Europe that we are willing to take on their fuel costs, then we better be ready to downsize our person per square foot ratios to match theirs, otherwise we will desolate ourselves, and their 200 year wait for our failure and re-absorption back into their kingdom will be complete.

We must learn to look at what is seen, and what is not seen. We must be able to see all the impacts, and not just 5–10 years down the road. We must have 20–30 and 50–80 year plans that will cause freedom from debt and servitude to others, or we will weaken and eventually fall . . . even if that fall may take a century, we will fall if we do not change the current direction of events. Gas price recognition is merely a baby step.

We must set up forms of governing that will ensure freedom for generations, and not get caught up in the mere momentary crisis.

I beg of you . . . as do many I know . . . be true to your positions of civil servants; handle all situations with no thought for self, and every thought for generations of freedom for those you serve and represent, not bondage and slavery and misery.

Be astute in your history. Civilization has repeated cycles of growth and downfall. Must we make the same mistakes? Or is ours truly wise enough, not pompous, to overcome the challenges that face our day? Our day is truly the greatest day in history . . . for we have yet to write its annals. Victorious or victored. After all, only a small degree, or percentage caused the great chasm that made two nations of one in 1776 . . .

You are the warriors in government for us, the people. I commend every effort on your behalves to maintain and support the principles upon which our nation was founded. Be true, and be courageous. Do not let lost lives be in vain, lest that blood lie on your shoulders. I know you can, and will to help our Nation be great again. Press on!

JASON, *St. Anthony.*

It is a national security issue for our country to be energy independent. The issues outlined in the piece on your website are exactly the ideas and means I would try to implement. I feel that the environmental movement and powerful lobbyists have had too much power and influence over many Senators and Congressmen. I wish the names of the lobbyists could be widely broadcast and the bills that have been shot down could be widely circulated so people could see the total dishonesty and power grab these environmental groups have taken. It is a real disaster that we do not have more nuclear energy, more domestic oil production, more coal and of course more refineries. The massive amount of lawsuits and cost of defending many annoyance suits has cost the government and utility companies hundreds of billions of dollars if not into the trillions. We have a small business and a huge increase in cost in transportation shrinks the profit and makes cuts in other important areas necessary.

LEW, *Idaho Falls.*

Thanks for the opportunity to respond to your request for energy stories. I do not have a sad one of not being able to heat my house or whether to put gas in my SUV so I can get to work (I drive a car that gets 27 mpg and I walk a lot) or put groceries on the table. But, I have sympathy for folks who do have to make hard choices. I'm glad you are looking for answers. I think I can offer some insights for you.

My background is this: I travel a lot and have spent 11 years living abroad and 5 of

those years living in various places in the Middle East. I understand our energy needs very well, having personally negotiated the delivery of $500 million dollars worth of free fuel for US/Coalition forces going into Iraq in 2003. I have spent a lot of time with guys in the petroleum industry in Kuwait. They are cranking out more than 2 million bbl a day and they consider U.S. needs their highest priority and have since 1991. From my experience I know there is not a fuel shortage, just an 8 million bbl per day shortfall in the needs of the U.S. Personally I think raising gasoline taxes will reduce waste, encourage conservation and utilization of mass transit and that might help close the gap, but I understand this might not be the popular option because we do like our power cheap and plentiful.

I have lived through the oil embargo in 1973 and the little one in 1978. I've listened to the energy companies explain that they would go after oil shale in Wyoming in 1978, but it would not be profitable unless gas prices reached $2.00 a gallon. I don't hear much about oil shale these days and gas is at $4.00 a gallon.

The EPA recently (last few years) opened new areas for drilling on the North Slope of Alaska, off the California coast and in the Gulf of Mexico that the energy companies have been asking to drill in since 1978. Those areas were protected but when an energy producer threatened to close a profitable refinery in Santa Barbara a few years ago citing ''lack of demand'' gas prices spiked to $4.00 a gallon in Phoenix, Arizona and in the Chicago area so in the interest of the national good, the EPA lifted the restrictions, so now they can get oil that was profitable at $24 a bbl in 1978—must be really low fruit at $130 a bbl in 2008. This would help explain some of the recent profits enjoyed by the energy companies and make their complaint that finding new energy is very expensive seem a bit hollow.

A Halliburton country manager told me in 2002 that Azerbaijan is awash in oil, has been for some time. A pipeline was opened in May 2005 in Azerbaijan that runs about a million bbl a day. There is more available but new pipelines are held hostage to the political process in a couple of those other countries. The Iraq fields are on the mend and they went from 200,000 bbl a day in 2006 to a reported 2 million bbl a day (but I don't believe that number yet) and they have the capability of generating 6 million bbl a day if that political situation ever stabilizes. Kazakhstan and some of the others are likewise situated, the trick has always been to get the oil out of there. Obviously there is fuel out there and the energy companies are willing to get it—we just have to be willing to pay the price or develop alternatives. The energy companies have to spin ''doom and gloom'' so we give them a pass and do not question their methods. Political action committees and lobbyists are the point on that challenge, but you know that part already.

Sir, I don't understand the reluctance of our elected representatives to make energy independence a national priority, the same way President Kennedy made going to the moon a national priority. I do understand there is a lot of effort by the energy lobby to not encourage alternative production.

If the energy companies (gas/electric/coal) have no interest in finding alternatives, that impetus must come from the body politic.

By the way, the inside news is that banks in the Middle East are actively investing in alternative energy development, so why aren't we? They know oil will not last forever and they are getting ahead of the problem. We are not.

I will offer this. In Idaho we have a climate not unlike Seville, Spain. There they are working on a project using the sun's energy to eventually generate enough power for 600,000 homes. That would be the Treasure valley and beyond. Owyhee County is a great place to set one up. In 2007 it was already generating 11mw, enough for 6000 homes so we know the application works. It is expensive, but those costs will come down. The Spanish paid the big cost of R & D for all the rest of us. This is a place with no carbon footprint. You can see the BBC article about this effort at: http://news.bbc.co.uk/2/hi/science/nature/6616651.stm

So why is there only talk in Idaho of a nuclear power plant (very expensive, does make some waste) or a new gas fired electrical plant (very expensive, depletes resources and leaves a big carbon footprint)? Why is the battlefield being prepared by an Idaho Power rep saying recently ''the era of cheap power is over.'' Why is Idaho power (and all the other electricity providers) not championing alternative sources to generate electricity?

Why is the government not doing more to promote wind power as a source of electrical generation. I heard a story that it might affect birds. I studied a wind farm in Oklahoma recently (along the interstate). Those blades turn pretty slow and it would be a stupid bird who couldn't fly past it. We have lots of wind in Elmore County and most of Idaho along the interstate. For people concerned about birds or views, the birds will be killed the effects of global warming and the view is not worth much if our society collapses.

As an elected official and guardian to protect America from all enemies, foreign and domestic (it is in the oath) I am surprised that you (and the other elected officials) are just so stymied by this problem. It is not too hard a problem (we did figure out how to split the atom some years ago) and it cannot be too expensive since we have already spent a trillion dollars in Iraq.

You just have to want to do this.

Thanks for asking for my story. I will send this off to a couple of other Idahoans for them to share.

Respectfully,

MIKE, *Boise*.

RECIPIENTS OF THE 2008 DAVIDSON FELLOWS AWARD

Mr. GRASSLEY. Mr. President, it is my honor to pay tribute today to 20 outstanding young scholars and recipients of the 2008 Davidson Fellows Award, a scholarship granted to exceptional students to assist them in pursuing higher education. The Davidson Institute for Talent Development distributes grants to highly gifted individuals under the age of 18 who have demonstrated academically rigorous projects that demonstrate a potential to make a significant positive contribution to society. Mr. President, allow me to introduce the recipients and elaborate on their noteworthy accomplishments.

Akhil Mathew, a 16-year-old from Madison, NJ, proved a single filter, or system of weights, can decode only a finite number of rationals. Akhil's work is relevant to signal processing, analog-to-digital conversion, and representing numbers in an alternative way.

From Gaithersburg, MD, 17-year-old Sikandar Porter-Gill developed a novel process to clean wastewater and produce methane for use as an alternative form of energy by engineering bio-catalyzed microbial fuel cells to degrade organic material in wastewater. Sikandar's research is a promising step toward pursuing a cost-effective and environmentally friendly energy source.

A 17-year-old from Setuaket, NY, Christine Shrock, studied a region of the HIV protease, a protein crucial in the replication of HIV. She found that this region is a promising target for drugs to bind to change the shape of the protease, preventing it from performing its function. Christine's research is an important contribution to the development of a new class of drugs to reduce the number of infections and deaths caused by HIV.

Philip Streich, a 17-year-old from Platteville, WI, showed that carbon nanotubes are thermodynamically soluble, contradicting the generally held assumption that they were universally insoluble. He designed and custom built a unique photon-counting spectrometer that is more sensitive and precise than any commercially available. Philip's work has broad applications in the field of nanotechnology engineering.

At just 14 years old, Conrad Tao from New York, NY, has made classical music relevant to younger generations through his performances that display a vast knowledge, deep understanding, and mature interpretation of the repertoire. A composer, pianist, and violinist attending the Juilliard Pre-College Division, he has been featured on NPR's ''From the Top,'' performed at Carnegie Hall and has received five consecutive American Society of Composers, Authors and Publishers, ASCAP, Morton Gould Young Composer Awards.

Michael Cherkassky from Minneapolis, MN, compared the application of several machine learning methods to real-life medical data sets in order to understand the generalization capability of the estimated models, advancing the current predictive diagnostic model. Michael, who is 16 years old, also compared the diagnostic accuracy of two classification methods, allowing physicians to obtain more accurate diagnostic conclusions while advancing patient care.

Twelve-year-old Hilda Huang from Palo Alto, CA, has determined to change the way people feel about Johann Sebastian Bach. Performing on the harpsichord and piano, Hilda aims to bring Bach to everyone, especially young people who may be unfamiliar

with his music. Her many accomplishments include performances on NPR's ''From the Top'' and at Carnegie Hall.

Jasmine Miller, a 17-year-old from Nashville, TN, examined her generation's interactions with technology and the impact of digital media on our identities. Through a one-act play, creative essays, and a novel excerpt, Jasmine explored the uncharted minds of the current generation of American youth.

At age 17, Saraswathi Shukla from Princeton, NJ, has conducted an in-depth study of sound and music in Franz-Anton Mesmer's theory of animal magnetism. Combining history, music, language, and literature, she examined the role of music in Mesmer's therapeutic seances in the context of broader changes in the popular perception of sound in pre-Revolution Paris. The importance of sound in mesmerism presents new ways to analyze scientific theories of this period.

Seventeen-year-old August Siena Thomas from Montague, MA, examined the ways in which personal and political histories are purposefully reimagined and rewritten. Through a historical novel, literary reflection, drama, and historical interpretation, August observed the manner in which interpretation of history remain fluid and reflected on how writers have used malice, ambition, flattery, and imagination through the ages to shape the way history is written.

Vijay Venkatesh, a 17-year-old from Laguna Niguel, CA, won the grand prize at the Los Angeles Music Spotlight Awards and the second prize at the Virginia Waring International Piano Solo Intermediate Competition. Vijay views music as a gift to move the world, serving as a common link to touch humanity, and believes it is his duty as a performer to assure the audience of the joy and love that transcend life's struggles.

Only 12 years old from Beaverton, OR, William Yuan invented a novel solar panel that enables light absorption from visible to ultraviolet light, doubling the light-electricity conversion efficiency. William also developed a model for solar towers and a computer program to simulate and optimize the tower parameters, providing 500 times more light absorption than commercially available solar cells and 9 times more than the cutting-edge, three-dimensional solar cell.

At age 17, Charles Zhang from Oakland Township, MI, has researched and developed a prototype for renewable battery power that harvests energy from mechanical vibrations with a larger magnitude and efficiency of AC voltage. His prototype can be used as a primary power source in wireless structural monitoring sensors for bridges, implantable medical devices, tire pressure monitoring systems and portable devices.

Another 17-year-old, from Ponte Vedra Beach, FL, Nathan Georgette, developed a mathematical model intended to reduce the costs of stopping viral disease outbreaks in impoverished nations. He used mathematical modeling to generate a formula to calculate in real time the minimum number of vaccines needed to stop a measles outbreak. Nathan's research represents a new approach to understanding the dynamic effects of infectious disease spread and gradual immunization.

Seventeen-year-old Molly Hensley-Clancy from Minneapolis, MN, explored the primal human instinct of storytelling through the eyes and minds of young girls, demonstrating that geographic and linguistic differences do not change the universality of dreams, thoughts, and troubles. She believes the more we notice the commonalities that bind us together as human beings, rather than what sets us apart, the less we will be able to ignore those who are suffering among us.

Kyle Hutzler, a 16-year-old from Huntingtown, MD, authored a substantial policy paper on education reform, recommending that successful school reform must incorporate choice, autonomy, and accountability, along with the empowerment of parents, students, and teachers. His work articulates a vision for restructuring with specific proposals ranging from classroom organization and curriculum, to funding and teacher pay.

At 17 years old, Michael Leap from Okemos, MI, has examined the role of science in our society by synthesizing and applying several complex philosophical concepts to basic questions about science in everyday life. With the thesis that conventional views of science, truth, and nature only function from a self-referential viewpoint, he presents new, transversal perspectives in hopes that this critical examination will lead to a greater understanding of the world at large.

Divya Nag, a 17-year-old from El Dorado Hills, CA, developed both a thermal analysis technique to quantify the effects of forest fires and a novel ratio to determine organic matter loss in on-site situations. By using differential scanning calorimetry, thermogravimetry, and x-ray diffraction, Divya determined soil ignition temperatures and soil compositions before and after burning. These techniques can be used in evaluating the efficacy of prescribed burning and forest management.

Seventeen-year-old Avanthi Raghavan from Orlando, FL, studied mechanisms of protein transport critical to the survival and pathogenicity of the malaria parasite, *Plasmodium falciparum*, which infects human red blood cells and causes malaria. By using confocal microscopy, Avanthi characterized the role of the SNARE proteins PfSec22 and PfBet1, thus identifying potentially exploitable targets for the future development of parasite-specific drugs.

Sarah Waliany, a 16-year-old from Arcadia, CA, discovered that expression of the gene t-Darpp can make Her-2 positive breast tumor cells become resistant to the drug Herceptin. Sarah demonstrated that t-Darpp alters a critical signaling pathway that regulates growth and survival in cells. Sarah's work shows that blocking the t-Darpp gene can eventually lead to more effective breast cancer treatment.

Mr. President, today each of these 20 young scholars deserve our praise for the commitment they have demonstrated to enriching our understanding in the fields of music, science, literature, and technology. These 20 young people also deserve our admiration for their desire to improve the lives of individuals worldwide by addressing issues of practical import. Finally, these young people deserve our gratitude for the shining example they have set for us by the excellence of their work and their desire to work on the behalf of others. I would also like to thank the Davidson Institute for the support and direction they provide to this group of our country's young leaders. The knowledge of such dedicated and gifted young Americans gives me great hope and comfort for the future. Clearly, the future of our country rests in capable hands.

REMEMBERING TERRANCE DAVIS

Mr. PRYOR. Mr. President, it is with great sorrow I rise today to remember a bright young man who was taken from us far too soon. Terrance Davis, 20 years old and from Osceola, AR, was a gifted student majoring in sociology, theater and performance studies, and African-American studies at Georgetown University.

My staff and I were blessed to benefit from this young man's talents this past summer when he served as an intern in my office. I had the privilege of getting to know Terrance during this time and to see his passion for public service.

Terrance was an enthusiastic leader who was not afraid to take on multiple responsibilities. After fulfilling his duties in the Senate he would attend rehearsals for the play he was directing at Georgetown University until late into the evenings. He also served as director of the Georgetown University Gospel Choir.

His friends at school and people in my office referred to him as someone with a positive attitude who was always ready to work. Other friends referred to him as having strong passion for his Christian faith.

Terrance had plans to serve our country by participating in the Teach for America program and wanted a future in helping students through higher

education. He once said that becoming a college professor or dean was something he inspired to do.

Tragically, on September 1, 2008, Terrance Davis was involved in a fatal accident in Harkerville, South Africa, where he was traveling on a holiday break from his academic study abroad program at the University of Cape Town. I join his family and friends in mourning the loss of this great young man.

Mr. President, I ask my colleagues to join with me in honoring the life of this exceptionally talented young man, Terrance Davis.

ADDITIONAL STATEMENTS

40TH ANNIVERSARY OF EDEN HOUSING

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 40th anniversary of Hayward-based Eden Housing, one of northern California's oldest and most esteemed nonprofit affordable housing developers and managers.

In 1968 six community activists, troubled by the lack of affordable, nondiscriminatory housing throughout Alameda County founded Eden Housing. Over the last 40 years, Eden Housing has expanded its advocacy for affordable housing beyond Alameda County. Through the dedicated work of its staff, volunteers, and board of directors, Eden Housing has succeeded in creating nearly 5,000 affordable housing units that have provided homes to thousands of Californians. Throughout the last 40 years, Eden Housing has grown to partner with 20 cities in 6 counties throughout California.

Eden Housing has an outstanding commitment to providing low to moderate-income families and seniors, people with disabilities, the formerly homeless and first-time homeowners with affordable housing opportunities, social services and supportive programs. Eden Housing has received numerous awards for its work in quality affordable housing, including being named one of the Top 50 Affordable Housing Owners in the United States by Affordable Housing Finance Magazine in 2007 and 2008.

In 2006, Eden Housing was honored by the California Housing Consortium for its ''contribution to fostering the creation of affordable housing throughout California.'' The services and programs provided by Eden Housing offer those with limited incomes or disabilities, and potential first-time homeowners, the opportunity to turn the dream of quality affordable housing into a reality.

I commend Eden Housing staff and volunteers for their many accomplishments over the last 40 years and I send my best wishes for many future successes over the next 40 years.•

REMEMBERING MATT GARCIA

• Mrs. BOXER. Mr. President, it is with a heavy heart that my friend Senator DIANNE FEINSTEIN and I ask our colleagues to join us today in honoring the memory of an extraordinary young man, Fairfield City councilmember Matt Garcia. Matt, a dedicated public servant, was shot in a senseless act of violence on the evening of Monday, September 1, 2008. Matt passed away on Friday, September 5, 2008. He was 22 years old.

In November 2007, Matt was elected to a 4-year term on the city council of Fairfield, CA. Just 21 years old when he was elected, Matt was the youngest councilman in Fairfield City history and one of the youngest elected officials in the State of California. With a deep sense of civic pride, Matt worked tirelessly to address Fairfield's crime rate and to develop effective gang prevention programs. In his short time on the council, Matt served with distinction and passion, earning the respect of both his colleagues on the council and the youth of his beloved city.

Mrs. FEINSTEIN. Long before being elected to the Fairfield City Council, Matt Garcia's ambition and dedication inspired his community to be better and to do better. Since the 6th grade, friends remember Matt telling them that one day he would become the mayor of his hometown of Fairfield. Matt attended Armijo High School, where he served as vice president of his senior class and was selected as both prom king and homecoming king.

Matt Garcia was a driven young leader who cared for his community deeply, and will be remembered by friends and colleagues as honest, passionate, and full of life. Matt served Fairfield with enthusiasm and a commitment to creating a better world. His dedication to his goals and dreams of improving his community will live on in those whose lives he touched.

Mrs. BOXER. Matt Garcia is survived by his grandmother, parents, siblings, and extended family members. Senator FEINSTEIN and I will always be grateful for Matt's example of passionate public service. Our hearts go out to Matt's family, friends, and colleagues who struggle with this incomprehensible loss.•

A TRIBUTE TO CAPTAIN ED W. FREEMAN

• Mr. CRAPO. Mr. President, on August 20, America lost one of her bravest heroes, and I am honored to say he was an Idahoan. Ed ''Too Tall'' W. Freeman, U.S. Army, retired, was awarded the Congressional Medal of Honor for actions undertaken during the battle of Ia Drang in Vietnam in November, 1965. Recounted in the book by Joseph Galloway, ''We Were Soldiers Once . . . And Young,'' Ed's bravery became legend. American forces were heavily engaged with North Vietnamese soldiers and the medical evacuation helicopters refused to fly into the battle zone to retrieve soldiers—it was deemed too dangerous. The infantry commander asked for volunteers, and young Captain Freeman, followed by LTC Bruce Crandall, stepped forward and offered to fly, unarmed, to the battlefield to bring supplies and carry out the wounded. Ed flew 14 separate missions and his actions, literally under fire, saved life and limb of 30 soldiers—all in a landing zone that was within 100 to 200 meters of the defense perimeter set up to engage the North Vietnamese Army at close range. Many of us have been to the Vietnam Wall—that tragic list is dozens of names shorter for Ed's extraordinary valor. Imagine the children and grandchildren that are here today because he saved the life of their father or grandfather. Incidentally, Ed himself had two young boys—preschool and elementary school-aged at the time.

When he retired from the Army in 1966, Ed continued flying helicopters, this time for the U.S. Department of the Interior, conducting animal censes, herding horses and fighting fires. In 2001, Ed was presented the Congressional Medal of Honor by President George W. Bush for his actions during the Battle of Ia Drang.

Ed was laid to rest in the Idaho State Veteran's Cemetery, a beautiful place that overlooks a vista bounded to the south by the Snake River Valley and distant mountains, to the east and west by a vast expanse of open sky, and behind to the north, by foothills rising to meet their less-weathered relatives. The wind blows with reassuring regularity, and it seems that in this western meeting place of land and sky, at once comfortingly familiar and awe-inspiring, it is indeed an appropriate place for Ed.

In a tribute written upon Ed's death, author, former war correspondent and friend Joseph Galloway said:

> Too Tall Ed was 80 years old when he died in a hospital in Boise, Idaho, after long being ill with Parkinson's disease. He turned down a full dress hero's funeral in Arlington National Cemetery in favor of a hometown service and burial . . . close to the rivers he loved to fish and the mountains he flew through in his second career flying for the U.S. Forest Service . . . Now Too Tall Ed Freeman, a much larger than life-size hero . . . and a much better friend than we deserved, is gone, and we are left with too large a hole in our hearts and in our dwindling ranks.

When Ed spoke to a reporter in Idaho back in 2000, he recounted those 14 harrowing hours. He said, ''That Huey helicopter was my tool, and I was trained to use it. It was capable of flying into that hell hole, and I was capable of making it do that.'' When asked if he was afraid he said he ate ''franks and beans'' and chain-smoked. ''God knows how many I smoked. Till I had

a blister on my tongue.'' When asked about why he volunteered for this dangerous duty, he said: ''You don't think, 'I'm going to go out and win the Medal of Honor.' You're going to win a body bag if you're not real lucky.''

And, in a testament to Ed's humble nature, his comment on his heroism was simply: ''I did think I possibly did a little more than was required of me. But again, I had a job to do.''

It is a tremendous honor for me to pay tribute to Ed W. Freeman, and my condolences go to his wife Barbara, his sons, and their families at this difficult time.●

REMEMBERING BILL GWATNEY

● Mr. PRYOR. Mr. President, it is with great sadness I rise to honor a great American, a great Arkansan and my friend. Bill Gwatney, a valiant public servant, was taken from us on August 13, 2008.

Bill was my friend for many years. This included his days as an elected official in Arkansas where he served as a State senator for 10 years. He was committed to improving the State of Arkansas by taking the lead on legislative redistricting, reforming ethics rules, and encouraging economic development throughout the State. While serving in the State senate he fought against insurance companies to pass the Any Willing Provider legislation. This allowed patients more flexibility in choosing their doctors. He inspired other great leaders to lift the State and the country into a prosperous future. He worked tirelessly every day to make Arkansas a better place for his children and for children from the Delta to the Ozarks.

He became chair of our State party in 2007 and was a leader in getting the party to where it is today. His work ethic and ability to bring people together were unmatched. His personality was contagious, likable, and he was an all around wonderful person. In the days following his death, he was praised on both sides of the aisle. Bill was taken from us too soon.

I echo a comment by Arkansas Governor Mike Beebe who said: ''Arkansas has lost a great son, and I have lost a great friend.'' These words ring true to any Arkansan who had the privilege of knowing him. He believed strongly in integrity and good leadership within the State of Arkansas. His death put in perspective what he believed, that public service is about people, and with his passing Arkansas has lost one of its finest.

Bill leaves behind a wife Rebecca and children, Christian and Chase, along with two step-children, Zachary and Emily.

I ask my collogues to join with me in paying tribute to the life of a great family man, business leader, and public servant, Mr. Bill Gwatney.●

COMMENDING THE CANYON LAKE LITTLE LEAGUE BASEBALL TEAM

● Mr. JOHNSON. Mr. President, today I wish to recognize and congratulate the Rapid City Canyon Lake All-Star Little League baseball team. The Canyon Lake All-Stars, under coaches Doug Simons, Steve Nolan, and Jeff Minnick, have the honor of being the first South Dakota team to make it to the Little League World Series, held this year in Williamsport, PA.

The Rapid City Canyon Lake All-Stars went through the Central Regional Tournament with wins over such teams as Kansas, with a final score 15–3, and Iowa, 9–8. They advanced to the Little League World Series where they played the Southeast, New England, and West teams.

These young people represented Rapid City and South Dakota in an extraordinary fashion. While the final outcome of the Little League World Series was not what these young athletes had hoped for, their hard work and sportsmanship is representative of South Dakota. I would like to give credit to the coaches, parents, supporters, though especially the dedication of these young players. The community of Rapid City will recognize the hard work and sportsmanship this team has shown during the tournament with a welcome home celebration and parade Saturday. This is a well deserved victory and the team merits acknowledgment for their extraordinary achievement.

I want to recognize Manager Doug Simons, Coach Steve Nolan, and Coach Jeff Minnick for their guidance and support to help make this year's team so successful. I also want to congratulate all of this year's team members: Logan Anderson, Cale Fierro, Tanner Hagen, Jonah Hanson, William Hendricks, Matthew Minnick, TJ Nolan, Mark Petereit, Jesse Riddle, Tanner Simons, Carter Wevik, Matthew Wilson, and Alec Winter.

Again, congratulations to the Rapid City Canyon Lake All-Stars on fighting their way to the Little League World Series.●

60TH ANNIVERSARY OF THE BERLIN AIRLIFT

● Mr. JOHNSON. Mr. President, it is with great honor that today I recognize the 60th anniversary of the Berlin Airlift, for which the reunion is being held in Rapid City, SD. The Berlin Airlift Veterans Association will be holding the reunion September 29 through October 3, 2008.

The first skirmishes of the Cold War began with the Soviet blockade of Berlin in 1948, which prevented residents of West Berlin from accessing food and fuel from outside the city indefinitely. Later deemed ''the greatest humanitarian airlift in history,'' American, British, and French Allies supplied the 2 million residents of West Berlin with coal, food, medicine, and other supplies. Through nearly 300,000 flights, 2.5 million tons of supplies were delivered before the USSR lifted the blockade in 1949.

I am proud to have this opportunity to honor those involved in the Berlin Airlift, and their outstanding service to those in a most dire situation. The 50th anniversary reunion was held in Berlin in 1998, with President Clinton in attendance. Due to the deployment of B–29s from Ellsworth Air Force Base during the airlift, the 60th anniversary celebrations will be held in Rapid City, SD. Again, I commend the hard work and dedication of the American, British, and French pilots involved, and I am very pleased that their substantial efforts are being publicly honored and celebrated.●

125TH ANNIVERSARY OF THE FOUNDING OF EPIPHANY, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of the city of Epiphany, SD. After 125 years, this progressive community will have a chance to reflect on its past and future, and I congratulate the people of Epiphany for all that they have accomplished.

Dating back to the Louisiana Purchase in 1803, the establishment of the Dakota Territory in 1861, and the Homestead Act of 1862, Epiphany is located in Hanson County in northeast South Dakota. The town witnessed an influx of residents after the arrival of Father William Kroeger in 1893, who was known for his medical studies and work to build the Church of Epiphany. This grand, historic landmark continues to be a beautiful and inspirational symbol of pride to the community and its residents.

Epiphany originally featured several local businesses, including the J.P. Zeihen General Store, a blacksmith, saloon, barbershop, and cream station. Today, the town claims the Coonhunter Inn, the Village Hair Design, J & H Construction, and Denis & Evie Wingen's Appliance Shop.

Epiphany commemorated its anniversary with a celebration on the weekend of August 1–3. Even 125 years after its founding, Epiphany continues to be a vibrant community. I am proud to honor the accomplishments of the people of Epiphany, and congratulate them on this impressive achievement.●

100TH ANNIVERSARY OF SCANDIA LUTHERAN CHURCH

● Mr. JOHNSON. Mr. President, it is with great honor that today I recognize the 100th anniversary of Scandia Lutheran Church in Centerville, SD. This anniversary holds special meaning for my family and I, as my grandfather

was previously blessed to be minister of Scandia Lutheran Church.

For many years, the Scandia Lutheran Church has provided extraordinary spiritual assistance to individuals throughout the Centerville community. The church's religious leadership and commitment to education serve to inspire others, and its efforts in providing compassionate and spiritual guidance have enhanced the lives of countless South Dakotans.

I am proud to have this opportunity to honor those, including my grandfather, who have made Scandia Lutheran Church what it is today. The celebration will be held September 13 and 14 with Bishop David Zellmer of the South Dakota Synod Evangelical Lutheran Church of America in attendance. Again, I commend the hard work and dedication of the pastors and congregation of Scandia Lutheran Church, and congratulate them on 100 years of worship.●

30TH ANNIVERSARY OF HORIZON HEALTH CARE

● Mr. JOHNSON. Mr. President, today I honor the board of directors and dedicated staff at Horizon Health Care on its 30th anniversary. In three decades, Horizon Health Care has been transformed into a pillar of the community by providing affordable health care to residents of rural South Dakota.

Beginning as a group of concerned citizens with hopes of providing quality, affordable health care in rural southwest South Dakota, Horizon Health Care began in 1978 as Miner-Hamlin Health Care and Tri-County Health Care. With the help of Federal funding and a steady influx of various physicians, the separate health care entities in the area finally merged in 1998, continuing their mission to serve the area. Horizon Health Care is governed by a volunteer board of directors, comprised of 16 members representing the community, with John Mengenhausen being hired as the chief executive officer in 1983.

I wish to congratulate the current and past directors and caregivers of Horizon Health Care on reaching this milestone for their business, and for their years of service to the community. Once again, I commend the individuals involved in this enterprise and am pleased to see them publicly honored.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:14 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 1415. Resolution relative to the death of the Honorable Stephanie Tubbs Jones, a Representative from the State of Ohio.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 5683) to make certain reforms with respect to the Government Accountability Office, and for other purposes.

The message further announced that the House passed the following bill with an amendment, in which it requests the concurrence of the Senate:

S. 2135. An act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

The message also announced that the House passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 2403. An act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert Merhige, Jr. Federal Courthouse''.

The message further announced that the House passed the following bills, without amendment:

S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 3023. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims (Rept. No. 110–449).

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 2494. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes (Rept. No. 110–450).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN:

S. 3454. A bill to transfer unexpended Iraq reconstruction funds to develop renewable energy and improve energy efficiency in the United States, and for other purposes; to the Committee on Appropriations.

By Mr. DORGAN:

S. 3455. A bill to rescind unexpended Iraq reconstruction funds; to the Committee on Appropriations.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 3456. A bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth Kansas, to coincide with the celebration of the 132nd anniversary of the founding of the United States Army Command and General Staff College; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 3457. A bill to reaffirm United States objectives in Ethiopia and encourage critical democratic and humanitarian principles and practices, and for other purposes; to the Committee on Foreign Relations.

By Mr. BUNNING (for himself, Mrs. DOLE, and Mr. ENZI):

S. 3458. A bill to prohibit golden parachute payments for former executives and directors of Fannie Mae and Freddie Mac; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD:

S. 3459. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize a connecting education and emerging professions demonstration grant program; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself and Mr. THUNE):

S. Res. 652. A resolution designating the week beginning September 8, 2008, as ''National Assisted Living Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 446

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of

nursing faculty and students, and for other purposes.

S. 582

At the request of Mr. SMITH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1430

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1810

At the request of Mr. BROWNBACK, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1810, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

S. 2102

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2227

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 2227, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle school models for struggling students, and for other purposes.

S. 2319

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2319, a bill to ensure the continued and future availability of life saving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs.

S. 2326

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2326, a bill to improve the safety of motorcoaches, and for other purposes.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Iowa (Mr. HARKIN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2776

At the request of Ms. CANTWELL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2776, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 2908

At the request of Mr. BROWN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 2920

At the request of Mr. KERRY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 2921

At the request of Mrs. CLINTON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2921, a bill to require pilot programs on training and certification for family caregiver personal care attendants for veterans and members of the Armed Forces with traumatic brain injury, to require a pilot program on provision of respite care to such veterans and members, and for other purposes.

S. 3242

At the request of Mrs. LINCOLN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3242, a bill to suspend temporarily the duty on digital-to-analog converter boxes, and for other purposes.

S. 3252

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3252, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 3310

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3310, a bill to provide benefits under the Post-Development/Mobilization Respite Absence program for certain periods before the implementation of the program.

S. 3311

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3311, a bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses.

S. 3356

At the request of Mr. CHAMBLISS, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3356, a bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

S. 3377

At the request of Mr. COLEMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3377, a bill to amend title 46, United States Code, to waive the biometric transportation security card requirement for certain small business merchant mariners, and for other purposes.

S. 3380

At the request of Mrs. CLINTON, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3380, a bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

S. 3406

At the request of Mr. HARKIN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. CON. RES. 60

At the request of Mr. BAUCUS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress relating to negotiating a free trade agreement between the United States and Taiwan.

S. CON. RES. 87

At the request of Mr. SMITH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 87, a concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence.

S. RES. 636

At the request of Mr. GRAHAM, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Idaho (Mr. CRAIG), the Senator from Kansas (Mr. BROWNBACK), the Senator from Alaska (Mr. STEVENS), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Mrs. HUTCHISON), the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. BENNETT) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 636, a resolution recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the members of the United States Armed Forces who made that success possible.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5063

At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 5063 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By. Mr. DORGAN:

S. 3454. A bill to transfer unexpended Iraq reconstruction funds to develop renewable energy and improve energy efficiency in the United States, and for other purposes; to the Committee on Appropriations.

Mr. DORGAN. Mr. President, I am introducing legislation today in two ways, and I will send the bills to the desk following my comments. The first bill is called the Iraq Self-Sufficiency and American Energy Independence Act, and, the second is called the Rescission of Unneeded Iraq Reconstruction Funds Act of 2008.

In a nutshell, the bills say this: We are going to take up to $11.48 billion that has been appropriated but not yet expended for Iraq reconstruction, funds that are American taxpayers' dollars and that the Iraqi Government says it does not need, and bring that money back to this country. In the first approach, we would use the funds to substantially increase our renewable energy and make us less dependent on foreign sources of oil. Alternatively, in the second approach, we would use those funds to reduce the deficit. Either is fine with me, and I am introducing it both ways.

Here is the Special Inspector General Report for Iraq Reconstruction. This report shows that there are now $11.48 billion in U.S. funds destined for Iraq reconstruction.

And let me quote, if I may, the Deputy Prime Minister of Iraq: ''Iraq does not need financial assistance.''

That is for sure. The price of oil has gone way up like a Roman candle. They are producing 2 million barrels a day in Iraq. They have, by all accounts, somewhere around a $49 billion surplus in bank accounts for the Government of Iraq, and there have been estimates that will reach a $79 billion surplus. Meanwhile, our country is deep in debt, and yet we have money going to Iraq for reconstruction coming from American taxpayers' dollars while Iraqi money sits in the bank? It doesn't make any sense to me.

There is $11.4 billion that has already been appropriated and is as yet

unspent. My feeling is let's take the Iraqis at their word: ''Iraq does not need financial assistance.''

All right, I agree with that. Then let's not provide that financial assistance, and let's tell the Iraqis they have the capability to use their own surpluses to invest in their country.

It is interesting to me that we are now funding something like 900 water projects in the country of Iraq, and President Bush, in his budget, says let's cut back water projects in our country by a very substantial amount. We are going to take American taxpayers' dollars and build water projects in Iraq and stop building infrastructure in this country at a time when they have a big surplus and we have a big deficit? I don't think so.

I have a chart that shows what has happened to the price of oil from July 2003 to July 2008: $27 a barrel to $128 a barrel. The country of Iraq is producing 2 million barrels a day, and therefore their treasury is fattening in a way that is very significant.

I have a New York Times story on August 6, just a month ago:

> Soaring oil prices will leave the Iraqi Government with a cumulative budget surplus of as much as $79 billion by year's end, according to an American federal oversight agency. But Iraq has spent only a minute fraction of that on reconstruction costs, which are now largely borne by the United States.

That makes no sense to me. It just makes no sense. I want to show something on page 10 of the special inspector general's report, which is a description of what is going on in Iraq. This is a picture of something called the Whale. This is referred to as the Whale in Iraq. It is actually the Kahn Bani Sa'ad Correctional Facility. U.S. taxpayers paid $40 million to build that prison in Iraq. I am told the Iraqis said they don't want the prison, but $40 million went to the Parsons Corporation.

Take a look at this photo. I will bring it to the Senate floor in a chart. It is in unbelievable disrepair. Apparently, after the $40 million, they kicked the contractor off the site, brought another contractor in, and spent another $10 million. So they have $50 million invested in something called the Whale, a prison the Iraqis did not want, is not now being used, will never be used, and sits in the desert rotting with 50 million of American taxpayers' dollars having been spent on it. Reconstruction, American taxpayers' dollars, construction in Iraq, in some cases even construction Iraqis don't want.

The question, it seems to me, for us is, are we going to continue this? At some point, is some common sense going to prevail? We shouldn't take money from American taxpayers and send it to Iraq, a country that has substantial surplus in the bank, and build projects in Iraq even while we cut infrastructure projects in our country.

The legislation I am introducing will say we will take $11.48 billion that is appropriated but as of yet unspent and rescind that spending and use it either to reduce this country's budget deficit or use it to substantially change our energy future so we are less dependent on that part of the world for our energy future.

The funds I am proposing to eliminate are in three categories. One is the IRRF2. It is called the Iraq Relief and Reconstruction Fund, which covers many projects, including, as I just described, the prison which sits unused and falling apart, a $50 million prison called the Whale. The ISFF is the Iraq Security Forces Fund. A country with currently about $50 billion in the bank in surplus surely should have the ability now, after these long years of the American taxpayers footing the bill, to provide for infrastructure for their own army and their own police. Finally there is the ESF, the Economic Support Fund, which includes funding for provincial reconstruction teams, microfinance, and so on.

I would note that I am not proposing to cut the Commander's Emergency Response Program, which gives field commanders some discretion to provide funds for local projects.

But I do suggest it is long past the time for this Congress to use just a small amount of common sense. Instead of shoveling money out the door in support of reconstruction projects in Iraq, money we don't have, money we are borrowing from the Chinese and Japanese, by the way, instead of shoveling money out the door to provide money in a country that is piling up its own surpluses from oil sales, let's decide that which we previously decided to spend will no longer be spent and brought back home. It seems to me we must do that if we are going to begin to put this country's fiscal house in order.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 3457. A bill to reaffirm United States objectives in Ethiopia and encourage critical democratic and humanitarian principles and practices, and for other purposes; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am pleased to introduce the Support for Democracy and Human Rights in Ethiopia Act of 2008. Senator LEAHY joins me as an original cosponsor. The purpose of this bill is to reaffirm policy objectives towards Ethiopia and encourage greater commitment to the underpinnings of a true democracy—an independent judiciary and the rule of law, respect for human and political rights, and an end to restrictions on the media and non-governmental organizations.

As many in this body know, I have spoken numerous times in recent months about the situation in Ethiopia and I continue to believe that the U.S.-Ethiopian partnership is very important—one of the more critical ones given not only our historic relationship but also Ethiopia's location in an increasingly strategic region. Ethiopia sits on the Horn of Africa—perhaps one of the roughest neighborhoods in the world, with Somalia a failed state and safe haven for terrorists, Eritrea an inaccessible authoritarian government that meddles across national borders, Sudan a genocidal regime, and Kenya still emerging from a profound electoral crisis. One look at the deteriorating situation across the Horn and the importance of a robust relationship with Ethiopia is obvious. And, by contrast with some of its neighbors, Ethiopia appears relatively stable with a growing economy. But I am concerned about a number of anti-democratic actions in that country, particularly since this administration has largely overlooked them.

The security threats in Ethiopia are real but, unfortunately, the Bush administration's approach to addressing these threats and strengthening this alliance remains short-sighted and narrow—focusing predominately on short-term ways to address insecurity while overlooking the need for long-term measures that are needed to achieve the same goal, such as desperately needed goverance reform, the rule of law, and increased accountability. Genuine democratic progress in Ethiopia is essential if we are to have a healthy and positive bilateral relationship. It is also essential if we are going to successfully combat extremism, thereby bolstering our own national security here at home.

That is why today I am introducing the Support for Democracy and Human Rights in Ethiopia Act of 2008—because as our administration fails to balance our priorities in Ethiopia, or to adopt comprehensive strategies to achieve those priorities, we are watching significant backsliding in previously hard-won democratic gains. As we turn a blind eye to the escalating political tensions, people are being thrown in jail without justification and non-government organizations are being restricted, while civilians are dying unnecessarily in the Ogaden region—just like so many before them in Oromiya, Amhara, and Gambella. Furthermore, the Ethiopian military has come under increasing scrutiny for its conduct in the Ogaden as well as Somalia, with credible reports from non-governmental organizations of torture, rape and indiscriminate attacks. By providing unconditioned security assistance we are also sowing the seeds of insecurity and creating new grievances both in Ethiopia and in its neighboring countries.

I want to see greater progress—not less—in Ethiopia which is why this bill

authorizes an additional $20 million for democracy and governance projects in Ethiopia. The addition of these funds would make it one of the top five countries on the continent receiving this kind of assistance from this U.S. Government. This bill calls on the President to take additional steps to implement these programs but also requires that funds made available to the Ethiopian government be subject to regular congressional notification. This ensures U.S. taxpayer dollars are being used appropriately—and used to support a government taking steps to become more democratic, not less.

I make it a practice to pay for all bills I introduce, and the authorization in this bill is offset by a transfer of funds from NASA. Some may disagree with me on the need for an offset, but recent Office of Management and Budget projections confirm that we now have the biggest budget deficit in the history of our country. We cannot afford to be fiscally irresponsible so we must make choices to ensure that our children and grandchildren do not bear the burden of our reckless spending. Instead of cutting specific programs, which are likely to have begun and thus would cost more to close, transferring $20 million from the general budget would allow appropriators to evaluate, at their discretion, how best to make this transfer.

I ask my colleagues to consider what our own State Department has said about the political situation in Ethiopia and then consider how best to rectify the situation. The 2007 State Department Report on Human Rights notes that in Ethiopia the following occurred: ''limitation[s] on citizens' right to change their government during the most recent elections; unlawful killings, and beating, abuse, and mistreatment of detainees and opposition supporters by security forces; poor prison conditions; arbitrary arrest and detention, particularly of those suspected of sympathizing with or being members of the opposition or insurgent groups; detention of thousands without charge and lengthy pretrial detention; infringement on citizens' privacy rights and frequent refusal to follow the law regarding search warrants; use of excessive force by security services in an internal conflict and counter-insurgency operations; restrictions on freedom of the press; arrest, detention, and harassment of journalists for publishing articles critical of the government; restrictions on freedom of assembly; limitations on freedom of association; violence and societal discrimination against women and abuse of children; female genital mutilation, FGM; exploitation of children for economic and sexual purposes; trafficking in persons; societal discrimination against persons with disabilities and religious and ethnic minorities; and government interference in union activities, including killing and harassment of union leaders.''

The continued failure of the administration to acknowledge this reality is emblematic of its insular thinking and unwillingness to see the big picture. Without a balanced policy that addresses both short and long-term concerns in Ethiopia we are putting ourselves at greater risk and making ourselves more vulnerable, not less.

By Mr. FEINGOLD:

S. 3459. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize a connecting education and emerging professions demonstration grant program; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, this week I am introducing a number of different bills designed to fuel job creation and spur economic development. My initiative, dubbed E4, because of its focus on economy, employment, education, and energy, seeks to respond to economic and job development needs both in my State of Wisconsin and around the country. Today I am introducing a bill, the Connecting Education and Emerging Professions Act of 2008, to help promote better collaboration between our Nation's high schools and local, regional, and statewide businesses and workforce development groups.

This legislation seeks to address a couple of interrelated issues. The first issue is the alarmingly high dropout rate in our Nation's high schools. While numbers vary slightly, a growing body of research indicates that the United States has a graduation rate of approximately 70 percent and about one-third of our country's high school students will not graduate on time. Graduation rates for minority and low-income students are even lower, in many cases, alarmingly lower. In addition, many of our Nation's urban school districts report very high dropout rates, including the Milwaukee Public School District. According to the Cities in Crisis report put out earlier this year by the Editorial Projects in Education Research Center, the Milwaukee Public Schools has a graduation rate of 46.1 percent. Unfortunately, there are at least a dozen large urban districts that have even lower graduation rates than Milwaukee.

One of our top education priorities as a nation must be to address the low graduation rates nationwide in urban, suburban, and rural school districts. We must also work to close the huge opportunity gap that is created by the large disparity in graduation rates between our minority and non-minority students as well as between low income and more affluent students. Solving this problem will require a broad, comprehensive solution involving the Federal, State and local governments. It is my hope that when Congress finally reauthorizes the Elementary and Secondary Education Act, we pay particular attention to the needs of our Nation's high schools and our students.

While many factors contribute to high dropout rates, disengagement from classroom instruction can contribute to a student's decision to drop out. Some students feel that high school is not relevant to their lives and do not see how completing high school will translate into future career and academic success. In this increasingly competitive twenty-first century where postsecondary education is now required for many entry-level jobs, it is up to us to show our Nation's students why it is imperative that they graduate from high school.

Another issue that this bill seeks to address is the growing sense among employers and postsecondary institutions that our Nation's high school students who do graduate are increasingly unprepared for success either in the workforce or in college. Employers in various economic sectors, including technology, manufacturing, health care, construction, and others, report difficulty in identifying qualified candidates for skilled positions. Recent surveys also indicate that many employers are dissatisfied with the overall preparation of secondary school graduates. In order for companies in the United States to be competitive in a global economy, we must have a highly skilled workforce. Adequate preparation at the high school level can help prepare students for entry into our rapidly changing global economy where new emerging industries are cropping up in Wisconsin and around the country.

To address these two interrelated issues, I am introducing the Connecting Education and Emerging Professions Act. My bill would provide 5-year competitive education grants to states and school districts to foster collaboration and discussions between schools, businesses, and others about the emerging industry workforce needs and how to prepare our high school students to meet those needs, both academically and practically. States and local school districts must use this money to form partnerships with local or regional businesses, postsecondary institutions, workforce development boards, labor organizations, nonprofit organizations and others.

These partnerships will have the responsibility of surveying the local, regional, and statewide emerging industries and deciding what are the academic and work-based skills that our high school students need in order to be successful in these emerging industries. The partnerships will then work together to develop new and engaging curriculum and programs designed to teach the academic and work-based skills that are necessary to succeed in

these new emerging industries. Once the partnership has designed a curriculum or program and received approval from the Federal Department of Education, the partnership will work to implement the program in qualifying schools.

During the implementation phase, the partnership will come together to implement hands-on learning and work opportunities for students including internships, apprenticeships, job shadowing, and other career and technical education programs. These hands-on learning and work opportunities will be based on the emerging industry pathways curriculum or program that the eligible partnership has designed and will offer students practical academic experiences and skill-building lessons that they can use in the workplace or in postsecondary education.

This legislation seeks to help schools, businesses, colleges, and the students who would be served by this legislation all talk with each other to build new programs that would help boost student engagement in learning and student attendance and graduation rates while also preparing students for success in the workforce or in college after they graduate. There are a number of successful local and state programs around Wisconsin that this legislation would help support and that served as valuable examples as I developed this legislation.

Wisconsin's Department of Public Instruction, Department of Workforce Development, and various local school districts have all been working to boost Wisconsin's career and technical education offerings and gear these offerings towards emerging industries. My bill seeks to help Wisconsin and other states build on these efforts and engage in additional conversations with interested stakeholders to design new curriculums and programs to prepare students for emerging industries.

I look forward to pushing this legislation forward in the coming weeks and months. Some of our Nation's schools are experiencing high dropout rates in part because students aren't connecting with what they are being taught. At the same time, we're seeing an emergence of new industries, like those aiming to capitalize on alternative energies and energy efficiency, that need employers with skills and training in their field. If we help schools connect their students with businesses, workforce development boards, and colleges that offer career and academic opportunities in these new and exciting fields, we can help to lower the alarming dropout rates while helping these emerging industries thrive.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3459

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Connecting Education and Emerging Professions Act of 2008''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The majority of secondary school students in the United States receive some career-related instruction before graduation, and about half of secondary school students have a strong career-related component to their educational programs.

(2) A gap still remains between what students are learning in school and the knowledge required to succeed in the current labor market.

(3) Employers in various economic sectors, including technology, manufacturing, healthcare, construction, and others, report difficulty in identifying qualified candidates for skilled positions.

(4) A survey of more than 400 employers nationwide found that nearly half were dissatisfied with the overall preparation of secondary school graduates.

(5) Almost 40 percent of secondary school graduates report feeling unprepared for the workplace or postsecondary education.

(6) In order for companies in the United States to be competitive in a global economy, the United States must have a highly skilled workforce.

(7) Adequate preparation on the secondary school level can help prepare students to enter high-demand fields in need of skilled workers.

(8) Collaboration between businesses, industries, and education leaders can help determine how best to prepare students for workforce success.

(9) Career-related experiences, such as apprenticeships during secondary education are associated with positive labor market outcomes for students.

(10) The United States has a secondary school graduation rate of 70 percent, and approximately one-third of students entering secondary school will not graduate on time.

(11) Minority and low socioeconomic status students have significantly lower graduation rates.

(12) Disengagement from classroom instruction contributes to student decisions to drop out of school.

(13) Studies indicate a link between career-oriented models of secondary education, dropout rate reduction, and higher earning potential for graduates.

(14) Studies suggest that academic lessons taught in a work context or an applied manner can improve some students' ability to comprehend and retain information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster improved collaboration among secondary schools, State, regional, and local businesses, institutions of higher education, industry, or workforce development organizations, labor organizations, and other nonprofit community organizations to identify emerging industry pathways, as well as the academic skills necessary to improve student success in the workforce or postsecondary education;

(2) address industry and postsecondary education needs for a prepared and skilled workforce;

(3) improve the potential for economic and employment growth in covered communities; and

(4) help address the dropout crisis in the United States by involving students in a collaborative curriculum or program development process related to emerging industry pathways to improve student engagement and attendance in secondary school.

SEC. 3. CONNECTING EDUCATION AND EMERGING PROFESSIONS DEMONSTRATION GRANT PROGRAM.

(a) AUTHORIZATION.—Part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.) is amended by adding at the end the following:

"Subpart 22—Connecting Education and Emerging Professions Demonstration Grant Program

"SEC. 5621. DEFINITIONS.

''In this subpart:

''(1) COVERED COMMUNITY.—The term 'covered community' means a town, city, community, region, or State that has—

''(A) experienced a significant percentage job loss in the 5 years prior to the date of enactment of this subpart or is projected to experience a significant percentage job loss within 5 years after the date of enactment of this subpart; or

''(B) an unemployment rate that has increased in the 12 months prior to the date of enactment of this subpart.

''(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a State educational agency, a consortium of local educational agencies, a local educational agency that collaborates with State, regional, or local businesses, including small businesses, that serve a covered community in which qualifying schools are located, or a regional workforce investment board that serves a covered community in which qualifying schools are located, and at least 1 of the following entities:

''(A) An institution of higher education that provides a 4-year program of instruction.

''(B) An accredited community college.

''(C) An accredited career or technical school or college.

''(D) A tribal college or university.

''(E) A nonprofit community organization.

''(F) A labor organization.

''(3) EMERGING INDUSTRY PATHWAYS.—The term 'emerging industry pathways' means industry careers that—

''(A) are estimated to increase in the number of job opportunities in a covered community within the 5 to 7 years after the date of enactment of this subpart;

''(B) require new academic skill sets because of new technology or innovation in the field;

''(C) are important to the growth of the State, region, or local area's economy; and

''(D) may include—

''(i) green industries;

''(ii) health care industries;

''(iii) advanced manufacturing industries; and

''(iv) programs of study, as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006.

''(4) QUALIFYING SCHOOL.—The term 'qualifying school' means a secondary school that—

''(A) serves students not less than 30 percent of whom are eligible for the school lunch program under the Richard B. Russell National School Lunch Act or an equivalent indicator of poverty established by the Secretary;

''(B) has a graduation rate that is lower than the State average; and

''(C) is located in a covered community.

''(5) SCHOOL- AND WORK-BASED CURRICULUM OR PROGRAM.—The term 'school- and work-based curriculum or program' means a curriculum or program that incorporates a combination of school-based instruction and work-based learning opportunities, including internships, work experience programs, apprenticeships, service learning programs, mentorship opportunities, job shadowing, and other career and technical education programs, in an emerging industry pathway.

''SEC. 5622. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary shall establish and carry out an emerging professions and educational improvement demonstration project, by awarding grants, on a competitive basis, to eligible partnerships.

''(b) PROGRAM PERIODS.—

''(1) IN GENERAL.—The Secretary shall award grants under this subpart for periods of not more than 5 years, of which the eligible partnership shall use—

''(A) not more than 18 months for assessing emerging industry pathways, assessing the academic skills needed for success in such pathways, and developing a school- and work-based curriculum or program to teach such academic skills necessary for success in an emerging industry pathway;

''(B) not more than 48 months for implementing the new emerging industry pathways school- and work-based curriculum or program in qualifying schools; and

''(C) not more than 12 months to disseminate best practices to other State educational agencies, local educational agencies, or schools.

''(2) OVERLAP.—The Secretary may award grant periods under this subpart that overlap.

''(c) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to eligible partnerships that—

''(1) serve qualifying schools in which 50 percent or more of the students are eligible for the school lunch program under the Richard B. Russell National School Lunch Act or an equivalent indicator of poverty established by the Secretary;

''(2) serve qualifying schools the majority of which have dropout rates in the top 25 percent statewide;

''(3) pledge to serve the students most at-risk of dropping out within qualifying schools;

''(4) develop school- and work-based curricula and programs serving green industries, health care industries, and advanced manufacturing industries; or

''(5) have a demonstrated record of success in forming collaborative partnerships with businesses, workforce development boards, institutions of higher education, local community and technical colleges, tribal colleges, labor organizations, and other nonprofit community organizations.

''SEC. 5623. APPLICATIONS.

''An eligible partnership that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the eligible partnership, including the responsibilities of each partner and how each partner will meet its responsibilities;

''(2) a description of the statewide, regional, or local emerging industry pathways and labor market needs to be filled;

''(3) a description of how members of the eligible partnership will collaborate with each other and interested community stakeholders to assess the emerging industry pathways in the State, region, or local area;

''(4) a description of how the eligible partnership will engage students from qualifying schools to be served in the design and implementation of the school- and work-based curriculum or program;

''(5) a description of how the eligible partnership will use the assessment of emerging industry pathways to establish a school- and work-based curriculum or program to teach academic and industry skills needed for success in such emerging industries and how these skills will be aligned with existing challenging State academic content standards;

''(6) a description of how teachers, parents or guardians, and school guidance counselors will be consulted by the eligible partnership in the development of the school- and work-based curriculum or program developed under this subpart;

''(7) a description of how the eligible partnership will ensure that teachers and instructors have the necessary training and preparation to teach the school- and work-based curriculum or program developed under this subpart;

''(8) a description of how the school- and work-based curriculum or program developed under this subpart will improve the academic achievement, student attendance, and secondary school completion of at-risk students and such students' readiness to enter into a career in an emerging industry or pursue postsecondary education;

''(9) a description of how the eligible partnership will design a school- and work-based curriculum or program that meets the unique academic and career development needs of students to be served by the curriculum or program;

''(10) a description of how the school- and work-based curriculum or program will support statewide, regional, or local emerging industries;

''(11) a description of how the eligible partnership will measure and report improvement in academic and student engagement outcomes among students who participate in the school- and work-based curriculum or program developed under this subpart;

''(12) a description of how the eligible partnership will seek to leverage other sources of Federal, State, and local funding to support the development and implementation of the school- and work-based curriculum or program;

''(13) a description of how the eligible partnership will work to create, use, and evaluate individual learning plans and career portfolios for students served under this subpart;

''(14) a description of how the eligible partnership will coordinate such curriculum or program with programs funded under the Carl D. Perkins Career and Technical Education Act of 2006; and

''(15) a description of how the eligible partnership plans to sustain and expand such school- and work-based curriculum or program after the Federal grant period ends.

''SEC. 5624. PROGRAM ADMINISTRATION.

''(a) SELECTION.—In awarding grants under this subpart, the Secretary shall—

''(1) consider the information submitted by the eligible partnerships under section 5623;

''(2) prioritize applications in accordance with section 5622(c); and

''(3) select eligible partnerships that submit applications in compliance with section 5623.

''(b) AWARD AMOUNTS.—

''(1) IN GENERAL.—Subject to subsection (c), the Secretary shall award each grant in an amount of not more than $5,000,000 for a period of not more than 5 years.

''(2) USE OF FUNDS.—An eligible partnership that receives a grant under this subpart shall use—

''(A) not more than 35 percent of the grant funds for designing the emerging industry pathways school- and work-based curriculum or program; and

''(B) not less than 65 percent of the grant funds for implementing the emerging industry pathways school- and work-based curriculum or program in qualifying schools.

''(c) FUNDING TO IMPLEMENT CURRICULA OR PROGRAMS.—The Secretary may not award grant funds under subsection (b)(2)(B) to implement the emerging industry pathways school- and work-based curriculum or program until the Secretary certifies that the eligible partnership is in compliance with the following:

''(1) The eligible partnership has engaged in a collaborative process involving educators and school administrators, including curriculum experts, as well as representatives from local businesses and industry to assess emerging industry demands and the academic knowledge and skills needed to meet those demands.

''(2) The school- and work-based curriculum or program developed by the eligible partnership is aligned with challenging State academic content standards.

''(3) The eligible partnership has consulted with and involved students in qualifying schools in the collaboration process and design of the school- and work-based curriculum or program.

''(4) The eligible partnership has received a commitment from at least 1 qualifying school agreeing to implement the school- and work-based curriculum or program in the qualifying school.

''(5) The school- and work-based curriculum or program will help prepare students for both direct entry into a career in emerging industries and success in postsecondary education.

''(6) The eligible partnership has established a plan to promote the school- and work-based curriculum or program among qualifying schools, businesses, parental groups, and community organizations.

''(d) ELIGIBLE USES OF FUNDS.—

''(1) PLANNING PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the planning phase for the following:

''(A) Establishing collaborative working groups consisting of educators, school administrators, representatives of local or regional businesses, postsecondary education representatives, representatives from labor organizations, and representatives from nonprofit organizations.

''(B) Identifying emerging industry pathways at the State, regional, or local level.

''(C) Identifying the academic and skill gaps that need to be addressed to promote success in the emerging industry pathways identified in subparagraph (B).

''(D) Developing a school- and work-based curriculum or program to teach and integrate the academic and work-based skills, including soft skills, that are needed for success in emerging industry pathways and postsecondary education.

''(E) Creating a comprehensive set of academic and industry skills to be taught across multiple emerging industry pathways.

''(F) Aligning the school- and work-based curriculum or program with challenging State academic content standards.

''(G) Establishing professional development opportunities for educators, business partners, school counselors, and others who will be implementing the school- and work-based curriculum or program.

''(H) Collaborating with multistate regions to develop and identify a school- and work-based curriculum or program that addresses regional emerging industry pathways.

''(2) IMPLEMENTING PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the implementing phase for the following:

''(A) Integrating the emerging industry pathways school- and work-based curriculum or program into classroom- or work-based instruction.

''(B) Providing professional development opportunities designed around the school- and work-based curriculum or program for educators, business partners, and others.

''(C) Identifying and creating school- and work-based learning curricula or programs for students in such emerging industry pathways.

''(D) Promoting the school- and work-based curriculum or program among school guidance counselors.

''(E) Working with pupil services staff to develop opportunities for career exploration among emerging industry pathways business partners.

''(F) Conducting ongoing evaluations of the school- and work-based curriculum or program, including assessing whether participating students report increased engagement in learning, increased school attendance, and improved success upon entry into the workforce or postsecondary education.

''(G) Purchasing resources, including textbooks, reference materials, assessments, labs, computers, and software, for use in the school- and work-based curriculum or program.

''(3) DISSEMINATION PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the dissemination phase for the following:

''(A) Evaluating, cataloging, and disseminating best practices from the school- and work-based curriculum or program.

''(B) Disseminating the school- and work-based curriculum or program to—

''(i) the National Research Center for Career and Technical Education;

''(ii) State, regional, and local professional education organizations; and

''(iii) institutions of higher education.

''(e) MATCHING CONTRIBUTIONS.—An eligible partnership that receives a grant under this subpart shall provide, from non-Federal sources, matching funds, which may be provided in cash or in-kind, to carry out the activities supported by the grant, in an amount for which the—

''(1) first year of the grant award shall be equal to 5 percent of the amount of the grant for such year;

''(2) second such year shall be equal to 10 percent of the amount of the grant for such year;

''(3) third such year shall be equal to 15 percent of the amount of the grant for such year;

''(4) fourth such year shall be equal to 20 percent of the amount of the grant for such year; and

''(5) fifth such year shall be equal to 25 percent of the amount of the grant for such year.

''(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this subpart shall be used to supplement and not supplant other Federal, State, and local funds available to implement secondary school education programs or career and technical education programs.

''SEC. 5625. EVALUATION AND REPORTS.

''(a) ANNUAL REPORTS.—An eligible partnership that receives a grant under this subpart shall submit an annual report to the Secretary during the grant period detailing how the eligible partnership is using the grant funds under this subpart, including—

''(1) how the State educational agency or local educational agency that is a member of the partnership collaborated with local businesses, workforce boards, institutions of higher education, and community organizations to assess emerging industry pathways;

''(2) how the eligible partnership has consulted with and involved students in qualifying schools in the design and implementation of the emerging industry pathways school- and work-based curriculum or program;

''(3) the effectiveness of the school- and work-based curriculum or program on improving student engagement, attendance, graduation rates, and preparation for and placement in a career in an emerging industry or in postsecondary education;

''(4) how the eligible partnership has improved its capacity to respond to new workforce development priorities and create educational opportunities that address such new workforce development priorities; and

''(5) any other information the Secretary may reasonably require.

''(b) FINAL REPORTS.—

''(1) IN GENERAL.—An eligible partnership that receives a grant under this subpart shall, at the end of the grant period, collect and prepare a report on the following information:

''(A) The number and percentage of students served by the eligible partnership who—

''(i) graduated from secondary school with a regular high school diploma in the standard number of years;

''(ii) entered into a job in an emerging industry; and

''(iii) enrolled in a postsecondary institution.

''(B) The emerging industry pathways school- and work-based curriculum or program and the—

''(i) successes of such curriculum or program, including placement rates of students in work or postsecondary education and trends in graduation rates in qualifying schools utilizing the school- and work-based curriculum;

''(ii) areas of improvement for the school- and work-based curriculum or program;

''(iii) lessons learned from the implementation of the school- and work-based curriculum or program in secondary schools; and

''(iv) plans to replicate the school- and work-based curriculum or program in other schools or examples of successful replication of the curriculum or program.

''(2) SUBMISSION OF REPORTS.—A report prepared under paragraph (1) shall be submitted to the Secretary of Education and the National Research Center for Career and Technical Education.

''(c) FEDERAL EVALUATION AND REPORT.—Not later than 6 years after the date of enactment of this subpart, the Secretary shall—

''(1) develop and execute a plan for evaluating the emerging industry pathways school- and work-based curricula or programs assisted under this subpart; and

''(2) submit a report to Congress—

''(A) detailing aggregate data on—

''(i) the categories of activities for which eligible partnerships used grant funds under this subpart;

''(ii) the impact of the grants on—

''(I) student engagement, attendance, and completion of secondary school; and

''(II) the postsecondary placement of students in high-quality emerging industry careers or postsecondary education; and

''(iii) promising strategies for improving student engagement, attendance, and completion of secondary school through engaging curricula or programs; and

''(B) that includes any recommendations for improvements that can be made to the grant program under this subpart.

''SEC. 5626. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—From the amounts appropriated to and available for Program Administration with the Departmental Management account in the Department of Education for each of fiscal years 2009 through 2012, there are authorized to be appropriated $25,000,000 for each of fiscal years 2009 through 2012, respectively, to carry out this subpart.

''(b) SET ASIDE FOR EVALUATION.—Of the amounts appropriated under subsection (a) for a fiscal year, 2 percent shall be set aside for such fiscal year for the Federal evaluation required under section 5625(c).''.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 5618 the following:

''SUBPART 22—CONNECTING EDUCATION AND EMERGING PROFESSIONS DEMONSTRATION GRANT PROGRAM

''Sec. 5621. Definitions.
''Sec. 5622. Program authorized.
''Sec. 5623. Applications.
''Sec. 5624. Program administration.
''Sec. 5625. Evaluation and reports.
''Sec. 5626. Authorization of appropriations.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 652—DESIGNATING THE WEEK BEGINNING SEPTEMBER 8, 2008, AS ''NATIONAL ASSISTED LIVING WEEK''

Mr. CRAPO (for himself and Mr. THUNE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 652

Whereas the number of elderly and disabled citizens of the United States is increasing dramatically;

Whereas assisted living is a long-term care service that fosters choice, dignity, independence, and autonomy in the elderly and disabled across the United States;

Whereas the National Center for Assisted Living created National Assisted Living Week;

Whereas the theme of National Assisted Living Week 2008 is ''Filling Life with Love''; and

Whereas this theme highlights the privilege, value, and responsibility of passing the legacies of the lives of the elderly and disabled of the United States down through the generations that care for and love them: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 8, 2008, as ''National Assisted Living Week''; and

(2) urges all people of the United States—

(A) to visit friends and loved ones who reside at assisted living facilities; and

(B) to learn more about assisted living services, including how assisted living services benefit communities in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5268. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5269. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5270. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5271. Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5272. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5273. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5274. Mr. SALAZAR (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5275. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5276. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5277. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, Mr. CARPER, Mr. AKAKA, Mr. TESTER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5278. Mr. WYDEN (for himself, Mr. COLEMAN, Mr. GRASSLEY, Mr. HARKIN, Ms. KLOBUCHAR, Mr. MENENDEZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5279. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5280. Mr. VITTER (for himself, Mr. INHOFE, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5281. Mr. NELSON of Nebraska (for himself, Mr. SMITH, Mr. SESSIONS, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5282. Mr. NELSON of Nebraska (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5283. Mr. NELSON, of Nebraska (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5284. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5285. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5286. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5287. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5288. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5289. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5290. Mr. REID proposed an amendment to the bill S. 3001, supra.

SA 5291. Mr. REID proposed an amendment to amendment SA 5290 proposed by Mr. REID to the bill S. 3001, supra.

SA 5292. Mr. REID proposed an amendment to the bill S. 3001, supra.

SA 5293. Mr. REID proposed an amendment to the bill S. 3001, supra.

SA 5294. Mr. REID proposed an amendment to amendment SA 5293 proposed by Mr. REID to the bill S. 3001, supra.

SA 5295. Mr. KYL (for himself, Mr. VITTER, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5296. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5297. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5298. Mr. ALLARD (for himself, Mr. COBURN, Mr. VITTER, Mr. CORNYN, Mr. CRAIG, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5299. Mr. CASEY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5300. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5301. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5302. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5303. Mr. BINGAMAN (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5304. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5305. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5306. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5307. Mr. BAUCUS (for himself, Mr. CONRAD, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5308. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5309. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5310. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5311. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5312. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5313. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5314. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5315. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5316. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5317. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5318. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5319. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5320. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5321. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5322. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5323. Mr. LEVIN (for Mr. LEAHY (for himself and Mr. BYRD)) proposed an amendment to the bill S. 3001, supra.

SA 5324. Mr. VITTER (for himself, Mr. DEMINT, Mrs. DOLE, Mr. CRAPO, Mr. CORNYN, Mr. COBURN, Mr. BURR, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5325. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5326. Mr. SMITH (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5327. Mr. CHAMBLISS (for himself, Mr. KERRY, Mr. ALEXANDER, Mrs. CLINTON, Mrs. LINCOLN, Mr. JOHNSON, Mr. PRYOR, Mr. SESSIONS, Mr. KENNEDY, Mr. ROBERTS, Mr. NELSON, of Florida, Mr. THUNE, Mr. INHOFE, Mr. SMITH, Mr. ISAKSON, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5328. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5329. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5330. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5331. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5332. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5333. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5334. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5335. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5336. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5337. Mr. REID (for Mr. BIDEN (for himself, Mr. CASEY, Mr. INHOFE, and Mr. CARPER)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5338. Mr. REID (for Mr. BIDEN (for himself, Mr. KENNEDY, Mrs. MCCASKILL, and Mr. BAYH)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5268. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. ELIGIBILITY OF SPOUSES OF MILITARY PERSONNEL FOR THE WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting '', or'', and by adding at the end the following new subparagraph:

''(J) either—

''(i) a qualified military spouse (as defined in subsection (l)(1)), or

''(ii) subject to subsection (l)(2), an eligible teleworking military spouse.''.

(b) DEFINITIONS AND RULES RELATING TO QUALIFIED MILITARY SPOUSES.—Section 51 of such Code is amended by adding at the end the following new subsection:

''(l) DEFINITION OF QUALIFIED MILITARY SPOUSE; ENHANCED CREDIT FOR ELIGIBLE TELEWORKING MILITARY SPOUSES.—For purposes of this section—

''(1) DEFINITION OF QUALIFIED MILITARY SPOUSE.—For purposes of subsection (d)(1)(J), the term 'qualified military spouse' means any individual (other than an eligible teleworking military spouse) who is certified by the designated local agency as being a spouse (determined as of the hiring date) of a member of the Armed Forces of the United States who is serving on a period of extended active duty which includes the hiring date. For purposes of the preceding sentence, the term 'extended active duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(2) ENHANCED CREDIT FOR ELIGIBLE TELEWORKING MILITARY SPOUSES.—

''(A) IN GENERAL.—Notwithstanding subsection (a), in the case of an employer with respect to whom an individual is an eligible teleworking military spouse by reason of employment with such employer described in subparagraph (B), the credit determined under this section—

''(i) shall be allowable for any taxable year which includes any portion of the eligibility period with respect to the spouse, and

''(ii) shall, with respect to any such taxable year, be equal to 40 percent of the qualified wages paid by the employer with respect to such employment occurring during such portion of the eligibility period.

''(B) ELIGIBLE TELEWORKING MILITARY SPOUSE.—For purposes of subsection (d)(1)(J) and this paragraph, the term 'eligible teleworking military spouse' means, with respect to any employer, an individual—

''(i) who is certified by the designated local agency as being a spouse (determined as of the hiring date) of a member of a regular component of the Armed Forces of the United States,

''(ii) substantially all of whose employment with the employer is reasonably expected to consist of services performed at the principal residence (within the meaning of section 121) of the individual, and

''(iii) whose qualified wages (expressed as an annual amount) for services performed for the employer are reasonably expected to equal or exceed an amount equal to 150 percent of the median annual earnings for the United States (determined on the basis of the most recent occupational employment survey published by the Bureau of Labor Statistics before the calendar year in which the taxable year begins).

''(C) ELIGIBILITY PERIOD.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'eligibility period' means, with respect to any individual who is an eligible teleworking military spouse, the period—

''(I) beginning on the hiring date of the individual, and

''(II) except as provided in clause (ii), ending on the earlier of the last day of the employment described in subparagraph (B) or the last day of the taxable year in which occurs the date on which the individual's spouse ceases to be a member of a regular component of the Armed Forces of the United States.

''(ii) FAILURE TO MEET EMPLOYMENT AND WAGE REQUIREMENTS.—If the requirements of clauses (ii) and (iii) of subparagraph (B) are not met with respect to any individual for any taxable year—

''(I) the individual shall cease to be an eligible teleworking military spouse with respect to the employer as of the beginning of the taxable year, and

''(II) the employer shall not treat the individual as an eligible teleworking military spouse for any subsequent taxable year.

This clause shall not apply to any failure which is due to unforeseen circumstances or is beyond the control of the employer.

''(D) QUALIFIED WAGES.—The term 'qualified wages' has the meaning given such term by subsection (b)(1), except that the amount of wages which may be taken into account with respect to any eligible teleworking military spouse for any taxable year shall not exceed $12,000.''.

(c) EFFECTIVE DATE.—The amendments made this section shall apply to amounts paid or incurred after the date of the enactment of this Act to individuals who begin work for the employer after such date.

SA 5269. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. FEDERAL EMPLOYMENT PREFERENCES FOR MILITARY SPOUSES.

(a) ELIGIBILITY OF MILITARY SPOUSES FOR PREFERENCE.—Section 2108(3) of title 5, United States Code, is amended—

(1) in subparagraph (F)(iii), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (G)(iii), by striking the semicolon at the end and inserting ''; and''; and

(3) by inserting after subparagraph (G) the following new subparagraph:

''(H) the wife or husband of an individual serving on active duty or with orders to report for a period of active duty in excess of 90 days or for an indefinite period;''.

(b) ELIGIBILITY FOR ADDITIONAL POINTS ABOVE EARNED RATING ON COMPETITIVE SERVICE EXAMINATIONS.—Section 3309(2) of such title is amended to read as follows:

''(2) a preference eligible under subparagraphs (A), (B), or (H) of section 2108(3) of this title—5 points.''.

SA 5270. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. REPORT ON CREATING WORK OPPORTUNITIES FOR UNDERGRADUATE AND GRADUATE LEVEL EDUCATED MILITARY SPOUSES.

(a) STUDY.—The Under Secretary of Defense for Personnel and Readiness, in conjunction with the Deputy Under Secretary of Defense for Military Community and Family Policy, shall conduct a study of the challenges that face qualified military spouses who possess an undergraduate or graduate level education in finding and maintaining employment during the terms of service of their active duty spouses.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional committees a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description of the major challenges that face qualified military spouses who posses an undergraduate or graduate level education in finding and maintaining employment during the terms of service of their spouses.

(B) A listing of significant incentive programs the Department of Defense could utilize to create incentives for the hiring of undergraduate and graduate level qualified military spouses, including those the Department can implement independently and those that require statutory changes.

(C) A description of the resources available to qualified military spouses with graduate and undergraduate educations for assistance in finding and maintaining employment.

(D) An examination of the retention implications of insufficient employment opportunities for qualified military spouses with undergraduate or graduate level educations.

(E) A description of current programs to assist qualified military spouses with undergraduate and graduate level educations in securing telecommuting and home office employment.

(c) QUALIFIED MILITARY SPOUSE DEFINED.—In this section, the term ''qualified military spouse'' means a spouse of a member of the Armed Forces who is serving on a period of extended active duty which includes the hiring date. For purposes of the preceding sentence, the term ''extended active duty'' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

SA 5271. Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

On page 329, after line 14, add the following:

SEC. 1110. DIRECT HIRE AUTHORITY FOR CERTAIN POSITIONS AT PERSONNEL DEMONSTRATION LABORATORIES.

(a) AUTHORITY.—The Secretary of Defense may make appointments to positions described in subsection (b) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) POSITIONS DESCRIBED.—This section applies to candidates possessing an advanced degree with respect to any scientific or engineering position within a laboratory identified in section 9902(c)(2) of title 5, United States Code.

(c) LIMITATION.—(1) Authority under this section may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of positions greater than the number equal to 2 percent of the total number of positions within such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) For purposes of this subsection, positions shall be counted on a full-time equivalent basis.

(d) EMPLOYEE DEFINED.—As used in this section, the term ''employee'' has the meaning given such term by section 2105 of title 5, United States Code.

(e) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2013.

SA 5272. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XIV, add the following:

SEC. 1433. LANGUAGE AND INTELLIGENCE ANALYST TRAINING PROGRAM.

(a) IN GENERAL.—Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 402 note) is amended to read as follows:

''SEC. 922. LANGUAGE AND INTELLIGENCE ANALYST TRAINING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of National Intelligence.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(3) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(4) PROGRAM.—The term 'program' means the grant program to promote language and intelligence analysis training authorized by subsection (b).

''(b) AUTHORITY.—The Director is authorized to carry out a grant program to promote language and intelligence analysis, as described in this section.

''(c) PURPOSE.—The purpose of the program shall be to increase the number of individuals qualified for an entry-level language analyst or intelligence analyst position within an element of the intelligence community by providing—

''(1) grants to qualified institutions of higher education, as described in subsection (d); and

''(2) grants to qualified individuals, as described in subsection (e).

''(d) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—(1) The Director is authorized to provide a grant through the program to an institution of higher education to develop a course of study to prepare students of such institution for an entry-level language analyst or intelligence analyst position within an element of the intelligence community.

''(2) An institution of higher education seeking a grant under this subsection shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

''(3) The Director shall award a grant to an institution of higher education under this subsection—

''(A) on the basis of the ability of such institution to use the grant to prepare students for an entry-level language analyst or intelligence analyst position within an element of the intelligence community upon completion of study at such institution; and

''(B) in a manner that provides for geographical diversity among the institutions of higher education that receive such grants.

''(4) An institution of higher education that receives a grant under this subsection shall submit to the Director regular reports regarding the use of such grant, including—

''(A) a description of the benefits to students who participate in the course of study funded by such grant;

''(B) a description of the results and accomplishments related to such course of study; and

''(C) any other information that the Director may require.

''(5) The Director is authorized to provide an institution of higher education that receives a grant under this section with advice and counsel related to the use of such grant.

''(e) GRANTS TO INDIVIDUALS.—(1) The Director is authorized to provide a grant through the program to an individual to assist such individual in pursuing a course of study—

''(A) identified by the Director as meeting a current or emerging mission requirement of an element of the intelligence community; and

''(B) that will prepare such individual for an entry-level language analyst or intelligence analyst position within an element of the intelligence community.

''(2) The Director is authorized to provide a grant described in paragraph (1) to an individual for the following purposes:

''(A) To provide a monthly stipend for each month that the individual is pursuing a course of study described in paragraph (1).

''(B) To pay the individual's full tuition to permit the individual to complete such a course of study.

''(C) To provide an allowance for books and materials that the individual requires to complete such course of study.

''(D) To pay the individual's expenses for travel that is requested by an element of the intelligence community related to the program.

''(3)(A) The Director shall select individuals to receive grants under this subsection using such procedures as the Director determines are appropriate.

''(B) An individual seeking a grant under this subsection shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

''(C) The total number of individuals receiving grants under this subsection at any 1 time may not exceed 400.

''(D) The Director is authorized to screen and qualify each individual selected to receive a grant under this subsection for the appropriate security clearance without regard to the date that the employment relationship between the individual and the element of the intelligence community is formed.

''(4) An individual who receives a grant under this subsection shall enter into an agreement to perform, upon such individual's completion of a course of study described in paragraph (1), 1 year of service within an element of the intelligence community, as approved by the Director, for each academic year for which such individual received grant funds under this subsection.

''(5) If an individual who receives a grant under this subsection—

''(A) fails to complete a course of study described in paragraph (1) or the individual's participation in the program is terminated prior to the completion of such course of study, either by the Director for misconduct or voluntarily by the individual, the individual shall reimburse the United States for the amount of such grant (excluding the individual's stipend, pay, and allowances); or

''(B) fails to complete the service requirement with an element of the intelligence community described in paragraph (4) after completion of such course of study or if the individual's employment with such element of the intelligence community is terminated either by the head of such element for misconduct or voluntarily by the individual prior to the individual's completion of such service requirement, the individual shall—

''(i) reimburse the United States for full amount of such grant (excluding the individual's stipend, pay, and allowances) if the individual did not complete any portion of such service requirement; or

''(ii) reimburse the United States for the percentage of the total amount of such grant (excluding the individual's stipend, pay, and allowances) that is equal to the percentage of the period of such service requirement that the individual did not serve.

''(6)(A) If an individual incurs an obligation to reimburse the United States under subparagraph (A) or (B) of paragraph (5), the head of the element of the intelligence community that employed or intended to employ such individual shall notify the Director of such obligation.

''(B) Except as provided in subparagraph (D), an obligation to reimburse the United States incurred under such subparagraph (A) or (B), including interest due on such obligation, is for all purposes a debt owing the United States.

''(C) A discharge in bankruptcy under title 11, United States Code, shall not release an individual from an obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the final decree of the discharge in bankruptcy is issued within 5 years after the last day of the period of the service requirement described in subparagraph (4).

''(D) The Director may release an individual from part or all of the individual's obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the Director determines that equity or the interests of the United States require such a release.

''(f) MANAGEMENT.—In carrying out the program, the Director shall—

''(1) be responsible for the oversight of the program and the development of policy guidance and implementing procedures for the program;

''(2) solicit participation of institutions of higher education in the program through appropriate means; and

''(3) provide each individual who participates in the program under subsection (e) information on opportunities available for employment within an element of the intelligence community.

''(g) PENALTIES FOR FRAUD.—An institution of higher education or the officers of such institution or an individual who receives a grant under the program as a result of fraud in any aspect of the grant process may be subject to criminal or civil penalties in accordance with applicable Federal law.

''(h) CONSTRUCTION.—Unless mutually agreed to by all parties, nothing in this section may be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect on the day prior to the date of enactment of the National Defense Authorization Act for Fiscal Year 2009.

''(i) EFFECT OF OTHER LAW.—The Director shall administer the program pursuant to the provisions of chapter 63 of title 31, United States Code and chapter 75 of such title, except that the Comptroller General of the United States shall have no authority, duty, or responsibility in matters related to this program.''.

(b) CLERICAL AMENDMENTS.—

(1) IN GENERAL.—The table of contents in section 2(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1811) is amended by striking the item relating to section 922 and inserting the following:

''Sec. 922. Language and intelligence analyst training program.''.

(2) TITLE IX.—The table of contents in that appears before subtitle A of title IX of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2023) is amended by striking the item relating to section 922 and inserting the following:

''Sec. 922. Language and intelligence analyst training program.''.

SA 5273. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. PROVISION TO INJURED MEMBERS OF THE ARMED FORCES OF INFORMATION CONCERNING BENEFITS.

Section 1651 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476; 10 U.S.C. 1071 note) is amended to read as follows:

''SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

''(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—Not later than October 1, 2008, the Secretary of Defense shall develop and maintain, in a handbook and on a publically-available Internet website, a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the separation or retirement of the member from the Armed Forces as a result of a serious injury or illness.

''(b) CONTENTS.—The handbook and Internet website shall include the following:

''(1) The range of compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and other factors affecting compensation and benefits as the Secretary considers appropriate.

''(2) Information concerning the Disability Evaluation System of each military department, including—

''(A) an explanation of the process of the Disability Evaluation System;

''(B) a general timeline of the process of the Disability Evaluation System;

''(C) the role and responsibilities of the military department throughout the process of the Disability Evaluation System; and

''(D) the role and responsibilities of a member of the Armed Forces throughout the process of the Disability Evaluation System.

''(3) Benefits administered by the Department of Veterans Affairs that a member of the Armed Forces would be entitled upon the separation or retirement from the Armed Forces as a result of a serious injury or illness.

''(4) The 20 most common serious injuries or illnesses that result in a member of the Armed Forces separating or retiring from the Armed Forces, and the benefits associated with each injury or illness.

''(5) A list of State veterans service organizations and nonprofit veterans service organizations, and their contact information and Internet website addresses.

''(c) CONSULTATION.—The Secretary of Defense shall develop and maintain the comprehensive description required by subsection (a) in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security.

''(d) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a) on a periodic basis, but not less often than annually.

''(e) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the handbook to each member of the Armed Forces under the jurisdiction of that Secretary as soon as practicable following an injury or illness for which the member may retire or separate from the Armed Forces.

''(f) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the handbook, the handbook shall be provided to the next of kin or a legal representative of the member, as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section.''.

SA 5274. Mr. SALAZAR (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him

to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. ESTABLISHMENT OF NATIONAL CEMETERY IN SOUTHERN COLORADO REGION.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in El Paso County, Colorado, to serve the needs of veterans and their families in the southern Colorado region.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Colorado and local officials in the southern Colorado region; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in El Paso County, Colorado, that would be suitable to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) INCOME TAX TREATMENT OF GIFT.—For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

(e) RELATIONSHIP TO CONSTRUCTION AND FIVE YEAR CAPITAL PLAN.—The requirement to establish a national cemetery under subsection (a) shall be added to the current list of priority projects, but should not take priority over existing projects listed on the National Cemetery Administration's construction and five-year capital plan for fiscal year 2008.

(f) SOUTHERN COLORADO REGION DEFINED.—In this Act, the term ''southern Colorado region'' means the geographic region consisting of the following Colorado counties:

(1) El Paso.
(2) Pueblo.
(3) Teller.
(4) Fremont.
(5) Las Animas.
(6) Huerfano.
(7) Custer.
(8) Costilla.
(9) Alamosa.
(10) Saguache.
(11) Conejos.
(12) Mineral.
(13) Archuleta.
(14) Hinsdale.
(15) Gunnison.
(16) Pitkin.
(17) La Plata.
(18) Montezuma.
(19) San Juan.
(20) Ouray.
(21) San Miguel.
(22) Dolores.
(23) Montrose.
(24) Delta.
(25) Mesa.
(26) Crowley.
(27) Kiowa.
(28) Bent.
(29) Baca.

SA 5275. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. THEME STUDY FOR COMMEMORATING AND INTERPRETING THE COLD WAR.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Cold War Advisory Committee established under subsection (c).

(2) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study conducted under subsection (b)(1).

(b) COLD WAR THEME STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) RESOURCES.—In conducting the theme study, the Secretary of the Interior shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

(i) intercontinental ballistic missiles;
(ii) flight training centers;
(iii) manufacturing facilities;
(iv) communications and command centers (such as Cheyenne Mountain, Colorado);
(v) defensive radar networks (such as the Distant Early Warning Line);
(vi) nuclear weapons test sites (such as the Nevada test site); and
(vii) strategic and tactical aircraft.

(3) CONTENTS.—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(i) sites for which studies for potential inclusion in the National Park System should be authorized;
(ii) sites for which new national historic landmarks should be nominated; and
(iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

(i) State and local governments;
(ii) local historical organizations; and
(iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) CONSULTATION.—In conducting the theme study, the Secretary of the Interior shall consult with—

(A) the Secretary of the Air Force;
(B) State and local officials;
(C) State historic preservation offices; and
(D) other interested organizations and individuals.

(5) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) COLD WAR ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out this section, the Secretary of the Interior shall establish an advisory committee, to be known as the ''Cold War Advisory Committee'', to assist the Secretary of the Interior in carrying out this section.

(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary of the Interior, of whom—

(A) 3 shall have expertise in Cold War history;
(B) 2 shall have expertise in historic preservation;
(C) 1 shall have expertise in the history of the United States; and
(D) 3 shall represent the general public.

(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary of the Interior for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) MEETINGS.—On at least 3 occasions, the Secretary of the Interior (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall—

(1) prepare and publish an interpretive handbook on the Cold War; and

(2) disseminate information in the theme study by other appropriate means.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000.

SA 5276. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 812 and insert the following:

SEC. 812. CONTINGENCY CONTRACTING CORPS.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is

amended by adding at the end the following new section:

"SEC. 44. CONTINGENCY CONTRACTING CORPS.

''(a) ESTABLISHMENT.—The Administrator shall establish a government-wide Contingency Contracting Corps (in this section, referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to disasters, natural and man-made, and contingency operations both within and outside the continental United States.

''(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.

''(c) EDUCATION AND TRAINING.—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.

''(d) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.

''(e) AUTHORITY TO DEPLOY THE CORPS.—The Administrator, or the Administrator's designee, shall have the authority, upon the request of an executive agency, to determine when civilian agency members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed. With respect to members of the Corps who are also members of the Armed Forces or civilian personnel of the Department of Defense, the Secretary of Defense, or the Secretary's designee, must concur in the Administrator's deployment determinations.

''(f) ANNUAL REPORT.—

''(1) IN GENERAL.—The Administrator shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

''(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.''.

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

''Sec. 44. Contingency Contracting Corps.''.

SA 5277. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, Mr. CARPER, Mr. AKAKA, Mr. TESTER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 6 and 7, insert the following:

Subtitle G—Governmentwide Contracting Provisions

SEC. 861. SHORT TITLE.

This subtitle may be cited as the ''Accountability in Government Contracting Act''.

SEC. 862. DEFINITIONS.

In this subtitle:

(1) Except as otherwise provided, the term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term ''assisted acquisition'' means the type of interagency contracting through which acquisition officials of an agency (the servicing agency) award a contract or task or delivery order for the procurement of goods or services on behalf of another agency (the requesting agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the ''Economy Act''), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Clinger-Cohen Act of 1996 (division E of Public Law 104–106), and the Government Management Reform Act of 1994 (Public Law 103–356; 108 Stat. 3410).

(3) The term ''multi-agency contract'' means a task-order or delivery-order contract established for use by more than one agency to obtain supplies and services, consistent with the Economy Act (31 U.S.C. 1535). The term does not include contracts established and used solely within one executive department or independent establishment, as those terms are specified in section 101 of title 5, United States Code, and defined in section 104(1) of such title, respectively.

SEC. 863. FEDERAL ACQUISITION WORKFORCE.

(a) DESIGNATION OF ACQUISITION WORKFORCE.—

(1) IN GENERAL.—Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by adding at the end the following new subsection:

''(j) ACQUISITION WORKFORCE DESIGNATION.—

''(1) IN GENERAL.—The Federal Acquisition Regulation shall be amended to designate those positions that are acquisition positions in all executive agencies except the Department of Defense. Such positions shall principally perform duties and have responsibilities related to acquisition (as that term is defined in section 4).

''(2) REQUIRED POSITIONS.—The positions designated under paragraph (1) shall include, at a minimum, the following positions:

''(A) Program management.

''(B) Systems planning, research, development, engineering, and testing.

''(C) Procurement, including contracting.

''(D) Industrial property management.

''(E) Logistics.

''(F) Quality control and assurance.

''(G) Manufacturing and production.

''(H) Business, cost estimating, financial management, and auditing.

''(I) Education, training, and career development.

''(J) Construction.

''(K) Joint development and production with other executive agencies and foreign countries.

''(3) MANAGEMENT HEADQUARTERS ACTIVITIES.—The positions designated under paragraph (1) may include positions that are in management headquarters activities and in management headquarters support activities and perform acquisition-related functions.

''(4) OTHER ACQUISITION POSITIONS.—The Federal Acquisition Regulation, as amended under paragraph (1), may provide that the Chief Acquisition Officer or Senior Procurement Executive, as appropriate, of an executive agency may designate as acquisition positions those additional positions that perform significant acquisition-related functions within that agency.

''(5) DATABASE IDENTIFICATION OF ACQUISITION WORKFORCE.—The Director of the Office of Management and Budget, in conjunction with the Director of the Office of Personnel Management, shall add a data element to the appropriate database to allow for the identification and tracking of members of the Federal acquisition workforce.

''(6) APPLICABILITY.—The Department of Defense shall continue to be subject to the guidelines under section 1721 of title 10, United States Code.''.

(2) DEADLINE FOR REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended as described under subsection (j) of section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433), as added by paragraph (1).

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the designation of acquisition positions pursuant to subsection (j) of section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433), as added by paragraph (1).

(b) GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.—

(1) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 44. GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—The Administrator, in consultation with the Director of the Office of Personnel and Management, shall establish a government-wide Acquisition Intern Program to strengthen the ability of the Federal acquisition workforce to carry out its key missions through the Federal procurement process. The Administrator shall have a goal of involving not less than 200 college graduates per year in the Acquisition Intern Program.

''(b) ADMINISTRATION OF PROGRAMS.—The Associate Administrator for Acquisition Workforce Programs designated under section 855(a) of the National Defense Authorization Act for Fiscal Year 2008 (41 U.S.C. 433a(a)) shall be responsible for the management, oversight, and administration of the Acquisition Intern Program and shall give consideration to integrating existing intern programs.

''(c) TERMS OF ACQUISITION INTERN PROGRAM.—

''(1) BUSINESS-RELATED COURSE WORK REQUIREMENT.—

''(A) IN GENERAL.—Each participant in the Acquisition Intern Program shall have completed 24 credit hours of business-related college course work by not later than 3 years after admission into the program.

''(B) CERTIFICATION CRITERIA.—The Administrator shall establish criteria for certifying the completion of the course work requirement under subparagraph (A).

''(2) STRUCTURE OF PROGRAM.—The Acquisition Intern Program shall consist of one year of preparatory education and training in Federal procurement followed by 3 years of on-the-job training and development focused

on Federal procurement but including rotational assignments in other functional areas.

''(3) EMPLOYMENT STATUS OF INTERNS.—Interns participating in the Acquisition Intern Program shall be considered probationary employees without civil service protections under chapter 33 of title 5, United States Code. In administering any personnel ceiling applicable to an executive agency or a unit of an executive agency, an individual assigned as an intern under the program shall not be counted.

''(4) EMPLOYMENT STATUS OF CURRENT FEDERAL EMPLOYEES.—Current Federal employees may participate in the Acquisition Intern Program without losing existing benefits and rights.

''(5) AGENCY MANAGEMENT OF PROGRAM.—The Chief Acquisition Officer or the Senior Procurement Executive of each executive agency, as appropriate, in consultation with the Chief Human Capital Officer of such agency, shall establish a central intern management function in the agency to supervise and manage interns participating in the Acquisition Intern Program.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 44. Government-wide Acquisition Intern Program.''.

(c) ACQUISITION WORKFORCE DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund to be known as the ''Acquisition Workforce Development Fund'' (in this subsection referred to as the ''Fund'').

(2) USE OF FUNDS.—Amounts in the Fund shall be used for—

(A) the establishment and operations of the Acquisition Intern Program and the Contingency Contracting Corps; and

(B) the costs of administering the Fund, not to exceed 10 percent of the total funds available in the Fund.

(3) DEPOSITS TO FUND.—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

(d) QUALIFICATIONS OF CHIEF ACQUISITION OFFICERS.—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414) is amended by adding at the end the following new paragraph:

''(2) Chief Acquisition Officers shall be appointed from among persons who have an extensive management background.''.

SEC. 864. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require enhanced competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2)(A) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) PUBLIC NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require the head of each executive agency—

(A) to publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold that are placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(B) to publish on the website of the agency and through a government-wide website selected by the Administrator for Federal Procurement Policy the determination required under subsection (b)(1) related to sole source task or delivery orders placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(2) EXCEPTION.—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term ''individual purchase'' means a task order, delivery order, or other purchase.

(2) The term ''multiple award contract'' means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(e) APPLICABILITY.—The regulations required by subsection (a) shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

SEC. 865. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

''(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

''(i) may not exceed the time necessary—

''(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

''(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

''(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold.''.

(b) DEFENSE CONTRACTS.—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

''(i) may not exceed the time necessary—

''(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

''(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

''(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold.''.

SEC. 866. REGULATIONS ON USE OF TIERED EVALUATIONS OF OFFERS FOR CONTRACTS AND TASK OR DELIVERY ORDERS UNDER CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide guidance for executive agencies on the use of tiered evaluations of offers for contracts and for task or delivery orders under contracts.

(b) ELEMENTS.—The regulations prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified

small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation of why such contracting officer was unable to make such determination.

(c) APPLICABILITY.—The Department of Defense shall continue to be subject to the guidance prescribed by the Secretary of Defense under section 816 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2305 note).

SEC. 867. GUIDANCE ON USE OF COST-REIMBURSEMENT CONTRACTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations outlining the proper use of cost-reimbursement contracts.

(b) CONTENT.—The regulations promulgated under subsection (a) shall include at minimum guidance regarding—

(1) when and under what circumstances cost reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost reimbursement contracts.

(c) INSPECTOR GENERAL REVIEW.—The Inspector General for each executive agency shall develop and submit as part of its annual audit plan a review of the use of cost reimbursement contracts.

SEC. 868. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide executive agencies other than the Department of Defense with instructions, including definitions, on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) ELEMENTS.—The regulations under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be ''excellent'' or ''superior'' and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be ''acceptable'', ''average'', ''expected'', ''good'', or ''satisfactory'';

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

(c) APPLICABILITY.—The Department of Defense shall continue to be subject to guidance on award fees issued by the Department pursuant to section 814 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2321).

SEC. 869. DEFINITIZING OF LETTER CONTRACTS.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to ensure that executive agencies other than the Department of Defense implement and enforce requirements applicable to undefinitized contractual actions.

(b) ELEMENTS.—The regulations prescribed pursuant to subsection (a) shall address, at a minimum—

(1) the circumstances in which it is, and is not, appropriate to use undefinitized contractual actions;

(2) approval requirements (including thresholds) for the use of undefinitized contractual actions;

(3) procedures for ensuring that timelines for the definitization of undefinitized contractual actions are met;

(4) procedures for ensuring compliance with regulatory limitations on the obligation of funds pursuant to undefinitized contractual actions;

(5) procedures for ensuring compliance with regulatory limitations on profit or fees with respect to costs incurred before the definitization of an undefinitized contractual action; and

(6) reporting requirements for undefinitized contractual actions that fail to meet required timelines for definitization or fail to comply with regulatory limitations on the obligation of funds or on profit or fees.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Administrator for Federal Procurement Policy shall submit to Congress an annual report on the use of undefinitized contracts and orders over the preceding fiscal year.

(2) CONTENT.—The annual report under paragraph (1) shall include—

(A) the number and value of undefinitized actions;

(B) the reasons for awarding undefinitized contracts or issuing undefinitized orders;

(C) the average number of days such actions were undefinitized; and

(D) the actions taken to better enable contracts and orders to be definitized when awarded or issued.

(d) APPLICABILITY.—The Department of Defense shall continue to be subject to guidance on definitizing of letter contracts issued by the Department pursuant to section 809 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

SEC. 870. PREVENTING ABUSE OF INTERAGENCY ACQUISITIONS AND ENTERPRISE-WIDE CONTRACTS.

(a) OFFICE OF MANAGEMENT AND BUDGET SURVEY OF INTERAGENCY ACQUISITIONS AND ENTERPRISE-WIDE CONTRACTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a comprehensive survey on interagency acquisitions and enterprise-wide contracts, including their frequency of use and management controls.

(2) CONTENT.—The survey under paragraph (1) shall include the following information:

(A) The name and number of interagency contracts with aggregate ceilings in excess of $50,000,000 (including all options) that are currently in effect or under solicitation, the rationale or authority for establishing such contracts, the scope of such contracts, the servicing agencies, the ceiling amount and the number of contractors under each contract, and activity levels (in terms of primary users and value of orders issued) under each contract for the most recent fiscal year.

(B) The name and authorities of the agencies conducting assisted acquisitions (excluding mandatory sources) and the level of assisted acquisition activity (in terms of primary users and value of obligations created for the most recent fiscal year).

(C) The name and number of enterprise-wide contracts that are currently in effect or under solicitation, the rationale or authority for establishing such contracts, the scope of such contracts, the servicing agencies, the ceiling amount and the number of contractors under each contract, and activity levels (in terms of primary users and value of orders issued) under each contract for the most recent fiscal year.

(3) PUBLICATION.—The Director of the Office of Management and Budget shall make the survey under this subsection publicly available on the website of the Office, subject to the limitations established pursuant to section 552(b) of title 5, United States Code.

(b) REVIEW OF COST-EFFECTIVENESS.—Not later than 180 days after submission of the survey required under subsection (a)(1), the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services and the Secretary of Defense, shall review all contracts identified in the survey and determine whether each contract is cost effective or redundant considering all existing contracts available for multi-agency use. In determining whether a contract is cost effective, the Administrator for Federal Procurement Policy shall consider all direct and indirect costs to the Federal Government of awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its purchasing power. Any determination under this subsection that an enterprise-wide contract of the Department of Defense is not cost effective, or is redundant, shall be made jointly by the Administrator for Federal Procurement Policy and the Secretary of Defense.

(c) OFFICE OF MANAGEMENT AND BUDGET GUIDELINES.—

(1) GUIDELINES ON INTERAGENCY ACQUISITIONS.—Not later than 180 days after submission of the survey required under subsection (a)(1), the Director of the Office of Management and Budget, in consultation with the

Administrator of General Services and the Secretary of Defense, shall issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) GUIDELINES ON ENTERPRISE-WIDE CONTRACTS.—Not later than 180 days after submission of the survey required under subsection (a)(1), the Director of the Office of Management and Budget, the Administrator of General Services, and the Secretary of Defense shall jointly issue guidelines to assist the heads of executive agencies in improving the management of enterprise-wide contracts.

(3) CONTENT.—The guidelines under paragraphs (1) and (2) shall include the following information, as applicable:

(A) Procedures for the creation, continuation, and use of interagency acquisitions or enterprise-wide contracts to maximize competition, measure cost effectiveness and savings, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting appropriate for interagency acquisition or enterprise-wide contracts.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions or enterprise-wide contracts.

(d) REGULATIONS.—

(1) REGULATIONS REQUIRED FOR ASSISTED ACQUISITIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all assisted acquisitions include—

(A) a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration of the contract; and

(B) a determination that an assisted acquisition is in the best interests of the Federal Government.

(2) REGULATIONS REQUIRED FOR MULTI-AGENCY AND ENTERPRISE-WIDE CONTRACTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require any new multi-agency or enterprise-wide contract to be supported by a business case analysis justifying the award and detailing the administration of the contract, including an analysis of all direct and indirect costs to the Federal Government of awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its purchasing power.

(B) DEPARTMENT OF DEFENSE ENTERPRISE-WIDE CONTRACTS.—In the case of an enterprise-wide contract of the Department of Defense, the Department shall conduct a business case analysis in accordance with regulations implementing the requirements of section 2330 of title 10, United States Code, including a review of the available Multiple Award Schedule pursuant to section 2302(2)(C) of such title and Government-wide acquisition contracts under section 11302(e) of title 40, United States Code, to determine whether such contracts may be used to fulfill the needs of the Department more economically or expeditiously.

(e) REQUIRED APPROVALS.—

(1) APPROVAL REQUIRED FOR CREATION OF MULTI-AGENCY AND ENTERPRISE-WIDE CONTRACTS.—Following the promulgation of the regulations required under subsection (d)(2), no executive agency may award a new multi-agency or enterprise-wide contract without a business case that has been approved in accordance with such regulations.

(2) APPROVAL REQUIRED FOR CONTINUATION OF MULTI-AGENCY AND ENTERPRISE-WIDE CONTRACTS.—No executive agency may exercise an option on an existing multi-agency or enterprise-wide contract identified as non-cost effective or redundant in the review required under subsection (b) without the written approval of the Director of the Office of Management and Budget.

(3) DEPARTMENT OF DEFENSE CONTRACTS.—In the case of the Department of Defense, the approvals required under this subsection shall be the responsibility of the senior officials designated under section 2330 of title 10, United States Code, and the individuals to whom responsibility for specific categories of acquisitions have been assigned in accordance with section 812(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2330 note).

(f) ENTERPRISE-WIDE CONTRACT DEFINED.—In this section, the term ''enterprise-wide contract'' means a single agency task or delivery order contract with an aggregate contract ceiling in excess of $1,000,000,000 that is created to address common agency-wide needs that could be or have been satisfied through an existing Multiple Award Schedule pursuant to section 2302(2)(C) of title 10, United States Code, or Government-wide acquisition contracts under section 11302(e) of title 40, United States Code.

SEC. 871. LEAD SYSTEMS INTEGRATORS.

(a) STUDY.—Not later than one year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall—

(1) develop a government-wide definition of lead systems integrators, giving consideration to the definition provided in section 802(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2410p note); and

(2) complete a study on the use of such integrators by non-defense agencies.

(b) GUIDANCE.—Not later than 180 days after the study under subsection (a)(2) is completed, the Administrator for Federal Procurement Policy shall issue guidance for non-defense agencies on the appropriate use of lead system integrators to ensure that they are used in the best interests of the Federal Government.

SEC. 872. LIMITATIONS ON TIERING OF SUBCONTRACTORS.

(a) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended, for executive agencies other than the Department of Defense, to minimize the excessive use by contractors of subcontractors or tiers of subcontractors. The regulations shall ensure that the contractors and subcontractors do not receive indirect costs or profit when the contractors or subcontractors do not perform significant work under the contract.

(b) COVERED CONTRACTS.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of the Department of Defense to implement more restrictive limitations on the tiering of subcontractors.

(d) APPLICABILITY.—The Department of Defense shall continue to be subject to guidance on limitations on tiering of subcontractors issued by the Department pursuant to section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2321).

SEC. 873. ENSURING THAT FEDERAL AGENCIES APPROPRIATELY ASSESS THE RISK OF CONTRACTORS PERFORMING FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) REVIEW OF POLICIES.—

(1) IN GENERAL.—The Administrator for Federal Procurement Policy shall review the policies established by and pursuant to Part 7 of the Federal Acquisition Regulation to determine whether such policies—

(A) are effective in identifying and preventing the award of contracts for work that is an inherently governmental function;

(B) identify specific issues that should be addressed in agency acquisition plans when contracting for services that are closely associated with inherently governmental functions;

(C) require executive agency personnel to formally assess and document the risk associated with the use of contractors to perform such functions, the actions taken to mitigate any identified risks, and the effectiveness of the mitigating actions; and

(D) are consistently and appropriately reflected in policies established by each executive agency.

(2) SCOPE.—The review under paragraph (1) shall apply only to those executive agencies that awarded contracts and issued orders in a total amount of at least $1,000,000,000 in the latest fiscal year for which data is available.

(b) REPORTS REQUIRED.—

(1) REPORT ON REVIEW OF POLICIES.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives a report on the results of the review conducted pursuant to subsection (a).

(2) RECOMMENDATIONS.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives a report with any recommendations of the Administrator for changes in policies based on the review conducted pursuant to subsection (a).

SEC. 874. IMPROVEMENTS TO THE FEDERAL PROCUREMENT DATA SYSTEM.

(a) ENHANCED TRANSPARENCY FOR INTERAGENCY CONTRACTING AND OTHER TRANSACTIONS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the Federal Procurement Data System or any successor system to facilitate the collection of complete, timely, and reliable data on interagency contracting actions and on transactions other than contracts, grants, and cooperative agreements issued pursuant to section 2371 of title 10, United States Code or similar authorities. The Director shall ensure that data, consistent with what is collected for contract actions, is obtained on—

(1) interagency contracting actions, including data at the task or delivery-order level; and

(2) other transactions, including the initial award and any subsequent modifications awarded or orders issued.

(b) TIMELY AND ACCURATE TRANSMISSION OF INFORMATION INCLUDED IN FEDERAL PROCUREMENT DATA SYSTEM.—Section 19(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

''(d) TRANSMISSION AND DATA ENTRY OF INFORMATION.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.''.

SEC. 875. USE OF AVAILABLE FUNDS FOR REGULATIONS AND REPORTS.

The promulgation of regulations and the production of reports required by this subtitle shall be carried out using available funds.

SEC. 876. ONE-YEAR EXTENSION OF AUTHORITY.

Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(a)) is amended—

(1) in subsection (a)—

(A) by striking ''Until September 30, 2008, the Secretary may carry out a pilot program'' and inserting ''If the Secretary issues policy guidance by September 30, 2008, detailing the appropriate use of other transaction authority and provides mandatory other transaction training to each employee who has the authority to handle procurements under other transaction authority, the Secretary may, before September 30, 2009, carry out a program''; and

(B) in paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (b)(1)'';

(2) in subsection (b)—

(A) by striking ''(b) REPORT.—Not later than 2 years'' and inserting ''(b) REPORTS.—

''(1) IN GENERAL.—Not later than 2 years'';

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and realigning such subparagraphs, as so redesignated, so as to be indented 4 ems from the left margin; and

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

''(2) ANNUAL REPORT ON EXERCISE OF OTHER TRANSACTION AUTHORITY.—

''(A) IN GENERAL.—The Secretary shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives an annual report on the exercise of other transaction authority under subsection (a).

''(B) CONTENT.—The report required under subparagraph (A) shall include the following:

''(i) The technology areas in which research projects were conducted under other transactions.

''(ii) The extent of the cost-sharing among Federal and non-Federal sources.

''(iii) The extent to which use of the other transactions—

''(I) has contributed to a broadening of the technology and industrial base available for meeting the needs of the Department of Homeland Security; and

''(II) has fostered within the technology and industrial base new relationships and practices that support the national security of the United States.

''(iv) The total amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report.

''(v) The rationale for using other transaction authority, including why grants or Federal Acquisition Regulation-based contracts were not used, the extent of competition, and the amount expended for each such project.''.

SA 5278. Mr. WYDEN (for himself and Mr. COLEMAN, Mr. GRASSLEY, Mr. HARKIN, Ms. KLOBUCHAR, Mr. MENENDEZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned shall provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits specified in this subsection are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.—The number of days of benefits providable to a member or former member of the Armed Forces under this section may not exceed 40 days of benefits.

(e) FORM OF PAYMENT.—The paid benefits providable under subsection (b) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SA 5279. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1222. EXTENSION OF MANDATE OF MULTI-NATIONAL FORCE IN IRAQ AFTER EXPIRATION OF ITS CURRENT UNITED NATIONS MANDATE.

(a) EXTENSION OF MANDATE.—

(1) IN GENERAL.—The President shall direct the United States Special Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek an extension of the mandate of the Multi-National Force in Iraq under United National Security Council Resolution 1790 (2007) in order to provide United States and Coalition forces within the Multi-National Force in Iraq with the authorities, privileges, and immunities necessary for such forces to carry out their mission in Iraq after December 31, 2008.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the extension under paragraph (1) should expire upon the earlier of—

(A) a period of one year; or

(B) the entry into force of a strategic framework agreement between the United States and Iraq as mutually agreed upon by the Government of the United States and the Government of Iraq.

(b) LIMITATION ON AVAILABILITY OF FUNDS.—No funds authorized to be appropriated by this Act or any other Act may be obligated or expended to implement an agreement containing a security commitment to, or security arrangement with, the Republic of Iraq, unless such commitment or agreement enters into force pursuant to Article II, section 2, clause 2 of the Constitution of the United States or is authorized by a law enacted on or after the date of the enactment of this Act pursuant to Article 1, section 7, clause 2 of the Constitution of the United States.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the

President shall submit to Congress a report on the status of the negotiations on the extension of the mandate of the Multi-National Force in Iraq as described in subsection (a).

SA 5280. Mr. VITTER (for himself, Mr. INHOFE, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 237. ADDITIONAL FUNDING FOR THE MISSILE DEFENSE AGENCY FOR NEAR-TERM MISSILE DEFENSE PROGRAMS AND ACTIVITIES.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104(1) for Defense-wide procurement is hereby increased by $100,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 104(1) for Defense-wide procurement, as increased by paragraph (1), up to $100,000,000 may be available for the Missile Defense Agency for the Terminal High Altitude Area Defense (THAAD) system for the purpose of advanced procurement of interceptor and ground components for Fire Unit #3 and Fire Unit #4, including component AN/TPY–2.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts available in this Act for such purpose.

(b) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $171,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, as increased by paragraph (1), amounts are available to the Missile Defense Agency as follows:

(A) Up to $87,000,000 for Ground Based Midcourse Defense for purposes as follows:

(i) To implement a rolling target spare.

(ii) To maintain inventory for additional short-notice test events.

(B) Up to $54,000,000 for the purpose of equipping two Aegis Class cruisers of the Navy with Ballistic Missile Defense Systems (BMDSs).

(C) Up to $30,000,000 for the purpose of reducing the technical risk of the Throttleable Direct and Attitude Control System (TDACS) for the SM–3 Block 1B missile in order to meet the needs of the commanders of the combatant commands as specified in the Joint Capabilities Mix Study.

(3) SUPPLEMENT NOT SUPPLANT.—Amount available under each of subparagraphs (A) through (C) of paragraph (2) for the purposes set forth in such paragraph are in addition to any other amounts available in this Act for such purposes.

(c) OFFSET.—The amount authorized to be appropriated by this division (other than the amount authorized to be appropriated for Defense-wide procurement, and for research, development, test, and evaluation, Defense-wide, for the Missile Defense Agency) is hereby reduced by $271,000,000, with the amount the reduction to be allocated among the accounts for which funds are authorized to be appropriated by this division in the manner specified by the Secretary of Defense.

SA 5281. Mr. NELSON of Nebraska (for himself, Mr. SMITH, Mr. SESSIONS, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 702. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE, AND FAMILY MEMBERS, WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

"§ 1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

"(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

"(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

"(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE STANDARD COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE Standard coverage at age 60 under section 1086 of this title.

"(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under the section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

"(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

"(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all covered members of the reserve components covered under this section.

"(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

"(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

"(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

"(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

"(f) DEFINITIONS.—In this section:

"(1) The term 'immediate family', with respect to a member of a reserve component, means all of the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

"(2) The term 'TRICARE Standard' means—

"(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

"(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1076d the following new item:

"1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.".

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

SA 5282. Mr. NELSON of Nebraska (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. PAYMENTS TO INDIVIDUALS WHO SERVED DURING WORLD WAR II IN THE UNITED STATES MERCHANT MARINE.

(a) ESTABLISHMENT OF COMPENSATION FUND.—Subchapter II of chapter 5 of title 38,

United States Code, is amended by adding at the end the following new section:

"§ 532. Merchant Mariner Equity Compensation Fund

''(a) COMPENSATION FUND.—(1) There is in the general fund of the Treasury a fund to be known as the 'Merchant Mariner Equity Compensation Fund' (in this section referred to as the 'compensation fund').

''(2) Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary without fiscal year limitation to make payments to eligible individuals in accordance with this section.

''(b) ELIGIBLE INDIVIDUALS.—(1) An eligible individual is an individual who—

''(A) before October 1, 2009, submits to the Secretary an application containing such information and assurances as the Secretary may require;

''(B) has not received benefits under the Servicemen's Readjustment Act of 1944 (Public Law 78–346); and

''(C) has engaged in qualified service.

''(2) For purposes of paragraph (1), a person has engaged in qualified service if, between December 7, 1941, and December 31, 1946, the person—

''(A) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

''(i) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

''(ii) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

''(iii) under contract or charter to, or property of, the Government of the United States; and

''(iv) serving the Armed Forces; and

''(B) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

''(c) AMOUNT OF PAYMENTS.—The Secretary shall make a monthly payment out of the compensation fund in the amount of $1,000 to an eligible individual. The Secretary shall make such payments to eligible individuals in the order in which the Secretary receives the applications of the eligible individuals.

''(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the compensation fund amounts as follows:

''(A) For fiscal year 2009, $120,000,000.

''(B) For fiscal year 2010, $108,000,000.

''(C) For fiscal year 2011, $97,000,000.

''(D) For fiscal year 2012, $85,000,000.

''(E) For fiscal year 2013, $75,000,000.

''(2) Funds appropriated to carry out this section shall remain available until expended.

''(e) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible individuals receiving benefits, the amounts paid out of the compensation fund, the administration of the compensation fund, and an estimate of the amounts necessary to fully fund the compensation fund for that fiscal year and each of the three subsequent fiscal years.

''(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.''.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the regulations required under section 532(f) of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item related to section 531 the following new item:

''532. Merchant Mariner Equity Compensation Fund.''.

SA 5283. Mr. NELSON of Nebraska (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. ENHANCEMENT OF PAY, LEAVE, AND BENEFITS FOR MEMBERS OF THE ARMED FORCES FOR CERTAIN DEPLOYMENTS AND MOBILIZATIONS. .

(a) CAREER DEPLOYMENT PAY FOR CERTAIN SERVICE IN QUALIFYING AREAS OR UNDER QUALIFYING CIRCUMSTANCES.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 305b the following new section:

"§ 305c. Special pay: career deployment pay for certain service in qualifying areas or under qualifying circumstances

''(a) SPECIAL PAY AUTHORIZED.—The Secretary of a military department may pay special pay under this section to a member of the armed forces under the jurisdiction of the Secretary who serves a qualifying minimum period in a qualifying area or under qualifying circumstances in order to compensate such member for such time served in deployment to such area or under such circumstances.

''(b) QUALIFYING AREAS AND CIRCUMSTANCES; QUALIFYING MINIMUM PERIODS OF SERVICE.—Each Secretary of a military department shall prescribe in regulations for purposes of this section the following:

''(1) The areas or circumstances that shall constitute qualifying areas or qualifying circumstances of service for purposes of the payment of special pay under this section.

''(2) For each area or circumstance specified under paragraph (1), the minimum period of service to be served by a member in such area or circumstance before the member may be treated as qualifying for the payment of special pay under this section.

''(c) TREATMENT OF TIME OF RECOVERY FROM CERTAIN WOUNDS OR INJURIES.—(1) Subject to paragraph (2), any period spent by a member recovering from a wound, injury, or illness incurred in line of duty while serving in a qualifying area or qualifying circumstance for purposes of this section shall be treated as having been served by member in such area or circumstances for purposes of the payment of special pay under this section.

''(2) A period spent by a member as described in paragraph (1) may be treated as provided in that paragraph only to the extent such period is also spent by the member's unit in service in the qualifying area or qualifying circumstances concerned.

''(d) MONTHLY RATE.—The monthly rate of special pay payable under this section may not exceed $1,500.

''(e) PAYMENT.—Special pay payable to a member under this section shall be paid under a schedule established in accordance with such specifications as the Secretary of the military department concerned shall prescribe for purposes of this section.

''(f) REGULATIONS.—Any regulations prescribed under this section shall be subject to the approval of the Secretary of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 305b the following new item:

''305c. Special pay: career deployment pay for certain service in qualifying areas or under qualifying circumstances.''.

(b) REST AND RECUPERATION ABSENCE FOR MEMBERS OF THE ARMED FORCES SERVING IN A COMBAT ZONE.—

(1) IN GENERAL.—Section 705 of title 10, United States Code, is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Under regulations prescribed by the Secretary concerned, a member of the armed forces who serves at least six consecutive months in a combat zone (as determined in accordance with such regulations) during a tour of duty may be authorized a period of rest and recuperation absence for not more than 15 days with respect to such tour of duty.

''(2) Except as provided in section 705a of this title, a period of rest and recuperation absence authorized a member under paragraph (1) is in addition to any other leave or absence to which the member may be entitled under law.''.

(2) CONFORMING AMENDMENT.—The heading of section 705 of such title is amended to read as follows:

"§ 705. Rest and recuperation absence: qualified members extending duty at designated locations overseas; members serving extended tours of duty in a combat zone".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by striking the item relating to section 705 and inserting the following new item:

''705. Rest and recuperation absence: qualified members extending duty at designated locations overseas; members serving extended tours of duty in a combat zone.''.

(c) POST-DEPLOYMENT ADMINISTRATIVE ABSENCE FOR MEMBERS OF THE RESERVE COMPONENTS FOLLOWING DUTY UNDER INVOLUNTARY MOBILIZATION.—

(1) IN GENERAL.—Chapter 40 of title 10, United States Code, is amended by inserting after section 705 the following new section:

"§ 705a. Administrative absence: post-deployment absence for certain members of the reserve components of the armed forces following demobilization from involuntary mobilization

''(a) ADMINISTRATIVE ABSENCE AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a member of the armed forces described in subsection (b) may be authorized administrative absence for not more

than seven days in connection with service on active duty in the armed forces described in that subsection.

''(b) COVERED MEMBERS.—A member described in this section is a member of a reserve component of the armed forces who—

''(1) serves on active duty in the armed forces for at least 12 months pursuant to a call or order to active duty without the consent of the member; and

''(2) either—

''(A) is not authorized rest and recuperation absence in connection with such service on active duty under section 705(c) of this title; or

''(B) does not utilize any rest and recuperation absence so authorized the member under such section.

''(c) USE OF ABSENCE.—Any administrative absence authorized a member under subsection (a) in connection with service on active duty shall be utilized by the member before the member ceases such service on active duty.

''(d) CONSTRUCTION WITH OTHER LEAVE OR ABSENCE.—Except as provided in section 705(c) of this title, a period of absence authorized a member under subsection (a) is in addition to any other leave or absence to which the member may be entitled under law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 705, as amended by subsection (b)(3) of this section, the following new item:

''705a. Administrative absence: post-deployment absence for certain members of the reserve components of the armed forces following demobilization from involuntary mobilization.''.

(d) BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in paragraph (2) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(2) BENEFITS.—The benefits specified in this paragraph are the following:

(A) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this subsection, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in paragraph (1) during the period specified in that paragraph.

(B) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this subsection, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in paragraph (1) during the period specified in that paragraph.

(3) LIMITATION ON APPLICABILITY TO FORMER MEMBERS.—A former member of the Armed Forces is eligible under this subsection for the benefits specified in paragraph (2)(A) only if the former member was discharged or released from the Armed Forces under honorable conditions or with a general discharge under honorable conditions.

(4) MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.—The number of days of benefits providable to a member or former member of the Armed Forces under this subsection may not exceed 40 days of benefits.

(5) FORM OF PAYMENT.—The paid benefits providable under paragraph (2) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(6) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this subsection are in addition to any other pay, absence, or leave provided by law.

(7) DEFINITIONS.—In this subsection:

(A) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(B) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(e) REPEAL OF HIGH DEPLOYMENT ALLOWANCE AUTHORITIES.—

(1) REPEAL.—Section 436 of title 37, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 436.

SA 5284. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. NO ACCRUAL OF INTEREST FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

(a) AMENDMENT.—Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended by adding at the end the following:

''(n) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, and except as provided in paragraph (3), interest shall not accrue for an eligible borrower on a loan made under this part.

''(2) ELIGIBLE BORROWER.—In this subsection, the term 'eligible borrower' means an individual who—

''(A)(i) is serving on active duty during a war or other military operation or national emergency; or

''(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; and

''(B) is serving in an area of hostilities in which service qualifies for special pay under section 310 of title 37, United States Code.

''(3) LIMITATION.—An individual who qualifies as an eligible borrower under this subsection may receive the benefit of this subsection for not more than 60 months.''.

(b) CONSOLIDATION LOANS.—Section 428C(b)(5) of that Act (20 U.S.C. 1078–3(b)(5)) is amended by inserting after the first sentence the following: ''In addition, in the event that a borrower chooses to obtain a consolidation loan for the purposes of using the no accrual of interest for active duty servicemembers program offered under section 455(n), the Secretary shall offer a Federal Direct Consolidation Loan to any such borrower who applies for participation in such program.''.

SA 5285. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. INSTITUTE OF MEDICINE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.

(a) STUDY REQUIRED.—There shall be set-aside from amounts appropriated under section 1403, $1,000,000 for fiscal year 2009 to enable the Secretary of Defense shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the purpose of conducting a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on factors contributing to the misadministration of medications, including accidental and intentional overdoses, under and over medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that increase the risk of misadministration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the military, other government agencies, and civilian sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risk of medication misadministration and associated problems with respect to physically and psychologically&fnl; wounded members of the Armed Forces.

(c) REPORT.—Not later than 18 months after entering into the agreement for the study required under subsection (a), the Institute of Medicine shall submit to the Secretary of Defense, and to Congress, a report on the study containing such findings and determinations as the Institute of Medicine considers appropriate in light of the study.

SEC. 723. INCREASING THE NUMBER OF PSYCHOLOGIST INTERNSHIPS.

There shall be set-aside from amounts appropriated under section 1403, $1,775,000 for fiscal year 2009, and $3,100,000 for fiscal year 2010, to remain available until expended, to enable the Office of the Surgeon General to increase by 30 the number of civilian psychologist internships provided for by the Office.

SEC. 724. TRAUMATIC BRAIN INJURY SURVEY.

There shall be set-aside from amounts appropriated under section 1403, $1,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to enter into a contract with the Center for Military Health Policy Research, RAND, for the conduct of a follow-up survey of the 1,950 servicemember and veteran participants of the Invisible Wounds of War study to determine if there is any long-term impairment from traumatic brain injuries, to identify the factors that inhibit access to treatment, including cognitive rehabilitation for mental health disorders, and to assess conditions leading to unemployment and substance use. The analysis of the survey results shall identify priority research needs and gaps in the health care system for individuals with traumatic brain injuries and post traumatic stress disorders. The survey under this section shall be completed not later than 1 year after the date of enactment of this Act.

SEC. 725. COGNITIVE REHABILITATION STUDY.

(a) IN GENERAL.—There shall be set-aside from amounts appropriated under section 1403, $10,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the Agency for Healthcare Research and Quality, to conduct a long-term (10-year), integrated study of at least 10,000 participants (including injured servicemembers, smaller at-risk populations, and those individuals separated from service but not seeking Veterans Administration services) concerning cognitive rehabilitation research.

(b) REQUIREMENTS.—The cognitive rehabilitation research study conducted under subsection (a) shall—

(1) be designed to contribute to the establishment of evidence-based practice guidelines in the area of cognitive rehabilitation including predictors of relapse and recovery;

(2) evaluate how use of health care services affects symptoms, functioning, and outcomes over time;

(3) evaluate how traumatic health injuries and mental health conditions affect physical health, economic productivity, and social functioning;

(4) evaluate how long-term impairments may be reduced based on different rehabilitation options;

(5) be designed to result in the implementation of strategies for accessing quality mental health treatment care, including cognitive rehabilitation;

(6) assess current research activity on post traumatic stress disorder and traumatic brain injury, evaluate programs, and make recommendations for strategic research priority setting; and

(7) be coordinated with the study conducted under section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

(c) REPORTS.—

(1) BASELINE REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a baseline report on the results of the study conducted under subsection (a).

(2) PRELIMINARY REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a preliminary report on the results of the study conducted under subsection (a).

(3) FINAL REPORT.—Not later than 10 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a final report on the results of the study conducted under subsection (a).

SA 5286. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 338, between lines 12 and 13, insert the following:

(e) ACCOUNTABILITY FOR EQUIPMENT PROVIDED UNDER PROGRAM.—

(1) IN GENERAL.—Such section, as so amended, is further amended—

(A) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively;

(B) by inserting after subsection (c) the following new subsection (d):

''(d) ACCOUNTABILITY FOR EQUIPMENT PROVIDED.—

''(1) IN GENERAL.—The Secretary of Defense and the Secretary of State shall jointly establish procedures and guidelines for accountability for any equipment provided to a foreign country's national military forces under the program under subsection (a).

''(2) ELEMENTS.—The procedures and guidelines established under paragraph (1) shall—

''(A) ensure that any foreign military forces provided equipment under the program are informed of best practices in physical security and stockpile management with respect to such equipment;

''(B) ensure that an appropriate representative of the United States (whether from the combatant command having jurisdiction of the area in which the foreign country concerned is located or from the United States mission to such foreign country) is present when any equipment provided under the program is physically received by foreign military forces;

''(C) ensure that any foreign military forces provided equipment under the program submit to the Department of Defense on an annual basis a report on the current location of such equipment and on the uses, if any, of such equipment during the preceding year; and

''(D) provide for the retention and maintenance by the Department of Defense of any reports submitted pursuant to subparagraph (C) and of any other records or reports on equipment provided under the program.

''(3) GUIDANCE ON COMPLIANCE.—The Secretary of Defense and the Secretary of State shall take appropriate actions to provide guidance to the personnel of the Department of Defense and personnel of the Department of State who carry out activities under the program on the procedures and guidelines established under paragraph (1), including any procedures and guidelines established to meet the requirements of paragraph (2).''; and

(C) in subsection (g), as redesignated by paragraph (1) of this subsection, by striking ''subsection (e)(3)'' and inserting ''subsection (f)(3)''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect six months after the date of the enactment of this Act.

SA 5287. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ISSUANCE OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY TO MEMBERS OF THE ARMED FORCES WHO SERVE ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION FOR LESS THAN 90 DAYS.

(a) ISSUANCE REQUIRED.—Each Secretary of a military department shall modify applicable regulations to provide for the issuance of a Certificate of Release or Discharge from Active Duty (DD Form 214) to each member of the Armed Forces (including a member of the National Guard or Reserve) under the jurisdiction of such Secretary who serves on active duty in the Armed Forces in support of a contingency operation upon the separation of the member from such service, regardless of whether the period of such service is less than 90 days. The regulations shall be so modified not later than 180 days after the date of the enactment of this Act.

(b) CONTINGENCY OPERATION DEFINED.—In this section, the term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

SA 5288. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a current electronic mail address (if any) and a current telephone number as information required of a member of the Armed Forces by the form.

SA 5289. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXIX, add the following:

SEC. 2914. LIMITATION ON MILITARY CONSTRUCTION PROJECTS IN IRAQ PENDING CERTIFICATION OF SATISFACTION OF CERTAIN REQUIREMENTS.

(a) NOTICE AND WAIT.—A military construction project described in subsection (b) may not be commenced until the date that is 21 days after the date on which the Secretary of Defense submits to the congressional defense committees the certifications on the project described in subsection (c).

(b) COVERED MILITARY CONSTRUCTION PROJECTS.—A military construction project described in this subsection is any military construction project as follows:

(1) A military construction project authorized by section 2901(b).

(2) A military construction project in Iraq that is first authorized by an Act enacted after the date of the enactment of this Act or for which funds are first appropriated in an Act enacted after the date of the enactment of this Act.

(c) CERTIFICATIONS.—

(1) IN GENERAL.—The certifications on a military construction project for purposes of subsection (a) shall include each of the following:

(A) A certification that the project is not intended to provide for the permanent stationing of United States forces in Iraq.

(B) A certification that the project is required to satisfy an urgent temporary requirement in support of current United States military operations.

(C) A certification that the project is for the use of United States forces in Iraq.

(D) A certification that no reasonable alternative facility or installation will satisfy the requirements to be satisfied by the project.

(E) A certification that a written request for funding the project was submitted to Iraq, and that the Government of Iraq has considered the request.

(2) CORRESPONDENCE.—If the Government of Iraq has submitted to the United States a written response to a request for the funding of a military construction project described by subsection (b) at the time of the submittal of the certifications on the project under subsection (a), the certification on the project under paragraph (1)(E) shall also include copies of the request and response.

SA 5290. Mr. REID proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the bill insert the following:

The provision of this bill shall become effective in 5 days upon enactment.

SA 5291. Mr. REID proposed an amendment SA 5290 proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment strike ''5'' and insert ''4''.

SA 5292. Mr. REID proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

This section shall become effective 3 days after enactment.

SA 5293. Mr. REID proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment, strike ''3'' and insert ''2''.

SA 5294. Mr. REID proposed an amendment SA 5293 proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment strike ''2'' and insert ''1''.

SA 5295. Mr. KYL (for himself, Mr. VITTER, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. ___. ACTIVATION AND DEPLOYMENT OF AN/TYP–2 FORWARD-BASED X-BAND RADAR.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, and available for Ballistic Missile Defense Sensors, up to $89,000,000 may be available for the activation and deployment of the AN/TPY–2 forward-based X-band radar to a classified location.

SA 5296. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. EXPANSION OF PINON CANYON MANEUVER SITE, COLORADO.

None of the funds appropriated or otherwise made available for the acquisition of land to expand the Pinon Canyon Maneuver Site, Colorado, may be obligated or expended for the acquisition through the exercise of eminent domain authority of any real property owned by any landowner who has not requested condemnation, including the filing of a declaration of taking or a complaint in condemnation.

SA 5297. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. ENHANCEMENT OF EDUCATIONAL ASSISTANCE AVAILABLE UNDER POST-9/11 VETERANS EDUCATIONAL ASSISTANCE.

(a) MAXIMUM TUITION AND FEES TO BE DETERMINED USING MAXIMUM IN-STATE TUITION AND FEES CHARGED BY PUBLIC INSTITUTIONS THROUGHOUT THE UNITED STATES.—Subparagraph (A) of section 3313(c)(1) of title 38, United States Code (as added by section 5003 of the Post-9/11 Veterans Educational Assistance Act of 2008 (title V of Public Law 110–252)), is amended by striking ''in the State'' and all that follows and inserting ''in the United States that charges the highest amount for tuition and fees for in-State undergraduate students for full-time pursuit of such programs of education.''.

(b) AVAILABILITY OF MONTHLY HOUSING STIPEND FOR PURSUIT OF PROGRAM OF EDUCATION THROUGH DISTANCE LEARNING.—Subparagraph (B)(i) of such section (as so added) is amended by striking ''the program of education'' and all that follows and inserting ''the program of education—

''(I) a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled; or

''(II) in the case of an individual pursuing a program of education through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing so payable for such a member residing in the military housing area in which the individual resides.''.

SA 5298. Mr. ALLARD (for himself, Mr. COBURN, Mr. VITTER, Mr. CORNYN, Mr. CRAIG, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. ENHANCEMENT AND IMPROVEMENT OF PROCEDURES RELATING TO OVERSEAS VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) ENHANCEMENT AND IMPROVEMENT OF CERTAIN PROCEDURES.—

(1) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)) is amended—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application, absentee ballot application, and completed ballot that is submitted by an absent uniformed services voter described by section 107(1)(A) without any requirement for notarization of such document;''; and

(C) in paragraph (5), as redesignated by paragraph (1) of this subsection, by inserting before the semicolon the following: ''and permit the submittal of the official post card form by electronic means (including by fax transmission and electronic mail transmission)''.

(2) CONFORMING AMENDMENT.—Section 104(a) of such Act (42 U.S.C. 1973ff–3(a)) is amended by striking ''section 102(a)(4)'' and inserting ''section 102(a)(5)''.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) to encourage the States to permit members of the Armed Forces to apply for, receive, and submit absentee ballots for election for Federal office by electronic means; and

(2) to encourage the Department of Defense to implement and maintain programs that permit the secure submittal by members of the Armed Forces of absentee ballots for election for Federal office by electronic means.

SA 5299. Mr. CASEY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COUNTERTERRORISM STATUS REPORTS.

(a) SHORT TITLE.—This section may be cited as the ''Success in Countering Al Qaeda Reporting Requirements Act of 2008''.

(b) FINDINGS.—Congress makes the following findings:

(1) Al Qaeda and its related affiliates attacked the United States on September 11, 2001 in New York, New York, Arlington, Virginia, and Shanksville, Pennsylvania, murdering almost 3000 innocent civilians.

(2) Osama bin Laden and his deputy Ayman al-Zawahiri remain at large.

(3) Al Qaeda and its related affiliates maintain freedom of movement in the Afghan-Pakistani border region and continue to strengthen their operational capabilities to plot and carry out attacks.

(4) Nearly 7 years after the attacks on September 11, 2001, Al Qaeda and its related affiliates remain the most serious national security threat to the United States, with alarming signs that Al Qaeda and its related affiliates recently reconstituted their strength and ability to generate new attacks throughout the world, including against the United States.

(5) The July 2007 National Intelligence Estimate states, ''Al Qaeda is and will remain the most serious terrorist threat to the Homeland''.

(6) In testimony to the Permanent Select Committee on Intelligence of the House of Representatives on February 7, 2008, Director of National Intelligence Michael McConnell stated, ''Al-Qa'ida and its terrorist affiliates continue to pose significant threats to the United States at home and abroad, and al-Qa'ida's central leadership based in the border area of Pakistan is its most dangerous component.''.

(7) The Intelligence Reform and Terrorist Prevention Act of 2004, which implemented the recommendations of the 9/11 Commission, and a subsequent executive order, assigned to the National Counterterrorist Center (NCTC) the responsibility to develop comprehensive, integrated strategic operations plans for all of the Federal Government and to assess the execution of these plans for the President. This vital aspect of the NCTC's mission is not sufficiently resourced or supported by the executive branch or Congress, resulting in a lack of coherent and effective planning and implementation in the struggle against terrorism.

(8) The ''National Strategy for Combating Terrorism'', issued in September 2006, affirmed that long-term efforts are needed to win the battle of ideas against the root causes of the violent extremist ideology that sustains Al Qaeda and its affiliates. The United States has obligated resources to support democratic reforms and human development to undercut support for violent extremism, including in the Federally Administered Tribal Areas in Pakistan and the Sahel region of Africa. However, 2 reports released by the Government Accountability Office in 2008 found that ''no comprehensive plan for meeting U.S. national security goals in the FATA have been developed,'' and ''no comprehensive integrated strategy has been developed to guide the [Sahel] program's implementation''.

(9) Such efforts to combat violent extremism and radicalism must be undertaken using all elements of national power, including military tools, intelligence assets, law enforcement resources, diplomacy, paramilitary activities, financial measures, development assistance, strategic communications, and public diplomacy.

(10) There remains a paucity of information on current counterterrorism efforts undertaken by the Federal Government and the level of success achieved by specific initiatives.

(11) Congress and the American people can benefit from more specific data and metrics that can provide the basis for objective external assessments of the progress being made in the overall war being waged against violent extremism.

(12) In its key recommendations to the 110th Congress, the Government Accountability Office urged greater congressional oversight in assessing the effectiveness and coordination of United States international programs focused on combating and preventing the growth of terrorism and its underlying causes.

(13) The Secretary of State is required by law to submit annual reports to Congress that detail key developments on terrorism on a country-by-country basis. These Country Reports on Terrorism provide information on acts of terrorism in countries, major developments in bilateral and multilateral counterterrorism cooperation, and the extent of state support for terrorist groups responsible for the death, kidnaping, or injury of Americans, but do not assess the scope and efficacy of United States counterterrorism efforts against Al Qaeda and its related affiliates.

(14) The Executive Branch submits regular reports to Congress that detail the status of United States combat operations in Iraq and Afghanistan, including a breakdown of budgetary allocations, key milestones achieved, and measures of political, economic, and military progress.

(15) The Department of Defense compiles a report of the monthly and cumulative incremental obligations incurred to support the Global War on Terrorism in a monthly Supplemental and Cost of War Execution Report.

(16) In March 2008, the Government Accountability Office reported to Congress that it found the data in these reports to be of ''questionable reliability'' and recommended improvements in transparency and reliability in Department of Defense reporting.

(17) The absence of a comparable timely assessment of the ongoing status and progress of United States counterterrorism efforts against Al Qaeda and its related affiliates in the overall Global War on Terrorism hampers the ability of Congress and the American people to independently determine whether the United States is making significant progress in this defining struggle of our time.

(18) The Executive Branch should submit a comprehensive report to Congress, updated on a semiannual basis, which provides a more strategic perspective regarding—

(A) the United States' highest global counterterrorism priorities;

(B) the United States' efforts to combat and defeat Al Qaeda and its related affiliates;

(C) the United States' efforts to undercut long-term support for the violent extremism that sustains Al Qaeda and its related affiliates;

(D) the progress made by the United States as a result of such efforts;

(E) the efficacy and efficiency of the United States resource allocations; and

(F) whether the existing activities and operations of the United States are actually diminishing the national security threat posed by Al Qaeda and its related affiliates.

(c) SEMIANNUAL COUNTERTERRORISM STATUS REPORTS.—

(1) IN GENERAL.—Not later than July 31, 2009, and every 6 months thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the

House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 6-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the NCTC and the goals established in overarching public statements of strategy issued by the executive branch;

(D) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(E) the specific status and achievements of United States counterterrorism efforts, through military, financial, political, intelligence, and paramilitary elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(F) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(G) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(H) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

(i) the source of such funds; and

(ii) the allocation and use of such funds;

(I) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(J) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(K) a concise summary of the methods used by NCTC and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) COUNTRY SELECTION.—The countries referred to in paragraph (1)(D)(iii) shall include Afghanistan, Algeria, Bangladesh, Democratic Republic of Congo, Egypt, India, Indonesia, Iraq, Jordan, Kenya, Lebanon, Morocco, Pakistan, Philippines, Saudi Arabia, Somalia, Spain, Syria, Thailand, Tunisia, Turkey, Yemen, and any other country that meets the conditions described in subclause (I) or (II) of paragraph (1)(D)(iii).

(3) INTERAGENCY COOPERATION.—In preparing the report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence,

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

(J) the United States Agency for International Development; and

(K) any other Federal department that maintains relevant information.

(4) REPORT CLASSIFICATION.—The report required under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

SA 5300. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, strike line 14 and all that follows through page 246, line 6, and insert the following:

(b) ESTABLISHMENT WITHIN THE ARMED FORCES OF UNITS FOR ASSISTANCE IN MANAGING CONSEQUENCES OF INCIDENTS OF NATIONAL SIGNIFICANCE INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.—

(1) IN GENERAL.—Subject to the direction and control of the President, the Secretary of Defense shall, by not later than December 31, 2009, establish within the Armed Forces three units having the primary mission of assisting State and local governments with managing the consequences of multiple incidents of national significance involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(2) REQUIREMENTS.—The responsibilities of the units established under subsection (a) in providing assistance under that subsection shall include, but not be limited to, the initial conduct of medical triage, search and rescue, decontamination, and such other activities in response to an incident described in that subsection as the Secretary of Defense considers appropriate in managing the consequences of such incident.

(3) ADDITIONAL REQUIREMENTS.—In establishing the units required by subsection (a), the Secretary of Defense shall establish such requirements relating to the equipping and training of such units, and for Department of Defense support of such units, as the Secretary determines appropriate in order to ensure that each unit is, commencing not later than December 31, 2009, at a state of full operational readiness for its domestic mission at all times.

SA 5301. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. ACCESS OF MEMBERS OF THE ARMED FORCES UNDERGOING MEDICAL OR PHYSICAL EVALUATION TO CERTAIN ORGANIZATIONS PROVIDING VETERANS COUNSELING AND SERVICES.

(a) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following:

"§ 1154. Access to organizations providing counseling and services for veterans: members of the armed forces undergoing medical or physical evaluation

"(a) IN GENERAL.—Each Secretary of a military department shall carry out a program to facilitate the access of members of the armed forces under the jurisdiction of such Secretary for whom a medical evaluation board or physical evaluation board has been initiated, as soon as practicable after the initiation of such board, to representatives of military service organizations, veterans service organizations, and State veterans agencies that provide counseling and services to members of the armed forces.

"(b) NOTICE ON AVAILABILITY OF COUNSELING AND SERVICES.—In carrying out a program under this section, each Secretary of a military department shall provide to the members of the armed forces under the jurisdiction of such Secretary that are described in subsection (a), and their family members, notice that organizations described in that subsection provide counseling and services to veterans.

"(c) ACCESS TO SPACE AND EQUIPMENT.—The commander of a military installation may not refuse the use of space and equipment at military installations, that is required to be provided by section 2670(c) of this title, to representatives of a veterans service organizations, including those authorized to provide counseling and services at the installation under this section.

"(d) PRIVATE SPACE FOR COUNSELING AND SERVICES.—The commander of each facility or location at which access is provided under subsection (c) shall, at the request of a member seeking to receive counseling and services under the program under this section,

provide private space in which the member may receive such counseling and services from organizations and agencies described in subsection (a).

''(e) ELECTION NOT TO PARTICIPATE.—A member of the armed forces may affirmatively elect not to participate in the program under this section.

''(f) REPRESENTATIVE DEFINED.—In this section, the term 'representative', with respect to a veterans service organization, means a representative of an organization that is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by adding at the end the following:

''1154. Access to organizations providing counseling and services for veterans: members of the armed forces undergoing medical or physical evaluation.''.

SA 5302. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. GRANT OF FEDERAL CHARTER TO MILITARY OFFICERS ASSOCIATION OF AMERICA.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1403 the following new chapter:

''CHAPTER 1404—MILITARY OFFICERS ASSOCIATION OF AMERICA

''Sec.
''140401. Organization.
''140402. Purposes.
''140403. Membership.
''140404. Governing body.
''140405. Powers.
''140406. Restrictions.
''140407. Tax-exempt status required as condition of charter.
''140408. Records and inspection.
''140409. Service of process.
''140410. Liability for acts of officers and agents.
''140411. Annual report.
''140412. Definition.

''§ 140401. Organization

''(a) FEDERAL CHARTER.—Military Officers Association of America (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and is organized under the laws of the Commonwealth of Virginia, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

''§ 140402. Purposes

''(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

''(1) to inculcate and stimulate love of the United States and the flag;

''(2) to defend the honor, integrity, and supremacy of the Constitution of the United States and the United States Government;

''(3) to advocate military forces adequate to the defense of the United States;

''(4) to foster the integrity and prestige of the Armed Forces;

''(5) to foster fraternal relations between all branches of the various Armed Forces from which members are drawn;

''(6) to further the education of children of members of the Armed Forces;

''(7) to aid members of the Armed forces and their family members and survivors in every proper and legitimate manner;

''(8) to present and support legislative proposals that provide for the fair and equitable treatment of members of the Armed Forces, including the National Guard and Reserves, military retirees, family members, survivors, and veterans; and

''(9) to encourage recruitment and appointment in the Armed Forces.

''§ 140403. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

''§ 140404. Governing body

''(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation and bylaws of the corporation.

''(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation and bylaws.

''§ 140405. Powers

''The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

''§ 140406. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member of the corporation during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or employee of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

''(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

''(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the Commonwealth of Virginia.

''§ 140407. Tax-exempt status required as condition of charter

''If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

''§ 140408. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

''(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose at any reasonable time.

''§ 140409. Service of process

''The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

''§ 140410. Liability for acts of officers and agents

''The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

''§ 140411. Annual report

''The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

''§ 140412. Definition

''In this chapter, the term 'State' includes the District of Columbia and the territories and possessions of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1403 the following new item:

''1404. Military Officers Association of America .....140401''.

SA 5303. Mr. BINGAMAN (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, insert the following:

SEC. 1083. PAYMENT OF COMPENSATION TO MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE UNITED STATES CAPTURED BY JAPAN AND FORCED TO PERFORM SLAVE LABOR DURING WORLD WAR II.

(a) FINDINGS.—Congress makes the following findings:

(1) During World War II, members of the Armed Forces of the United States fought valiantly against the Armed Forces of Japan in the Pacific. In particular, from December 1941 until May 1942, members of the Armed Forces of the United States fought courageously against overwhelming Armed Forces of Japan on Wake Island, Guam, the Philippine Islands, including the Bataan Peninsula and Corregidor, and the Dutch East Indies, thereby preventing Japan from accomplishing strategic objectives necessary for

achieving a preemptive military victory in the Pacific during World War II.

(2) During initial military action in the Philippines, members of the Armed Forces of the United States were ordered to surrender on April 9, 1942, and were forced to march 65 miles to prison camps at Camp O'Donnell, Cabanatuan, and Bilibid. More than 10,000 people of the United States died during the march (known as the ''Bataan Death March'') and during subsequent imprisonment as a result of starvation, disease, and executions.

(3) Beginning in January 1942, the Armed Forces of Japan began transporting United States prisoners of war to Japan, Taiwan, Manchuria, and Korea to perform slave labor to support Japanese industries. Many of the unmarked merchant vessels in which the prisoners were transported (known as ''Hell Ships'') were attacked by the Armed Forces of the United States, which, according to some estimates, killed more than 3,600 people of the United States.

(4) Following the conclusion of World War II, the Government of the United States agreed to pay compensation to former prisoners of war of the United States, amounting to $2.50 per day of imprisonment. This compensation, paid from assets of Japan frozen by the Government of the United States, is wholly insufficient to compensate fully such former prisoners of war for the conditions they endured. Neither the Government of Japan nor any corporations of Japan admit any liability requiring payment of compensation.

(5) Other countries, including Canada, the United Kingdom, Isle of Man, Norway, the Netherlands, New Zealand, and Australia have previously awarded such a compensation to their surviving veterans who were captured by the Japanese during World War II and required to perform slave labor. Currently, the United States is the only Western Allied power that has not awarded similar compensation to these distinguished heroes of World War II who were prisoners of war of Japan.

(b) PURPOSE.—The purpose of this section is to recognize, by the provision of compensation, the heroic contributions of the members of the Armed Forces and civilian employees of the United States who were captured by the Japanese military during World War II and denied their basic human rights by being forced to perform slave labor by the Imperial Government of Japan or by corporations of Japan during World War II.

(c) DEFINITIONS.—In this section:

(1) COVERED VETERAN OR CIVILIAN INTERNEE.—The term ''covered veteran or civilian internee'' means any individual who—

(A) is a citizen of the United States;

(B) was a member of the Armed Forces, a civilian employee of the United States, or an employee of a contractor of the United States during World War II;

(C) served in or with the Armed Forces during World War II;

(D) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(E) was required by the Imperial Government of Japan, or one or more corporations of Japan, to perform slave labor during World War II.

(2) SLAVE LABOR.—The term ''slave labor'' means forced servitude under conditions of subjugation.

(d) PAYMENT OF COMPENSATION REQUIRED.—

(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary of Defense shall pay compensation to each living covered veteran or civilian internee, or to the surviving spouse of a covered veteran or civilian internee, in the amount of $20,000.

(2) REBUTTABLE PRESUMPTION.—An application for compensation submitted under this section by or with respect to an individual seeking treatment as a covered veteran or civilian internee under this section is subject to a rebuttable presumption that such individual is a covered veteran or civilian internee if the application on its face provides information sufficient to establish such individual as a covered veteran or civilian internee.

(e) RELATIONSHIP TO OTHER PAYMENTS.—Any amount paid to a person under this section for activity described in subsection (c)(1)(D) is in addition to any other amount paid to such person for such activity under any other provision of law.

(f) INAPPLICABILITY OF TAXATION OR ATTACHMENT.—Any amount paid to a person under this section shall not be subject to any taxation, attachment, execution, levy, tax lien, or detention under any process whatever.

SA 5304. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 152. AC–130H SPECTRE GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than December 31, 2008, the Secretary of the Air Force shall submit to the congressional defense committees an assessment of the reduction in the service life of AC–130H Spectre gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven to ten year period beginning with the date of the enactment of this Act.

(b) ELEMENTS.—

(1) IN GENERAL.—The report required by subsection (a) shall include the following:

(A) An estimate of the maintenance costs for the AC–130H Spectre gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period, which costs shall be set forth on a per-aircraft basis.

(B) A description of the age and serviceability of the armament systems of the AC–130H Spectre gunships.

(C) An estimate of the costs of retrofitting the armament systems of the AC–130H Spectre gunships with advanced medium caliber weapons and precision guided munitions during that period.

(D) A description of the age of the electronic warfare systems of the AC–130H Spectre gunships, and an estimate of the cost of upgrading such systems during that period.

(E) A description of the age of the avionics systems of the AC–130H Spectre gunships, and an estimate of the cost of upgrading such systems during that period.

(F) An estimate of the costs of replacing the AC–130H Spectre gunships listed in paragraph (2) with AC–130J gunships, including—

(i) a description of the time required for the replacement of every AC–130H Spectre gunship with an AC–130J gunship; and

(ii) a comparative analysis of the costs of operation of AC–130H Spectre gunships, including costs of operation, maintenance, and personnel, with the anticipated costs of operation of AC–130J gunships.

(2) COVERED AC–130H SPECTRE GUNSHIPS.—The AC–130H Spectre gunships listed in this paragraph are the AC–130H Spectre gunships with tail numbers as follows:

(A) Tail number 69–6568.

(B) Tail number 69–6569.

(C) Tail number 69–6570.

(D) Tail number 69–6572.

(E) Tail number 69–6573.

(F) Tail number 69–6574.

(G) Tail number 69–6575.

(H) Tail number 69–6577.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 5305. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. TEST AND EVALUATION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) REVIEW OF TEST AND EVALUATION ACTIVITIES.—The Defense Science Board shall carry out a thorough review of the conduct of test and evaluation activities by the Department of Defense.

(b) SCOPE OF REVIEW.—The review required by subsection (a) shall address and include the following:

(1) The test and evaluation enterprise using the recommendations of 1999 report of the Defense Science Board as a baseline.

(2) The effectiveness of the Defense Testing Resource Management Center in coordinating and certifying Department of Defense budgets for test and evaluation.

(3) The adequacy of funding through the future-years defense program to sustain Major Range and Test Facility Base activities both through personnel and equipment acquisition and maintenance.

(4) An identification of means for strengthening the management and coordination of the test and evaluation enterprise of the Department of Defense, including means of improving the role of the Defense Testing Resource Management Center in such activities.

(5) An assessment whether the Department of Defense is fully meeting the objectives set forth in section 232 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2489), and, if not, an identification of additional actions to be taken by the Department or Congress to achieve full achievement of such objectives.

(6) Such other matters as the Secretary of Defense considers appropriate.

(c) REPORT.—The Defense Science Board shall submit to the Secretary of Defense, and to Congress, a report setting forth such recommendations for legislative or administrative action as the Defense Science Board considers appropriate as a result of the review under subsection (a) for improvements

in the conduct of test and evaluation activities by the Department of Defense.

SA 5306. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. SERVICE AS FELLOWS OR INTERNS OF PUBLIC OFFICE OF MEMBERS OF THE ARMED FORCES WHO ARE UNDERGOING CONVALESCENCE AT MILITARY MEDICAL TREATMENT FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a program under which members of the Armed Forces who are undergoing convalescence at military medical treatment facilities in the National Capital Region, including Walter Reed Army Medical Center, District of Columbia, are eligible to serve as follows:

(A) As a fellow of Congress, whether in the staff of a Member of Congress or the staff of a committee of Congress.

(B) As a fellow of the legislature of a State, whether in the staff of a member of such legislature or the staff of a committee of such legislature.

(C) As an intern in any other public office.

(2) DESIGNATION.—The program required by this section shall be known as the ''Wounded Warrior Public Service Initiative''.

(b) PARTICIPATION OF MEMBERS OF THE ARMED FORCES.—

(1) RANGE OF MEMBERS.—In carrying out the program under this section, the Secretary shall encourage participation in the program by members of the Armed Forces in a range of grades, including enlisted grades, non-commissioned officer grades, and officer grades.

(2) VOLUNTARY PARTICIPATION.—The participation of members of the Armed Forces in the program shall be on a voluntary basis.

(3) ENCOURAGEMENT OF PARTICIPATION IN PROGRAM.—The Secretary shall take appropriate actions—

(A) to notify members of the Armed Forces described in subsection (a)(1) of their eligibility for participation in the program; and

(B) to facilitate participation in the program by members who elect to participate in the program, including through the provision of appropriate support for such members in participating in the program.

(4) PROHIBITION ON POLITICAL ACTIVITIES.—While serving in an office under the program, a member of the Armed Forces participating in the program may not engage in any political activity otherwise prohibited by law for similar employees of such office.

(c) PAY AND ALLOWANCES.—

(1) NO ADDITIONAL PAY AND ALLOWANCES.—A member of the Armed Forces participating in the program under this section shall not be entitled to any pay and allowances by reason of participation in the program other than the pay and allowances otherwise payable to the member by law.

(2) EXPENSES.—A member of the Armed Forces participating in the program shall be paid or reimbursed for the expenses incurred by the member in connection with participation in the program.

(d) ADMINISTRATIVE MATTERS.—

(1) ADMINISTRATION.—The program required by this section shall be administered within the Department of Defense by an appropriate official of the Department assigned by the Secretary for that purpose.

(2) RESPONSIBILITIES.—In administering the program, the official assigned under paragraph (1) shall—

(A) work collaboratively with Members and committees of Congress to identify appropriate fellowship opportunities for members of the Armed Forces seeking to participate in the program; and

(B) work collaboratively with the Director of the Capitol Guide Service and Congressional Special Services Office of the Architect of the Capitol to accommodate the special physical needs of members of the Armed Forces who are participating in the program.

(e) PAYMENT OF COSTS.—Any costs associated with the participation of members of the Armed Forces in the program required by this section, including any costs of expenses of members under subsection (c)(2), shall be borne by the Department of Defense from amounts available to the Department for the Operation Warfighter Program.

(f) DURATION.—The program required by this section shall cease on the date that is five years after the commencement of the program. No member of the Armed Forces may serve under the program after the date of the cessation of the program.

(g) DEFINITIONS.—In this section:

(1) The term ''public office'' means an office within a department, agency, commission, board, corporation, or service of the Federal Government or a State government that exercises any function of government.

(2) The term ''State'' includes the District of Columbia.

SA 5307. Mr. BAUCUS (for himself, Mr. CONRAD, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 332. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF THE ENCROACHMENT OF CIVILIAN ACTIVITIES ON MILITARY INSTALLATIONS AND ACTIVITIES IN THE UNITED STATES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the extent of the encroachment of civilian activities (including the use of waters and airspace) on military installations and activities in the United States during the period from 2009 through 2019.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the extent to which the Department of Defense has identified encroachment of civilian activities (including the use of waters and airspace) on military installations and activities in the United States.

(2) A description of the extent to which the Department has identified non-attainment of air quality standards as a reason for not pursuing the expansion of military operations at military installations in the United States.

(3) A description of the extent to which the Department has identified the cost to the Department of programs and activities to mitigate the encroachment of civilian activities on military installations and activities in the United States as described under paragraphs (1) and (2).

(4) A description of the programs or processes of the Department for estimating the likely changes in the encroachment of civilian activities in the United States, and in the non-attainment of air quality standards, on military installations and activities in the United States during the period from 2009 through 2019 as a result of anticipated changes in relevant civilian activities (such as air travel).

(5) A description of the plans of the Department for mitigating civilian encroachment on military installations in the United States and to address non-attainment of air quality standards from 2009 through 2019, and a description of the extent to which the Department has identified the costs of such plans.

(6) An assessment of the adequacy of current Department actions to address civilian encroachment on military installations in the United States and to address non-attainment of air quality standards.

(7) An identification and assessment of alternative courses available to the Department to minimize the effects of encroachment of civilian activities on military operations in the United States.

(8) Any other matters relating to the encroachment of civilian activities on military installations and activities in the United States that the Comptroller General considers appropriate.

SA 5308. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. RESPITE CARE FOR SPOUSES OF MEMBERS OF THE ARMED FORCES DEPLOYING TO COMBAT ZONES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to ensure that each spouse of a member of the Armed Forces who deploys to a combat zone has access to respite care with respect to children under the age of 13 throughout the period of the member's deployment to the combat zone.

(b) ACCESS.—For purposes of subsection (a), a spouse shall be treated as having access to respite care throughout the period of a member's deployment to a combat zone if—

(1) access to respite care is reserved for the spouse at the child development program at the permanent duty station of the member concerned during the entirety of such period;

(2) the Secretary of Defense provides (whether by payment or reimbursement) for

access to respite care from some other source during the entirety of such period; or

(3) access to respite care throughout such period is achieved by a combination of the mechanisms described in paragraphs (1) and (2).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the guidance issued under subsection (a), including a description of how respite care will be made available to spouses described in subsection (a) whether residing on a military installation or off a military installation.

(d) RESPITE CARE DEFINED.—In this section, the term ''respite care'' means short-term, temporary relief to those who are caring for dependent children.

SA 5309. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1222. ADJUSTMENT OF STATUS FOR CERTAIN IRAQIS.

Section 1244 of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110–181; 122 Stat. 396) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

''(1) was paroled or admitted as a nonimmigrant into the United States; and

''(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)).''.

SA 5310. Mr. SESSIONS submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. INCREASE IN AUTHORIZED AMOUNTS OF TUITION AND SIMILAR ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN AUTHORIZED AMOUNTS.—The maximum amounts of advanced education assistance providable to an individual under section 2005 of title 10, United States Code, and of tuition payable for an individual for off-duty training or education under section 2007 of title 10, United States Code, shall, under regulations prescribed by the Secretary of Defense, be the applicable amounts as follows:

(1) In the case of tuition—

(A) not more than $350 per credit hour; and

(B) not more than $6,300 per year.

(2) In the case of the stipend for books—

(A) not more than $300 per semester; and

(B) not more than $700 per year.

(b) INCREASE IN RECEIPT OF ASSISTANCE.—The Secretary of Defense shall take appropriate actions to achieve the objective of increasing the number of members of the Armed Forces provided advanced education assistance under section 2005 of title 10, United States Code, and of the number of individuals for whom tuition is paid for off-duty training or education under section 2007 of title 10, United States Code, including individuals who are also in receipt of post–9/11 veterans educational assistance under chapter 33 of title 38, United States Code, by a number equal to 25 percent of the number of members provided such assistance or for whom such tuition is paid, as the case may be, as of the date of the enactment of this Act.

(c) REPORT ON ACTIONS TO FACILITATE RETENTION THROUGH PURSUIT OF POST-SECONDARY DEGREES BY MEMBERS OF THE ARMED FORCES.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committee a report on the actions being taken by the Secretary to enhance retention by assisting members of the Armed Forces in making progress toward receipt of associates', bachelor's degrees, master's degrees, and doctoral degrees from accredited institutions of higher education (including Department of Defense professional military education schools) while continuing their careers in the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the actions proposed to be taken by the Secretary of Defense under subsection (b).

(B) An assessment by each Secretary concerned of the projected effects on usage of in-service educational programs, and the effects on retention of officers and enlisted members of the Armed Forces through fiscal year 2011, of changes to post-service educational benefits under chapters 30 and 33 of title 38, United States Code, and chapters 1606 and 1607 of title 10, United States Code.

(C) Such recommendations as the Secretary of Defense considers appropriate for other actions to enhance retention and assist members of the Armed Forces in making progress toward receipt of associates' degrees, bachelor's degrees, master's degrees, and doctoral degrees while continuing their careers in the Armed Forces, including—

(i) modifications of policies on tuition assistance;

(ii) the extension of sabbaticals from service in the Armed Forces for educational purposes;

(iii) the provision of associates-level, bachelor-level, master-level, or doctoral-level courses of education by the military departments and through accredited civilian institutions of higher education; and

(iv) additional or enhanced payments of educational expenses for associates-level bachelor-level, master-level, and doctoral-level courses by the military departments or jointly by the military departments and the Department of Veterans Affairs.

(3) CONSULTATION.—In developing recommendations under paragraph (2)(B) for the report required by paragraph (1), the Secretary of Defense shall consult with the Secretary of Veterans Affairs.

SA 5311. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. TEST AND EVALUATION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) REVIEW OF TEST AND EVALUATION ACTIVITIES.—The Defense Science Board shall carry out a thorough review of the conduct of test and evaluation activities by the Department of Defense.

(b) SCOPE OF REVIEW.—The review required by subsection (a) shall address and include the following:

(1) The test and evaluation enterprise using the recommendations of 1999 report of the Defense Science Board as a baseline.

(2) The effectiveness of the Test Resource Management Center in coordinating and certifying Department of Defense budgets for test and evaluation.

(3) The adequacy of funding through the future-years defense program to sustain Major Range and Test Facility Base activities both through personnel and equipment acquisition and maintenance.

(4) An identification of means for strengthening the management and coordination of the test and evaluation enterprise of the Department of Defense, including means of improving the role of the Test Resource Management Center in such activities.

(5) An assessment whether the Department of Defense is fully meeting the objectives set forth in subtitle D of title II of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314), and, if not, an identification of additional actions to be taken by the Department or Congress to achieve full achievement of such objectives.

(6) Such other matters as the Secretary of Defense considers appropriate.

(c) REPORT.—The Defense Science Board shall submit to the Secretary of Defense, and to Congress, a report setting forth such recommendations for legislative or administrative action as the Defense Science Board considers appropriate as a result of the review under subsection (a) for improvements in the conduct of test and evaluation activities by the Department of Defense.

SA 5312. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 834. IMPROVEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) DISCLOSURE OF INVESTIGATION FILES.—Paragraph (1) of subsection (b) of section 2409 of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(1)''; and

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

''(B) The file and any records of the investigation of a complaint under this paragraph shall be subject to disclosure in accordance with the provisions of section 552a of title 5.''.

(b) EVIDENCE SUBSTANTIATING OCCURRENCE OF REPRISAL.—Subsection (b) of such section is further amended by adding at the end the following new paragraph:

''(3)(A) A person alleging a reprisal under this section shall affirmatively establish the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal. A disclosure may be demonstrated as a contributing factor for purposes of this paragraph by circumstantial evidence, including evidence as follows:

''(i) Evidence that the official undertaking the reprisal knew of the disclosure.

''(ii) Evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

''(B) Except as provided in subparagraph (C), if a reprisal is affirmatively established under subparagraph (A), the Inspector General shall recommend in the report under paragraph (1) that corrective action be taken under subsection (c).

''(C) The Inspector General may not recommend corrective action under subparagraph (B) with respect to a reprisal that is affirmatively established under subparagraph (A) if the contractor demonstrates by clear and convincing evidence that the contractor would have taken the action constituting the reprisal in the absence of the disclosure.''.

(c) BURDEN OF PROOF IN ACTIONS FOLLOWING LACK OF RELIEF.—Paragraph (2) of subsection (c) of such section is amended—

(1) by inserting ''(A)'' after ''(2)''; and

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

''(B) In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including the burden of proof in that subsection, subject to the establishment by the contractor that the action alleged to constitute the reprisal did not constitute a reprisal in accordance with the provisions of subsection (b)(3)(C), including the burden of proof in that subsection.''.

(d) CLARIFICATION OF RECOURSE TO JUDICIAL REVIEW.—Paragraph (5) of subsection (c) of such section is amended by striking ''Any person'' and inserting ''Except in the case of a complainant who brings an action under paragraph (2), any person''.

SA 5313. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 831 and insert the following:

SEC. 831. DATABASE FOR FEDERAL AGENCY CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Director of the Office of Management and Budget, the Administrator of General Services shall establish, not later than one year after the date of the enactment of this Act, a database of information regarding the integrity and performance of certain persons awarded Federal agency contracts for use by Federal agency officials having authority over contracts.

(b) PERSONS COVERED.—The database shall cover the following:

(1) Any person awarded a Federal agency contract in excess of $500,000, if any information described in subsection (c) exists with respect to such person.

(2) Any person awarded such other category or categories of Federal agency contract as the Federal Acquisition Regulation may provide, if such information exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a covered person the database shall include information (in the form of a brief description) for the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract with the Federal Government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(C) In an administrative proceeding, a finding of liability that results in—

(i) the payment of a monetary fine or penalty of $5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(D) In a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in such period due to default.

(3) Each Federal suspension and debarment of the person in that period.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding.

(5) Each final finding by a Federal official in that period that the person has been determined not to be a responsible source under section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(6) Such other information as shall be provided for purposes of this section in the Federal Acquisition Regulation.

(7) To the maximum extent practical, information similar to the information covered by paragraphs (1) through (4) in connection with the award or performance of a contract with a State government.

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Administrator shall design and maintain the database in a manner that allows the appropriate Federal agency officials to directly input and update in the information in the database relating to actions such officials have taken with regard to contractors.

(2) TIMELINESS AND ACCURACY.—The Administrator shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to submit comments pertaining to information about such person in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Administrator shall ensure that the database is available to appropriate acquisition officials of Federal agencies, to such other government officials as the Administrator determines appropriate, and to Congress.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract in excess of $500,000, the Federal agency official responsible for awarding the contract shall review the database and shall consider information in the database with regard to any offer, along with other past performance information available with respect to that offeror, in making any responsibility determination or past performance evaluation for such offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of a Federal agency in excess of $500,000 shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require that persons with Federal agency contracts valued in total greater than $10,000,000 shall—

(1) submit to the Administrator a report that includes the information subject to inclusion in the database as listed in paragraphs (1) through (7) of subsection (c) current as of the date of submittal of such report under this subsection; and

(2) update such report on a semiannual basis.

(g) RULEMAKING.—The Administrator shall promulgate such regulations as may be necessary to carry out this section.

SA 5314. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 3. INDEPENDENT STUDENT.

(a) AMENDMENT.—Section 480(d)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)(3)) is amended by inserting ''or is a current active member of the National Guard or Reserve forces of the United States who has completed initial military training'' after ''purposes''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective July 1, 2008.

SA 5315. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize

appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. GRADE AND SERVICE CREDIT OF COMMISSIONED OFFICERS IN CERTAIN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) GRADE OF MEDICAL STUDENTS OF USUHS.—Section 2114(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentence: ''Medical students so commissioned shall be appointed as regular officers in the grade of second lieutenant or ensign, or if they meet promotion criteria prescribed by the Secretary concerned, in the grade of first lieutenant or lieutenant (junior grade), and shall serve on active duty with full pay and allowances of an officer in the applicable grade.''; and

(2) in paragraph (2), striking ''the grade of second lieutenant or ensign'' in the first sentence and inserting ''the member's grade under paragraph (1)''.

(b) SERVICE CREDIT FOR PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section 2126(a) of such title is amended by striking ''shall not be counted—'' and all that follows and inserting ''shall not be counted in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program.''.

SA 5316. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROHIBITED ACTIVITIES AT MILITARY RECRUITMENT CENTERS.

(a) IN GENERAL.—Section 248(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

''(3) by force or threat of force or by physical obstruction, intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing services of a military recruitment center; or''; and

(4) in paragraph (4) (as redesignated by paragraph (2))—

(A) by striking ''or intentionally'' and inserting ''intentionally''; and

(B) by inserting before the comma at the end the following: '', or intentionally damages or destroys the property of a military recruitment center''.

(b) CIVIL REMEDIES.—Section 248(c)(1)(A) of title 18, United States Code, is amended—

(1) by striking ''and such'' and inserting ''such''; and

(2) by inserting before the period the following: '', and such an action may be brought under subsection (a)(3) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services of a military recruitment center''.

(c) RULES OF CONSTRUCTION.—Section 248(d)(2) of title 18, United States Code, is amended by inserting ''or military recruitment center'' after ''outside a facility''.

(d) DEFINITIONS.—Section 248(e)(4) is amended—

(1) by striking ''services or to or from a place of religious worship'' and inserting ''services, a place of religious worship, or a military recruitment center''; and

(2) by striking ''facility or place of religious worship'' and inserting ''facility, place of religious worship, or military recruitment center''.

SA 5317. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, before line 6, insert the following:

SEC. 344. ALTERNATIVE AVIATION FUEL INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) Dependence on foreign sources of oil is detrimental to the national security of the United States due to possible disruptions in supply.

(2) The Department of Defense is the largest single consumer of fuel in the United States.

(3) The United States Air Force is the largest consumer of fuel in the Department of Defense.

(4) The skyrocketing price of fuel is having a significant budgetary impact on the Department of Defense.

(5) The United States Air Force uses about 2,600,000,000 gallons of jet fuel a year, or 10 percent of the entire domestic market in aviation fuel.

(6) The fuel costs of the Air Force have tripled over the past four years, costing nearly $6,000,000,000 in 2007, up from $2,000,000,000 in 2003. During the same period, its consumption of fuel decreased by 10 percent.

(7) The Air Force is committed to environmentally friendly energy solutions.

(8) The Air Force has developed an energy program (in this section referred to as the ''Air Force Energy Program'') to certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011, and to acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend, at prices equal to or less than market prices for petroleum-based alternatives, that exhibits a more favorable environmental footprint across all major contaminates of concern, by not later than December 31, 2016.

(9) The Air Force Energy Program will provide options to reduce the use of foreign oil, by focusing on expanding alternative energy options that provide favorable environmental attributes as compared to currently-available options.

(b) CONTINUATION OF INITIATIVES.—

(1) IN GENERAL.—The Secretary of the Air Force shall continue the alternative aviation fuel initiatives of the Air Force in order to—

(A) certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011;

(B) acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend by not later than December 31, 2016, provided that—

(i) the lifecycle greenhouse gas emissions associated with the production and combustion of such fuel shall not be greater than such emissions from conventional fuels that are used in the same application; and

(ii) synthetic fuel prices are equal to or less than market prices for petroleum-based alternatives;

(C) take actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) take actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

(2) ANNUAL REPORT.—Within 60 days after enactment and annually thereafter, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress a report on the progress of the alternative aviation fuel initiative program, including—

(A) the status of aircraft fleet certification, until complete;

(B) the quantities of domestically-sourced synthetic fuels purchased for use by the Air Force in the fiscal year ending in such year;

(C) progress made against published goals for such fiscal year;

(D) the status of recovery plans to achieve any goals set for previous years that were not achieved; and

(E) the establishment of goals and objectives for the current fiscal year.

(c) AIR FORCE AS HOST TO ALTERNATIVE ENERGY PROJECTS.—

(1) IN GENERAL.—In order to generate revenue and provide increased security for base energy sources, the Secretary of the Air Force shall—

(A) by not later than 180 days after the date of the enactment of this Act, identify 10 installations or other facilities of the Air Force that could be suitable sites to host alternative energy projects that yield at least 10 megawatts of energy or commercial quantities of fuel or that use break-through technologies;

(B) establish a development program to solicit project concepts for suitable sites;

(C) solicit proposals for specific alternative energy projects for each suitable site;

(D) execute the design and operation of projects that are privately funded, privately developed, and privately operated on property leased by the Air Force to support such projects; and

(E) continue to seek and explore opportunities for alternative energy projects in addition to those identified in accordance with subparagraph (A).

(2) ANNUAL REPORT.—Within 60 days after enactment, and annually thereafter, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress an annual report on the progress made in hosting alternative energy projects on Air Force installations, including—

(A) projects solicited or closed in the previous year;

(B) projects expected to be solicited in the next year; and

(C) efforts to seek and explore further opportunities to identify suitable sites to host alternative energy projects as required by paragraph (1)(E).

SA 5318. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 329, after line 14, add the following:

SEC. 1110. FEDERAL EMPLOYEES PROGRAM FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) SHORT TITLE.—This section may be cited as the ''Military Family Support Act''.

(b) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 18 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver—

(i) while the individual who designated the caregiver under paragraph (3)(A) remains a qualified member of the Armed Forces; or

(ii) after being designated as the caregiver under paragraph (3)(B) and while the applicable qualified member of the Armed Forces remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—Except as provided under paragraph (5), the term ''employee'' has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces''—

(i) means—

(I) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(II) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code; and

(ii) includes a member described under clause (i) who is medically discharged or retires from the Armed Forces, but only for the 36 month period beginning on the date of that medical discharge or retirement.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program that—

(A) authorizes a caregiver to—

(i) use any sick leave of that caregiver during a covered period of service; and

(ii) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency;

(B) provides a process under which a caregiver provides the employing agency reasonable notice of the need for leave under this section, similar to the process under which notice is provided to the employing agency under subchapter V of chapter 63 of title 5, United States Code; and

(C) protects employees from discrimination or retaliation for the use of the leave under this section and provides employees with the opportunity to appeal a denial of the use of leave under this section.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) INCAPACITATED MEMBERS.—If a qualified member of the Armed Forces who did not submit a designation under subparagraph (A) becomes incapacitated and is unable to submit that designation, a designation under subparagraph (A) may be submitted on behalf of that member by another individual in accordance with regulations prescribed by the Office of Personnel Management after consultation with the Department of Defense.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) PROHIBITION OF COERCION.—

(A) DEFINITION.—In this section:

(i) EMPLOYEE.—The term ''employee'' has the meaning given under section 2105 of title 5, United States Code.

(ii) INTIMIDATE, THREATEN, OR COERCE.—The term ''intimidate, threaten, or coerce'' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation).

(B) PROHIBITION.—An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of any rights which such other employee may have under this section.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2012.

(c) GAO REPORT.—Not later than June 30, 2010, the Government Accountability Office shall submit a report to Congress on the program under subsection (b) that includes—

(1) an evaluation of the success of the program;

(2) recommendations for the continuance or termination of the program; and

(3) a recommendation for the program or an expansion of the Family Medical Leave Act of 1993.

(d) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test and evaluation shall be reduced by $2,000,000.

SA 5319. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $1,265,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $1,265,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) DESIGNATION.—Any amount provided under subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 5320. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, between lines 11 and 12, insert the following:

SEC. 332. REDUCTION OF ON ORDER SECONDARY INVENTORY BEYOND REQUIREMENTS.

(a) PLAN FOR REDUCTION OF ON ORDER SECONDARY INVENTORY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for improving the inventory systems of the military departments and reducing the acquisition of unnecessary secondary inventory.

(2) CONTENT.—The plan submitted under paragraph (1) shall include—

(A) a plan for reducing the level of on order secondary inventory of each military department that is beyond requirements to 50 percent of the level of such inventory as of the date of the enactment of this Act;

(B) plans to improve related audit systems to reduce the gap between projected requirements and actual requirements; and

(C) such recommendations for legislative or administrative action as the Secretary considers appropriate, including actions relating to information technology, the hiring and training of personnel, and the oversight of contracts to acquire secondary inventory, to improve the inventory systems of the military departments.

(b) QUARTERLY REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the secondary inventory of each military department, including a description of the level of inventory beyond requirements, the levels of war time reserve, economic retention, and other categories of inventory, and the quantities and values of inventory on hand and on order that are not necessary to meet requirements, including the quantities and values of orders that are marked for disposal.

(c) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—The Secretary of Defense shall certify to the congressional defense committees that, except as provided under paragraph (2), the level of on order secondary inventory of each military department that is beyond requirements has been reduced to the level that is 50 percent of the level of such inventory as of the date of the enactment of this Act.

(2) EXCEPTION FOR INVENTORY ON ORDER UNDER CERTAIN CONTRACTS.—The Secretary of Defense may exempt from the reduction requirement under paragraph (1) inventory that is on order under contracts that cannot be cancelled or modified without a net economic loss to the Department of Defense

(3) GAO REVIEW.—The Comptroller General of the United States shall review the certification under paragraph (1).

(d) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING SECONDARY INVENTORY REDUCTION.—Of the total amount authorized to be appropriated by this Act for secondary inventory for the Department of Defense, the amount available for obligation and expenditure shall be reduced by $100,000,000 until the Secretary of Defense makes the certification required under subsection (c)(1).

(e) MILITARY DEPARTMENTS DEFINED.—In this section, the term ''military departments'' means the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency.

SA 5321. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 834. ETHICS ENHANCEMENTS FOR DEPARTMENT OF DEFENSE CONTRACTORS.

(a) INAPPLICABILITY OF SEPARATE STATUTORY AGENCY OR BUREAU DESIGNATIONS TO SENIOR MILITARY PERSONNEL.—Section 207(h)(2) of title 18, United States Code, is amended by striking ''or (iii)'' and inserting '', (iii), or (iv)''.

(b) ASSURANCE OF CONTRACTOR COMPLIANCE WITH POST-EMPLOYMENT ETHICS RESTRICTIONS.—

(1) IN GENERAL.—Section 847 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 243; 10 U.S.C. 1701 note) is amended—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) CONTRACTOR ASSURANCE OF COMPLIANCE WITH POST-EMPLOYMENT RESTRICTIONS.—

''(1) ASSURANCE AT TIME OF BID, OFFER, OR PROPOSAL FOR CONTRACT.—Each person or entity making a bid, offer, or proposal for a contract with the Department of Defense, or an interagency contractual agreement using Department of Defense funds, to which post-employment restrictions apply shall certify to the Department of Defense at the time of the bid, offer, or proposal for such contract that each former official of the Department of Defense described in subsection (d) who is receiving compensation from such person or entity and is covered by such restrictions with respect to such contract is fully in compliance with such restrictions with respect to such contract.

''(2) ASSURANCE AT AWARD OF CONTRACT.—Each person or entity awarded a contract with the Department of Defense, or an interagency contractual agreement using Department of Defense funds, to which post-employment restrictions apply shall certify to the Department of Defense at the time of the award of such contract the following:

''(A) That each former official of the Department of Defense described in subsection (d) who is receiving compensation from such person or entity and is covered by such restrictions with respect to such contract is fully in compliance with such restrictions with respect to such contract.

''(B) The name of each former official of the Department of Defense described by subparagraph (A) with respect to such contract.''.

(2) RECORDKEEPING.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended—

(A) by redesignating paragraph (2) as paragraph (5); and

(B) by striking paragraph (1) and inserting the following new paragraphs:

''(1) DATABASE.—The Department of Defense shall maintain in a central database or repository the following:

''(A) Each request for a written opinion made pursuant to subsection (a), and each written opinion provided pursuant to such a request.

''(B) Each certification submitted pursuant to subsection (b)(1).

''(C) Each certification submitted pursuant to subsection (b)(2).

''(2) DEADLINE FOR INCORPORATION INTO DATABASE.—Any certification received by the Department as described in subparagraph (B) or (C) of paragraph (1) and any written opinion issued by the Department as described in subparagraph (A) of such paragraph shall be incorporated into the central database or repository required by that paragraph not later than seven days after receipt, or issuance, by the Department.

''(3) PERIOD OF RETENTION.—The Department shall maintain information in the database or repository as follows:

''(A) In the case of a written opinion provided as described in paragraph (1)(A), for not less than five years after the date of the provision of such opinion.

''(B) In the case of a certification submitted as described in paragraph (1)(B), for not less than five years after the date of the submittal of such certification.

''(C) In the case of a certification submitted as described in paragraph (1)(C), for not less than five years after the date of the submittal of such certification.

''(4) PUBLIC ACCESS TO INFORMATION.—The Secretary of Defense shall make information in the database or repository available to the public in such form and manner, and subject to such restrictions or limitations, as the Secretary shall provide.''.

(3) CONFORMING AMENDMENTS.—Such section is further amended by striking ''subsection (c)'' each place it appears and inserting ''subsection (d)''.

SA 5322. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. DISPOSITION OF QUALIFIED OIL SHALE RESERVE RECEIPTS.

Section 7439 of title 10, United States Code, is amended—

(1) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''(1) Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Notwithstanding''; and

(ii) by striking ''specified in paragraph (2)'' and inserting ''beginning on November 18, 1997, and ending on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009''; and

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

''(2) MINERAL LEASING ACT.—Beginning on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, any amounts received by the United States from a lease under this section (including amounts in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) shall be deposited in the Treasury of the United States, for use in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).''; and

(2) by striking subsection (g) and inserting the following:

''(g) USE OF REVENUES.—

''(1) IN GENERAL.—Of the amounts deposited in the Treasury under subsection (f)(1)—

''(A) 50 percent shall be transferred by the Secretary of the Treasury to the Secretary of the Interior, for use in accordance with paragraph (2); and

''(B) 50 percent shall be distributed by the Secretary of the Treasury to Garfield, Rio Blanco, Moffat, and Mesa Counties in the State of Colorado, in accordance with paragraph (3).

''(2) USE OF FEDERAL FUNDS.—

''(A) IN GENERAL.—Amounts transferred under paragraph (1)(A) shall be used by the Secretary of the Interior for the costs of all environmental restoration, waste management, and environmental compliance activities incurred by the United States with respect to the remediation of the land transferred under subsection (a), including the former Anvil Points oil shale facility in the State of Colorado.

''(B) DEPOSIT IN TREASURY.—On completion of the remediation of the former Anvil Points oil shale facility, the Secretary of the Interior shall return any remaining amounts transferred under paragraph (1)(A) to the Treasury of the United States, for use in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

''(3) USE OF COUNTY FUNDS.—

''(A) IN GENERAL.—Of the amounts to be distributed under paragraph (1)(B), the Secretary of the Treasury shall transfer—

''(i) 40 percent to Garfield County, Colorado;

''(ii) 40 percent to Rio Blanco County, Colorado;

''(iii) 10 percent to Moffat County, Colorado; and

''(iv) 10 percent to Mesa County, Colorado.

''(B) AUTHORIZED USES.—The amounts provided to the counties under subparagraph (A) shall be used by the counties, or any cities or political subdivisions within the counties to which the funds are transferred by the counties, to mitigate the effects of oil and gas development activities within the affected counties, cities, or political subdivisions.

''(C) LIMITATION.—Amounts provided to the counties under subparagraph (A) shall not be considered for purpose of calculating payments for the counties under chapter 69 of title 31, United States Code.''.

SA 5323. Mr. LEVIN (for Mr. LEAHY (for himself and Mr. BYRD)) proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

SA 5324. Mr. VITTER (for himself, Mr. DEMINT, Mrs. DOLE, Mr. CRAPO, Mr. CORNYN, Mr. COBURN, Mr. BURR, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. SENSE OF THE SENATE ON THE DECISION OF THE SUPREME COURT ON THE DEATH PENALTY FOR CHILD RAPISTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) 1 out of 3 sexual assault victims is under 12 years of age.

(2) Raping a child is a particularly depraved, perverted, and heinous act.

(3) Child rape is among the most morally reprehensible crimes.

(4) Child rape is a gross defilement of innocence that should be severely punished.

(5) A raped child suffers immeasurable physical, psychological, and emotional harm from which the child may never recover.

(6) The Federal Government and State governments have a right and a duty to combat, prevent, and punish child rape.

(7) The popularly elected representatives of Louisiana modified the rape laws of the State in 1995, making the aggravated rape of a child 11 years of age or younger punishable by death, life imprisonment without parole, probation, or suspension of sentence, as determined by a jury.

(8) On March 2, 1998, Patrick Kennedy, a resident of Louisiana, brutally raped his 8-year-old stepdaughter.

(9) The injuries inflicted on the child victim by her stepfather were described by an expert in pediatric forensic medicine as ''the most severe he had seen from a sexual assault''.

(10) The cataclysmic injuries to her 8-year-old body required emergency surgery.

(11) A jury of 12 Louisiana citizens convicted Patrick Kennedy of this depraved crime, and unanimously sentenced him to death.

(12) The Supreme Court of Louisiana upheld this sentence, holding that the death penalty was not an excessive punishment for Kennedy's crime.

(13) The Supreme Court of Louisiana relied on precedent interpreting the eighth amendment to the Constitution of the United States.

(14) On June 25, 2008, the Supreme Court of the United States held in *Kennedy* v. *Louisiana*, No. 07–343 (2008), that executing Patrick Kennedy for the rape of his stepdaughter would be ''cruel and unusual punishment''.

(15) The Supreme Court, in the 5–4 decision, overturned the judgment of Louisiana's elected officials, the citizens who sat on the jury, and the Louisiana Supreme Court.

(16) This decision marked the first time that the Supreme Court held that the death penalty for child rape was unconstitutional.

(17) As Justice Alito observed in his dissent, the opinion of the majority is so broad that it precludes the Federal Government and State governments from authorizing the death penalty for child rape ''no matter how young the child, no matter how many times the child is raped, no matter how many children the perpetrator rapes, no matter how sadistic the crime, no matter how much physical or psychological trauma is inflicted, and no matter how heinous the perpetrator's prior criminal record may be''.

(18) In the United States, the people, not the Government, are sovereign.

(19) The Constitution of the United States is supreme and deserving of the people's allegiance.

(20) The framers of the eighth amendment did not intend to prohibit the death penalty for child rape.

(21) The imposition of the death penalty for child rape has never been within the plain and ordinary meaning of ''cruel and unusual punishment'', neither now nor at the time of the adoption of the eighth amendment.

(22) Instead of construing the eighth amendment's prohibition of ''cruel and unusual punishment'' according to its original meaning or its plain and ordinary meaning, the Court followed a 2-step approach of first attempting to discern a national consensus regarding the appropriateness of the death penalty for child rape and then applying the Justices' own independent judgment in light of their interpretation of a national consensus and evolving standards of decency.

(23) To the extent that a national consensus is relevant to the meaning of the eighth amendment, there is national consensus in favor of the death penalty for child rape, as evidenced by the adoption of that penalty by the elected branches of the Federal Government only 2 years ago, and by the swift denunciations of the *Kennedy* v. *Louisiana* decision by the presumptive nominees for President of both major political parties.

(24) The evolving standards of decency standard is an arbitrary construct without foundation in the Constitution of the United States and should have no bearing on Justices who are bound to interpret the laws of the United States.

(25) The standards of decency in the United States have evolved toward approval of the death penalty for child rape, as evidenced by 6 States and the Federal Government adopting that penalty in the past 13 years.

(26) The Supreme Court rendered its opinion without knowledge of a Federal law authorizing the death penalty for child rapists.

(27) The Federal law authorizing the death penalty for child rapists was passed by Congress and signed by the President 2 years before the Supreme Court released the decision.

(28) The Court presumably would have deferred to the elected branches of government in determining a national consensus regarding evolving standards of decency had it been aware of the Federal law authorizing the death penalty for child rapists at the time that it made the decision.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the depraved conduct of the worst child rapists merits the death penalty;

(2) standards of decency allow, and sometimes compel, the death penalty for child rape;

(3) the eighth amendment to the Constitution of the United States allows the death penalty for the rape of a child in cases in which the crime did not result, and was not intended to result, in death of the victim;

(4) the Louisiana statute making child rape punishable by death is constitutional;

(5) the Supreme Court of the United States should grant any petition for rehearing of *Kennedy* v. *Louisiana*, No. 07–343 (2008), because the case was decided under a mistaken view of Federal law;

(6) the portions of the *Kennedy* v. *Louisiana* decision regarding the national consensus or evolving standards of decency with respect to the imposition of the death penalty for child rape should not be viewed by Federal or State courts as binding precedent, because

the Supreme Court was operating under a mistaken view of Federal law; and

(7) the Supreme Court should reverse its decision in *Kennedy* v. *Louisiana*, on rehearing or in a future case, because the decision was supported by neither commonly held beliefs about ''cruel and unusual punishment'', nor by the text, structure, or history of the Constitution of the United States.

SA 5325. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) TREATMENT.—Section 1965 of title 38, United States Code, is amended—

(1) in paragraph (10), by adding at the end the following new subparagraph:

''(C) The member's stillborn natural child.''; and

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

''(11) The term 'stillborn natural child' means a natural child—

''(A) whose death occurs before expulsion, extraction, or delivery; and

''(B) whose—

''(i) fetal weight is greater than 500 grams;

''(ii) in the event fetal weight is unknown, duration in utero exceeds 22 completed weeks of gestation; or

''(iii) in the event neither fetal weight nor duration in utero is known, body length (crown-to-heel) is 25 centimeters or more.''.

(b) CONFORMING AMENDMENT.—Section 101(4)(A) of such title is amended by striking ''section 1965(10)(B)'' in the matter preceding clause (i) and inserting ''subparagraph (B) or (C) of section 1965(10)''.

SA 5326. Mr. SMITH (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 602. ENHANCEMENTS OF SEPARATION ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) SPECIAL DISPLACEMENT ALLOWANCE FOR MEMBERS WITHOUT DEPENDENTS.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 427 the following new section:

''§ 427a. Special displacement allowance

''(a) ENTITLEMENT TO ALLOWANCE.—In addition to any allowance or per diem to which such a member may be entitled under this title, a member of the uniformed services without dependents is entitled to a monthly allowance under this section if—

''(1) the member is on duty on board a ship away from the home port of the ship for a continuous period of more than 30 days; or

''(2) the member is on temporary duty away from the member's permanent station for a continuous period of more than 30 days.

''(b) EFFECTIVE DATE OF ALLOWANCE.—The commencement of entitlement of a member to an allowance under this section shall be determined in accordance with the provisions of section 427(a)(2) of this title.

''(c) AMOUNT.—The amount of the monthly allowance to which a member is entitled under this section is the amount equal to one half the amount of the monthly allowance to which members are entitled under section 427(a) of this title for the month concerned.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 427 the following new item:

''427a. Special displacement allowance.''.

(b) ANNUAL INCREASE IN MONTHLY AMOUNT OF FAMILY SEPARATION ALLOWANCE.—Section 427 of such title is amended—

(1) in subsection (a)(1), by striking ''$250'' in the matter preceding subparagraph (A) and inserting ''$250 (as increased from time to time under subsection (e))''; and

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

''(e) ANNUAL INCREASE IN AMOUNT.—With respect to any fiscal year, the Secretary of Defense shall provide a percentage increase in the monthly amount of the allowance payable under subsection (a) equal to the percentage of such amount by which—

''(1) the Consumer Price Index (all items, United States City average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2008, and shall apply with respect to months, and, in the case of the increase required by subsection (e) of section 427 of title 37, United States Code (as added by subsection (b)(2) of this section), fiscal years, beginning after that date.

SA 5327. Mr. CHAMBLISS (for himself, Mr. KERRY, Mr. ALEXANDER, Mrs. CLINTON, Mrs. LINCOLN, Mr. JOHNSON, Mr. PRYOR, Mr. SESSIONS, Mr. KENNEDY, Mr. ROBERTS, Mr. NELSON of Florida, Mr. THUNE, Mr. INHOFE, Mr. SMITH, Mr. ISAKSON, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. INCLUSION OF SERVICE AFTER SEPTEMBER 11, 2001, IN DETERMINATION OF REDUCED ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(A) of title 10, United States Code, is amended—

(1) by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''September 11, 2001''; and

(2) by striking ''in any fiscal year after such date'' and inserting ''in any fiscal year after fiscal year 2001''.

SA 5328. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

SEC. 2822. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled ''Proposed Camp Williams Land Transfer'' and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101–628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

SEC. 2823. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Utah on behalf of the Utah National Guard (in this section referred to as the ''State'') all right, title, and interest of the United States in and to

two parcels of real property, including any improvements thereon, that are located within the boundaries of Camp Williams, Utah, consist of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan as being necessary acquisitions for future missions of the Utah National Guard.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is being used solely for non-defense, commercial purposes, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. It is not a violation of the reversionary interest for the State to lease the property, or any portion thereof, to private, commercial, or governmental interests if the lease facilitates the construction and operation of buildings, facilities, roads, or other infrastructure that directly supports the defense missions of the Utah National Guard. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5329. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

"SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

''(a) COLLECTION.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and Federal write-in absentee ballots prescribed under section 103, and for delivering the ballots to the appropriate election officials.

''(b) ENSURING DELIVERY PRIOR TO CLOSING OF POLLS.—

''(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall ensure that any marked absentee ballot for a regularly scheduled general election for Federal office which is collected prior to the deadline described in paragraph (3) is delivered to the appropriate election official in a State prior to the time established by the State for the closing of the polls on the date of the election.

''(2) CONTRACT WITH EXPRESS MAIL PROVIDERS.—

''(A) IN GENERAL.—The Presidential designee shall carry out this section by contract with one or more providers of express mail services.

''(B) SPECIAL RULE FOR VOTERS IN JURISDICTIONS USING POST OFFICE BOXES FOR COLLECTION OF MARKED ABSENTEE BALLOTS.—In the case of an absent uniformed services voter who wishes to use the procedures established under this section and whose marked absentee ballot is required by the appropriate election official to be delivered to a post office box, the Presidential designee shall enter into an agreement with the United States Postal Service for the delivery of the ballot to the election official under the procedures established under this section.

''(3) DEADLINE DESCRIBED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the last Friday that precedes the date of the election.

''(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to ensure timely delivery of the ballot under paragraph (1).

''(4) PROHIBITION ON REFUSAL BY STATES TO ACCEPT MARKED ABSENTEE BALLOTS NOT DELIVERED BY POSTAL SERVICE OR IN PERSON.—A State may not refuse to accept or process any marked absentee ballot delivered under the procedures established under this section on the grounds that the ballot is received by the State other than through delivery by the United States Postal Service.

''(c) TRACKING MECHANISM.—Under the procedures established under this section, the entity responsible for delivering marked absentee ballots to the appropriate election officials shall implement procedures to enable any individual whose ballot for a regularly scheduled general election for Federal office is collected by the Presidential designee to determine whether the ballot has been delivered to the appropriate election official, using the Internet, an automated telephone system, or such other methods as the entity may provide.

''(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term 'absent overseas uniformed services voter' means an overseas voter described in section 107(5)(A).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.

''(f) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each succeeding election for Federal office.''.

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL RESPONSIBILITIES.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

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

''(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.''.

(2) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff—1(a)) is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

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

''(6) carry out section 103A(b)(2) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.''.

(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in the regularly scheduled general election for Federal office held in November 2008 of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a), including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots in regularly scheduled elections for Federal office.

(d) REPORTS ON UTILIZATION OF PROCEDURES.—

(1) REPORTS REQUIRED.—Not later than 180 days after each regularly scheduled general election for Federal office held after January 1, 2008, the Presidential designee shall submit to the congressional defense committees a report on the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as so added, during such general election.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the general election covered by such report, a description of the utilization of the procedures described in

that paragraph during such general election, including the number of marked absentee ballots collected and delivered under such procedures.

(e) DEFINITIONS.—In this section:

(1) The term ''absent overseas uniformed services voter'' has the meaning given that term in section 103A(d) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(2) The term ''Presidential designee'' means the official designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

SA 5330. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. OPPORTUNITY FOR VOTER REGISTRATION OR UPDATE BY MEMBERS OF THE ARMED FORCES DURING PERMANENT CHANGE OF DUTY STATION.

(a) IN GENERAL.—Each Secretary of a military department shall take appropriate actions to ensure that each member of the Armed Forces under the jurisdiction of such Secretary who is undergoing a permanent change of duty station is provided the opportunity, as part of processing upon arrival at the member's new duty station, to register to vote in elections for public office or update the member's existing voter registration.

(b) ASSISTANCE.—In providing a member an opportunity to register or update an existing registration under subsection (a), the Secretary of a military department shall provide the member with the necessary assistance, including the provision of appropriate forms.

SA 5331. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. PROHIBITION ON AVAILABILITY OF FEDERAL FUNDS TO LOCAL EDUCATIONAL AGENCIES THAT PREVENT ACCESS TO JROTC ON CAMPUSES OF SECONDARY SCHOOLS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by inserting after section 983 the following new section:

''§ 983a. Local educational agencies that prevent JROTC access on secondary school campuses

''(a) DENIAL OF FUNDS FOR PREVENTING JROTC ACCESS TO CAMPUS.—No funds described in subsection (c) may be provided by contract, grant, or cooperative agreement to a local educational agency (or any subelement of that agency) if the Secretary of Defense determines that that agency (or any subelement of that agency) has a policy or practice (regardless of whether implemented) that either prohibits, or in effect prevents—

''(1) the Secretary of a military department from maintaining, establishing or operating a unit of the Junior Reserve Officers' Training Corps (in accordance with chapter 102 of this title and other applicable Federal law) at any secondary school served by that agency; or

''(2) a student at any secondary school served by that agency from enrolling in a unit of the Junior Reserve Officers' Training Corps at another secondary school.

''(b) EXCEPTION.—The limitation in subsection (a) shall not apply to any local educational agency (or any subelement of that agency) if the Secretary of Defense determines that the agency (and each secondary school served by that agency) has ceased the policy or practice described in that subsection (a).

''(c) COVERED FUNDS.—The limitation in subsection (a) shall apply to the following:

''(1) Any funds made available to the Department of Defense.

''(2) Any funds made available for any department or agency for which regular appropriations are made in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

''(3) Any funds made available to the Department of Homeland Security.

''(4) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

''(5) Any funds made available for the Department of Transportation.

''(d) NOTICE OF DETERMINATIONS.—Whenever the Secretary of Defense makes a determination under subsection (a) or (b), the Secretary—

''(1) shall transmit a notice of the determination to the Secretary of Education, to the head of each other department or agency the funds of which are subject to the determination, and to Congress; and

''(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the local educational agency (and any subelement of that agency) for contracts and grants.

''(e) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary of Defense shall publish in the Federal Register once every six months a list of each local educational agency that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a).

''(f) DEFINITIONS.—In this section:

''(1) The term 'local educational agency' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(2) The term 'secondary school' has the meaning that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by inserting after the item relating to section 983 the following new item:

''983a. Local educational agencies that prevent JROTC access on secondary school campuses.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to funds available for fiscal years beginning on or after that date.

SA 5332. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 133. REPORT ON FUTURE JET CARRIER TRAINER REQUIREMENTS OF THE NAVY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on future jet carrier trainer requirements. The report shall include a plan to address future jet carrier trainer requirements, which plan shall be based on the following:

(1) Studies conducted by independent organizations concerning future jet carrier trainer requirements.

(2) The results of a cost-benefit analysis comparing the creation of a new jet carrier trainer program with the modification of the current jet carrier trainer program in order to fulfill future jet carrier trainer requirements.

SA 5333. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. MEDICAL CARE FOR VETERANS IN FAR SOUTH TEXAS.

(a) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall determine, and notify Congress pursuant to paragraph (2), whether the needs of veterans in Far South Texas for acute inpatient hospital care should be met—

(A) through a project for a public-private venture to provide inpatient services and long-term care to veterans in an existing facility in Far South Texas;

(B) through a project for construction of a new full-service, 50-bed hospital with a 125-bed nursing home in Far South Texas; or

(C) through a sharing agreement with a military treatment facility in Far South Texas.

(2) NOTIFICATION AND PROSPECTUS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report—

(A) identifying which of the three options specified in paragraph (1) has been selected by the Secretary; and

(B) providing, for the option selected, a prospectus that includes, at a minimum, the matter specified in paragraphs (1) through (8) of section 8104(b) of title 38, United States Code, and the project timelines.

(b) PUBLIC-PRIVATE VENTURE FOR MEDICAL CARE FOR VETERANS IN FAR SOUTH TEXAS.—

(1) PROJECT.—If the option selected by the Secretary of Veterans Affairs under subsection (a)(1) is the option specified in subparagraph (A) of such subsection for a project of a public-private venture to provide inpatient and long-term care to veterans at an existing facility in Far South Texas, then the Secretary shall, subject to the availability of appropriations for such purpose, take such steps as necessary to enter into an agreement with an appropriate private-sector entity to provide for inpatient and long-term care services for veterans at an existing facility in one of the counties of Far South Texas. Such an agreement may include provision for construction of a new wing or other addition at such facility to provide additional services that will, under the agreement, be leased by the United States and dedicated to care and treatment of veterans by the Secretary under title 38, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for a public-private venture project under this subsection.

(c) NEW DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, FAR SOUTH TEXAS.—

(1) PROJECT AUTHORIZATION.—If the option selected by the Secretary of Veterans Affairs under subsection (a)(1) is the option specified in subparagraph (B) of such subsection for a project for construction in Far South Texas of a new full-service, 175-bed facility providing inpatient and long-term care services, such facility shall be located in the county in Far South Texas that the Secretary determines most suitable to meet the health care needs of veterans in the region.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Construction, Major Projects, account of the Department of Veterans Affairs, in addition to any other amounts authorized for that account, the amount of $175,000,000 for the project authorized by paragraph (1).

(d) SHARED FACILITY WITH DEPARTMENT OF DEFENSE, FAR SOUTH TEXAS.—

(1) PROJECT AUTHORIZATION.—If the option selected by the Secretary of Veterans Affairs under subsection (a)(1) is the option specified in subparagraph (C) of such subsection for a project of a Department of Veterans Affairs-Department of Defense shared facility to provide inpatient and long-term care to veterans at an existing facility in Far South Texas, then the Secretary shall, subject to the availability of appropriations for such purpose, take such steps as necessary to enter into an agreement with an appropriate military treatment facility to provide for inpatient and long-term care services for veterans at an existing facility in one of the counties of Far South Texas. Such an agreement may include provision for construction of a new wing or other addition at such facility to provide additional services that will, under the agreement, be leased by the United States and dedicated to care and treatment of veterans by the Secretary under title 38, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for a Department of Veterans Affairs-Department of Defense venture project under this subsection.

(e) FAR SOUTH TEXAS DEFINED.—In this section, the term ''Far South Texas'' means the following counties of the State of Texas: Aransas, Bee, Brooks, Calhoun, Cameron, Crockett, DeWitt, Dimmit, Duval, Goliad, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, and Zapata.

SA 5334. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DESIGNATION OF NATIONAL CENTER FOR HUMAN PERFORMANCE.

(a) IN GENERAL.—The National Center for Human Performance at the Texas Medical Center is hereby designated as a national center for research and education in medicine and related sciences to enhance human performance which could include matters of relevance to the Armed Forces.

(b) CONSTRUCTION.—Nothing in this section shall be construed to convey on such Center status as a center of excellence under the Public Health Service Act or as a center of the National Institutes of Health under title IV of such Act.

SA 5335. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number or requests for Junior Reserve Officers' Training Corps units by public and private secondary educational institutions; or

(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers' Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees containing, at a minimum, the following:

(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many units will be established per year by each service.

(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) Efforts to improve the increased distribution of units geographically across the United States.

(5) Efforts to increase distribution of units in educationally and economically deprived areas.

(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees not later than March 31, 2009. The Secretary of Defense shall submit an updated report annually thereafter until the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

(f) ADDITIONAL CURRICULUM ELEMENT.—The Secretary of each military department shall develop and implement a segment of the Junior Reserve Officers' Training Corps curriculum that includes the contribution and defense historiography of gender and ethnic specific groups.

SA 5336. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

SEC. 854. REPORT ON CONTRACTS FOR MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES FOR MILITARY PERSONNEL SERVING IN COMBAT ZONES.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on current contracts of the Department of Defense for morale, welfare, and recreation telephone services for military personnel serving in combat zones.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of each contract for morale, welfare, and recreation telephone services for military personnel serving in combat zones that was entered into or agreed upon by the Department of Defense after January 28, 2008, and, for each such contract, an assessment of the extent to which the entry into or agreement upon such contract complied with the requirements of section 885 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 265).

(2) A statement of the average cost per minute of telephone service for military personnel serving in combat zones under each contract of the Department of Defense for

morale, welfare, and recreation telephone services for such personnel that is in effect as of the date of the enactment of this Act, and a statement of the average amount of such cost that is returned to the contractor under such contract as a return on investment or profit.

SA 5337. Mr. REID (for Mr. BIDEN (for himself, Mr. CASEY, Mr. INHOFE, and Mr. CARPER)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. TRANSFER OF NAVY AIRCRAFT N40VT.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as ''transferee''), all right, title, and interest of the United States, except as set forth elsewhere herein, in and to Navy aircraft N40VT (Bureau Number 163283) and associated components and test equipment, previously specified as Government furnished equipment, specified in contract N00019–00–C–0284. The conveyance shall be made by means of a deed of gift.

(b) CONDITION OF AIRCRAFT.—The aircraft shall be conveyed under subsection (a) in its current, ''as is'' condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance shall be borne by the transferee.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(e) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of the Navy aircraft N40VT (Bureau Number 163283) under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from the use of that aircraft by any person other than the United States.

SA 5338. Mr. REID (for Mr. BIDEN (for himself, Mr. KENNEDY, Mrs. MCCASKILL, and Mr. BAYH)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. EXCLUSION OF CERTAIN REST AND RECUPERATION LEAVE FROM LIMITATIONS ON LEAVE ACCUMULATED BY MEMBERS OF THE ARMED FORCES.

Section 705 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) Any period of rest and recuperation absence received by a member under subsection (b)(2) shall not be treated as leave accumulated by the member for purposes of section 701 of this title.''.

NOTICE OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, ''Dividend Tax Abuse: How Offshore Entities Dodge Taxes On U.S. Stock Dividends.'' The Subcommittee hearing will examine how some financial institutions have designed, marketed, and implemented transactions to enable foreign taxpayers, including offshore hedge funds, to dodge millions of dollars of taxes on U.S. stock dividends. The hearing will also examine whether current law relating to dividend taxation and withholding should be strengthened. The Subcommittee expects to issue a Subcommittee staff report in conjunction with the hearing summarizing its investigative findings and recommendations. Witnesses will include representatives of U.S. financial institutions, offshore hedge funds, a tax expert, and the Internal Revenue Service.

The Subcommittee hearing is scheduled for Thursday, September 11, 2008, at 9 a.m., in Room 106 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 202–224–9505.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled ''Business Start-up Hurdles in Underserved Communities: Access to Venture Capital and Entrepreneurship Training,'' on Thursday, September 11, 2008 at 10 a.m., in room 428A of the Russell Senate Office Building.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, Thursday, September 11, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing on (1) S. 3128, the White Mountain Apache Tribe Rural Water System Loan Authorization Act; (2) S. 3355, the Crow Tribe Water Rights Settlement Act of 2008; and (3) S. 3381, a bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos.

Those wishing additional information may contact the Indian Affairs Committee at, 202–224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, the Senate Committee on Energy and Natural Resources will hold a business meeting on Thursday, September 11, 2008 at 12 noon, in room SD–366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending legislation.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

SUBCOMMITTEE ON ENERGY

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Energy Subcommittee of the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, September 16, 2008, at 2:30, in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on recent analyses of the role of speculative investment in energy markets.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Gina weinstock@energy.senate.gov.

For further information, please contact Angela Becker-Dippmann at (202) 224–5269 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 9, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 9, 2008, at 10 a.m., to conduct a hearing entitled ''Strengthening

the Ability of Public Transportation To Reduce Our Dependence on Foreign Oil.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 9, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Improving Health Care Quality: An Integral Step Toward Health Reform''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, September 9, 2008, at 3:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate to conduct a hearing entitled ''Nominations'' on Tuesday, September 9, 2008, at 10 a.m., in room SD–562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Protecting the Right to Vote: Oversight of the Department of Justice's Preparation for the 2008 General Election'' on Tuesday, September 9, 2008, at 2:15 p.m., in room SD–562 of the Dirksen Senate Office Building.

The PRESIDING OPPICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, September 9, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''Economic Development Administration Oversight.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that MAJ Anthony Williams, Mr. Yariv Pierce, and Mr. Ramy Yaacoub be granted the privilege of the floor for the remainder of the week on behalf of Senator BILL NELSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPOTTSWOOD W. ROBINSON III AND ROBERT R. MERHIGE, JR., FEDERAL COURTHOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate the House message to accompany S. 2403.

The PRESIDING OFFICER (Mr. MENENDEZ) laid before the Senate the amendments of the House of Representatives to the bill (S. 2403) entitled ''An Act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, VA, as the 'Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse'.'', do pass with the following amendments:

S. 2403

Resolved, That the bill from the Senate (S. 2403) entitled ''An Act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the 'Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse'.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION.

The United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, shall be known and designated as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse''.

Amend the title so as to read: ''An Act to designate the United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, as the 'Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse'.''.

Mr. REID. Mr. President, it is my understanding there is no objection to this, and it has been cleared by the Republicans. I ask unanimous consent that the Senate concur in the House amendments, that the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I rise today to speak on S. 2403, a bill to name the new U.S. courthouse in Richmond, VA, after two distinguished jurists and sons of Virginia.

Senator WEBB and I introduced this bill last year, and the bill passed the Senate on June 24, 2008. The House of Representatives passed the bill last night, with a minor technical change, by a vote of 376 to 0. Tonight, I would like to thank the Senate for accepting this minor modification and once again passing this bill.

Our bill recognizes two of Virginia's outstanding jurists: Spotswood Robinson III and Robert Mehrige, Jr. They were lawyers who throughout their careers adhered to the principle of ''equal justice under law.''

The first, Spottswood William Robinson III, was born in Richmond, VA, on July 26, 1916. He attended Virginia Union University and then the Howard University School of Law, graduating first in his class in 1939 and serving as a member of the faculty until 1947.

Judge Robinson was one of the core attorneys of the NAACP Legal Defense and Educational Fund from 1948 to 1960, achieving national prominence in the legal community with his representation of the Virginia plaintiffs in the 1954 U.S. Supreme Court case Brown v. Board of Education. Brown outlawed public school segregation declaring ''separate but equal'' schools unconstitutional.

In 1964, Judge Robinson became the first African American to be appointed to the U.S. District Court for the District of Columbia, and in 1966, President Johnson appointed Judge Robinson the first African American to the U.S. Court of Appeals for the District of Columbia Circuit. Finally, on May 7, 1981, Judge Robinson became the first African American to serve as Chief Judge of the District of Columbia Circuit.

Our second jurist, Judge Robert R. Merhige, Jr., was born in 1919 and later attended High Point College in North Carolina. He subsequently earned his law degree from the T.C. Williams School of Law at the University of Richmond, from which he graduated at the top of his class in 1942.

From 1942 to 1945, Judge Merhige served in the U.S. Air Force. He practiced law in Richmond from 1945 to 1967, establishing himself as a formidable trial lawyer representing criminal defendants as well as dozens of insurance companies.

On August 30,1967, Judge Merhige was appointed U.S. District Court judge for the Eastern District of Virginia, Richmond Division, by President Lyndon B. Johnson, serving as a Federal judge until 1998. In 1972, Judge Merhige ordered the desegregation of dozens of Virginia school districts. He considered himself to be a ''strict constructionist'' who went by the law as spelled out in precedents by the higher courts. In 1970, he ordered the University of Virginia to admit women. As evidence of Judge Merhige's groundbreaking decisions, he was given 24-hour protection by Federal marshals due to repeated threats of violence against him and his family. His courage in the face of significant opposition of the times is a testimony to his dedication to the rule of law.

As my colleagues may be aware, I have worked to name the new courthouse in Richmond for these two men for several years. I am proud that the Virginia Congressional Delegation, the Virginia Bar Association, the mayor of Richmond, and many others decided that the best way to honor both men was to have them equally share the honor of having the courthouse so named.

With the ribbon cutting for this grand facility tentatively set for October 17 of this year, I am please by the passage of this legislation in honor of Spottswood Robinson and Robert Merhige. Mr. President, in conclusion, I thank my colleagues in joining me in support of this legislation, and I thank you for this opportunity to speak on behalf of these two great Virginians.

ORDERS FOR WEDNESDAY, SEPTEMBER 10, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, September 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for up to 1 hour with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 3001, the Defense authorization bill, as provided under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, I conferred with Senator LEVIN. It is clear in our minds that we should proceed on this bill. I think we are making progress on it. We may be able to finish this bill. There was some consideration given to filing cloture, but we both agreed that there is no need to do that; that we may be able to complete this legislation this week, and I hope in fact that is the case.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Wednesday, September 10, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL MARITIME COMMISSION

SEAN T. CONNAUGHTON, OF VIRGINIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2012, VICE A. PAUL ANDERSON, RESIGNED.

DEPARTMENT OF EDUCATION

JERRY GAYLE BRIDGES, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION, VICE JOHN PORTMAN HIGGINS, RESIGNED.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

PAMELA A. REDFIELD, OF NEBRASKA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013, VICE AMY OWEN, TERM EXPIRING.

THE JUDICIARY

LORETTA A. PRESKA, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE CHESTER J. STRAUB, RETIRED.

J. MAC DAVIS, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE JOHN C. SHABAZ, RETIRING.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ORNA T. BLUM, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE JANUARY 9, 2008:

DEPARTMENT OF STATE

MIN CHANG, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ALYCE ABDALLA, OF CALIFORNIA
MICHAEL A. AGUILERA, OF WASHINGTON
JEAN ELIZABETH AKERS, OF THE DISTRICT OF COLUMBIA
DAVID CHRISTOPHER ALLEN, OF VIRGINIA
MARCIA SOFIA ANGLARILL, OF MARYLAND
CLAUDIA L. BAKER, OF CALIFORNIA
PETER R. BARTE, OF VIRGINIA
ARTHUR J. BELL, OF CALIFORNIA
CARLA ANN BENINI, OF WASHINGTON
MICHAEL L. BENTON, OF MARYLAND
KATHARINE E. BERNSOHN, OF THE DISTRICT OF COLUMBIA
WENDY S. BRAFMAN, OF SOUTH CAROLINA
BRETT PLITT BRUEN, OF NEW YORK
MALGORZATA BULA-DUANE, OF NEW YORK
DEBORAH LYNN CAMPBELL, OF FLORIDA
KELLY HAPKA CARRILLO, OF TEXAS
MARK A. CAUDILL, OF VIRGINIA
HUNTER B. CHEN, OF CALIFORNIA
CECILIA S. CHOI, OF CALIFORNIA
CHARLOTTE ANN CROUCH, OF ARIZONA
JENNIFER D. CROW, OF CALIFORNIA
BRIAN SEAN DARIN, OF NEW YORK
HILARY CHISATO WATANABE DAUER, OF VIRGINIA
LEARNED H. DEES, OF THE DISTRICT OF COLUMBIA
GARY LEE DEWEY, OF ARIZONA
DANIELA A. DIPIERRO, OF MASSACHUSETTS
TIMOTHY PATRICK DOUGHERTY, OF CALIFORNIA
JAMES A. DRAGON, OF VIRGINIA
JOHN HOLMES DUNNE, OF ALASKA
ARTHUR THOMPSON EVANS IV, OF OHIO
CHRISTIANA MARIE FOREMAN, OF CALIFORNIA
ERIC M. FRATER, OF CALIFORNIA
WARREN MITCHELL GRAY, OF FLORIDA
PHAEDRA MARIE GWYN, OF TEXAS
JENNIFER DIANA HARRIS, OF FLORIDA
JOHN CHARLES HARTMAN, OF TEXAS
CHRIS DHARMAN HENSMAN, OF RHODE ISLAND
ANDREW JAY, OF NEW YORK
DENISE JOBIN WELCH, OF VIRGINIA
PETER JAMES KAUFMAN, OF CALIFORNIA
BARBARA S. KEARY, OF THE DISTRICT OF COLUMBIA
JULIANNA JUNGHWA KIM, OF ILLINOIS
LAWRENCE JOHN KIMMEL, OF WASHINGTON
JOEY E. KLINGER, OF PENNSYLVANIA
WENDY A. KOLLS, OF CALIFORNIA
MARIA V. LANE, OF COLORADO
JOHN S. LAROCHELLE, OF FLORIDA
ALICA EMIN LEJLIC, OF ILLINOIS
DEBORAH BERNS LINGWOOD, OF FLORIDA
SARA L. LITKE, OF WASHINGTON
INGA LITVINSKY, OF MASSACHUSETTS
DONALD E. LOCKE, OF TEXAS
STEPHEN E. LYNAGH, OF NEW YORK
JOSLYN MACK-WILSON, OF VIRGINIA
HONG-GEOK T. MAERKLE, OF CALIFORNIA
RYAN D. MATHENY, OF CALIFORNIA
BRIAN J. MCGRATH, OF NEW YORK
ALEXANDER J. MCLAREN, OF VIRGINIA
ROBERT R. MEARKLE, OF MINNESOTA
CHRISTINE ELIZABETH MEYER, OF TEXAS
LIA N. MILLER, OF NEW YORK
SUMREEN K. MIRZA, OF CALIFORNIA
GLADYS ANGEL MOREAU, OF CALIFORNIA
BINDI KIRIT PATEL, OF CALIFORNIA
SARAH CATHERINE PECK, OF MASSACHUSETTS
ANDREW POSNER, OF CALIFORNIA
IDRIS RAHIMI, OF VIRGINIA
RONA RATHOD, OF CALIFORNIA
GARY L. REX, OF FLORIDA
MICHELLE LEE RIEBELING, OF MISSOURI
BRADLY J. ROBERSON, OF CALIFORNIA
KRISTIN LYNN ROCKWOOD, OF FLORIDA
MICHAEL R.J. ROTH, OF NEW MEXICO
JASON D. SEYMOUR, OF CALIFORNIA
JASON W. SHEETS, OF CALIFORNIA
FRANC XAVIER SHELTON, OF TEXAS
CARRIE ANNA SHIRTZ, OF WISCONSIN
NOAH SIEGEL, OF OREGON
RUSSELL SINGER, OF NEW YORK
ANDREW LEWIS SISK, OF VIRGINIA
LINDSEY DIANE SNOW, OF WASHINGTON
G. MICHAEL SNYDER, OF VIRGINIA
MICHAEL G. SPRING, OF ILLINOIS
RAYMOND W. STEPHENS III, OF NEW YORK
ROY THERRIEN, OF CALIFORNIA
CAROLYN L. TURPIN, OF FLORIDA
BERNARD CHITONGCO UADAN, OF FLORIDA
PAUL M. VALDEZ, OF TEXAS
NAOMI JOYCE WALCOTT, OF CONNECTICUT
CHARLENE WANG, OF CALIFORNIA
RUDDY KERFUN WANG, OF CALIFORNIA
ELIJAH J. WATERMAN, OF PENNSYLVANIA
SAMUEL WERBERG, OF NEW YORK
JOHN WILLIAM WHITELEY, OF ILLINOIS
NINGCHUAN ZHU, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

LINDA L. CARUSO, OF WISCONSIN
JENNIFER GOTHARD, OF THE DISTRICT OF COLUMBIA
GREGORY HARRIS, OF WASHINGTON
ILONA SHTROM, OF THE DISTRICT OF COLUMBIA
ALIZA L. TOTAYO, OF MARYLAND
MARK WILDMAN, OF MARYLAND

DEPARTMENT OF STATE

KATHRYN E. ABATE, OF NEW JERSEY
MARK J. ABREU, OF VIRGINIA
JANICE ANDERSON, OF CALIFORNIA
RAMONA APONTE, OF MARYLAND
JASON M. ARVEY, OF VIRGINIA
DEBORAH H. ASCHENBACH, OF ILLINOIS
SHELLEY J. ASHER, OF VIRGINIA
ERIC TRANSFELDT ATKINS, OF WASHINGTON
MARK MADISON ATKISSON, OF MARYLAND
KARA L. AYOTTE, OF NEW MEXICO
ROLANDA N. BECKWITH, OF VIRGINIA
BARRY M. BELKNAP, OF MINNESOTA
JAMES M. BLACK, OF MARYLAND
BILLY BRIAN BLACKWELL, OF CALIFORNIA
DANIEL J. BLANK, OF VIRGINIA
ELIZABETH J. BLUMENTHAL, OF THE DISTRICT OF COLUMBIA
DANIEL C. BOLSINGER, OF NEW MEXICO
AMY BOYD, OF VIRGINIA
MEGHAN EILEEN BRADLEY, OF VIRGINIA
ERIC CHRISTOPHER BRIANS, OF VIRGINIA
RONALD A. BRIGGS, OF MARYLAND
PETER BROADBENT, OF TEXAS
LORETTA A. BUSHNELL, OF VIRGINIA
HARRY T. CALL, OF VIRGINIA
LEANNE R. CANNON, OF VIRGINIA
GEORGE EDWARD CARR, OF THE DISTRICT OF COLUMBIA
HEATHER K. CARSON, OF VIRGINIA
TYLER J. CARSON, OF VIRGINIA
AMANDA J. CAULDWELL, OF VIRGINIA
SUNG W. CHOI, OF NEW YORK
KAREN E. COX, OF VIRGINIA
FILOMENA C. CRAWFORD, OF VIRGINIA
JEFFREY D. DAHLBY, OF VIRGINIA
REBECCA M. DANIS, OF MISSOURI
ERICK M. DANZER, OF WISCONSIN
AMANDA R. DEKIEFFER, OF VIRGINIA
JAMES BUTLER DEWEY, OF IDAHO
CHRISTOPHER D. DOEHLE, OF VIRGINIA
JUAN DOMENECH CLAR, OF PUERTO RICO
NICOLE MARIE DUTRA, OF VIRGINIA
KATHERINE E. EISENLOHR, OF MICHIGAN
JAMES E. ERDMAN III, OF MICHIGAN
BRADLEY J. FERNANDEZ, OF VIRGINIA
RONALD A. FERRY, OF KENTUCKY
MARY FRANGAKIS, OF NEW YORK
KIMBERLY R. FURNISH, OF FLORIDA
PETRA SELVAGGIA GARDNER, OF VIRGINIA
NEIL S. GIPSON, OF NEBRASKA
GUDRUN ERIKA GOMEZ, OF MARYLAND
CARISSA EILEEN GONZALEZ, OF VIRGINIA
KATY A. GORE, OF VIRGINIA
KAREN GRAHAM, OF VIRGINIA

SARA D. GREENGRASS, OF FLORIDA
DERRICK J. GWYN, OF VIRGINIA
CRAIG ACTON HALBMAIER, OF NEW HAMPSHIRE
COURTNEY A. HAMMOND, OF VIRGINIA
BENJAMIN C. HARVEY, OF VIRGINIA
JOHN C. HEINBECK, OF MICHIGAN
JAMES HENDERSON, OF VIRGINIA
DANIEL J. HORNING, OF MICHIGAN
SHARON A. HOWE, OF TEXAS
TRACY E. HUFF, OF VIRGINIA
FRANK A. INHOFF, OF VIRGINIA
KATHERINE N. ISGAR, OF NEW YORK
MARCUS R. JACKSON, OF FLORIDA
MATTHEW JAROSZEWSKI, OF VIRGINIA
DAVID JOHNSON, OF VIRGINIA
LOUISE A. JOHNSON, OF NEW HAMPSHIRE
KRISTEN-MARIE DILEO KACZYNSKI, OF MASSACHUSETTS
STEVEN COLLAT KAMENY, OF CALIFORNIA
ANGELA P. KATCHEVES, OF TEXAS
GARY B. KEELEY, OF VIRGINIA
BROOKE G. KIDD, OF VIRGINIA
MARY MARTHA KOBUS, OF VIRGINIA
ROBERT M. KOKTA, OF VIRGINIA
CHRISTINA B. KROUSE, OF VIRGINIA
PETER J. KUNKEL, OF VIRGINIA
DANA LAST, OF VIRGINIA
ANGELA LEIGH LEWIS, OF VIRGINIA
BRUCE WILLIAM LIBERI, OF VIRGINIA
MATTHEW R. LOHR, OF VIRGINIA
LAVONNE LEE LOVEDAY, OF VIRGINIA
JENNIFER L. LUERS, OF NEBRASKA
AARON P. LUKAS, OF VIRGINIA
JOAN E. MARSHALL, OF VIRGINIA
VALERIE J. MARTIN, OF CONNECTICUT
MARTHA C. MASHAV, OF THE DISTRICT OF COLUMBIA
KUROSH MASSOUD ANSARI, OF VIRGINIA
BEVERLY E. MATHER-MARCUS, OF MARYLAND
THERESA JEAN MATTHEWS, OF MINNESOTA
SHANNON K. MCCOMBIE, OF VIRGINIA
DEREK MERCER, OF VIRGINIA
JAMIE L. MIGNON, OF VIRGINIA
MARK IAN MISHKIN, OF CALIFORNIA
LISA ANN MOOTY, OF GEORGIA
NEAL SHAUN MURATA, OF CALIFORNIA
BEN MURPHY, OF VIRGINIA
KENNETH LEE MYERS, OF VIRGINIA
MARGOT L. NADEL, OF VIRGINIA
ANDREW NELSON, OF CALIFORNIA
SELENA NELSON-SALCEDO, OF MINNESOTA
BRENT S. O'CONNELL, OF VIRGINIA
AAMOD OMPRAKASH, OF NEW YORK
JEFFREY M. O'NEAL, OF TEXAS
MICHAEL OSE, OF IOWA
MAYSA M. OSMAN, OF VIRGINIA
ABRAM WIL PALEY, OF TEXAS
MATTHEW J. PASCHKE, OF THE DISTRICT OF COLUMBIA
MICHAEL D. PEARLSTEIN, OF THE DISTRICT OF COLUMBIA
DONALD G. PETKOVICH, OF VIRGINIA
SARAH MOORE PRATT, OF THE DISTRICT OF COLUMBIA
RAUL ENRIQUE PULIDO, OF COLORADO
DELIA DAY QUICK, OF TEXAS
MICHAEL QUIGLEY, OF VIRGINIA
SCOTT D. QUINLAN, OF VIRGINIA
MICAH RAPOPORT, OF THE DISTRICT OF COLUMBIA
MARQUEX DOMINIQUE REY, OF TENNESSEE
MARISSA K.E. ROLLENS, OF TEXAS
KRISTIN JOY RUNZEL, OF VIRGINIA
TAMANNA S. SALIKUDDIN, OF VIRGINIA
J.M. SAXTON-RUIZ, OF VIRGINIA
DOROTHY I. SCANLAN, OF VIRGINIA
JOSHUA SHEN, OF VIRGINIA
JEFFREY J. SILLMAN, OF VIRGINIA
KARL ALEXANDER SNYDER III, OF VIRGINIA
REBECCA ANN SNYDER, OF VIRGINIA
SARA VELDHUIZEN STEALY, OF VIRGINIA
ANTHONY J. STROMEYER, JR., OF VIRGINIA
TIMOTHY W. SWETT, OF ILLINOIS
JESSUP L. TAYLOR, OF NORTH CAROLINA
GREGORY JAMES THOMPSON, OF VIRGINIA
TEDDE H. THOMPSON, OF VIRGINIA
DANIEL A. THORLEY, OF MARYLAND
ANNA E. TIEDECK, OF THE DISTRICT OF COLUMBIA
JON THOMAS TOLLEFSON, OF MINNESOTA
PATRICIA ELAIN TRIPLETT, OF VIRGINIA
JOSEPH GREGG TRIPOLI, OF VIRGINIA
NEAL W. TURNER, OF GEORGIA
AMY UNANDER, OF ILLINOIS
STANLEY J. UNDERDAL, JR., OF VIRGINIA
WILBUR A. VELARDE, OF CONNECTICUT
JOHN L. VENABLE II, OF VIRGINIA
ANNE WAN, OF CALIFORNIA
BRIAN W. WARDEN, OF MARYLAND
MATTHEW DANIEL WARIN, OF VIRGINIA
DAVID W. WARNER, OF VIRGINIA
MARK THOMAS WHITEHEAD, OF VIRGINIA
CAROLINE G. WIDEGREN, OF VIRGINIA
ERIC CODY WILLIAMS, OF VIRGINIA
BEN YATES, OF TEXAS
RACHAEL ZASPEL, OF TEXAS
THOMAS S. ZIA, OF THE DISTRICT OF COLUMBIA

CONSULAR OFFICER IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

STEPHEN G. FAKAN, OF OHIO

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE NOVEMBER 27, 2005:

EDWIN RICHARD NOLAN, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE JANUARY 06, 2008:

ALICE G. WELLS, OF VIRGINIA

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY IN THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. H. STEVEN BLUM

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER SECTION 271, TITLE 14, U.S. CODE:

To be rear admiral

REAR ADM. (LH) THOMAS F. ATKIN
REAR ADM. (LH) KEVIN S. COOK
REAR ADM. (LH) DANIEL A. NEPTUN
REAR ADM. (LH) THOMAS P. OSTEBO
REAR ADM. (LH) STEVEN H. RATTI
REAR ADM. (LH) JAMES A. WATSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C. SECTION 271:

To be rear admiral (lower half)

CAPTAIN ROBERT E. DAY, JR.
CAPTAIN JOHN H. KORN
CAPTAIN WILLIAM D. LEE
CAPTAIN CHARLES D. MICHEL
CAPTAIN ROY A. NASH
CAPTAIN MICHAEL N. PARKS

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

DARRELL I. MORGAN

To be major

ROGER E. JONES

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK V. FLASCH

WITHDRAWALS

Executive Message transmitted by the President to the Senate on September 9, 2008 withdrawing from further Senate consideration the following nominations:

JOAQUIN F, BLAYA, OF FLORIDA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2008, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON OCTOBER 18, 2007.

DENNIS M. MULHAUPT, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2008, VICE BLANQUITA WALSH CULLUM, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON OCTOBER 18, 2007.

HOUSE OF REPRESENTATIVES—*Tuesday, September 9, 2008*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 9, 2008.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

THE GOVERNMENT BAILS OUT FANNIE AND FREDDIE

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

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

It used to be argued that simply chartering Freddie and Fannie didn't mean that the Federal Government was on the hook if these mortgage giants collapsed, but now no one can make that case anymore. The recent and worrisome events occurring in the United States' housing market have revealed that the Federal Government bears significant risk in its chartering of Fannie Mae and Freddie Mac. Although these two GSEs are supposed to make the American dream come true, the reality is that they are contributing relatively little to the overall quality of the U.S. housing finance system.

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

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

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

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

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

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

Also, I call for an immediate investigation by this body into Freddie Mac's unreported financial results of almost $9 billion. Let's ask former CEO Franklin Raines to explain these fraudulent audits that were presented.

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

ENERGY

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

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

Now, the tiny, little baby steps that I refer to are the efforts to go for a little thimble full of fuel off of our coastline, and this has really gotten the majority of the debate, but unfortunately, it's not where the tankers full of energy are. We know that if we drill off our coastlines it simply won't answer the problem that we have because there is just not enough oil there. We consume 25 percent of the world's oil, but we only have 3 percent of the world's oil supply even if we drill off our coastline or in Yellowstone National Park or on the south lawn of the

White House. So, while we're having an honest debate about where to drill, there is one thing we know for sure: drilling is not enough. Even if we do expand the places where we drill—and my side of the aisle is supporting using the 68 million acres that are already leased, in fact, starting drilling on those areas that are already leased—we know we have to do so much more than just drill.

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

I want to just run through some of the companies I visited this August. I went to the National Renewable Energy Lab in Golden, Colorado, and I saw an incredible place where they had two plug-in electric cars. Right above them was a photovoltaic cell of about, maybe, 10 by 20 on a pedestal right above them. With that one solar photovoltaic panel, they were charging two plug-in electric cars that would go 30 to 40 miles, all electric. Then if you wanted to go more than 40 miles, you could run it on gasoline or potentially on ethanol, a plug-in electric car. You could see a vision where we have PV cells in our homes or at our businesses, powering our cars with plug-in electric technology, and it was right there in Golden, Colorado. It is not a pipe dream. It is on the roads today. The first commercially available plug-in electric car today was written about in the Seattle Post Intelligence in my hometown in Seattle. This is ready to go. Our bill will support that technology.

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

I met a woman named Susan Petty, also in Seattle. She has a company called AltaRock. AltaRock is a company that drills down 3 to 5 kilometers. It pumps down cold water. It fractures rock. It then pumps down water and brings it back up at 300 degrees temperature. It uses that hot water to create steam, and it generates electricity with zero CO_2 emissions and with zero global warming gases. AltaRock Energy is going to be ready to commercialize this technology, we hope, in the next several years that could produce potentially half of our electrical needs in the United States if we can surmount a couple of technological challenges involving pumps. Here is a company that could be a total game changer, and it needs policies from Congress to move forward. Our proposal, the Democratic leadership will propose, will support that technology.

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

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

THE AMERICAN ENERGY ACT

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

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

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

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

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

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

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

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

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

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

LOYAL OPPOSITION

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

Ms. JACKSON-LEE of Texas. It's an important time in American history in the opportunities for Americans, and in re-stating the value of our Constitution, and our respect for democracy. Through the long history of America, we've come to know the terms ''majority'' and ''minority'' and the words that sometimes fall to our early history and to our relationship with Great

Britain—England. We know the words ''loyal opposition.'' This morning, I want to share with my friends in this House how sometimes the loyal opposition can be loyal to a fault.

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

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

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

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

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

THE HIGHWAY TRUST FUND

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

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

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

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

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

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

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

HIGH ENERGY PRICES

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

Mr. SHIMKUS. Mr. Speaker, it's great to be back in the Chamber with

the microphones on and with the lights fully ablaze and with our guests in the gallery and with cameras rolling.

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

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

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

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

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

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

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

THE AMERICAN ENERGY ACT

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

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

I spent my time in August touring the northern slope of Alaska to learn more about the oil drilling situation as well as touring the Florida Solar Energy Center in Central Florida where they have the cutting-edge solar energy technology of tomorrow.

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

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

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

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

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

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

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

Tell the single mom in Orlando who just paid 80 bucks to fill up her

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

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

FREE TRADE AGREEMENTS

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

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

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

Today, we are fortunate to have 16 bilateral agreements with other nations, many in our own hemisphere in the Americas, and we're fortunate to enjoy a trade surplus with all of them. We voted on these trade agreements in the House. Those who opposed them said, you know, if we have trade agreements, we always lose. Well, the interesting thing is, with the Dominican Republic-Central America Free Trade Agreement and with the Chilean Free Trade Agreement, we've seen the results. American farmers, American manufacturers and American workers are winning because we have a trade surplus with those countries today. In fact, we had a trade deficit with Central America before DR–CAFTA, and today, we have a trade surplus. So trade agreements win.

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

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

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

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

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

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

RECESS

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

Accordingly (at 11 o'clock and 13 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

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

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

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

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

This we pray in Your Holy Name.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. KIRK)

come forward and lead the House in the Pledge of Allegiance.

Mr. KIRK led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

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

WELCOMING THE MOST REVEREND JAMES A. TAMAYO

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

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

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

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

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

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

I thank you for your time.

IT'S TIME FOR BALANCED AND FAIR TRADE

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

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

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

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

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

SUPPORT NATO

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

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

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

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

Tomorrow I will offer a defense appropriations amendment to refund the cuts made against Poland. If the lessons of the last century are clear, we know that America has fewer problems later if we support a friend like Poland now.

A COMPREHENSIVE ENERGY PROGRAM

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

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

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

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

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

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

WE NEED AN ENERGY VOTE ON THE HOUSE FLOOR

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

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

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

Should Congress promote increased production of American energy? Should we promote conservation and efficiency? Should we encourage the use of alternative and renewable fuels? The

answer to all of the above is yes. That is why we need an ''all of the above'' energy strategy. We need a vote, Mr. Speaker. We need a vote on the House floor.

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

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

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

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

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

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

PROMOTING THE PARTNERSHIP OF INDIA AND AMERICA

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

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

The time to finalize the agreement is now. And we should recognize what a civilian nuclear agreement would mean for our Nation, for our energy needs, and for our economy. The agreement will produce stable, clean power for the people of India, promoting the strong partnership with America. This nuclear agreement will mean more prosperity through new jobs and economic growth for India and America.

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

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

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

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

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

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

AMERICANS WANT TO DRILL HERE, DRILL MORE, DRILL NOW

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

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

And so now today along comes the latest iteration of a Democrat energy bill. And as Congress awaits the unveiling of their latest effort, a plea to Speaker PELOSI and the House Democrats: No gimmicks, no fig leaves, no half measures. The American people won't stand for it. The Democratic leadership must allow the bipartisan majority in this Congress that supports more drilling, more conservation, more alternatives, a fair up-or-down vote and debate.

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

□ 1215

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

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

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

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

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

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

McCAIN-PALIN WILL BRING REAL CHANGE TO AMERICA

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

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

BARACK OBAMA had the opportunity to make an historic choice and choose HILLARY CLINTON to join his ticket. But, oh, no. The ''Old Boy Network''

won out and Senator OBAMA went back on his commitment to change and reform by choosing a Senator who has been in Washington for over three decades.

Women understand this because we have seen it before. Sometimes no matter how hard you fight or how much support you have, someone will always stand in your way, regardless of paying lip service.

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

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

HOUSE REPUBLICANS AND BIG OIL

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

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

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

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

WITHOUT ''HONOR''

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

Mr. POE. Mr. Speaker, there has been another tragic misapplication of the word ''honor.'' In Pakistan a 17-year-old girl was killed by her parents last week because she wanted an annulment from an arranged marriage, a marriage that she was forced into when she was 9 years old. That's right, 9 years of age, the age when most girls still play on the playground, enjoy cartoons, stickers, and still play with dolls, the age when little girls are still just little girls. Instead, at 9, Saira Bibi was robbed of her childhood and compelled to become the bride of a 45-year-old male.

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

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

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

And that's just the way it is.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We must change and turn this around.

A START TO LOWERING GAS PRICES

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

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

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

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

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

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

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

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

WITHOUT ACCOUNTABILITY, A DEMOCRACY WILL FAIL

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

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

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

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

Over 5 years ago, I tried to place asterisks in the CONGRESSIONAL RECORD next to the statements about Iraq the President made to Congress. I was attacked for saying the President would mislead us into the war. But the American people ultimately learned the truth. There seems to be no end to the allegations, and we have a responsibility to investigate their authenticity. That's why I am signing onto a resolution to consider impeachment of the President. Without accountability, a democracy will fail.

THE AMERICAN PEOPLE CANNOT AFFORD TO WAIT FOR AN ALL-OF-THE-ABOVE ENERGY STRATEGY

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

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

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

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

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

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

AMERICA NEEDS TO TAKE OUR FOREIGN POLICY IN A DRAMATICALLY NEW DIRECTION

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

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

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

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

□ 1230

''ALL THE ABOVE''

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

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

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

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

MEDIA FAIRNESS

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

Mr. SMITH of Texas. Mr. Speaker, according to a recent Rasmussen poll,

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken at a later time.

RECOGNIZING THAT WE ARE FACING A GLOBAL FOOD CRISIS

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

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 344

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

whites was 8.2 percent, 24.5 percent for blacks, 21.5 percent for Hispanics, and 10.2 percent for Asians.

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

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

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

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

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In the long-term, our country must confront our contribution to this crisis. Although we have little control over sky-rocketing oil prices, we have the power to re-evaluate and improve our agricultural policy in ways that will ease the pain at the register for food consumers, both here and abroad. In particular, slashing some farm subsidies and ending de facto price controls that mainly benefit massive corporate farms would go along way towards lowering food prices. Our country can only afford

to pay our farmers not to produce when prices are low and food is ample. In times like these, such subsidies may be a luxury we cannot afford.

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

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

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

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

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

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

The United States has responded with a generous commitment of emergency food aid. Yet, emergency aid will never get us ahead of what threatens to be an enduring challenge. Some of the trends that created the crisis may ease, but others including climate change and growing demand for food will only accelerate. Congress must recognize that the nature of international hunger has changed due to changes in the global economy and environment. We must agree a new approach is needed from our government and international partners. And we must commit to a long-term strategy that prioritizes new and substantial funding to improve agricultural productivity in developing countries.

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

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

Ms. WOOLSEY. Mr. Speaker, I rise today in strong support of this resolution recognizing the need to combat the global food crisis.

Rising fuel prices and the effects of globalization exacerbate the problems related to the growing cost of food, causing populations of developing countries to experience great hardships in purchasing their basic necessities. This emergency has already affected millions and will increase the poverty levels endured by the most vulnerable groups worldwide. Children are especially susceptible to the effects of malnourishment, which weakens their immune systems, causing millions of children to suffer from infectious diseases, impaired brain development, and stunted growth.

The dire situation of rising food prices has already led to unrest in some parts of the world. The U.N. has created a special task force and the World Food Program has called for $755 million in increased funding to cover the high costs of food and fuel. The United States must take an active role in coordinating international action through a world forum designed to determine what must be done to alleviate this crisis worldwide and protect the children and other vulnerable populations affected.

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

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

The question was taken.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1245

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

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

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 937

Whereas the emergency communications services provided by the American Red Cross are free for military families experiencing a crisis;

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

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

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

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

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

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

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

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

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

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

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

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this

resolution and yield myself such time as I may consume.

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

In times of emergency and other important events, the American Red Cross has the important and at times difficult duty of notifying military servicemembers on behalf of their families about such events. The Red Cross provides critical information to commanding officers to help them decide whether to release a servicemember from duty in order to join with his or her family in time of crisis.

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

Mr. Speaker, I strongly support this resolution.

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

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

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

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

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

I urge my colleagues to support House Resolution 937.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, I yield back my time.

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

The question was taken.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CONDEMNING MIDEAST TV PROGRAMMING THAT INCITES VIOLENCE

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

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1069

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

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

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

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

Whereas Hamas owns and operates al-Aqsa TV;

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

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

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

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

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

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

Whereas in 2000, al-Manar launched a satellite television channel that now has an estimated daily viewership of 10,000,000 people worldwide;

Whereas al-Manar regularly broadcasts video clips that glorify insurgent attacks against American and Coalition forces in Iraq;

Whereas the United States designated al-Manar TV a Specially Designated Global Terrorist (SDGT) entity in 2006;

Whereas Press TV, Iran's English-language satellite television network, is transmitted via the satellite providers ArabSat, NileSat, AsiaSat, HotBird, HispaSat, IntelSat, and Galaxy, and is viewable in North America, South America, the Middle East, Europe, Asia, and Africa;

Whereas al-Alam TV, Iran's Arabic-language satellite television network, is transmitted via the satellite providers ArabSat, NileSat, AsiaSat, HotBird, TelStar, and Galaxy, and is viewable in North America, the Middle East, Europe, Asia, and Africa;

Whereas many Iranian state-controlled television channels have broadcast incitement to violence against United States citizens, including coverage of rallies and speeches at which Iranian leaders, clerics, children, and mass audiences have declared ''Death to America!'';

Whereas on March 6, 2008, al-Alam broadcasted a warning from an Iraqi insurgent that if the USS *Cole* was not withdrawn from off the coast of Lebanon, his group would be ''targeting all the United States interests, especially the warships [docked] in Umm Qasr beaches in southern Iraq'';

Whereas al-Zawra is presently a non-operational Iraqi satellite television channel that broadcasted during 2006 and 2007;

Whereas the Government of Iraq banned al-Zawra in November of 2006 for inciting ''violence and murder'';

Whereas multiple reports indicate that after being banned in Iraq, al-Zawra broadcast via a satellite uplink based in Syria until transmissions apparently ceased in July 2007;

Whereas al-Zawra broadcasted videos of violent attacks against American forces in Iraq depicting the destruction of humvees and armored vehicles, recruitment videos for the Abu Bakr al-Sadiq al-Salafi Battalion of al-Qaeda in Iraq, and videos that feature prominently ''Juba'', a sniper that allegedly targeted Coalition forces and called for viewers to engage in violence against Coalition forces in Iraq;

Whereas in 2007, al-Zawra aired a program widely known as ''Hidden Camera Jihad'', a compilation of attacks filmed and executed by insurgents against Coalition forces in Iraq and accompanied by sound effects, scornful English language captions, and a ''laugh track'';

Whereas al-Rafidayn, an Arabic-language satellite television channel based in Egypt with a focus on Iraq, is broadcast via NileSat to the Middle East and North Africa, and is affiliated with the Association of Muslim Scholars, an anti-American Islamist group based in Iraq;

Whereas al-Rafidayn has repeatedly broadcast video clips produced by Sunni insurgent and terrorist groups in Iraq, and the channel's news broadcasts have frequently broadcasted videos, poems, and songs that praise those groups and their attacks on American forces in Iraq;

Whereas television channels that broadcast incitement to violence against United States citizens and others have demonstrated the ability to shift their operations to different countries and their transmissions to different satellite providers in order to continue broadcasting and to evade accountability;

Whereas television channels such as al-Aqsa, al-Manar, and al-Zawra broadcast incitement to violence against Americans and Israelis, purvey hatred against the West, and aid Foreign Terrorist Organizations in recruitment, fundraising, and propaganda;

Whereas the use of media outlets by advocates of violence against Americans poses a clear and present danger to the security of United States service members and American civilians serving throughout the Middle East; and

Whereas it is imperative for the United States to use all possible legal and diplomatic tools to counter the threats to American service and civilian personnel that result from the control or use of media outlets by SDGTs and other entities that intend to inflict violence on Americans: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the broadcast of incitement to violence and hatred against Americans, Israelis, and the West by media based in the Middle East;

(2) urges governments throughout the Middle East, American allies, and other responsible Nations to officially and publicly repudiate purveyors of hatred and incitement to violence against Americans, Israelis, and others;

(3) calls on the President to designate al-Aqsa TV a Specially Designated Global Terrorist (SDGT) entity;

(4) condemns Hamas for using children's television programming to incite hatred, violence, and anti-Semitism;

(5) demands Hamas recognize the State of Israel's right to exist, renounce the use of violence and terrorism as political goals, and accept all past peace agreements with the State of Israel;

(6) calls on Saudi Arabia, the primary shareholder in Arabsat, and on all other Arab States that own shares in Arabsat, to cease immediately the transmission of telecasts by al-Aqsa TV and al-Manar TV;

(7) calls on Egypt, which owns Nilesat, to cease immediately the transmission of telecasts by al-Rafidayn TV and al-Manar TV;

(8) calls on the owners of Eutelsat and the Government of France, which legislates what may be broadcast on satellites based in France, to cease immediately the transmission of telecasts by al-Aqsa TV;

(9) urges the President to consider designating as SDGTs satellite providers that knowingly and willingly contract with entities designated as SDGTs to broadcast their channels, or to consider implementing other punitive measures against satellite providers that transmit al-Aqsa TV, al-Manar TV, al-Rafidayn TV, or any other terrorist-owned and operated station;

(10) calls on the President to take into consideration state sponsorship of anti-American incitement to violence when determining the level of assistance to, and frequency and nature of relations with, regional States; and

(11) urges all governments and private investors who own shares in satellite companies or otherwise influence decisions about satellite transmissions to oppose transmissions of telecasts by al-Aqsa TV, al-Manar TV, al-Rafidayn TV, or any other terrorist-owned and -operated stations that similarly purvey insidiously anti-American, anti-Western, anti-Israeli, and anti-Semitic messages and openly incite their audiences to commit acts of terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, I want to commend my friend from New York, Joe Crowley, for introducing this timely and important resolution. Despite the shaky ceasefire reached between Israel and Hamas in the Gaza Strip, Hamas has neither changed its explicitly stated aim to destroy the State of Israel nor given up the use of terrorism and violence as a means to achieve that end.

But while Hamas' use of terrorism to undermine peace and destroy Israel is well understood in the West, few are aware of its sophisticated use of broadcast media to spread hatred of the United States, Israel and Jews, and to incite Palestinian youth to violence.

Hamas has had its own television station, known as al-Aqsa TV, which is telecast throughout the Arab world. Among its many crude and contemptible practices, al-Aqsa TV utilizes cartoon characters and puppets, one resembling Disney's universally recognized Mickey Mouse, in programming that advocates terrorism, anti-Americanism and anti-Semitism.

On March 30, 2008, this TV station broadcast a puppet show depicting the stabbing and murder of the President of the United States. This morally twisted type of children's programming violates all civilized norms, cynically undermines prospects for Israeli-Palestinian peace, and flagrantly violates phase I of the U.S.-backed roadmap for peace, calling for an end to incitement in Palestinian society. It even stigmatizes the Palestinian people who want peace, many of them fighting every day to ensure that there is an opportunity for collaboration and dialogue and peaceful discussion with Israel. In fact, I would imagine that children who are watching are certainly not children who are intending to grow up to be terrorists.

The resolution puts this body on record supporting the overdue designation of al-Aqsa television as a specially designated global terrorist entity. Such a designation would follow logically from the administration's designation of Hezbollah's al-Manar TV as a specially designated global terrorist entity 3 years ago. This designation proved useful in persuading a number of satellite companies around the world not to transmit al-Manar's hate-filled broadcasts. Designating Hamas' al-Aqsa TV would similarly send a strong message to satellite companies transmitting its vile programming, including one of Europe's largest satellite companies, the privately-owned, French-based Eutelsat.

In addition, this resolution calls on Saudi Arabia, the primary shareholder in the Arab League-owned satellite Arabsat, to take the lead in ending Arabsat's transmission of al-Aqsa TV, as well as Hezbollah's al-Manar TV. Thanks to Arabsat, both al-Aqsa TV and al-Manar TV are seen throughout the Middle East and beyond.

Unfortunately, our friend and ally Egypt is also involved in transmissions of hate media. Egypt's state-owned satellite, NileSat, broadcasts at least two terrorist mouthpieces, the Hezbollah station and the Iraq focused station and an Arabic language network affiliated with anti-American insurgent activity. This latter network consistently telecasts material glorifying insurgents and their attacks on American forces.

It would be especially important if our allies and friends would recognize that it is our intent to collaborate and work toward uplifting forthright, educational, politically sound conversation and dialogue. It is not our intent, of course, to control their own sovereignty, but it is important when that gets out into the world marketplace that it is civil, that it is strong, that it is democratic, that it is fair, and that it is reflective of the human dignity of all people.

It is deeply dismaying that one of our strongest allies in the region and one of the largest recipients of U.S. Foreign assistance tolerates the advocacy of attacks on Americans in Iraq on its state-controlled satellite provider.

I know that the terrorists like Hamas and Hezbollah will not soon abandon their mass-media means of hatred and violence, but it is long past the time for all state-owned and privately-owned satellite companies around the world to cease transmitting these destructive messages that encourage the murder of Americans and Israelis.

That is why I strongly support this resolution, and I urge all my colleagues to join me in that support.

I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

I strongly support House Resolution 1069, which addresses and condemns the spread of encouragement to violence against America and Americans by Middle East-based media outlets. This is not a problem in theory, Mr. Speaker. When TV channels broadcast attacks by insurgents on U.S. soldiers in Iraq or newspapers publish repeated calls for the destruction of the United States, they further endanger the security of American civilians and military personnel in the Middle East. These channels are then broadcast on satellite providers that transmit not only to the region, but as far away as Europe, Asia, Africa and even North America.

□ 1300

We must do everything we can to prevent our enemies from recruiting potential insurgents and homicidal bombers. They must be prevented, from Beirut to London to New York, who seek to shed American blood wherever and whenever they wish.

Media outlets that provide financial, material, or technological support to violent Islamic groups should be held accountable for their hate speech that incites murder of American civilians and military. Given that recipients of U.S. aid, including Egypt and Saudi Arabia, control many of the satellite providers that transmit such incitement, we should use our leverage to urge these nations to act responsibly and stop putting these calls for murder on the air of their television stations.

I again rise in very strong support of H. Res. 1069, and I urge my fellow members to do as well.

I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. It is my pleasure, Mr. Speaker, to yield 5 minutes to the distinguished gentleman from New York, the author of the legislation, Mr. CROWLEY.

Mr. CROWLEY. Mr. Speaker, I am sure I will not use all that time, and I thank the gentlelady from Texas, Ms. SHEILA JACKSON-LEE, for giving me this time on the floor. I want to thank my friend and colleague from Florida, Congressman BILIRAKIS, for his working with me to further expand the resolution that we have on the floor today to include all media outlets that promote hate and intolerance in the Middle East. This is a bipartisan resolution, and I greatly appreciate his input and his support on this legislation today.

I initially introduced this legislation in response to reports that Hamas was using and is using their television network, al-Aqsa TV, to depict violence and acts of hatred on a show called ''Tomorrow's Pioneers.'' The show has Mickey Mouse and Bugs Bunny look-alikes telling their children viewers that they will ''finish off the Jews and eat them.'' Another puppet show also on the network, as was mentioned earlier, acted out the murder of President Bush on that network.

The use of children's programming to send these kinds of messages is despicable and deplorable, and we cannot stand by and let this blatant propaganda continue because, at best, it perpetuates misinformation and, at its worst, it will serve to indoctrinate children, incite them towards hatred and violence against our ally Israel and possibly others, including the United States, and undermine efforts to firmly establish peace in the Middle East for generations to come.

Instead of promoting violence, our children should be taught to respect and accept all people, no matter their faith or their nationality.

If we are going to establish lasting peace in the Middle East, and it is all of our fervent hope that we do that, it will require far more than an end to military hostilities between warring factions. It will require the creation of an environment where people can live side by side in peace.

Today, we send a clear message to our friends and foes alike in the Middle East that we do not tolerate the indoctrination of hate in children. The next

leaders of our world should not be brainwashed into hating the West and Israel.

I urge all of my colleagues to support this legislation.

Mr. POE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS), a member of the Foreign Affairs Committee.

Mr. BILIRAKIS. I want to thank the gentleman from Texas for the time.

I rise in support of House Resolution 1069, and I urge swift passage.

Along with Mr. CROWLEY's original resolution, I introduced House Resolution 1308, condemning the broadcasting of incitement of violence against Americans and the United States in Middle Eastern-based media.

I am pleased to have worked with Mr. CROWLEY in combining our two resolutions to come up with the product we have today. I am grateful that my colleagues on the House Foreign Affairs Committee, led by Chairman BERMAN and Ranking Member ILEANA ROS-LEHTINEN, in a display of bipartisanship, unanimously voted for my amendment in the nature of a substitute to House Resolution 1069.

Anti-American incitement of violence is escalating in quality and quantity, fueled by the rapid growth of satellite television throughout the Arab world. In 2008, al-Manar TV broadcast over two dozen video clips of insurgent bombings against U.S. and coalition forces in Iraq, while one of its correspondents implicitly threatened the USS *Cole* with attack. Further, Iranian state-controlled TV channels repeatedly broadcast calls for ''Death to America,'' and, we have already heard al-Aqsa TV broadcast a puppet show depicting an Arab child stabbing the President of the United States.

Instead of denouncing and addressing such incitement, many countries in the region effectively provide financial, material, or technological support to purveyors of incitement. Al-Manar and al-Aqsa, among others, are transmitting on the satellite providers Nile-Sat, controlled by the Egyptian government, and Arabsat, controlled by the Arab League. Given the dangers such incitement poses to American service and civilian personnel in the region, it is long past time for the U.S. and other responsible nations to stop this growing threat. Support of House Resolution 1069 is, therefore, critical.

Among other things, this resolution condemns the broadcast of anti-American incitement to violence and hatred against the Americans, Israelis, and the West by Middle East-based media. It urges Middle Eastern governments, U.S. allies, and other responsible nations to officially and publicly repudiate purveyors of such incitement to violence against Americans and Israelis. It calls on the President to designate al-Aqsa as a specially designated global terrorist entity, and to designate those satellite providers that contract with purveyors of incitement to violence as such. It demands that Hamas recognize Israel's right to exist, renounce violence and terrorism, and accept all past peace agreements with Israel. Most importantly, it takes into consideration state sponsorship of anti-American incitement to violence when determining our aid to and relations with regional governments.

We must stop Middle East-based media from inciting violence against us.

Mr. Speaker, again, I want to thank Mr. CROWLEY. I thank you for the time. This is an important resolution that will enhance our security and protect our soldiers and citizens overseas. I urge its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to add for the RECORD that the author of the legislation, Congressman CROWLEY, is a member of the Foreign Affairs Committee and a member of the Ways and Means Committee.

It now gives me great pleasure to yield 2 minutes to Congresswoman SHELLEY BERKLEY, who is a member of the Veterans' Affairs Committee, the Ways and Means Committee, but a former member of the Foreign Affairs Committee.

Ms. BERKLEY. Mr. Speaker, I would like to thank the gentlelady for yielding to me and for her leadership. And I thank my colleague from New York (Mr. CROWLEY) for his leadership on this and so many other issues, and my dear friend, Mr. BILIRAKIS, who has done such a remarkable job in the time that he has been in Congress.

I rise today as a proud cosponsor of this resolution, but I am deeply troubled that it even needs to exist.

It is often said that a society can be judged by the values that they teach their children. Mr. Speaker, I am sorry to say that there is no more fitting commentary on Hamas and its principles than the shocking hate-filled television programming they broadcast to indoctrinate their children. For those who still believe, contrary to everything else, that Hamas is merely a political organization or a social organization, they should look no further than their television sets to see a Mickey Mouse look-alike teaching children how to wear explosive belts, or Bugs Bunny teaching children to kill and even eat Jews. This is absolutely outrageous uncivilized behavior. And far from laying the groundwork for peace, Hamas is sowing the seeds of yet another generation of terrorists who value martyrdom and death above all else. Instead of protecting their children, they are putting them in harm's way.

Indeed, just this weekend during a cease-fire with Israel, Arab media reported that Hamas is continuing to conduct military exercises in residential areas. It is just further troubling evidence that they are all too eager to put their children in the line of fire. Instead of teaching their children mathematics and geography or really enjoying a Mickey Mouse and a Bugs Bunny character, they teach their children how to fire missiles and maximize casualties, and using cartoon figures to do it.

I submit to you today that true peace will only come to the Middle East when terrorist organizations like Hamas stop indoctrinating their children with hate, stop treating their children as cannon fodder, and start building a positive, stable future for their children.

I urge support for this resolution.

Mr. POE. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H. Res. 1069, a resolution condemning Hamas for using a children's television program to incite hatred, violence, and anti-Semitism towards Israel and its citizens.

This hateful propaganda targeted at children by Hamas, an internationally recognized terrorist organization, cannot be tolerated and must be stopped.

Further, unless Hamas recognizes the State of Israel's right to exist, ceases incitement of hatred, and permanently disarms and dismantles its terrorist infrastructure, the United States will not work with it, nor can we expect Israel to.

Israel is our best ally, and our relationship is all the more important as our nations share a common interest in defeating the threat posed by radical Islamist terrorists, whether it is Hamas or Hezbollah.

Israel has stood bravely in the face of threats by Hamas and Hezbollah, and has the right and obligation to defend its citizens and its nation. Israel has the right to exist free from terror, and we will help defend this right.

The actions of Hamas and Hezbollah, or any other Islamist terrorist organization, to incite hatred and violence in the young will doom any real chance of peace, and it will doom citizens in the future to a continued life in hell. We have to recognize that if there is going to be peace in the Middle East, it is going to emanate from the young.

We allowed my daughter, Jeramy Alice, to watch TV only on a Saturday morning. When she watched cartoons, she was absolutely fixated on them. It is stunning to see the impact television has on the young. And to think that young children would be seeing cartoon figures that would teach anger, hate and anti-Semitism is astonishing.

It strikes me as strange that eventually Hamas and Hezbollah and the people that have supported it don't get it. If they want a better life, if they want a better future, if they love and care

for their children, they will do everything to fill their children with images of love and peace, not hatred and anger.

Ms. JACKSON-LEE of Texas. Does the gentleman from Texas have any further speakers?

Mr. POE. We have no other speakers. I support the adoption of this immediately, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. I thank the gentleman. And let me, in supporting this legislation, indicate that there are friends that we have mentioned. And we hope that our allies such as Egypt will work with us to address what has been noted as particularly heinous comments and use of the airwaves.

Respecting our own viewpoints of protecting the first amendment, we do believe in that. But we also know that even though our law is not international law, that crying fire in a crowded theater certainly is not acceptable.

Teaching children to murder heads of states is not acceptable. Let us try to work and collaborate and point out these ills so that we can promote peace and democracy around the world. I ask my colleagues to support this legislation.

Mr. KUCINICH. Madam Speaker, H. Res. 1069 condemns the use of television programming by Hamas to incite hatred in Palestinian youth and encourage violence. Violence and hatred will not bring a just and lasting peace between Israelis and Palestinians. I do not condone the use of television programming to promote such acts; rather I strongly object to it. Similarly, I condemn an ongoing policy that seeks to punish a civilian population in an effort to undermine its political leadership.

Hamas is designated a foreign terrorist organization by the United States because they engage in violence that undermines the Arab-Israeli peace process. Hamas is a sanctioned terrorist entity by the U.S. and the international community. As such, our condemnation of all egregious and objectionable activities by Hamas is clear. Condemnation of their television programming does not make this more clear nor does it bring us closer to a viable peace.

U.S. foreign policy must promote viable solutions to the violence and hatred. It is obvious that the promotion of peaceful solutions begins with ensuring the security and basic human rights of all people. The ongoing atrocities caused by the suffering of 1.5 million people in Gaza who are subject to escalating poverty, inadequate health care and insufficient access to clean water is a clear violation of security and human rights.

The blockade of Gaza has resulted in a near total collapse of the private sector, causing an almost 80 percent unemployment rate. More than 80 percent of all Gazans now rely on emergency food aid provided by the United Nations as their primary food source. The lack of basic goods has severely deteriorated Gaza's health, economy, and social fabric.

Imposition of the blockade in response to Hamas's attacks has amounted to collective punishment. While the current crisis may be exacerbated, instigated, even perpetuated by Hamas, the responsibility for ending the humanitarian crisis does not rest solely with Hamas.

Israel has a legal duty to provide Gazans with food, clean water, electricity, and medical care. The United States enjoys a close relationship with Israel. They are one of our strongest allies. I urge this body to exert our diplomatic influence with Israel to end the humanitarian crisis in Gaza and ensure the health, safety, and security for Palestinians and Israelis. This new condition would obviate the perceived need for condemnation.

Mr. MAHONEY. Mr. Speaker, I am honored to join my good friend and colleague, Representative CROWLEY, in supporting H. Res. 1069.

I have seen the workings of Hamas firsthand on a trip to Israel. Their rockets and attacks kill innocent Israelis. And now, by using of Al-Aqsa TV programming to promote hate and violence among Palestinian children, they are poisoning another generation.

There is no place for cartoon characters telling children they "will finish off the Jews and eat them" or depictions of President Bush being murdered. Children should be taught to respect and accept all people, no matter their faith.

This blatant propaganda aims to indoctrinate children, incite hatred and violence towards Israel, and undermine efforts to establish peace in the Middle East.

At a time when the United States is working to bring peace to the region, it is incomprehensible and counterproductive to be filling Palestinian children with more hatred and fear.

If lasting peace is to be achieved, this type of anti-Semitic and anti-American propaganda must be stopped.

Today, we are sending a clear message to Hamas that this type of behavior must come to an end. I thank my colleagues for their support.

Ms. JACKSON-LEE of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE of Texas) that the House suspend the rules and agree to the resolution, H. Res. 1069, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE USS "CONSTELLATION" IN THE TRANSATLANTIC SLAVE TRADE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1159), recognizing the historical significance of the United States sloop-of-war *Constellation* as a surviving witness to the horrors of the Transatlantic Slave Trade and a leading participant in America's effort to end the practice.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1159

Whereas on September 17, 1787, the United States Constitution was adopted and article I, section 9 of the document declared that Congress could prohibit the importation of slaves into the United States in the year 1808;

Whereas on March 22, 1794, the United States Congress passed "An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country", thus beginning American efforts to halt the slave trade;

Whereas on May 10, 1800, Congress enacted legislation that outlawed all American participation in the international trafficking of slaves and authorized the United States Navy to seize American vessels engaged in the slave trade;

Whereas on March 2, 1807, President Thomas Jefferson signed a bill that declared the importation of slaves into the United States illegal;

Whereas on January 1, 1808, the act "to prohibit the importation of slaves into any port or place within the jurisdiction of the United States" took effect;

Whereas on March 3, 1819, Congress authorized the Navy to cruise the African coast to suppress the slave trade. The Act declared that Africans on captured ships be placed under Federal jurisdiction and authorized the President to appoint an agent in Africa to facilitate their return to the continent;

Whereas in 1819, the Royal Navy of Great Britain established the West Coast of Africa as a separate naval station and actively plied the waters in pursuit of slave ships. Great Britain negotiated with many other nations to obtain the right to search their vessels if suspected of engaging in the slave trade;

Whereas on May 15, 1820, Congress declared the trading of slaves to be an act of piracy and those convicted subject to the death penalty;

Whereas in 1842, the Webster-Ashburton Treaty between Great Britain and the United States provided that both nations would maintain separate naval squadrons on the coast of Africa to enforce their respective laws against the slave trade. The newly formed United States African Squadron sailed for Africa in 1843 and remained in operation until the Civil War erupted in 1861;

Whereas in 1859, USS Constellation, the last all-sail vessel designed and built by the U.S. Navy, sailed to West Africa as the flagship of the United States African Squadron, consisting of eight ships, including four steam-powered vessels suitable for chasing down and capturing slavers;

Whereas on December 21, 1859, USS Constellation captured the brig Delicia after a 10-hour chase. Although Delicia had no human cargo on board upon capture, her crew was preparing the ship to take on slaves;

Whereas on the night of September 25, 1860, USS Constellation sighted the barque Cora near the mouth of the Congo River and, after a dramatic moonlit chase, captured the slave ship with 705 Africans crammed into her

''slave deck''. A detachment of the Constellation's crew sailed the surviving Africans to Monrovia, Liberia, a colony founded for the settlement of free African-Americans that became the destination for all Africans freed on slave ships captured by the Navy;

Whereas on May 21, 1861, USS Constellation captured the brig Triton. Though the ship did not have Africans captured for slavery on board when intercepted by the Constellation, a search confirmed its preparation to take on slaves. Triton, registered in Charleston, South Carolina, was one of the first Union naval captures of the American Civil War;

Whereas from 1859 to 1861, USS Constellation and the African Squadron captured 14 slave ships and liberated nearly 4,000 Africans destined for a life of servitude in the Americas, a record unsurpassed by the United States African squadron under previous commanders; and

Whereas on September 25, 2008, the USS Constellation Museum will hold a ceremony to commemorate the bicentennial of the abolition of the Transatlantic Slave Trade aboard the same ship that, 149 years before, forced the capitulation of the slave ship Cora and freed the 705 Africans confined within: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historical and educational significance of USS Constellation, a 153-year-old American warship, berthed in Baltimore, Maryland, as a reminder of both American participation in the slave trade and the efforts of the United States Government to suppress this inhumane practice;

(2) applauds the preservation of this historic vessel and the efforts of the USS Constellation Museum to engage people from all over the world with this vital part of our history; and

(3) supports USS Constellation as an appropriate site for the Nation to commemorate the bicentennial of the abolition of the Transatlantic Slave Trade.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution and yield myself such time as I may consume.

Let me first thank Congressman Elijah Cummings for introducing this resolution honoring the USS Constellation, a 153-year-old American Warship that now is restored as a museum in the Baltimore Inner Harbor.

□ 1315

This historic ship serves as a reminder of the role that the United States Navy played in the abolition of the Transatlantic slave trade.

In 1787, our Nation began to adopt legislation to prohibit the importation of slaves to the United States and the transport of slaves from the U.S. to other parts of the Western Hemisphere. Over the next several decades, the U.S. Government joined with the British in deploying naval vessels along the African coastline to intercept slave ships, rescue kidnapped victims and place them under international jurisdiction, and return them to homelands in Africa.

Mr. Speaker, this is sometimes little known history, and I congratulate my colleague from Maryland of highlighting the fact that the good news is, even though it took long years to end slavery in the United States, they began to stop the transportation and importing of slaves, and they vigorously used the United States military in the name of the United States Navy.

The USS *Constellation* was the flagship of an eight-ship fleet that comprised the U.S. African Squadron. The Constellation captured 14 slave ships and rescued nearly 4,000 Africans from a life of forced servitude in the Americas.

Launched in 1854 from the Chesapeake Bay's Gosport Navy Yard at Portsmouth, Virginia, the USS *Constellation* served our country for 100 years before its final decommissioning in 1955, I would venture to say, a long, long time. Maybe its good work of preventing the importation of slaves allowed it to have a long life with good health.

After serving the anti-slavery effort, the USS *Constellation* was charged with chasing Confederate raiders during the Civil War, and served as a training ship for the midshipmen at the U.S. Naval Academy in Annapolis from 1871 to 1893. The ship was brought to Baltimore's Inner Harbor in 1955 and restored as the USS *Constellation* Museum.

This is a historic year, 2008, as we watch presidential politics. This legislation is an appropriate testament to the history of the United States and doing the right thing as it relates to slavery here in this country. It also incorporates our recognition of the United States Navy and the United States military as fighting for the unity of this Nation and the promotion of equality and justice for all Americans. Ending slavery was contributing to the Constitution and the Bill of Rights that offered to say that we all are created equal.

I thank our colleague, Congressman CUMMINGS, and I rise in strong support of this resolution, because this resolution celebrates the USS *Constellation* as a historic reminder of the battle to end slavery and of the role and capabilities of the Navy's elite vessels of that era. They continue to serve us, and I strongly support the resolution.

I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 1159, which recognizes the USS *Constellation* as a surviving witness to the horrors of the Transatlantic slave trade and a significant figure in United States efforts to end that practice.

In this bicentennial year of the abolition of the Transatlantic slave trade, this body has considered a number of resolutions condemning the horrors of slavery and recognizing the efforts of those who sought to combat it. Each of these resolutions has been important, not only for the purpose of preserving our history, but also for calling attention to the fact that today, 200 years after the formal abolition of the Transatlantic slave trade, slavery still continues. It endures in those areas where traffickers are enabled to engage in their inhumane and cruel trade. It thrives where human rights are abused and tyrants rule the day.

I thank the gentleman from Maryland (Mr. CUMMINGS) for introducing this later effort to renew the charge of the United States to confront slavery in its various forms around the world while, at the same time, showing the historical significance of the USS *Constellation*.

On January 1, 1808, the act to ''prohibit the importation of slaves into any port or territory within the jurisdiction of the United States'' took effect. Eleven years later, the United States Congress authorized the Navy to cruise the coast of the African continent and take effective measures to suppress the slave trade. The USS *Constellation* served as the flagship in this effort from 1859 through 1861, leading the United States African Squadron, as it was called, as it captured 14 slave ships and liberated an estimated 4,000 Africans destined to be enslaved. Today the USS *Constellation* continues to serve as a museum and a tribute to the efforts of those who sought to end the horrors of the slave trade.

As such, this resolution specifically recognizes the historical and educational significance of the *Constellation*, and recommends it as an appropriate site for this Nation to commemorate the bicentennial of the abolition of the Transatlantic slave trade.

I urge all my colleagues to support this important resolution.

I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to yield to the gentleman from Maryland (Mr. CUMMINGS), the chairman of the Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation, such time as he might consume.

Mr. CUMMINGS. I want to thank the gentlelady for yielding. And I also associate myself with her words and the words of Mr. POE.

Mr. Speaker, I rise today to express my appreciation to the members of the House Foreign Affairs Committee and the leadership for bringing this resolution to the floor.

Special acknowledgment and thanks also go to my friend and colleague, Representative GREGORY MEEK of New York, for acknowledging and appreciating the efforts and accomplishments of the *Constellation*'s crew by joining me as a lead cosponsor.

This resolution recognizes the USS *Constellation* for its role in ending the Transatlantic slave trade. The *Constellation* deserves to be recognized not only for the liberation of thousands of Africans, but also the liberation from oppression and ignorance.

As a descendent of slaves, I understand the importance of the *Constellation*'s role as a shining moment in one of the darkest points in our Nation's history. Its role in the progression of our society is only further amplified, given the political history that is currently being made today, and as Ms. JACKSON-LEE alluded to.

As the first Union Navy vessel to interdict major slave ships along the West African coast, the USS *Constellation* was a flagship for the United States Navy's African squadron from 1859 to 1861. During this time, the USS *Constellation* was used to capture 14 slave ships and liberate nearly 4,000 Africans headed towards a life deprived of freedom and unpaid labor. In fact, after a dramatic chase into the night on September 25, 1860, the USS *Constellation* was used to capture the Cora near the mouth of the Congo River. Crammed into the dark ''slave deck'' were 705 Africans.

A detachment of the *Constellation*'s crew took the surviving Africans to Monrovia, Liberia, a colony founded for the settlement of free African Americans that became the destination for all Africans freed on slave ships captured by the United States Navy.

In 1894, the *Constellation* continued its historic service as a training vessel at the U.S. Naval Academy and ended its service as the flagship of the Atlantic Fleet during World War II.

Decommissioned in 1955, the USS *Constellation* is berthed in my district and, of course, in my hometown of Baltimore at the Inner Harbor. This 153-year-old American warship was designated as a national historic landmark on May 23, 1963, and is the perfect location to commemorate the bicentennial of the abolition of the Transatlantic slave trade in the United States.

On September 25, 2008, the USS *Constellation* Museum will hold a ceremony to commemorate the history of the ship and its crew. Additionally, there will be a special program to recognize the descendents of *Constellation*'s crew who will be in attendance.

In closing, Mr. Speaker, I thank those who supported H. Res. 1159 as cosponsors, and ask that my colleagues support the adoption of this resolution to ensure that this part of American history is never forgotten.

Mr. POE. We have no other speakers. I support this legislation, and yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from Tennessee, Congressman STEVE COHEN, who is a member of the Committee on the Judiciary.

Mr. COHEN. I thank Congressperson JACKSON-LEE and Congressperson CUMMINGS for their work on this resolution.

It is important that we remember our history, and we teach our history to our school children and our adults as well to know how far this country has come and where it has come from. There are things that have happened in history in this country and around the world that are not things that we are proud of. Nevertheless, we learn from them and we grow.

This is not the perfect Union that we hope it to be one day, but it is a more perfect Union each year. And amendments to the Constitution and laws have changed to make this a better country.

Earlier in this session, this Congress passed, by voice vote, an apology for slavery and Jim Crow, a long time in coming, but something that should have occurred and did occur. I hope that my colleagues in the Senate will pass the same resolution.

This is in the same vein, in remembering that this country did allow slavery for many years, and Jim Crow laws to follow. But while we did allow it, there was a time that it was outlawed, and there were efforts to suspend it and to stop it. And this ship and the people that manned the ship, captained the ship and served on the ship, did their jobs in seeing that the slave trade was defeated off the African coast.

It is appropriate that this ship be maintained as a museum and a tribute to those gentlemen and to the cause that they served, and to remind people of some of the horrors in our history, but the improvements that we have made. And I compliment Congressman CUMMINGS on bringing the resolution, and the people involved in the City of Baltimore and elsewhere in preserving the USS *Constellation*.

Ms. JACKSON-LEE of Texas. Let me thank both Mr. CUMMINGS, the author of this bill; Mr. GREG MEEKS, a member of the Foreign Affairs Committee; Mr. COHEN, and ask my colleagues to enthusiastically support this legislation that emphasizes the importance of the United States Navy in ending the Transatlantic slave trade, H. Res. 1159.

I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 1159.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE VALUES AND GOALS OF THE U.S.-BRAZIL ANTI-DISCRIMINATION PACT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1254) supporting the values and goals of the ''Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality,'' signed by Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos on March 13, 2008, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1254

Whereas the United States and Brazil have many qualities in common, such as the rich ethnic and cultural diversity of their populations and each country's efforts to protect democracy and the civil rights and liberties of all their citizens;

Whereas the United States and Brazil share strong values of democracy, a diverse cultural demographic, and histories marred by slavery;

Whereas in comparison to the general population, minority groups in the United States and Brazil have experienced discrimination in many areas;

Whereas there is a continuing need to combat racial and ethnic discrimination and promote equality in the United States and Brazil;

Whereas the Governments of the United States and Brazil have committed to jointly seek solutions to issues affecting both countries, such as racial and ethnic discrimination and inequality;

Whereas the Department of State, Brazil's Ministry of Exterior Relations, and the Special Secretariat for the Promotion of Racial Equality began formal talks in October 2007, to negotiate areas of bilateral cooperation on combating discrimination and creating opportunities for ethnic minorities in the United States and Brazil;

Whereas, on March 13, 2008, Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos signed the ''Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality'', also known as the United States-Brazil Joint Action Plan Against Racial Discrimination;

Whereas the United States-Brazil Joint Action Plan Against Racial Discrimination creates the Steering Group to Promote Equality of Opportunity, which will consist of a panel of government officials from both the United

States and Brazil and facilitate the exchange of information on the best practices for antidiscrimination measures and development of ideas on how to bilaterally promote racial and ethnic equality;

Whereas United States and Brazil should discuss and consider techniques and initiatives for training educators, employers, workers, administrators of justice, such as police officers, judges, and prosecutors, and other members of society, on tolerance, equality, and the elimination of all forms of discrimination;

Whereas an Advisory Board, consisting of private sector representatives, government officials, civil society members, and experts on race relations and other relevant topics, will collaborate with Steering Group members at the periodic meetings of the Steering Group, to be held alternatively in Brazil and the United States;

Whereas the Inaugural Meeting of the Steering Group to Promote Equality of Opportunity will take place September 8-10, 2008, in Brasilia, Brazil;

Whereas the Government of Brazil and the Government of the United States each will determine their country's delegate members for the United States-Brazil Steering Group;

Whereas currently, United States Government participation in initiatives of the United States-Brazil Joint Action Plan Against Racial Discrimination is supported by existing discretionary funds within the Department of State and other participating agencies;

Whereas the elimination of ethnic and racial discrimination in the United States and Brazil is an ongoing process that requires the long-term dedication of both countries;

Whereas additional resources may be needed to support future initiatives under the United States-Brazil Joint Action Plan Against Racial Discrimination to address discrimination and promote racial and ethnic equality in the long term;

Whereas the specific areas of cooperation that the United States-Brazil Joint Action Plan Against Racial Discrimination plans to address include education, communications and culture, labor and employment, housing and public accommodation, equal protection under the law and access to legal systems, domestic enforcement of antidiscrimination laws and policies, sports and recreation, health issues prevalent among minorities, access to credit and technical training, and social, historical, and cultural factors that contribute to racial and ethnic prejudices;

Whereas the Steering Group on Equality of Opportunity will address the top priority of combating discrimination and promoting equality in education at primary, secondary, vocational, undergraduate, and graduate levels;

Whereas particular programs and initiatives to be considered by the Steering Group include, but are not limited to, training programs, strengthening democratic institutions, public-private partnerships with businesses and nongovernmental organizations, workshops and seminars, exchanges of technical experts, scholarships and fellowships, cooperation with international organizations and civil society, and programs in third countries;

Whereas the United States and Brazil should support cultural exchanges between minority groups in the two countries and opportunities for the exchange of perspectives and experiences in race relations in both countries; and

Whereas the Governments of the United States and Brazil value the importance of promoting tolerance and equality by emphasizing education and promoting equal opportunities, democracy, and prosperity in both countries: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the need to promote equality and continue to work towards eliminating racial discrimination in both the United States and Brazil;

(2) commends Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos for signing the ''Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality'';

(3) supports the continued involvement of the Government of the United States in the bilateral partnership of the United States-Brazil Joint Action Plan Against Racial Discrimination through funding that may be designated for programs as part of this initiative;

(4) encourages the participation of the Departments of State, Labor, Justice, and Education; the Equal Employment Opportunity Commission; Congress; Federal, State, and local court systems; and other agencies in the collaborative process of the United States-Brazil Steering Group on Equality of Opportunity; and

(5) urges the involvement of the private sector, civil society, and experts on race relations and other relevant topics to be considered as part of the Steering Group Advisory Board.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Let me generally, Mr. Speaker, thank the chairman of the full committee, Mr. BERMAN, and the ranking member, Ms. ILEANA ROS-LEHTINEN, both of whom are now conducting a hearing regarding the relationship between Georgia and Russia, for their leadership on these legislative initiatives. And I want to thank the Chairs and ranking members of the subcommittees from which these legislative initiatives have come forward.

It is well noted the Foreign Affairs Committee works collaboratively together, and I guess it continues to be in the spirit of our fallen leader, Representative, former chairman, Tom Lantos.

So let me thank our colleagues, Congressman ELIOT ENGEL and DAN BURTON, the chairman and ranking member of the Western Hemisphere Subcommittee, for introducing this important resolution.

Brazil and the United States both share a history of slavery in the Americas. The legacy and residual effects of that common history remain with both our countries long after the abolishment of slavery throughout the hemisphere.

The experience of race and the phenomenon of racism has been treated and understood very differently in Brazil than it has in the United States. Brazil holds the largest and one of the most ethnically diverse and racially mixed populations in the world.

□ 1330

Historically, Brazil's multi-ethnicity has taken its own unique path, devoid of the spasms of violence and resentment that have characterized similar historical moments in the United States. In fact, in the 20th century, Brazil's tolerance and accommodation came to be known as ''racial democracy'' and became a source of great pride for its people.

Having been to Brazil on several occasions, I can attest to the fact Brazil and its people seem to be constantly working on finding racial accommodations, racial democracy.

Significant changes have taken place in the U.S. and Brazil in the issue of race and racism in the past two decades. Today, Brazilian self-identity regarding race has become more nuanced. The undeniable fact of Brazilians as a mixture of different races has run headlong into the notion of racial exclusion. To paraphrase Professor Edward E. Telles of UCLA in his book ''Race in Another America: The Significance of Skin Color in Brazil,'' Brazilians today grapple with how their society can at the same time reflect inclusiveness and the differences that make them unique.

The United States and Brazil have much to learn from each other in this realm. The ways in which our racial histories have diverged, and more recently the ways in which they have converged, offer much to share and even more to discuss.

As I mentioned, as I have traveled to Brazil, I have seen the opportunity to make everyone a Brazilian. We here are now talking about the fact that different groups want to be acknowledged for their own cultural history, and also, as we have made everyone a Brazilian, different groups have noted that only one group of those Brazilians have been able to ascend to the highest corporate ranks as well as governmental ranks.

Therefore, it is especially timely, then, that we take up this resolution recognizing how our racial histories currently affect minority communities and celebrating the goals of a joint action plan between our two governments on racial and ethnic discrimination.

This resolution supports the ''U.S.-Brazil Joint Action Plan to Eliminate Racial and Ethnic Discrimination and Promote Equality'' that was signed by Secretary Rice and Brazilian Minister of Racial Integration Edson Santos in March of this year.

The Joint Action Plan is an agreement between both governments to create opportunities for minorities in the U.S. and Brazil to become active in technical, academic, and cultural exchange programs. It creates the Steering Group to Promote Equality of Opportunity, which will consist of a panel of government officials from both the United States and Brazil to facilitate the exchange of information and the best practices for antidiscrimination measures and develop ideas on how to bilaterally promote racial and ethnic equality.

I want to applaud the Afro-Brazilians Parliamentarians of whom I've had the opportunity to meet with who have been a persistent voice in asking for this approach to avoiding discrimination and promoting affirmative action.

I also want to thank my good friend and member of the Foreign Affairs Committee, Congressman GREGORY MEEKS, who has worked on these issues and as we have traveled together to express our concern about discrimination in Brazil.

This Joint Action Plan is only one part of the expanding strategic relationship between the United States and Brazil and is a positive step in strengthening that friendship and promoting racial and ethnic equality.

Yes, we applaud racial democracy in Brazil. We applaud the race-neutral stances that they've taken, but now we applaud even more the opportunity to cite different ethnic groups and their contributions to Brazil in giving them a greater equal opportunity in Brazil.

Therefore, Mr. Speaker, I strongly support this resolution.

I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

I'm pleased to rise in support of House Resolution 1254 and join my colleagues in supporting the views and goals of the Joint Action Plan signed between the United States and Brazil to eliminate racial and ethnic discrimination and promote equality. I would like to thank the gentleman from New York, Congressman ENGEL, for introducing this important measure and appreciate the efforts by his office to ensure that it was a bipartisan effort.

On March 13, 2008, Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos signed the ''Joint Action Plan Between the Government of the Federated Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality.'' This plan recognizes the commitments of our governments to promote equality and opportunity. It underscores the importance of cooperating in the promotion of human rights in order to maintain an environment of peace, democracy, and prosperity. And it also strengthens the ongoing and vital partnership we share with the country of Brazil.

Furthermore, the Joint Action Plan provides for the creation of a Steering Group to advance the understanding and exchange of information between the United States and Brazil and places a special emphasis on the role that education plays in both of our countries.

House Resolution 1254 recognizes the importance of the U.S.-Brazil Joint Action Plan and highlights the commitment of our two nations to strengthen cooperation in the pursuit of these noble goals. It also serves to underscore and further advance our commitments to democracy in that region of the world.

This increased partnership will work to further enhance our longstanding relationship with Brazil, a key partner in the Western Hemisphere, and deepen the types of friendship between our two peoples.

I applaud the proactive efforts taken by both countries in confronting the ongoing challenges of inequity, and I'm confident that the U.S.-Brazilian Joint Action Plan will only work to further strengthen the historic bonds between our two nations.

I support this legislation.

I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. I thank the gentleman's comments in support of this legislation. I, too, agree that this partnership between Brazil and the United States through our respective state departments and foreign ministers will be a great asset to creating equal opportunity in Brazil.

Therefore, Mr. Speaker, I ask that our colleagues support this legislation.

Mr. ENGEL. Mr. Speaker, I rise today in strong support of H. Res. 1254, a resolution I authored which commends the United States and Brazil for signing the Joint Action Plan to Eliminate Racial and Ethnic Discrimination and Promote Equality. And, I thank the distinguished Chairman of the Committee on Foreign Affairs HOWARD BERMAN for his leadership on this issue.

The Joint Action Plan is an important step forward in global efforts to combat the evils of racism and to stand together, as the two largest democracies in the Western Hemisphere, to promote equality for all people.

The United States and Brazil share a history of slavery in the Americas. The legacy and residual effects of that common history remain with both the United States and Brazil long after emancipation. Although the experience of race and the phenomenon of racism have been treated and understood differently in Brazil and the United States, today our paths converge. The ways in which our racial histories have diverged, and more recently the ways in which they have converged, offer a great learning opportunity for both countries.

Brazil and the United States are the two largest countries in the Western Hemisphere and have the largest Afro-descendant populations—populations which often face the most difficult economic and social barriers. Therefore, it is highly significant that our countries are now working together. The United States and Brazil have much in common, and our large vibrant minority communities are simply another trait we share. As Chairman of the Brazil Caucus, I believe that working together to stamp out discrimination only helps to bring our countries and peoples closer together, while each nation learns from the other's success stories in fighting ethnic discrimination.

I thank my colleagues on both sides of the aisle for their support of this important resolution. Our Congress can and should play a vital role in ensuring the success of the Joint Action Plan to Eliminate Racial and Ethnic Discrimination and Promote Equality. Our partnership on the Joint Action Plan is a positive step in strengthening our friendship and promoting racial and ethnic equality.

Ms. JACKSON-LEE of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 1254, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE 100TH ANNIVERSARY OF THE INDEPENDENCE OF BULGARIA

Mr. BAIRD. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1383) recognizing the 100th anniversary of the independence of Bulgaria, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1383

Whereas on September 22, 1908, Bulgaria proclaimed its independence to become a full-fledged sovereign state under the name of the Kingdom of Bulgaria;

Whereas this act marked the end of a long and dedicated struggle the Bulgarian people waged against their ages-long foreign occupier, the Ottoman Empire, which conquered the medieval Bulgarian state in the 14th Century;

Whereas although liberated in 1878, Bulgaria remained divided and dependent on its formal ruler;

Whereas with the proclamation of independence 100 years ago, Bulgaria took its rightful place among the family of nations and secured for its citizens in its constitution of 1991 the right to life, freedom and property;

Whereas the Republic of Bulgaria is a democratic nation, a strong defender of freedom and human rights, and a staunch ally of the United States;

Whereas the United States established diplomatic relations with the Republic of Bulgaria on September 19, 1903;

Whereas the United States acknowledges the courage of the Bulgarian people in deciding to pursue a free, democratic, and independent Bulgaria and their steadfast perseverance in building a society based on the rule of law, respect for human rights, and a free market economy;

Whereas the people of the Republic of Bulgaria strive to preserve and continue their tradition of ethnic and religious tolerance;

Whereas the Bulgarian Parliament, the Bulgarian Orthodox Church, King Boris III, politicians, intellectuals, and citizens all played a part in the resistance to Nazi pressure to carry out the deportation of Jews living in Bulgaria by preventing the deportation of 50,000 Jews to Nazi concentration camps;

Whereas Bulgaria was the only European country during World War II to increase its Jewish population;

Whereas Bulgaria experienced its first free election after the end of the Cold War in June 1990;

Whereas North Atlantic Treaty Organization (NATO) heads of state and member governments, meeting in Prague on November 21, 2002, invited Bulgaria into NATO after verified reforms of Bulgaria's political, economic and military systems were completed in preparation for membership;

Whereas Bulgaria was accepted as a member of NATO in April 2004, and has shown determination in enacting the continued reforms necessary to be a productive, contributing member of the Alliance;

Whereas Bulgaria was welcomed into the European Union in January 2007;

Whereas the World Bank recently classified Bulgaria as one of the top 10 nations to have undertaken important economic reforms to attract business investment;

Whereas Bulgaria is the only European Union nation to be listed in the top 10 of the World Bank's classification;

Whereas Bulgaria has promoted stability in the Balkans by rendering support to Operation Allied Force and Operation Joint Guardian led by NATO, and by providing peacekeeping troops to the Stabilization Force in Bosnia and Herzegovina (SFOR) in Bosnia and Herzegovina, and to the Kosovo Force (KFOR) in Kosovo;

Whereas Bulgaria initiated a historic strengthening of military relations by inviting the United States Armed Forces to begin conducting joint exercises with its forces in Bulgaria, the first voluntary defense cooperation agreement with foreign troops throughout Bulgarian history, including the 1,300 years before its declaration of independence; and

Whereas Bulgaria has stood firmly by the United States in the cause of advancing freedom worldwide during its tenure as a nonpermanent member of the United Nations Security Council: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Republic of Bulgaria for its efforts to strengthen relations with the United States over the past 100 years;

(2) recognizes the continued contributions of Bulgaria toward bringing peace, stability, and prosperity to the region of South Eastern Europe, including its contributions to regional security and democratic stability;

(3) salutes the willing cooperation of Bulgaria and its increasingly vital role as a valuable ally in the war against international terrorism; and

(4) encourages opportunities for greater cooperation between the United States and Bulgaria in the political, military, economic, and cultural spheres.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BAIRD. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I'm delighted to support this resolution marking the 100th anniversary of the independence of Bulgaria. I would like to note my good friend Representative JOE WILSON of South Carolina for his leadership in ensuring that the House mark this important date.

Founded over 1300 years ago in 681, Bulgaria is one of the most ancient countries in the world. Often referred to as the cradle of Slavic culture, Bulgaria was the birthplace of Orpheus and Spartacus. It has given the world the Cyrillic alphabet, beautiful handicrafts, and folk music.

In September 1908, Bulgaria threw off the yoke of Ottoman occupation, proclaimed its independence, and became a sovereign state under the name of the Kingdom of Bulgaria. In the 100 years since it achieved independent statehood, Bulgaria has become a Democratic nation, a staunch ally of the United States, and an active participant in the transatlantic community.

Bulgaria joined the North Atlantic Treaty Organization, NATO, in April 2004. It has actively participated in NATO missions aimed at ensuring the security and stability of the Balkans. Bulgaria provided support for Operation Allied Force and Operation Joint Guardian and furnished peacekeeping troops to the Stabilization Force in Bosnia and Herzegovina, as well as the Kosovo Force.

Bulgaria also has been a country of strategic importance to the wars in Iraq and Afghanistan allowing the U.S. to establish bases in the country and make use of its technical facilities. Bulgaria was welcomed into the European Union in January 2007, which made the Cyrillic alphabet the third official alphabet of the Union after Latin and Greek.

Bulgaria has also sought to strengthen its ties to the United States. Bulgarians began immigrating to this country in large numbers between 1903 and 1910, seeking economic opportunities and political freedoms during a time of great turmoil on the continent. According to the United States Census of 2000, there were 63,000 people of Bulgarian descent living in the United States. They're undoubtedly making a rich contribution to the tapestry of American life.

This resolution rightly encourages opportunities for even greater collaboration between our two nations in the political, economic, military, and cultural realms.

Mr. Speaker, I ask my colleagues to join me in congratulating the Bulgarian people on the 100th anniversary of their independence and in celebrating enduring Bulgarian-American friendship.

With that, Mr. Speaker, I would reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Thank you for this opportunity to speak on House Resolution 1383, a resolution recognizing the 100th anniversary of Bulgaria's independence. I want to thank the Ranking Member on the committee, Representative ILEANA ROS-LEHTINEN, and Chairman HOWARD BERMAN, in addition to Chairman ROBERT WEXLER of the Subcommittee on Europe and Ranking Member of that subcommittee, ELTON GALLEGLY of California, for their support in bringing this resolution to the floor.

I am grateful to serve as the cochair of the Bulgaria Caucus of Congress along with congresswoman ELLEN TAUSCHER of California. We work for parliamentary exchanges between Bulgaria and America, along with hosting Bulgarian officials and citizens in Washington.

The people of Bulgaria should be proud that on September 22 of this year they will celebrate 100 years of independence.

At the beginning of the 20th century, Bulgaria struggled to free itself from the Ottoman Empire. Toward the end of that century, they once again fought to emerge from beneath Totalitarianism following the defeat of Communism. Bulgaria's story is a success because of the hard work and dedication of its people. They should be proud of these accomplishments.

On a personal note, 18 years ago I had the great honor to serve as an elected observer for Bulgaria's first and free elections as a participant with the International Republican Institute. At the time, I saw a nation battling the challenges of building a democratic society based on the rule of law. Communist Totalitarianism was replaced by freedom and democracy.

Bulgarians have faced the opportunities and the difficulties associated with building a prosperous free economy.

Additionally, just last month I served and visited with American

troops stationed in Bulgaria on a codel led by Congresswoman MADELEINE BORDALLO of Guam, and I am proud to report that the immense economic and diplomatic progress the people of Bulgaria have made is remarkable. We were hosted by the National Assembly Foreign Affairs Committee Chairman Solomon Passy. Chairman Passy served with great distinction as the former foreign minister of Bulgaria.

We met with former Bulgarian Minister to Greece Stephan Stoyanov, along with Prime Minister Sergei Stanishev, and National Assembly Speaker Georgi Pirinski. During my visit to Bulgaria in 2005, I was honored to be hosted by President Georgi Parvanov.

Indeed, the World Bank recently classified Bulgaria as one of the top 10 nations to have undertaken important economic reforms to attract business investment. Bulgaria, admitted to the European Union in 2007, is the only EU Nation to be listed in the top 10.

In closing, we should recognize the people of Bulgaria for their continued support in the global war on terrorism. I have visited Bulgarian troops in Afghanistan and was proud that my son, Alan, served with Bulgaria during his year of service in Iraq.

As a dynamic member of NATO since 2004 and as a nation of free and democratic people, Bulgaria has stood with America in these difficult times. The partnership with America has never been stronger, built by Bulgaria's ambassador to the United States, Elena Poptodorova.

So today we recognize this immense achievement of theirs and commend them on 100 years of independence.

Again, I want to thank Chairman BERMAN, Ranking Member ROS-LEHTINEN, subcommittee Chairman WEXLER and subcommittee Ranking Member GALLEGLY for their work today.

I yield back the balance of my time.

Mr. BAIRD. I would echo the thanks and congratulate the gentleman on a successful resolution.

Mr. BOOZMAN. Mr. Speaker, I rise today in support of House Resolution 1383, and I commend our colleague, Mr. JOE WILSON of South Carolina, for introducing it. I appreciate Mr. WILSON's formation of the Bulgaria Cancus to promote the partnership of Bulgaria and America. Bulgaria declared its independence 100 years ago, on September 22nd, 1908.

Like so much of the rest of Europe, however, Bulgaria then suffered through a very difficult and tumultuous 20th Century.

After suffering through two world wars, Bulgaria was then trapped for over four decades behind the "Iron Curtain" that fell across Eastern Europe, and its people suffered from the repression and stagnation that accompanied the imposition of the Bulgarian communist regime by the former Soviet Union.

After the communist bloc in Eastern Europe fell apart, Bulgaria was at last able to hold a truly free election in June 1990.

It then faced fresh difficulties, however, as it went through a period of social and economic turmoil that culminated in a severe economic an financial crisis in 1996 and 1997.

With the help of the international community, the Bulgarian government initiated a series of difficult but necessary economic reforms.

Those reforms continue even today, but their results so far have helped Bulgaria noticeably improve its economic situation.

In fact, according to the World Bank, in 2006 Bulgaria attracted the highest levels of foreign direct investment—as a share of GDP—of all of the countries of Eastern Europe.

Challenges remain, but the market reforms undertaken so far have pointed Bulgaria in the right direction.

Bulgaria must also be commended for the political reforms it has implemented since 1990.

Right at the start, in 1991, the country adopted a new constitution, which created a parliamentary democracy that limited the powers of the President and also balanced those powers against the position of the Prime Minister—with the Prime Minister ultimately held accountable to the legislature.

So, Bulgaria has made progress toward a future of democracy and economic prosperity, but it nevertheless faces continuing challenges, including a rather serious problem in the form of corruption and organized crime.

We remain supportive of Bulgaria's efforts to address those twin scourges, and I note that, in the wake of very strong concerns expressed by the European Union, the Bulgarian government has indeed begun to reform its Interior Ministry and has created a State Agency for National Security to fight such corruption and organized crime.

We certainly wish it great success in that specific effort.

Finally, I note that, while continuing with its reform efforts at home, Bulgaria has also become an active member of the international community, contributing military personnel to participate in international missions in the countries of Cambodia, Bosnia and Herzegovina, Kosovo, Afghanistan and Iraq.

Furthermore, in a very important step in March 2004, Bulgaria became a formal ally of the United States by becoming a member of the North Atlantic Treaty Organization—NATO.

In its new role—as a member of the NATO Alliance—Bulgaria has proven itself to be a constructive and positive force in working for stability in the Black Sea region, and we are grateful for that.

This year, on the occasion of its 100th anniversary as an independent state, we commend Bulgaria on the great progress it hade in just the past eighteen years.

I ask my colleagues to join me in supporting this resolution honoring the independence of our friend and ally, Bulgaria.

Mr. BAIRD. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1383, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1345

COMMEMORATING BHUTAN'S PARTICIPATION IN THE SMITHSONIAN FOLKLIFE FESTIVAL

Mr. BAIRD. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1307) commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1307

Whereas Bhutan is a nation cloistered among some of the highest peaks in the eastern Himalayas and has for hundreds of years served as a sanctuary for the rich and unique Bhutanese culture;

Whereas Bhutan hosts some of the most pristine and biologically diverse natural environments in the modern world, owing to the agrarian society's unique farming traditions that are rooted in a deep appreciation for the land and humble devotion to its protection;

Whereas Bhutan participated in the 2008 Smithsonian Folklife Festival and shared with the people of the United States many aspects of its unique culture and traditions, including its special approach towards life, described in national policy as the pursuit of "Gross National Happiness";

Whereas Bhutan was only in recent decades accessible by road and airplane but is now sharing with people throughout the world its special cultural traditions that include 13 traditional arts, zorig chusum, monastic dancers who perform ritual dances from sacred tsechus festivals, and weavers who create some of the most coveted textiles in the world;

Whereas Bhutan is transitioning to a parliamentary democracy, owing to the leadership of King Jigme Singye Wangchuck, who abdicated his throne on December 14, 2006, and his son King Jigme Khesar Namgyel Wangchuck, who is committed to conducting parliamentary elections; and

Whereas King Jigme Singye Wangchuck devolved all executive authority from the throne to the cabinet in 1998, initiated the process of drafting a constitution in 2001, ordered by royal decree an end to Bhutan's absolute monarchy and the establishment of a parliamentary democracy in 2008, and issued to the people of Bhutan a historic document, or tsathrim, stating that "Bhutan is a sovereign Kingdom and the Sovereign power belongs to the people of Bhutan": Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) commemorates Bhutan's participation in the 2008 Smithsonian Folklife Festival;

(2) recognizes the important cultural, artistic, agricultural, and environmental

achievements of Bhutan and the Bhutanese people;

(3) commends the Bhutanese people, the Government of the Kingdom of Bhutan, and His Majesty King Jigme Khesar Namgyel Wangchuck for their commitment to conducting parliamentary elections and transitioning from an absolute monarchy to a parliamentary democracy; and

(4) remains committed to working with Bhutan, should it so desire, to foster cultural exchange and to assist in promoting democratic reform.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. BAIRD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BAIRD. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I am very pleased to be here today to speak in support of H. Res. 1307, commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation.

I want to pay special thanks to my colleague FRED UPTON for his assistance with this legislation as well.

I had the honor of visiting the Kingdom of Bhutan in August of 2006. It is truly a magnificent and beautiful country with delightful people. I am proud to have authored this resolution and urge its passage.

Throughout modern history, Bhutan has been one of the most geographically isolated nations in the world. Nestled among the highest peaks in the eastern Himalayas, Bhutan was inaccessible by road, rail, and air throughout the greater portion of the 20th century.

This unique seclusion fostered in Bhutan a distinctive culture marked by rich artistic tradition, deep spirituality, and an agrarian heritage emphasizing conservation and environmental stewardship.

Bhutan has adopted a principle to guide its development and preserve its rich cultural heritage—the principle of ''gross national happiness,'' or as the King informed us, contentment. This unique philosophy, enshrined as Bhutan's national objective by King Jigme Singye Wanghuck in 1982, measures progress not only in terms of economic gains or technological achievement, but as a complete balance of many important factors encompassing the well-being and prosperity of the communities and individuals who make up the kingdom.

The pursuit of gross national happiness promotes Bhutanese cultural values as the key to the nation's development and has enabled Bhutan to progress in the modern world while maintaining its commitment to itself. By respecting these traditions, Bhutan has preserved not only its culture but its pristine national environment and enabled the kingdom to remain one of the most biologically diverse ecosystems on the planet.

As Bhutan continued on its careful path of development under the leadership of King Jigme Wangchuck, the kingdom began to pursue political reforms. In 2008, Bhutan observes an important milestone and celebrates a historical achievement: 2008 marks not only the 100th anniversary of the kingdom's monarchy but also the dawn of Bhutan's emergence as a democratic constitutional monarchy.

This process of democratization began in 1998 when King Wangchuck devolved executive authority from the throne to the cabinet and initiated the drafting of a constitution by royal decree.

On December 14, 2006, King Wangchuck honored his pledge and abdicated the throne, abolished Bhutan's absolute monarchy, and transferred the throne to his son, Jigme Khesar Namgyel Wangchuck.

The new King has continued to oversee the democratization of his country. In March of 2008, Bhutan held its first parliamentary elections, embarking on the final step in its decade-long transition to full constitutional democracy. There are plans for a grant coronation in November of this year. At that time, Bhutan's first constitutional monarch will formally ascend to the throne.

H. Res. 1307 recognizes the political achievements of the Kingdom of Bhutan and commends the people and the leadership of the kingdom for their ability to pursue development while serving the nation's gross national happiness. We also commemorate the participation of Bhutan at the 2008 Folklife Festival, marking a unique opportunity for thousands of Americans to appreciate the Bhutanese culture that continues to flourish along Bhutan's path of development.

I urge passage of the resolution.

I reserve the balance of my time, Mr. Speaker.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 1307, a resolution commemorating Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and leaders of that isolated and mountainous country for their commitment to democratic reform.

Mr. Speaker, the Kingdom of Bhutan, called by its people ''the Land of the Thunder Dragon,'' is one of the most hauntingly beautiful and remarkable countries in the world.

If the diversity of its peoples, geography, and ecosystems weren't enough to make Bhutan stand out, this traditional society is also experiencing an extraordinary political evolution.

Due to the perceptive policies of its two most recent rulers, Bhutan has been transformed from one of the world's most reclusive poor countries to one of its more enlightened. The economy has grown at an average annual rate of 7 percent over the past 25 years. With huge investments in public health, life expectancy rose during the King's reign from 40 to 66. During the 1990s, the primary school enrollment rate rose by over a quarter to 72 percent.

This March, Bhutan held successful elections for the lower house of parliament. This event, which built upon the historic and peaceful elections for the upper house of parliament in December 2007, marked another positive step in Bhutan's transition to a democratic, constitutional monarchy.

Mr. Speaker, I urge support for this well-crafted and noncontroversial resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I thank my colleague for his kind words. It is truly a marvelous story, the development of Bhutan into a democratic monarchy. The effort of the King and his son and the entire Bhutanese people is really astonishing and a great story to tell. It is also a remarkably beautiful country.

So I would urge passage of this.

I have no further speakers at this time, and I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield back the balance of my time and commend my colleague from Washington State.

Mr. REYES. Mr. Speaker, I rise to express my support for H. Res. 1307, a resolution commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation.

The Kingdom of Bhutan has a very special relationship with the University of Texas at El Paso, UTEP, community and the people of El Paso, TX. This year's Smithsonian Folklife Festival presented a truly rare opportunity for UTEP and the El Paso community to join with the Kingdom of Bhutan to showcase our two cultures in the Nation's Capital. People had the opportunity to listen to El Paso mariachis and watch traditional Bhutanese dances at the National Mall. The show was one-of-a-kind.

Bhutan is currently transitioning to parliamentary democracy, and the resolution

under consideration today commends the Bhutanese people, and in particular King Jigme Singye Wangchuck, for advancing democratic institutions in the Himalayan nation.

During this critical time in Bhutan's history, it is fitting that the Kingdom was included in the 2008 Smithsonian Folklife Festival. The Folklife Festival is the largest annual cultural event in the U.S. Capital, featuring a different nation, region, State, and theme each year. This year's festival showcased the Kingdom of Bhutan, the State of Texas, and commemorated the 50th anniversary of NASA.

The festival also celebrated UTEP's ties to the Kingdom of Bhutan, and featured El Paso mariachi band Los Arrieros and musicians and dancers from Bhutan. UTEP President Diana Natalico and City Representative Susie Byrd welcomed the standing-room-only crowd to the performance.

As an added bonus, Bhutanese carpenters and skilled artisans constructed a traditional Bhutanese structure on the National Mall as gift of friendship for the people of the United States. The structure, one of the largest traditional buildings ever constructed on the National Mall, will be housed at UTEP for permanent display. UTEP students traveled to Washington, DC, to film a documentary about the 30-foot structure and the Folklife Festival.

Following the Smithsonian Folklife Festival, several Bhutanese performers traveled to El Paso to perform at the 2008 Bhutan Festival at UTEP. The event gave El Pasoans the opportunity to learn about Bhutanese culture and traditions.

These cooperative efforts between our two nations enrich both the United States and the Kingdom of Bhutan, and I rise today to join my colleagues in honoring the people of Bhutan as they shift to a more representative form of government.

Mr. BAIRD. I thank the gentleman. With that, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1307, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BAIRD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERMISSION FOR COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM TO FILE SUPPLEMENTAL REPORT ON H.R. 6322, PUBLIC CHARTER SCHOOLS HOME RULE ACT OF 2008

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be authorized to file a supplemental report to accompany H.R. 6322.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GOVERNMENT ACCOUNTABILITY OFFICE ACT OF 2008

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5683) to make certain reforms with respect to the Government Accountability Office, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Government Accountability Office Act of 2008''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 31, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.
Sec. 2. Provisions relating to future annual pay adjustments.
Sec. 3. Pay adjustment relating to certain previous years.
Sec. 4. Lump-sum payment for certain performance-based compensation.
Sec. 5. Inspector General.
Sec. 6. Reimbursement of audit costs.
Sec. 7. Financial disclosure requirements.
Sec. 8. Highest basic pay rate.
Sec. 9. Additional authorities.

SEC. 2. PROVISIONS RELATING TO FUTURE ANNUAL PAY ADJUSTMENTS.

(a) IN GENERAL.—Section 732 is amended by adding at the end the following:

''(j)(1) For purposes of this subsection—

''(A) the term 'pay increase', as used with respect to an officer or employee in connection with a year, means the total increase in the rate of basic pay (expressed as a percentage) of such officer or employee, taking effect under section 731(b) and subsection (c)(3) in such year;

''(B) the term 'required minimum percentage', as used with respect to an officer or employee in connection with a year, means the percentage equal to the total increase in rates of basic pay (expressed as a percentage) taking effect under sections 5303 and 5304–5304a of title 5 in such year with respect to General Schedule positions within the pay locality (as defined by section 5302(5) of title 5) in which the position of such officer or employee is located;

''(C) the term 'covered officer or employee', as used with respect to a pay increase, means any individual—

''(i) who is an officer or employee of the Government Accountability Office, other than an officer or employee described in subparagraph (A), (B), or (C) of section 4(c)(1) of the Government Accountability Office Act of 2008, determined as of the effective date of such pay increase; and

''(ii) whose performance is at least at a satisfactory level, as determined by the Comptroller General under the provisions of subsection (c)(3) for purposes of the adjustment taking effect under such provisions in such year; and

''(D) the term 'nonpermanent merit pay' means any amount payable under section 731(b) which does not constitute basic pay.

''(2)(A) Notwithstanding any other provision of this chapter, if (disregarding this subsection) the pay increase that would otherwise take effect with respect to a covered officer or employee in a year would be less than the required minimum percentage for such officer or employee in such year, the Comptroller General shall provide for a further increase in the rate of basic pay of such officer or employee.

''(B) The further increase under this subsection—

''(i) shall be equal to the amount necessary to make up for the shortfall described in subparagraph (A); and

''(ii) shall take effect as of the same date as the pay increase otherwise taking effect in such year.

''(C) Nothing in this paragraph shall be considered to permit or require that a rate of basic pay be increased to an amount inconsistent with the limitation set forth in subsection (c)(2).

''(D) If (disregarding this subsection) the covered officer or employee would also have received any nonpermanent merit pay in such year, such nonpermanent merit pay shall be decreased by an amount equal to the portion of such officer's or employee's basic pay for such year which is attributable to the further increase described in subparagraph (A) (as determined by the Comptroller General), but to not less than zero.

''(3) Notwithstanding any other provision of this chapter, the effective date of any pay increase (within the meaning of paragraph (1)(A)) taking effect with respect to a covered officer or employee in any year shall be the same as the effective date of any adjustment taking effect under section 5303 of title 5 with respect to statutory pay systems (as defined by section 5302(1) of title 5) in such year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any pay increase (as defined by such amendment) taking effect on or after the date of the enactment of this Act.

SEC. 3. PAY ADJUSTMENT RELATING TO CERTAIN PREVIOUS YEARS.

(a) APPLICABILITY.—This section applies in the case of any individual who, as of the date of the enactment of this Act, is an officer or employee of the Government Accountability Office, excluding—

(1) an officer or employee described in subparagraph (A), (B), or (C) of section 4(c)(1); and

(2) an officer or employee who received both a 2.6 percent pay increase in January 2006 and a 2.4 percent pay increase in February 2007.

(b) PAY INCREASE DEFINED.—For purposes of this section, the term ''pay increase'', as used with respect to an officer or employee in connection with a year, means the total increase in the rate of basic pay (expressed as a percentage) of such officer or employee, taking effect under sections 731(b) and 732(c)(3) of title 31, United States Code, in such year.

(c) PROSPECTIVE EFFECT.—Effective with respect to pay for service performed in any pay period beginning after the end of the 6-month period beginning on the date of the enactment of this Act (or such earlier date as the Comptroller General may specify), the rate of basic pay for each individual to whom this section applies shall be determined as if such individual had received both a 2.6 percent pay increase for 2006 and a 2.4 percent pay increase for 2007, subject to subsection (e).

(d) LUMP-SUM PAYMENT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall, subject to

the availability of appropriations, pay to each individual to whom this section applies a lump-sum payment. Subject to subsection (e), such lump-sum payment shall be equal to—

(1)(A) the total amount of basic pay that would have been paid to the individual, for service performed during the period beginning on the effective date of the pay increase for 2006 and ending on the day before the effective date of the pay adjustment under subsection (c) (or, if earlier, the date on which the individual retires or otherwise ceases to be employed by the Government Accountability Office), if such individual had received both a 2.6 percent pay increase for 2006 and a 2.4 percent pay increase for 2007, minus

(B) the total amount of basic pay that was in fact paid to the individual for service performed during the period described in subparagraph (A); and

(2) increased by 4 percent of the amount calculated under paragraph (1).

Eligibility for a lump-sum payment under this subsection shall be determined solely on the basis of whether an individual satisfies the requirements of subsection (a) (to be considered an individual to whom this section applies), and without regard to such individual's employment status as of any date following the date of the enactment of this Act or any other factor.

(e) CONDITIONS.—Nothing in subsection (c) or (d) shall be considered to permit or require—

(1) the payment of any rate (or portion of the lump-sum amount as calculated under subsection (d)(1) based on a rate) for any pay period, to the extent that such rate would be (or would have been) inconsistent with the limitation that applies (or that applied) with respect to such pay period under section 732(c)(2) of title 31, United States Code; or

(2) the payment of any rate or amount based on the pay increase for 2006 or 2007 (as the case may be), if—

(A) the performance of the officer or employee involved was not at a satisfactory level, as determined by the Comptroller General under paragraph (3) of section 732(c) of such title 31 for purposes of the adjustment under such paragraph for that year; or

(B) the individual involved was not an officer or employee of the Government Accountability Office on the date as of which that increase took effect.

As used in paragraph (2)(A), the term ''satisfactory'' includes a rating of ''meets expectations'' (within the meaning of the performance appraisal system used for purposes of the adjustment under section 732(c)(3) of such title 31 for the year involved).

(f) RETIREMENT.—

(1) IN GENERAL.—The portion of the lump-sum payment paid under subsection (d) to an officer or employee as calculated under subsection (d)(1) shall, for purposes of any determination of the average pay (as defined by section 8331 or 8401 of title 5, United States Code) which is used to compute an annuity under subchapter III of chapter 83 or chapter 84 of such title—

(A) be treated as basic pay (as defined by section 8331 or 8401 of such title); and

(B) be allocated to the biweekly pay periods covered by subsection (d).

(2) CONTRIBUTIONS TO CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(A) EMPLOYEE CONTRIBUTIONS.—The Government Accountability Office shall deduct and withhold from the lump-sum payment paid to each employee under subsection (d) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, if the portion of the lump-sum payment as calculated under subsection (d)(1) had been additionally paid as basic pay during the period described under subsection (d)(1) of this section; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period.

(B) AGENCY CONTRIBUTIONS AND PAYMENT TO THE FUND.—Not later than 9 months after the Government Accountability Office makes the lump-sum payments under subsection (d), the Government Accountability Office shall pay into the Civil Service Retirement and Disability Fund—

(i) the amount of each deduction and withholding under subparagraph (A); and

(ii) an amount for applicable agency contributions under section 8334 or 8423 of title 5, United states Code, based on payments made under clause (i).

(g) EXCLUSIVE REMEDY.—This section constitutes the exclusive remedy that any individuals to whom this section applies (as described in subsection (a)) have for any claim that they are owed any monies denied to them in the form of a pay increase for 2006 or 2007 under section 732(c)(3) of title 31, United States Code, or any other law. Notwithstanding any other provision of law, no court or administrative body, including the Government Accountability Office Personnel Appeals Board, shall have jurisdiction to entertain any civil action or other civil proceeding based on the claim of such individuals that they were due money in the form of a pay increase for 2006 or 2007 pursuant to such section 732(c)(3) or any other law.

SEC. 4. LUMP-SUM PAYMENT FOR CERTAIN PERFORMANCE-BASED COMPENSATION.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall, subject to the availability of appropriations, pay to each qualified individual a lump-sum payment equal to the amount of performance-based compensation such individual was denied for 2006, as determined under subsection (b).

(b) AMOUNT.—The amount payable to a qualified individual under this section shall be equal to—

(1) the total amount of performance-based compensation such individual would have earned for 2006 (determined by applying the Government Accountability Office's performance-based compensation system under GAO Orders 2540.3 and 2540.4, as in effect in 2006) if such individual had not had a salary equal to or greater than the maximum for such individual's band (as further described in subsection (c)(2)), less

(2) the total amount of performance-based compensation such individual was in fact granted, in January 2006, for that year.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term ''qualified individual'' means an individual who—

(1) as of the date of the enactment of this Act, is an officer or employee of the Government Accountability Office, excluding—

(A) an individual holding a position subject to section 732a or 733 of title 31, United States Code (disregarding section 732a(b) and 733(c) of such title);

(B) a Federal Wage System employee; and

(C) an individual participating in a development program under which such individual receives performance appraisals, and is eligible to receive permanent merit pay increases, more than once a year; and

(2) as of January 22, 2006, was a Band I staff member with a salary above the Band I cap, a Band IIA staff member with a salary above the Band IIA cap, or an administrative professional or support staff member with a salary above the cap for that individual's pay band (determined in accordance with the orders cited in subsection (b)(1)).

(d) EXCLUSIVE REMEDY.—This section constitutes the exclusive remedy that any officers and employees (as described in subsection (c)) have for any claim that they are owed any monies denied to them in the form of merit pay for 2006 under section 731(b) of title 31, United States Code, or any other law. Notwithstanding any other provision of law, no court or administrative body in the United States, including the Government Accountability Office Personnel Appeals Board, shall have jurisdiction to entertain any civil action or other civil proceeding based on the claim of such officers or employees that they were due money in the form of merit pay for 2006 pursuant to such section 731(b) or any other law.

(e) DEFINITIONS.—For purposes of this section—

(1) the term ''performance-based compensation'' has the meaning given such term under the Government Accountability Office's performance-based compensation system under GAO Orders 2540.3 and 2540.4, as in effect in 2006; and

(2) the term ''permanent merit pay increase'' means an increase under section 731(b) of title 31, United States Code, in a rate of basic pay.

SEC. 5. INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter I of chapter 7 is amended by adding at the end the following:

''§ 705. Inspector General for the Government Accountability Office

''(a) ESTABLISHMENT OF OFFICE.—There is established an Office of the Inspector General in the Government Accountability Office, to—

''(1) conduct and supervise audits consistent with generally accepted government auditing standards and investigations relating to the Government Accountability Office;

''(2) provide leadership and coordination and recommend policies, to promote economy, efficiency, and effectiveness in the Government Accountability Office; and

''(3) keep the Comptroller General and Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations of the Government Accountability Office.

''(b) APPOINTMENT, SUPERVISION, AND REMOVAL.—

''(1) The Office of the Inspector General shall be headed by an Inspector General, who shall be appointed by the Comptroller General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General shall report to, and be under the general supervision of, the Comptroller General.

''(2) The Inspector General may be removed from office by the Comptroller General. The Comptroller General shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of Congress.

''(3) The Inspector General shall be paid at an annual rate of pay equal to $5,000 less than the annual rate of pay of the Comptroller General, and may not receive any cash award or bonus, including any award under chapter 45 of title 5.

''(c) AUTHORITY OF INSPECTOR GENERAL.—In addition to the authority otherwise provided by this section, the Inspector General, in carrying out the provisions of this section, may—

''(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material that relate to programs and operations of the Government Accountability Office;

''(2) make such investigations and reports relating to the administration of the programs and operations of the Government Accountability

Office as are, in the judgment of the Inspector General, necessary or desirable;

''(3) request such documents and information as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal agency;

''(4) in the performance of the functions assigned by this section, obtain all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence from a person not in the United States Government or from a Federal agency, to the same extent and in the same manner as the Comptroller General under the authority and procedures available to the Comptroller General in section 716 of this title;

''(5) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this section, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;

''(6) have direct and prompt access to the Comptroller General when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

''(7) report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law; and

''(8) provide copies of all reports to the Audit Advisory Committee of the Government Accountability Office and provide such additional information in connection with such reports as is requested by the Committee.

''(d) COMPLAINTS BY EMPLOYEES.—

''(1) The Inspector General—

''(A) subject to subparagraph (B), may receive, review, and investigate, as the Inspector General considers appropriate, complaints or information from an employee of the Government Accountability Office concerning the possible existence of an activity constituting a violation of any law, rule, or regulation, mismanagement, or a gross waste of funds; and

''(B) shall refer complaints or information concerning violations of personnel law, rules, or regulations to established investigative and adjudicative entities of the Government Accountability Office.

''(2) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

''(3) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(e) SEMIANNUAL REPORTS.—(1) The Inspector General shall submit semiannual reports summarizing the activities of the Office of the Inspector General to the Comptroller General. Such reports shall include, but need not be limited to—

''(A) a summary of each significant report made during the reporting period, including a description of significant problems, abuses, and deficiencies disclosed by such report;

''(B) a description of the recommendations for corrective action made with respect to significant problems, abuses, or deficiencies described pursuant to subparagraph (A);

''(C) a summary of the progress made in implementing such corrective action described pursuant to subparagraph (B); and

''(D) information concerning any disagreement the Comptroller General has with a recommendation of the Inspector General.

''(2) The Comptroller General shall transmit the semiannual reports of the Inspector General, together with any comments the Comptroller General considers appropriate, to Congress within 30 days after receipt of such reports.

''(f) INDEPENDENCE IN CARRYING OUT DUTIES AND RESPONSIBILITIES.—The Comptroller General may not prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities of the Inspector General under this section.

''(g) AUTHORITY FOR STAFF.—

''(1) IN GENERAL.—The Inspector General shall select, appoint, and employ (including fixing and adjusting the rates of pay of) such personnel as may be necessary to carry out this section consistent with the provisions of this title governing selections, appointments, and employment (including the fixing and adjusting the rates of pay) in the Government Accountability Office. Such personnel shall be appointed, promoted, and assigned only on the basis of merit and fitness, but without regard to those provisions of title 5 governing appointments and other personnel actions in the competitive service, except that no personnel of the Office may be paid at an annual rate greater than $1,000 less than the annual rate of pay of the Inspector General.

''(2) EXPERTS AND CONSULTANTS.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5 at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

''(3) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office of the Inspector General unless the individual is appointed by the Inspector General, or provides services obtained by the Inspector General, pursuant to this paragraph.

''(4) LIMITATION ON PROGRAM RESPONSIBILITIES.—The Inspector General and any individual carrying out any of the duties or responsibilities of the Office of the Inspector General are prohibited from performing any program responsibilities.

''(h) OFFICE SPACE.—The Comptroller General shall provide the Office of the Inspector General—

''(1) appropriate and adequate office space;

''(2) such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Office of the Inspector General;

''(3) necessary maintenance services for such office space, equipment, office supplies, and communications facilities; and

''(4) equipment and facilities located in such office space.

''(i) DEFINITION.—As used in this section, the term 'Federal agency' means a department, agency, instrumentality, or unit thereof, of the Federal Government.''.

(b) INCUMBENT.—The individual who serves in the position of Inspector General of the Government Accountability Office on the date of the enactment of this Act shall continue to serve in such position subject to removal in accordance with the amendments made by this section.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 7 is amended by inserting after the item relating to section 704 the following:

''705. Inspector General for the Government Accountability Office.''.

SEC. 6. REIMBURSEMENT OF AUDIT COSTS.

(a) IN GENERAL.—Section 3521 is amended by adding at the end the following:

''(i)(1) If the Government Accountability Office audits any financial statement or related schedule which is prepared under section 3515 by an executive agency (or component thereof) for a fiscal year beginning on or after October 1, 2009, such executive agency (or component) shall reimburse the Government Accountability Office for the cost of such audit, if the Government Accountability Office audited the statement or schedule of such executive agency (or component) for fiscal year 2007.

''(2) Any executive agency (or component thereof) that prepares a financial statement under section 3515 for a fiscal year beginning on or after October 1, 2009, and that requests, with the concurrence of the Inspector General of such agency, the Government Accountability Office to conduct the audit of such statement or any related schedule required by section 3521 may reimburse the Government Accountability Office for the cost of such audit.

''(3) For the audits conducted under paragraphs (1) and (2), the Government Accountability Office shall consult prior to the initiation of the audit with the relevant executive agency (or component) and the Inspector General of such agency on the scope, terms, and cost of such audit.

''(4) Any reimbursement under paragraph (1) or (2) shall be deposited to a special account in the Treasury and shall be available to the Government Accountability Office for such purposes and in such amounts as are specified in annual appropriations Acts.''.

(b) CONFORMING AMENDMENT.—Section 1401 of title I of Public Law 108–83 (31 U.S.C. 3523 note) is repealed, effective October 1, 2010.

SEC. 7. FINANCIAL DISCLOSURE REQUIREMENTS.

Section 109(13)(B) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (i), by inserting ''(except any officer or employee of the Government Accountability Office)'' after ''legislative branch'', and by striking ''and'' at the end;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

''(ii) each officer or employee of the Government Accountability Office who, for at least 60 consecutive days, occupies a position for which the rate of basic pay, minus the amount of locality pay that would have been authorized under section 5304 of title 5, United States Code (had the officer or employee been paid under the General Schedule) for the locality within which the position of such officer or employee is located (as determined by the Comptroller General), is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and''.

SEC. 8. HIGHEST BASIC PAY RATE.

Section 732(c)(2) is amended by striking ''highest basic rate for GS–15;'' and inserting ''rate for level III of the Executive Level, except that the total amount of cash compensation in any year shall be subject to the limitations provided under section 5307(a)(1) of title 5;''.

SEC. 9. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 731 is amended—

(1) by repealing subsection (d);

(2) in subsection (e)—

(A) in the matter before paragraph (1), by striking ''maximum daily rate for GS–18 under section 5332 of such title'' and inserting ''daily rate for level IV of the Executive Schedule''; and

(B) by striking ''more than—'' and all that follows and inserting the following: ''more than 20 experts and consultants may be procured for terms of not more than 3 years, but which shall be renewable.''; and

(3) by adding at the end the following:

''(j) Funds appropriated to the Government Accountability Office for salaries and expenses

are available for meals and other related reasonable expenses incurred in connection with recruitment.''.

(b) CONFORMING AMENDMENTS.—(1) Section 732a(b) is amended by striking ''section 731(d), (e)(1), or (e)(2)'' and inserting ''paragraph (1) or (2) of section 731(e)''.

(2) Section 733(c) is amended by striking ''(d),''.

(3) Section 735(a) is amended by striking ''731(c)–(e),'' and inserting ''731(c) and (e),''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, once again, we come to the House floor to consider and pass what, in my opinion, is a vitally important piece of legislation designed to ensure the continual effectiveness of the U.S. Congress. H.R. 5683, the Government Accountability Act of 2008, will allow the Government Accountability Office to regain its footing as a premier government agency that both promotes its employees as the best and the brightest, as well as treats them as such.

On April 2, after a 2-year investigation and several subcommittee hearings, I introduced H.R. 5683, which would restore the 2006 and 2007 annual across-the-board increase to GAO employees who met expectations but did not receive the adjustment.

In summary, the legislation sets a ''floor guarantee'' that would preserve GAO's performance-based compensation system, while ensuring that GAO employees receive an annual increase in their permanent pay, provided they meet expectations, that is at least equal to the congressionally approved across-the-board increase. The floor guarantee will be comprised of the annual adjustment to the GAO pay schedule plus the permanent merit pay increase received by an employee under GAO's merit pay system.

Other provisions in the bill include creating a statutory Inspector General for GAO, permitting the Comptroller General greater flexibility to administer oaths to witnesses when auditing and settling accounts, enabling the CG to expenditures for meals and other expenses in connection with recruitment, and eliminates the statutorily employed GS–15 pay cap to allow the Comptroller General the authority to pay employees up to the rate for Executive Level III.

After consideration by our colleagues in the Senate, H.R. 5683 returns to us in the House amended and, in some respects, strengthened by the inclusion of language requiring the Treasury Department, the Internal Revenue Service, or any other Federal agency that the GAO elects to audit, to reimburse the GAO for the cost of performing such audits during fiscal year 2007. The most recent iteration of the bill also makes sure that GAO would be reimbursed by an agency that asks to be audited and elects to pay for the audit.

While the bill represents a significant step forward, the subcommittee and many Members of the House still recognize that more work needs to be done at GAO. Nevertheless, H.R. 5683 will help improve the morale at GAO and remedy the inequities that resulted from the denial of the 2006 and 2007 across-the-board adjustments.

Mr. Speaker, I hope that my colleagues will once again join GAO and the International Federation of Professional and Technical Engineers and support the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak on H.R. 5683, the Government Accountability Office Act of 2008. Last year, the GAO submitted to Congress a legislative proposal to make a number of largely noncontroversial changes to GAO's authorizing statutes. In May of this year, our committee approved H.R. 5683, and in June, the bill passed the House under suspension.

Now, the bill passed by the House did a number of things that were sought by the GAO. For example, that bill and the bill we're taking up today would make statutory GAO's Inspector General and would attempt to resolve longstanding pay disputes between GAO and some of its employees.

The Senate took up the House bill before the August recess, amended it, passed it, and sent it over here back to the House. It is the Senate's version of our bill that we're taking up today.

Now, the Senate's new language would add 4 percent to the lump sum payments under section 3. This is intended to compensate employees for the fact that under the Senate bill employees would have to make contributions into the retirement system.

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The original House bill expected GAO to cover these costs, which GAO was willing to do, but the Senate language expects employees to pay their fair share.

The new language would also revise reimbursement of GAO audit costs to limit reimbursements to those audits that are currently being done by GAO, but would allow reimbursement of other audits with the concurrence of the agency's IG.

Since it appears all interested parties agreed to the new language before the bill passed the Senate, I support it as well and urge my colleagues to vote for the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. I want to thank the gentleman from Virginia for his support of the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5683.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

LANCE CORPORAL DREW W. WEAVER POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6168) to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANCE CORPORAL DREW W. WEAVER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, shall be known and designated as the ''Lance Corporal Drew W. Weaver Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Lance Corporal Drew W. Weaver Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I present for consideration and support H.R. 6168, which names a postal facility in St. Charles, Missouri, after Lance Corporal Drew Weaver, a heroic marine and great American.

H.R. 6198 was introduced by a colleague, Representative AKIN of Missouri, on June 3, 2008, and has been considered by and reported from the Oversight Committee. I should mention that the measure had the support of the entire congressional delegation from Missouri before the committee approved the bill by a voice vote on July 16, 2008.

Lance Corporal Drew Weaver was assigned to the 3rd Light Armored Reconnaissance Battalion, 1st Marine Division I, Marine Expeditionary Force Twenty-Nine out of Palms, California, and was serving in Operation Iraqi Freedom during the time of his death. A true hero and American serviceman, Lance Corporal Weaver was well known not only for his service to his country, but also for his service to his local community of St. Charles, Missouri.

St. Charles, Missouri is proud of their hometown hero for the sacrifices he so nobly made, and those of us in the House of Representatives are as well. Therefore, Mr. Speaker, let us remember and pay tribute to the life and legacy of the courageous Lance Corporal Weaver and pass H.R. 6168 without objection.

Mr. Speaker, I reserve the balance of my time.

Mr. AKIN. Mr. Speaker, I rise today in support of H.R. 6168. It's a bill that I introduced to honor the life of Drew W. Weaver by designating the post office in St. Charles, Missouri, as the Lance Corporal Drew W. Weaver Post Office Building.

A resident of St. Charles, Missouri, Lance Corporal Drew Weaver was part of the 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, 1st Marine Expeditionary Force. On February 21, 2007, Lance Corporal Weaver died while conducting combat operations in the al Anbar province in Iraq. As Captain Mark C. Brown noted, Drew was ''known for his enthusiasm and his ability to motivate people around him.''

Drew's contribution to his country was honored by his community when hundreds of people showed up to his memorial service and procession. A graduate of St. Charles High School, friends and family of Drew remember him as an energetic young man who was eager to serve his country. Ryan Hanson, his best friend and a fellow serviceman, said, ''Drew loved what he was doing and was proud of what he was doing for the Marine Corps.''

As the father of two Marines, one of whom has served in Iraq, it is a privilege to stand here today to honor one of our fallen heroes. Drew's commitment and dedication to his country is a shining example of how our military men and women are the finest our Nation has to offer.

His and his family's sacrifice should serve as a reminder to all that the freedom we enjoy as Americans is not free, but the result of tremendous bravery and selfless sacrifice of men and women willing to put themselves in harm's way for freedom's cause.

As Reverend James Benz noted during Drew's funeral, ''I think we can learn from them that the freedom we enjoy in this country is precious, that it is special, and it must be preserved sometimes at great personal cost.''

Our Nation will be forever indebted to Lance Corporal Drew Weaver. Madam Speaker, I ask that my colleagues join me today in honoring Lance Corporal Drew Weaver.

Vote ''yes'' on H.R. 6168.

Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. SOLIS). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6168.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. AKIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SPECIALIST PETER J. NAVARRO POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6169) to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIALIST PETER J. NAVARRO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, shall be known and designated as the ''Specialist Peter J. Navarro Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Specialist Peter J. Navarro Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform I am pleased to join my colleagues, particularly the gentleman from Missouri, in the consideration of H.R. 6169, which names a postal facility in Baldwin, Missouri, after a fallen hero, Specialist Peter J. Navarro.

Introduced on June 3, 2008, H.R. 6169 is sponsored by Congressman TODD AKIN, representative of Missouri's Second Congressional District, and cosponsored by Missouri's entire congressional delegation and a total of eight Members of Congress. H.R. 6169 was reported from the Oversight Committee on July 16, 2008 by a voice vote.

Upon graduating from Lafayette High School in Wildwood, Missouri, Specialist Peter J. Navarro was assigned to the Army's 2nd Battalion and served in that capacity as an outstanding member of his regiment. While conducting combat operations, an improvised explosion device was detonated near his Humvee, killing the 20-year-old.

His mother had asked him not to return to Iraq, but being the dedicated soldier that he was, Specialist Navarro returned because he believed in the mission. Described as a strong willed and caring young man, Specialist Peter J. Navarro served his country in Iraq with pride and distinction. In honor of this sacrifice, Mr. Speaker, let us also pay tribute to the life of Specialist Navarro and pass H.R. 6169 and designate the Manchester Road Post Office Building in Baldwin, Missouri, after this fine and outstanding American soldier.

Mr. Speaker, I reserve the balance of my time.

Mr. AKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 6169, a bill I introduced to honor the life of Peter J. Navarro by designating the post office in Baldwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building.''

A resident of Wildwood, Missouri, Specialist Peter Navarro was part of Company A, 2nd Battalion, 70th Armor Regiment, 3rd Brigade Combat Team, 1st Armored Division. On December 13, 2005, Specialist Navarro was one of four soldiers killed when a roadside bomb detonated near their Humvee during combat operations in Taji, Iraq.

A graduate of Lafayette High School, Peter declined his acceptance at Truman State University so he could join the Army right after graduation.

When Peter returned home for his younger brother's funeral, he was faced with the undeniable risks of serving his country; however, he returned to Iraq, telling friends and family ''they need me there.'' Peter was a dedicated soldier willing to give the ultimate sacrifice to protect his country and the men and women who reside there.

As Peter's father, Jose Navarro, said, ''He cared for the soldiers he worked with. He would do anything for his friends. And he told me he believed in the mission that he was involved in.''

As a father of two marines, one of whom has served in Iraq, it is a privilege to stand here today to honor one of our fallen soldiers. Peter's commitment and dedication to his country is a shining example of how our military men and women are the finest our Nation has to offer.

His and his family's sacrifice should serve as a reminder to all that the freedom we enjoy as Americans is not free, but the result of the tremendous bravery and selfless service of men and women willing to put themselves in harm's way for freedom's cause.

Our Nation will be forever indebted to Specialist Peter Navarro. Mr. Speaker, I ask that my colleagues join me today in honoring Peter by voting ''yes'' on H.R. 6169.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I am very pleased to join with Representative AKIN. And we would urge passage of this legislation in honor of an outstanding American soldier.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6169.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. AKIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

OVER-CLASSIFICATION REDUCTION ACT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6575) to require the Archivist of the United States to promulgate regulations to prevent the over-classification of information, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Over-Classification Reduction Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to increase Governmentwide information sharing and the availability of information to the public by applying standards and practices to reduce improper classification.

SEC. 3. OVER-CLASSIFICATION PREVENTION WITHIN THE FEDERAL GOVERNMENT.

(a) ARCHIVIST RESPONSIBILITIES.—

(1) REGULATIONS.—The Archivist of the United States, in consultation with the heads of affected Federal agencies, shall promulgate regulations to prevent the over-classification of information.

(2) REQUIREMENTS.—The regulations under this subsection shall—

(A) identify specific requirements to prevent the over-classification of information, including for determining—

(i) when classified products should be prepared in a similar format governmentwide; and

(ii) when classified products should also be prepared in an unclassified format; taking into consideration whether an unclassified product would reasonably be expected to be of any benefit to a State, local, tribal or territorial government, law enforcement agency, or other emergency response provider, the private sector, or the public;

(B) ensure that compliance with this Act protects national security and privacy rights; and

(C) establish requirements for Federal agencies to implement, subject to chapter 71 of title 5, United States Code, including the following:

(i) The process whereby an individual may challenge without retribution classification decisions by another individual and be rewarded with specific incentives for successful challenges resulting in—

(I) the removal of improper classification markings; or

(II) the correct application of appropriate classification markings.

(ii) A method for informing individuals that repeated failure to comply with the regulations promulgated under this section could subject them to a series of penalties.

(iii) Penalties for individuals who repeatedly fail to comply with the regulations promulgated under this section after having received both notice of their noncompliance and appropriate training or re-training to address such noncompliance.

(3) CONSULTATION.—The regulations shall be promulgated in consultation, as appropriate, with representatives of State, local, tribal, and territorial governments; law enforcement entities; organizations with expertise in civil rights, employee and labor rights, civil liberties, and government oversight; and the private sector.

(4) DEADLINE.—The regulations under this subsection shall be promulgated in final form not later than one year after the date of the enactment of this Act.

(b) INSPECTOR GENERAL RESPONSIBILITIES.—Consistent with the Inspector General Act of 1978 (5 U.S.C. App.) and section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q), the Inspector General of each affected Federal agency, in consultation with the Archivist, shall randomly audit classified information from each component of the agency with employees that have classification authority. In conducting any such audit, the Inspector General shall—

(1) assess whether applicable classification policies, procedures, rules, and regulations have been followed;

(2) describe any problems with the administration of the applicable classification policies, procedures, rules, and regulations, including specific non-compliance issues;

(3) recommend improvements in awareness and training to address any problems identified under paragraph (2); and

(4) report to Congress, the Archivist, and the public, in an appropriate format, on the findings of the Inspector General's audits under this section.

SEC. 4. ENFORCEMENT OF OVER-CLASSIFICATION PREVENTION WITHIN THE FEDERAL GOVERNMENT.

(a) PERSONAL IDENTIFIERS.—

(1) IN GENERAL.—For purposes described in paragraph (2), the Archivist of the United States shall require that, at the time of classification of information, the following shall appear on the information:

(A) The name, personal identifier, or unique agency identifier of the individual applying classification markings to the information.

(B) The agency, office, and position of the individual.

(2) PURPOSES.—The purposes described in this paragraph are as follows:

(A) To enable the agency to identify and address over-classification problems, including the classification of information that should not be classified.

(B) To assess the information sharing impact of any such problems.

(b) TRAINING.—When implementing the security education and training program pursuant to Executive Order 12958, Executive Order 12829, and successor appropriate Executive Orders, the Archivist, subject to chapter 71 of title 5, United States Code, shall, in consultation with heads of affected Federal agencies—

(1) integrate training to educate about—

(A) the prevention of over-classification of information;

(B) the proper use of classification markings, including portion markings;

(C) the consequences of over-classification and other repeated improper uses of classification markings, including the misapplication of classification markings to information that does not merit such markings, and of failing to comply with the policies and procedures established under or pursuant to this section, including the negative consequences for the individual's personnel evaluation, information sharing, and the overall success of the agency's missions; and

(D) information relating to lessons learned from implementation of the regulations including affected Federal agency internal audits and Inspector General audits, as provided under this Act; and

(2) ensure that such program is conducted efficiently, in conjunction with any other security, intelligence, or other training programs required by the agency to reduce the costs and administrative burdens associated with the additional training required by this section.

(c) DETAILEE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—The Archivist, subject to chapter 71 of title 5, United States Code, in consultation with heads of affected Federal agencies, shall implement a detailee program to detail Federal agency personnel, on a nonreimbursable basis, to the National Archives and Records Administration for the purpose of—

(A) training and educational benefit for the agency personnel assigned so that they may better understand the policies, procedures and laws governing classification authorities;

(B) bolstering the ability of the National Archives and Records Administration to conduct its oversight authorities over agencies; and

(C) ensuring that the policies and procedures established by the agencies remain consistent with those established by the Archivist of the United States.

(2) SUNSET OF DETAILEE PROGRAM.—Except as otherwise provided by law, this subsection shall cease to have effect on December 31, 2012.

SEC. 5. DEFINITIONS.

In this Act:

(1) INFORMATION.—The term ''information'' means any communicable knowledge or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the Federal Government.

(2) FEDERAL AGENCY.—The term ''Federal agency'' means—

(A) any Executive agency, as that term is defined in section 105 of title 5, United States Code;

(B) any military department, as that term is defined in section 102 of such title; and

(C) any other entity within the executive branch that comes into the possession of classified information.

(3) AFFECTED FEDERAL AGENCY.—The term ''affected Federal agency'' means any Federal agency that employs an individual with original or derivative classification authority.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. CLAY).

□ 1415

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6575, the Over-Classification Reduction Act, addresses the ongoing problem in the Federal Government of over-classification. This bill was introduced by the chairman and ranking member of the Committee on Oversight and Government Reform, HENRY WAXMAN and TOM DAVIS.

The National Commission on Terrorist Attacks Upon the United States, known as the 9/11 Commission, recommended limiting the unnecessary classification of documents and providing incentives for information sharing. Yet as we mark the 7th-year anniversary of the September 11 tragedy, our government still is not sharing important information. Some information must be protected to avoid threatening our national security. But going too far by over-protecting information is also damaging. Over-classification hurts our efforts to fight terrorism because it prevents agencies from sharing information with relevant stakeholders, including State and local law enforcement and other Federal agencies. It also undermines public access to this important information.

H.R. 6575 calls on the Archivist to promulgate regulations to prevent the over-classification of information. In addition to reducing over-classification, the Archivist would consider what classified information should be prepared in an unclassified format. Agencies would be required to give employees training and the opportunity to challenge classifications, and agency inspectors general would randomly audit classified information to ensure that it is properly marked.

This bill is being considered with an amendment that makes clarifications and addresses concerns raised by the administration and some Members of Congress. For example, the amendment ensures that the bill is consistent with executive order 12958 as well as other existing laws and programs. The amendment also clarifies that the regulations required by the bill be developed in consultation with the heads of affected agencies. It is essential that the Director of National Intelligence play an important role in developing policies related to the declassification of intelligence information. The Archivist also should consult with relevant agencies such as the Department of Defense regarding information about military operations or the Department of Energy regarding safeguarding nuclear facilities.

This bill takes a government-wide approach to improving information sharing. By doing so it will help strengthen our national security.

I would like to thank Chairman REYES and Representative HARMAN for working with the Committee on Oversight on this bill. I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. AKIN. Mr. Speaker, I yield myself such time as I may consume.

I agree completely with my friend from St. Louis here, and H.R. 6575 makes a whole lot of sense.

When we face direct threats, it's easy to assume that the best thing to do is to conceal, protect, or hide information, and, in fact, it's probably the worst thing that we can do. That's what the 9/11 Commission decided as it reviewed the American classification process that existed before the 2001 attacks. This is a quotation:

''Current security requirements nurture over-classification and excessive compartmentalization of information among agencies. Each agency's incentive structure opposes sharing, with risks, criminal, civil, and internal administrative sanctions, but few rewards for sharing information. No one has to pay the long-term costs of over-classifying information though these costs, even in literal financial terms, are substantial.''

The result is that the United States for a long time has tried to protect a huge body of secrets using an incomprehensibly complex system of classifications and safeguard requirements. Worst still, this body of secrets is growing and no one can say with any degree of certainty how much information is classified, how much needs to be declassified, or whether the Nation's real secrets can be adequately protected in a system so bloated it often does not distinguish between the critically important and the merely embarrassing.

Our classification practices have been highly subjective, inconsistent, and susceptible to abuse. Over-classification often confuses national security with bureaucratic, political, or diplomatic convenience.

With this legislation we intend to reduce improper and over-classification and consequently increasing government-wide information sharing and the availability of information to the public. We accomplish this by instructing the Archivist to promulgate regulations which will standardize decisions on the classification documents.

The legislation also establishes systems for challenging whether information ought to be classified and instructs agency IGs to randomly audit classified information to assess whether proper classification decisions are actually being made.

Finally, this legislation creates a record attached to each classified document stating who made the decision to classify. The current system of organizational silos restricts the free flow of information from agency to agency. This system reduces this Nation's overall security by making sure no one gets a view of the entire mosaic. The legislation presents a government-wide solution to protect what must be protected but requires sharing what ought to be shared.

Mr. Speaker, our future safety depends on moving from a ''need to know'' culture to a ''need to share'' culture. This legislation will help us reach that goal. I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I would just like to urge my colleagues to vote in favor of H.R. 6575, the Over-Classification Reduction Act, which addresses the ongoing problem in the Federal Government of over-classification. Let me thank again Chairman WAXMAN as well as Ranking Member DAVIS for their sponsorship of this bill.

Mr. DAVIS of Virginia. Mr. Speaker, an old military maxim instructs, ''He who protects everything protects nothing.'' For too long, that instruction has been ignored in this country with regards to our classified secrets.

When facing direct threats, it is always easy to assume the best thing to do is to conceal, protect and hide information. The problem is, as the old military maxim said, that could be the exact worst thing to do.

The 9/11 Commission put it this way: ''Current security requirements nurture overclassification and excessive compartmentation [sic] of information among agencies. Each agency's incentive structure opposes sharing, with risks, criminal, civil, and internal administrative sanctions, but few rewards for sharing information. No one has to pay the long-term costs of over-classifying information, though these costs—even in literal financial terms—are substantial.''

The result is the United States for a long time has tried to protect a huge body of secrets using an incomprehensibly complex system of classifications and safeguard requirements.

Worse still, this body of secrets is growing. And no one can say—with any degree of certainty—how much information is classified, how much needs to be declassified or whether the Nation's real secrets can be adequately protected in a system so bloated it often does not distinguish between the critically important and the merely embarrassing.

Our classification practices have been highly subjective, inconsistent and susceptible to abuse. Over-classification often confuses national security with bureaucratic, political or diplomatic convenience.

With this legislation, we intend to reduce improper and over-classification—and, consequently, increasing government-wide information sharing and the availability of information to the public.

We accomplish this by instructing the Archivist to promulgate regulations which will standardize decisions on the classification of documents.

The legislation also establishes systems for challenging whether information ought to be classified and instructs agency IGs to randomly audit classified information to assess whether proper classification decisions are being made.

Finally, this legislation creates a record—attached to each classified document—stating who made the decision to classify it.

The current system of organizational silos restricts the free flow of information from agency to agency. This reduces the Nation's overall security by making sure no one gets to view the entire mosaic.

Today, ''connecting the dots'' must be a ''team sport'' and this legislation presents a government-wide solution to protect what must be protected—but requires sharing of what ought to be shared.

Mr. Speaker, our future safety depends on moving from a ''need to know'' culture to a ''need to share'' culture.

This legislation will help us reach that goal and I urge my colleagues to support it.

Mr. WAXMAN. Mr. Speaker, H.R. 6575, the Over-Classification Reduction Act, is aimed at reducing over-classification by the Federal Government. I introduced this bill with the Ranking Member of the Committee on Oversight and Government Reform, TOM DAVIS.

I want to thank Ranking Member DAVIS for working with me to move this bill. I also want to thank Chairman REYES and Representative HARMAN for their cooperation on this bill and for their leadership on this issue. In addition, I want to recognize Representative CLAY for his work on this issue.

The 9/11 Commission recommended providing incentives for information sharing, ''to restore a better balance between security and shared knowledge.'' But unfortunately, that advice has not been heeded. We continue to see the Federal Government fostering secrecy using the tool of over-classification.

As the 9/11 Commission pointed out in its report, ''[c]urrent security requirements nurture overclassification and excessive compartmentalization of information among agencies. Each agency's incentive structure opposes sharing, with risks . . . but few rewards for sharing information. No one has to pay the long-term costs of overclassifying information, though these costs—even in literal financial terms—are substantial.''

H.R. 6575 would require the Archivist to promulgate regulations to prevent the over-classification of information. This bill would increase accountability by allowing individuals to challenge decisions to classify information and requiring that successful challenges be rewarded. The bill improves oversight of classification decisions by requiring the Inspector General of each affected agency to randomly audit classified information to determine whether the appropriate procedures were followed and to provide recommendations for improvements. It also requires training for employees to proactively prevent over-classification.

The problem of over-classification is governmentwide and it demands a governmentwide solution. In order to improve information sharing, every agency that has employees with the authority to classify documents must be held accountable. This bill does that. I urge support for H.R. 6575.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 6575, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SECURITIES ACT OF 2008

Mr. KANJORSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6513) to amend the Federal securities laws to enhance the effectiveness of the Securities and Exchange Commission's enforcement, corporation finance, trading and markets, investment management, and examination programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Securities Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Authority to impose civil penalties in cease and desist proceedings.
Sec. 3. Formerly associated persons.
Sec. 4. Scope of exemption from State securities regulation.
Sec. 5. Covered securities.
Sec. 6. Collateral bars.
Sec. 7. Unlawful margin lending.
Sec. 8. Securities Investor Protection Act of 1970 amendments.
Sec. 9. Annual testimony on reducing complexity in financial reporting.
Sec. 10. Equal treatment for self-regulatory organization rules.
Sec. 11. Lost and stolen securities.
Sec. 12. Fingerprinting.
Sec. 13. Clarification that section 205 of the Investment Advisers Act of 1940 does not apply to State-registered advisers.
Sec. 14. Amendments to section 31 of the Securities Exchange Act of 1934.
Sec. 15. Protecting confidentiality of materials submitted to Commission.
Sec. 16. Sharing privileged information with other authorities.
Sec. 17. Technical corrections.
Sec. 18. Conforming amendments for the repeal of the Public Utility Holding Company Act of 1935.
Sec. 19. Nationwide service of subpoenas.

SEC. 2. AUTHORITY TO IMPOSE CIVIL PENALTIES IN CEASE AND DESIST PROCEEDINGS.

(a) UNDER THE SECURITIES ACT OF 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h–1) is amended by adding at the end the following new subsection:

''(g) AUTHORITY TO IMPOSE MONEY PENALTIES.—

''(1) GROUNDS FOR IMPOSING.—In any cease-and-desist proceeding under subsection (a), the Commission may impose a civil penalty on a person if it finds, on the record after notice and opportunity for hearing, that—

''(A) such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder; and

''(B) such penalty is in the public interest.

''(2) MAXIMUM AMOUNT OF PENALTY.—

''(A) FIRST TIER.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $6,500 for a natural person or $65,000 for any other person.

''(B) SECOND TIER.—Notwithstanding paragraph (A), the maximum amount of penalty for each such act or omission shall be $65,000 for a natural person or $325,000 for any other person if the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement.

''(C) THIRD TIER.—Notwithstanding paragraphs (A) and (B), the maximum amount of penalty for each such act or omission shall be $130,000 for a natural person or $650,000 for any other person if—

''(i) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.

''(3) EVIDENCE CONCERNING ABILITY TO PAY.—In any proceeding in which the Commission may impose a penalty under this section, a respondent may present evidence of the respondent's ability to pay such penalty. The Commission may, in its discretion, consider such evidence in determining whether such penalty is in the public interest. Such evidence may relate to the extent of such person's ability to continue in business and the collectability of a penalty, taking into account any other claims of the United States or third parties upon such person's assets and the amount of such person's assets.''.

(b) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Subsection (a) of section 21B of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(a)) is amended—

(1) by striking ''(a) COMMISSION AUTHORITY TO ASSESS MONEY PENALTIES.—In any proceeding'' and inserting the following:

''(a) COMMISSION AUTHORITY TO ASSESS MONEY PENALTIES.—

''(1) IN GENERAL.—In any proceeding'';

(2) by redesignating paragraphs (1) through (4) of such subsection as subparagraphs (A) through (D), respectively and moving such redesignated subparagraphs and the matter following such subparagraphs 2 ems to the right; and

(3) by adding at the end of such subsection the following new paragraph:

''(2) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to section 21C of this title against any person, the Commission may impose a civil penalty if it finds, on the record after notice and opportunity for hearing, that such person—

''(A) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

''(B) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder.''.

(c) UNDER THE INVESTMENT COMPANY ACT OF 1940.—Paragraph (1) of section 9(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(1))) is amended—

(1) by striking ''(1) AUTHORITY OF COMMISSION.—In any proceeding'' and inserting the following:

''(1) AUTHORITY OF COMMISSION.—

''(A) IN GENERAL.—In any proceeding'';

(2) by redesignating subparagraphs (A) through (C) of such paragraph as clauses (i) through (iii), respectively and by moving such redesignated clauses and the matter following such subparagraphs 2 ems to the right; and

(3) by adding at the end of such paragraph the following new subparagraph:

''(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (f) against any person, the Commission may impose a civil penalty if it finds, on the record after notice and opportunity for hearing, that such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder.''.

(d) UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Paragraph (1) of section 203(i) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(1)) is amended

(1) by striking ''(1) AUTHORITY OF COMMISSION.—In any proceeding'' and inserting the following:

''(1) AUTHORITY OF COMMISSION.—

''(A) IN GENERAL.—In any proceeding'';

(2) by redesignating subparagraphs (A) through (D) of such paragraph as clauses (i) through (iv), respectively and moving such redesignated clauses and the matter following such subparagraphs 2 ems to the right; and

(3) by adding at the end of such paragraph the following new subparagraph:

''(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (k) against any person, the Commission may impose a civil penalty if it finds, on the record after notice and opportunity for hearing, that such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder.''.

SEC. 3. FORMERLY ASSOCIATED PERSONS.

(a) MEMBER OR EMPLOYEE OF THE MUNICIPAL SECURITIES RULEMAKING BOARD.—Section 15B(c)(8) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(8)) is amended by striking ''any member or employee'' and inserting ''any person who is, or at the time of the alleged misconduct was, a member or employee''.

(b) PERSON ASSOCIATED WITH A GOVERNMENT SECURITIES BROKER OR DEALER.—Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended—

(1) in subsection (c)(1)(C), by striking ''or seeking to become associated,'' and inserting ''seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'';

(2) in subsection (c)(2)(A), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''; and

(3) in subsection (c)(2)(B), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''.

(c) PERSON ASSOCIATED WITH A MEMBER OF A NATIONAL SECURITIES EXCHANGE OR REGISTERED SECURITIES ASSOCIATION.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting '', or, as to any act or practice, or omission to act, while associated with a member, formerly associated'' after ''member or a person associated''.

(d) PARTICIPANT OF A REGISTERED CLEARING AGENCY.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting ''or, as to any act or practice, or omission to act, while a participant, was a participant,'' after ''in which such person is a participant,''.

(e) OFFICER OR DIRECTOR OF A SELF-REGULATORY ORGANIZATION.—Section 19(h)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(h)(4)) is amended—

(1) by striking ''any officer or director'' and inserting ''any person who is, or at the time of the alleged misconduct was, an officer or director''; and

(2) by striking ''such officer or director'' and inserting ''such person''.

(f) OFFICER OR DIRECTOR OF AN INVESTMENT COMPANY.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–35(a)) is amended—

(1) by striking ''a person serving or acting'' and inserting ''a person who is, or at the time of the alleged misconduct was, serving or acting''; and

(2) by striking ''such person so serves or acts'' and inserting ''such person so serves or acts, or at the time of the alleged misconduct, so served or acted''.

SEC. 4. SCOPE OF EXEMPTION FROM STATE SECURITIES REGULATION.

Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. 77r(b)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking ''or the American Stock Exchange, or listed, or authorized for listing, on the National Market System of the Nasdaq Stock Market (or any successor to such entities)'' and inserting '', the American Stock Exchange, or the Nasdaq Stock Market (or any successor to such entities)''; and

(B) by inserting before the semicolon the following: '', except that a security listed, or authorized for listing, on the New York Stock Exchange, the American Stock Exchange, or the Nasdaq Stock Market (or any successor to such entities) shall not be a covered security if the exchange adopts listing standards pursuant to section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) that designates a tier or segment of such securities as securities that are not covered securities for purposes of this section and such security is listed, or authorized for listing, on such tier or segment''; and

(2) in subparagraph (B), by inserting ''covered'' after ''applicable to''.

SEC. 5. COVERED SECURITIES.

(a) WARRANTS AND RIGHTS.—Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. 77r(b)(1)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) a warrant or right to subscribe to or purchase any of the foregoing.''.

(b) EXEMPT OFFERINGS.—Section 18(b)(4)(D) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)(D)) is amended to read as follows:

''(D) Commission rules or regulations issued under section 4(2), except that this subparagraph does not prohibit a State from imposing notice filing requirements that are substantially similar to those required by rule or regulation under section 4(2) that are in effect on September 1, 1996, including information corresponding to that in all the parts and the appendix to Form D.''.

SEC. 6. COLLATERAL BARS.

(a) SECTION 15(B)(6)(A) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15(b)(6)(A) of

the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(6)(A)) is amended by striking ''12 months, or bar such person from being associated with a broker or dealer,'' and inserting ''12 months, or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, or transfer agent,''.

(b) SECTION 15B(C)(4) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15B(c)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(4)) is amended by striking ''twelve months or bar any such person from being associated with a municipal securities dealer,'' and inserting ''twelve months or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, or transfer agent,''.

(c) SECTION 17A(C)(4)(C) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 17A(c)(4)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(c)(4)(C)) is amended by striking ''twelve months or bar any such person from being associated with the transfer agent,'' and inserting ''twelve months or bar any such person from being associated with any transfer agent, broker, dealer, investment adviser, or municipal securities dealer,''.

(d) SECTION 203(F) OF THE INVESTMENT ADVISERS ACT OF 1940.—Section 203(f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(f)) is amended by striking ''twelve months or bar any such person from being associated with an investment adviser,'' and inserting ''twelve months or bar any such person from being associated with an investment adviser, broker, dealer, municipal securities dealer, or transfer agent,''.

SEC. 7. UNLAWFUL MARGIN LENDING.

Section 7(c)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(c)(1)(A)) is amended by striking ''; and'' and inserting ''; or''.

SEC. 8. SECURITIES INVESTOR PROTECTION ACT OF 1970 AMENDMENTS.

(a) SIPC ADVANCES.—Section 9(a)(1) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff–3(a)(1)) is amended by inserting ''or options on commodity futures contracts'' after ''claim for securities''.

(b) DEFINITIONS.—Section 16 of such Act (15 U.S.C. 78*lll*) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) CUSTOMER.—

''(A) IN GENERAL.—The term 'customer' of a debtor means any person (including any person with whom the debtor deals as principal or agent) who has a claim on account of securities received, acquired, or held by the debtor in the ordinary course of its business as a broker or dealer from or for the securities accounts of such person for safekeeping, with a view to sale, to cover consummated sales, pursuant to purchases, as collateral, security, or for purposes of effecting transfer.

''(B) INCLUDED PERSONS.—The term 'customer' includes—

''(i) any person who has deposited cash with the debtor for the purpose of purchasing securities;

''(ii) any person who has a claim against the debtor for cash, securities, futures contracts, or options on futures contracts received, acquired, or held in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the Commission; and

''(iii) any person who has a claim against the debtor arising out of sales or conversions of such securities.

''(C) EXCLUDED PERSONS.—The term 'customer' does not include—

''(i) any person to the extent that the claim of such person arises out of transactions with a foreign subsidiary of a member of SIPC; or

''(ii) any person to the extent that such person has a claim for cash or securities which by contract, agreement, or understanding, or by operation of law, is part of the capital of the debtor, or is subordinated to the claims of any or all creditors of the debtor, notwithstanding that some ground exists for declaring such contract, agreement, or understanding void or voidable in a suit between the claimant and the debtor.'';

(2) in paragraph (4), by inserting after the first sentence the following new sentence: ''In the case of portfolio margining accounts of customers that are carried as securities accounts pursuant to a portfolio margining program approved by the Commission, such term shall also include futures contracts and options on futures contracts received, acquired, or held by or for the account of a debtor from or for such accounts, and the proceeds thereof.'';

(3) in paragraph (9), by inserting before ''Such term'' in the matter following subparagraph (L) the following: ''The term includes revenues earned by a broker or dealer in connection with transactions in customers' portfolio margining accounts carried as securities accounts pursuant to a portfolio margining program approved by the Commission.''; and

(4) in paragraph (11)—

(A) by amending subparagraph (A) to read as follows:

''(A) calculating the sum which would have been owed by the debtor to such customer if the debtor had liquidated, by sale or purchase on the filing date—

''(i) all securities positions of such customer (other than customer name securities reclaimed by such customer); and

''(ii) all positions in futures contracts and options on futures contracts held in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the Commission; minus''; and

(B) by inserting before ''In determining'' in the matter following subparagraph (C) the following: ''A claim for a commodity futures contract received, acquired, or held in a portfolio margining account pursuant to a portfolio margining program approved by the Commission, or a claim for a security futures contract, shall be deemed to be a claim for the mark-to-market (variation) payments due with respect to such contract as of the filing date, and such claim shall be treated as a claim for cash.''.

SEC. 9. ANNUAL TESTIMONY ON REDUCING COMPLEXITY IN FINANCIAL REPORTING.

(a) FINDINGS.—Congress finds the following:

(1) Transparent and clear financial reporting is integral to the continued growth and strength of our capital markets and the confidence of investors.

(2) The increasing detail and volume of accounting, auditing, and reporting guidance pose a major challenge.

(3) The complexity of accounting and auditing standards in the United States has added to the costs and effort involved in financial reporting.

(b) TESTIMONY REQUIRED ON REDUCING COMPLEXITY IN FINANCIAL REPORTING.—The Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board shall annually provide oral testimony by their respective Chairpersons or a designee of the Chairperson, beginning in 2009, and for 5 years thereafter, to the Committee on Financial Services of the House of Representatives on their efforts to reduce the complexity in financial reporting to provide more accurate and clear financial information to investors, including—

(1) reassessing complex and outdated accounting standards;

(2) improving the understandability, consistency, and overall usability of the existing accounting and auditing literature;

(3) developing principles-based accounting standards;

(4) encouraging the use and acceptance of interactive data; and

(5) promoting disclosures in ''plain English''.

SEC. 10. EQUAL TREATMENT FOR SELF-REGULATORY ORGANIZATION RULES.

Section 29(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78cc(a)) is amended by striking ''an exchange required thereby'' and inserting ''a self-regulatory organization''.

SEC. 11. LOST AND STOLEN SECURITIES.

Section 17(f)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(f)(1)) is amended—

(1) in subparagraph (A), by striking ''missing, lost, counterfeit, or stolen securities'' and inserting ''securities that are missing, lost, counterfeit, stolen, cancelled, or any other category of securities as the Commission, by rule, may prescribe''; and

(2) in subparagraph (B), by striking ''or stolen'' and inserting ''stolen, cancelled, or reported in such other manner as the Commission, by rule, may prescribe''.

SEC. 12. FINGERPRINTING.

Section 17(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(f)(2)) is amended—

(1) by striking ''and registered clearing agency,'' and inserting ''registered clearing agency, registered securities information processor, national securities exchange, and national securities association''; and

(2) by striking ''or clearing agency,'' and inserting ''clearing agency, securities information processor, national securities exchange, or national securities association,''.

SEC. 13. CLARIFICATION THAT SECTION 205 OF THE INVESTMENT ADVISERS ACT OF 1940 DOES NOT APPLY TO STATE-REGISTERED ADVISERS.

Section 205(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5(a)) is amended—

(1) by striking '', unless exempt from registration pursuant to section 203(b),'' and inserting ''registered or required to be registered with the Commission'';

(2) by striking ''make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to''; and

(3) by striking ''to'' after ''in any way''.

SEC. 14. AMENDMENTS TO SECTION 31 OF THE SECURITIES EXCHANGE ACT OF 1934.

Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended—

(1) in subsection (e)(2), by striking ''September 30'' and inserting ''September 25''; and

(2) in subsection (g), by striking ''April 30'' and inserting ''August 31''.

SEC. 15. PROTECTING CONFIDENTIALITY OF MATERIALS SUBMITTED TO COMMISSION.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 17(j) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(j)) is amended to read as follows:

''(j) AUTHORITY TO LIMIT DISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information, documents, records, or reports that relate to an

examination of a person subject to or described in this section, including subsection (i)(5)(A), or the financial or operational condition of such persons, or any information supplied to the Commission by any domestic or foreign regulatory agency that relates to the financial or operational condition of such persons, of any associated person of such persons, or any affiliate of an investment bank holding company. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency or any self-regulatory organization requesting the information for purposes within the scope of its jurisdiction. Nothing in this subsection shall prevent the Commission from complying with an order of a court of the United States in an action brought by the United States or the Commission against such a person to produce information, documents, records, or reports relating directly to the examination of that person or the financial or operational condition of that person or an associated or affiliated person of that person. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. In prescribing regulations to carry out the requirements of this subsection, the Commission shall designate information described in or obtained pursuant to subparagraphs (A), (B), and (C) of subsection (i)(3) as confidential information for purposes of section 24(b)(2) of this title.''.

(b) INVESTMENT COMPANY ACT OF 1940.—Section 31(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–30(b)) is amended by adding at the end the following:

''(4) CONFIDENTIALITY.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information, documents, records, or reports that relate to an examination of a person subject to or described in this section. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction. Nothing in this subsection shall prevent the Commission from complying with an order of a court of the United States in an action brought by the United States or the Commission against such a person to produce information, documents, records, or reports relating directly to the examination of that person or the financial or operational condition of that person or an associated or affiliated person of that person. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.''.

(c) INVESTMENT ADVISERS ACT OF 1940.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended by adding at the end the following new subsection:

''(d) CONFIDENTIALITY.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information, documents, records, or reports that relate to an examination of a person subject to or described in this section. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction. Nothing in this subsection shall prevent the Commission from complying with an order of a court of the United States in an action brought by the United States or the Commission against such a person to produce information, documents, records, or reports relating directly to the examination of that person or the financial or operational condition of that person or an associated or affiliated person of that person. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.''.

SEC. 16. SHARING PRIVILEGED INFORMATION WITH OTHER AUTHORITIES.

Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) in subsection (e), as redesignated, by striking ''as provided in subsection (e)'' and inserting ''as provided in subsection (f)''; and

(3) by inserting after subsection (c) the following new subsection (d)—

''(d) SHARING PRIVILEGED INFORMATION WITH OTHER AUTHORITIES.—

''(1) PRIVILEGED INFORMATION PROVIDED BY THE COMMISSION.—The Commission shall not be deemed to have waived any privilege applicable to any information by transferring that information to or permitting that information to be used by—

''(A) any agency (as defined in section 6 of title 18, United States Code);

''(B) any foreign securities authority;

''(C) any foreign law enforcement authority; or

''(D) any State securities or law enforcement authority.

''(2) NON-DISCLOSURE OF PRIVILEGED INFORMATION PROVIDED TO THE COMMISSION.—Except as provided in subsection (f), the Commission shall not be compelled to disclose privileged information obtained from any foreign securities authority, or foreign law enforcement authority, if the authority has in good faith determined and represented to the Commission that the information is privileged.

''(3) NON-WAIVER OF PRIVILEGED INFORMATION PROVIDED TO THE COMMISSION.—No Federal agency or State securities or law enforcement authority shall be deemed to have waived any privilege applicable to any information by transferring that information to or permitting that information to be used by the Commission.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'privilege' includes any work-product privilege, attorney-client privilege, governmental privilege, or other privilege recognized under Federal, Foreign, or State law.

''(B) The term 'foreign law enforcement authority' means any foreign authority that is empowered under foreign law to detect, investigate or prosecute potential violations of law.

''(C) The term 'State securities or law enforcement authority' means the authority of any State or territory that is empowered under State or territory law to detect, investigate or prosecute potential violations of law.''.

SEC. 17. TECHNICAL CORRECTIONS.

(a) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—

(1) in section 3(a)(4) (15 U.S.C. 77c(a)(4)), by striking ''individual;'' and inserting ''individual,'';

(2) in section 18(b)(1)(C) (15 U.S.C. 77r(b)(1)(C)), by striking ''is a security'' and inserting ''a security'';

(3) in section 18(c)(2)(B)(i) (15 U.S.C. 77r(c)(2)(B)(i)), by striking ''State, or'' and inserting ''State or'';

(4) in section 19(d)(6)(A) (15 U.S.C. 77s(d)(6)(A)), by striking ''in paragraph (1) of (3)'' and inserting ''in paragraph (1) or (3)''; and

(5) in section 27A(c)(1)(B)(ii) (15 U.S.C. 77z–2(c)(1)(B)(ii)), by striking ''business entity;'' and inserting ''business entity,''.

(b) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(1) in section 2(1)(a) (15 U.S.C. 78b(1)(a)), by striking ''affected'' and inserting ''effected'';

(2) in section 3(a)(55)(A) (15 U.S.C. 78c(a)(55)(A)), by striking ''section 3(a)(12) of the Securities Exchange Act of 1934'' and inserting ''section 3(a)(12) of this Act'';

(3) in section 3(g) (15 U.S.C. 78c(g)), by striking ''company, account person, or entity'' and inserting ''company, account, person, or entity'';

(4) in section 10A(i)(1)(B)(i) (15 U.S.C. 78j–1(i)(1)(B)(i)), by striking ''nonaudit'' and inserting ''non-audit'';

(5) in section 13(b)(1) (15 U.S.C. 78m(b)(1)), by striking ''earning statement'' and inserting ''earnings statement'';

(6) in section 15(b)(1) (15 U.S.C. 78o(b)(1))—

(A) by striking the sentence beginning ''The order granting'' and ending ''from such membership.'' in subparagraph (B); and

(B) by inserting such sentence in the matter following such subparagraph after ''are satisfied.'';

(7) in section 15 (15 U.S.C. 78o), by redesignating subsection (i), as added by section 303(f) of the Commodity Futures Modernization Act of 2000 (114 Stat. 2763A–455), as subsection (j);

(8) in section 15C(a)(2) (15 U.S.C. 78o–5(a)(2))—

(A) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(B) by striking the sentence beginning ''The order granting'' and ending ''from such membership.'' in such subparagraph (B), as redesignated; and

(C) by inserting such sentence in the matter following such redesignated subparagraph after ''are satisfied.'';

(9) in section 16(a)(2)(C) (15 U.S.C. 78p(a)(2)(C)), by striking ''section 206(b)'' and inserting ''section 206B'';

(10) in section 17(b)(1)(B) (15 U.S.C. 78q(b)(1)(B)), by striking ''15A(k) gives'' and inserting ''15A(k), give''; and

(11) in section 21C(c)(2) (15 U.S.C. 78u–3(c)(2)), by striking ''paragraph (1) subsection'' and inserting ''Paragraph (1)''.

(c) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 304(b) (15 U.S.C. 77ddd(b)), by striking ''section 2 of such Act'' and inserting ''section 2(a) of such Act'';

(2) in section 313(a)(4) (15 U.S.C. 77mmm(a)(4)) by striking ''subsection 311'' and inserting ''section 311(b)''; and

(3) in section 317(a)(1) (15 U.S.C. 77qqq(a)(1)), by striking ''(1),'' and inserting ''(1)''.

(d) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended—

(1) in section 2(a)(19) (15 U.S.C. 80a–2(a)(19)) by striking ''clause (vi)'' both places it appears in the last two sentences and inserting ''clause (vii)'';

(2) in section 9(b)(4)(B) (15 U.S.C. 80a–9(b)(4)(B)), by inserting ''or'' after the semicolon at the end;

(3) in section 12(d)(1)(J) (15 U.S.C. 80a–12(d)(1)(J)), by striking ''any provision of this subsection'' and inserting ''any provision of this paragraph'';

(4) in section 13(a)(3) (15 U.S.C. 80a–13(a)(3)), by inserting ''or'' after the semicolon at the end;

(5) in section 17(f)(4) (15 U.S.C. 80a–17(f)(4)), by striking ''No such member'' and inserting ''No member of a national securities exchange'';

(6) in section 17(f)(6) (15 U.S.C. 80a–17(f)(6)), by striking ''company may serve'' and inserting ''company, may serve''; and

(7) in section 61(a)(3)(B)(iii) (15 U.S.C. 80a–60(a)(3)(B)(iii))—

(A) by striking ''paragraph (1) of section 205'' and inserting ''section 205(a)(1)''; and

(B) by striking ''clause (A) or (B) of that section'' and inserting ''section 205(b)(1) or (2)''.

(e) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended—

(1) in each of the following sections, by striking ''principal business office'' or ''principal place of business'' (whichever and wherever it appears) and inserting ''principal office and place of business'': sections 203(c)(1)(A), 203(k)(4)(B), 213(a), 222(b), and 222(c) (15 U.S.C. 80b–3(c)(1)(A), 80b–3(k)(4)(B), 80b–13(a), 80b–18a(b), and 80b–18a(c)); and

(2) in section 206(3) (15 U.S.C. 80b–6(3)), by inserting ''or'' after the semicolon at the end.

SEC. 18. CONFORMING AMENDMENTS FOR THE REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

(a) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(1) in section 3(a)(47) (15 U.S.C. 78c(a)(47)), by striking ''the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.),''; and

(2) in section 12(k) (15 U.S.C. 781(k)), by amending paragraph (7) to read as follows:

''(7) DEFINITION.—For purposes of this subsection, the term 'emergency' means—

''(A) a major market disturbance characterized by or constituting—

''(i) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets; or

''(ii) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

''(B) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

''(i) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

''(ii) the transmission or processing of securities transactions.''.

(3) in section 21(h)(2) (15 U.S.C. 78u(h)(2)), by striking ''section 18(c) of the Public Utility Holding Company Act of 1935,''.

(b) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 303 (15 U.S.C. 77ccc), by amending paragraph (17) to read as follows:

''(17) The terms 'Securities Act of 1933' and 'Securities Exchange Act of 1934' shall be deemed to refer, respectively, to such Acts, as amended, whether amended prior to or after the enactment of this title.'';

(2) in section 308 (15 U.S.C. 77hhh), by striking ''Securities Act of 1933, the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935'' each place it appears and inserting ''Securities Act of 1933 or the Securities Exchange Act of 1934'';

(3) in section 310 (15 U.S.C. 77jjj), by striking subsection (c) (including the preceding heading);

(4) in section 311 (15 U.S.C. 77kkk) by striking subsection (c);

(5) in section 323(b) (15 U.S.C. 77www(b)), by striking ''Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935'' and inserting ''Securities Act of 1933 or the Securities Exchange Act of 1934''; and

(6) in section 326 (15 U.S.C. 77zzz), by striking ''Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935,'' and inserting ''Securities Act of 1933 or the Securities Exchange Act of 1934''.

(c) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended—

(1) in section 2(a)(44) (15 U.S.C. 80a–2(a)(44)), by striking '''Public Utility Holding Company Act of 1935','';

(2) in section 3(c) (15 U.S.C. 80a–3(c)), by amending paragraph (8) to read as follows:

''(8) [Repealed]'';

(3) in section 38(b) (15 U.S.C. 80a–37(b)), by striking ''the Public Utility Holding Company Act of 1935,''; and

(4) in section 50 (15 U.S.C. 80a–49), by striking ''the Public Utility Holding Company Act of 1935,''.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 202(a)(21) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(21)) is amended by striking '''Public Utility Holding Company Act of 1935',''.

SEC. 19. NATIONWIDE SERVICE OF SUBPOENAS.

(a) SECURITIES ACT OF 1933.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by inserting after the second sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued by or on behalf of such court to compel the attendance of witnesses or the production of documents or tangible things (or both) may be served in any other district. Such subpoenas may be served and enforced without application to the court or a showing of cause, notwithstanding the provisions of rule 45(b)(2), (c)(3)(A)(ii), and (c)(3)(B)(iii) of the Federal Rules of Civil Procedure.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended by inserting after the third sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued by or on behalf of such court to compel the attendance of witnesses or the production of documents or tangible things (or both) may be served in any other district. Such subpoenas may be served and enforced without application to the court or a showing of cause, notwithstanding the provisions of rule 45(b)(2), (c)(3)(A)(ii), and (c)(3)(B)(iii) of the Federal Rules of Civil Procedure.''.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a–43) is amended by inserting after the fourth sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued by or on behalf of such court to compel the attendance of witnesses or the production of documents or tangible things (or both) may be served in any other district. Such subpoenas may be served and enforced without application to the court or a showing of cause, notwithstanding the provisions of rule 45(b)(2), (c)(3)(A)(ii), and (c)(3)(B)(iii) of the Federal Rules of Civil Procedure.''.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–14) is amended by inserting after the third sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued by or on behalf of such court to compel the attendance of witnesses or the production of documents or tangible things (or both) may be served in any other district. Such subpoenas may be served and enforced without application to the court or a showing of cause, notwithstanding the provisions of rule 45(b)(2), (c)(3)(A)(ii), and (c)(3)(B)(iii) of the Federal Rules of Civil Procedure.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentlewoman from Ohio (Ms. PRYCE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KANJORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6513, the Securities Act of 2008.

This commonsense legislation enjoys broad bipartisan support. H.R. 6513 will also better protect investors, promote greater confidence in our capital markets at a crucial time, as investor anxieties persist because of this ongoing financial turmoil.

Additionally, H.R. 6513 increases the effectiveness of the Securities and Exchange Commission by strengthening its enforcement authority.

The current economic woes have once again highlighted the need for the Congress to vest regulators with the authority they need to keep markets balanced and their participants honest. The Securities Act of 2008 thus provides the commission with many of the important regulatory tools that it has sought as part of its annual authorization requests in recent years.

In particular, the commission's enforcement program will benefit greatly from the provisions authorizing the nationwide service of subpoenas and the imposition of collateral bars. These provisions respectively will allow the commission to allocate its funds more efficiently and prevent bad actors from re-entering other parts of the industry.

Securities Exchange Chairman Cox has expressed a letter of his support for this legislation to implement the commission's recommendations. Chairman Cox has also commended the Financial Services Committee's bipartisan leadership in developing this bill. The North American Securities Administrators Association has also endorsed this bill by noting that now is the time to strengthen securities regulation, given what has happened on Wall Street in recent years.

In addition to updating the Federal securities laws by making numerous technical corrections, this bill improves investor protection in at least three other ways.

First, it provides greater clarity about the commission's authority to impose sanctions on and seek remedies from individuals who violated the law but who are no longer associated with a regulated entity.

Second, the bill conforms the language of the law to existing interpretations about when unlawful margin lending occurs.

Third, this bill helps investors by extending the insurance provided by the Securities Investor Protection Corporation to securities futures held within their portfolio. As a result, this bill enhances the competitiveness of the U.S. markets by advancing portfolio-based margining for the customers of broker-dealers.

Capital flows to the most efficient markets, and because most financially developed countries allow this risk-based, investor protection hedging practice, the U.S. equity markets simply must keep pace to compete in today's global economy by allowing it as well.

As per my earlier unanimous consent request, I am inserting in the CONGRESSIONAL RECORD a more detailed statement about these three important investor protection measures in order to provide greater legislative history on them.

Before closing, I should note that previously the House has unanimously passed during the 110th Congress several of the provisions contained in this larger reform package. Moreover, this bill has strong bipartisan support, and my colleagues on both sides of the aisle therefore deserve tremendous credit for working together on this legislation. In particular, the gentleman from New York (Mr. MEEKS), the gentleman from Illinois (Mr. ROSKAM), the gentleman from Kentucky (Mr. DAVIS), and the gentleman from California (Mr. CAMPBELL) have worked diligently on many of these provisions in this bill. I appreciate their prior efforts and their support as cosponsors of this larger legislative package.

The chairman, Mr. FRANK, and the ranking member, Mr. BACHUS, of the Financial Services Committee, in addition to my ranking member (Ms. PRYCE) on the Capital Markets Subcommittee all support this bill.

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Our cooperative effort on this bill illustrates that good policy can emerge from this body when ideology and partisanship yield to practicality and the common good.

I would just like to comment that that sentence represents the career, to some extent, of Ms. PRYCE. Ms. PRYCE is joining us on the floor today, possibly for the last time in her congressional career. She has been my chairman and my ranking member as my career through Congress has occurred. DEBORAH knows that when I first heard of her intentions to retire, I was greatly saddened, because this body will be losing an individual on either side of the aisle who has been most cooperative, most nonpartisan, and most productive as a legislator of anyone I can remember in my years here in this body.

I wish her well in her retirement. I know it will only be a retirement in terms of leaving the Congress, not leaving active, productive, and contributing life in another form in Ohio or somewhere else. But we will miss you on the committee, on the subcommittee, and in this Congress, Ms. PRYCE.

In sum, I urge all my colleagues to vote ''yes'' on H.R. 6513.

Mr. Speaker, I rise today to express further support for the Securities Act of 2008, to explain why this legislation confirms certain existing authorities of the Securities and Exchange Commission, and to provide for the legislative history some background on the facts that informed the drafting of this bill.

In regard to section 3 on Formerly Associated Persons in H.R. 6513, many provisions of the Federal securities laws that authorize the sanctioning of a person who engages in misconduct while associated with a regulated or supervised entity explicitly provide that such authority exists even if the person is no longer associated with that entity.

Several provisions, however, do not explicitly address this issue, although the intent of earlier Congresses appears to have been that the Securities and Exchange Commission had such authority, and no contrary statutory language or legislative history exists. In fact, the Congress has earlier amended several statutory provisions to ratify and confirm the authority of the Commission to discipline a person formerly associated with a regulated entity for conduct while an associated person, but it did not express intent to provide such authority only for those provisions being amended.

To build on these previous efforts, section 3 of H.R. 6513 amends additional provisions of the securities laws that do not explicitly address this issue. These changes confirm that the Commission may sanction or discipline persons who engage in misconduct while associated with a regulated or supervised entity, even if they are no longer associated with that entity. Accordingly, the amendments would not alter or expand the Commission's current authority. They would only ratify and confirm it.

As a general rule, it is the intent of the Congress that the securities laws, including but not limited to those provisions amended by this section, apply to and provide meaningful remedies for sanctioning persons who engage in misconduct while associated with a regulated or supervised entity, even if the person is no longer associated with that entity.

Also, the Capital Markets Efficiency Act of 1996 inter alia exempted from Federal margin requirements, adopted under section 7 of the Securities Exchange Act of 1934, credit extended, maintained, or arranged to or for a member of a national securities exchange or registered broker-dealer under certain circumstances. In the portion of section 7 that was not substantively amended by the Capital Markets Efficiency Act, the word ''and'' was inserted, which could be read to mean that margin lending would be unlawful only if both elements of the pre-existing prohibitions were violated, when prior to the Capital Markets Efficiency Act violation of either prong was sufficient to make such margin lending unlawful.

Specifically, the first prong, section 7(c)(1)(A), states that margin lending is unlawful if done in contravention of the Federal Reserve Board's rules, and the second prong, section 7(c)(1)(B), states that margin lending is unlawful without collateral or on any collateral other than securities, except in accordance with the Federal Reserve Board's rules. The proposed change would clarify that a violation of either prong remains sufficient to establish a cause of action for improper margin lending. This technical drafting amendment contained in section 7 of H.R. 6513 conforms the statutory language of section 7 of the Exchange Act to existing interpretations that provide that the two clauses represent independent requirements.

Additionally, section 8 of H.R. 6513 would amend the Securities Investor Protection Act of 1970 to extend Securities Investor Protection Corporation insurance to futures positions held in a portfolio margining account under a program approved by the Commission. In paragraph (b)(2)(B)(iii) of this section, the word ''such'' refers to those securities positions described in paragraphs (b)(2)(A) and (b)(2)(B)(ii). The purpose of paragraph (b)(2)(B)(iii) is to extend protection to any person who has a claim against the debtor arising out of sales or conversions of securities described in either paragraph. Any claims for security futures under this section are claims for cash and not for a ''security.'' In addition, ''security futures contract'' as used in this section has the same meaning as ''security future'' as defined in 15 USC 78111 (14).

With this additional legislative history in mind, I will vote for this bill. I urge my colleagues to do the same.

I reserve the balance of my time.

Ms. PRYCE of Ohio. I yield myself such time as I may consume.

Please let me begin by thanking my chairman for those very, very kind, overly kind remarks. I will miss working with him and on this committee. It has been a wonderful experience for me, and working in a bipartisan, nonpartisan way with Chairman KANJORSKI and others on the committee has been an experience that I will always value. So, thank you, sir.

Mr. Speaker, I rise in support of H.R. 6513, the Securities Act of 2008. This legislation before us today is a commonsense, bipartisan bill developed by Chairman KANJORSKI, Chairman FRANK, Ranking Member BACHUS, and myself.

The bill enhances investor protection, capital market competitiveness, makes the SEC a more effective agency, and the legislation makes our regulation and standards setter, the SEC, more accountable to the capital markets.

H.R. 6513 would enact components of the Securities and Exchange Commission's legislative requests submitted to Congress in both 2007 and 2008. The bill also amends the Securities Investor Protection Act, or SIPA, to allow investors to hold all equity-related positions in a single portfolio margin account. The SIPA amendment creates a clear pathway for regulators to follow in order to realize the state-of-the-art portfolio-based margining system for customers of broker-dealers.

The SIPA amendment would enhance the competitiveness of U.S. markets and eliminate inefficiencies in our current regulatory regime that put U.S. firms and customers at a competitive disadvantage internationally.

Mr. Speaker, this bill also includes bills passed by the House last year under suspension, including H.R. 755, introduced by Representative GEOFF DAVIS, benefiting investors by increasing the usability of financial reports and ensuring that financial regulators are committed to meaningful and clear disclosures; H.R. 2868, by Representatives MEEKS and FOSSELLA, allowing U.S. exchanges to create listing tiers for smaller companies. This is a welcome tool to promote our capital markets as well as attract and retain investment capital in the United States. And H.R. 3505, by Representative PETER ROSKAM, which makes technical corrections to the Federal securities laws, making sure our securities laws are unambiguous, grammatically correct, and current.

The SEC endorsed this legislation, as did the North American Securities Administrators Association and a large coalition of U.S. exchanges. In this time of tumult in our marketplaces in this country and elsewhere, it is appropriate legislation.

In closing, Mr. Speaker, I want to thank Kevin Edgar, Todd Harper, and Jason Pitcock from the Capital Market Subcommittee staff; Peter Roberson, Deborah Silberman, and Lawranne Stewart from Chairman FRANK's staff for all their hard work on this legislation, as well as Peter Freeman from my staff.

I urge my colleagues to support the Securities Act of 2008. I thank the chairman once again for his kind words.

I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 6513, the Securities Act of 2008 by my colleague from Pennsylvania, Congressman PAUL KANJORSKI and the Financial Services for their work in this important area.

Ensuring our markets are functioning properly at a time when we are approaching a recession should be a priority for us all. Many of the provisions in H.R. 6513, were recommended to the committee by the Securities and Exchange Commission (SEC) and that the act has the support of the SEC and State securities regulators.

The unanimous and bipartisan passage of H.R. 6513 in committee acknowledges that we must act now to protect our Nation's financial future.

BACKGROUND AND BREAKDOWN ON THE BILL

This act would amend numerous provisions within the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940. The changes potentially affect not only securities firms, but also public companies and anyone else subject to the Federal securities laws.

Penalties in cease and desist proceedings

Section 8A of the Securities Act would be amended by adding a new provision that would provide the SEC with the authority to impose civil money penalties in cease and desist proceedings before an SEC administrative law judge, against anyone alleged to have violated the act.

It also sets out a method by which a respondent subject to the penalty provisions may offer evidence on his or her ability to pay such fines and the impact of such fines on his or her ability to continue in business. The proposed provision contains tiers for the penalties as follows:

First Tier: Establishes a maximum penalty of $6,500 for each violative act or omission committed by any natural period, and a $65,000 cap for each violative act or omission committed by any other person, that constitutes a violation of the Securities Act or any regulation.

Second Tier: increases the maximum penalties to $65,000 for natural persons and $325,000 for all other persons for each act or omission that involves fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement.

Third Tier: Sets a maximum penalty of $130,000 for a natural person or $650,000 for all other persons if the act or omission involves fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement and such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons.

With the many issues that come under the Securities Act—amendments to the sections dealing with fraud and reckless disregard of other people's money is a serious but necessary step in the right direction. This act would authorize the SEC to impose civil penalties in cease and desist proceedings against any defendant before administrative law judges.

The expansion of the SEC's civil money penalty authority in administrative proceedings to include all potential defendants, not just securities industry firms and professionals, will likely be the most controversial aspect of the bill. Since the Federal Rules of Evidence do not apply in administrative proceedings, the SEC may use evidence that would not be admissible in Federal district court.

SEC authority over formerly associated persons

H.R. 6513 empowers the SEC to remove from office or censure any person who is, or at time of the alleged misconduct was, a member of the Municipal Securities Rulemaking Board.

It would also provide the SEC and other regulatory agencies the authority to institute disciplinary proceedings against persons associated with or seeking to become associated, or who at the time of the alleged misconduct were associated or seeking to become associated with, registered or unregistered government securities brokers and dealers.

H.R. 6513 would also provide the SEC with the authority to conduct investigations into alleged violations committed by individuals who were formerly associated with members of national securities exchanges and national securities associations, as well as former participants of registered clearing agencies.

It would expand the disciplinary authority of the regulatory agencies of the self-regulatory organizations by providing the regulatory agencies with the authority to remove from office or censure persons who, at the time of the alleged misconduct, either are or were officers of self-regulatory organizations.

Scope of exemption from State securities registration

This section allows the NYSE, AMEX, or Nasdaq to establish tiers on which stocks can be listed and traded, even if those stocks would not otherwise qualify as covered securities exempt from state registration requirements.

Collateral bars

The act would amend provisions of the Exchange Act and Advisers Act to prevent associated persons who violate the Federal securities laws in one capacity (e.g., as an associated person of a broker or dealer) from being associated with other securities businesses in a different capacity (e.g., as an associated person of an investment adviser).

Currently, the law does not permit the SEC to bar someone whose misconduct occurred while associated with a broker-dealer from associating with an investment adviser (or vice-versa), although the SEC often seeks such a collateral bar in settlements.

Exempt offerings

This amendment would clarify that States can require that notice filings for exempt securities contain all of the information required by Form D including the appendix to Form D.

Unlawful margin lending

This section of the act would add clarification to the current problematic reading of the section.

SIPA

This section amends certain provisions of the Securities Investor Protection Act of 1970 ("SIPA") to add securities futures and options

on securities futures to the list of covered claims a customer can make against a broker-dealer that the Securities Investor Protection Corporation ("SIPC") will cover. These amendments are a positive step toward removing regulatory road blocks to effective portfolio margining that can fully realize the benefits of hedging securities positions with futures positions.

Application of Advisers Act to State-registered advisers

This amendment will clarify that certain hedge fund and private equity advisers, who may be subject to State (but not SEC) registration, may charge performance fees that would not be permitted for most SEC registrants.

Sharing privileged information with other authorities

The act would add a new subsection to Section 24 of the Exchange Act. The new subsection would provide that the SEC shall not be deemed to have waived any privilege by sharing information with another agency of the U.S. Government, any foreign securities authority, any foreign law enforcement authority, or any State securities or law enforcement authority.

Nationwide service of subpoenas

Under the act, when the SEC institutes a proceeding in U.S. district court in any district, subpoenas issued by the court to compel attendance of witnesses or production of documents may be served in any other district. Such subpoenas could be served and enforced without application to the court or a showing of cause, notwithstanding applicable provisions of the Federal Rules of Civil Procedure.

CONCLUSION

We are facing rising food, gas, and energy costs. Our housing markets are still reeling and we are at high levels of unemployment. We must ensure that the Securities markets are secure and able to withstand our current economic climate. Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. KANJORSKI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. KANJORSKI) that the House suspend the rules and pass the bill, H.R. 6513, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. PRYCE of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 344, by the yeas and nays;

House Resolution 937, by the yeas and nays;

House Resolution 1069, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

RECOGNIZING THAT WE ARE FACING A GLOBAL FOOD CRISIS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 344, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 344, as amended.

The vote was taken by electronic device, and there were—yeas 404, nays 1, answered ''present'' 4, not voting 24, as follows:

[Roll No. 570]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Castle
Castor
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)

Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED ''PRESENT''—4

Etheridge
Foxx
Herseth Sandlin
Pomeroy

NOT VOTING—24

Boucher
Cannon
Carnahan
Carter
Cazayoux
Cubin
Ellison
Engel
Gohmert
Hodes
Hulshof
Lee
Levin
McNulty
Meeks (NY)
Melancon
Peterson (MN)
Pitts
Sensenbrenner
Skelton
Slaughter
Smith (WA)
Towns
Waters

□ 1506

Ms. MOORE of Wisconsin and Messrs. SHIMKUS and PLATTS changed their vote from ''nay'' to ''yea.''

Ms. FOXX and Mr. ETHERIDGE changed their vote from ''yea'' to ''present.''

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''Concurrent resolution recognizing the disproportionate impact of the global food crisis on children in the developing world.''.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 570, I was unable to vote because I was chairing a Rules Committee meeting. Had I been present, I would have voted "yea."

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all Members present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan, their families, and all who serve in our Armed Forces.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

SENSE OF HOUSE REGARDING THE IMPORTANCE OF THE RED CROSS TO THE MILITARY

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 937, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 937, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 571]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Boucher
Cannon
Carnahan
Cazayoux
Ellison
Engel
Gutierrez
Hodes
Hulshof
Lee
Levin
McNulty
Meeks (NY)
Melancon
Nadler
Peterson (MN)
Peterson (PA)
Pitts
Sensenbrenner
Smith (WA)
Towns
Wilson (NM)

□ 1517

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING MIDEAST TV PROGRAMMING THAT INCITES VIOLENCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1069, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 1069, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 23, as follows:

[Roll No. 572]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—1

Paul

NOT VOTING—23

Boucher
Cannon
Carnahan
Cazayoux
Ellison
Engel
Hodes
Hulshof
Israel
Kennedy
Latta
Lee
Levin
McNulty
Meeks (NY)
Melancon
Peterson (MN)
Pitts
Sensenbrenner
Sestak
Smith (WA)
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1526

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''Resolution condemning the broadcasting of incitement to violence against Americans and the United States in media based in the Middle East, calling for the designation of al-Aqsa TV as a Specially Designated Global Terrorist entity, and for other purposes''.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3667, MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–834) on the resolution (H. Res. 1419) providing for consideration of the bill (H.R. 3667) to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System, which was referred to the House Calendar and ordered to be printed.

PROVIDING HOUSE EMPLOYEES WITH OPTION OF RECEIVING ELECTRONIC PAY STUBS

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1207) directing the Chief Administrative Officer of the House of Representatives to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1207

Resolved,

SECTION 1. PROVIDING INDIVIDUALS PAID BY CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE OF REPRESENTATIVES WITH THE OPTION OF RECEIVING RECEIPTS OF PAY ELECTRONICALLY.

(a) IN GENERAL.—The Chief Administrative Officer of the House of Representatives shall take such steps as may be necessary to provide each individual whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving the receipt of the pay and the accompanying withholdings electronically, the option of viewing electronically the individual's employee statement required under section 6051 of the Internal Revenue Code of 1986, and the option of revising electronically (to the extent permitted under applicable law and regulations) the individual's number of deductions and withholdings under that statement and information relating to the deposit of the individual's funds with the financial institution to which the electronic funds transfer is made.

(b) ELECTRONIC FUNDS TRANSFER DEFINED.—In subsection (a), the term ''electronic funds transfer'' has the meaning given such term by section 3332 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself as much time as I may consume.

Mr. Speaker, this resolution is a commonsense step in modernization of our pay system. It would offer Members and staff the option, not the requirement, of receiving their pay stubs electronically. It would also make W–2 forms available electronically and allow individuals to change the deductions and withholdings, and to electronically redesignate the depository institutions for their electronic deposits.

Not only will this simplify pay records for Members and staff, it will reduce paper waste to support the Speaker's Green the Capitol Initiative.

This resolution has strong bipartisan support. Once it has been adopted in the House, and the committee will work with the CAO to ensure a smooth transition.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I rise in strong support of H. Res. 1207, which would enable House staff to receive their pay stubs electronically and encourages the CAO to make further technological improvements that would enable employees to make changes in withholding, deductions or deposits electronically.

Increasingly, individuals are using technology to keep track of their financial information, and putting key data such as compensation information online will assist many in their efforts to keep track of their finances.

With the impact of junk mail, paper bills and other items delivered via postal mail, reducing the amount of wasted paper, even by a single item each month, would be good for the environment and likely will be a welcome change for many employees.

□ 1530

In this spirit of developing online tools for House staff, I also introduced an amendment to this bill that would direct the CAO to allow employees to make changes in withholdings, deductions, or deposits electronically. Not only would this service be of great use to employees, but it would also lessen the burden on payroll counselors who currently make these types of routine adjustments manually, which would in turn free them up to handle more complex questions that are not suited to a self-service model.

I am pleased that the committee voted unanimously to accept the amendment. I thank the chairman for his leadership in bringing this bill to the floor. I urge my colleagues to vote in favor of H. Res. 1207.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I would like to thank Chairman BRADY, Ranking Member EHLERS for bringing this bill to the floor and for their kind comments. What they have said is what we are attempting to do, which is to bring an important innovative and needed resolution to the House for consideration. I would also like to thank Alec Hoppes of the Committee on House Administration for working with my staff to bring this bill forward. A separate thank you to Mr. EHLERS for offering his amendment which makes the bill an even better bill by including additional services to be made available to House employees.

While many private companies, corporations, and State governments like Florida, Idaho, Kentucky, South Dakota, and Nebraska give the option of accessing employee pay stubs electronically, e-stubs, the U.S. House of Representatives does not. Safer than receiving pay stubs by snail mail, electronically accessing pay stubs saves money and an immeasurable amount of paper.

H. Res. 1207 would simply direct the Chief Administrative Officer of the House of Representatives to take the steps necessary to provide House Members, their staff, committee staff, legislative counsel, Sergeant at Arms employees, and all other employees whose pay is disbursed by the Chief Administrative Officer of the House the option of accessing their pay stub electronically.

Moving forward with technological advances means going paperless with pay stubs as so many employers have already done. I urge my colleagues in supporting this nonpartisan sensible resolution and join with me in choosing to access our pay stubs electronically, and I ask my colleagues to vote for the bill.

Mr. BRADY of Pennsylvania. I would also like to thank the gentlelady from North Carolina for a very sensible bill.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I have no further comments on the bill, but I do have further comments to make.

In particular, all of us have spent 5 weeks or thereabouts home with our constituents and were impressed at how seriously our constituents and the Nation is taking the energy crisis that we face. There is a huge concern about this, particularly with the cost of gasoline.

In one example, a young woman in my district lives on a farm. It's hard today to make a living on a farm, and so she has a job off the farm as well. Their only vehicle is a pickup with, of course, very poor gas mileage. And she's faced with a position where the cost of driving to work is almost greater than the pay that she receives. This is one small example, and I believe that it is absolutely urgent for the House of Representatives to address this issue.

There are several bills out there regarding the energy crisis. There's been a lot of discussion about it. I think the only way I can summarize it after looking at the various bills is to say, what we really need is all of the above. Some members are focused totally on drilling, some are totally focused on alternative forms of energy, some on conservation. But what we really need is a comprehensive bill which addresses all of the above, because we are in a situation where we cannot depend on oil for very many more years.

Back in 1954 scientists predicted that by 1970, American oil production would peak, and they were right on the mark. In 1970, American oil production peaked. It's been going down ever since.

That same research projected that in about 2005, or 2010, world oil production would peak, and it looks like we've entered that period, and that's one reason why prices are going up.

We clearly have to develop the resources we have in this country. We clearly have to develop alternative forms of energy, particularly related to solar. An incredible amount of solar energy hits the Earth every day from the sun, to the point that in one year we get more energy from the sunlight hitting our planet than is contained in all of the resources of energy and the fossil fuels that are in the Earth.

So clearly there are ways to address this. We must address this. I just want to speak out and say it's absolutely essential for us to develop new approaches to energy. We certainly ought to put the money into developing alternative forms of energy. We have to put the money into developing drilling techniques that are safe, environmentally safe, and are not going to pollute the waters if they are offshore. We really have to take this seriously.

And I think it's reached the point where we can't just throw spitballs or snowballs at each other, but must simply say that we have to do all of the above approaches to energy production, and develop legislation that does that. I am concerned that the legislation being proposed by the leadership of the House will not do all of the above. It will only do part of it.

So I urge all of the Members to work together to really solve this problem

and show the people of this country that we can deal with an important problem like this. And it's my pleasure to raise this issue, and we will continue discussions on that in the House.

As we know, the minority party discussed it every day in the House during the recent recess, out of a sense of disappointment that we had taken the August recess without first dealing with the energy bills that were available for us to consider. We should carry that on and make sure that we do address this issue, especially before we adjourn for the next recess.

I thank the group here for listening, and I hope this will result in some action on the part of the House of Representatives.

I don't believe I have any further speakers, and if the gentleman from Pennsylvania doesn't, I will, at this point, yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, again, I thank the gentlelady for her very responsive bill, and I thank the gentleman from Michigan for his remarks even though it had nothing at all to do with this bill whatsoever.

And, Mr. Speaker, I urge all Members to support this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, H. Res. 1207, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. EHLERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HOUSE RESERVISTS PAY ADJUSTMENT ACT OF 2008

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6608) to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the Armed Forces who are on active duty for a period of more than 30 days, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''House Reservists Pay Adjustment Act of 2008''.

SEC. 2. REPLACEMENT OF LOST INCOME FOR HOUSE EMPLOYEES ON ACTIVE DUTY UNDER INVOLUNTARY MOBILIZATION ORDER.

(a) PAYMENT.—

(1) IN GENERAL.—For each active duty month of an eligible employee of the House of Representatives who is also a member of a Reserve component of the Armed Forces, the Chief Administrative Officer of the House of Representatives shall pay to the employee the amount by which—

(A) the amount of regular compensation the employee would have received from the House of Representatives if the month had not been an active duty month, exceeds (if at all)

(B) the total monthly military compensation paid to the employee for the month by the Secretary of Defense.

(2) ELIGIBILITY.—An employee of the House of Representatives is eligible for purposes of paragraph (1) with respect to an active duty month if the employee was an employee of the House of Representatives during each day of the 90-day period which ends on the day on which the employee reports for active duty under an involuntary mobilization order.

(b) DETERMINATION OF COMPENSATION EMPLOYEE WOULD HAVE RECEIVED.—

(1) IN GENERAL.—For purposes of subsection (a)(1), the amount of regular compensation an employee would have received from the House of Representatives for a month shall be equal to the amount of compensation the employee received from the House of Representatives for the base month (excluding any bonus or incentive payment made during the month), increased (in a compound manner) by any cost-of-living adjustments applicable to the compensation of employees of the Office of the Chief Administrative Officer for months occurring after the base month.

(2) BASE MONTH DEFINED.—For purposes of paragraph (1), the term ''base month'' means, with respect to an employee, the most recent month for which the employee received compensation from the House of Representatives which precedes the active duty month.

(c) SPECIAL RULES REGARDING AMOUNT OF PAYMENT.—

(1) REDUCTION FOR AMOUNTS PAID FROM OTHER SOURCES AS REPLACEMENT OF LOST INCOME.—The Chief Administrative Officer shall reduce the amount of any payment made to any individual under subsection (a) with respect to an active duty month by the amount of any payment received by the individual under section 910 of title 37, United States Code, or any other source that is provided to replace income lost by the individual during the month.

(2) MINIMUM AMOUNT REQUIRED FOR PAYMENT.—The Chief Administrative Officer shall not make a payment otherwise required under this section if the amount of the payment (as determined under subsection (a), taking into account the reduction made under paragraph (1)) is not greater than $50.

(d) DEFINITIONS.—In this section—

(1) the term ''active duty month'' means, with respect to an employee of the House of Representatives who is also a member of a Reserve component of the Armed Forces, any month during which the employee is not able to perform duties for the office of the employee's employing authority because the employee is on active duty under an involuntary mobilization order for a period of more than 30 days;

(2) the terms ''Armed Forces'', ''active duty for a period of more than 30 days'', and ''Reserve component'' have the meaning given such terms in section 101 of title 37, United States Code; and

(3) the term ''total monthly military compensation'' has the meaning given such term in section 910(e)(2) of title 37, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the applicable accounts of the House of Representatives such sums as may be necessary for payments under this section.

(f) EFFECTIVE DATE.—This section shall apply with respect to active duty months beginning on or after the date of the enactment of this Act.

SEC. 3. ENSURING CONSISTENCY WITH CODE OF OFFICIAL CONDUCT.

Clause 8 of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(d) Nothing in this clause may be construed to prohibit the disbursement or receipt of any payment authorized under section 2 of the House Reservists Pay Adjustment Act of 2008.''.

SEC. 4. CLARIFICATION OF ELIGIBILITY OF SURVIVORS FOR HOUSE GRATUITY.

The last undesignated paragraph under the center heading ''House of Representatives'' and the center subheading ''Contingent Expenses of the House'' in the first section of the Legislative Branch Appropriation Act, 1955 (2 U.S.C. 125), is amended by adding at the end the following: ''Nothing in this paragraph may be construed to prohibit the Chief Administrative Officer from paying a gratuity to the widow, widower, or heirs-at-law of an employee of the House who dies during an active duty month (as defined in section 2(d) of the House Reservists Pay Adjustment Act of 2008).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself as much time as I may consume.

Mr. Speaker, H.R. 6608 provides supplemental income to House employees who are Armed Forces reservists and who are involuntarily called to active duty. The House will supplement the active military duty pay by making up the difference between the employee's military salary and the employee's House salary prior to their call to active service.

To be eligible for the supplemental income, employees must be employed by the House for at least 90 days prior to military activation. The cost of the

pay supplements will come from appropriate House accounts and not charged to the employing office. In addition, the employee's salary will be subject to the cost of living adjustments in the same as other House employees.

Mr. Speaker, I introduced this bill to address family hardships caused by some reservists and National Guard members being deployed for the second or third time. These servicemen and women earn military wages while on active duty and must leave their families and jobs, often for an undetermined and unpredictable amount of time.

The private sector is supporting our soldiers and sailors by continuing to pay the difference between their usual salary and their active duty pay. This bill will offer the same for House employees.

This is a good bill with strong bipartisan support that honors the devoted public service of our House employees. Our active duty reservists should not endure undue financial hardship for heeding our Nation's call to service.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I rise to support H.R. 6608, the House Reservists Pay Adjustment Act. I thank Chairman BRADY for his leadership on this issue, and I'm proud to join with him as a cosponsor on this important bill.

The men and women of the United States Armed Forces make many sacrifices to protect our freedom. They are asked to spend time away from their families, to put themselves in harm's way, and, in the case of some House staff, to accept a salary that is less than what they would normally earn in civilian life during the period that they are on active duty. The gap in pay experienced by these servicemen and women often causes undue hardship on themselves and their families and increases the already heavy burden placed upon them as they leave for battle.

I am pleased to be able to find any reasonable method of assisting House staff, who are also members of the military, with the personal sacrifices they are asked to make to defend their country. This bill would compensate active servicemen and women for the difference in their combat pay and their official House salaries. These individuals have found not one but two careers that serve the public, and they should not experience a financial penalty for doing so.

I congratulate Chairman BRADY for introducing this bill, and I urge my colleagues to join me in supporting H.R. 6608.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I will inquire of the gentleman if he has any other speakers.

Mr. EHLERS. I have another speaker. Myself.

Mr. BRADY of Pennsylvania. Mr. Speaker, I continue to reserve.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Continuing with the discussion of energy, Mr. Speaker, let me just say I have a deep interest in the topic and have had for many years. Most of my colleagues here remember and recognize that I am a physicist, and physicists deal with energy all the time.

One of the biggest problems that we address is that energy is intangible. The public simply doesn't recognize what it is, how its obtained, what the limitations are, and so forth; and I think we should do a better job of educating them about these problems.

Another aspect is that energy is critical to every aspect of life.

As an example, we talk about the agricultural revolution. But very few people recognize that the agricultural revolution, even though attempted a number of times many, many years ago, did not actually succeed until people learned to domesticate their animals so they could do the plowing and thresh the wheat and so forth.

The second major revolution in history is the industrial revolution, once again directly tied to the use of energy. It's the first use of nonhuman and nonanimal energy with hydropower to drive the mills, later coal to drive the steam engines and so forth. And so the major revolutions in history took place in connection with the use of energy and the development of new forms of energy.

We are now at a critical point in our life as a Nation and as a planet. If we do not recognize the changes required in our energy use, we are going to retrogress. Instead of advancing, we will lose the advantages we have from our copious amounts of energy and end up in a state where we have less energy than we had before. This will have disastrous economic effects, unless we change our direction.

If you look back over history, virtually every recession has been tied to a dramatic increase in the cost of energy, which is something that we also have occurring now.

So this is a serious problem, something that should be addressed immediately, and should not wait for next year. There are a number of excellent proposals out there from both parties. I would hope that we would winnow these out and come up with proposals that truly accomplish what we have to do, and that is to preserve our standard of living by developing new sources of energy, certainly developing those that we already have and know about which we are not really using properly.

□ 1545

It's essential that we do this, but this isn't going to happen by itself. We need help from the Congress to lay down the guidelines for the people in the energy industry, to researchers in the national labs and other labs to really tackle this problem and come up with new ideas.

I don't care if it's wind energy, which happens to be a part of solar energy; whether it's wave energy, which is also derived from solar energy; or whether it's photovoltaic cells. Naturally it helps that very soon photovoltaic cell research will be so good that we will have photovoltaic shingles on every house because we can make them at a cost that eventually will be less than that of the asphalt shingles. If we do that, every house becomes a power-generating system, and much of the electrical needs of each homeowner can be met just by the use of solar shingles on the roof of their home.

This would be a tremendous boon to our country. Relatively free energy; you just buy the shingles which you have to buy anyway, and you get essentially free energy out of it.

So there are many options that we should be pursuing, and we should be encouraging and helping as a Congress, so that we can help the public that is becoming desperate about what to do about the cost of energy and the price of energy.

So I sincerely hope our Congress will tackle this issue and deal with it, and meet the needs of the public and of the planet at the same time.

With that, if you have no further speakers, I'm pleased to yield such time as she may consume to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Thank you, Congressman EHLERS. I just want to add my comments to the ones that you've made.

I think that while I'm very much in support of this bill and we want to do whatever we can to help our employees bridge the gap between their military pay and the pay that they would receive here, I think one of the best things we can do for all the citizens of this country is to bring down the high price of gasoline, and that would serve everybody very well.

We can do that. We know we can do that. All we have to do is announce that we are going to expand the supply of American-made energy, and we will immediately bring down the price. That will help all of our citizens, which is what every Member of this Congress should be doing.

We will get to the alternatives. We can be completely energy independent in this country, but we can't do it overnight. In order to get to energy independence with alternatives, which Republicans support, we must supply more gas and oil in the short term, and I support those efforts.

I ask the Speaker, again, to bring forth the American Energy Act so that we can have an up-or-down vote on it and let the American people know are you a pro-American energy person or an anti-American energy person. That's the issue that we're facing.

Mr. BRADY of Pennsylvania. Mr. Speaker, I find myself a little miffed that they would have to politicize this soldier bill, but I understand we have two soldiers on that side of that bill.

With that, Mr. Speaker, I urge all Members to support this bill.

I yield back the balance of my time.

Mr. EHLERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 6608.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BRADY of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DANIEL WEBSTER CONGRESSIONAL CLERKSHIP ACT OF 2008

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6475) to establish the Daniel Webster Congressional Clerkship Program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Daniel Webster Congressional Clerkship Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Each year, many of the most talented law school graduates in the country begin their legal careers as judicial law clerks.

(2) The judicial clerkship program has given the judiciary access to a pool of exceptional young lawyers at a relatively low cost.

(3) These same lawyers then go on to become leaders of their profession, where they serve a critical role in helping to educate the public about the judiciary and the judicial process.

(4) The White House, the administrative agencies of the Executive Branch, the Administrative Office of the United States Courts, the Federal Judicial Center, and the United States Sentencing Commission, all operate analogous programs for talented young professionals at the outset of their careers.

(5) The Congress is without a similar program.

(6) At a time when our Nation faces considerable challenges, the Congress and the public would benefit immeasurably from a program, modeled after the judicial clerkship program, that engages the brightest young lawyers in the Nation in the legislative process.

(7) Accordingly, the Congress herein creates the Daniel Webster Congressional Clerkship Program, named after one of the most admired and distinguished lawyer-legislators ever to serve in the Congress, to improve the business of the Congress and increase the understanding of its work by the public.

SEC. 3. DANIEL WEBSTER CONGRESSIONAL CLERKSHIP PROGRAM.

(a) SELECTION COMMITTEES.—As used in this Act, the term ''Selection Committees'' means—

(1) the Committee on Rules and Administration of the Senate; and

(2) the Committee on House Administration of the House of Representatives.

(b) ESTABLISHMENT OF PROGRAM.—There is hereby established the Daniel Webster Congressional Clerkship Program for the appointment of individuals who are graduates of accredited law schools to serve as Congressional Clerks in the Senate or House of Representatives.

(c) SELECTION OF CLERKS.—Subject to the availability of appropriations, the Selection Committees shall select Congressional Clerks in the following manner:

(1) The Committee on Rules and Administration of the Senate shall select not less than 6 Congressional Clerks each year to serve as employees of the Senate for a 1-year period.

(2) The Committee on House Administration of the House of Representatives shall select not less than 6 Congressional Clerks each year to serve as employees of the House of Representatives for a 1-year period.

(d) SELECTION CRITERIA.—In carrying out subsection (c), the Selection Committees shall select Congressional Clerks consistent with the following criteria:

(1) Each Congressional Clerk selected shall be a graduate of an accredited law school as of the starting date of his or her clerkship.

(2) Each Congressional Clerk selected shall possess—

(A) an excellent academic record;

(B) a strong record of achievement in extracurricular activities;

(C) a demonstrated commitment to public service; and

(D) outstanding analytic, writing, and oral communication skills.

(e) PROCESS.—After a Congressional Clerk is selected under this section, such Congressional Clerk shall then interview for a position in an office as follows:

(1) For a Congressional Clerk selected under subsection (c)(1), the Congressional Clerk shall interview for a position with any office of any Committee of the Senate, including any Joint Committee or Select and Special Committee, or any office of any individual Member of the Senate.

(2) For a Congressional Clerk selected under subsection (c)(2), the Congressional Clerk shall interview for a position with any office of any Committee of the House of Representatives, including any Joint Committee or Select and Special Committee, or any office of any individual Member of the House of Representatives.

(f) PLACEMENT REQUIREMENTS.—The Selection Committees shall ensure that Congressional Clerks selected under this section are apportioned equally between majority party and minority party offices.

(g) COMPENSATION OF CONGRESSIONAL CLERKS.—Each Congressional Clerk selected under this section shall receive the same compensation as would, and comparable benefits to, an individual who holds the position of a judicial clerkship for the United States District Court for the District of Columbia within 3 months of graduating from law school.

(h) REQUIRED ADHERENCE TO RULES.—Each Congressional Clerk selected under this section shall be subject to all laws, regulations, and rules in the same manner and to the same extent as any other employee of the Senate or House of Representatives.

(i) EXCLUSION FROM LIMIT ON NUMBER OF POSITIONS.—A Congressional Clerk shall be excluded in determining the number of employees of the office that employs the Clerk for purposes of—

(1) in the case of the office of a Member of the House of Representatives, section 104 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 92); or

(2) in the case of any other office, any applicable provision of law or any rule or regulation which imposes a limit on the number of employees of the office.

(j) RULES.—The Selection Committees shall develop and promulgate rules regarding the administration of the Congressional Clerkship program established under this section.

(k) MEMBER DEFINED.—In this section, the term ''Member of the House of Representatives'' includes a Delegate or Resident Commissioner to the Congress.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2009 and each succeeding fiscal year from the applicable accounts of the House of Representatives and the contingent fund of the Senate such sums as necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6475, which would establish the Daniel Webster Congressional Clerkship Program. This program would bring the most talented law school graduates from across the country to Washington, D.C., and offer them the opportunity to be employed as congressional clerks in the House of Representatives or the Senate.

This program is modeled after the judicial clerkships offered in the Federal courts. H.R. 6475 would offer no fewer than six 1-year clerkships in each Chamber. The clerks would be apportioned equally between majority and minority offices within each Chamber. H.R. 6475 would give recent law grads invaluable insight into the functions and operations of the Federal legislature, and I urge my colleagues to support this program.

I would also like to thank Ms. LOFGREN and Mr. LUNGREN for introducing the bill in the 109th Congress,

and Ms. LOFGREN for bringing it up and Mr. LUNGREN for being a prime cosponsor.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I rise in support of H.R. 6475, which would establish the Daniel Webster Congressional Clerkship Program within the House of Representatives.

Instituting this program will create a talented pool of young attorneys within the House at a fraction of the cost of obtaining similar talent through the hiring process. Many of these exceptional individuals will become leaders of their chosen profession. By offering them a judicial clerkship, we may even inspire some to embark upon a congressional career in lieu of life in a law firm or corporation.

For these young men and women, the ability to obtain a judicial clerkship in the very body where laws are created will be an invaluable experience. For the House, it will be a chance to tap into the best and brightest legal minds just as they begin their careers.

While we cannot offer the same compensation package that many top law firms offer, we can offer an opportunity to experience the legislative process in a way that is only possible within the Halls of Congress. Whether they continue their careers in the private or public sector, a greater knowledge and appreciation of the legislative process would be enormously useful to the participants in this program as they become part of the fabric of our Nation's judicial system.

I thank my colleagues on the House Administration Committee, and especially thank Congressman LUNGREN and Congresswoman LOFGREN for introducing this bill.

At this time, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent for Ms. ZOE LOFGREN to control the remaining time on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank not only Congressman DANIEL E. LUNGREN for cosponsoring this bill with me, but also note the important support of Dean Larry Kramer, the dean of the Stanford Law School, whose original idea this was, and we two California Members took it up. I think that our country will be enriched by the enactment of this measure.

It has been mentioned, and we all know, the top law graduates of the top law schools in the country are recruited to serve as clerks in the judicial branch, and as a consequence of that experience, those top legal minds then go on to fabulous careers, understanding the law from the point of view of the judiciary. Well, there's nothing wrong with that, but we also want to have top legal minds that relish and appreciate the law from the point of view of the legislative branch, and that is really the grit and the intent of this measure.

As has been mentioned I'm sure, the program created by the bill will have clerks chosen from a pool of exceptional law school graduates who have demonstrated commitment to public service. No fewer than six clerks will be chosen for each Chamber. The clerks will be divided equally among the parties, and they will receive the same pay and equivalent benefits as first-year law clerks in the U.S. District Court for the District of Columbia.

As the dean of Stanford Law School, Larry Kramer, said, ''This bill will serve an important role by educating young lawyers and future leaders of the profession about the legislative process. It will be enormously beneficial for both the profession and the public if some of the Nation's brightest young lawyers begin their careers in the legislature and so develop and can convey to the public an appreciation of Congress and the legislative process equal to that lawyers have shown for courts and the judicial process.''

I would like to mention that we were not able to include the Congressional Research Service in the legislation at this time. However, if there is a bipartisan effort to achieve that in the future, I would welcome that collaboration and understand we may yet have the opportunity to do that.

So in furtherance of this bill, I would hope that our colleagues would support it. I would again like to thank my colleague, the former Attorney General from California, DAN LUNGREN, for his cosponsorship.

I reserve the balance of my time.

Mr. EHLERS. I yield such time as he may consume to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I want to thank the gentleman from Michigan, I want to thank our chairman of the committee, I want to thank Ms. ZOE LOFGREN, who's Chair of one of the subcommittees I serve on in Judiciary, for all the effort that they've put into this. This is a good idea.

Some people who likely will review our comments here would ask the question: Aren't there enough lawyers in Congress? Actually, there are less lawyers now than there were 10 or 20 years ago, but I think that is an interesting question.

Ms. ZOE LOFGREN of California. Would the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I'd be happy to yield.

Ms. ZOE LOFGREN of California. I would just note that there's always room for good lawyers, and I thank the gentleman for yielding.

Mr. DANIEL E. LUNGREN of California. I understand that as well, but some would wonder why we need the influence of more law graduates here, and that's misunderstanding what we're attempting to do here.

Right now both the judicial and the executive branches have clerkship programs which are accessible to those who are graduates of our top law schools. This is particularly pronounced in the area of judicial clerkships. It is considered quite prestigious and an honor for someone to serve a judicial clerkship.

As the gentlelady from California mentioned, it was the dean of the law school of Stanford University, Larry Kramer, who first raised this issue with me and with her. It was interesting to hear from the law school dean because his message was not what I expected, and he has been quoted here on the floor.

Let me give you a more extended quote of what he said, which is: Clerking for a trial or appellate judge provides young lawyers with an invaluable insider's understanding of the judicial decision-making process. Not surprisingly, judicial clerkships leave young lawyers with a highly court-centered view of the law and the legal system, and precisely because these are the top law school graduates, former law clerks go on disproportionately to assume leadership positions in the bar and in the profession—and again quoting Dean Kramer—explaining in part why the legal profession in this country is heavily tilted toward the courts.

Now, we can argue about whether they are tilted to the right or to the left or they're tilted properly, but the fact of the matter is it is a court-centered view of the law which I think interferes with the delicate balance established by our Founding Fathers in the Constitution, which saw there were worthy and valuable distinctions among the three branches of government.

□ 1600

And we can bemoan the fact that this is the case; we can talk about judges on the bench and we can talk about people not taking their constitutional obligations seriously when they take their oath of office; but if we really want to get down to it, it seems to me this is one of the undue influences that's out there. And so the idea was, as Dean Kramer said, that it would be enormously beneficial for both the profession and the public if some of these young lawyers began their careers in the legislature and, as he said, developed an equal sense of the national legislature. We're not saying that is to disregard or in any way scale down their appreciation for the judicial

branch, but rather to raise up their appreciation of the understanding of how this place works—and by this place, I mean the institution of the House of Representatives and the institution of the United States Senate. It would bring them an understanding of the workings of Congress that they would then bring to bear as they move on in their careers, both within the legislature and other branches. And I don't see how that would not be beneficial to this country, healthy for the body politic, and probably end up with better legislation overall.

So I would hope that Members would understand what we're attempting to do here. We're attempting to establish, on an equal footing, a clerkship for top graduates of law schools around the country that they currently have an opportunity to participate in in the executive and the judicial branch. It would be beneficial to us, it seems to me, it would be beneficial to them, but more importantly, it would be beneficial to the public.

And for those who are concerned that this might cut into their MRA, by the terms of the legislation, it would not in any way affect the collective or individual MRAs that Members receive at the present time. As was mentioned before, it would be done on a bipartisan basis so that we would all have the opportunity to benefit from this. And similarly, these clerks would have the opportunity to benefit from exposure to both sides of the aisle.

So I would hope that we would get a unanimous vote in favor of this. This is something that I think will improve the quality of the discussion and the quality of the work that we do around here. But more importantly, I would hope that it would have a lasting impact on the understanding within the bar itself of the proper workings and functionings of the legislative branch, and in fact the quality of work that is provided in the legislative branches. And so I thank the gentleman from Michigan for the time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I agree with the comments made by my colleague from California (Mr. DANIEL E. LUNGREN). And indeed, this is not a measure that does harm or damage to the judiciary or to the executive branch, but it really is to elevate article I. Sometimes we see our colleagues with little buttons that say ''article I'' on them, and we want to make sure that the important role of the legislative branch is understood by these top legal graduates who will go on to careers in the judiciary, in public service, in law schools and the like.

I want to make clear not only that this has bipartisan support, but that it will be administered in a totally bipartisan way. The name, ''The Daniel Webster Congressional Clerkship Program,'' really selects somebody who was an honored ancestor of the legislative process, not a contemporary, but someone we can look back on with esteem.

The Clerks will be selected by a selection committee that will consist of the committee of Rules and Administration of the Senate, and the Committee on House Administration of the House. And as was mentioned by my colleague and myself, six clerks will be evenly divided between the two parties.

Just by way of example, and without mentioning names, sometimes the courts do not necessarily understand how we do business here. And I'll give three examples recently mentioned to me by judicial officers.

Colloquies on the floor of the House. We know when we stand up to do a colloquy it is to set something in the RECORD for a purpose. It is by agreement, but it has a meaning that is meant to stand as the legislation moves forward. Courts don't always understand the meaning of a colloquy. And I think if we had some of these excellent law students here who helped to write a colloquy and were on the floor as it was being delivered, they would understand and be able to impart to the judicial branch the importance of a colloquy.

Example number two, committee reports. There are things that committees agree on completely but are not actually part of a bill. And they don't need to be part of a bill because they can be implied by the legislation. A committee report doesn't have the force of law, but it should be enormously persuasive to a court looking for the meaning of legislation if the parties—sometimes fractious parties—can agree to language in a committee report, that means something. And I think if we had some of these excellent law students here helping in the committee process to understand how that comes about and the import that it has, it will help them to tell a judge—or if they are a judge later—what that means and how to interpret the law.

And legislative findings, the role of legislative findings; you know, obviously they're precursors to the language itself.

These are just three small examples of how the Congress and its will is not always upheld by the courts, not through any chicanery, not through any deviousness, but just a lack of full appreciation for how the legislative process works.

And so I think this bipartisan measure is a step forward in seeing that that trend in American law interpretation does change, both in the courts, and also in the teaching of law in the Nation's top law schools.

So while this may seem not an earth-shattering measure in some ways, it will have import long after the Members here are retired and reading about the Congress in the paper. What we do here with this clerkship bill will improve the law in America. And therefore, I hope, as Mr. LUNGREN does, that we will have a unanimous vote.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I wish to commend the gentlewoman from California and the gentleman from California on this bill. I think it's an excellent idea. And I have good grounds for saying that because, as I mentioned earlier, I'm a scientist, and the scientific societies of America, for a number of years, have been supporting fellowship programs in which scientists will come and spend one year in the House of Representatives, and thereby learn something about how laws are made. And it has had a profound effect on the scientific community in this country and it has also had a profound effect on the Congress. Some of my best employees have come from that program. If they have worked in the Congress for a year, either in my office or another office, and I have an opening, they fit in beautifully because so many of the issues I deal with are scientific. So I'm sure this clerkship proposal will be an outstanding program.

And I, frankly, think six clerkships is too little, especially for both Chambers. And I hope that some day we're talking in terms of perhaps 20 or 30 for the two Chambers together because I'm sure it is going to be successful.

With that, I yield what time he may consume to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

And again, I appreciate the comments of the gentlelady from California. However, I would be remiss if I didn't respond a little bit to what she said about colloquies and committee reports.

We at least ought to enter into the RECORD the Scalia view of things, which is, law is what is in the law, not what's in the committee report or the colloquy.

One of the important things he tries to point out is that in some ways it would be unfair to members of the public to pass a law with intentional ambiguity that can only be interpreted by a committee report since the average citizen probably doesn't have access to that. And his commonsense notion is that Members should strive to make laws understandable by the language that they have in them. And it is often misunderstood as to his interpretive analysis of law and the Constitution when he talks about original understanding.

What he is basically saying is that when you have a law or constitution that is presented to the people, they can only be held to the usual and customary understanding of the words as they are in the law, otherwise you basically are fooling the people.

Now, if there is a necessary ambiguity, obviously a colloquy or a committee report aids in the interpretation of understanding what it was in terms of the meaning of the words at that time. But I understand the gentlelady may have a slightly different view of the Constitution than Justice Scalia, as some do, but I thought it important that we try and understand that we, as legislators, ought to strive to put the precise words we want into the law because too many times on this floor I've heard people say, don't quibble about those words, we'll let the courts decide what it is. And having been a trial lawyer—not necessarily a plaintiff's lawyer, although I have done that in my time as well—the difference between one word, two words, or three words, or a clause or a sentence in a statute can make all the difference in the world. And I would just hope that we would be attentive to our responsibilities and disciplined in our actions such that we try and choose the words precisely that carry the meaning that will give the average citizen an understanding of what we're doing here.

Ms. ZOE LOFGREN of California. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I would be happy to yield to the gentlelady.

Ms. ZOE LOFGREN of California. As the gentleman knows, I have substantial disagreements with Justice Scalia and his interpretation of the Constitution.

Mr. DANIEL E. LUNGREN of California. Somehow I thought that might be the case.

Ms. ZOE LOFGREN of California. You thought that might be the case. But the point I was making on colloquies and committee reports is this: Justice Scalia says—and I think properly—that the role of the judiciary is to interpret the Constitution and the law, not to make it up themselves. And so to the extent that there is unintended ambiguity in a law that is written by the Congress where the committee report or colloquy can give the court some insight into what the intentions were on the part of the legislative body, then that is a helpful thing. And understanding how that develops would be enormously useful.

There are times, as the gentleman knows, where ambiguity is the oil that makes the legislative process work. I remember Wilbur Mills suggesting there could not be an agreement on what Medicare would cover, that it would cover a ''spell or illness.'' And maybe that was necessary in 1965, but it was not the kind of ambiguity that could have been resolved through a colloquy.

And I thank the gentleman.

Mr. DANIEL E. LUNGREN of California. Reclaiming my time, I would just say I remember an instance about 25 years ago on the floor here dealing with a matter, the Bankruptcy Act. And the late, great chairman of judiciary, Peter Rodino, got up and gave his interpretation of it which was contrary to the interpretation we had. So every time he would get up to give his colloquy I would get up to give ours to make sure that when the judges looked at it they would see there were two contrary positions so they could decide, as they should, under the words we actually used in the statute. And I thank the gentlelady.

Ms. ZOE LOFGREN of California. Mr. Speaker, I was expecting one person here to be a speaker, that person has not shown up. So maybe I will just make a few additional comments in the hopes that their elevator can get to the second floor. And that would be that, in addition to the Dean of the Stanford law school we were advised that the progress of this bill is being watched by law professors and deans throughout the United States who have really resolved that this is going to be a very positive thing for the development of American law.

I would just note also, as Mr. LUNGREN has pointed out, we do these things sometimes very quickly. I think the addition of six top law students in each body—as the ranking member of the full committee has suggested, as time goes on maybe we will find that it works so well it should be expanded—I certainly do think, however, it is appropriate to start at this level, do an assessment. And I think our committee, the Administration Committee, will be in an ideal position to do an assessment.

But no doubt, if we have some of the smartest young lawyers in the United States here in this institution, they will not only bring the knowledge of this institution out to the world after they become top lawyers, but they will also help us become even more excellent legislators. So I think that this is a benefit that really there is no down side to it. So it has really been a pleasure to work with the bipartisan cosponsors of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

First of all, let me say a few more words about energy, and perhaps your speaker will be here by that time.

But I first want to say, I think your clerkship program is an excellent idea. And I think it would have been wonderful if your clerks could have heard this discussion that you just had with the gentleman from California.

□ 1615

It's just exactly the sort of experience that they should have, and it will certainly benefit them. But I have always been impressed with the court clerks that I have encountered over the years, some of whom are good friends of mine whose entire career changed and was shaped by their experience in clerking for someone, whether it was at the State court of appeals level or the Federal judgeship level. So this without a doubt is going to be a very important bill.

I also would like to make a few concluding remarks about the energy issues, as I outlined a little while ago. This time I want to mention two sources that are wonderful energy resources, and that we should use more often and more wisely. They are energy resources, that have been in this Earth for many, many years, ever since its creation. First is nuclear; second is geothermal. Both are ample sources of energy if used properly. Both are essentially free in the sense you're not paying anyone for the energy; you're just paying for the equipment and process to extract the energy. And when nuclear energy fell on bad times in the United States almost 30 years ago and basically no one was going to build another reactor in the United States, I said this is going to last one generation because it's a decision based on emotion, not on reality or on the facts. And that's precisely what is happening now. After one generation, we are recognizing that we made a mistake at that point, whereas France has put 80 percent of their electrical power in the hands of the nuclear reactor business and India has done 90 percent. They have been using nuclear power successfully at reasonable cost with no dangers, no accidents, and this indicates that we can do the same. I think that would be immensely useful.

I am particularly perturbed with the current trend to use more and more natural gas to generate electricity. You can imagine what this is going to do to the price of energy for homeowners who heat their homes with natural gas, who are going to have to pay more as natural gas becomes in shorter supply because the power plants are using such copious amounts of it. In addition to that, I note that natural gas, frankly, is too valuable to burn. It's an invaluable feedstock for the petrochemical industry, and the more we use it for other purposes, the more we increase the price of natural gas for manufacturing purposes, we reach a point now where almost all the new fertilizer factories in the world are being built in other countries, not in America, because the price of natural gas here is getting so high that it's too expensive to make fertilizer out of natural gas in our Nation, so it is manufactured in other countries.

We have made a number of mistakes in our energy policy. I would hope this Congress, before the end of this session, would resolve this, set us on a new track, so that we would once again return to an era of cheaper energy, and that our Nation may prosper and our people may be able to keep warm.

Mr. Speaker, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I have said really all I have to say on the Daniel Webster Congressional Clerkship Program of 2008. As mentioned, this will be a tremendous improvement to the development of American law, and I have given the support that has been expressed for the measure here today on the floor. I am hopeful that we will have a unanimous vote for this important measure.

I thank the chairman of the committee, Mr. BRADY, for his tremendous support on this and in every way, as well as the ranking member, Mr. LUNGREN. And I don't know if Mr. BRADY has anything further to add.

If not, I would simply say please vote ''yes'' on H.R. 6475.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 6475.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. EHLERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RURAL VETERANS ACCESS TO CARE ACT

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1527) to amend title 38, United States Code, to allow highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural Veterans Access to Care Act''.

SEC. 2. PILOT PROGRAM OF ENHANCED CONTRACT CARE AUTHORITY FOR HEALTH CARE NEEDS OF VETERANS IN HIGHLY RURAL AREAS.

(a) IN GENERAL.—Section 1703 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) The Secretary shall conduct a pilot program which permits highly rural veterans—

''(A) who are enrolled in the system of patient enrollment established under section 1705(a) of this title, and

''(B) who reside within Veterans Integrated Service Network 1, 15, 18, and 19,

to elect to receive covered health services for which such veterans are eligible through a non-Department health-care provider.

''(2) The election under paragraph (1) shall be made by submitting an application to the Secretary in accordance with such regulations as the Secretary prescribes. The Secretary shall authorize such services to be furnished to the veteran pursuant to contracting with such a provider to furnish such services to such veteran.

''(3) For purposes of this subsection, a highly rural veteran is one who—

''(A) resides in a location that is—

''(i) more than 60 miles driving distance from the nearest Department health-care facility providing primary care services, if the veteran is seeking such services;

''(ii) more than 120 miles driving distance from the nearest Department health-care facility providing acute hospital care, if the veteran is seeking such care; or

''(iii) more than 240 miles driving distance from the nearest Department health-care facility providing tertiary care, if the veteran is seeking such care; or

''(B) in the case of a veteran who resides in a location less than the distance indicated in clause (i), (ii), or (iii) of subparagraph (A), as applicable, experiences such hardship or other difficulties in travel to the nearest appropriate Department health-care facility that such travel is not in the best interest of the veteran, as determined by the Secretary pursuant to regulations prescribed for purposes of this subsection.

''(4) For purposes of this subsection, a covered health service is any hospital care, medical service, rehabilitative service, or preventative health service authorized to be provided by the Secretary under this chapter or any other provision of law.

''(5) For purposes of this subsection, a health-care provider is any qualified entity or individual furnishing a covered health service.

''(6) In meeting the requirements of this subsection, the Secretary shall develop the functional capability to provide for the exchange of medical information between the Department and non-Department health-care providers.

''(7) This subsection shall apply to covered health services provided during the 3-year period beginning on the 120th day after the date of the enactment of this subsection.

''(8) Not later than the 30th day after the close of each year of the period described in paragraph (7), the Secretary shall submit a report to the Committees of Veterans' Affairs of the House of Representatives and the Senate a report which includes—

''(A) the Secretary's assessment of the program under this subsection, including its cost, volume, quality, patient satisfaction, benefit to veterans, and any other findings and conclusions of the Secretary with respect to such program, and

''(B) any recommendations that the Secretary may have for—

''(i) continuing the program,

''(ii) extending the program to other or all service regions of the Department, and

''(iii) making the program permanent.''.

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement the amendment made by subsection (a) not later than the 120th day after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad my colleagues and I were able to work together to craft this important piece of legislation regarding our rural veterans. I want to thank the Subcommittee on Health chairman, Mr. MICHAUD of Maine, and Ranking Member Mr. MILLER of Florida for the bipartisan leadership they demonstrated in working on this important bill. And, of course, the leadership on this bill has been for many years Mr. MORAN of Kansas.

As we all know, many rural veterans face significant challenges accessing veterans' health care services due to their geographical distance from VA facilities and limited transportation services. Some of these veterans must face commutes of several hours just to utilize some simple health care services.

The Department of Veterans Affairs has acted to better provide health care service to rural veterans, and I appreciate the action they have taken in the past. However, more can and should be done to ensure that our rural veterans have adequate access to care for the services to which they are entitled.

This bill, H.R. 1527, would supplement existing VA efforts by requiring the VA to conduct a 3-year demonstration project to allow rural veterans in four Veterans Integrated Service Networks to elect to receive covered services through non-VA providers. It would allow some rural veterans to receive health care locally, eliminating the frustration and hassle of a lengthy commute to the nearest VA medical center.

So I urge my colleagues to support H.R. 1527.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, I rise in obvious support of H.R. 1527, as amended, the Rural Veterans Access to Care Act. This is a piece of legislation that I have worked on for a number of years, and I am pleased that under the leadership of Mr. FILNER and Mr. BUYER this bill is now on the House floor, and I am excited about the opportunities that it presents to better care for veterans who live in rural America.

About 39 percent of our veterans enrolled in VA health care live in those rural areas. Many face challenges of accessing VA care because of the distances between where they live and where the facilities are located.

We are making some progress in regard to rural veterans. In the last several years, we have approved an amendment that I have offered for a number of years increasing the veterans' mileage reimbursement rate from 11 cents per mile to 28.5 cents per mile. The fiscal year 2009 Military Construction and

Veterans Affairs Appropriations bill that we passed earlier this year, back in July, would increase that from 28.5 cents to 40 cents per mile. So that's one step we have taken to help our rural veterans better access health care.

Recently the VA established an Office of Rural Health and a Rural Health Advisory Committee to develop solutions to the challenges of providing health care to veterans living in rural America, and the VA continues to expand community-based outpatient clinics and will activate an additional 44 new clinics in the next 15 months, bringing the number of those clinics to more than 1,000. The VA has also increased the number of readjustment counseling service centers, the Vet Centers, nationwide with plans to open an additional 39 Vet Centers by the fall of 2009. In my home State of Kansas, we have opened an outpatient clinic this year in Hutchinson and opened a Vet Center in Manhattan, Kansas; so progress is being made.

However, despite all those efforts, the reality is that many veterans live in remote areas of the country beyond the VA's ability to construct medical facilities to care for them. The congressional district that I represent in Kansas is an example of an instance where veterans experience great difficulty in traveling to VA facilities. My congressional district is more than the size of the State of Illinois. It has more hospitals than any other congressional district in the country but not one VA hospital. Some Kansas veterans are forced to travel up to 5 hours to a VA hospital for the care they need; and, unfortunately, more often than it should be, they simply forego that care altogether.

H.R. 1527, as amended, would require the VA to conduct a 3-year demonstration project to allow highly rural veterans living in four VISNs, Veterans Integrated Service Networks, to receive the covered services through non-VA providers.

This pilot will ask the VA to explore in several regions a practical approach when the VA care is not otherwise available close by. It would give those who live the farthest from VA facilities the choice to receive their care closer to home at the local hospital or the local physician's office.

There are criteria by which a veteran must qualify to receive this kind of assistance. A veteran must live at least 60 miles from a VA clinic, 120 miles from a VA hospital, or 240 miles from a VA specialized care facility when they're seeking that kind of health care. To ensure the continuity of care, the legislation requires the VA to develop the functional capabilities to exchange veterans' medical information between the VA and non-VA providers in this pilot, and the VA will be required to report to Congress annually on the cost, upon the quality of care, and upon patient satisfaction.

Forty-four percent of our military recruits are from rural areas, as are many Guards and Reserves that our Nation has increasingly called into service. This means that rural veterans are more likely to increase in number. Allowing the most underserved of these veterans to take advantage of the existing rural health care infrastructure is a commonsense approach. This is good for the veteran. It's good for the community. It's good for the health care provider. In many of the hospitals and clinics that I represent, in the communities that I represent, an additional patient is a very important thing. Hospitals in many instances are like schools. One more student matters to the viability of our school system just as one more patient matters to the viability of the private health care providers. We have approved this concept in our appropriation bill earlier this year. In July the VA military construction spending bill approved an additional $200 million to increase access to fee-based care for veterans in areas where the VA does not offer services. And with the high price of gasoline and its impact upon our rural veterans, it's even more important that this legislation pass.

We must fully consider this practical reform for highly rural veterans living outside the VA's ability to care for them, and I urge my colleagues to support H.R. 1527.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Thank you, Mr. Chairman, and thank you, Mr. MORAN, the gentleman from Kansas.

Today, Mr. Speaker, I rise to support H.R. 1527, the Rural Veterans Access to Care Act. I want to thank Congressman MORAN for introducing this bill, and I want to thank him for being a champion for rural veterans. I have never once in my career here in Congress ever seen him make a veterans issue a partisan issue.

I want to thank you for that.

Mr. Speaker, I am proud to represent a district similar to Mr. MORAN's to over 69,000 veterans. These are hard-working people who inspire future generations to serve our Nation. Many of our veterans live in rural and low-income communities. In big cities veterans are located closer together. In rural districts like mine, we have veterans that are spread out over a wide area. This makes it difficult for them to get the resources they need.

The Rural Veterans Access to Care Act will allow highly rural veterans to see a non-VA health care provider. It establishes a 3-year pilot program. Part of it will be in Colorado as well. The pilot program is a great opportunity to see the potential impact of this program on the quality of veterans and the care for veterans. This bill is important because of unique travel challenges in rural areas. Long distances, dangerous terrain, unpredictable weather can make it very difficult to get to a VA facility.

□ 1630

H.R. 1527 will take the necessary steps to making health care more accessible to our Nation's rural veterans. I encourage my colleagues on both sides of the aisle to support our rural veterans, and support this bill.

Thank you to the gentleman from Kansas (Mr. MORAN) for allowing me to speak on this bill. Thank you, Mr. Chairman, for your bipartisan effort in trying to make sure that we address veterans' issues in a nonpartisan way.

Mr. MORAN of Kansas. Mr. Speaker, I appreciate the comments from the gentleman from Colorado and acknowledge his tremendous efforts on behalf of veterans across the country, but especially those who live in rural America, and extend to him today my appreciation for his comments and his friendship.

I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Thank you, Mr. MORAN, for your leadership. I want to add my kudos. Whenever we talk about rural issues, it's the same people that usually stand up: Somebody from Colorado, South Dakota, Idaho, Montana, Wyoming, Kansas, and Nebraska. We have certain issues confronting us that other places do not.

Let me real briefly describe my district to you. My district spans the distance of 147,000 square miles. The distance of my district is Washington, D.C. to Chicago, and I have 104,000 veterans living in that area. It's very difficult for them to access and, kid no one, we ration health care in the veterans' system. This is a perfect bill for showing what can be done if we would just use a little initiative within the United States Congress.

Mr. FILNER, thank you for bringing this forward. Everyone knows that nothing moves without the chairman's blessing, and we thank you for bringing this forward so we would have the opportunity to explain it a little bit.

Montana is surrounded by some wonderful States, like Idaho and Wyoming and South Dakota, but when we have major medical, there are no facilities within those States, so we have to travel to Denver, Salt Lake City, Minneapolis, and Seattle. The distances are great, and usually the illnesses are so great, it's very difficult for our veterans to travel that distance.

I want to take issue with one of the comments from CBO. They suggest that local health care providers would hesitate to invest in expanded facilities to accommodate veterans. Clearly, the

CBO does not understand the plight of rural health care because my rural health care providers are doing everything they can to keep their doors open in the first place because of a diminishing population; not a population of seniors or veterans, but a population of youth. And so the veterans and the seniors are staying in the community and it's going to be harder for my facilities to stay open.

If these veterans are having to ride on buses for many, many miles to get to Fort Harrison, and I want to say I am not suggesting that we don't have tremendous veterans' health care in Montana. We do. We have Fort Harrison in Helena. But it's not adequate when it comes to the distances they are having to travel.

Please support this bill. Thank you, Mr. MORAN.

Mr. FILNER. Mr. Speaker, I would like to yield such time as he may consume to our hardworking Chair of our Disability Assistance and Memorial Affairs Subcommittee, the gentleman from New York (Mr. HALL).

Mr. HALL of New York. I rise today in strong support of H.R. 1527, the Rural Veterans Access to Care Act, and I would first like to take this opportunity to commend Congressman MORAN for all of his work on this legislation. I used to live in Manhattan, New York, and I am glad that veterans from Manhattan, Kansas, and Manhattan, New York, will be served better by this Congress and by the VA.

We can illustrate the fact that issues relating to veterans can, and should be, and I believe in this Congress and in this committee, are a truly bipartisan effort. I can't recall a single critical remark of this bill as it passed through the committee process, because it is truly a needed piece of legislation.

Veterans have consistently been calling on the VA to develop a plan to address the needs of those veterans who live in rural areas at great distances away from the nearest VA hospital. When these brave men and women served our country honorably, they expected the same service in return once they retired. When they signed up, nowhere, at no time, did it say that they would get the health care they need only if they wanted to drive for hours and hours to get it.

Moreover, with the recent increases in the cost of gasoline, travel for rural veterans is placing an even greater financial burden on them and their families. Hours of driving and a hefty gas bill is not the kind of treatment our veterans deserve for their selfless sacrifice to our Nation.

I am confident that the pilot programs erected in H.R. 1527 will begin to bring relief to our veterans who live at great distances from the nearest VA hospital. It is our duty to reward the veterans of our Nation with this treatment befitting their sacrifice. I believe this bill takes the necessary steps to do just that, and I urge my colleagues to support this bill.

Mr. MORAN of Kansas. I continue to reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I would yield such time as he may consume to our great new Member, who worked on these issues for many years, not only as a Congressman, but as a staff member for Mr. Lane Evans, our former ranking member, the gentleman from Illinois (Mr. HARE).

Mr. HARE. I thank the chairman for his kind words. I rise in strong support of H.R. 1527, the Rural Veterans Access to Care Act, and I want to commend my friend, Representative JERRY MORAN, for his outstanding leadership on this issue.

I represent a district in Illinois that is very rural. I hear often not only from the veterans but also from the critical access hospitals in my district about the frustrations that they feel from the inability to access or provide the care that our veterans so desperately need. We often see our disabled and elderly veterans driving hundreds of miles to the nearest VA facilities in Freeport, Illinois, or Bettendorf, Iowa, some of them having to wait 6 hours just to be seen.

To highlight this point, I recently received a phone call from Illinois State Senator Deanna Demuzio of Carlinville, Illinois, in the southern part of my district. She expressed a tremendous amount of frustration and concern at the fact that one of her constituents, a World War II veteran, was told by the VA that he had to drive 200 miles to get a simple chest x-ray. Like Senator Demuzio, I feel that it just doesn't make sense for anyone to drive 200 miles for an x-ray, one they can get locally.

I have been working with the VA, Chairman FILNER, Ranking Member BUYER, and the appropriators, to authorize the community-based outpatient clinic in Whiteside County in my district to address the hardships that veterans face from the distances they have to travel to access health care. Until that happens, I believe this bill will provide the data we need to best serve our rural veterans while also paying attention to the quality of care our veterans receive, and the VA patient enrollment numbers.

Specifically, H.R. 1527 requires the Secretary to conduct a pilot program in four Veteran Integrated Service Networks that would allow the ''highly rural'' veteran to elect to receive covered health services through a non-VA health care provider. Many of the veterans of my district fit under the ''highly rural'' definition, and I am very proud to be a cosponsor of this legislation.

Again, I want to thank Senator Demuzio for her help and support, and to my friend Congressman JERRY MORAN for introducing this incredibly wonderful piece of legislation. I believe this information we gather from the pilot program will go a long way in helping our veterans access health care.

Mr. Speaker, I urge all my colleagues to support this legislation.

Mr. MORAN of Kansas. I ask the gentleman from California if he has other speakers.

Mr. FILNER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. It is with great pleasure that I rise today in strong support of H.R. 1527, the Rural Veterans Access to Care Act. This bipartisan legislation, which I have cosponsored, is something that the veterans of my district have been seeking for some time.

This bill is in no way an indictment of the services of the VA facilities. Rather, it acknowledges that even health care networks as far-reaching as the VA can meet the needs of our veterans. This bill will provide the rural veterans from the western rural portions of my district the ability to seek health care in their communities rather than having to travel hundreds of miles to El Paso and sometimes even Albuquerque, although, as a pilot program, I am confident that the merits of bringing care closer to the veterans will prove to be revolutionary in the way that this Nation cares for its servicemembers and will be adopted nationwide.

I am pleased with the definition in the bill of ''highly rural veterans'' as one who resides in a location that is more than 60 miles driving distance from the nearest Department health care facilities providing primary care services, more than 120 miles for acute hospital care, and more than 240 miles for tertiary care.

Many of the veterans who reside in the 20 counties that I represent fall into this category. The Audie Murphy Hospital in San Antonio and the Brooke Army Medical Center in San Antonio serve a large portion of my district's veteran community. About 600 miles to the northwest to the opposite end of my district is the El Paso VA Clinic and the William Beaumont Army Medical Center that serves a portion of the western part of Texas.

They provide quality health care for our veterans. However, neither the Audie Murphy VA, nor the El Paso VA Clinic, are within my district. As a matter of fact, my district has no VA facilities at all, and it's one of the largest in the Nation. It spans 785 miles to the Mexican border, 650 miles straight from San Antonio to El Paso. Needless to say, extending current services into these areas are essential. This bill will allow that opportunity to make it happen.

I want to thank Chairman BOB FILNER, and I seriously mean this sincerely. I spent 8 years on this committee and we have been trying to get these types of pieces of legislation out. I want to thank him for his leadership and allowing us to be able to make this happen.

So I strongly urge my colleagues to vote in favor of H.R. 1527, to allow rural American veterans to be able to have access to health care in this country. Thank you very much.

Mr. MORAN of Kansas. Mr. Speaker, I am prepared to close and then yield the balance of my time, if the gentleman from California has no other speakers

Mr. FILNER. I would yield 2 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Thank you, Chairman FILNER, and thank you, Congressman MORAN. I live in Houston, Texas. I live across the street from the DeBakey Medical Center. My district is such that you can traverse it in 1 hour. But this is America that we are talking about, not just the cities, not just the rural areas. All veterans in America ought to have access to a facility, and they ought to have immediate access. It is not enough for me to have the DeBakey Center in my district and have other veterans who have to travel 5 hours to receive medical attention.

I am here to ask my colleagues to please, let's support veterans. What we do today will say to them what we think about the work they have done for us. If they can be there for us, willing to sacrifice their lives, we can be there for them to make sure that they have a good quality of life when they return home to the United States of America.

Mr. FILNER. Will the gentleman yield?

Mr. AL GREEN of Texas. Yes, sir.

Mr. FILNER. I just want to thank you not only for speaking out for rural veterans who, as you said, are not in your district, but in your State and in our Nation. But your bill that expanded opportunities for affordable housing for our veterans was also a great step forward, and we greatly admire your work here, although you've only been here a short time. Thank you so much.

I yield back.

Mr. AL GREEN of Texas. I thank you. I am so honored, sir, that you gave me this opportunity to have a word on this most important piece of legislation. It really is something that we must do for our veterans. I thank you, and may God bless you.

Mr. MORAN of Kansas. Is the gentleman from California prepared to close?

Mr. FILNER. Yes.

Mr. MORAN of Kansas. Mr. Speaker, first of all, let me thank the gentleman from Texas (Mr. AL GREEN) for his comments, his ecumenical attitude, and his understanding for the needs for all American veterans, and I am hopeful that that is demonstrated today by all Members of the House as we approve this legislation.

Let me also take this moment to thank all of the employees, the staff, the medical providers within the VA system in Kansas and across the country who work hard on a daily basis to make certain that our veterans are cared for and also for all those who have volunteered their time, their automobiles, their days, and their driving skills, as we have had many veterans who have helped other veterans get to a medical facility, often miles and distance away.

□ 1645

These kinds of volunteer activities have been important and it is a way that some veterans have been able to access health care. But this legislation takes us in a very positive step, one that we have worked on for a long time to achieve, and I am very pleased by the efforts that we see, the culmination of those efforts that we see today.

Finally, let me thank the staff of the Veterans' Committee, both the minority and majority. I appreciate the approach and attitude, the diligence with which we have addressed this legislation. It has had its false starts as recently as a month ago. I am very grateful for the efforts that all made to make certain that this legislation is before us today, and in particular I thank the gentleman from California, Mr. FILNER, who gave me his word back in early August that this legislation would be on the House floor this week, and I very much appreciate Mr. FILNER's efforts.

With that, Mr. Speaker, I support this legislation and appreciate the consequences that arise from its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself the balance of my time.

Again, I want to thank Mr. MORAN for his leadership over so many years on these issues and I just want to make a couple of points in closing.

Next year when we come back, Mr. MORAN, I hope that we could even refine what you have done here a little further. You have made a very important leap forward in dealing with our rural veterans, and you have used the mileage as the distinguishing characteristic.

In part of my district, for example, in Imperial County, California, our veterans are within probably this 120 miles, and yet it is not just the distance, it is the isolation. There is a mountain between two counties in my district. It is not easy to cross over that. So the mileage is not just the only factor. We have got to get some measure of isolation, I would think.

In addition, that county is a very poor county. Many of our veterans do not even have cars. They have to rely on what you so appropriately mentioned, and that is the volunteer efforts of some van drivers. But they are not always there, and they are not always on the day that is needed. So, without cars and being particularly isolated, I think we have to refine that definition of the highly rural veteran.

Let me make just one more point. What you have done here, Mr. MORAN, is very specifically designate criteria for which people are eligible to go outside the VA system. I think you have done that very appropriately, and we have been fighting for that for many years.

The Presidential candidate on the Republican side, Mr. MCCAIN, takes that too many steps further. He has advocated a credit card for every veteran to use in any facility. I think that is the wrong approach.

I had the honor over the last month, Mr. Speaker, of going to the national conventions of the Disabled American Veterans, of the American Legion, of the Jewish War Veterans, of the Military Order of the Purple Heart; and I would say unanimously they objected to this so-called credit card for veterans. It supposedly is to increase access, but I think its effect would be to undermine the whole VA health care system.

So while we can I think make sure that access is guaranteed for people in some very specific situations, like the bill that Mr. MORAN has before us, I think we have to keep the integrity of the VA system by not allowing that credit card proposal of Mr. MCCAIN to go forward.

Having said that, Mr. Speaker, I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1527, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I urge my colleagues to unanimously support Mr. MORAN's bill, H.R. 1527, as amended, as a great step forward for our country's heroes.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 1527, as amended, the Rural Veterans Access to Care Act.

I also want to thank my colleague, JERRY MORAN, for his efforts and work on this very important bill he introduced to improve access to care for veterans living in highly rural areas. Veterans in rural areas are challenged by long commutes to VA facilities, and the limited number of providers in rural areas.

H.R. 1527 as amended would require VA to conduct a three year demonstration project to allow highly rural veterans in four Veterans Integrated Service Networks (VISNs) with large rural populations to receive covered services through non-VA providers. It would give those

who live the furthest from VA facilities the choice to receive care closer to home at a local hospital or physician's office. To qualify, a veteran must live at least 60 miles from a VA clinic, 120 miles from a VA hospital or 240 miles from a VA specialized care facility when seeking that care. To ensure continuity of care, the legislation would require VA to develop the functional capability to exchange veterans' medical information between VA and non-VA providers in the pilot. The VA will be required to annually report to Congress on cost, quality, and patient satisfaction.

I urge my colleagues to support H.R. 1527.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand in support of our veterans and in support of H.R. 1527, the Rural Veterans Access to Care Act by my colleague from Kansas, Representative JERRY MORAN and the Members of the Veterans' Affairs Committee.

Ladies and gentlemen, as we come upon the anniversary II of that fateful day in September this Thursday, it is important to remember our men and women currently serving and our veterans who have returned home.

WAR COSTS

Since the terrorist attacks of September 11, 2001, the United States has initiated three military operations:

Operation Enduring Freedom (OEF) covering Afghanistan and other Global War on Terror (GWOT) operations ranging from the Philippines to Djibouti that began immediately after the 9/11 attacks and continues;

Operation Noble Eagle (ONE) providing enhanced security for U.S. military bases and other homeland security that was launched in response to the attacks and continues at a modest level; and

Operation Iraqi Freedom (OIF) that began in the fall of 2002 with the buildup of troops for the March 2003 invasion of Iraq and continues with counter-insurgency and stability operations.

According to CRS estimates, with enactment of the FY2008 Supplemental and FY2009 Bridge Fund on June 30, 2008, a total of about $859 billion has been approved for military operations, base security, reconstruction, foreign aid, embassy costs, and veterans' health care for the three operations initiated since the 9/11 attacks.

This $859 billion total covers all war-related appropriations from FY2001 through part of FY2009 in supplementals, regular appropriations, and continuing resolutions.

Of that total, CRS estimates that Iraq will receive about $653 billion (76 percent), OEF about $172 billion (20 percent), and enhanced base security about $28 billion (3 percent), with about $5 billion that CRS cannot allocate (1 percent) or readily determine where it was allocated.

As of April 2008, DOD's monthly obligations for contracts and pay averaged about $12.1 billion, including $9.8 billion for Iraq, and $2.3 billion for Afghanistan.

The recently enacted FY2008 Supplemental (H.R. 2642/P.L. 110–252) includes a total of about $160 billion for war costs for the Department of Defense (DOD), State/USAID and Veterans Administration medical programs for the rest of FY2008 and part of FY2009.

In February 2008, the Congressional Budget Office projected that additional war costs from FY2009 through FY2018 could range from $440 billion, if troop levels fell to 30,000 by 2010, $1.0 trillion, if troop levels fell to 75,000 by about 2013. Under these scenarios, CBO projects that funding for Iraq, Afghanistan and the GWOT could reach from about $1.1 trillion to about $1.7 trillon for FY2001–FY2018.

As of August 2008 in the Marine Corps alone we have lost over 1,060 young men and women give the ultimate sacrifice for our country, (OIF 1,001 and OEF 59). This does not even include our men and women in the Army, Air Force, Coast Guard, and National Guard.

With all that we are spending to send our armed forces overseas, we need to be keeping in mind what they will need when they return.

HEALTHCARE

It is our duty to take care of those who have risked life and limb to secure our freedom and the freedom of others around the world. The World Health Organization ranked the U.S. health care system 37th in the world for quality and 55th for fairness. We are the only industrialized country that does not have universal health care.

That is why I have supported Congressman JOHN CONYER's Universal Healthcare legislation (H.R. 676). We need all Americans—parents, children, veterans—to receive healthcare. H.R. 1527 ensures this kind of access to care for our Rural Veteran's and I can only hope that we continue to look at this type of legislation for everyone in this great Nation.

TEXAS VETERANS

In Texas, we have the Texas Veterans Commission (TVC) that was created in 1927. We have 9 medical centers and two regional centers with one in my great city of Houston, TX and one in Waco, TX. The Waco Regional Office serves over 942,000 veterans, as well as their family members, in the 164-county area that comprises the northern two-thirds of Texas. Each year, they process more than $1.9 billion in VA benefit payments are issued to Texas veterans.

This is why I fought to get $1 million to Riverside Hospital in Houston to help our veteran's with their health care and their mental health issues. At this historic African-American hospital they work with our veteran's and assist with care for Post-traumatic stress disorder (PTSD).

Our Veteran's in our urban and rural areas deserve the best care we can give. We should not hesitate to care for the men and women who fought so courageously for us.

CONCLUSION

We are facing rising food, gas, and energy costs. Our housing markets are still reeling and we are at high levels of unemployment. We must ensure that the Securities markets are secure and able to withstand our current economic climate. Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1527, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2617) to increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2008''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2008, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2008, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2008, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole

dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under that subsection, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2009.

SEC. 3. CODIFICATION OF 2007 COST-OF-LIVING ADJUSTMENT IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''$115'' and inserting ''$117'';

(2) in subsection (b), by striking ''$225'' and inserting ''$230'';

(3) in subsection (c), by striking ''$348'' and inserting ''$356'';

(4) in subsection (d), by striking ''$501'' and inserting ''$512'';

(5) in subsection (e), by striking ''$712'' and inserting ''$728'';

(6) in subsection (f), by striking ''$901'' and inserting ''$921'';

(7) in subsection (g), by striking ''$1,135'' and inserting ''$1,161'';

(8) in subsection (h), by striking ''$1,319'' and inserting ''$1,349'';

(9) in subsection (i), by striking ''$1,483'' and inserting ''$1,517'';

(10) in subsection (j), by striking ''$2,471'' and inserting ''$2,527'';

(11) in subsection (k)—

(A) by striking ''$89'' both places it appears and inserting ''$91''; and

(B) by striking ''$3,075'' and ''$4,313'' and inserting ''$3,145'' and ''$4,412'', respectively;

(12) in subsection (l), by striking ''$3,075'' and inserting ''$3,145'';

(13) in subsection (m), by striking ''$3,392'' and inserting ''$3,470'';

(14) in subsection (n), by striking ''$3,860'' and inserting ''$3,948'';

(15) in subsections (o) and (p), by striking ''$4,313'' each place it appears and inserting ''$4,412'';

(16) in subsection (r), by striking ''$1,851'' and ''$2,757'' and inserting ''$1,893'' and ''$2,820'', respectively; and

(17) in subsection (s), by striking ''$2,766'' and inserting ''$2,829''.

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

(1) in subparagraph (A), by striking ''$139'' and inserting ''$142'';

(2) in subparagraph (B), by striking ''$240'' and ''$70'' and inserting ''$245'' and ''$71'', respectively;

(3) in subparagraph (C), by striking ''$94'' and ''$70'' and inserting ''$96'' and ''$71'', respectively;

(4) in subparagraph (D), by striking ''$112'' and inserting ''$114'';

(5) in subparagraph (E), by striking ''$265'' and inserting ''$271''; and

(6) in subparagraph (F), by striking ''$222'' and inserting ''$227''.

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking ''$662'' and inserting ''$677''.

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking ''$1,067'' and inserting ''$1,091''; and

(B) in paragraph (2), by striking ''$228'' and inserting ''$233''.

(2) OLD LAW DIC.—The table in paragraph (3) of such section is amended to read as follows:

''Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$1,091	W–4	$1,305
E–2	$1,091	O–1	$1,153
E–3	$1,091	O–2	$1,191
E–4	$1,091	O–3	$1,274
E–5	$1,091	O–4	$1,349
E–6	$1,091	O–5	$1,485
E–7	$1,129	O–6	$1,674
E–8	$1,191	O–7	$1,808
E–9	[1] $1,242	O–8	$1,985
W–1	$1,153	O–9	$2,123
W–2	$1,198	O–10	[2] $2,328
W–3	$1,234		

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,342.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,499.''

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Section 1311 of such title is amended—

(A) in subsection (b), by striking ''$265'' and inserting ''$271'';

(B) in subsection (c), by striking ''$265'' and inserting ''$271''; and

(C) in subsection (d), by striking ''$126'' and inserting ''$128''.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking ''$452'' and inserting ''$462'';

(B) in paragraph (2), by striking ''$649'' and inserting ''$663'';

(C) in paragraph (3), by striking ''$846'' and inserting ''$865''; and

(D) in paragraph (4), by striking ''$846'' and ''$162'' and inserting ''$865'' and ''$165'', respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking ''$265'' and inserting ''$271'';

(B) in subsection (b), by striking ''$452'' and inserting ''$462''; and

(C) in subsection (c), by striking ''$225'' and inserting ''$230''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this Veterans Compensation Cost-of-Living Adjustment Act of 2008, and I want to especially thank Congressman CIRO RODRIGUEZ of Texas for his sponsorship of the House bill, which was H.R. 5826.

I am pleased that we are here today working with the Senate to get the bill passed. After passage here today, the bill goes directly to the White House for the President's signature, and this will ensure that our veterans will not be delayed in getting their cost-of-living adjustment.

Since 1976, Congress has passed a measure to direct the Secretary of Veterans Affairs to increase the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation, referred to as DIC, to their survivors and dependents, along with other benefits, in order to keep pace with the rising cost of living.

This disability COLA would become effective on December 1 of this year and will be equal to that provided on an annual basis to Social Security recipients. It will benefit over 3 million disabled veterans from the World War I

era through the current conflicts in Iraq and Afghanistan that VA estimates will be receiving this compensation in FY 09. It will also help over 300,000 of their survivors during the same period.

Many of the 3.5 million recipients of these benefits depend upon these tax-free payments not only to provide for their own basic needs, but those of their spouses and their children and often parents as well. Without an annual COLA, these veterans and their families would see the value of their hard-earned benefits slowly erode. We would be derelict in our duty as a Congress if we failed to guarantee that those who sacrificed so much for this country received benefits and services that keep pace with their necessities. The veterans compensation COLA is included in the CBO baseline, which means in English that we have already paid for this COLA.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, I am a supporter of S. 2617, the Veterans Compensation Cost-of-Living Adjustment Act of 2008. On May 21 of this year, the House of Representatives passed H.R. 5826, the Veterans Compensation Cost-of-Living Act of 2008, introduced by our colleague, the gentleman from Texas, Mr. RODRIGUEZ.

The legislation before us today is the Senate companion to that bill. It would increase, effective December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

I would like to thank the gentleman from California, the chairman, Mr. FILNER, and the ranking member, the gentleman from Indiana, Mr. BUYER, for bringing this bill to the floor in a timely manner, and acknowledge the efforts by our colleagues, the Chairman of the Subcommittee, Mr. HALL, and the ranking member, Mr. LAMBORN, for their work and leadership on improving benefits for our veterans.

The legislation before us is an important annual authorization which provides our Nation's veterans with a timely increase in their compensation later this year. It was requested by the Bush administration, and the House passage today will send this bill to the President to be signed into law.

Mr. Speaker, I encourage my colleagues to support this bill.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the sponsor of the House version of the bill, the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman for this opportunity to speak regarding S. 2617. Thank you, Chairman FILNER, for your leadership, and also Chairman HALL, the ranking minority member, Mr. BUYER, and Mr. MORAN. Thank you very much.

As a sponsor of H.R. 5826, the House version of this important piece of legislation, I am extremely proud to have had the opportunity to be here today. The House unanimously passed this bill on the 21st of May earlier this year.

We are all keenly aware of the burden our current economy places upon American families and the situation that we find ourselves in now with the economy. These same difficulties are magnified with our veterans and their families who rely on disability compensation provided through the Senate bill, S. 2617, the Veterans Compensation Cost-of-Living Adjustment Act of 2008. It seeks to address these challenges by increasing the compensation rates in line with the Consumer Price Index for the Social Security COLA.

We now have an opportunity to send a bill to the President that will have a direct impact on countless veterans, over 3 million, and also their survivors and families.

Thank you for allowing me the opportunity to speak today during consideration of S. 2617, the companion bill to H.R. 5826. I ask for its support by the House.

Mr. BUYER. Mr. Speaker, I rise today in support of S. 2617, the Veterans' Compensation Cost-of-Living Adjustment Act of 2008.

Each year, the House and Senate Committees on Veterans' Affairs bring before Congress legislation to adjust the compensation our veterans receive through the cost-of-living adjustment. Our Nation's veterans have sacrificed so much for this country, and we fulfill our obligation to them by providing this annual adjustment to their benefits to help them keep up with the cost-of-living. The House already passed H.R. 5826 on May 21, 2008. The bill before us is the Senate version of that same bill.

Mr. Speaker, this legislation will provide our veterans an increase in their wartime disability compensation, additional compensation for benefits, clothing allowance, dependency and indemnity compensation to surviving spouses, and dependency and indemnity compensation to children. This is an important "must-pass" bill, which will ensure our veterans receive the increase to their benefits on time.

I would like to thank Chairman FILNER, as well as Disability and Memorial Affairs Subcommittee Chairman JOHN HALL, and Ranking Member DOUG LAMBORN for their efforts to bring this bill to the House floor in an expeditious manner. Our action on this bill today will be the final action before the bill is presented to the President for signature, and I encourage all my colleagues to support passage of S. 2617, the Veterans' Compensation Cost-of-Living Adjustment Act of 2008.

Mr. HALL of New York. Mr. Speaker, I rise, today in support of S. 2617, the Veterans' Compensation Cost-of-Living Adjustment Act. With today's military and veteran community facing increasing deployments, a struggling economy, rising gas prices, and other hardships that together create tough financial situations, this legislation could not have come at a better time.

For many of our Nation's veterans and their families, these payments are a necessity in order to make ends meet. They provide for veterans with service-connected disabilities and the survivors of certain disabled veterans. Specifically, this COLA increase will boost wartime disability compensation, additional compensation for benefits, and even things such as clothing allowances.

Again, in these increasingly tough times, we cannot allow rising costs to strip our brave veterans of this crucial resource. For those who have done so much by sacrificing mind, body, and family in service of this Nation, this COLA is the least we can do to honor their sacrifices.

I commend Senator AKAKA for his hard work passing this crucially needed legislation through the Senate, and urge my colleagues to pass this in the House with equal success.

Mr. HOLT. Mr. Speaker, I am pleased that the House is considering today S. 2617, the Veterans' Compensation Cost-of-Living Adjustment (COLA) Act of 2008. If enacted, this bill would require the Secretary of Veterans Affairs to provide a COLA to veterans receiving disability compensation and other select VA beneficiaries that matches the cost-of-living increase rates of Social Security beneficiaries. The increase would take effect December 1, 2008.

I am pleased that this Congress has kept its promises to America's veterans. Last year, we passed the largest single funding increase in the history of the VA, and I am hopeful that we will continue to increase funding for key VA programs over the coming year. In the meantime, it is necessary for us to meet some other basic challenges facing our veterans, and the bill before us addresses one of those challenges.

Many veterans live on fixed incomes, and thus have been very hard hit by recent increases in prices for food, gasoline, and other essentials. By passing this COLA, we will give veterans across America the additional financial assistance they need to care for themselves and their families. The Senate passed this bill in July 2008. I urge my colleagues to join me in supporting this bill, and I urge the President to sign it as soon as it reaches his desk.

Mr. MORAN of Kansas. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2617.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I urge my colleagues to unanimously support it and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the Senate bill, S. 2617.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

VETERANS' PROGRAMS EXTENSION AND CONSTRUCTION AUTHORIZATION ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6832) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Programs Extension and Construction Authorization Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

Sec. 101. Authorization for fiscal year 2009 major medical facility projects.
Sec. 102. Modification of authorization amounts for certain major medical facility construction projects previously authorized.
Sec. 103. Authorization of fiscal year 2009 major medical facility leases.
Sec. 104. Authorization of construction of major medical facility, Okaloosa County, Florida.
Sec. 105. Authorization of appropriations.
Sec. 106. Report on facilities administration.
Sec. 107. Annual report on outpatient clinics.

TITLE II—EXTENSION OF CERTAIN AUTHORITIES

Sec. 201. Repeal of sunset on inclusion of noninstitutional extended care services in definition of medical services.
Sec. 202. Extension of recovery audit authority.
Sec. 203. Permanent authority for provision of hospital care, medical services, and nursing home care to veterans who participated in certain chemical and biological testing conducted by the Department of Defense.
Sec. 204. Extension of expiring collections authorities.
Sec. 205. Extension of nursing home care.
Sec. 206. Extension of authority to carry out income verification.
Sec. 207. Permanent authority to establish research corporations.
Sec. 208. Extension of certain veterans home loan guaranty programs.
Sec. 209. Extension of requirement to submit annual report on the Special Committee on Post-Traumatic-Stress Disorder.
Sec. 210. Extension of requirement to submit annual report on the Committee on Care of Severely Chronically Mentally Ill Veterans.
Sec. 211. Permanent requirement for biannual report on Women's Advisory Committee.
Sec. 212. Permanent authority for Advisory Committee on Minority Veterans.
Sec. 213. Extension of temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.

TITLE III—OTHER MATTERS

Sec. 301. Increase in cap of number of veterans participating in independent living program.
Sec. 302. Enhancement of refinancing of home loans by veterans.
Sec. 303. Technical amendments.

TITLE I—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

SEC. 101. AUTHORIZATION FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2009 in the amount specified for each project:

(1) Seismic corrections, Building 2, at the Department of Veterans Affairs Palo Alto Health Care System, Palo Alto Division Palo Alto, California, in an amount not to exceed $54,000,000.

(2) Construction of a polytrauma healthcare and rehabilitation center at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $66,000,000.

(3) Seismic corrections, Building 1, at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed $225,900,000.

SEC. 102. MODIFICATION OF AUTHORIZATION AMOUNTS FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED.

(a) MODIFICATION OF MAJOR MEDICAL FACILITY AUTHORIZATIONS.—Section 801(a) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) is amended—

(1) in paragraph (1)—

(A) by striking ''$300,000,000'' and inserting ''$625,000,000''; and

(B) by striking the second sentence; and

(2) in paragraph (3), by striking ''$98,000,000'' and inserting ''$769,200,000''.

(b) MODIFICATION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) CORRECTION OF PATIENT PRIVACY DEFICIENCIES AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, GAINESVILLE, FLORIDA.—Paragraph (5) of section 802 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) is amended by striking ''$85,200,000'' and inserting ''$136,700,000''.

(2) CONSTRUCTION OF A NEW MEDICAL CENTER FACILITY AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LAS VEGAS, NEVADA.—Paragraph (7) of such section is amended by striking ''$406,000,000'' and inserting ''$600,400,000''.

(3) CONSTRUCTION OF A NEW OUTPATIENT CLINIC, LEE COUNTY, FLORIDA.—Paragraph (8) of such section is amended—

(A) by striking ''ambulatory'' and all that follows through ''purchase,'' and inserting ''outpatient clinic in''; and

(B) by striking ''$65,100,000'' and inserting ''$131,800,000''.

(4) CONSTRUCTION OF A NEW MEDICAL CENTER FACILITY, ORLANDO, FLORIDA.—Paragraph (11) of such section is amended by striking ''$377,700,000'' and inserting ''$656,800,000''.

(5) CONSOLIDATION OF CAMPUSES AT THE UNIVERSITY DRIVE AND H. JOHN HEINZ III DIVISIONS, PITTSBURGH, PENNSYLVANIA.—Paragraph (12) of such section is amended by striking ''$189,205,000'' and inserting ''$295,600,000''.

SEC. 103. AUTHORIZATION OF FISCAL YEAR 2009 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2009 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Brandon, Florida, $4,326,000.

(2) For an outpatient clinic, Colorado Springs, Colorado, $3,995,000.

(3) For an outpatient clinic, Eugene, Oregon, $5,826,000.

(4) For the expansion of an outpatient clinic, Green Bay, Wisconsin, $5,891,000.

(5) For an outpatient clinic, Greenville, South Carolina, $3,731,000.

(6) For an outpatient clinic, Mansfield, Ohio, $2,212,000.

(7) For an outpatient clinic, Mayaguez, Puerto Rico, $6,276,000.

(8) For an outpatient clinic, Mesa, Arizona, $5,106,000.

(9) For interim research space, Palo Alto, California, $8,636,000.

(10) For the expansion of an outpatient clinic, Savannah, Georgia, $3,168,000.

(11) For an outpatient clinic, Sun City, Arizona, $2,295,000.

(12) For a primary care annex, Tampa, Florida, $8,652,000.

SEC. 104. AUTHORIZATION OF CONSTRUCTION OF MAJOR MEDICAL FACILITY, OKALOOSA COUNTY, FLORIDA.

(a) AUTHORIZATION.—The Secretary of Veterans Affairs shall carry out a major medical facility project to construct a new medical facility of the Department of Veterans Affairs in Okaloosa County, Florida, in an amount not to exceed $54,475,000.

(b) FACILITY LOCATION.—The facility authorized to be constructed pursuant to subsection (a) shall be built in accordance with option 2 of the report to Congress dated June 26, 2007, required to be submitted under section 823 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461; 120 Stat. 3449).

(c) PLAN FOR SHARING OF INPATIENT AND OUTPATIENT SERVICES.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan that sets forth terms and conditions for the sharing of inpatient and outpatient services at the medical facility authorized to be constructed pursuant to subsection (a).

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2009 for the Construction, Major Projects, account—

(1) $345,900,000 for the projects authorized in section 101;

(2) $1,694,295,000 for the increased amounts authorized for projects whose authorizations are modified by section 102; and

(3) $54,475,000 for the project authorized in section 104.

(b) AUTHORIZATION FOR APPROPRIATIONS FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2009 for the Medical Facilities account, $60,114,000, for the leases authorized in section 103.

SEC. 106. REPORT ON FACILITIES ADMINISTRATION.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report updating the progress of the Secretary in complying with section 312A of title 38, United States Code.

SEC. 107. ANNUAL REPORT ON OUTPATIENT CLINICS.

(a) ANNUAL REPORT REQUIRED.—Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 8119. Annual report on outpatient clinics

''(a) ANNUAL REPORT REQUIRED.—The Secretary shall submit to the committees an annual report on community-based outpatient clinics and other outpatient clinics of the Department. The report shall be submitted each year not later than the date on which the budget for the next fiscal year is submitted to the Congress under section 1105 of title 31.

''(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include the following:

''(1) A list of each community-based outpatient clinic and other outpatient clinic of the Department, and for each such clinic, the type of clinic, location, size, number of health professionals employed by the clinic, workload, whether the clinic is leased or constructed and operated by the Secretary, and the annual cost of operating the clinic.

''(2) A list of community-based outpatient clinics and other outpatient clinics that the Secretary opened during the fiscal year preceding the fiscal year during which the report is submitted and a list of clinics the Secretary proposes opening during the fiscal year during which the report is submitted and the subsequent fiscal year, together with the cost of activating each such clinic and the information required to be provided under paragraph (1) for each such clinic and proposed clinic.

''(3) A list of proposed community-based outpatient clinics and other outpatient clinics that are, as of the date of the submission of the report, under review by the National Review Panel and a list of possible locations for future clinics identified in the Department's strategic planning process, including any identified locations in rural and underserved areas.

''(4) A prioritized list of sites of care identified by the Secretary that the Secretary could establish without carrying out construction or entering into a lease, including—

''(A) any such sites that could be expanded by hiring additional staff or allocating staff to Federal facilities or facilities operating in collaboration with the Federal Government; and

''(B) any sites established, or able to be established, under sections 8111 and 8153 of this title.''.

(b) DEADLINE FOR FIRST ANNUAL REPORT.—The Secretary of Veterans Affairs shall submit the first report required under section 8119(a) of title 38, United States Code, as added by subsection (a), by not later than 90 days after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter I the following new item:

''8119. Annual report on outpatient clinics.''.

TITLE II—EXTENSION OF CERTAIN AUTHORITIES

SEC. 201. REPEAL OF SUNSET ON INCLUSION OF NONINSTITUTIONAL EXTENDED CARE SERVICES IN DEFINITION OF MEDICAL SERVICES.

Section 1701 of title 38, United States Code, is amended—

(1) by striking paragraph (10); and

(2) in paragraph (6)—

(A) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) Noninstitutional extended care services, including alternatives to institutional extended care that the Secretary may furnish directly, by contract, or through provision of case management by another provider or payer.''.

SEC. 202. EXTENSION OF RECOVERY AUDIT AUTHORITY.

Section 1703(d)(4) of title 38, United States Code, is amended by striking ''September 30, 2008'' and inserting ''September 30, 2013''.

SEC. 203. PERMANENT AUTHORITY FOR PROVISION OF HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE TO VETERANS WHO PARTICIPATED IN CERTAIN CHEMICAL AND BIOLOGICAL TESTING CONDUCTED BY THE DEPARTMENT OF DEFENSE.

(a) PERMANENT AUTHORITY.—Subsection (e)(3) of section 1710 of title 38, United States Code, is amended—

(1) in subparagraph (B), by inserting ''and'' after the semicolon;

(2) in subparagraph (C), by striking ''; and'' and inserting a period; and

(3) by striking subparagraph (D).

(b) CONFORMING AMENDMENT.—Subsection (e)(1)(E) of such section is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

SEC. 204. EXTENSION OF EXPIRING COLLECTIONS AUTHORITIES.

(a) HEALTH CARE COPAYMENTS.—Section 1710(f)(2)(B) of title 38, United States Code, is amended by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

(b) MEDICAL CARE COST RECOVERY.—Section 1729(a)(2)(E) of title 38, United States Code, is amended by striking ''October 1, 2008'' and inserting ''October 1, 2010''.

SEC. 205. EXTENSION OF NURSING HOME CARE.

Section 1710A(d) of title 38, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 206. EXTENSION OF AUTHORITY TO CARRY OUT INCOME VERIFICATION.

Section 5317(g) of title 38, United States Code, is amended by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

SEC. 207. PERMANENT AUTHORITY TO ESTABLISH RESEARCH CORPORATIONS.

(a) REPEAL.—Title 38, United States Code, is amended by striking section 7368.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by striking the item relating to section 7368.

SEC. 208. EXTENSION OF CERTAIN VETERANS HOME LOAN GUARANTY PROGRAMS.

(a) EXTENSION OF DEMONSTRATION PROJECT ON ADJUSTABLE RATE MORTGAGES.—Section 3707(a) of title 38, United States Code, is amended by striking ''2008'' and inserting ''2012''.

(b) EXTENSION OF DEMONSTRATION PROJECT ON HYBRID ADJUSTABLE RATE MORTGAGES.—Section 3707A(a) of such title is amended by striking ''2008'' and inserting ''2012''.

SEC. 209. EXTENSION OF REQUIREMENT TO SUBMIT ANNUAL REPORT ON THE SPECIAL COMMITTEE ON POST-TRAUMATIC-STRESS DISORDER.

Section 110(e)(2) of the Veterans' Health Care Act of 1984 (38 U.S.C. 1712A note; Public Law 98–528) is amended by striking ''through 2008'' and inserting ''through 2012''.

SEC. 210. EXTENSION OF REQUIREMENT TO SUBMIT ANNUAL REPORT ON THE COMMITTEE ON CARE OF SEVERELY CHRONICALLY MENTALLY ILL VETERANS.

Section 7321(d)(2) of title 38, United States Code, is amended by striking ''through 2008'' and inserting ''through 2012''.

SEC. 211. PERMANENT REQUIREMENT FOR BIANNUAL REPORT ON WOMEN'S ADVISORY COMMITTEE.

Section 542(c)(1) of title 38, United States Code, is amended by striking ''through 2008''.

SEC. 212. PERMANENT AUTHORITY FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544 of title 38, United States Code, is amended by striking subsection (e).

SEC. 213. EXTENSION OF TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Section 2201 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

TITLE III—OTHER MATTERS

SEC. 301. INCREASE IN CAP OF NUMBER OF VETERANS PARTICIPATING IN INDEPENDENT LIVING PROGRAM.

Section 3120(e) of title 38, United States Code, is amended by striking ''2,500 veterans'' and inserting ''2,600 veterans''.

SEC. 302. ENHANCEMENT OF REFINANCING OF HOME LOANS BY VETERANS.

(a) INCLUSION OF REFINANCING LOANS AMONG LOANS SUBJECT TO GUARANTY MAXIMUM.—Section 3703(a)(1)(A)(i)(IV) of title 38, United States Code, is amended by inserting ''(5),'' after ''(3),''.

(b) INCREASE IN MAXIMUM PERCENTAGE OF LOAN TO-VALUE OF REFINANCING LOANS SUBJECT TO GUARANTY.—Section 3710(b)(8) of such title is amended by striking ''90 percent'' and inserting ''100 percent''.

SEC. 303. TECHNICAL AMENDMENTS.

(a) TITLE 38.—Title 38, United States Code, is amended—

(1) in section 1712A—

(A) by striking subsection (g);

(B) by redesignating subsections (d) through (i) as subsections (c) through (f), respectively; and

(C) in subsection (f), as so redesignated, by striking ''(including a Resource Center designated under subsection (h)(3)(A) of this section)'';

(2) in section 2065(b)(3)(C), by striking ''(''';

(3) in the table of sections at the beginning of chapter 36, by striking the item relating to section 3684A and inserting the following new item:

''3684A. Procedures relating to computer matching program.'';

(4) in section 4110(c)(1), by striking ''15'' and inserting ''16'';

(5) in the table of sections at the beginning of chapter 51, by striking the item relating to section 5121 and inserting the following new item:

''5121. Payment of certain accrued benefits upon death of a beneficiary.'';

(6) in section 7458(b)(2), by striking ''pro rated'' and inserting ''pro-rated'';

(7) in section 8117(a)(1), by striking ''such such'' and inserting ''such''; and

(8) in each of sections 1708(d), 7314(f), 7320(j)(2), 7325(i)(2), and 7328(i)(2), by striking ''medical care account'' and inserting ''medical services account''.

(b) VETERANS BENEFITS, HEALTH CARE, AND INFORMATION TECHNOLOGY ACT OF 2006.—Section 807(e) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) is amended by striking ''Medical Care'' each place it appears and inserting ''Medical Facilities''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

□ 1700

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very important bill that we simply must pass this year because it extends authorities for a whole number of veterans programs. And I want to thank my ranking member, Mr. BUYER of Indiana, for his cooperation and support to get this bill on the floor today because, as I said, we have got to get this done before the end of this congressional session.

H.R. 6832 includes the text of several other pieces of legislation; for example, the text of H.R. 5856, the Department of Veterans Medical Facility Authorization and Lease Act of 2008, that we passed on this floor by a vote of 416–0 back in May. As the new fiscal year begins on October 1, it is essential that the VA have the legal authorities it needs to move forward in providing world-class facilities and better access for our veterans.

In addition to providing these authorizations, we extend a number of expiring authorities, including the authority to collect from insurance companies and third parties for the cost of certain health care. These provisions were slated to expire at the end of this month. It also extends the VA authority to receive data from the IRS and the Social Security Administration to verify income levels for veterans in certain programs.

We extend here also the authority of the VA to conduct recovery audits of fee basis and other medical service contracts when a veteran receives care at a non-VA facility, such as the bill we just passed with Mr. MORAN.

We make permanent here the VA authority to treat veterans who participated in tests conducted by the Department of Defense at the Deseret Test Center from 1962 to 1973, which included the program known as Project Shipboard Hazard and Defense, or Project SHAD. This authority expired last year. We have to do more for those who have been subject to those tests, and we will look at legislation, especially by Mr. THOMPSON of California, in the near future.

We extend the reporting requirements for the Special Committee on PTSD, Posttraumatic Stress Disorder, and the Committee on Care of Severely Chronically Mentally Ill Veterans. These committees are vitally important as we seek to provide the best care for our veterans in dealing with these mental health issues.

We repeal the sunset on inclusion of noninstitutional extended care services as part of the health care provided to our veterans, and extend the authority of the VA to provide nursing home care for certain veterans, which was also slated to expire at the end of this year.

We increase the number of veterans among our most severely disabled veterans who would be able to participate in the VA's Independent Living Program. Long-term care services are a vital component of our health care for veterans, and will only increase in importance in the years ahead.

H.R. 6832 also makes permanent the authority of the Advisory Committee on Minority Veterans and reporting requirements for the Women's Advisory Committee.

Mr. Speaker, I have often stressed the importance of the housing provisions in the original GI bill that was enacted in 1944. This act, of which over 8 million veterans took advantage of, probably created the prosperous and stable middle-class in our Nation. We recently passed an update of the GI bill that we called the 21st Century GI Bill, which brought education benefits up to the standards that this century requires, but we did not reform and improve the VA home loan program in that GI bill that would have in fact remained true to the spirit of the original GI bill. The housing crisis that is affecting all of our society in all areas of our country would be helped by broadening authority of the VA in this area.

Both my ranking member, Mr. BUYER, and I have introduced legislation to reform the home loan program, and H.R. 6832 brings both of our pieces of legislation together. We were able to provide temporary authority for the VA to make loans at levels that matched other Federal housing programs in an earlier bill this year, but that authority expires at the end of the year and VA will be forced once again to essentially limit its guarantee to a maximum loan amount of $417,000. What we do here is to extend that authority until 2011 to guarantee loan amounts up to $729,750 in certain parts of the country. We also extend the authority of the VA to make so-called hybrid adjustable rate and adjustable rate mortgages in their program, which also expires this year.

Finally, H.R. 6832 will make it easier for veterans to refinance their home loans with the VA. We authorize the VA to provide the same maximum loan guarantee for veterans, refinancing non-VA loans, as it currently provides for loans guaranteed by the VA. It will enable veterans to refinance the loan at up to 100 percent of the value of the underlying property. Currently, the VA is only able to finance up to 90 percent.

I know that I speak for Mr. BUYER in that we wish we could do more right at this moment to help our veterans weather this housing crisis, but this bill provides real help, and will make a real difference in the lives of thousands of veterans facing the housing crisis and our economic slowdown. It is extremely important that we pass H.R. 6832, and meet our responsibilities to our Nation's veterans.

I thank the minority side for its great cooperation on this.

I reserve the balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, I support H.R. 6832, the Department of Veterans Affairs Construction and Extensions Act of 2008. I again thank Chairman FILNER and Ranking Member BUYER for bringing this bill forward today. And I also want to thank the leaders of the Subcommittee on Health, the gentleman from Maine (Mr. MICHAUD) and the ranking member, the gentleman from Florida (Mr. MILLER) for their bipartisan efforts in crafting this important legislation.

The construction authorization provisions in title I of this bill are identical to previously passed legislation here in the House, the construction authorization bill H.R. 5856, and they would authorize major VA medical facility projects and leases for the fiscal year 2009. This legislation is similar to what we have done in the past on an annual basis. The Veterans' Affairs Committee report for that bill H.R. 5856 with further explanation of the legislation background and intent of these construction authorizations.

Collectively, the provisions authorize approximately $2.2 billion over the next 5 years to improve access to health care for our Nation's veterans. The extension portion of this bill, the extension authorities in title III include a number of important authorizations. Ranking Member BUYER introduced a bill to extend the expiring authorities, H.R. 6802, on August 1 of this year, and this bill incorporates those extensions and others.

Among those that are significant and important are: Repeal of sunset on inclusion of non-institutional extended care services; permanent authority for provision of hospital care, medical services, and nursing home care to veterans who participated in certain

chemical and biological testing; extension of nursing home care; and, extension of certain home loan guaranty programs.

The bill, in title III, would also increase the number of veterans participating in the independent living program and enhance refinancing of home loans by veterans.

Mr. Speaker, with House action on this construction authorization and the extension of authorities, as well as the veterans' COLA we just passed a few moments ago in the form of Senate bill 2617, the House will have taken what many consider the must-pass bills for the 2008 session for the 110th Congress. Our hope is that our Senate colleagues will take up H.R. 6832 promptly, so that we may complete the actions on these legislative items that are of great importance to veterans.

Mr. Speaker, I urge my colleagues to support H.R. 6832.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as she may consume to one of the most passionate advocates for veterans in our country, Ms. BROWN of Florida.

Ms. CORRINE BROWN of Florida. Mr. Speaker, first, let me thank the chairman for his leadership on this issue and for his tireless work on the committee and on behalf of the Nation's veterans.

I rise in support of H.R. 6832, the Veterans' Programs Extension and Construction Authorization Act of 2008. I am pleased at the construction that has occurred in the State of Florida. My State has the largest elderly veterans population in the country. Everyone enjoys the warm weather, and veterans are no different. It is high time that we build the facilities that will take care of the heroes and sheroes.

In addition, this bill increases the authorization for the construction of a new VA medical center in Orlando. We have waited over 25 years for this facility, and we have construction delays. We cannot allow construction delays because of the lack of money due to increased energy costs or inflation. It would be criminal to do this.

In addition, this bill increases the authorization by $51 million to fund patient privacy at the Gainesville Medical Center. We need to make sure our veterans are treated with respect.

Earlier this year, this Congress passed the Military Construction and Veterans Affairs Appropriation under the leadership of Chairman CHET EDWARDS. I appreciate him including funds for these projects in the bill, along with the continuing development of the medical centers in Florida.

I urge the passing of the bill and continued support for our Nation's veterans. May God continue to bless America.

Mr. MORAN of Kansas. Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as he may consume to Mr. RODRIGUEZ of Texas.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of this specific legislation.

Let me just indicate that the language that is on there regarding Project 112 efforts, those are studies that were supposedly conducted during the 1960s and 1970s on our own soldiers. There was a variety of studies that were conducted where, basically, we used nerve gas and other things with our own soldiers to see how they would react, and we have prioritized in terms of trying to provide the services and health care needs of these soldiers and to ID them. This allows extension of that language that is needed for us to continue to do the right thing when it comes to our veterans now that suffered under those studies.

Let me also say that this is a comprehensive piece of legislation that begins to fund a variety of different programs throughout the country, and including, Mr. Speaker, in your beloved area of Puerto Rico, which you know a large number of soldiers that served our country reside in and will have an opportunity to get extended health care needs there through the clinics.

In addition, I am proud to announce that we have four major polytrauma centers in this country, and the fifth one is located in San Antonio. This allows the opportunity for funding of that particular polytrauma center that will allow services to be extended to those soldiers coming both from Afghanistan and Iraq that are seriously injured.

So, once again, I want to take this opportunity to thank the leadership for their efforts, and I thank Mr. FILNER for the dedicated work he has providing these resources to our veterans throughout the country.

Mr. MORAN of Kansas. Mr. Speaker, I support this legislation.

I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I would add to what the gentleman from Texas said. You know better than anybody the problems with the facilities in San Juan, Puerto Rico. This does a seismic correction for one of the major buildings on the order of $225 million, and establishes an outpatient clinic in Mayaguez, Puerto Rico. So we are taking some steps, we have a long way to go, for our citizens there in Puerto Rico.

Mr. STEARNS. Mr. Speaker, providing for our nation's veterans—the brave men and women who risk their lives to ensure our freedom—has always been a top priority for me in my service to the people of the sixth district of Florida. I am pleased that we are here today to pass legislation that will authorize much-needed funding for improvements to new and existing VA facilities throughout our country.

Included in this legislation is funding for a new Bed Tower at the Department of Veterans Affairs Medical Center in Gainesville, Florida. For years I have been working on securing funding for an addition to the Malcom Randall VA Hospital in my district, which will help to correct some of the patient privacy deficiencies this hospital has been experiencing over the years.

This facility will address the acute needs of our local veterans by providing them with state-of-the-art, private patient rooms, and the convenience of high quality VA medical care. The funding authorized by this legislation will go toward a five-story, 245,000 square foot facility consisting of four floors of new patient beds and one floor of supporting medical services. This new Bed Tower will have 228 new beds, and will also house a 10-bed ER, Chest Pain Unit, and ENT, Ophthalmology, Urology, and Hematology Clinics.

The Malcom Randall VA Hospital is one of the busiest and efficient VA facilities in the country, and the veterans in my district will benefit greatly from this new Bed Tower. I thank my colleague, Mr. FILNER, for introducing this important legislation, and I look forward to the completion of this new Bed Tower in Gainesville.

Mr. BUYER. Mr. Speaker, I rise today in support of H.R. 6832, the Department of Veterans Affairs Construction and Extensions Act of 2008.

This legislation, which I am cosponsoring along with Chairman FILNER is a bipartisan measure consisting of the construction bill the House of Representatives passed on May 21, 2008, as well as language from the bill I introduced on August 1, 2008, H.R. 6802, the Veterans Authorities Extension Act of 2008, and additional authorizations.

The provisions included from the Committee reported and House passed construction bill, H.R. 5856, would authorize major VA medical facility projects and leases for fiscal year 2009. Included in this legislation is an authorization of $66 million for construction of a fifth Polytrauma Rehabilitation Center in San Antonio, Texas. VA's four existing Polytrauma Centers are located in Richmond, Virginia; Tampa, Florida; Minneapolis, Minnesota; and Palo Alto, California.

Mr. Speaker, this past February, I had the pleasure of visiting the Audie Murphy VA Medical Center in San Antonio for a briefing on this new project, which will provide state-of-the-art care to our severely injured heroes. The VA Polytrauma Centers are designed to provide comprehensive inpatient rehabilitation services for individuals with complex, severe and disabling traumas. By creating a fifth Polytrauma Center in San Antonio, our commitment to veterans and servicemembers is reinforced by expanding access to the southwestern United States.

H.R. 6832 also will provide the extension of a number of important authorizations. These include: Repeal of the sunset on inclusion of non-institutional extended care services; Extension of recovery audit authority; Permanent authority for provision of hospital care, medical services, and nursing home care to veterans who participated in certain chemical and biological testing; Extension of expiring collections authorities; Extension of nursing home care; Extension of authority to carry out income verification; Extension of certain home

loan guaranty programs; Extension of requirement to submit an annual report on the Special Committee on PTSD; Permanent requirement for the biannual report on the Women's Advisory Committee; and Permanent authority for VA's Advisory Committee on Minority Veterans (which was previously passed this last July in H.R. 674).

The bill will also increase the number of veterans participating in the VA's Independent Living Program, and will enhance the refinancing of home loans by veterans.

I would like to thank Chairman FILNER, as well as Health Subcommittee Chairman MICHAEL MICHAUD of Maine and Ranking Member JEFF MILLER of Florida, for their efforts to bring this legislation through the Committee and on to the House floor for consideration. I would also like to commend the Committee staff for their hard work and bipartisan efforts throughout this Congress.

Mr. Speaker, I urge my colleagues to support H.R. 6832, the Department of Veterans Affairs Construction and Extensions Act of 2008.

GENERAL LEAVE

Mr. FILNER. I ask unanimous consent that all Members may have 5 legislation days in which to revise and extend their remarks and include extraneous material on H.R. 6832.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6832.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BARRING ACCESS OF LONG-HAUL MEXICAN TRUCKS

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6630) to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON LONG-HAUL CROSS BORDER MOTOR CARRIER OPERATIONS.

(a) TERMINATION OF PILOT PROGRAM.—Not later than September 6, 2008, the Secretary of Transportation shall terminate the one-year cross border demonstration project the Secretary started on September 6, 2007, as described in the Federal Register notices dated May 1, 2007 (72 Fed. Reg. 23883), June 8, 2007 (72 Fed. Reg. 31877), and August 17, 2007 (72 Fed. Reg. 46263).

(b) CONGRESSIONAL AUTHORIZATION REQUIRED.—Unless expressly authorized by Congress, the Secretary may not grant authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border after September 6, 2008.

SEC. 2. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this Act—

(1) the Inspector General of the Department of Transportation shall transmit to Congress the final report required by section 6901(c) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28);

(2) the independent review panel established by the Secretary of Transportation to monitor the demonstration project referred to in section 1(a) shall transmit to Congress a report—

(A) evaluating the effects that the demonstration project has had on motor carrier safety, including an analysis of any accidents involving motor carriers participating in the demonstration project; and

(B) containing recommendations for modifications to the process of granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border and for monitoring the future operations of such carriers in the United States, in order to enhance safety;

(3) the Secretary shall transmit to Congress a report detailing the implementation of and the participation of motor carriers in the demonstration project referred to in section 1(a), including—

(A) the number and names of United States and Mexico domiciled motor carriers that participated in the demonstration project and the number of vehicles each motor carrier utilized in the demonstration project;

(B) the number of border crossings by motor carriers participating in the demonstration project, including the number of crossings which resulted in a motor carrier traveling beyond United States municipalities and commercial zones on the United States-Mexico border;

(C) an itemization of safety and operational violations identified among motor carriers participating in the demonstration project in pre-authorization safety audits, compliance reviews, and roadside inspections, including a review of the most frequent types of violations;

(D) an analysis of the cost to the Federal Government and State partners of implementing the demonstration project, including administrative costs, safety monitoring and enforcement costs, and the cost of installing global positioning system units on participating vehicles; and

(E) measures taken by the Secretary to terminate the authority of motor carriers participating in the demonstration project to operate beyond United States municipalities and commercial zones on the United States-Mexico border after September 6, 2008, and ensure that such motor carriers cease long-haul operations.

□ 1715

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO).

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6630.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Last Saturday, September 6, marked a dark day in the transportation history and the safety of the traveling public in the United States of America. It was the 1-year anniversary of the so-called cross-border demonstration project of the Department of Transportation under the Bush administration.

When this pilot program began, 1 year and 5 days ago, they assured us it would be a 1-year pilot. They further assured us that they would fully evaluate the program before opening our border to all Mexican trucks. Unfortunately, Secretary Peters, under the tutelage of the Bush administration, announced last month that they intend to continue the program for two more years.

You know, given the fact that they have ignored Congress' will on this issue repeatedly, I wasn't surprised. But I am outraged. I am outraged that the Bush administration, for political purposes, would jeopardize the safety of the traveling public in the United States of America.

Since the beginning of this idea in the Bush administration, there has been strong and bipartisan congressional objection to the program. There are a number of concerns regarding Mexico's less stringent or nonexistent regulations on hours of service, vehicle safety, driver training and licensing, their nonexistent commercial driver's license database, or the meaningless database that they contend is a registration of commercial driver's licenses, and the fact that there is not one single certified drug testing laboratory in Mexico.

And I am further concerned that our government, under the leadership of the Bush administration, has said that, don't worry; they'll take care of all of these problems at the border. The Federal Motor Carrier Safety Administration will inspect every truck every time, or so they purport.

There are questions about whether or not they're delivering on that pledge.

There are also certainly questions of diverting our already inadequate force of Federal Motor Carrier Safety Administration officials, officers to the border to just inspect the trucks of a few Mexican companies that want to drive long distance in the United States.

The House has already voiced opposition on the implementation of this pilot program in three separate pieces of legislation: H.R. 1773, the Safe American Roads Act of 2007, which the House passed in May 2007 by an overwhelming vote of 411–3, and we'll hear a little bit later from the author of that legislation.

Provisions were also included in the 2007 Iraq war supplemental spending bill to impose strict measures to ensure the pilot program adheres to safety and security guidelines.

And then finally, last December, Congress included a provision in the 2008 Consolidated Appropriations Act to prohibit DOT from using funds to, unfortunately, using the Senate's language instead of ours, establish a cross-border motor carrier program. The Bush administration argues that it was already established and they are just continuing it. The legislation that the House had passed would not have allowed them to parse those words and to continue to violate what is the very clear intent to Congress, despite the bungling of the wording by the Senate.

Because of DOT's blatant disregard of congressional intent, I introduced this bill, H.R. 6630, in July, to ensure the Mexican truck pilot is terminated, and that the results are fully evaluated before the program is either expanded or continued, and to reassert the authority of Congress in this matter. So this is something that should be virtually noncontroversial in this House, this House having spoken previously on this issue, this House being, on a bipartisan basis, fully concerned with the safety of the traveling American public, unlike the administration.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, at this time I would like to yield for such time as he may consume to the distinguished ranking member of the full committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I appreciate the ranking member of our highway subcommittee, Mr. DUNCAN, yielding to me. And appreciate the hard work Mr. DEFAZIO, who chairs this subcommittee, has put into this legislation, and also Mr. OBERSTAR and others.

I apologize in actually getting in front of my ranking member of the subcommittee, but have a number of Senators and Representatives waiting on me.

I just want to weigh in and say that I support this legislation. I do want to also set, for the record, the conditions under which this administration is acting.

First of all, I voted against NAFTA back in 1993. It was touted as going to be the best thing since sliced bread for the country. While it has increased some exports and some opportunities on both sides of the border, I believe, overall, it sent many jobs south, and unfortunately, it hasn't been all that it was made out to be.

Additionally, one of the reasons I voted against NAFTA was, as far as the North American Free Trade Agreement, trading with Canada was a pretty level playing field. Trading with Mexico isn't the same deal. And within the original language was a provision that allowed Mexican trucks to transverse our borders and come into the United States, which I was opposed to then, and am opposed to now. Now, that has been contested over the years, both in the Clinton administration, also during the Bush administration.

Within, also, the language of NAFTA, folks should realize that they set up a panel, a NAFTA panel, to be the arbiter and the judge of how the U.S. must act. We really relegated our sovereignty to a panel, again, within NAFTA, which, every time the United States has acted in a contrary fashion to the provisions of the treaty, has ruled against the United States.

So here the Bush administration takes a minimal project, moves it forward. And it is a minimal. There is a limit on the number of trucks that can cross, et cetera.

But Congress has the authority now to stop that program, and I think this is the time to stop that program. There are those in Congress who have to make a decision whether they want these trucks now to continue. We don't have to comply with some agreement. Actually, we passed the treaty, and Congress has the responsibility now to act properly and stop, really, what they started, which was not in the interest of the United States in having, again, fleets of Mexican trucks come across our borders.

So this legislation stops a whole host of bad decisions that have been made in the past. And I strongly support this, in spite of any threats from anybody to act in stopping this legislation. We need to pass this legislation. We need to act responsibly and act now.

Mr. DEFAZIO. I yield 2 minutes to the gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. I thank you so much, Mr. Chairman. I really appreciate all the work that we have been doing on this bill.

How many times have we done this now? We have been here time and time and time again, trying to say that this program of bringing trucks in from Mexico into the United States, when, as you so well pointed out, all the provisions that the American people expect with regard to drugs, with regard to training and maintenance, all of the things that the American people have come to expect out of our American trucking interests are now being put on the line.

And so what is this, the third time that we have tried to put this, bring this program, this crazy program that, in fact, is making just almost a mockery of this Congress, trying to bring this to its final conclusion.

It was a year ago, after we had made, we passed H.R. 1773 by 411–3, after the Senate had passed their bill as well, that we thought maybe at that time that this program was going to come to an end. And yet, on Labor Day, this time a year ago, on Labor Day the President said, no, we're going to go through with this bill, even though it is clearly against the will of the American people.

Now, Labor Day. Let's think about what happens on Labor Day. First of all, how many families do we have crossing on our highways trying to take families from one event to the next, out there? It's an issue of safety to keep our families safe on our highways. It was an absolute slap in the face of the American people, and it was also a slap in the face of our American trucking industry, who has worked hard to live up to the standards that we have in this Congress imposed on them with safety, training, maintenance and all the environmental controls that they have struggled to get, to be in compliance with.

And so a year ago, the President absolutely refuted the will of the American people and said, we're going to go ahead and do this anyway.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DEFAZIO. I yield the gentlewoman an additional minute.

Mrs. BOYDA of Kansas. One of the heaviest traveling weekends for our families, they went ahead and did it anyway.

Now, let me just say that I spent many, many years working in the pharmaceutical industry. And my concern with this is there have been 500 trucks on our highways over the year. And, by the grace of God, we don't know of any fatal or serious accidents that have taken place.

But, Mr. Speaker, I think you will agree with me that the last thing we want to do is approve a drug that hasn't killed 500 people in a year, and certainly we don't want to take this and say that this program is now ready to be opened up into the broader sector.

We need to stop this now. The American people have spoken. It is about our jobs, it is about safety, it is just flat out about common sense. And I hope finally, Mr. Speaker, that after all of our work on this that we are finally bringing this crazy chapter of

having trucks from Mexico be on our highways with our families and our American trucks. I hope we are finally bringing this to a close.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be an original cosponsor of H.R. 6630 with Chairman DEFAZIO, Chairman OBERSTAR, and Ranking Member MICA; and I simply want to commend them for the work they have done on this legislation, along with the gentlewoman from Kansas.

On September 6, 2007, the Department of Transportation began a 1-year cross-border demonstration project to open the Mexican border to truck traffic. According to the Department, they instituted this program in order to comply with the North American Free Trade Agreement.

The Department announced on August 4 of this year its intent to extend the program for an additional 2 years.

Like many other Members, I believe there are legitimate concerns about continuing this demonstration project, and many of those have been outlined by Chairman DEFAZIO here a few moments ago.

The bill under consideration today terminates the demonstration project 1 year after it began, just as the Department originally intended, until certain information is provided to the Congress.

□ 1730

Additionally, the bill prohibits the granting of new authority for Mexican trucks to operate beyond the commercial zone on the border without the express authorization of Congress, as I just mentioned.

Last year, we took up consideration and voted overwhelmingly to pass a similar bill, H.R. 1773, the Safe American Roads Act of 2007. Like the bill under consideration today, H.R. 1773 barred Mexican trucks from operating beyond the border zone without Congressional action. That bill passed the Transportation Committee unanimously and then passed in the House—as Chairman DEFAZIO has mentioned, passed the House by a vote of 411–3.

The House has expressed its feeling on this issue in a very strong and bipartisan way. Before the border is completely open to Mexican trucks, we must ensure the safety of motorists on our highways. No matter how much we want to have good relations and trade with our friends in Mexico—and we do—our first obligation is to the American people.

I want to make clear, though, that this bill does not prohibit forever some type of border crossing in relationship with Mexican trucking companies. H.R. 6630 simply requires the Independent Review Panel established by the Secretary of Transportation and the Department of Transportation itself to report to the Congress on the effects that the demonstration project had on motor carrier safety. It also provides a requirement to submit other required information, such as enforcement costs and various safety violations and other things like that, of the companies that have participated in the demonstration project thus far. Once Congress receives this information, Congress could then act to allow Mexican domiciled motor carriers access to the U.S.

This bill does not permanently prevent this type of program but ensures that the border will not be fully open without proper protections in place.

H.R. 6630 will help ensure the safety of our Nation's highways, and especially—and this is so important to me and most Members on both sides—it will help protect our American trucking companies, our small businesses, and our truck drivers. Republicans and Democrats have come together in the interest of the Nation and produced a bipartisan bill that impacts the entire Nation.

I support this bill, and I encourage my colleagues to do the same.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I would yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Thank you, Mr. Chairman. I would also thank you for forging this legislation in a bipartisan way which you will hopefully have unanimous support with this Congress. This program we're trying to roll back I think is one of the most dangerous programs this administration has ever tried to put into effect.

I represent the entire California-Mexico border. It is my district. I know what happens with these trucks at the border. We haven't dealt with issues of licensing of drivers, we haven't dealt with insurance or safety of the trucks, not even mentioning the jobs that are lost to American truckers.

Let me just tell you two things very quickly about what goes on at the border.

The Federal Motor Carrier Transportation Administration issues what it calls a tamperproof sticker, a green sticker to say that this truck is safe. I have been in Tijuana and I have seen these windshields which have the tamperproof sticker put on different trucks. So they haven't tampered with the sticker, but they put it on a different truck.

I have seen papers that supposedly guarantee insurance of a truck. A company that owns 10 trucks will buy an insurance policy for one truck and pass that paper around to all of the other ones. They're very difficult to distinguish. They pass the muster at the border and they're free, under this program that we're trying to stop, to move around in our Nation without really having any choice.

We could go on for hours on this. We have looked at all of these different aspects that the administration just refuses to look at.

So, Mr. DEFAZIO, thank you for bringing this to us. We have got to stop this program. We've got to stop it now and save both jobs and lives of American truckers.

Mr. DUNCAN. Mr. Speaker, I yield such time as she may consume to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Thank you very much.

Mr. Speaker, I rise today in support of H.R. 6630. This bill prohibits the Secretary of Transportation from authorizing any Mexican truck from operating beyond the United States-Mexican border unless specifically authorized by Congress.

Many of my constituents and I are greatly concerned over the safety and wisdom of the cross-border trucking pilot program. Currently, this program allows trucks registered in Mexico to operate beyond the border commercial zones in California, Arizona, New Mexico, and Texas.

When this program began, the Department of Transportation promised Congress that they would inspect, ''every truck every time.'' However, an Inspector General report revealed earlier this year that the Department of Transportation is not adequately performing critical quality control measures. Crucially, the department has been unable to provide any assurance that Mexican trucks and drivers are being checked at the border as advertised.

Quality control checks are not the only problem. Increased drug smuggling and human trafficking is a grave concern as well. And different national regulations mean Mexican trucks are less safe. In January of this year, Mr. Speaker, two tractor trailer trucks with Mexican license plates crashed on the Mexico-Texas border. Four people died.

If the Department of Transportation and any future administration wish to restart the cross-border trucking pilot program, this bill would require them to first seek congressional authorization. Simply put, the security of our Nation's borders must be of the utmost concern.

Speaking of trucks, Mr. Speaker, I, like all Members of Congress, am hearing from truckers in my district about the very high cost of fuel. They ask why won't the Democrat majority, and in particular why won't Speaker PELOSI allow drilling to lower the cost of their fuel. We need to have an all-in energy program.

Mr. Speaker, back on the bill, I urge all of my colleagues to support H.R. 6630 and the termination of the cross-border trucking pilot program.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

I would like to point out that I believe that this is a long-standing desire

on the part of both the President—whose name shall not be mentioned at least on the Republican side of the aisle—George W. Bush and other members of his administration. In fact, as early as December 26, 1996, the headline of the Journal of Commerce, Texas, ''Governor Berates Clinton Over Delay in Border Opening.'' And then June 17, 1996, Texas Governor George W. Bush, now the President of the United States, issues a call for the start of NAFTA trucking.

George W. Bush has long been an advocate of fully opening the border. In fact, before 9/11 he wanted to move to a borderless state between the U.S. and Mexico. Security concerns overrode him there. But he's trying to do it with trucks.

And hand-in-glove with the President is Secretary of Transportation, Mary Peters. Her track record on this is disingenuous at best, deceitful, or perhaps she perjured herself. She said in her Senate confirmation hearing, ''There are no immediate plans to pursue a pilot program.''

But since she made that statement, we find that while she was head of the Federal Highway Administration from 2001 to 2005, plans were well underway by the Bush administration to open the border. It was first raised in the fall of 2004 between former Secretary Mineta and Mexican Secretary Cerisola in November of 2004.

And in early 2005, DOT actually was crafting a proposal. In a document entitled, ''Implementing NAFTA's Commercial Motor Carrier access Provisions—A Pilot Approach,'' outlined early plans for pilot programming. And it said, ''The essence of a pilot would be to create a crack in the current impasse and allow the pressure of time, and most importantly, the Mexican carriers not participating in the pilot, to enlarge the crack, to a point that a complete liberalization of the border becomes a fait accompli.''

They used French despite their disdain for the French position of not invading Iraq.

However, you know, as I said, Ms. Peters contradicted that.

So what we have here is an administration that is dead set to defy the will of the United States Congress as expressed in a bipartisan way to protect the safety of the American traveling public and to prevent the continuation and/or expansion of this program.

We should, Mr. Speaker, pass this bill with hopefully a unanimous vote or near unanimous vote to send yet one last message to this Bush administration and the law defiers and the dissemblers downtown and tell them to bring this program to a halt as they promised. It would have halted on September 6, 2007.

With that, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes at this time to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Tennessee for yielding.

I agree that this is a problematic program, and I agree also with my colleague from Florida, Congresswoman GINNY BROWN-WAITE, that what I am hearing at home is from truckers in my district, as well as average citizens, who are complaining about the high price of gasoline. And of course the truckers are complaining about the high price of diesel. And they want to know why is this Congress not doing something about the high price of gasoline.

As we have said often on this floor, Republicans are ready to vote on an all-of-the-above strategy to bring down the price of gasoline. And we know Americans are going to be facing very high prices for fuel oil pretty soon. So we want to do something about the high price of gasoline by bringing up the American Energy Act and having an up-or-down vote on what to do about bringing down the price of gasoline by providing more supply.

As I have said many times on this floor, the Republicans are pro-American energy. We want to see more American energy supplied to the American consumers. We want more oil, we want alternatives, but we can't get energy independent without drilling for more oil and having a segue into the alternatives. We believe that Democrats are anti-American energy, and anti-American energy is going to keep the price of gasoline very high. It's also going to make the price of fuel oil this winter very high, which is going to hurt all of our citizens.

So we want to help our truckers, we want to help our seniors, we want to help other agencies who are struggling with this as well as our average citizens. Bring down the price of gasoline and bring down the price of fuel oil by bringing the American Energy Act for a vote and allow us to have an up-or-down vote. Do we drill in ANWR? Do we drill in the Outer Continental Shelf? Or do we allow the Democrats to continue to play games with this Congress?

Mr. DEFAZIO. Mr. Speaker, can you tell me about the remaining time?

The SPEAKER pro tempore. The gentleman from Tennessee has 7 minutes. The gentleman from Oregon has 6½ minutes.

Mr. DEFAZIO. Mr. Speaker, I had hoped to restrict this debate to the failings of the Republican Bush administration in protecting the safety of the American traveling public and the jobs of American truckers. Unfortunately, the gentlelady before us apparently has amnesia because she forgets that the Republicans controlled the House, the Senate, and the White House for 6 years. And during those 6 years, Vice President CHENEY wrote an energy policy in secret with the big oil companies.

□ 1745

George Bush walked hand-in-hand with the King of Saudi Arabia, and they designed a policy. That policy that was actually designed to make us more dependent on foreign oil rather than less, and many of us who opposed it then in the minority said this is not a solution to America's energy problems. You are going to make us more dependent on foreign oil, and we are, exactly as was designed by Vice President CHENEY, endorsed by President Bush and passed by the Republican House and the Republican Senate. That's the energy policy we're living under, that.

Now, today, they're born again as defenders of the American consumers, and they pocket hundreds of millions—sorry, hundreds of thousands, millions of dollars in contributions from Big Oil. They want to rush forward yet again with a shortsighted policy while giving lip service to a long-term solution to our energy needs.

We will have a comprehensive bill on the floor later this week, and we will see where the Republicans really stand on this issues. Do they stand with the American people, with American consumers? Will they look forward to the future and finally freeing us from the trial and enslavement to the OPEC nations? We will see later this week.

With that, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank my friend for yielding, and I think the underlying bill has some merit.

I'm curious, my friend from Oregon getting so exercised and excited about this debate. I appreciate his passion. I would, however, correct his amnesia because bill after bill after bill that resulted in legislation passed through this House that would increase American-made energy for Americans did so over the previous 6 years before this Democrat majority came into office and was stymied in the Senate by 41 Democrats. That's all it takes in the Senate, as you know, Mr. Speaker. That's all it takes.

So what we heard over the last 5 weeks—I know it's what my friend from Oregon heard at home—is that the American people are tired of all this. They want action. They want American-made energy for Americans. They want to decrease our dependence on foreign oil, and they want action.

And so over the last 2 days we've been debating bill after bill, and they've been some wonderful bills. We've named a number of post offices. We've done a lot of interesting work, but what we haven't done is address the number one issue of the American people, and that is the high cost of gasoline and energy.

So we look forward with great anticipation to the bill that will be rolled

out later this week. Granted it hasn't been an open process. Granted it hasn't been a fair process. But we hope that an open rule will allow that bill to come to the floor so that we can have an opportunity to have Members of this House of Representatives, as the rules would allow, have input, to represent their constituents, again, on the most important issue of the day.

We hope that the bill doesn't include remarkable tax increases on domestic oil producers so this Democrat majority takes us further in the direction of dependence on foreign oil. We hope that isn't the case.

We hope that the bill doesn't include ridiculous components that make it so that it would be impossible to utilize 80 percent of the resources that we have offshore.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DUNCAN. I yield the gentleman an additional minute.

Mr. PRICE of Georgia. We hope that the Democrat majority has listened over the last 5 weeks when they've been home on their vacation. We hope that they've listened to their constituents and recognize that folks at home want us to explore offshore, not just off four eastern States, Mr. Speaker, but off the areas where there is significant resources that we know is there. That means off the western coast of Florida. That means off the west coast. That means utilizing deep sea exploration in Alaska and also onshore exploration.

We hope that the bill contains limitations on the ability to sue and hold up leases. Every single lease that has been let by this administration in the last 2 years is now in court, over a thousand of them, because of the lax laws on liability.

Mr. Speaker, we look forward to a commonsense bill. We look forward to an all-of-the-above bill. We look forward to a bill that will answer the number one concern of the American people, that they want American-made energy for Americans now.

Mr. DEFAZIO. I have the right to close, and I will be the last speaker.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Once again, I will say this is a bill primarily concerned about the safety and fairness to American trucking companies and American truckers. I agree with my colleagues that the high cost of energy, high cost of diesel fuel has hit especially small trucking companies and truckers harder than almost anyone, and certainly Republicans have been trying desperately for several months to do everything possible to increase energy production in this country, which is the only way to bring down these exorbitant costs we've been experiencing over the last 2 years.

The cost of gasoline when Speaker PELOSI was sworn in was a little over $2 gallon. Now, it's gone to more than $4 a gallon but has started coming down now just because of the threat of increased production. And we certainly need to do more in regard to that to be fair and helpful to our truckers and our trucking companies.

Now, let me say once again: this is a very moderate, sensible, balanced, and reasonable bill. It does not prohibit some sort of program for Mexican trucking companies that are safe and don't have all these violations. It would allow them to come in after additional information is given to the Congress about the results from this 1-year demonstration project. That's not much to ask for from the administration, and we need that information about safety violations.

We need to find out whether these Mexican truck drivers have drug addictions or they have numerous safety violations, find out whether some of these trucking companies are coming in, these trucks are coming in here in a very unsafe and uninsured condition.

So I think this is a bill that all of our colleagues on both sides of the aisle can support. As I said earlier, practically the same bill was passed a few months ago by a vote of 411–3, and I ask all of my colleagues to support this legislation which has bipartisan support.

I yield back the balance of my time.

Mr. DEFAZIO. I thank the gentleman for returning to the subject at hand, which is the safety of the traveling public and American jobs which the Bush administration would disregard by continuing their pilot program, violating their promise to only continue the program as a pilot for 1 year, 1 year having expired last Saturday, further violating and ignoring the intent of the Congress which has on numerous occasions expressed concerns regarding this program and its effect on the traveling public.

So I would hope that, on a bipartisan basis, we can send a message to the Bush White House by passing this bill unanimously, or nearly unanimously, and say that the Congress cares about the safety of the traveling public. The Congress cares about the fact there's no meaningful commercial driver's license database in Mexico. We don't really know who these people are.

The Congress cares about the fact that there is no meaningful hours of service program in Mexico and that many of these drivers may be crossing the border fatigued to the point of endangering public safety.

The Congress cares about the fact that there is no certified drug testing laboratory in Mexico, no meaningful program of testing for drugs of truck drivers in Mexico.

The Congress cares about the potential for insurance fraud and other things as mentioned by our colleague from California (Mr. FILNER).

And the Congress is determined that this administration, the administration of George W. Bush, this Republican administration, should stop violating the law and violating the law and jeopardizing the American public for their own ideological ends in their hope that they can pry this program open wide enough that a future Congress or a future administration won't be able to slam it shut again.

Mr. STARK. Mr. Speaker, I rise today to support H.R. 6630, a bill to Bar Access of Long-Haul Mexican Trucks. I do so to reject this Administration's dismissal of clear Congressional intent and on behalf of hundreds of my constituents who contacted me to express their opposition to this program.

Congress has a duty to protect our highways from drivers without adequate safety equipment. This bill enables a full examination into the potential effects of allowing Mexican trucks to enter the United States. Then, Congress can consider whether to allow such entry.

Congress has come together—on a bipartisan basis—time again to stop the pilot program. Unfortunately, we have been conistently disregarded by an Administration more concerned with pushing through cross-border trade agreements than the safety of our highways.

In 2007, the Supplemental Appropriations bill explicitly contained language limiting the implementation of the pilot program. Despite this, the Department of Transportation (DOT) launched the pilot.

In response, the 2008 Transportation Appropriations bill prevented the DOT from using Federal money to fund the pilot program. DOT challenged this language and continued with the program.

At the end of July 2008, the House Committee on Transportation and Infrastructure unanimously voted to end the DOT pilot program. Immediately afterward, the DOT defiantly declared it was extending the pilot program—not terminating it.

The most vocal message from the House came with the passage of the Safe American Roads Act in May 2007. The bill posed time limits on the pilot program and reporting requirements on the DOT.

SARA was a powerful, bipartisan effort. 411 members voted for the measure and only three voted against it. However, this overwhelming effort has been undermined by the Administration in its determination to open our borders to unsafe and environmentally damaging transportation practices. The Administration has performed legal and linguistic contortion upon contortion to find loopholes and semantic arguments designed to bypass the very clear intent of Congress; and Congress must not stand for it.

I encourage all of my colleagues to join us in supporting this legislation to protect America's highways and push back against such blatant Executive disregard for the intent of Congress.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 6630. This is a bill with a simple purpose: to require a cross-border trucking pilot program initiated by the Department of Transportation ("DOT") on September 6, 2007, to terminate immediately, and to force the Administration to stay true to its word that

this program remain a short-term, limited experiment.

In February of last year, the Secretary of Transportation first announced her intent to launch a pilot program to allow up to 100 Mexico-domiciled motor carriers to operate beyond the commercial zones at the U.S.-Mexico border. The Secretary assured Congress and the American people that this pilot program would last one year. The Secretary made this pledge at news conferences and multiple Congressional hearings. DOT further cemented this commitment by publishing the details of a one-year pilot program in three separate Federal Register notices.

The Committee on Transportation and Infrastructure ordered H.R. 6630 reported in July in anticipation of the one-year mark, which occurred a few days ago. We considered this bill, which statutorily requires the Secretary to shut the program down after one year, because we had no reason to believe that the Administration would terminate the pilot program and revoke the authority of participating carriers—unless compelled to do so by Congress.

We were right. On August 4, 2008, on the first day of the Congressional recess, DOT announced that it would extend the program for an additional two years, through 2010.

Since last February, I have expressed my strong concerns over whether safety on U.S. roads would be adversely impacted and whether DOT was ready to enforce all Federal motor carrier laws and regulations. I have also expressed my amazement with the careless way that the Administration has violated the will of Congress and the spirit of the law over the last 18 months.

Today, I repeat these sentiments and say enough is enough. It is time for DOT to be held accountable for its actions and made to keep its own promises.

The House has already voiced strong, bipartisan opposition to the implementation of this pilot program in three separate pieces of legislation, each of which DOT has strongly opposed:

The House passed H.R. 1773, the Safe American Roads Act of 2007, on May 15 by a vote of 411–3.

On May 25, 2007, the House passed the U.S. Troop Readiness, Veterans Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28), which was signed by the President, and which included a number of safety prerequisites regarding the proposed pilot program. DOT glossed over these requirements and moved ahead without fully taking them into account.

On July 24, 2007, the House passed the FY 2008 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill (H.R. 3074) with a provision to bar DOT from using any funds to implement its proposed pilot program. A similar provision was included in the Consolidated Appropriations Act of 2008 (P.L. 110–161), approved by the House on December 17, 2007. DOT found a technical ''out'' to avoid compliance with this provision.

DOT pushed past Congressional concerns in establishing this program. The Department has pushed on despite strong opposition to extend the program, and they will continue to push on. Carriers participating in the pilot program have been granted provisional operating authority for 18 months, after which DOT could allow the authority to become permanent.

Without further Congressional action, this ''experiment'' will turn into what opponents of this program have feared all along—a sea change in surface transportation policy.

To date, participation in the pilot program has been underwhelming. According to Federal Motor Carrier Safety Association (''FMCSA'') data, 27 Mexican carriers operating 107 trucks and 10 U.S. carriers operating 55 trucks are participating in the pilot program. Pilot program participants from Mexico crossed into the United States 9,776 times. Only 1,337 of these crossings, or 14 percent, resulted in carriers traveling beyond the border zones.

To accommodate a small fraction of trips taken by these 37 carriers, the Federal Government has spent more than $500 million since 1995 to prepare for opening of the U.S.-Mexico border to motor carrier traffic.

This is more than the entire FMCSA budget for all Federal motor carrier safety programs in all 50 States for FY 2008.

While spending thousands of hours of staff resources to implement the Administration's cross-border operations, FMCSA has yet to finalize 14 Congressionally mandated rulemakings—some of which have been pending since {999—on critical motor carrier safety issues such as medical certification of drivers, commercial drivers license testing standards, hours of service, and revocation of operating authority from a carrier with a pattern of safety violations. Several reports are also overdue—including a report on whistleblower protections required in 1998.

There is nothing in the North American Free Trade Agreement, or any other trade agreement, that abrogates the authority of Congress to exercise its power under the Constitution to change domestic law. It is time for Congress to reclaim its ability to have some bearing on the obligations contained in the surface transportation provisions of NAFTA.

I thank the Chairman of the Subcommittee on Highways and Transit, Mr. DeFAZIO, for introducing the bill, and Ranking Member MICA and Subcommittee Ranking Member DUNCAN for joining with us in this effort.

I urge my colleagues to join me in supporting H.R. 6630.

Mrs. MILLER of Michigan. Mr. Speaker, I rise in strong support of this legislation, which will put a definite end to this Mexican truck pilot program. Quite frankly, Mr. Speaker, this program never should have begun in the first place.

Before coming to Congress, I served for 8 years as the Michigan Secretary of State, with a principal responsibility as the chief motor vehicle administrator, and I was also the Chairman of the Traffic Safety Commission. I was responsible for all the licensing in the State, including of commercial drivers and hazardous material endorsements. Given my background I had immediate concerns about how the Department of Transportation's pilot program might compromise the safety of our roads.

In Mexico, licensing requirements are very poor and fraud in their system runs rampant. In fact, the Transportation and Infrastructure Committee heard in testimony from the Department of Transportation's Inspector General that 1 in 5 Mexican driving records contained an error of some kind. If we had a 20 percent error rate in the United States, we would consider it a crisis.

There are also concerns, about the insurance provisions of this program. American trucks must carry expensive insurance policies in the event they are in an accident. What happens if a Mexican truck has an accident somewhere in the U.S.? Good luck to the victims of that accident who will try to collect on damages from a company down in Mexico.

Mexican drivers are allowed to work far longer hours than American workers, resulting in widespread drug use in the profession. Presently, there is no system under which secure testing could take place so to ensure that the drivers coming into our country are drug free.

In response to these concerns, the Congress passed language in the Iraq War supplemental requiring the Department of Transportation to only conduct a pilot program under certain conditions. Subsequently, the House, by a vote of 411–3, the Safe American Roads Act, which placed additional restrictions on these Mexican trucks coming into the country.

Unfortunately, the Department of Transportation has not taken the hint and continues to promote this program without addressing the public's safety concerns about this program.

Hopefully, this legislation will make it clear that Congress does not want this program to continue and that it should be terminated.

Mr. DeFAZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DeFAZIO) that the House suspend the rules and pass the bill, H.R. 6630, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DeFAZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PREVENT ALL CIGARETTE TRAFFICKING ACT OF 2008

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4081) to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Prevent All Cigarette Trafficking Act of 2008'' or ''PACT Act''.

(b) FINDINGS.—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, make it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from law-abiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) PURPOSES.—It is the purpose of this Act to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. 2. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) DEFINITIONS.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the ''Jenkins Act'') (referred to in this Act as the ''Jenkins Act''), is amended by striking the first section and inserting the following:

''SECTION 1. DEFINITIONS.

''As used in this Act, the following definitions apply:

''(1) ATTORNEY GENERAL.—The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State, or the designee of that officer.

''(2) CIGARETTE.—

''(A) IN GENERAL.—For purposes of this Act, the term 'cigarette' shall—

''(i) have the same meaning given that term in section 2341 of title 18, United States Code; and

''(ii) include 'roll-your-own tobacco' (as that term is defined in section 5702 of the Internal Revenue Code of 1986).

''(B) EXCEPTION.—For purposes of this Act, the term 'cigarette' does not include a 'cigar', as that term is defined in section 5702 of the Internal Revenue Code of 1986.

''(3) COMMON CARRIER.—The term 'common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

''(4) CONSUMER.—The term 'consumer' means any person that purchases cigarettes or smokeless tobacco, but does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

''(5) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if—

''(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

''(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

''(6) DELIVERY SELLER.—The term 'delivery seller' means a person who makes a delivery sale.

''(7) INDIAN COUNTRY.—The term 'Indian country' means—

''(A) Indian country as defined in section 1151of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve; and

''(B) any other land held by the United States in trust or restricted status for one or more Indian tribes.

''(8) INDIAN TRIBE.—The term 'Indian tribe', 'tribe', or 'tribal' refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

''(9) INTERSTATE COMMERCE.—The term 'interstate commerce' means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

''(10) PERSON.—The term 'person' means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such government, or joint stock company.

''(11) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(12) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

''(13) TOBACCO TAX ADMINISTRATOR.—The term 'tobacco tax administrator' means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

''(14) TRIBAL ENTERPRISE.—The term 'tribal enterprise' means any business enterprise, incorporated or unincorporated under federal or tribal law, of an Indian tribe or group of Indian tribe.

''(15) USE.—The term 'use', in addition to its ordinary meaning, means the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.''.

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking ''cigarettes'' each place it appears and inserting ''cigarettes or smokeless tobacco'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''CONTENTS.—'' after ''(a)''

(ii) by striking ''or transfers'' and inserting '', transfers, or ships'';

(iii) by inserting '', locality, or Indian country of an Indian tribe'' after ''a State'';

(iv) by striking ''to other than a distributor licensed by or located in such State,''; and

(v) by striking ''or transfer and shipment'' and inserting '', transfer, or shipment'';

(B) in paragraph (1)—

(i) by striking ''with the tobacco tax administrator of the State'' and inserting ''with the Attorney General of the United States and with the tobacco tax administrators of the State and place''; and

(ii) by striking ''; and'' and inserting the following: '', as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of such person;'';

(C) in paragraph (2), by striking ''and the quantity thereof.'' and inserting ''the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and''; and

(D) by adding at the end the following:

''(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of such memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.'';

(3) in subsection (b)—

(A) by inserting ''PRESUMPTIVE EVIDENCE.—'' after ''(b)'';

(B) by striking ''(1) that'' and inserting ''that''; and

(C) by striking '', and (2)'' and all that follows and inserting a period; and

(4) by adding at the end the following:

''(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use such memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in such memorandum or invoice not otherwise required for such purposes.''.

(c) REQUIREMENTS FOR DELIVERY SALES.—The Jenkins Act is amended by inserting after section 2 the following:

''SEC. 2A. DELIVERY SALES.

''(a) IN GENERAL.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

''(1) the shipping requirements set forth in subsection (b);

''(2) the recordkeeping requirements set forth in subsection (c);

''(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if such delivery sales occurred entirely within the specific State and place, including laws imposing—

''(A) excise taxes;

''(B) licensing and tax-stamping requirements;

''(C) restrictions on sales to minors; and

''(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

''(4) the tax collection requirements set forth in subsection (d).

''(b) SHIPPING AND PACKAGING.—

''(1) REQUIRED STATEMENT.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: 'CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX–STAMPING OBLIGATIONS'.

''(2) FAILURE TO LABEL.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

''(3) WEIGHT RESTRICTION.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

''(4) AGE VERIFICATION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, a delivery seller who mails or ships tobacco products—

''(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

''(ii) shall use a method of mailing or shipping that requires—

''(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

''(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

''(iii) shall not accept a delivery sale order from a person without—

''(I) obtaining the full name, birth date, and residential address of that person; and

''(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

''(B) LIMITATION.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

''(c) RECORDS.—

''(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within such State, by the city or town and by zip code, into which such delivery sale is so made.

''(2) RECORD RETENTION.—Records of a delivery sale shall be kept as described in paragraph (1) in the year in which the delivery sale is made and for the next 4 years.

''(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply their own local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of such local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

''(d) DELIVERY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

''(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

''(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

''(C) any required stamps or other indicia that such excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

''(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

''(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

''(1) IN GENERAL.—

''(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2008, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General, pursuant to section 2(a) or that are otherwise not in compliance with this Act, and—

''(i) distribute the list to—

''(I) the attorney general and tax administrator of every State;

''(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

''(III) at the discretion of the Attorney General of the United States, to any other persons; and

''(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

''(B) LIST CONTENTS.—To the extent known, the Attorney General of the United States shall include, for each delivery seller on the list described in subparagraph (A)—

''(i) all names the delivery seller uses in the transaction of its business or on packages delivered to customers;

''(ii) all addresses from which the delivery seller does business or ships cigarettes or smokeless tobacco;

''(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

''(iv) any other information that the Attorney General determines would facilitate compliance with this subsection by recipients of the list.

''(C) UPDATING.—The Attorney General of the United States shall update and distribute the list at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General of the United States regularly updates.

''(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General of the United States shall include in the list under subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (5), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (5).

''(E) ACCURACY AND COMPLETENESS OF LIST OF NONCOMPLYING DELIVERY SELLERS.—In preparing and revising the list required by subparagraph (A), the Attorney General shall—

''(i) use reasonable procedures to ensure maximum possible accuracy and completeness of the records and information relied on for the purpose of determining that such delivery seller is noncomplying;

''(ii) not later than 14 days prior to including any delivery seller on the list under paragraph (1), make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act and the specific reasons for being placed on such list;

''(iii) provide an opportunity to such delivery seller to challenge placement on such list;

''(iv) investigate each such challenge by contacting the relevant Federal, State, tribal, and local law enforcement officials, and provide the specific findings and results of such investigation to such delivery seller not later than 30 days after the challenge is made; and

''(v) upon finding that any placement is inaccurate, incomplete, or cannot be verified, promptly delete such delivery seller from the list as appropriate and notify each appropriate Federal, State, tribal, and local authority of such finding.

''(F) CONFIDENTIALITY.—The list distributed pursuant to subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the list but may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with the listed delivery sellers the delivery sellers' inclusion on the list and the resulting effects on any services requested by such listed delivery seller.

''(2) PROHIBITION ON DELIVERY.—

''(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list under paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

''(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

''(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

''(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list under paragraph (1), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to such corrections or updates.

''(C) EXEMPTIONS.—Subparagraphs (A) and (B), subsection (b)(2), and any other requirements or restrictions placed directly on common carriers elsewhere in this subsection, shall not apply to a common carrier that is subject to a settlement agreement relating to tobacco product deliveries to consumers. For the purposes of this section, 'settlement agreement' shall be defined to include the Assurance of Discontinuance entered into by the Attorney General of New York and DHL Holdings USA, Inc. and DHL Express (USA), Inc. on or about July 1, 2005, the Assurance of Discontinuance entered into by the Attorney General of New York and United Parcel Service, Inc. on or about October 21, 2005, and the Assurance of Compliance entered into by the Attorney General of New York and Federal Express Corporation and Fed Ex Ground package Systems, Inc. on or about February 3, 2006, so long as each is honored nationwide to block illegal deliveries of cigarettes or smokeless tobacco to consumers, and also includes any other active agreement between a common carrier and the states that operates nationwide to ensure that no deliveries of cigarettes and smokeless tobacco shall be made to consumers for illegally operating Internet or mail-order sellers and that any such deliveries to consumers shall not be made to minors or without payment to the states and localities where the consumers are located of all taxes on the tobacco products.

''(3) SHIPMENTS FROM PERSONS ON LIST.—

''(A) IN GENERAL.—In the event that a common carrier or other delivery service delays or interrupts the delivery of a package it has in its possession because it determines or has reason to believe that the person ordering the delivery is on a list distributed under paragraph (1)—

''(i) the person ordering the delivery shall be obligated to pay—

''(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

''(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover its extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

''(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall, in its discretion, either provide the package and its contents to a Federal, State, or local law enforcement agency or destroy the package and its contents.

''(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any deliveries interrupted pursuant to this paragraph and provide that information, upon request, to the Attorney General of the United States or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

''(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall use such records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and the person receiving records under subparagraph (B) shall keep confidential any personal information in such records not otherwise required for such purposes.

''(4) PREEMPTION.—

''(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

''(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that such person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

''(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

''(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

''(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

''(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

''(B) RELATIONSHIP TO OTHER LAWS.—Except as provided in subparagraph (C), nothing in this paragraph shall be construed to prohibit, expand, restrict, or otherwise amend or modify—

''(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

''(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

''(iii) any provision of State, local, or tribal law regulating common carriers that falls within the provisions of sections 14501(c)(2) or 41713(b)(4)(B) of title 49 of the United States Code.

''(C) STATE LAWS PROHIBITING DELIVERY SALES.—Nothing in the Prevent All Cigarette Trafficking Act of 2008, the amendments made by that Act, or in any other Federal statute shall be construed to preempt, supersede, or otherwise limit or restrict State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or other tobacco products to individual consumers or personal residences.

''(5) STATE, LOCAL, AND TRIBAL ADDITIONS.—

''(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General of the United States with—

''(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land but has failed to register with or make reports to the respective tax administrator, as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

''(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal lands.

''(B) UPDATES.—Any government providing a list to the Attorney General of the United States under subparagraph (A) shall also provide updates and corrections every 4 months until such time as such government notifies the Attorney General of the United States in writing that such government no longer desires to submit such information to supplement the list maintained and distributed by the Attorney General of the United States under paragraph (1).

''(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government

no longer desires to submit information under subparagraph (A), the Attorney General of the United States shall remove from the list under paragraph (1) any persons that are on the list solely because of such government's prior submissions of its list of noncomplying delivery sellers of cigarettes or smokeless tobacco or its subsequent updates and corrections.

''(6) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General of the United States shall—

''(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (5) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General of the United States; and

''(B) distribute any such list or update to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by another government, pursuant to paragraph (5).

''(7) NOTICE TO DELIVERY SELLERS.—Not later than 14 days prior to including any delivery seller on the initial list distributed or made available under paragraph (1), or on any subsequent list or update for the first time, the Attorney General of the United States shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act.

''(8) LIMITATIONS.—

''(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

''(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

''(ii) determine whether a person ordering a delivery is in compliance with this Act; or

''(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

''(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list under paragraph (1) who is using a different name or address in order to evade the related delivery restrictions, but shall not knowingly deliver any packages to consumers for any such delivery seller who the common carrier or other delivery service knows is a delivery seller who is on the list under paragraph (1) but is using a different name or address to evade the delivery restrictions of paragraph (2).

''(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

''(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list under paragraph (1);

''(ii) not, as a matter of regular practice and procedure, making any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

''(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

''(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.''.

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

''SEC. 3. PENALTIES.

''(a) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), whoever violates any provision of this Act shall be guilty of a felony and shall be imprisoned not more than 3 years, fined under title 18, United States Code, or both.

''(2) EXCEPTIONS.—

''(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

''(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates any provision of this Act shall be subject to a civil penalty in an amount not to exceed—

''(A) in the case of a delivery seller, the greater of—

''(i) $5,000 in the case of the first violation, or $10,000 for any other violation; or

''(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of such person during the 1-year period ending on the date of the violation.

''(B) in the case of a common carrier or other delivery service, $2,500 in the case of a first violation, or $5,000 for any violation within 1 year of a prior violation.

''(2) RELATION TO OTHER PENALTIES.—A civil penalty under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

''(3) EXCEPTIONS.—

''(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

''(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

''(ii) an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, takes actions that are outside the scope of employment of the employee in the course of the violation, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).''.

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

''SEC. 4. ENFORCEMENT.

''(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for such violations.

''(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States shall administer and enforce the provisions of this Act.

''(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) STANDING.—A State, through its attorney general (or a designee thereof), or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) or to obtain any other appropriate relief from any person (or from any person controlling such person) for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

''(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

''(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce the provisions of this Act.

''(3) USE OF PENALTIES COLLECTED.—

''(A) IN GENERAL.—There is established a separate account in the Treasury known as the 'PACT Anti-Trafficking Fund'. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the United States Government in enforcing the provisions of this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General of the United States for purposes of enforcing the provisions of this Act and other laws relating to contraband tobacco products.

''(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General under subparagraph (A), not less than 50 percent shall

be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

''(4) NONEXCLUSIVITY OF REMEDY.—

''(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

''(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

''(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

''(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

''(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) other than a State, local, or tribal government.

''(e) NOTICE.—

''(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the United States of the action.

''(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the United States of the action.

''(f) PUBLIC NOTICE.—

''(1) IN GENERAL.—The Attorney General of the United States shall make available to the public, by posting such information on the Internet and by other appropriate means, information regarding all enforcement actions undertaken by the Attorney General or United States attorneys, or reported to the Attorney General, under this section, including information regarding the resolution of such actions and how the Attorney General and the United States attorney have responded to referrals of evidence of violations pursuant to subsection (c)(2).

''(2) REPORTS TO CONGRESS.—The Attorney General shall submit to Congress each year a report containing the information described in paragraph (1).''.

SEC. 3. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.

(a) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716D the following:

''§ 1716E. Tobacco products as nonmailable

''(a) PROHIBITION.—All cigarettes (as that term is defined in section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act) and smokeless tobacco (as that term is defined in section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act) are nonmailable and shall not be deposited in or carried through the mails.

''(b) ORDERS.—

''(1) If the Postal Service has reasonable cause to believe that any person is engaged in the sending of mail matter which is nonmailable under this section, the Postal Service may issue an order which—

''(A) directs any postmaster, to whom any mailing originating with such person or his representative is tendered for transmission through the mails (other than a mailing that consists only of one or more sealed letters), to refuse to accept any such mailing, unless such person or his representative first establishes to the satisfaction of the postmaster that the mailing does not contain any matter which is nonmailable under this section; and

''(B) requires the person or his representative to cease and desist from mailing any mail matter which is nonmailable under this section.

''(2) For the purposes of paragraph (1) reasonable cause includes—

''(A) a statement on a publicly available website, or an advertisement, by any person that such person will mail matter which is nonmailable under this section in return for payment; and

''(B) the placement of the person on the list created under section 2A(e) of the Jenkins Act.

''(3) Whoever fails to comply with an order issued under this subsection shall be liable to the United States for a civil penalty—

''(A) not to exceed $10,000 for each mailing of fewer than 10 pieces;

''(B) not to exceed $50,000 for each mailing of 10 to 50 pieces; and

''(C) not to exceed $100,000 for each mailing of more than 50 pieces.

''(4) An order under this subsection may be enforced in the same manner as an order under section 3005 of title 39.

''(c) EXCEPTIONS.—This section shall not apply to the following:

''(1) CIGARS.—Cigars (as that term is defined in section 5702(a) of the Internal Revenue Code of 1986).

''(2) GEOGRAPHIC EXCEPTION.—Mailings within the State of Alaska or within the State of Hawaii.

''(3) BUSINESS PURPOSES.—Tobacco products mailed only for business purposes between legally operating businesses that have all applicable State and Federal government licenses or permits and are engaged in tobacco product manufacturing, distribution, wholesale, export, import, testing, investigation, or research, or for regulatory purposes between any such businesses and State or Federal Government regulatory agencies, if the Postal Service issues a final rule establishing the standards and requirements that apply to all such mailings and which includes the following:

''(A) The Postal Service shall verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized by this paragraph is a business or government agency permitted to make such mailings pursuant to this section and the related final rule.

''(B) The Postal Service shall ensure that any recipient of an otherwise nonmailable tobacco product sent through the mails pursuant to this paragraph is a business or government agency that may lawfully receive such product.

''(C) The mailings shall be sent through the Postal Service's systems that provide for the tracking and confirmation of the delivery.

''(D) The identities of the business or government entity submitting the mailing containing otherwise nonmailable tobacco products for delivery and the business or government entity receiving the mailing shall be clearly set forth on the package and such information shall be kept in Postal Service records and made available to the Postal Service, the Attorney General, and to persons eligible to bring enforcement actions pursuant to section 3(d) of the Prevent All Cigarette Trafficking Act of 2008 for a period of at least three years.

''(E) The mailings shall be marked with a Postal Service label or marking that makes it clear to Postal Service employees that it is a permitted mailing of otherwise nonmailable tobacco products that may be delivered only to a permitted government agency or business and may not be delivered to any residence or individual person.

''(F) The mailings shall be delivered only to verified adult employees of the recipient businesses or government agencies who shall be required to sign for the mailing.

''(4) CERTAIN INDIVIDUALS.—Tobacco products mailed by individual adult people for noncommercial, nonbusiness and non-money making purposes, including the return of a damaged or unacceptable tobacco product to its manufacturer, if the Postal Service issues a final rule establishing the standards and requirements that applies to all such mailings and which includes the following:

''(A) The Postal Service shall verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized by this section is the individual person identified on the return address label of the package and is an adult.

''(B) For mailings to individual persons the Postal Service shall require the person submitting the otherwise nonmailable tobacco product into the mails as authorized by this subsection to affirm that the recipient is an adult.

''(C) The package shall not weigh more than 10 ounces.

''(D) The mailings shall be sent through the Postal Service's systems that provide for the tracking and confirmation of the delivery.

''(E) No package shall be delivered or placed in the possession of any individual person who is not a verified adult. For mailings to individual persons, the Postal Service shall deliver the package only to the verified adult recipient at the recipient address or transfer it for delivery to an Air/Army Postal Office (APO) or Fleet Postal Office (FPO) number designated in the recipient address.

''(F) No person shall initiate more than ten such mailings in any thirty-day period.

''(5) DEFINITION OF ADULT.—For the purposes of paragraphs (3) and (4), the term 'adult' means an individual person of at least the minimum age required for the legal sale or purchase of tobacco products as determined by the applicable law at the place the individual person is located.

''(d) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made nonmailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, pursuant to the procedures set forth in chapter 46 of this title. Any tobacco products so seized and forfeited shall either be destroyed or retained by Government officials for the detection or prosecution of crimes or related investigations and then destroyed.

''(e) ADDITIONAL PENALTIES.—In addition to any other fines and penalties imposed by this

chapter for violations of this section, any person violating this section shall be subject to an additional civil penalty in the amount of 10 times the retail value of the nonmailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

''(f) CRIMINAL PENALTY.—Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that this section declares to be nonmailable matter shall be fined under this title, imprisoned not more than 1 year, or both.

''(g) DEFINITION.—As used in this section, the term 'State' has the meaning given that term in section 1716(k).''.

(b) USE OF PENALTIES.—There is established a separate account in the Treasury of the United States, to be known as the ''PACT Postal Service Fund''. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal and civil fines or monetary penalties collected by the United States Government in enforcing the provisions of this subsection shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing the provisions of this subsection.

(c) COORDINATION OF EFFORTS.—In the enforcement of this section, the Postal Service shall cooperate and coordinate its efforts with related enforcement activities of any other Federal agency or of any State, local, or tribal government, whenever appropriate.

(d) ACTIONS BY STATE, LOCAL OR TRIBAL GOVERNMENTS RELATING TO CERTAIN TOBACCO PRODUCTS.—

(1) A State, through its attorney general (or a designee thereof), or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer (or a designee thereof), may in a civil action in a United States district court obtain appropriate relief with respect to a violation of section 1716E of title 18, United States Code. Appropriate relief includes injunctive and equitable relief and damages equal to the amount of unpaid taxes on tobacco products mailed in violation of that section to addressees in that State.

(2) The State (or designee) shall serve prior written notice of any action under paragraph (1) upon the Postal Service and provide the Postal Service with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State (or designee) shall serve such notice immediately upon instituting such action. The Postal Service, in accordance with section 409(g)(2) of title 39, United States Code, shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(3) Nothing contained in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

(4) Whenever the Postal Service institutes a civil action for violation of section 1716E of title 18, United States Code, no State may, during the pendency of such action instituted by the Postal Service, subsequently institute a separate civil action for any violation of such section against any defendant named in the Postal Service″s complaint.

(5) Nothing in this section shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under paragraph (1), or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

(6) A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer (or a designee thereof), may provide evidence of a violation of paragraph (1) for commercial, business or money-making purposes by any person not subject to State, local, or tribal government enforcement actions for violations of paragraph (1) to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce the provisions of this subsection.

(7) The remedies available under this subsection are in addition to any other remedies available under Federal, State, local, tribal, or other law. Nothing in this subsection shall be construed to expand, restrict, or otherwise modify any right of an authorized State, local, or tribal government official to proceed in a State, tribal, or other appropriate court, or take other enforcement actions, on the basis of an alleged violation of State, local, tribal, or other law.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 83 of title 18 is amended by adding after the item relating to section 1716D the following new item:

''1716E. Tobacco products as nonmailable.''.

SEC. 4. COMPLIANCE WITH MODEL STATUTE OR QUALIFYING STATUTE.

(a) IN GENERAL.—A Tobacco Product Manufacturer or importer may not sell in, deliver to, or place for delivery sale, or cause to be sold in, delivered to, or placed for delivery sale in a State that is a party to the Master Settlement Agreement, any cigarette manufactured by a Tobacco Product Manufacturer that is not in full compliance with the terms of the Model Statute or Qualifying Statute enacted by such State requiring funds to be placed into a qualified escrow account under specified conditions, or any regulations promulgated pursuant to such statute.

(b) JURISDICTION TO PREVENT AND RESTRAIN VIOLATIONS.—

(1) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of subsection (a) in accordance with this subsection.

(2) INITIATION OF ACTION.—A State, through its attorney general, may bring an action in the United States district courts to prevent and restrain violations of subsection (a) by any person (or by any person controlling such person).

(3) ATTORNEY FEES.—In any action under paragraph (2), a State, through its attorney general, shall be entitled to reasonable attorney fees from a person found to have willfully and knowingly violated subsection (a).

(4) NONEXCLUSIVITY OF REMEDIES.—The remedy available under paragraph (2) is in addition to any other remedies available under Federal, State, or other law. No provision of this Act or any other Federal law shall be held or construed to prohibit or preempt the Master Settlement Agreement, the Model Statute (as defined in the Master Settlement Agreement), any legislation amending or complementary to the Model Statute in effect as of June 1, 2006, or any legislation substantially similar to such existing, amending, or complementary legislation hereinafter enacted.

(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court or taking other enforcement actions on the basis of an alleged violation of State or other law.

(6) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States may administer and enforce subsection (a).

(c) DEFINITIONS.—In this section the following definitions apply:

(1) DELIVERY SALE.—The term ''delivery sale'' means any sale of cigarettes or smokeless tobacco to a consumer if—

(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

(2) IMPORTER.—The term ''importer'' means each of the following:

(A) SHIPPING OR CONSIGNING.—Any person in the United States to whom nontaxpaid tobacco products manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned.

(B) MANUFACTURING WAREHOUSES.—Any person who removes cigars or cigarettes for sale or consumption in the United States from a customs-bonded manufacturing warehouse.

(C) UNLAWFUL IMPORTING.—Any person who smuggles or otherwise unlawfully brings tobacco products into the United States.

(3) MASTER SETTLEMENT AGREEMENT.—The term ''Master Settlement Agreement'' means the agreement executed November 23, 1998, between the attorneys general of 46 States, the District of Columbia, the Commonwealth of Puerto Rico, and 4 territories of the United States and certain tobacco manufacturers.

(4) MODEL STATUTE; QUALIFYING STATUTE.—The terms ''Model Statute'' and ''Qualifying Statute'' means a statute as defined in section IX(d)(2)(e) of the Master Settlement Agreement.

(5) TOBACCO PRODUCT MANUFACTURER.—The term ''Tobacco Product Manufacturer'' has the meaning given that term in section II(uu) of the Master Settlement Agreement.

SEC. 5. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS; CIVIL PENALTY.

Section 2343(c) of title 18, United States Code, is amended to read as follows:

''(c)(1) Any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, during normal business hours, enter the premises of any person described in subsection (a) or (b) for the purposes of inspecting—

''(A) any records or information required to be maintained by such person under the provisions of law referred to in this chapter; or

''(B) any cigarettes or smokeless tobacco kept or stored by such person at such premises.

''(2) The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by paragraph (1).''

''(3) Whoever violates paragraph (1), or an order issued under paragraph (2), shall be subject to a civil penalty in an amount not to exceed $10,000 for each violation.''.

SEC. 6. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.

(a) IN GENERAL.—Nothing in this Act or the amendments made by this Act is intended nor shall be construed to affect, amend, or modify—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country;

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under Federal or State law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes, tribal members, tribal enterprises, or in Indian country;

(4) any Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, tribal enterprises, tribal reservations, or other lands held by the United States in trust for one or more Indian tribes; and

(5) any State or local government authority to bring enforcement actions against persons located in Indian country.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this Act or the amendments made by this Act shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) TREATMENT OF STATE AND LOCAL GOVERNMENTS.—Nothing in this Act or the amendments made by this Act is intended, and shall not be construed to, authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) ENFORCEMENT WITHIN INDIAN COUNTRY.—Nothing in this Act or the amendments made by this Act is intended to prohibit, limit, or restrict enforcement by the Attorney General of the United States of the provisions herein within Indian country.

(e) AMBIGUITY.—Any ambiguity between the language of this section or its application and any other provision of this Act shall be resolved in favor of this section.

SEC. 7. SENSE OF CONGRESS CONCERNING THE PRECEDENTIAL EFFECT OF THIS ACT.

It is the sense of Congress that unique harms are associated with online cigarette sales, including problems with verifying the ages of consumers in the digital market and the long-term health problems associated with the use of certain tobacco products. This Act was introduced recognizing the longstanding interest of Congress in urging compliance with States' laws regulating remote sales of certain tobacco products to citizens of those States, including the passage of the Jenkins Act over 50 years ago, which established reporting requirements for out-of-State companies that sell certain tobacco products to citizens of the taxing States, and which gave authority to the Department of Justice and the Bureau of Alcohol, Tobacco and Firearms to enforce the Jenkins Act. In light of the unique harms and circumstances surrounding the online sale of certain tobacco products, this Act is intended to help collect cigarette excise taxes, to stop tobacco sales to underage youth, and to help the States enforce their laws that target the online sales of certain tobacco products only. This Act is in no way meant to create a precedent regarding the collection of State sales or use taxes by, or the validity of efforts to impose other types of taxes on, out-of-State entities that do not have a physical presence within the taxing State.

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) BATFE AUTHORITY.—Section 5 shall take effect on the date of enactment of this Act.

SEC. 9. SEVERABILITY.

If any provision of this, or an amendment made by this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of it to any other person or circumstance shall not be affected thereby.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, the Prevent All Cigarette Trafficking Act, or PACT Act, introduced by the gentleman from New York (Mr. WEINER), strengthens our law enforcement capabilities against the illegal smuggling of tobacco products.

Every year, billions of cigarettes are illegally smuggled across State lines. This fraudulent activity not only harms the public health but deprives State and local governments of sorely needed tax revenues.

In fact, tax evasion is a chief motivator for cigarette smuggling. Buying cigarettes in a State where the cigarette tax is low and selling them in a State where the cigarette tax is high allows the trafficker to sell the cigarettes at a discount and still turn an illicit profit.

States lose $1 billion in uncollected taxes each year as a result of illegal cigarette smuggling. The illicit profit also helps finance other criminal activity which creates a revenue stream for organized crime.

Because of the scope and interstate nature of this activity, States cannot adequately address it on their own. It has long been recognized as a Federal concern.

With the existing Federal statutes, the Jenkins Act, which requires reporting interstate cigarette sales to tax officials in the buyer's State, and the Contraband Cigarette Trafficking Act, which prohibits knowingly dealing in contraband cigarettes or smokeless tobacco, those two statutes are simply not up to the task in the Internet age.

The Internet, in particular, makes it possible for today's tobacco smugglers to be even more mobile and invisible and to operate with near impunity. Even when the smugglers can be identified and pursued, they can simply shut down operations and quickly reappear under a new name and Web site.

The PACT Act addresses the shortcomings in the current law by targeting the delivery systems for illegal Internet tobacco sales: the postal system and commercial delivery services.

With limited exceptions, sending tobacco products through the United States mail will be criminally prohibited. And vendors using commercial delivery services for retail sales will be required to notify the tax authorities in the receiving State, conspicuously label all tobacco products, verify the purchaser's age, and keep careful records of all sales.

The bill raises cigarette trafficking from a misdemeanor to a felony. And it authorizes the Bureau of Alcohol, Tobacco, Firearms and Explosives to inspect the premises and files of sellers of significant quantities of cigarettes or smokeless tobacco.

□ 1800

H.R. 4081 enjoys support from a diverse spectrum of entities, including the National Association of Convenience Stores, Altria—the parent company of Phillip Morris—the Campaign for Tobacco-Free Kids, the American Wholesale Marketers Association, and the National Association of Attorneys General, among others.

I commend my colleague, Mr. WEINER, for his leadership on this important legislation. I also commend the chairman of the Judiciary Committee, Mr. CONYERS, and the ranking member, Mr. SMITH, for their leadership in making this a bipartisan effort.

I also want to thank the other committees whose jurisdiction has touched on this bill for working with us to bring it to the floor today.

I urge my colleagues to support this important legislation.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 8, 2008.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I write to you regarding H.R. 4081, the ''Prevent All Cigarette Trafficking Act of 2008''.

H.R. 4081 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forego a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 4081.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 4081 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Congressional Record during consideration of the measure on the House Floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, September 9, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 4081, the Prevent All Cigarette Trafficking Act of 2008.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON NATURAL RESOURCES,
Washington, DC, September 9, 2008.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to work with you on H.R. 4081, the Prevent All Cigarette Trafficking Act, concerning provisions on tribal jurisdiction and enforcement which are within the jurisdiction of the Committee on Natural Resources.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, I will not seek a sequential referral of H.R. 4081. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the Congressional Record during consideration of H.R. 4081 on the House floor.

With warm regards, I am

Sincerely,

NICK J. RAHALL, II,
Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, September 9, 2008.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 4081, the Prevent All Cigarette Trafficking Act of 2008.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the CONGRESSIONAL RECORD in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS Jr.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 9, 2008.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I write regarding H.R. 4081, the ''Prevent All Cigarette Trafficking Act of 2008'', or the ''PACT'' Act.

H.R. 4081 amends a law commonly referred to as the Jenkins Act, which primarily concerns the collection by the States of taxes on cigarettes. The bill, however, would amend the Jenkins Act to prohibit ''delivery sales'' of cigarettes and smokeless tobacco to minors. (As you know, these are sales in which the seller is not in the physical presence of the purchaser but rather communicates with the purchaser through electronic means, through the mails, or through other methods.) The bill would further preempt certain State laws that relate to such sales to minors. The regulation of sales of tobacco products to minors is a matter within the jurisdiction of the Committee on Energy and Commerce.

Another jurisdictional concern is that the bill regulates the labeling of cigarettes and smokeless tobacco. H.R. 4081 would require specific wording on the shipping packages of such products.

I support H.R. 4081 and do not intend to seek a sequential referral of the bill. My understanding is that you agree with me that my decision to forgo a sequential referral does not in any way prejudice the Committee with respect to any of its jurisdictional prerogatives, including the appointment of conferees, on this bill or similar legislation in the future.

I request that you send a letter to me confirming my understanding regarding the bill, and that you include our letters on this matter in the CONGRESSIONAL RECORD during consideration of the bill on the House floor. I appreciate your cooperation.

Sincerely,

JOHN D. DINGELL,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, September 9, 2008.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 4081, the Prevent All Cigarette Trafficking Act of 2008.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, September 9, 2008.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN CONYERS: I am writing about H.R. 4081, the Prevent All Cigarette Trafficking Act of 2007. The Judiciary Committee approved this measure, as amended, on July 16, 2008.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 4081 that fall within the Oversight Committee's jurisdiction. Thank you for your willingness to modify certain provisions related to the treatment of cigarettes and smokeless tobacco as nonmailable matter in response to my concerns. Although I still have concerns about provisions in this legislation, I look forward to working with you to resolve these issues.

In the interest of expediting consideration of H.R. 4081, the Oversight Committee will not separately consider relevant provisions of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 4081 or a similar Senate bill be considered in conference with the Senate. Moreover, this letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 4081 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Again, I appreciate your willingness to consult the Committee on these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 9, 2008.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your committee's jurisdictional interest in H.R. 4081, the Prevent All Cigarette Trafficking Act of 2008.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am an original cosponsor of H.R. 4081, the Prevent All Cigarette Trafficking (PACT) Act. And I want to thank Congressman WEINER from New York for working hard to bring this legislation to the floor today.

This bipartisan bill will help combat cigarette trafficking, which is a growing problem in America. Combating cigarette trafficking is an issue both Congress and the manufacturers want to address together.

Taxes on cigarettes vary greatly from State to State. This difference in tax rates creates a market for criminals and organized crime syndicates to purchase cigarettes from one State and smuggle them to another State to resell them below market value and without paying local taxes.

The PACT Act closes loopholes in current tobacco trafficking laws and provides law enforcement officials with ways to combat the deceptive methods being used by cigarette traffickers to distribute their products. First, the legislation strengthens the Jenkins Act, a long-standing law that requires vendors who sell cigarettes to out-of-State buyers to report these sales to the buyer's State tobacco tax administrator. The PACT Act makes it a Federal felony for anyone to sell cigarettes by telephone, the mail, or the Internet and not comply with all relevant State tax laws.

The PACT Act requires Internet cigarette sellers to verify the purchaser's age and identity through easily accessible databases. This measure protects children and ensures that they cannot anonymously purchase cigarettes from the Internet.

The PACT Act also empowers the Attorney General to compile a list of delivery sellers who fail to comply with State tax laws. Any seller who lands on that list will be prohibited from using the U.S. Postal Service or common carriers like FedEx or DHL to deliver their products.

The PACT Act creates reasonable procedures to ensure that the Attorney General's list of noncompliant tobacco delivery sellers is both accurate and complete.

In summary, Mr. Speaker, the PACT Act prevents the loss of tax revenue, combats cigarette smuggling, and limits children's access to cigarettes; all worthy goals.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WEINER), who is a distinguished member of the Judiciary Committee and sponsor of the legislation.

Mr. WEINER. I thank the chairman of the subcommittee and the ranking member of the full committee for not only his sponsorship of the legislation, but the great work of him and his staff to try to bring this to the floor. It's kind of a complicated issue.

You know, we accept it as an article of faith that cigarette smoking is down in this country. We believe that because, as you look at the taxes paid in the 50 States and the various cities, there has been a decline. But a lot of information really leads us to believe that that might not be true at all, that all we're really seeing a reduction of is a reduction of the amount of taxes that are getting paid to the various States. And that is because, as both Mr. SMITH and Mr. SCOTT have pointed out, more and more States are levying more and more State taxes on cigarettes. It's almost an easy thing to do. You know, some have commented that State governments are addicted to tobacco taxes. It has gotten to be so much that in New York City, for example, if you are a smoker—which I'm not—you pay an additional $4.25 per pack compared to South Carolina, where you pay an additional 7 cents a pack in State taxes.

Well, what I just described is, in a nutshell, the incentive for smugglers. They can buy cigarettes at a very low tax rate, sell them in a higher tax rate locality and be able to make money on the vig. Well, you might say to yourself, isn't that against the law? It is. It is against the law for anyone to buy cigarettes and not pay the tax of their locality. But there is no way for authorities to know that for sure. But we have some signs and some statistics that show that it's happening in record numbers.

I will give you an example. In just my State of New York, 280 million packs of cigarettes were sold on Native American reservations. In 2006, it's 360 million. If you take the number of residents on Native American reservations and do the math and assume that those cigarettes are being smoked just on the reservation, that would mean 44 cigarettes an hour for every Native American in the country over the age of 18, or basically a cigarette a minute. So that's not happening.

What is really happening is that more and more people are buying cigarettes on the Internet, they're not reporting that they're buying them on these Web sites, which are by and large on Native American lands, and they're not paying taxes on it. And that's what's happened. Now, not only is this a great source of great revenue loss to States—my home State of New York estimates anywhere from hundreds of millions to as much as a billion dollars of lost revenue—but according to the Government Accountability Office, it might be used, as so many other smuggling operations are, for things more than just illicit activity, but terrorism.

It was found in a GAO investigation that there was a group that was buying cigarettes in North Carolina, smuggling them to Michigan, taking the money that they were making by selling them on the streets of Michigan, and then using the money to fund Hezbollah operations. That was just one investigation, one prosecution.

Now, as I've said earlier, it's already against the law to do many of these things, so why aren't there more prosecutions? Well, right now violations of the Jenkins Act, which is the prosecution that this would be under that say this type of activity is illegal, are misdemeanors. So even if you are a U.S. attorney and you say I really want to crack down on this and you wait outside and you try to do a sting, really the most you can hope for is a misdemeanor prosecution. One of the things this legislation does is makes it a felony.

A second thing that it does is it closes perhaps the largest truck-size loophole in the law, it allows people to buy cigarettes on the Internet. Now, because of the actions of New York, DHL, FedEx, UPS, they all say we no longer are going to allow anyone to transport cigarettes.

The only entity that still transports cigarettes is the United States Postal Service. They have come to Congress and said, if you want to ban us transporting tobacco, you've got to tell us

by law. We can't do it. Effectively, that's what this legislation does.

Now, just to make it very clear, if you want to purchase cigarettes online, what is supposed to happen is the Internet carrier is supposed to then take a document, mail it to your home State and say that Anthony Weiner purchased X number of cases, then you're supposed to pay taxes on it. That never happens. States that have done stings know it has never happened and the ATF says it doesn't happen. Now that is going to be required, otherwise, you're not going to be able to do any transporting of tobacco at all. And finally, it requires the same type of age verification that we have for other things on the Internet.

This is a commonsense thing that I think is going to mean that we can really make sure States get the revenues, we can make sure that the black market in tobacco is eliminated, and frankly, we can make sure that the ATF has the tools they need to crack down on this.

This legislation is a long time in coming. It would not have been possible, as I said earlier, if it were not for the help of the ranking minority member of the full committee, the Chair of the subcommittee, the members and the staff who have done a remarkable job; on the full committee side, Perry Apelbaum and Ted Kalo, on the minority side, Sean McLaughlin, the chief of staff and general counsel on the minority side; Ameer Gopalani, who is the counsel on the subcommittee, Jesselyn McCurdy, who is another counsel. And on the minority side, Kimani Little and Caroline Lynch. Also, towards the end, to help us deal with many of the jurisdictional matters that we had, Congressman WAXMAN and the ranking member of the Government Oversight and Reform Committee, his staff director, Phil Barnett, Naomi Seiler, the counsel, Robin Appleberry, folks who worked very late into the night last night to help to make this happen. Congressman MCHUGH's staff, who has been very active on this, Rob Taub, his Chief of staff; Joe Dunn, Jonathan Schleifer and Dori Friedberg of my staff. These are all people who helped make this happen.

Now, I would say, before I yield back, as with so many things, this is a relatively easy fix that we were able to work in a bipartisan fashion to make happen. None of this is worth anything unless the folks on the other side of this building finally start to legislate, finally start to take some of these things that passed by overwhelming margins, things like the COPS bill we passed in our committee, and others, that we've managed to cross the partisan divide and do good government. And I would hope that my colleagues in the Senate at some point awaken and decide to start passing some of this legislation. If they do that, it would be greatly appreciated.

I also want to point out that, to all of the groups that have been so active in trying to make this a reality, and it's a disparate bunch, Altria—I guess previously Phillip Morris—Sara and John—I can't read their last name—the Campaign for Tobacco-Free Kids, National Association of Attorneys General, the American Wholesale Marketers, New York State Association of Wholesale Marketers—Artie Katz with them, these are disparate groups who don't agree on very much. And we have worked out a bill that I think passes not only bipartisan muster, but has enlightened elements of the industry involved.

And I should make one final point. There is a good deal of byplay going on in the 50 States about the rights of Native Americans dealing with their State governments. We say very clearly in this legislation, we are not seeking to litigate that at this time. There are two contradictory Supreme Court decisions that are out there, there are many different interpretations. We make it very clear here that what we're seeking to do is to empower the Federal authorities to operate where they're allowed to, the State authorities only to operate where they are. But I think that because of the support of the National Association of Attorneys General, folks like my State and the active advocacy of organizations and journalists like those at the New York Post, who have been beating the drum on this, we are going to finally get this done.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from New York for his hard work on this bill. He mentioned many others that have been working on this. He has worked so well; he had broad bipartisan support. So I hope it will be the pleasure of the House to pass the bill.

Mr. WAXMAN. Mr. Speaker, I rise in support of H.R. 4081 because of the important difference it will make in reducing young people's access to cigarettes.

The tobacco industry has long targeted the nation's youth. As this Committee learned in 1998 when I released documents from inside the board room of RJR, tobacco executives had an explicit strategy of hooking our children to create lifelong, addicted consumers.

Recently, states have begun to fight back with stronger laws to prevent teenagers from buying tobacco products. These laws require photo IDs to be shown at the point of purchase.

But these efforts haven't been successful in addressing the traffic of cigarettes through our newest, and least controlled, market: the internet.

Today, a young person anywhere in the country can go online and find a site that sells cigarettes. He or she can find a site that doesn't require any kind of meaningful age verification. And then the teenager can order cigarettes and have them delivered right to his or her home.

Despite the efforts of public health advocates, the flow of cigarettes to minors—and the evasion of state and local taxes—continues.

The majority of online cigarettes are shipped through the U.S. mails. So I am particularly supportive of this bill's inclusion of a provision to make cigarettes, smokeless tobacco, and roll-your-own tobacco nonmailable products.

The bill has incorporated important provisions from H.R. 2932, a bill on tobacco nonmailability introduced by Congressman MCHUGH.

I thank Congressman MCHUGH and Congressman WEINER for their leadership on this important issue, and look forward to ongoing collaboration in reducing smoking among America's youth.

Mr. ROSKAM. Mr. Speaker, I rise today in support of H.R. 4081, the Prevent All Cigarette Trafficking, PACT, Act of 2008, and commend Mr. WEINER and Mr. SMITH for their hard work on this important bill. By some accounts, my own State of Illinois has lost $214 million last year alone due to smuggling, counterfeit products, and Internet sales.

The illegal trafficking of cigarettes not only results in the loss of Federal, State and local taxes on those products, but it is also of very serious consequence because much of these profits is going to fund criminal and terrorist activities.

Currently, there is technology available that can dramatically improve the States' tobacco tax security systems. One such system, currently in use by the State of California with great success, about to be implemented by New Jersey and under consideration by other States as well, is manufactured in my district. My hope is we can move forward on this issue to ensure these new technologies can be part of a bigger solution.

With that, Mr. Speaker, I look forward to working with my colleagues in the future to pursue ways in which the Congress can assist States in understanding and implementing such systems to combat smuggling of tobacco products.

Mr. KING of New York. Mr. Speaker, I rise today in support of the Prevent All Cigarette Trafficking Act of 2007, referred to as the "PACT Act," introduced by my colleague from New York, Mr. WEINER.

As we approach the seventh anniversary of the terrorist attacks of September 11, 2001, the threat from radical Islamic terrorist groups remains very real. Supporters of Hamas, Hezbollah, and al Qaeda are constantly adapting and seeking new means to further and finance their cause.

As law enforcement officials make it more difficult to raise and move money through "traditional" terror financing avenues, criminal enterprise is increasingly the life-blood of terrorist groups. Smuggling illicit cigarettes is a perfect example. This illicit activity is more than just a matter of health concern and hundreds of millions of dollars in lost tax revenue—it is a matter of national security.

An April 2008 Committee on Homeland Security Republican staff report based on numerous interviews with Federal, State, and local law enforcement officials, estimated that millions of dollars in profits generated by tight-knit, Arab-based illicit cigarette smuggling operations are being remitted to the Middle East,

where these funds directly or indirectly finance groups such as Hezbollah, Hamas, and al Qaeda. The report outlined how these criminal and terrorist organizations purchase tax free cigarettes on Indian reservations or in lower tobacco tax States, transport them to New York City, affix counterfeit tax stamps, and sell them for full retail price. A well-organized network could generate up to $50,000 on an average load of 1,500 cartons of contraband cigarettes.

The report further found that New York State's policy of forbearance, despite a U.S. Supreme Court ruling that upheld States' rights to tax all cigarettes sold on Indian reservations to nonmembers of the tribe, has resulted in an environment where cigarette smuggling rings operate with virtual impunity.

The PACT Act aims to attack part of the problem in States such as New York. It strengthens current Federal contraband cigarette laws through increased transparency in recordkeeping, enhanced existing penalties, and increased compliance standards for Internet sellers. In addition, it provides law enforcement more resources to help close critical gaps in enforcement that will make it more difficult for criminal and terrorist organizations to exploit disparities in tobacco tax rates among States.

Another way to restrict terrorist organizations from obtaining revenue by exploiting low-cost cigarettes is for States like New York to abandon their policies of forbearance and take action to fully enforce their tax laws. By refusing to collect taxes on cigarettes sold to nonresidents of Indian reservations, the State of New York is fueling a boom in illicit cigarette smuggling and inflating the profit margins of criminal and terrorist smuggling networks. Enforcing the tax laws will generate up to $800 million in lost tax revenue while cutting off a revenue stream to those who wish to do harm to our Nation.

Mr. Speaker, while H.R. 4081 is a good first step, I look forward to working with my colleagues to strengthen this bill as it moves through the legislative process to help keep terrorists from exploiting this revenue source.

I urge my colleagues to support passage of this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of this Act. The Prevent All Cigarette Trafficking Act, or PACT Act, introduced by Congressman BOB WEINER of New York, strengthens our law enforcement capabilities against illegal smuggling of tobacco products. I urge my colleagues to support this bill.

Every year, tens of billions of cigarettes are illegally smuggled across State lines and across borders. This fraudulent activity not only harms the public health, but deprives State and local governments of sorely needed tax revenues.

In fact, tax evasion is a chief motivator for cigarette smuggling—buying the cigarettes in a State where the cigarette tax is low, and selling them in a State with a higher tax. Because of the tax evasion, the trafficker can sell the cigarettes at a discount and still turn an illicit profit.

States lose a billion dollars in uncollected taxes each year as a result of cigarette smuggling. The illicit profit also helps finance other criminal activity—a revenue stream for organized crime.

Because of the scope and interstate nature of this activity, States cannot adequately address it on their own. It has long been recognized as a Federal matter.

But the existing Federal statutes—the Jenkins Act, which requires reporting interstate cigarette sales to tax officials in the buyer's State, and the Contraband Cigarette Trafficking Act, which prohibits knowingly dealing in contraband cigarettes or smokeless tobacco—are simply not up to the task in the Internet Age.

The Internet, in particular, makes it possible for today's tobacco smugglers to be even more mobile and invisible, and to operate with near impunity.

Even when the smugglers can be identified and pursued, they can simply shut down operations and quickly reappear under a new name and website.

The PACT Act addresses the shortcomings in current law by targeting the delivery systems for illegal Internet tobacco sales—the postal system and commercial delivery services.

With limited exceptions, sending tobacco products through the U.S. mail will be criminally prohibited. And vendors using commercial delivery services for retail sales will be required to notify the tax authorities in the receiving State, conspicuously label all tobacco products, verify that the purchasers are of legal age, and keep careful records of all sales.

The bill raises cigarette trafficking from a misdemeanor to a felony. And it authorizes the Bureau of Alcohol, Tobacco, Firearms and Explosives to inspect the premises and files of sellers of significant quantities of cigarettes or smokeless tobacco.

H.R. 4081 enjoys support from a diverse spectrum of entities, including the National Association of Convenience Stores, Altria, the Campaign for Tobacco-Free Kids, the American Wholesale Marketers Association, and the National Association of Attorneys General, among others.

I commend my colleague, Mr. WEINER, for his leadership on this important legislation. I also commend Judiciary Committee Ranking Member LAMAR SMITH for his leadership in making this a bipartisan effort.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 4081, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1307, by the yeas and nays;

H.R. 6168, by the yeas and nays;

H.R. 6630, by the yeas and nays.

Remaining postponed votes will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

COMMENDING BHUTAN'S PARTICIPATION IN THE SMITHSONIAN FOLKLIFE FESTIVAL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1307, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1307, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 15, not voting 23, as follows:

[Roll No. 573]

YEAS—395

Abercrombie	Brady (TX)	Cramer
Ackerman	Braley (IA)	Crenshaw
Aderholt	Broun (GA)	Crowley
Akin	Brown (SC)	Cubin
Alexander	Brown, Corrine	Cuellar
Allen	Brown-Waite, Ginny	Cummings
Altmire	Buchanan	Davis (AL)
Andrews	Burgess	Davis (CA)
Arcuri	Butterfield	Davis (IL)
Baca	Buyer	Davis (KY)
Bachmann	Calvert	Davis, David
Bachus	Camp (MI)	Davis, Lincoln
Baird	Campbell (CA)	Davis, Tom
Baldwin	Cannon	Deal (GA)
Barrett (SC)	Cantor	DeFazio
Barrow	Capito	DeGette
Bartlett (MD)	Capps	Delahunt
Bean	Capuano	DeLauro
Becerra	Cardoza	Dent
Berkley	Carney	Diaz-Balart, L.
Berman	Carson	Diaz-Balart, M.
Berry	Castle	Dicks
Biggert	Castor	Dingell
Bilbray	Chabot	Doggett
Bilirakis	Chandler	Donnelly
Bishop (GA)	Childers	Doyle
Bishop (NY)	Clarke	Drake
Bishop (UT)	Clay	Dreier
Blumenauer	Cleaver	Duncan
Blunt	Clyburn	Edwards (MD)
Boehner	Coble	Edwards (TX)
Bonner	Cohen	Ehlers
Bono Mack	Cole (OK)	Ellsworth
Boozman	Conaway	Emanuel
Boren	Conyers	Emerson
Boswell	Cooper	English (PA)
Boustany	Costa	Eshoo
Boyd (FL)	Costello	Etheridge
Boyda (KS)	Courtney	Everett
Brady (PA)		Fallin

Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—15

Barton (TX)
Blackburn
Burton (IN)
Carter
Culberson
Doolittle
Goode
Johnson, Sam
Kingston
Lucas
Miller (FL)
Neugebauer
Poe
Sullivan
Tancredo

NOT VOTING—23

Boucher
Carnahan
Cazayoux
Ellison
Engel
Hodes
Hulshof
Kagen
Lee
Levin
McCarthy (NY)
McCrery
McNulty
Meeks (NY)
Melancon
Miller, George
Olver
Peterson (MN)
Pitts
Reynolds
Sensenbrenner
Smith (WA)
Towns

□ 1838

Messrs. LUCAS and TANCREDO changed their vote from ''yea'' to ''nay.''

Messrs. BILBRAY and FLAKE changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LANCE CORPORAL DREW W. WEAVER POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6168, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6168.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 30, as follows:

[Roll No. 574]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)

Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—30

Andrews
Boucher
Carnahan
Cazayoux
Cole (OK)
Delahunt
Ellison
Engel
Frank (MA)
Gordon
Grijalva
Hodes
Hulshof
Kagen
Lee
Levin
Lewis (CA)
McCarthy (NY)
McCrery
McNulty
Meeks (NY)
Melancon
Peterson (MN)
Pitts
Sensenbrenner
Smith (WA)
Stark
Sutton
Towns
Whitfield (KY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1845

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BARRING ACCESS OF LONG-HAUL MEXICAN TRUCKS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6630, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 6630, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 18, not voting 20, as follows:

[Roll No. 575]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—18

Bilbray
Brady (TX)
Campbell (CA)
Cantor
Conaway
Cuellar
Davis, Tom
Flake
Gonzalez
Hensarling
Issa
Lungren, Daniel E.
Neugebauer
Ortiz
Pence
Tancredo
Thornberry
Weller

NOT VOTING—20

Andrews
Boucher
Carnahan
Cazayoux
Ellison
Engel
Gordon
Hodes
Hulshof
Lee
Levin
McCrery
McNulty
Meeks (NY)
Melancon
Peterson (MN)
Pitts
Sensenbrenner
Smith (WA)
Towns

□ 1854

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. LEE. Mr. Speaker, due to personal matters, today I missed rollcall vote No. 570 on final passage of H. Con. Res. 344, rollcall vote No. 571 on final passage of H. Res. 937, rollcall vote No. 572 on final passage of H. Res. 1069, rollcall No. 573 on final passage of H. Res. 1307, rollcall vote No. 574 on final passage of H.R. 6168, and rollcall vote No. 575 on final passage of H.R. 6630, Had I been present, I would have voted "yea" on each of these rollcall votes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 2008.

Hon. NANCY PELOSI
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 8, 2008, at 3:22 p.m. and said to contain a message from the President whereby he transmits a determination concerning Presidential Declaration 2008–19 and the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–145)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

On May 13, 2008, I transmitted a message to the Congress transmitting the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy (the ''proposed Agreement''), pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the ''Act'').

In view of recent actions by the Government of the Russian Federation incompatible with peaceful relations with its sovereign and democratic neighbor Georgia, I have determined that the determination regarding the proposed Agreement in Presidential Determination 2008–19 is no longer effective. Accordingly, a statutory prerequisite for the proposed Agreement to become effective, as required by section 123 b. of the Act, is no longer satisfied. If circumstances should permit future reconsideration of the proposed Agreement, a new determination will be made and the proposed Agreement will be submitted for congressional review pursuant to section 123 of the Act.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 8, 2008*.

IN MEMORY OF REPRESENTATIVE STEPHANIE TUBBS JONES

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, how can words adequately describe someone who is larger than life? Stephanie Tubbs Jones was a changemaker and a risk-taker. As a woman, she helped blaze a trail for generations to follow, first in her role as a prosecutor, then a judge, then as Ohio's first African American female Member of Congress.

To me personally, Stephanie was a mentor and a role model. Someone who didn't hesitate to pull me aside when I first came to Washington and give me advice, from my wardrobe to my hair, Stephanie kept it real, because that is exactly what she was in every sense of the word.

Above all else, though, Stephanie was my friend, and one of my first friends here in Washington. Her room-filling energy, her passion, her dedication, her voice for the downtrodden, all of these will be missed by the people of Ohio. Her intelligence, her expertise, her counsel will be missed by all of us here in this Chamber.

And me? Well, Mr. Speaker, I will miss my friend.

TAXES DRIVING INVESTMENT IN OIL AND GAS EXPLORATION OVERSEAS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I got a magazine from a good friend, a former colleague of ours, Chris John, who is now the president of the Louisiana Mid-Continent Oil and Gas Association. All of our colleagues got this magazine. I want to quote from his introduction in this magazine:

''The path of the Washington Democrats, with a few notable exceptions, is to repeal tax incentives and possibly levy other taxes on the industry, with the money going to the development of alternative fuels. This will do nothing to lower gasoline prices or increase crude oil supplies. In fact, enactment of such a plan would discourage new investment in exploration and production in the United States and send those dollars overseas.''

Now, Chris is a good friend and a former colleague, one that we all trust and appreciate his service. He is right on this issue. We should not drive our investment in oil and gas exploration overseas by burdening them with new taxes.

□ 1900

HONORING LAUREN ARANA, NINTH GRADE STUDENT, HOOVER HIGH SCHOOL (GLENDALE)

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I rise today with great appreciation and admiration for Hoover High School student Lauren Arana, who saved her friend's life earlier this year. I am truly proud to have Lauren, who is now a 10th grade student from Glendale, as a constituent of mine.

On May 14, Lauren received a text message from a friend of hers in Nebraska who said that she was going to commit suicide. Lauren did not hesitate for a second in responding to this call for help. She immediately took the initiative to try and contact her friend's mother, and when she was unsuccessful, she contacted her friend's school in Sioux City, Nebraska.

Upon receiving Lauren's call, an assistant principal stepped into action and went to the troubled student's home, where he found her with a knife to her neck and having already consumed antifreeze. Thankfully, due to Lauren's swift actions, the assistant principal was able to intervene in time to save her friend's life. This is a remarkable story, and demonstrates Lauren's extraordinary character.

Youth suicide is a tragic problem plaguing our Nation. It is the third leading cause of death for 15-to 24-year-olds and the sixth leading cause for 5-to 14-year-olds. Lauren's heroic intervention is a perfect example of how anyone should react to such a call for help. We should all learn from this story which, thankfully, avoided a tragic ending.

OLYMPIC CHAMPION JENN STUCZYNSKI

(Mr. HIGGINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIGGINS. Mr. Speaker, I rise today to congratulate Fredonia, New York's own Olympic champion, Jenn Stuczynski. On Monday, August 19, Jenn won the silver medal in the pole vault in the 2008 Beijing Olympics. She admirably represented Western New York, and we are proud to call her one of our own.

Born and raised in Fredonia, New York, Jenn's heart has never left her hometown. Her love for sports began while she was a student at Fredonia High School. Although she became a dedicated athlete at an early age, Jenn did not take up pole vaulting until her senior year of college. Four years of tireless practice, patience, and persistence later, Jenn made it to the Olympics, and she was not about to leave empty handed. Jenn's story of winning the silver medal is one that can inspire all of us to ask more of ourselves and to reach higher than many, maybe even ourselves, thought possible.

Jenn's hard work, dedication, and spirit embody the best of Western New York. She is an inspiration to athletes and to all who witness her commitment and strength of character. Jenn's community in Fredonia knows her as a hometown girl who will not forget her roots, no matter what heights her gifts and hard work take her. Her masterful grace as a champion pole vaulter is also matched only by her confident yet modest nature. Unlike too many star athletes, Jenn understands the importance of character, community, and family.

Jenn's values were instilled by her loving family and community. I commend the Chautauqua County for rallying around their Olympic daughter and her family with support and pride. When the community raised the money needed for Jenn's parents to watch their daughter win the Olympic silver

medal, we witnessed a tremendous spirit of devotion and community pride. The communities of Fredonia and Dunkirk threw a fund raising drive to get Jenn's parents to Beijing, and held a rally to send her off to the Olympics. The effort of this devoted community are yet another reason why I am proud to represent Western New York.

I applaud her parents, Mark and Sue Stuczynski, and wish them the best as they share this achievement with their daughter. They should be proud of having raised one of Western New York's greatest ambassadors.

Mr. Speaker, I congratulate Jenn, her parents, her family, and Jenn's hometown and her community of Fredonia as they celebrate this wonderful accomplishment.

ENERGY POLICY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, my fellow colleagues, sometime in the next week the House is going to be asked to make some decisions on energy policy. But I think we need to reflect on the last few years, and that is, the United States went into Iraq for one reason and one reason only, oil. And when we did that, the price of oil didn't go down, it went up.

That the oil companies are running our energy policy is not a secret in this country. They have kept oil off the market while they jacked up the price. They have helped to restrain the supply while the price has skyrocketed and the American families paid for that. So to give the oil companies more drilling rights is simply a guarantee that we are going to pay more for oil, not less. Wake up, America.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCNERNEY). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE LAST DOUGHBOY—THE LONE SURVIVOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, it was 90 years ago this November that World War I was over; the 11th month, 11th day, 11th hour, it ended.

Frank Buckles was in that war and is the last of his generation. Of the 4.7 million Americans that were mobilized during the First World War, Frank Buckles is the very last doughboy.

His remarkable life began in Bethany, Missouri, where he was born in 1901, during the administration of President McKinley. At the tender age of 16, Buckles lied his way into the United States Army when he enlisted to fight in the First World War. He was rejected by several recruiters, but he was not deterred until he finally found a recruiter that would take him. He joined the United States Army, and he drove an ambulance in Europe during World War I.

Mr. Buckles served in the First World War, and was held then as a prisoner of war by the Japanese for 3 years during World War II.

At the incredible age of 107, Frank Buckles has lived through 46 percent of our Nation's history. Today, he resides on the family farm he purchased near Charlestown, West Virginia, purchased after the first war.

Mr. Buckles is one of the forgotten veterans of a forgotten war. He is the lone survivor of World War I.

During World War I, nearly 116,000 United States warriors gave their lives for this country. 4.7 million served, and they changed the tide of that stalemate war and ensured victory for the Allies. When the doughboys landed in France, our allies were impressed with their fighting spirit, and their tenacity stunned our enemies. When they returned to the United States, there were no parades or major memorials established in honor of them. They returned to the Roaring '20s, and America didn't want to talk about the war because America had decided to move on. Then the depressions of the 1930's hit, and the service of the veterans became a distant memory. Then World War II came, and America never got around to honoring the World War I vets.

Today, we have three memorials to our major wars on modern history on the National Mall. They were built in order: Vietnam Memorial, then the Korean Memorial, and then the World War II Memorial. They were built in reverse order. But there is no national memorial, Mr. Speaker, for the World War I veterans. This was the war that was supposed to be the war to end all world wars.

World War I marked the beginning of the history of modern war. It was the war that brought America into the forefront as a world power. It was the first war to be fought on three continents. And World War I was the first industrialized war with the introduction of major technology in weaponry like machine guns, tanks, artillery guns, and airplanes.

In the 3-week long Meuse-Argonne Offensive, the largest U.S. engagement, 18,000 Americans were killed. Approximately 1,000 doughboys a day were killed. Some are still buried in Europe in graves known only by God.

Many of the servicemembers who survived the tolls of war and came back home to the United States had already contracted a deadly flu virus while they were in France, and many of them died in the United States after the war from that flu.

World War I should not be forgotten. In World War I there were no photographs taken, and after the war no blockbuster movies were made to tell the story.

So today, I was honored to be with Frank Buckles at a press conference at the D.C. World War I Memorial on the National Mall.

Since 1918, the men and women who served in World War I have gone without a national memorial to recognize their service to our country, and it is time that this changed. That is why I have introduced the Frank Buckles World War I Memorial Act. This bill would restore the District of Columbia's World War I Memorial and expand it so it serves a location on our mall for all those that served in World War I.

After 90 years of no national recognition, it is time these doughboys were given the thanks that they are due. After all, Mr. Speaker, they were the ''fathers of the greatest generation.''

When they went off to war in World War I, they sang the song of George M. Cohen, ''Over There,'' and it went something like this:

''Over there. Over there. Tell the world that the Yanks are coming. The Yanks are coming, and we won't be back until it is over, over there.''

Mr. Speaker, it is time to honor the lone survivor of World War I and the other doughboys that went to war over there in the forgotten war, World War I, and build them that national monument on the mall.

And that's just the way it is.

THE NEXT ADMINISTRATION MUST ADDRESS NATIONAL SECURITY CHALLENGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, we need to begin planning now for the issues our country must focus on when the new President takes office.

This will be the first presidential transition to occur during a time of war in many years. In addition, the next administration will face enormous budget pressures and national security challenges that will require sustained spending and the partnership of the Congress. Let me take this opportunity to discuss what I believe will be the top defense challenges for our next President.

First, we must develop a clear strategy to guide national security policy. Since World War II, the United States has been the indispensable Nation. But our Nation's ability to sustain this

leadership role is jeopardized because we lack a comprehensive strategy to advance U.S. interests.

The next President must collaborate with Congress and the American people to formulate a new, broadly understood and accepted strategy to advance our national security interests. The next Quadrennial Defense Review of the Department of Defense must translate this strategy into a clear roadmap for organizing the Department and setting priorities in the next 4 years.

Second, we must restore America's credibility in the world. The full range of threats to our national security can only be addressed through the consistent and determined efforts of multiple nations working together. The new President will set the tone, but the U.S. can only lead and help reinvigorate international institutions if other nations believe we are credible, just, and intend our efforts to serve interests beyond our own.

Third, we must refocus our efforts on Afghanistan. The situation in Afghanistan is deteriorating. Violence by the Taliban and al Qaeda is rising. Attacks against the coalition are increasing. And, safe havens in the Afghanistan-Pakistan border region are thriving. The genesis of the 9/11 attack was in Afghanistan, and any future attack on our homeland is likely to originate in Afghanistan or in the border region with Pakistan.

Until our country is prepared to lead and act decisively and persistently, problems in Afghanistan will continue to fester. Our efforts in Iraq have diverted resources and focus away from the war in Afghanistan. We must refocus our efforts, and work with the international community to provide the necessary leadership, strategy, and resources to Afghanistan to ensure success in that mission.

Fourth, we must responsibly redeploy from Iraq. The men and women of our Armed Forces have done a magnificent job in Iraq, but the citizens of both the United States and Iraq agree that it is time for the U.S. military to come home. Our challenge is to manage that redeployment and to ensure that it reduces further strain on our military without jeopardizing the gains made in Iraq.

We must continue to protect U.S. citizens in Iraq, pursue terrorists, and help train and equip the Iraqi Security Forces. U.S. combat forces must be freed up to begin the process of resetting, rebuilding, and also refocusing in Afghanistan. The United States will face new challenges to our security and our interests in the future, and we will need the military units that are in Iraq to be returned to their full capability to effectively address them.

□ 1915

Fifth, we must recruit and retain a high-quality force. Our forces are the most highly trained and educated in the world, but we face serious challenges to maintain the quality of force we have today.

The cost to recruit and retain servicemembers has skyrocketed in recent years. And the tendency of Americans to serve in uniform has significantly declined as fewer young people are exposed to the military experience. Finding men and women who are physically and mentally qualified and willing to serve is an ongoing challenge.

Sixth, we must ensure a high state of readiness for our forces. Our troops have been engaged in combat operations for nearly 7 years, and it has strained our military to the breaking point. Restoring readiness will take a significant investment of time and money, easily exceeding $100 million, but it must be done if we are to expect our military to respond ably when we need them. We are already at risk. Either we fix our readiness problems immediately, or else risk emboldening those who would seek to do us harm.

Seven. We must develop a more comprehensive counter-terrorism strategy. With the al Qaeda and affiliated groups still presenting a major threat, the United States must apply ''lessons learned'' and be open to the advice of our allies. The key is to fight smarter and not necessarily harder by more effectively utilizing a range of tools beyond just the military-led, kinetic approaches to counterterrorism.

The new administration must more aggressively pursue strategic communications strategies, intelligence and policing work, targeted development assistance, and a range of other counterinsurgency and irregular warfare tools.

Eight, we must strike a balance between the near-term fixes and long-term modernization.

Each of the military services will have to address the fundamental imbalances in their current plans to simultaneously modernize and reset equipment, grow the number of ships in our Navy.

Nine, we must reform the interagency process.

And, ten, we must deal with the looming defense health care crisis.

With increasing defense health care costs, difficulties in recruiting and retaining medical professionals, and the overwhelming demand placed on the medical system as it attempts to support thousands of men and women returning from combat, as well as their families, there is a perfect storm brewing, and in the next few years, that storm will be upon us.

These and other national defense challenges will confront our Nation in the months and years ahead, and Congress and the administration must work together on a bipartisan basis to seriously address these issues. The security of the American people is at stake.

H.R. 6662: THE FALLEN HERO COMMEMORATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, throughout the history of our Nation, members of the United States Armed Forces have selflessly given their lives to secure and protect the freedoms Americans enjoy today.

Today, members of the United States Armed Forces are serving our Nation in Iraq, Afghanistan and many other parts of the world.

Without a loved one serving in our military, it is sometimes possible for Americans to overlook the sacrifices that have been made and continue to be made by members of the Armed Forces on behalf of our Nation. It is for this reason I have introduced H.R. 6662, the Fallen Hero Commemoration Act. This bill would permit media coverage of military commemoration ceremonies, memorial services conducted by the Armed Forces, and arrival services for members of the Armed Forces who have died on active duty.

Currently, the Department of Defense does not permit arrival ceremonies for, or media coverage of deceased military personnel returning or departing from Ramstein Air Force Base or Dover Air Force Base.

Mr. Speaker, this ban on media coverage has not always been the case. Many of my colleagues in the House will remember that during the Vietnam War, images of arrival ceremonies and the flag-draped caskets of our servicemembers appeared regularly on TV and in newspapers.

In 1985, the media covered a ceremony at Andrews Air Force Base for members of the Armed Forces killed in El Salvador. It was not until 1991, during the Persian Gulf War, that the Department of Defense stopped permitting media coverage of the returns of the remains of fallen servicemembers.

However, in 1996 the media was granted access to Dover Air Force Base to photograph the arrival and transfer ceremony for the remains of Commerce Secretary Ron Brown and 32 other Americans killed when their plane crashed in Croatia. President Clinton was present to receive the flag-draped caskets.

In 1998, the media also photographed an arrival ceremony at Andrews Air Force Base for Americans killed in the bombings of U.S. embassies in Tanzania and Kenya. The Department of Defense restated the ban on media coverage at Dover Air Force Base and Ramstein Air Force Base in 2001.

However, in 2002, the media was permitted to photograph the transfer of flag-draped caskets at Ramstein Air Force Base that carried the remains of four United States servicemembers killed in Afghanistan.

In 2003, the Department of Defense expanded the no media policy to what it is today by stating, and I quote, ''There will be no arrival ceremonies for or media coverage of deceased military personnel returning or departing from Ramstein Air Force Base or Dover Air Force Base.''

Mr. Speaker, the sacrifice and service of today's fallen heroes is no less significant than the fallen heroes of past wars. By once again permitting access to credentialed members of the media at military ceremonies, arrival ceremonies and memorial services conducted by the Armed Forces, this legislation would honor those who go to war.

When people see a picture of a flag-draped casket, they will stop for just a minute and think a multitude of thoughts. One thought that always goes through my mind is, God bless that soldier. We can never thank them enough for what they have done for our country.

Today, I call upon my colleagues to become cosponsors of H.R. 6662, so that we may properly commemorate the sacrifices made by U.S. servicemembers.

Mr. Speaker, I ask that I might submit for the RECORD a New York Times editorial in support of this legislation which ran in yesterday's paper.

I ask permission, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. CONAWAY. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. JONES. I will then, Mr. Speaker, continue and close.

Mr. Speaker, I know that this is a short legislative year, but I hope that the Armed Services Committee will soon hold a hearing on what I think is a very important issue, remembering the sacrifices of our fallen heroes.

Mr. Speaker, it's too easy for us not to see the sacrifice. And when anyone is offended by seeing a flag-draped coffin, God help their soul.

I ask God to continue to bless our men and women in uniform and their families, and ask God to continue to bless America.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2008 AND FY 2009 AND THE 5-YEAR PERIOD FY 2009 THROUGH FY 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2008 and 2009 and for the 5-year period of fiscal years 2009 through 2013. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 301 and 302 of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 70. This comparison is needed to enforce section 311(a) of the Budget Act, which establishes a point of order against any measure that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority and outlays for each authorizing committee with the ''section 302(a)'' allocations made under S. Con. Res. 70 for fiscal years 2008 and 2009 and fiscal years 2009 through 2013. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure.

The third table compares the current levels of discretionary appropriations for fiscal years 2008 and 2009 with the ''section 302(a)'' allocation of discretionary budget authority and outlays to the Appropriations Committee. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach section 302(b) suballocations within the Appropriations Committee.

The fourth table gives the current level for fiscal years 2010 and 2011 for accounts identified for advance appropriations under section 302 of S. Con. Res. 70. This list is needed to enforce section 302 of the budget resolution, which establishes a point of order against appropriations bills that include advance appropriations that: (i) are not identified in the joint statement of managers; or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2009 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONCURRENT RESOLUTION 70

[Reflecting Action Completed as of September 8, 2008—On-budget amounts, in millions of dollars]

	Fiscal year—2008 [2]	Fiscal year—2009 [1,2]	Fiscal years—2009–2013
Appropriate Level:			
Budget Authority	2,456,188	2,462,544	(3)
Outlays	2,437,784	2,497,322	(3)
Revenues	1,875,401	2,029,653	11,780,263
Current Level:			
Budget Authority	2,455,102	1,504,545	(3)
Outlays	2,435,528	1,907,172	(3)
Revenues	1,878,433	2,086,396	12,131,305
Current Level over (+) / under (−) Appropriate Level:			
Budget Authority	−1,086	−957,999	(3)
Outlays	−2,256	−590,150	(3)
Revenues	3,032	56,743	351,042

[1] Current aggregates do not include spending covered by section 301(b)(I) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.
[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(b)(2)).
[3] Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2008 in excess of $1,086 million (if not already included in the current level estimate) would cause FY 2008 budget authority to exceed the appropriate level set by S. Con. Res. 70.

Enactment of measures providing new budget authority for FY 2009 in excess of $957,999 million (if not already included in the current level estimate) would cause FY 2009 budget authority to exceed the appropriate level set by S. Con. Res. 70.

OUTLAYS

Enactment of measures providing new outlays for FY 2008 in excess of $2,256 million (if not already included in the current level estimate) would cause FY 2008 outlays to exceed the appropriate level set by S. Con. Res. 70.

Enactment of measures providing new outlays for FY 2009 in excess of $590,150 million (if not already included in the current level estimate) would cause FY 2009 outlays to exceed the appropriate level set by S. Con. Res. 70.

REVENUES

Enactment of measures resulting in revenue reduction for FY 2008 in excess of $3,032 million (if not already included in the current level estimate) would cause FY 2008 revenues to fall below the appropriate levels set by S. Con. Res. 70.

Enactment of measures resulting in revenue reduction for FY 2009 in excess of $56,743 million (if not already included in the current level estimate) would cause FY 2009 revenues to fall below the appropriate levels set by S. Con. Res. 70.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2009 through 2013 in excess of $351,042 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 70.

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES REFLECTING ACTION COMPLETED AS OF SEPTEMBER 8, 2008

[Fiscal years, in millions of dollars]

House committee	2008		2009		2009–2013 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Armed Services:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	1	1
Difference	0	0	0	0	1	1
Education and Labor:						
Allocation	−10	0	−9	−114	36	−60
Current Level	−10	0	−9	−114	36	−60
Difference	0	0	0	0	0	0
Energy and Commerce [1]:						
Allocation	89	81	839	802	3,162	3,157
Current Level	89	81	839	802	3,162	3,157
Difference	0	0	0	0	0	0
Financial Services:						
Allocation	0	0	0	0	0	0
Current Level	4,309	390	24,973	25,643	33,685	36,873
Difference	4,309	390	24,973	25,643	33,685	36,873
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	3	3
Difference	0	0	0	0	3	3
Homeland Security:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	1	1
Difference	0	0	0	0	1	1
Judiciary:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Oversight and Government Reform:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Science and Technology:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Transportation and Infrastructure:						
Allocation	395	0	1,496	0	4,176	0
Current Level	0	0	0	0	0	0
Difference	−395	0	−1,496	0	−4,176	0
Veterans' Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Ways and Means [1]:						
Allocation	1,853	1,843	5,794	5,714	−6,724	−5,034
Current Level	1,853	1,843	5,794	5,714	−6,724	−5,034
Difference	0	0	0	0	0	0

[1] Includes final scoring for the Medicare Improvements for Patients and Providers Act, which differed from scoring at the time of final House action on the bill.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2008—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of July 8, 2008 (H.Rpt. 110–747)		Current level reflecting action completed as of Sept. 8, 2008		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	19,302	20,765	19,302	20,765	0	0
Commerce, Justice, Science	53,873	53,545	53,873	53,545	0	0
Defense	546,468	538,595	546,468	538,595	0	0
Energy and Water Development	30,891	30,756	30,891	30,756	0	0
Financial Services and General Government	21,162	21,150	21,162	21,150	0	0
Homeland Security	40,665	40,785	40,665	40,785	0	0
Interior, Environment	27,425	29,118	27,425	29,118	0	0
Labor, Health and Human Services, Education	146,064	147,647	146,064	147,647	0	0
Legislative Branch	3,969	4,076	3,969	4,076	0	0
Military Construction, Veterans Affairs	63,916	54,441	63,916	54,441	0	0
State, Foreign Operations	35,187	36,452	35,187	36,459	0	7
Transportation, HUD	56,556	114,961	56,556	114,961	0	0
Unassigned (full committee allowance)	5,000	2,653	0	0	−5,000	−2,653
Total (Section 302(a) Allocation)	1,050,478	1,094,944	1,045,478	1,092,298	−5,000	−2,646

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2009—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations subcommittee	302(b) suballocations as of July 8, 2008 (H.Rpt. 110–746)		Current level reflecting action completed as of Sept. 8, 2008		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	20,623	22,000	8	5,630	−20,615	−16,370
Commerce, Justice, Science	56,858	57,000	0	20,149	−56,858	−36,851
Defense	487,737	525,250	20	200,728	−487,717	−324,522
Energy and Water Development	33,265	32,825	25	12,986	−33,240	−19,839
Financial Services and General Government	21,900	22,900	89	4,941	−21,811	−17,959
Homeland Security	42,075	42,390	2,175	19,371	−39,900	−23,019
Interior, Environment	27,867	28,630	0	10,959	−27,867	−17,671
Labor, Health and Human Services, Education	152,643	152,000	21,123	101,359	−131,520	−50,641
Legislative Branch	4,404	4,340	0	611	−4,404	−3,729
Military Construction, Veterans Affairs	72,729	66,890	−1,879	21,879	−74,608	−45,011
State, Foreign Operations	36,620	36,000	0	17,867	−36,620	−18,133
Transportation, HUD	54,997	114,900	4,158	69,884	−50,839	−45,016
Unassigned (full committee allowance)	0	987	0	0	0	−987
Total (Section 302(a) Allocation)	1,011,718	1,106,112	25,719	486,364	−985,999	−619,748

2010 AND 2011 ADVANCE APPROPRIATIONS UNDER SECTION 302 OF S. CON. RES. 70

[Budget Authority in millions of dollars]

	2010	2011
Appropriate Level	28,852	n.a.
Enacted advances:		
Accounts Identified for Advances:		
Employment and Training Administration	—	
Job Corps	—	
Education for the Disadvantaged	—	
School Improvement	—	
Children and Family Services (Head Start)	—	
Special Education	—	
Career, Technical and Adult Education	—	
Payment to Postal Service	—	
Tenant-based Rental Assistance	—	
Project-based Rental Assistance	—	
Corporation for Public Broadcasting		—

[1] S. Con. Res. 70 does not provide a dollar limit for 2011.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9, 2008.

Hon. JOHN M. SPRATT Jr.,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through September 8, 2008'. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Since my last letter, dated June 17, 2008, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2008:

Supplemental Appropriations Act, 2008 (Public Law 110–252);

Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275);

Housing and Economic Recovery Act of 2008 (Public Law 110–289); and

Higher Education Opportunity Act (Public Law 110–315).

Sincerely,

PETER R. ORSZAG,
Director.

Enclosure.

FISCAL YEAR 2008 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 8, 2008

[in millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,879,400
Permanents and other spending legislation	1,441,017	1,394,894	n.a..
Appropriation legislation	1,604,649	1,635,118	n.a.
Offsetting receipts	−596,805	−596,805	n.a.
Total, Previously enacted	2.448,861	2,433,207	1,879,400
Enacted this session:			
Supplemental Appropriations Act, 2008 (P.L. 110–252) [2]	0	7	0
Medicare Improvements for Patients and Providers Act of 2008 (P.L. 110–275)	1,942	1,924	1
Housing and Economic Recovery Act of 2008 (P.L 110–289)	4,309	390	−968
Higher Education Opportunity Act (P.L. 110–315)	−10	0	0
Total, enacted this session	6,241	2,321	−967
Total Current Level [3]	2,455,102	2,435,528	1,878,433
Total Budget Resolution [4]	2,564,244	2,466,685	1,875,401
Adjustment to budget resolution pursuant to section 301(b)(l) [5]	−108,056	−28,901	n.a.
Adjusted Budget Resolution	2,456.188	2,437,784	1,875,401
Current Level Over Budget Resolution	n.a.	n.a.	n.a.
Current Level Under Budget Resolution	1,086	2,256	n.a.

Note: n.a. = not applicable; P.L. = Public Law.

1. Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009; National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181), Economic Stimulus Act of 2008 (P.L. 10–185), Andean Trade Preference Extension Act of 2008 (P.L. 110–191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110–227), Consolidated Natural Resources Act of 2008 (P.L. 110–229), Strategic Petroleum Reserve Fill Suspension and Consumer Act of 2008 (P.L. 110–232), Food, Conservation, and Energy Act or 2008 (P.L. 110–234). SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110-244), and Heroes Earnings Assistance and Relief Act of 2008 (P.L. 110–245).

2. Pursuant to section 30l(b)(2) of S. Con. Res. 70, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level totals, are as follows:

Supplemental Appropriations Act, 2008 (P.L. 110-252)	115,808	35,350	n.a.

3. For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

4. Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

Original Budget Resolution	2,563,262	2,465,711	1,875,392
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (section 323(d)	−950	−950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (section 323(d)	0	0	−8
For the Medicare Improvement for Patients and Providers Act of 2008 (sections 210 and 212(b)	1,942	1,924	1
For the Higher Education Opportunity Act (section 208)	−10	0	0

Revised Budget Resolution	2,564,244	2,466,685	1,875,401

5. Section 301(b)(l) of S. Con. Res. 70 assumed $108,056 million in budget authority and $28,901 million in outlays for overseas deployment and related activities. The Supplemental Appropriations Act, 2008 (P.L. 110–252) did not use this provision, and instead designated a comparable amount as emergency funding. Because section 301(b)(2) requires that the current level exclude amounts for emergency needs, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

Source: Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9,2008.

Hon. JOHN M. SPRATT, Jr.,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through September 8, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Since my last letter, dated June 17, 2008, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2009:

Supplemental Appropriations Act, 2008 (Public Law 110–252);

Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275);

Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (Public Law 110–287);

Housing and Economic Recovery Act of 2008 (Public Law 110–289); and

Higher Education Opportunity Act (Public Law 110–315).

Sincerely,

PETER R. ORSZAG,
Director.

Enclosure.

FISCAL YEAR 2009 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 8, 2008

[in millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	2,097,399
Permanents and other spending legislation	1,485,953	1,436,774	n.a.
Appropriation legislation	0	471,581	n.a.
Offsetting receipts	−587,749	−587,749	n.a.
Total, Previously enacted	898,204	1,320,606	2,097,399
Enacted this session:			
Supplemental Appropriations Act, 2008 (P.L. 110–252) [2]	0	23	27
Medicare Improvements for Patients and Providers Act of 2008 (P.L. 110–275)	6,633	6,516	9
Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P.L. 110–287)	0	0	−2
Housing and Economic Recovery Act of 2008 (P.L. 110–289)	24,973	25,643	−11,037
Higher Education Opportunity Act (P.L. 110–315)	−9	−114	0
Total, enacted this session	31,597	32,068	−11,003
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	574,744	554,498	0
Total Current Level [3]	1,504,545	1,907,172	2,086,396
Total Budget Resolution [4]	2,538,305	2,573,283	2,029,653
Adjustment to budget resolution pursuant to section 301(b)(1) [5]	−70,000	−74,809	n.a.
Adjustment to budget resolution pursuant to section 301(b)(2) [6]	−5,761	−1,152	n.a.
Adjusted Budget Resolution	2,462,544	2,497,322	2,029,653
Current Level Over Budget Resolution	n.a.	n.a.	56,743
Current Level Under Budget Resolution	957,999	590,150	n.a.
Memorandum:			
Revenues, 2009–2013:			
House Current Level	n.a.	n.a.	12,131,305
House Budget Resolution	n.a.	n.a.	11,780,263
Current Level Over Budget Resolution	n.a.	n.a.	351,042
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

Note: n.a. = not applicable; P.L. = Public Law.

[1] Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181), Economic Stimulus Act of 2008 (P.L. 110–185), Andean Trade Preference Extension Act of 2008 (P.L. 110–191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110–227), Consolidated Natural Resources Act of 2008 (P.L. 110–229), Strategic Petroleum Reserve Fill Suspension and Consumer Act of 2008 (P.L. 110–232), Genetic Information Nondiscrimination Act of 2008 (P.L. 110–233), Food, Conservation, and Energy Act of 2008 (P.L. 110–234), SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244), and Heroes Earnings Assistance and Relief Act of 2008 (P.L. 110–245).

[2] Pursuant to section 301(b)(2) of S. Con. Res. 70, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:

Supplemental Appropriation Act, 2008 (P.L. 110–252)	85,155	87,211	n.a.

[3] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[4] Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

Original Budget Resolution	2,530,703	2,565,903	2,029,612
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (section 323(d))	950	950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (section 323(d))	28	28	32
For the Medicare Improvement for Patients and Providers Act of 2008 (sections 210 and 212(b))	6,633	6,516	9
For the Higher Education Opportunity Act (section 208)	−9	−114	0
Revised Budget Resolution	2,538,305	2,573,283	2.029,653

[5] Section 301(b)(1) of S. Con. Res. 70 assumed $70,000 million in budget authority and $74.809 million in outlays for overseas deployment and related activities. The Supplemental Appropriations Act, 2008 (P.L. 110–252) did not use this provision, and instead designated a comparable amount as emergency funding. Because section 301(b)(2) requires that the current level exclude amounts for emergency needs, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

[6] S. Con. Res. 70 assumed emergency amounts of $5,761 million in budget authority and $1,152 million in outlays for the Corps of Engineers. Because section 301(b)(2) requires that the current level exclude amounts for emergency needs, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

Source: Congressional Budget Office.

IRAQ HAS BECOME THE ''FORGOTTEN WAR''

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, after more than 5 years of occupation, America continues to have over 140,000 troops in Iraq. We continue to employ tens of thousands of military contractors. Over 1,200 Iraqi civilians died in the violence this summer alone, and there are still over 4 million refugees. Yet, Iraq is becoming the ''Forgotten War.'' We barely hear about it anymore. I have not forgotten Iraq. I will not forget it.

I rise today to remind the House of two things: First, America continues to occupy a country that never attacked the United States and was never a security threat to us; and second, we continue to spend over $10 billion a month in Iraq, at a time when the American people are losing their

homes, their health care, and their jobs.

Everyone who is forgetting Iraq should read the recent report of the Government Accountability Office. GAO offers a harsh assessment of the administration's handling of the occupation, and warns that the security environment in Iraq remains volatile and dangerous.

The GAO report describes many problems. Only 24 percent of the Iraqi funds budgeted for reconstruction have been spent. Essential services to the Iraqi people continue to lag. The daily supply of electricity meets only half the need. The Iraqi ministries responsible for essential services spent only 11 percent of their capital investment budgets in 2007. Many of the benchmarks for progress have just not been met.

Perhaps worst of all, the administration has failed to develop a plan for improving the delivery of government services in Iraq. And to make matters worse, the GAO has urged the Defense Department and the State Department to work together to come up with such a plan, but both departments have refused to do so.

Many of the points made by the GAO were also made by former Iraqi Prime Minister Allawi when he testified before Chairman DELAHUNT and the Foreign Affairs Committee's Subcommittee on International Organizations, Human Rights and Oversight just last month. Prime Minister Allawi said, ''Progress continues to be very slow, if not stagnant, for public services and the economy, which includes the provision of electricity, water supply, health services and creating job opportunities.''

Iraq continues to be a humanitarian disaster area, Mr. Speaker. A recent story in the press reported that Iraq needs 100,000 doctors, but has only 15,500. Many doctors fled after our invasion in 2003. A country that has seen over 5 years of bloodshed, obviously needs a good health care system. Iraq's health care system is in chaos.

Mr. Speaker, we keep hearing that the Iraq occupation is making things better when, in reality, it's making things worse because it delays the day that Iraq can really get back on its feet.

Ending the occupation would allow us to focus more resources on reconstruction and humanitarian efforts. It would allow regional and international partners to come into Iraq to help with reconstruction and reconciliation, because those countries simply won't get involved until we redeploy.

Mr. Speaker, it's time to end the occupation once and for all. It's time to shake off our amnesia and remember the forgotten war.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is September 9, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,014 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Mr. Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 13,014 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Mr. Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is September 9, 2008, 13,014 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

HONOR FLIGHT HONORS OUR WORLD WAR II VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, tomorrow is a special day. The story begins several years ago. In 2004, just a few days before its dedication, I put on my tennis shoes and walked outside the U.S. Capitol Building and beyond the Washington Monument to the newly constructed World War II Memorial on the National Mall. As we know, it was inspiring. At long last, nearly 60 years after the war ended, veterans who did so much to protect our country and liberate the world, were to receive recognition for their service, their sacrifice and the victory through a national monument.

I had my cell phone with me, and I stepped away from the memorial and I called my 90-year-old father back in our hometown of Plainville. He is one of the thousands of Americans who left their families and lives behind in World War II to fight for our country. My father fought in Northern Africa and Sicily and Italy.

Fortunately, when I called, I got the answering machine. It's often difficult for sons and daughters to tell their fathers the things we should tell them. The message I left my dad was, ''Dad, I love you. Dad, I'm proud of you, and Dad, thank you for your service to our country.'' I told my dad what I should have said a long time ago, and what we all should say to our veterans.

It was too bad that many of the veterans of this greatest generation, now in their 80s and 90s, are unable, physically or financially, to visit our Nation's Capitol and see this beautiful tribute to their service and sacrifice and to hear those important words.

Earlier this year, Senator Bob Dole, himself a World War II veteran who led the charge to build the memorial, told me about a grassroots, not-for-profit organization called Honor Flight. Honor Flight enables World War II veterans to travel to our Nation's Capital to see the memorial created in their honor. Staffed by volunteers and funded by donations, Honor Flight used commercial and chartered flights to send veterans on a one-day, expense-paid trip to Washington, D.C.

□ 1930

Earl Morse of Ohio and Jeff Miller of North Carolina created the Honor Flight Network, which now operates in 30 States.

Over the past months I have joined Senator Dole to greet Kansas veterans arriving at the World War II Memorial by means of Honor Flight. It is a very moving experience as veterans recount tales of their time in the service to volunteers who are often local high school students. Tourists stop their sightseeing to shake the veterans' hands, and you see the excitement of the veterans' eyes, and many are moved to tears. It's a special day for that generation of heroes.

Of the 16 million veterans who served in World War II, only 2.5 million are alive today. And we are losing them at a rate of 900 each day. Honor Flight is working against time to say ''thank you'' to these veterans.

Tomorrow, after months of preparation and fundraising by volunteers, an Honor Flight of World War II veterans from Plainville to Stockton, from Hays, Hill City, Ness City, and a lot of other small towns of northwest Kansas will be arriving in Washington, D.C. On that flight will be my father, my dad, and 101 of his fellow Kansas veterans will finally see firsthand the World War II Memorial and experience our Nation's gratitude for their service.

Tonight I want to thank the Honor Flight Network and the thousands of volunteers and donors across the country who make these moving experiences possible. In particular, I thank Pat Hageman of Natoma for organizing tomorrow's Honor Flight, the students from Rooks County high schools who are serving as volunteers, the medical personnel, and especially the local businesses, individuals, and veterans service organizations in northwest Kansas who have financed this Honor Flight.

I doubt my dad or any of the other men and women who will be in Washington, D.C., tomorrow will be able to sleep when they go to bed tonight in the small towns across Kansas. They will lay wide awake with nervous anticipation and excitement. But though they lay awake tonight, the rest of America has been able to sleep because of the sacrifice of the World War II veterans.

Tomorrow, once again we all can say that these men and women of our country and our country's other World War II veterans, ''We love you; we are proud of you, and we thank you for your service to our country.''

SOCCER DIPLOMACY BETWEEN ARMENIA AND TURKEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to congratulate Armenia and its President on the historic soccer match between Armenia and Turkey this past weekend. On July 9, President Serge Sargisian and the ''Wall Street Journal,'' Europe edition took a surprising and historic step by inviting President Gul of Turkey to sit with him and watch the two nations play the World Cup qualifier match in Yerevan, the capital of Armenia.

In an effort to warm relations between the two countries, President Sargisian wrote, ''Just as the people of China and the United States shared enthusiasm for ping pong before their governments fully normalized relations, the people of Armenia and Turkey are united in their love for football.''

President Gul accepted the offer, and on Saturday, September 6, he became the first Turkish leader to visit Armenia.

Armenia initiated soccer diplomacy with Turkey despite nearly a century of Turkish genocide denial and 15 years of an economic blockade. For years, Armenia has been ready to establish relations with Turkey without preconditions, and President Sargisian's recent efforts reinforced this commitment. President Gul must also be commended for his efforts to see past the opposition of some in his country by attending the match.

With the recent violence between Russia and Georgia, further steps to promote stability in the Caucasus must be taken, and strengthening Armenian and Turkish relations is essential to these efforts.

Turkey can strengthen its relationship with Armenia by ending its policy of genocide denial, a policy that is imposed both globally and domestically. Turkey should lift all restrictions imposed by section 301 of the Turkish Penal Code on individuals who study, discuss, or recognize the Armenian genocide. Silencing academics and writers limits freedom of speech and makes any serious discussion of the Armenian genocide within Turkey taboo.

To improve relations, Turkey must also lift its stifling economic blockade on Armenia. The State Department estimates that the blockade inflates Armenia by 30 to 35 percent. Removing the blockade will enable the development of immediate infrastructure projects and regional communications, energy, and transportation in the Caucasus. The removal of the blockade would also do much to catalyze global investment in Turkey and Armenia.

With the recent conflict between Russia and Georgia, Armenia proved itself to be a constructive partner to Georgia. The Armenian government provided safe transit for U.S. and international officials and thousands of Georgia nationals and nongovernmental organization representatives.

But Armenia experienced significant economic distress due to the conflict between Georgia and Russia. The country lost an estimated $650 million and shortages in fuel and wheat were rampant. With renewed volatility in the Caucasus, Armenia can no longer afford to suffer from dual blockades.

President Sargisian's initiation of soccer diplomacy and President Gul's reciprocal invitation to watch a game next year in Turkey is a positive breakthrough in a region of historic violence and tense emotions.

As President Sargisian wrote, ''A more prosperous, mutually beneficial future for Armenia and Turkey, and the opening up of a historic East-West corridor for Europe, the Caspian region and the rest of the world, are goals that we can and must achieve.''

Mr. Speaker, let me just say as a Congressman and speaking for all Members of Congress, we must do all that we can to support these efforts to bring Armenia and Turkey together. It may seem that a soccer match is not that significant, but it is very significant. No Turkish leader has ever visited Armenia before. So I want to commend this occasion and hope that it leads to more of further developments and relations between the two countries.

Thank you, Mr. Speaker.

WE NEED NUCLEAR POWER AND WE NEED IT NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BACHUS) is recognized for 5 minutes.

Mr. BACHUS. Mr. Speaker, when I visited my district in August, people had one thing on their mind and one thing only, and that was the high gas prices, exactly, what a hardship they were on the people of Alabama, and I think people throughout the Nation.

One of my constituents in Bibb County, Alabama, handed me at a townhall meeting his gas receipt. As you can see, he paid $90, $89 to fill up his truck. Now, Bibb County, Alabama, the average resident of that county makes $312 gross a week. Now, imagine a county where the average income is $312. Now, further imagine that 59 percent of people in that county commute out of town to work; 59 percent of them have

to drive 40 and 50 miles to work every day. And they're like this gentleman, $90 a day out of a paycheck of less than $300.

They told me of stories of how they pay their gas bill, they struggle to pay their rent or their mortgage, they struggle to put food on the table, they struggle with all sorts of financial hardships. Is it any wonder that 9 percent of the people in this country are behind on their mortgage when they're putting hundreds of dollars on their gas bills?

They're also angry about something else. They're angry because we're not doing anything about it. Not only is this money coming out of the United States and out of our citizens' pockets, but let me tell you where it's going.

I recently went to a country—many countries in the world that we're getting oil from, they don't like us. They hate us. But one country that is actually our friend is Dubai. And I went to Dubai recently.

First, I want to show you a picture of Dubai in 1976. This was before oil prices went up. That's the main street in Dubai in 1976. It's a dirt road. The highest structure in Dubai is that mosque that many are in, about three stories high.

When I went to Dubai, it didn't look anything like a small coastal village. It looked quite different.

The next picture that I am going to show you is a picture of when I went there. Now, you saw that $89 gas bill. You're wondering where that money is going? This is where it's going. And this is what it's accomplishing for Dubai.

That's where our money is. The Highway Trust Fund will run out of money next week. The people of Dubai are not running out of money. That's why the Highway Trust Fund has no money in it.

You see all of the construction there? I was in Minneapolis this week. I saw very little construction. You go to cities around America, you see very little construction. You see very few of these high-rise cranes. But let me show you what you're seeing in Dubai. Let me show you another picture of Dubai.

This is a picture I took from a five-star hotel that we toured. Look at the construction frames. Those are construction frames that if we would solve our energy dependency, they would be in Minneapolis, they would be in Denver, they would be in Atlanta. But 15 to 25 percent of them are in Dubai. That's where our money is going.

Not only should our people be angry about what they're paying—they should be angry—and these are our friends. This is a country that is our friend. Most of our money goes to countries that are not our friends.

Let me tell you what Dubai is doing. They've got plenty of oil, and they've got a lot of money. Do you know what they're spending their money on? Let me show you.

China, India, Dubai, and Abu Dhabi, they get it. They're doing something about their energy problem. China is building 32 nuclear power plants. India is building 17. The slide I just showed you of Dubai, an oil rich country, and Abu Dhabi, they're building nuclear power plants. They're going to build 14 nuclear power plants. We're building none. And let me tell you the people in Alabama and this Nation are upset that they are building, China is building, India is building, and we are standing still. That's another thing they're angry about.

We need nuclear power, and we need it now.

Mr. Speaker, during my energy presentation on the House floor this evening, I received assistance from our congressional page, John Brinkerhoff. John is a junior at Spain Park High School in Hoover. He is an accomplished young man who will reflect well on the page program and on his family, school, and community during his time in Congress. My sincere thanks go to John for his help on the floor.

HONORING HARRY A. MARMION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize Harry A. Marmion who recently passed away after a long and distinguished career in which he served of president of two colleges and as president of the United States Tennis Association during the time when the Arthur Ashe Stadium what constructed and opened.

He was an outstanding leader in all of these roles, but more than that, he was an outstanding person. He remained active and involved in life until the day he died. And I am proud to have called him my mentor and my friend.

Harry Marmion loved people, and they loved him. His quick wit and engaging personality enabled him to rally people to get the job done, whether it was establishing the John Steinbeck Room in the Southampton College Library or overseeing the naming of Arthur Ashe Stadium.

Following his graduation from Fairfield University, Harry served for 2 years in the United States Marine Corps as an infantry officer. He then served in the Marine Corps Reserve for 26 years, retiring as a colonel. Dr. Marmion held a law degree from Georgetown University and a Ph.D. from the University of Connecticut.

At the age of 37, he was appointed president of St. Xavier College in Chicago, a position he held from 1969 to 1972. In 1972, he was appointed president of Southampton College of Long Island University. During his presidency, I was an administrator at the college and thus I had the opportunity to see firsthand his leadership style and his ability.

He was always accessible and able to talk to people from all walks of life. He helped position Southampton College as a liberal arts institution with specialties in marine science and the fine arts, and it was during his tenure that Southampton students won the college's first three Fulbright Scholarships.

Harry was always available for advice and good counsel. I often relied on his judgment and advice after I was appointed provost of Southampton College and later when I was elected to Congress.

In 1980, he was appointed vice president for academic affairs and professor of law and management at Fairleigh Dickinson University in New Jersey.

□ 1945

He retired after 10 years, only to embark on a second career with the United States Tennis Association.

His love of tennis began in the 1980s when he was ranked a senior player in the East, despite the fact that he had never played tennis until he was in his 30s. After serving as the president of the Eastern Tennis Association and on the USTA's board of directors, Harry became its 43rd chairman and president of the USTA's board in 1997. During his tenure, he oversaw the renovation of the USTA's facility in Flushing Meadows. He was instrumental in ensuring that the stadium be named in honor of Arthur Ashe, the great African American athlete, rather than for a corporate sponsor.

Harry loved a good joke as much as anyone I know, but he also loved a good cause and was never afraid to do the right thing. He played a key role in the election of Judy Levering as his successor at the USTA, the first female to hold that position. And when Southampton College was facing closure in 2005, he helped form the ''Save the College'' group and served as one of its most influential members, proudly participating in the ultimately Stony Brook/Southampton campus.

Always active in the community, Harry served as Southampton Democratic Town Chairman and as a member of the board of trustees of Southampton Hospital. He also wrote two books: ''The Case Against the Volunteer Army,'' and ''Selective Service: Conflict and Compromise.''

Harry was also a devoted family man. He and his wife, Pat, were married for 54 years. They have three daughters, Elizabeth, Sarah, and Sheila, and nine grandchildren.

At a February 1997 press conference when the USTA announced the naming of the new stadium, Harry said, ''Arthur Ashe was an outstanding tennis player, but we naming our new stadium

in his honor because Arthur Ashe was the finest human being the sport of tennis has ever known.''

Mr. Speaker, the same could be said of Harry Marmion: he excelled at his career and as a human being. I, along with hundreds of others he touched over the course of his life, loved Harry Marmion. I will miss him greatly.

ALL-OF-THE-ABOVE ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, it's that time of day in the House business when Members of the House have the right and the privilege to come to the floor and speak to colleagues both here and back in their offices and to constituents via the cameras for a period of 5 minutes. And you've heard some important speeches tonight, some heartfelt speeches, various topics, issues that Members of Congress felt were the most important thing that they could communicate today, and it's their right and their privilege.

Why do I bring that up? Well, on August 1, Friday, August 1, the last day before the 5-week paid vacation that the Speaker sent everybody on from the House of Representatives, the Speaker brought down the gavel at 11:23 a.m. before more than 40 Members of the House of Representatives were given the right and the privilege of addressing this Chamber.

Why? Well, it appeared that the Speaker wasn't interested in having the message that we were concerned about as we were summarily dismissed across this Nation to be delivered. And what was that topic we were concerned about? Mr. Speaker, it is the number one issue for Americans: the high cost of gasoline, the high cost of energy. And the Speaker said, no, go on home.

So what happened then was a spontaneous uprising, a spontaneous speak-in of over 134 members of the Republican Conference who came back and stayed not just that day, but there were members of the Republican Conference every single day here in Washington on the floor of this House, with lights dimmed, with cameras off, with microphones silenced, speaking to constituents about the number one issue of the day: the high cost of energy.

So we've been back in town now a little over 24 hours. Each of us had gone home for a period of that time, that 5-week period of time, and heard from our constituents about their concerns. And their concerns are based primarily on the economy, which is based primarily on the high cost of energy.

So when you see jobs lost, when you see the unemployment rate rise, it's directly related to the inaction of this Congress on the number one issue of the day: increasing gas prices.

We've had a bill that we have put before the House of Representatives that we believe addresses all of the above; that says we ought to embrace all of the solutions that we can as America; that we ought to end our dependence and our reliance on foreign oil; that we ought to increase our domestic production of oil; that we ought to increase our incentives for conservation; and that we ought to rapidly explore alternative fuels and alternative resources. That's what we believe ought to be done. But the Speaker and the Democrat leadership, the majority Democrat Party in this House of Representatives says, no, not going to allow that.

What are they afraid of? What are they afraid of, Mr. Speaker? Well, I would suggest, Mr. Speaker, it's just all politics all the time. They believe they are beholden to a group in this Nation that doesn't want to increase American energy. Their friends on the other side of the aisle are saying, as we approach this election season, are you better off now than you were 4 years ago or 8 years ago or they will pick a time.

Mr. Speaker, I would ask you, are you better off now than you were 2 years ago? Just 2 years ago. Because what's changed in this 2-year period of time is that we have leadership now in the House of Representatives that refuses to address the number one issue.

We believe that the American Energy Act is what ought to come to the floor. We implore the Speaker to put this bill on the floor and have an up-or-down vote, have debate like it ought to occur in this House, not close debate, not silence Members in this House of Representatives. Have an up-or-down vote on the American Energy Act, an all-of-the-above approach to energy independence.

That is what American people support, an all-of-the-above policy. Over 80 percent of them have said, yes, we ought to do all of these things. We ought to do more conservation. We ought to make certain that we have renewable fuels and explore as much as possible to find those new technologies, and we ought to make certain that we increase American supply of energy for Americans. That's all we ask, Mr. Speaker.

So during this period of time, I thought it was appropriate that since we weren't able to give speeches on August 1, that I come and share the message that is the most important message that the American people want to hear, and that is, that the United States House of Representatives will get down to work and do what the American people desire, and that is pass an all-of-the-above energy policy.

UNFAIR TRADE POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

Mr. KAGEN. Mr. Speaker, I appreciate the opportunity to share with you some of the stories of people that live in northeast Wisconsin. Northeast Wisconsin is a hardworking area where people work hard and play by the rules, and we expect to get compensated with a living wage, a wage that's necessary not just to educate ourselves but also our families.

In recent times, because of unfair trade policies and unfair trade agreements, particularly by the Asian corporate governments—let's just call it Communist China—we've witnessed the disappearance of many thousands of jobs, particularly in the paper industry.

Now, Wisconsin is an agricultural State, and one of the things that we do manufacture is paper. We grow trees; and after a generation, we harvest these trees and process them into paper.

You've heard about Kleenex. You've heard about Puffs, Huggies and many other paper products that have made your life much more valuable, much more convenient. But what's happened recently is a corporation has closed a paper mill in Niagara, taking away the livelihoods of hundreds and hundreds of workers who for over 100 years have worked in the Niagara Paper Mill to produce a valuable product.

More recently, in Kimberly, several days ago in Kimberly as in Kimberly-Clark, as in Kleenex, the Kimberly Paper Mill was closed, and when it shut down, it turned away hundreds and hundreds of people. In Kimberly, Little Chute, Combined Locks, Kaukauna, Appleton and the surrounding area of Darboy, these people who had been working hard no longer had their jobs.

So I wish to share with you tonight some of those families' stories and what this closure, what the stealing of American jobs means and also comes with a warning, a warning that I've been repeating for the last 6 months. As Niagara goes, so goes this Nation. And as Kimberly goes, so goes our country.

This is a photo I'm showing you of the Wendel family. This is Don Wendel who worked for 30 years in the Kimberly mill. His wife is Ann on the far left of the picture; his daughter, Kathleen; and the son is Anthony. And he said, ''Our daughter is a junior in high school and the thought of paying for college with this uncertain future is daunting. We also need to move to a larger home or add on to ours, and this now needs to be postponed indefinitely. We may have to sell our car we bought in March.''

To sum it up, ''It is shocking and disheartening that the owners, instead of researching options to make this mill profitable, made such a quick decision to shut it down. It is causing such

great devastation to so many families, and the entire Kimberly community.''

He's not alone. There are hundreds of others, like Jerry Jansen who worked there for 41 years. His wife is Donna; children, Craig, Scott and Matt; and many grandchildren. What does he say about this impact of the closing of the mill? ''Just over 2 years left until I can collect Social Security. I don't know what I'm going to do until then. Nobody is going to hire someone my age.''

To sum it up, ''I feel like my life has been sucked out of me.''

For generations, his family has worked at that mill, not just his family but his in-laws as well.

Another family, Tom Kilsdonk has been there for 24 years. His wife, Jodi; his children, Karley, Camie, and Hannah. And he said, ''I have a major changes coming in a short period of time. Financial, emotional, social. My wife now works two jobs with no health care. It will not be enough.''

To sum it up he said, ''I feel like someone blindfolded me, dropped me off in the middle of the forest and left me there. I am angry, frustrated and nervous.''

Well, to Tom Kilsdonk, to the Jansen family, to the Wendel family, there's somebody listening, and I have the honor of representing you and coming here to Congress to share with my colleagues your story. Your story must be told not just across Wisconsin, the Midwest, but across the country. Your story is not alone.

These unfair and unbalanced trade deals and the failure of this administration to administer justice, to apply the law equally, and to allow the illegal dumping of Chinese paper and South Korean paper into our domestic marketplace has damaged not only your lives but your entire city and entire region. This is a matter of national security. It's called job security. It's something that we have to fight for each and every day here in Congress.

And, yes, it's true, there are three components to the cost of doing business in the paper industry: energy, raw materials, and labor. We have to work hard here in Congress together and join hands across the aisle to solve these complex problems of energy and the economy.

AMERICAN ENERGY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. LATTA) is recognized for 60 minutes as the designee of the minority leader.

Mr. LATTA. Mr. Speaker, I appreciate the time.

As we gather here this evening, we have heard a lot of speeches and discussion about one of the number one questions we have in this country, and that's our energy policy. We all went home and a lot of us didn't want to go home on August 1, and we stayed down here to get an energy policy in this country, but as we did go home, we faced a lot of questions from our constituents.

I, for one, represent the National Manufacturing Association, one of the largest manufacturing districts, with manufacturing jobs in the Congress, and the number one agriculture district in Ohio. We have got a lot of needs in our district concerning energy. And that energy isn't just talking about oil to put in our cars, but it also depends on what we have in our factories.

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This evening, we have a number of Members who I would like to bring to the podium to talk a little bit about what's happening, not only in their States but across this country. The first Member I'd like to introduce this evening is our distinguished Member from Texas, our ranking member on Energy and Commerce, Mr. BARTON.

Good evening, and thanks very much.

Mr. BARTON of Texas. Well, thank you, Congressman LATTA, and thank you for hosting this Special Order.

It's nice to be on the floor with the cameras on and with the microphones on. I was one of, I think, 135 Republican Members of the House who participated in what I called our American townhall meetings here on the floor during the August work period where we spoke to the tourists who were coming through the Capitol. We talked about the need for a comprehensive energy policy. We did it without the benefit of microphones and with the cameras off, just speaking extemporaneously to educate the American public and to keep a vigil for the American public for a real energy policy.

I notice that our distinguished Speaker today held a press conference at which she announced yet another attempt to politically confuse the American people by putting a so-called ''energy package'' on the floor perhaps on Thursday, perhaps on Friday, perhaps some day next week. One of her aides, in response to a question from the press corps after that press conference, said—and I'm not going to say this is an exact quote—that they would never allow the Republican energy package to come onto the floor because it was too radical. Well, that must be a different definition of ''radical'' than is in Webster's Dictionary, because what the Republican energy package is is the radical notion that Americans, themselves, can develop American resources so that we have American-made energy/American-produced energy to keep America's families and America's factories humming and being productive. I don't think that's radical.

I want to talk a little bit about a part of that energy policy, the Republican energy policy, which would be to allow drilling in ANWR, up in Alaska. I've been having my staff do a little bit of research, and I thought it might be beneficial to give the benefits of some of that research here to the Members on the floor and to others in the country.

In 1910, almost 100 years ago—I think it was while Teddy Roosevelt was President—the Congress passed a law for the development of American resources. That law stated that the Presidents and Congresses could set aside certain portions of Federal lands for different purposes if they felt that there might be some economic development potential in these Federal lands. It was called the Pickett Act. So, in 1924, they decided to create what we now call the Alaska Naval Petroleum Reserve. Now, there is a reason they picked this part of Alaska, which is to the west of Prudhoe Bay, fronting on the Arctic Ocean. Here is the scientific basis on which they picked the Alaska Naval Petroleum Reserve in 1924.

New England whaling ships, as they had gone after whales in the Arctic Ocean, noticed that there were some oil seeps. So, based on that scientific evidence, they set up the Alaska Naval Petroleum Reserve. They didn't have the benefit of modern seismic geology or of any satellite photography or of any of the 3–D seismic differentiation that we have today. Some New England whaling ships, as they went ashore to look for water and things of this sort, noticed some oil seeps.

Okay. Fast forward to 1960. Alaska becomes a State, and the Alaska congressional-senatorial delegations decided that we needed to preserve some of these Alaskan lands. Alaska had been a territory. Now Alaska becomes a State. So they passed an act in 1960 that created to the east of Prudhoe Bay an area that we now call ANWR. Now, of course, there was a little bit more science available in 1960. So, when they set up the Alaskan National Wildlife Reserve, they were searching for oil, and they had discovered in what we now call Prudhoe Bay a specific geologic formation that they thought had the potential to find some oil.

It turns out they found the largest oil field on the North American continent that has been discovered here today, and so they wanted to set up a wildlife reserve. They already had the petroleum reserve to the west of Prudhoe Bay, so they decided they needed a wildlife reserve, and they set up what we call ANWR, but they had done enough scientific exploration that they knew there was an area that might have a lot of oil and/or gas. It was called section 1102.

So, when they created this reserve for wildlife, they put a section in the law that said, in this area, we want to really do some exploration activity to see if there might be something that

could be developed commercially. Lo and behold, when they did that exploration activity of the discovery well, which was, I believe, drilled by Texaco, which is yet to be made public—it's proprietary information—there is enough that is known, we think, of that one area, of this one little section that is 3 square miles, that there could be 11 billion barrels of oil.

Now, as to the Alaska Naval Petroleum Reserve to the west of Prudhoe Bay, Speaker PELOSI and her Democratic friends have said we can drill over there; we can drill over there, but in the area that's now called ANWR to the east of Prudhoe Bay, you can't drill over there; you can't drill over there. There's no ecological difference. There's no environmental difference. There's really no wildlife habitat difference.

Just by happenstance, in the 1920s, we set up the petroleum reserve because whaling ships had seen oil seeps. In the 1950s and early 1960s when we created ANWR, as we were creating the wildlife reserve, we did carve out this section 1102 because we thought that might have some potential, and it appears it has huge potential, but today, we can't drill there because of moratoria that have been put in place in the last 30 years.

Now the question is: If we can only drill one well in America next year, where would it be? Would you drill down in Congressman CARTER's district in Texas? in Mr. LATTA's district in Ohio? in Mr. BROUN's district in Georgia? in my district in Texas?

Mr. CARTER and I represent a State in which we've drilled 2 million wells since 1895, 2 million. The probability of finding an 11 billion-barrel oil field in Texas by drilling one more well is one in 2 million. That's not very good odds. The probability of finding a major oil field in Ohio where they've drilled several hundred thousand wells is a little bit better. It's still not great. The probability of finding a major oil field in Georgia by drilling one well next year—I don't know how many wells have been drilled in Georgia. It's probably several thousand—is not too great.

If you drill one well in ANWR, you've got an almost 100 percent chance of finding a well that will produce tens of thousands of barrels a day, millions of barrels a year, billions of barrels over the life of the field, but we can't do it because, in the 1920s, we said the petroleum reserve is to the west of Prudhoe Bay. In the 1960s, we said the wildlife reserve is to the east. Even in section 1102, we put a moratorium in place.

Now the question to Mr. LATTA and to the Members of the House: Is it radical to say let's drill up in ANWR? Let's see. I don't think that's radical. Is it radical to drill in the eastern Gulf of Mexico, which even the Democrats are beginning to think might make some sense? Is it radical to see what's off the Atlantic coast? Do you know how much exploration, how much seismic, how much geologic exploration we're doing off the Atlantic coast? Nada. Zero. None.

The Canadians are producing north of Maine. The Cubans are trying, and the Chinese are looking to produce south of Florida, but we've put the entire Atlantic coast off limits. Is it radical to at least see what's out there? I don't think that's radical.

Is it radical to try to develop our 2 trillion oil shale reserves, the 2 trillion barrels in Wyoming and in Colorado and in Utah? I don't think so.

So, Mr. LATTA, if I were the Speaker, which I'm not, instead of these political flimflams that we've had now for the last year, here is what I would do—and I ask my colleagues: Is this a radical proposal?

I would pick a group of Republicans and Democrats who are respected in both parties. Let them put together a bipartisan proposal. Then on the proposals that cause the most angst in the liberal left of the Democratic Caucus, pick a conservative Democrat and a pro-energy Republican, and let them offer an amendment to the base package. Bring it to the floor. You don't have to bring the Republican bill to the floor. Bring this bipartisan bill with some amendments where we're not sure of the outcome, and let the House vote.

Now, in prior Democratic-controlled Congresses, that's basically why the energy packages were put together. They weren't put together by the Speaker's aides in a back room with no hearings and with no process. It was put together. It was bipartisan. It would come to the floor with amendments.

When we elect the Speaker for this body, the majority of the House—which right now is Democrat—elects that Speaker. It's what we did with Newt Gingrich. It's what we did with Denny Hastert when the Republicans were the majority. It's what the Democrats have done with the distinguished lady from San Francisco, Ms. PELOSI.

That Speaker has an obligation to, in this case, her party, the Democrats, but the Speaker also has an obligation to the American people. The Constitution and the rules of the House do not say that, once you get to be Speaker, you can only let bills come to the floor of which you know the outcome and that fit the political profile of the majority within your caucus.

Let's let there be a real debate on the floor in the next 3 weeks. Let's let there be real amendments. Let's see where the votes are. Now, my guess is the American people are smarter than the Speaker and the Speaker's staff. They want a commonsense, comprehensive energy policy that develops American-made energy for American use in the United States.

We'll win those votes, I believe—''we'' being the American people—if we get them. If we don't, as Leader BOEHNER has said, the Republicans are not going to accept a facade. We want the real deal. We want the real policies debated and voted on on this floor before we break for the elections in November. If we do that, Mr. LATTA, the American people will win. Over time, energy prices will come down, and our economy will continue to grow.

I'm glad to participate in this Special Order. I appreciate the time. With that, I would yield back to you.

Mr. LATTA. I appreciate the distinguished gentleman from Texas and all of his hard work through all of these years on this energy debate because, as he mentioned, this country's future is at stake. Our standing in the world is at stake. It's not time to wait to get something done down the road. We have to do it right now.

At this time, I would like to recognize my good friend from Georgia (Mr. BROUN). I appreciate all of his work that he has done over the last year on trying to get an energy policy in this country. I appreciate it.

The mike is yours. Thank you.

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Mr. BROUN of Georgia. Thank you, Mr. LATTA, for yielding.

I appreciate this opportunity to come and speak today on this issue that is so drastically important to the American people. Everybody, rich and poor, black and white, all races, all nationalities, everybody in America is suffering from the high cost of energy.

When we voted on the morning of August 1 to go home for a 5-week break, that afternoon I was part of the group of Republicans here on the floor demanding, demanding that we go back in session to find some commonsense solutions to the high cost of gasoline at everybody's gas pump. Everybody in this Nation, even if you don't have a car, if you drive a bicycle or a motorcycle or a scooter, is suffering from the consequences of the high cost of energy. When you go to the grocery store and try to buy bread, milk, eggs, bacon, the cost of those goods in your grocery store are going to continue to go up because of the high cost of energy.

We hear from the controlling party, the Democrats, from Speaker PELOSI—now, there are some on the other side that would like to have a vote, that would like to see the energy costs come down. Many of our friends on the Democratic side of the aisle would vote for a comprehensive energy plan that would literally lower the cost of gasoline, would lower the cost of heating oil, would lower the cost of all energy sources here in America. But they can't have that opportunity to vote on a comprehensive plan. We can't have an opportunity to vote on a comprehensive plan. Why is that so?

Frankly, if the American Energy Act would come to this floor for a vote, I think it would pass overwhelmingly. But Speaker PELOSI and STENY HOYER, the majority leader, won't let that act come here, to have an up-and-down vote, to have an open discussion, a frank debate about all the issues within that act.

Now, what does the act do? The act taps into our own American energy sources, taps into our own energy sources. Doing so is absolutely critical. We have to stop this dependence upon Middle Eastern oil. We are funding governments who hate America, who want to destroy us, and they are in turn funding al Qaeda, the insurgency in Iraq, the insurgency in Afghanistan. They're funding people who are in our country today who want to attack the very fiber of our Nation. We have to stop that dependency upon foreign oil, whether it's Middle Eastern oil, Venezuelan oil, North African oil, or anywhere else. We have to tap into our own natural resources. America is the only nation in the world, the only nation in the world, that won't develop its own natural resources.

I became a political activist coming to Washington. I was practicing medicine in rural South Georgia, coming here to this Nation's capital to lobby as a volunteer about hunters' rights and gun owners' rights and conservation issues. I'm a scientist. I'm a medical doctor. And I believe that all of our policy ought to be based on science. Not on emotionalism, not on what the name of something is, but on science. And I believe very strongly that we have to be good stewards of God's creation. We're charged biblically to do so. We have to be good stewards of our environment. And I'm a conservationist, a very ardent conservationist. We can tap into our own natural resources. We can develop those God-given resources, what we call fossil fuel, air through wind as it moves around our country, through the sun, through solar resources. We can tap into those resources. But we are denied a vote on an act that would do everything. We call it the ''all-of-the-above plan.''

We hear our colleagues on the Democratic side, the controlling party, say, well, let the oil companies drill. They already have leases. They can't drill. Why is that? My friends, my colleagues, American people, oil companies can't drill because of endless lawsuits by the radical environmentalists. Any bill that's presented has to include some mechanism to stop the endless lawsuits by these radical environmentalists that don't want any drilling. They don't want us to develop any of our natural resources. They don't want us to do anything. I think they want us to live in a cave or in a tree. Come to think of it, they don't want us to live in the trees because they think that destroying the forests would be adverse to their philosophy. So I think they want us to live in a cave. I guess we'd have to go and pick up sticks to make a fire and cook our food. A lot of them don't want us to even go out and harvest some of the bountiful animals that we have in those forests that I enjoy eating as a hunter and as a fisherman. But the leadership of the Democratic Party is listening to those radical environmentalists, and they closed down this Congress on August 1 at 11:23 in the morning when many of us wanted to just come to this floor, as is our right, as is our privilege, to talk about energy.

That afternoon I was here as part of that group, as I have already mentioned, demanding the ability to bring the American Energy Act to the floor for an up-and-down vote, to have a debate, an open debate, with amendments, to allow everybody to put their two cents worth in, to talk about their philosophy, to offer their suggestions, to find some commonsense solutions to our energy dependence on foreign sources.

It's a national security issue for us to be dependent upon those nations who want to destroy America. It's an economic issue because our dependency upon them makes us subservient to them.

The high cost of energy is raising the cost of health care in my business. It's raising the cost of groceries in the grocery store. It's raising the cost of every single good and service in this Nation.

I as well as many others came during the August break to this floor to try to do the people's work, to demand a vote on a commonsense solution to this energy crisis we have in America. Right now today America is drilling for ice on Mars; yet we cannot drill for oil in America. It's insane. We have to change that. We have to tap into our oil and gas resources offshore and in ANWR.

I have already mentioned that I hunt. I have been on the North Slope of the Brooks Range. I've been out flying over the Arctic National Wildlife Refuge, ANWR. I've seen the caribou herds that we keep hearing about from the Democratic majority that would be harmed. That's hogwash. They didn't want the pipeline. I have flown over the pipeline. I've camped out by the pipeline. I've seen the caribou herds in Alaska blossom and reproduce and get more numerous because of the pipeline. I've seen pictures of grizzly bear walking down the pipeline. It's actually helped the wildlife.

We have the technology today where we can tap into those oil resources in ANWR, offshore, all over this Nation, and can do it in an environmentally responsible way, as we must, as I want to see happen, as a lot of my Democratic colleagues would like to see happen. But we cannot get a vote.

I have got a picture here. One of the Democratic folks told us the Democrats' energy plan was to ''drive small cars and wait for the wind.'' I don't think most of us want to drive around in small cars waiting for the wind. We don't have to. We can lower the cost of gasoline. We have to tap into our own natural resources to be able to do so. We can stop our dependence on Middle Eastern oil by voting into law the American energy plan. We can make America secure by voting for the American energy plan.

Whom is Ms. PELOSI listening to? She's from San Francisco. She thinks those radical environmentalists out there are normal people.

But the American people know different. The American people know and want an energy plan that makes sense to lower their cost of gas at the pumps. But we need more than that. It's September. People are starting to buy their home heating oil. Poor people, retirees on fixed incomes are going to have to pay a lot more money for their home heating oil. Many are not going to be able to afford to buy their supplies for the winter. The people that we hear from the Democratic majority that they want to represent the most, the poor people and the elderly of this Nation, are going to be radically affected and harmed because Ms. PELOSI and Mr. HOYER, the Democratic leadership, will not allow a vote on the American Energy Act.

I represent the 10th Congressional District in Georgia, northeast Georgia. One of the cities in my district is Athens, where the University of Georgia is. I'm a proud Bulldog. Go Dawgs. Our head football coach, Mark Richt, has a three-word phrase he uses to energize the football team: ''Finish the drill.'' As a congressman, I have got a three-word phrase to energize America: ''Start the drill.'' We have to start the drill. We have to tap into our own natural resources and develop America's resources. We have to develop alternative sources of energy. That's absolutely critical because we have a dwindling supply of oil and eventually it's going to run out. We have to develop the wind and solar energy that my Democratic friends just keep talking about. T. Boone Pickens says that's half the answer. That's hogwash also. It's only a small part of the answer. It's less than 10 percent. But we have to develop wind and solar. The American Energy Act does that.

Just south of my district, just south of Augusta, Georgia, the Georgia Power Company is trying to put in two nuclear reactors, and they have been doing that for decades. But because of the radical environmentalists and governmental regulations and endless lawsuits, they can't build the two nuclear reactors to add to the two that are already there. We have the technology to

make nuclear energy safe. Nuclear energy is the only thing that makes environmental sense and economic sense to develop electric energy in this Nation. We have to develop nuclear energy.

□ 2030

We have to develop hydrogen. We have to develop new batteries. We have to conserve. And I am a conservationist. Conservation has to be a part of the answer. We have to do it all. Well, guess what, American public? The Republican's American energy act does all of that. We must have a vote.

So, Republicans, on the afternoon that we were forced to go home on this 5-week break, Republicans have been coming here every single day since that day, since August 1, to try to get our Democratic colleagues to come back here and do America's work, the American peoples' work, to vote on a comprehensive energy act bill that would do all of the above: Would tap into America's bountiful natural resources, that would develop nuclear energy, would develop alternative sources of energy, would develop conservation issues, would stimulate the innovativeness of the American public to develop new sources of energy. There may be a source of energy we have never dreamed of.

We have to do all of those things. The American energy act will do just that. We can't have the Democratic energy plan of driving small cars and waiting for the wind. We have got to lower the cost of gas at the pump. We have got to lower the cost of home heating oil.

Republicans are here fighting for the poor people. We are here fighting for the elderly on limited incomes. The Democratic leadership are just doing what my son calls ''dissing'' them. The leader on the Democratic side, Speaker PELOSI is dissing poor people, dissing the elderly, those who are hurt most by us not having the vote.

So I come here tonight with my colleagues, and I applaud Mr. LATTA and Mr. BURTON and Mr. BARTON and Judge Carter for coming here tonight to bring forth to the American people the idea that Republicans are here for the American people. We are here trying to find those solutions. We have been here through the whole August break, inviting our Democratic colleagues to come back and do the peoples' work, the poor peoples' work, the elderly's work, everybody's work, to lower the cost of energy.

And so I just call upon my Democratic colleagues, particularly those many over here on the Democratic side who would like to have a vote, please ask your leadership to bring the American energy act to the floor for a vote with an open rule so that we can have all the amendments that you want to put in, all the amendments that our folks want to put in, have an open debate, but let's do the American peoples' job in the peoples' House. Let's do the peoples' work to find some solutions to this energy crisis that is an economic crisis and a national security crisis for America. So I call upon my Democratic colleagues to get your leadership to allow us to have a vote on the American energy act.

I thank Mr. LATTA for the opportunity to come here and discuss this, and I applaud your efforts, I applaud my other colleagues' efforts, and I thank you for this opportunity. Maybe the American people will listen.

When I was here in the dimly lit House with no microphones, no cameras—different from tonight—and we had the tourists sitting here on the floor of the House, I asked them to go home and not just enjoy being in this historic moment sitting on the floor of the House of Representatives but to go home to contact their Member of Congress and demand a vote on the American energy act.

Former U.S. Senator Everett Dirksen one time said, when he feels the heat, he sees the light. What he was saying is when his constituents in his State start contacting him through calls and letters, that he would start feeling the heat. We need the American public all over this country to start putting heat on their U.S. Senators and their Members of the U.S. House by calling, writing, e-mailing, visiting district offices, visiting Washington offices, and demanding a vote on a comprehensive energy package that would lower their costs of energy, whether it's gasoline, home heating oil, electricity. That is what the American energy plan is all about, is to lower our energy costs.

So I applaud your efforts tonight, sir, my friend, and dear colleague, and I ask the American public to get busy to apply the heat to your Member of Congress. Write them, call them, e-mail them, and demand a vote on the American energy act so we can have an up-or-down vote, open debate to lower your cost of energy, lower your cost of gasoline, lower your cost of groceries, lower your cost of health care, lower your cost of every good and service that you have to buy to make America secure. Energy secure.

I thank you, sir, for your leadership. I applaud you, and I thank you for this opportunity to come back today.

Mr. LATTA. I appreciate your willingness to be with us tonight, your hard work, your dedication to be back here during the August break and make sure we get that word out to the American people that we had to be here, not on break, but be here on this floor and make sure that we get an energy plan, especially all-of-the-above. We are talking about everything from nuclear to clean coal technology to hydroelectric to drilling for oil and natural gas and all the alternatives.

At this time, I'd like to recognize the gentleman from Indiana for I believe he said a few minutes. I appreciate your time.

Mr. BURTON of Indiana. I see my other colleague who's here. I hope I am not jumping in front of you. If I am, I will pledge to you I am going to talk a very short period of time so you can get to the mike and express your views.

My brother, Congressman LATTA, is a State representative in Indiana, Woody Burton, and he called me the other day and he gave me some startling facts. I think the American people would be interested in hearing these things he told me because I'm sure it's happening all over the country.

He said that sales tax in Indiana is down by 28 percent, which means simply that people are buying so much less because they are spending their money on gasoline and getting to and from work and on buying products that they have to have to survive. Food. Milk in Indiana had gone from about $2 a gallon, up over $3, and they are making packages of food that are close to the same price but they contain less of the commodity. And so sales tax is down in Indiana by 28 percent.

But just to let you know how much the people are spending on gasoline, gas sales tax is up 24 percent. So you see a direct correlation between the amount of money people are spending on products that help the economy and the amount of money that they are spending on gasoline to get to and from work and do what they have to do.

My colleague from Georgia just made a very eloquent statement on why we need to deal with this energy crisis now. I won't belabor the point by going into it again, except to say that about 75 or 80 percent of the American people, depending on which poll you look at, say: Drill here, drill now, just like T. Boone Pickens says. They don't want to see $700 billion going overseas when we can keep that money at home and create hundreds of thousands of jobs which, again, would be a big help to the economy.

I just want to say we really need an energy bill, we need it right away, and if the American people are paying attention, I hope that they will, Mr. LATTA, take this opportunity to contact their Congressman and Senators because when the pressure is put on them, then they do respond.

I talked to one of my Democratic colleagues today. He is a cosponsor of a bill that I am sponsoring with him and about 20 other Members of the House, both Democrats and Republicans, which is a bipartisan energy bill. And he said their caucus today was entirely about the energy issue, and he told me he was confident that we would have an opportunity to debate and vote on an energy bill in the next 2 or 3 weeks, which is the end of the session.

I hope he is correct, and I hope if we do have an energy bill, it's a real energy bill and not some kind of a facade.

If we get a facade here, I hope we at least have some amendments that we can vote on, which would make it a real energy bill, and that means we'd have to have an open rule.

So let me just say to Mr. LATTA one more time, thank you for doing this. I know it takes away from things you would like to be doing elsewhere, but you come down here on the floor of the House, along with a few of our colleagues, to talk about how important this issue is. And I applaud you for that.

Mr. LATTA. I appreciate the gentleman's words from Indiana. When you were talking about what your brother had contacted you on in regards to the sales tax issue in Indiana, I know it strikes close to home because it wasn't too long ago that we were looking at our charge card statement for the month and I said to my wife, What did we buy this month? I started looking down the list. It was gasoline, gasoline, gasoline, and mostly my fault because I am out in my district, it's a larger district, and when you're filling up 3 or 4 times a week, you put in a lot of gasoline. It's really cutting into our Americans' pocketbook.

At this time I'd like to recognize the distinguished jurist and the distinguished gentleman from Texas. I know that you have had a lot of discussions with your constituents, especially I know the one that you told us about the long hauler from Texas that took that load to California. I know I have given that example to many people across my district over the last couple of months after I heard it from you.

At this time, I'd like to yield to the gentleman from Texas.

Mr. CARTER. I thank my friend Mr. LATTA for yielding to me. Let me say that when the uprising started, I was one of the 10 that began the uprising. I was the fourth person to speak that day. In fact, I got to speak just after the microphones were turned off, just before the lights were turned down. And I'm very proud of the fact that the Republicans stayed in Washington and demanded that the voice be heard of the American people on the issue of energy.

And what we were really saying, we were calling for the Speaker to, Come back, come back, call the House back, let's work together, because we are in an energy crisis. Let's reason this out and come up with solutions that we can all live with that will allow us to prosper in this country. I think that is what this is all about.

So I got to thinking today if you look at the pie chart—and Mr. KING from Iowa had a pie chart in here one day that showed what all our sources of energy are. I can't get the numbers exactly right. I can remember that the alternative energy today, that is wind, solar, and biofuels, is about 2¼ percent of our energy use in America. Right now. That is things we are looking at in the future and that is part of what the American energy act promotes, is research, development and working on those issues. But today it's about 2 percent.

And then the other sources of energy are gasoline and diesel to power our vehicles; natural gas, which we burn in industry and our homes; coal, which we burn in industry and our homes; oil, which we burn in industry and our homes, and a small portion we still use of hydroelectric power, which was one of the original sources of energy in colonial America.

And so what the proposal seems to be and the debate seems to be between our colleagues on the other side of the aisle, the Democrats who are in charge of this Congress and have the power to make things happen in this Congress, I think that it's that debate we are talking about. It's those fuel sources that we are talking about. And nuclear energy, which make up right now I think it's around 18 percent of our power, but don't hold me to the numbers. But that whole chart makes 100 percent. But I do remember alternatives that today are a little over 2 percent.

The proposal we seem to be hearing is there's some things that now are bad. These are bad resources, even though the rest of the world, when they find natural gas off the coast of Brazil, they celebrate. When they drill a well off of—my wife is from Holland, and back in the sixties when they drilled a well in northern Holland and found this huge source of natural gas, they celebrated.

□ 2045

When people in Venezuela drill wells and find oil and natural gas, they celebrate, and yet we are ashamed of those resources.

Those resources are evil now, so we are basically starting to have a policy being proposed that says that there are some things that are just off limits for power right now because they are bad, and even though we don't have sense enough to know they are bad, we are going to get taught by the government that these are bad. And those things, by the way, most of them have to do with hydrocarbons, but we will start off with the one that doesn't, nuclear energy.

Now, we have heard arguments here tonight and examples were given here tonight of what other nations are doing in the way of nuclear energy. An example was given that the Chinese have on their drawing boards I believe it was 42 nuclear plants they are planning on building. And we are not planning to build, I don't think, any. Maybe there are a couple that are on the drawing board someplace, but we haven't built one in decades. Nuclear energy, our colleagues don't seem to want to open up nuclear energy, so it is sort of off limits.

Now we get off into the really evil stuff. Coal, terrible. You can't use coal. Oil, horrible. Horrible. As Speaker PELOSI said, we have got to wean ourselves off of hydrocarbons. And she said the solution is natural gas. I am sorry, but that is a hydrocarbon too. But still, let's throw natural gas in there.

Now, between coal, oil and natural gas, they probably make up about 75 or 80 percent of the fuel sources for industry and for transportation in America today. If those are off the table, let's just call it a small number, 60 percent, if 60 percent of what we are today using for power is off the table, then we have to replace it with something.

The proposals are solar, wind, biofuels, and new ideas we are going to come up with, like batteries and a lot of stuff, all of which is good and is in the American Energy Act. But today and tomorrow, and in fact for probably about 10 years, these things are not anywhere near the size and capacity to come even close to covering 60 percent of the power in this country.

So we are going to replace these oil, natural gas and coal resources with those power sources overnight, and we don't expect to stop right now on those things and not see prices go through the roof because of a supply shortage?

So what are we going to do for that supply shortage? Well, what we have been doing. We are going to buy from foreign countries, who are happy to have those products and happy to sell those products. But wait a minute. We just saw a comparison of the streets of Dubai. We don't have anything against Dubai. They are good friends of ours. But the change in that country between 1976 and today is like watching a miracle in the development of that country because of their intelligent use of the money that we are buying oil from them with and the rest of the world is.

So as we look down the pike, the corridors of time, if we make all these things off limits, then where are we going to go, except to foreign countries? And what we are talking about as part of our energy crisis is our dependence on foreign countries, whether they are friends or whether they be enemies.

So I think the average American back home in my district, when I talk to them, they all get it. They know that tomorrow, all this year for sure, and probably for at least the next 8 or 10 years, when they get up in the morning to go to work they are going to start a vehicle that is probably going to run on oil, an oil product or a natural gas product, gasoline or diesel. To say that we are going to keep this dependence going is insane in their opinion, and they want to know why we can't go after our own resources.

So why don't we put some things back on the table? Let's put American oil and gas back on the table by going

to find it where we know that it is. Let's don't drill where it is not. If you want to lease property that has no oil and gas on it to drill on, you are welcome to lease my place. It is 2 acres right outside of Round Rock, and I guarantee you, you can put a drilling rig on it and it won't produce one drop of oil. But if you like drilling on places where there is no oil, I volunteer mine, and I will take the lease money. But that is ridiculous.

So when we hear proposals, why don't you drill where you have already got leases or where we have already offered leases, and our research tells us there are little or no resources there, why would we place millions and billions of dollars worth of drilling rigs on those sites to lose money? Why would anybody do that? So that doesn't make sense.

So let's go back. Let's start with the hard one, coal. But, you know what? We are learning very quickly how to clean up coal. We are learning how to liquefy coal and find new uses for coal. We are abundantly wealthy with coal. We shouldn't just put that off the table. And I am not from a big coal State, although question have got some coal. But the facts are we can't shove that resource off the table completely.

Oil, we know, as has been explained by Chairman BARTON and others, there are at least 10 billion barrels of oil in the Arctic, up in ANWR, in an area which we intentionally set aside. There is abundant oil and gas resources off all the coasts of America.

Chairman BARTON pointed out the reason they started looking at Alaska is because some whalers saw some oil seepage. Do you know that a place where there is oil seepage to this day is off the coast of California. In fact, those tar pits, that is just really, really thick crude at the top of the ground. But that is off limits.

Let's start being reasonable, taking care of the environment and drilling for these resources, producing them and putting them on the table. I for one am 100 percent in favor of Boone Pickens' proposal that we put natural gas in certain vehicles. It works. But he tells you 20 percent is the solution.

I think wind is a great idea, and it works. But it has got to be boosted to transport, and so we have to work on that. And still, with all the windmills we have got in production right now, we couldn't power Austin, Texas, for 2 days.

So, in order to meet our power needs, we have to be intelligent about what we are doing. As we reason with our colleagues on the other side of the aisle, let's look at this picture and say reality says today, tomorrow and at least the next 10 to 20 years, we have to deal with what we have got. We can't hope that miraculously 2 percent of the power generated in America will instantly become 60 percent, just because we wish it to be.

I once asked a physicist from Austin, Texas, how big the solar panel would have to be to power Austin, Texas, for a day on the best day, that being a day in the spring when we don't need air conditioning and we don't need heat, and he said the size of the Texas panhandle. The size of the Texas panhandle is bigger than quite a few of the States in this country. So solar has its means, we will find a way for it, but today it is not going to even power Austin, Texas.

So as we look at this comprehensive energy that we have got to look at, if we are trying to reduce our dependence on foreign oil, let's wisely use the resources we have. Let's protect our environment as we do this. Let's make these burns and new scientific methods. For instance, you can burn things in pure oxygen and have no air emissions. You can capture carbon dioxide and use it to replenish oil fields, to bring more oil to the surface. We can do a lot with science and technology available and all those things on the table to be learned.

The bill that the Republicans are putting forward calls for us to wisely use all available resources, researching and developing the new ideas, offering incentives for more new ideas, offering incentives for conserving energy and all the things we need and want to do to make this country competitive, so that Indianapolis, Indiana, will look like Dubai some day, and not like Dubai in 1976, as was described earlier in a presentation here. Our infrastructure needs resources. We need to start taking care of America.

By the way, these lost jobs that people move overseas, did you ever think the high cost of energy might have something to do with that too?

So let's start thinking about ourselves and let's reason this out together. We have 3 weeks to do it. Time is running out. Our friends are back from their vacations, our Democratic friends are back from their vacations. Let's put our heads together. Let's don't give us an energy policy that comes from one person from San Francisco. Give us a policy that we work out in a bipartisan fashion, and I believe we can do it in the next 3 weeks.

Thank you for allowing me to speak.

Mr. LATTA. I appreciate the gentleman's words from Texas.

At this time I would like to introduce the gentlewoman from North Carolina (Ms. FOXX), who has been a leader on this energy issue here on the House, in her 1 minutes and 5 minutes and her many, many speeches and special orders. I yield to her at this time.

Ms. FOXX. I want to thank my colleague from Ohio who has been leading this Special Order tonight for giving me this opportunity. I hope to have a chart tomorrow that is going to show this better, but I am going to describe very briefly something that I think we need to be talking about.

I am encouraged by the Speaker saying that we are going to have a vote on an energy plan. I am concerned that it is not going to be the vote on the American Energy Act. We need a straight up or down vote I think on increasing American-made energy.

I have said over and over again on the floor, I am pro-American made energy and I think that is what we need to be doing. I was very proud to be here during August when the seats were filled with citizens who were here visiting. There was no mike, there was no C–SPAN, there were no lights on, but we had a great time talking to the American people and I think it showed our Republic at work. People took action, contacted their Members and said we need to do something about it.

But recently we have heard about how the unemployment rate has gone up, and our colleague from Texas, Judge Carter, talked about jobs going overseas. I think we also have seen that as the gas prices have gone up, we have also seen unemployment go up. Again, while I don't have a chart, I am going to make do with the chart that I have here.

When the Democrats took over in 2007, we had an unemployment rate of 4.5 percent, one of the lowest in the history of this county. We had 54 straight months of job increases. What happened? By 11–07, the unemployment rate had gone up, which was about right here, as gas prices started going up. When gas prices got to here, the unemployment rate had gone up to 5 percent. Gas prices in May were up to $3.84 and the unemployment rate went above 5 percent. The unemployment rate is now at 6 percent, and that is where gas prices went, there.

I agree with Judge Carter. We need to look at why jobs are going overseas, and in large part it is because of the gas prices. The American people simply don't understand why the Democrats are so anti-American energy. If we will drill in ANWR, if we will drill off the coast, we can bring down the price of gasoline in this country. We can bring down the price of home heating oil, which is going to be hurting everybody in this country in the very next few days, because it is hurting them.

I yield back to my colleague who began this so he can close the evening.

Mr. LATTA. I appreciate the gentlewoman from North Carolina's words. I appreciate her work. I also would like to thank the Speaker for this evening's Special Order.

□ 2100

BLUE DOGS

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the

gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, we have heard a lot of talk, a lot of rhetoric about energy. We have heard a lot of partisan talk about energy.

You know, Congress has never been in session in August, in recent memory. It is a traditional district work period. And all the Republicans that complained about Congress adjourning for August, as it does each August, if the truth be known, if you were to look at their schedule, they had public events scheduled throughout their district in August. Why? Because they knew that Congress is traditionally not in session in August.

And, quite frankly, Mr. Speaker, if we had stayed on the floor the whole month of August, we would be hearing a lot of the stuff we are hearing tonight. We would be hearing all this partisan bickering about energy. But instead, all 435 Members of Congress went back home to their respective districts during the month of August. And if you listen to the national press, it sounds like we were all laid up on the beach somewhere for 5 weeks.

The fact is, most Members of Congress on both sides of the aisle did what I did; I began the break by making a trip to Iraq to visit the 3,000 members of the Arkansas National Guard. Regardless of how we feel about what is going on in Iraq and what we should or should not be doing, it is important, not as Democrats and Republicans, but as Americans, that we remain united in support of our men and women in uniform.

So I made the trip to Iraq to visit the 3,000 members of the Arkansas National Guard. It is their second deployment in 33 months. They have gone above and beyond what has been asked of them. When that National Guard recruiter showed up, they said, ''Sign here, son, and the most you will be out of the country is once every 5 years.'' This is the Arkansas National Guard 39th Brigade's second deployment in 33 months. And I felt like the least I could do is make the trip to Iraq, let them know we support them, thank them for their service, and to make sure that some of the $16 million an hour of your tax money that is going to Iraq is being spent on the equipment and supplies that they need.

Then I came home to Arkansas, and during the month of August I visited something like 40 towns across my district. Most Members of Congress did the same thing during August; they were visiting their constituents. And if they did, I am sure, like me, they got an earful about the high price of gasoline. And I can assure you, Mr. Speaker, Members of Congress going home to their districts and getting an earful on high gasoline prices will go a lot further toward getting a commonsense energy bill passed on the floor of the United States House of Representatives than having all of us sit here and fight and bicker and act like a bunch of school-aged kids for a month.

And because we were home in our districts in August and because we did get an earful, I predict that we will see a commonsense energy bill passed on the floor of the House this month. The question is whether the Republicans really want to pass an energy bill, or whether they just want to try and blame the Democrats. The irony of this is they have been in control of this for the last 6 years of the White House, House, and Senate. And during that time, of course, I don't have to tell anyone what has happened with the price of gasoline.

So this month, I predict, on the floor of the House the Republican Members of this body will have an opportunity to help pass a bipartisan, commonsense energy bill. The question is, will they do that, or will they not do it and try to continue to use this issue and the American people as a political football?

I can tell you that people in my district, they work hard, they get up, they go to work, they work hard for a living, and many of them live in rural areas and they travel great distances to and from work and they are sick and tired of being a political football. They don't see this as a Democrat or a Republican energy crisis. They see it, as I do, as an American energy crisis.

Here is what I do know. When I was born in 1961, our Nation was 19 percent dependent on foreign oil. By the time I graduated from high school in 1979, we were 45 percent dependent on foreign oil. We are now approaching 70 percent dependency on foreign oil.

Mr. Speaker, when we go to the gas pump and when we tank up, we are indirectly putting money in the hands of the terrorists who want to harm us. That does not make any sense at all.

Here is what else I know. There is going to be 100 million new cars on the road in the next 8 years. 100 million new cars on the road in the next 8 years; not here; in China and India. And I don't care who tells you what, no President, no Member of Congress can change the expansion of the middle class in China and India or anywhere else in the world.

The second thing that I want to point out is 3 weeks ago Kurdish rebels went into Turkey and blew up an oil pipeline, halfway around the world, and yet the next day in South Arkansas we were paying more per gallon of gasoline. No President, no Member of Congress can do anything about that.

We can't change world demand and world circumstances, but I will tell you what we can change. We can change our domestic supply here at home. And that is why a number of us that are Democrats believe that we have got to drill here at home.

The Republicans say, drill and your problems are solved. Not so. The fact is, that because demand is going to continue to increase, if we do all the alternatives and renewables that are in the science lab today and bring them to the marketplace, our oil needs will still be just as great in 20 years as they are today because the demand is going to continue to increase.

So some say drill and your problems are solved. They are not leveling with you. Others say do alternative renewable fuels and your problems are solved. They are not leveling with you, either, Mr. Speaker. I contend it is going to take all of these things. And I have a plan to accomplish that. It is called the American-Made Energy Act, and here is how it works.

Number one, to get us the oil we need short term we drill here at home in ANWR, the Arctic National Wildlife Refuge. It is real controversial with some, and I understand that. The truth is, there is 19 million acres in ANWR, and using new technology we only need 2,000 acres out of the 19 million to recover the oil we need. 19 million acres in ANWR at issue; the land area we need in order to drill and recover the oil that is there is 2,000 acres. Put it another way, one-sixth the size of the airport near Washington, D.C.

We need to drill off the coast. We need to drill where it makes sense, in the 48 continental United States, not using 1940 or 1950 technology, not even 1990 technology. My bill says that we will do it utilizing 21st century technology that can allow us to recover the oil we need and be good stewards of the environment all at the same time.

Here is what else it does. It generates $80 billion in lease and royalty payments to our government. $80 billion. When President Kennedy set out to put a man on the moon, in today's dollars it was a $90 billion investment, and we did a lot more than put a man on the moon. We grew a new generation of innovators in this country that went on to create many of the jobs and technologies that we enjoy today.

You contrast that with energy. Everybody is talking about alternative and renewable fuels, but the truth is we will spend more money in Iraq in the next 10 days than we will spend this year on research and development of new and exciting alternative and renewable forms of energy, and that is wrong.

I want to take the revenue from the lease and royalty payments, $80 billion, and I want to put every dime of it into making a President Kennedy ''let's go to the moon'' size investment in alternative and renewable fuels.

We can take automobiles that run on gas and run them on natural gas. We have a lot of natural gas in America. We have a plentiful supply of natural gas, and new areas are being found all the time. In Arkansas now we have got

something called the Fayetteville Shale, and a lot of people who used to not have very much are now finding themselves in the middle-class or even better. A lot of poor farmers, a lot of poor working families are now discovering some wealth because of the Fayetteville Shale, which is where they are recovering natural gas.

Now, not too long ago, they didn't know it existed. And then they knew it existed, but they didn't have the technology to recover it. And then they had the technology to recover it, but it was too costly. And then the price of natural gas went up, and, guess what. Now we are seeing this great explosion of this natural gas find in Arkansas known as the Fayetteville Shale. There is another one in Louisiana. They are both going to rival what is known as the Barnett Shale in Texas.

New and exciting technologies are allowing us to possibly move to natural gas powered cars. Biofuels, ethanol, cellulosic ethanol where we take the treetops and the tree limbs, add value to the land owner, and we can turn them into ethanol. The first ever cellulosic ethanol plant is being built right now in Georgia. The people building it I recently had on the panel when I hosted the first ever Arkansas Biofuels Conference at the University of Arkansas at Monticello, a forestry school located within my district.

Batteries, a lot of promise with batteries. Now, battery powered cars, plug-in electric cars probably won't make a lot of sense for those of us in rural areas. Last Thursday, I traveled 450 miles in my district. I represent about half of Arkansas. That is a lot of miles. Obviously, plug-in and battery powered doesn't make sense for a lot of folks that live in rural areas and drive 20 or even 50 miles each way to and from work. But you know what? For those folks in the urban areas, for those folks where we have a lot of people living, if we can transition them into battery and plug-in electric cars where they spend an hour getting 6 miles to work each day, that will reduce our Nation's need for oil and, therefore, it will reduce the price that we pay at the pump in areas where we will continue to have automobiles that run on gasoline, which comes from oil.

There is a lot of promise. Hydrogen fuel cell. I have test driven a hydrogen fuel cell car. It sounds like an electric golf cart, it runs like a regular car, and no pollution. And when you stop, if you take an empty cup and run to the tailpipe in time, it will pour you a half a cup of water that you can drink. This is not Star Wars stuff. This is not stuff that is even in the science lab anymore. These are ideas that are out of the science lab and ready for the marketplace. The problem is, we do not have an energy policy in this country that embraces them.

So that is what my plan does; it drills, it gives us the oil we need short term; it reduces the price we pay at the pump; it makes a President Kennedy ''let's go to the moon'' size investment in alternative and renewable fuels that can create hundreds of thousands of new jobs here at home.

Ironically, high gas prices helped get us in this economic recession, and having a President Kennedy ''let's go to the moon'' size investment in alternative and renewable energy, growing a new generation of energy innovators in this country can also help get us out of this recession. I call it my Common Sense Energy Plan for America's Future. And I am going to talk more about it a little bit later this evening, because we don't just address the high price of gasoline, we also address electricity. Because I can tell you, we have a gasoline and diesel crisis today, but we are going to have an electricity crisis as early as 2030, and it is going to be far greater and much worse than the gasoline crisis we have today, and my bill speaks to that. It is H.R. 5437, the American-Made Energy Act, and we are going to talk about it in more detail a little bit later this evening.

But at this time, I have got a number of Democrats that have joined me that are for new energy, they are for drilling, they are for alternatives, they are for renewables. They are for American-made energy. Again, this is not a Republican or a Democratic energy crisis, it is an American energy crisis, and we are here to say that we want to make a difference.

I am pleased at this time to introduce my good friend, my colleague from California, the Honorable JIM COSTA.

Mr. COSTA. I thank my dear friend, Congressman MIKE ROSS from Arkansas, for his leadership not only in the Congress but among our fellow Blue Dogs.

I rise this evening to speak on behalf of a comprehensive effort to really address America's energy needs.

We have certainly heard a lot of political posturing that has taken place over the last year about various types of energy proposals, and I think the sad fact is that the American public is not looking for a Democratic nor are they looking for a Republican-Democratic energy package; they are looking for an American energy package, one that addresses our near-term needs with the energy crisis that we are experiencing today, one that focuses on our interim challenges that we face, and one that focuses on the long term, over the next 20 years, because Americans realize that it has taken a number of decades to put us in the hole that we are in today, and that certainly overnight we can't a la Harry Potter wave a magic wand hoping that our energy challenges will simply be wished away. It simply is not possible, and the American public knows that.

□ 2115

What they do expect is their elected representatives, Democrats and Republicans, to come together, put partisan differences aside, and sit down and try to figure out how we reduce our dependency on foreign sources of energy, as Congressman ROSS mentioned a moment ago, reaching almost 70 percent now of the energy that we consume in America each year; almost 70 percent imported from foreign sources.

To put it another way, this year, Americans will transfer in excess of $750 billion. Let me repeat that. We will transfer in excess of $750 billion of American wealth to purchase our energy needs. Talk about digging a hole.

And where does that wealth go? It goes, in the form of petro dollars, in some cases, to sometimes friends of us, and then sometimes into the pockets of petro dictatorships which certainly wish us no good in the world of the geopolitics that we live in today.

We have certain countries in the Middle East that are playing both sides of the terrorist aisle. So, in that sense, we are really financing both sides of the war on terror. We're trying to, obviously, eliminate terror in our world, but yet we have countries in which we are purchasing our energy from who play both sides of the fence and use that, almost like the Mafia did in terms of protection money.

So, Americans want us to put together the kind of comprehensive energy policy that I think our Nation deserves, an Apollo-like program that really sets goals over the course of the next 10 years, short-term goals, interim goals, and long-term goals that will not just reduce our dependency on foreign sources of energy, but on fossil fuels, using all the new technologies that are out there that, in fact, will create more American jobs; that will create cleaner air, that can also be exported in terms of technologies around the world.

So is there such an effort going on? I'm pleased to tell you, tonight, yes, there is. There is such a bipartisan effort. It began back in early June with a group of Republicans and Democrats sitting together, one night a week, for 6 weeks, talking about what we thought was the art of the possible, the common sense that Americans expect us to use when we're here on the floor of the House and we're in committee. And as a result of that, we produced the National Conservation, Environmental and Energy Independence Act, introduced with 28 Democratic cosponsors and 28 Republican cosponsors on the day that we left session in July. Today we have over 120 cosponsors.

Now, this isn't a Blue Dog proposal. This isn't a Democratic proposal. This is not a Republican proposal. This is a bipartisan work product of like Members doing what Americans expect us to do, and that is, sit down and figure

out solutions and compromises to some of the most difficult challenges we face as a Nation.

Now, what's this bill do? It's a simple bill. It's 34 pages long. It's three titles. The first title is offshore and onshore leasing and other energy provisions. It basically opens up the Outer Continental Shelf within 25 to 50 miles, giving States an opt-in provision, that could be modified in other ways, that we believe, over a course of the next 20 years, will develop $2.6 trillion. Conservative estimates. These are based upon what the Mineral and Management Services estimated the last time they surveyed Federal lands, both on and offshore. When they last surveyed lands on and offshore in the 1980s, using old technology, not the new technology that has 3–D seismology that we use today to determine carbon footprints of oil and natural gas, in those days, what they determined existed in the Gulf of Mexico today, as a result of literally hundreds of leases that have been let in the gulf, we have developed, in that time period of over 20 years, 3½ times more energy resources than was estimated to be there by Mineral and Management Services in the 1980s. Using those same conservative estimates we base this $2.6 trillion that would be realized as a result of opening up these Federal lands, both on the Outer Continental Shelf and on land.

Now, what would we do with this money? Well, we have the same royalty program that exists today, in which energy companies bid for leases that come up on a regular basis, and then, of course, these energy companies pay a lease, if they successfully bid on a parcel of leases; and then after they do their due diligence and determine if it's worth, in fact, drilling and utilizing the oil and the natural gas, then they pay a royalty. So we get monies three ways. We get monies when the energy companies first bid on the leases, then we get money when they lease the land that they have successfully bid on, and then, if they decide to determine to drill for oil or natural gas, we get the royalties. $2.6 trillion, we think, is the conservative estimate.

Where would we spend that money. We'd put 30 percent of it in the general fund. That would, over the time period, amount to $780 billion. For States that decided to participate they would receive an equal 30 percent or $780 billion. How many of our States could use that money to invest in the infrastructure? That $780 billion could be so helpful in dealing with our national debt.

We would also put 8 percent for the conservation reserve. We'd also put 10 percent for an environmental restoration reserve account. We'd put 15 percent for renewable energy reserves.

We all want to get off of our addition to fossil fuel. Even the President here said that in his State of the Union speech. But we can't wish our way from fossil fuel. We have to be able to finance the renewable fuels. This would do that.

It also would provide 5 percent for carbon capture sequestration and to regenerate nuclear waste. We shouldn't be storing it at Yucca Mountain. We ought to be regenerating it like other countries do. There is energy in that waste, and it could be utilized on those plants.

And, also, we need to look at conservation. We need to apply energy standards in residential and commercial buildings that is low-hanging fruit, and provide also support for low income home energy assistance programs for those people who are on fixed incomes, those who are working poor, those who most need the support for to conservation. That's the first title.

The second title would provide funding for cleaner energy production and energy conservation incentives. In other words, we would provide continuation of tax credits for existing renewables, for solar, for wind, for the cellulosic fuels, for the new technologies, like, that we think will be so important in creating the new American industries of jobs and energy; and to include bio diesel and other renewable fuels that include the hybrid vehicles that our colleague, Congressman ROSS, spoke of that he and I and others have actually had the opportunity to drive.

This is what we ought to do. This is taking existing innovative efforts in renewables and funding them, financing them, because that's how you get there from here. This is the interim strategy.

The third title of the bill is a portion of the bill that I am going to let my colleague and good friend, Congressman NICK LAMPSON discuss, because it's an important part that deals with the near-term issues. It involves the Strategic Petroleum Reserve, and it dedicates some of those revenues and the conservation to energy research programs. This will have an immediate effect in lowering the prices of the existing gasoline, diesel and other fuel oils that we are, currently Americans are hard hit with.

Let me close by saying that this measure has the support of 18 Blue Dogs as cosponsors. Certainly, a large percentage of my Blue Dogs colleagues are supporting this, or they are supporting Congressman GREEN's proposal or Congressman MIKE ROSS' proposal. But the Blue Dogs share a common desire to put the partisan politics behind us and really do America's business in addressing our long-term, interim and short-term energy needs.

Be sure of one thing. This energy crisis that we are in today will be with us for the foreseeable future. We are just one international crisis away from rationing fuel in America. We saw what happened in Russia's invasion of Georgia just a week ago and the implications on that for energy policy.

Nigeria provides 10 percent of some of the sweetest, cleanest crude that we import in America. You would think, well, maybe 10 percent's not too much; we could live without Nigeria's oil.

Well, let me tell you something. That 10 percent of the oil we receive from Nigeria provides 36 percent of all the gasoline consumed on the East Coast. We know the problems that we have in Nigeria today and the Delta and the instability there, as in other parts of the world. So, Americans expect us to look at a short-term, interim and long-term energy policy.

Ladies and gentlemen, my colleagues, my Blue Dog friends understand that we must use all the energy tools in our energy tool box, and that's what these series of proposals attempt to do, to use, as my parents taught me, a long time ago, JIM, use just some good common sense. You know, JIM, if you use good common sense you can get a lot done and you work with people and you don't care who gets credit. Well, that's what these proposals are all about, to use all the energy tools in our energy tool box for the near-term, the interim and the long-term energy needs of our country.

And with that, I yield back the balance of my time to my colleague, MIKE ROSS and my fellow Blue Dogs. Thank you very much.

Mr. ROSS. I thank the gentleman from California for his insight, his commitment to finding a common sense to this energy crisis facing America today. And the Member from California, Mr. COSTA, talked about the Blue Dogs.

The Blue Dog Coalition is a group of fiscally conservative Democrats that come from all over this country. There's 49 of us. And we're about trying to restore fiscal discipline, common sense and accountability to our government.

We're sick and tired of all the partisan bickering that goes on up in Washington. We don't care if it's a Democrat or a Republican idea. We want to know is it a common sense idea. Does it make sense for the people that send us here to be their voice at our Nation's Capital.

Tonight you're hearing from various members of the Blue Dog Coalition. It's not necessarily a Blue Dog position. It's Democratic positions. It's individual positions from individual Members within the Blue Dogs.

But you know, to listen to the Republicans tell it, you'd think Democrats aren't for drilling. We're for drilling, we're just not for giving the big oil companies a free ride to go along with it.

And tonight, I have got a number of my colleagues, Democratic Members of Congress, that, like me, believe that we need to drill, and we need to drill now, here at home in America to reduce the price we pay at the pump.

But we're not so short sighted that we stop there. We also say, take the revenue from the lease and royalty payments, and let's make the single largest investment in the history of America in alternative and renewable fuels.

At this time I'm pleased to yield to my colleague from Ohio, CHARLIE WILSON, for as much time as he desires. Not to be confused with the other Charlie Wilson. CHARLIE WILSON from Ohio.

Mr. WILSON of Ohio. Thank you, Congressman ROSS.

Mr. Speaker, I rise tonight in support of the Congress' efforts to construct a new energy policy that will increase our renewable energy, our portfolio and the resources that we already have here at home. And that's one of the things that I'm really proud to be here this evening to speak with my fellow Blue Dogs and, certainly Congressmen COSTA and ROSS both who have gone before me. And the thing they stress that is so important, Mr. Speaker, they keep saying that we are so concerned that we use common sense in what we're doing. And I know myself, I have been supportive of drilling all along. I believe it's the right thing to do. We need to have our resources to help people who are feeling severe pain in our country right now.

I'm concerned, though, that the oil that we drill here be oil that we keep here. And so I believe it's American oil, and we should use it for America's needs. I feel the same way about natural gas. I believe it's one of the other issues that we're going to have to deal with in a very near time frame.

It concerns me that I can see buses running around Washington, D.C. right now, and they are run on gas. Why can't we do more of that? Why can't we use that natural resource that we have to lessen our dependence on foreign oil?

□ 2130

I believe that's one of the significant efforts that we need to make.

Mr. Speaker, I represent a part of Ohio that has had a long proud period of steel and coal. We use coal in our area in many ways. And as a matter of fact, if we're fortunate enough, very soon to get our coal-to-liquid plan in my district in Columbiana County, Ohio. I will be very, very proud because we will be able to introduce a process that is safe, that we can sequester the carbon, we can grind the coal, we can use it to make fuel oil for airplanes. It's a new type of diesel project that can be done that actually burns cleaner than what our Air Force and what our airplanes are using now. So it's a great opportunity for us to find an alternative way to develop our own fuel.

And the amount of fuel that our airplanes use, people don't realize, but it's huge. And so this plant of ours in Ohio will produce 50,000 barrels a day. And that's just a small dent, but I think it could be a prototype for the kinds of thing that can happen with our natural resources of coal and being able to use it clean to produce the kind of fuel that will help us with alternative fuel.

As you drive up and down the Ohio River, you can see along my district of southeastern Ohio what amount of energy plants we have that use coal to produce electricity and also now to be using diesel fuel. You can see that this liquid fuel will help us more and more to reduce our dependency. And as someone said earlier, I believe it was Congressman ROSS, that we are going to have a shortage of electricity now in the not-too-distant future.

This shortage of electricity, it is very important that we understand that we start gearing up for it now. We have the technology to burn coal clean to produce electricity. We can provide the coal with safe mining techniques that we have today, the technology that will make a difference in how we can get our coal out.

I believe that coal is another part of our energy plan that we need to look at, and especially from my area where we have an abundance of it, some say 200 to 300 years. So we can mine this coal and use it for an opportunity to help our workforce.

So I think as we drill and we have in mind that we're going to create a campus, or as Congressman COSTA said, a toolbox, if you will, of different kinds of alternative energy. And I believe if we could start doing that, we will be in better shape.

I yield back to our leader, Congressman ROSS.

Mr. ROSS. I appreciate the gentleman from Ohio for joining us. And if you are able to stick around, we'd love to visit more about coal with you.

We've got at least a 225-year supply of coal here in America. Instead of saying it's bad and turning our back on it, doesn't it make sense to invest some of this $80 billion from the lease and royalty payments from drilling here at home and trying to find ways to clean it up? Coal-to-liquid.

We're so close to getting coal-to-liquid figured out that if we could, we wouldn't need to import another barrel of oil for 300 years in this country. I look forward to visiting more with the gentleman from Ohio about coal. In fact, I've got a coal plant being built in my district right now. Coal is not the cleanest form of energy. We all recognize that. But I can tell you this: with new technologies when this plant comes on line, it will be the cleanest new coal plant in America today. It will be plumbed, outfitted for carbon capture and sequestration, another promising technology that's currently in the science lab but getting close to being ready for the marketplace.

At this time, I would like to yield to my dear friend, a real leader in the United States House of Representatives from the State of Texas, and that's NICK LAMPSON.

Mr. LAMPSON. Thank you, Mr. ROSS. I appreciate the gentleman from Arkansas sharing some of his time and all of the good work that you're doing, and particularly promoting the work of the Blue Dog Democrats, the coalition of the fiscal conservatives in the House of Representatives. It's a real pleasure to be a part of an organization like this that will concentrate on in part of the issues and look for common ground.

I think what we too often, unfortunately, we in the House have been best at producing is division, and it's time for that division to come to an end. It's time for us to start working for America. That's what I think this Blue Dog Coalition has stood for and so do many others.

It was out of a sense of, I guess, frustration of several weeks back when—Mr. COSTA was talking about it a few minutes ago—when Members were watching what was happening on the floor of this body when there was an awful lot of finger pointing about who was to blame for the energy situation that we were in. But out of that frustration came a plan for many of us to go into a room and see what we could do to come up with a real solution.

And that real solution became H.R. 6709, about which Mr. COSTA was speaking a little while ago. It's unfortunate that too often good things come out of a crisis. And we're in crisis. But what we've got to do is learn to work together in solving it.

What the public hears too often, Mr. Speaker and Members, is how divided we are. And we don't hear so much about how much effort is being made to pull us together, where there are good, reasonable commonsense solutions to the problems.

We know that only drilling is not a solution to our problem, and we know that only alternative energy is not a solution to our problem, but it's going to take a combination of them all. And that's what this bill 6709 sets out to accomplish.

And Mr. COSTA talked about the first two sections. He talked about the offshore and onshore leasing and other energy provisions. He also talked about the title II, which was cleaner energy production and energy conservation incentives.

And what he left off at the title number III was the Strategic Petroleum Reserve modification and dedication of revenues to existing conservation and energy research programs.

The whole effort that we made in this bill was to find ways that we could get the resources necessary to pay for the research, development, and implementation of alternative energy. There is no question but that we have to grow our supply of energy if we're going to meet the continuing growing demand of this world for energy.

And you can't do that, typically right now, with what we have traditionally known. And certainly we don't want to continue to be dependent on other places in the world and ship our wealth off to other countries.

So what we knew that we could do is to develop something that would give us some short-term benefit to consumers by decreasing the price of gasoline at the pump, decreasing the cost of oil, and in the long term, give us continued independence and a long-term energy policy that would allow us to do the research to grow wind, and water, and solar, and other forms of energy so that we would have not only a growing supply of energy but one that would be cleaner made available to us in a different way. We can grow it rather than always pulling it out of the ground.

Well, our section number 3 of this bill had the plan of modernizing the Strategic Petroleum Reserve. Right now we have about 700 million barrels of oil, like sweet crude oil, in storage in the Strategic Petroleum Reserve, and we wanted to propose that 10 percent of that be taken and turn it into or replace it with a heavy crude which was of a lesser price. And the difference there would generate a profit, if you will, for the people of the United States.

And that money would be dedicated to the research, development, and implementation of a number of different areas of energy sources including advanced research projects, wind energy research, solar energy research, low-income weatherization, low-income home energy assistance program, marine and hydrokinetic renewable energy, advanced research vehicles development, industrial energy efficiency research and development, building/lighting energy efficiency research and development, geothermal energy development, smart grid technology development, nonconventional natural gas production and environmental research, hydrogen research and development, energy storage for transportation and electric power.

And those are the things that we know are some of what we have to do in order to expand our sources of energy.

We have great knowledge. We are a long way on our way toward having the knowledge to be able to implement so many of these different sources of energy and grow our ability to take care of ourselves, be dependent on us, us as America and the United States of America instead of other places in the world.

So it's wonderful when we have the opportunity to come together as colleagues and when we respectfully have discussions, as the one that we're having tonight, to be able to put the ideas that we can discuss, maybe compromise on because there's not everything in this bill that I like. I know there's not everything in this bill that other of my colleagues like.

But I believe it was our Founding Fathers who wanted us not to have polarization and partisanship but to have compromise through debate. That's why this Congress has been the strong body that it has been for so very long.

And to hear such finger pointing that we are not able to get the solutions that we need and want to make America great again, that's what has to end. That's what this coalition is about. That's what this bill is largely about.

I'm proud to be a part of the National Conservation Environment and Energy Independence Act, H.R. 6709. I hope many people will look at it and encourage Members of Congress from all over the country to sign on as cosponsors.

So I thank you, Mr. ROSS, for the work that you're doing with our Blue Dog Coalition, for promoting these energy matters that are so critically important to the people of the United States. And I'm proud to be able to join my colleagues tonight.

I yield back my time.

Mr. ROSS. I thank the gentleman from Texas.

And Mr. Speaker, when I committed to doing this hour this evening on our need for energy, including drilling here at home as well as investing in alternative renewable fuels, I wasn't sure if I would be spending an hour here by myself or not. The reality is that we've got Democrats that keep filing on to the floor of the United States House of Representatives, so many so that we may not be able to get to them all in this hour.

These are Democrats that are demanding a new energy policy for this country, and we can only hope the Republicans will join us in passing one in a bipartisan way. We're here to reach out to the Republicans and say, This is not a Democrat or Republican energy crisis, it's an American energy crisis. Let's solve it together.

I'm pleased now to yield to a brand new Member of Congress, all the way from Mississippi, who's brought a good dose of commonsense and fresh air to Washington with him, and that's my friend TRAVIS CHILDERS.

Mr. CHILDERS. Thank you, Congressman ROSS.

I am pleased to join my fellow Blue Dogs together in a discussion about this energy crisis that America finds itself in.

For far too long, the United States has not had any tangible national energy policy to address our continued dependence on foreign energy sources. As a matter of fact, it was a Democrat in the White House the last time that this country even had an energy policy. His name is Jimmy Carter, and he's still alive and well in the State of Georgia tonight.

It is my belief that we need both immediate and long-term solutions to ease the burden on the citizens of the First Congressional District of Mississippi, the citizens of Mississippi as a whole, and, yes, the people all across this great Nation tonight in the United States, all of us who make up the United States of America, who, on a daily basis, face increasing costs at the gas pump and in their households.

This is a reason that I was proud to be an original cosponsor with my fellow Blue Dog Congressman MIKE ROSS on the American-Made Energy Act of 2008.

And incidentally, I had introduced a six-point energy plan just prior to this, and I realize that many people share my ideas. Many people share my ideas of drilling. Many people share my ideas on America's renewable resources, just as Congressman ROSS did. And in order to move a large portion of my energy plan into law, I was pleased to sign on as a cosponsor to then-recently introduced legislation, the American-Made Energy Act of 2008, H.R. 5437. It has won considerable bipartisan support.

And so much has been said, as has even been said in this hour prior tonight, that just because we're Democrats, we're opposed to drilling. Let me just say this for the record: I'm very much in favor of drilling, and I join many of these fine Blue Dogs tonight who join me in that. And we're pleased to be a part of that, even though, as the infamous or famous T. Boone Pickens just said, ''We can't drill ourselves out of this mess that we've gotten ourselves in, and we didn't get into it overnight.''

□ 2145

Across America tonight—please hear me on this—we got into it because we don't have an energy policy. We haven't had an energy policy since the 1980s, really the late 1970s.

As a member of the Blue Dog Coalition, I have been committed to working toward immediate relief to American consumers by supporting legislation in this wonderful body, the United States House of Representatives, that responsibly increases domestic drilling capacity, while holding the oil industry accountable to the enormous profits being collected on a quarterly basis.

I have continually advocated for open drilling in the Outer Continental Shelf of the eastern Gulf of Mexico, along with the Arctic National Wildlife Refuge. When I am back home in north Mississippi visiting these small counties and small towns, I routinely tell those crowds that if they find oil in my backyard, they are welcome to put an oil derrick down right behind my house in Booneville, Prentiss County, Mississippi. And if the noise is too much, I will move, but I'm for drilling.

I mentioned above that our energy crisis is not all about short-term or immediate quick fixes. Personal accountability is a huge step toward getting

Americans to purchase vehicles that are capable of traveling at ranges that exceed the current CAFE standard which is presently 27.5 miles per gallon.

I introduced legislation before the August break, H.R. 6773, which provides a $100 tax credit for every mile per gallon a vehicle goes over the nationally mandated fuel economy standard to a family and/or individual who purchases an automobile that qualifies under H.R. 6773.

Let me use, for example, the Prius, Toyota Prius, which I am so pleased to say will be made in a very short time in northeast Mississippi at the intersection of three great counties: Pontotoc, Union and Lee counties. I passed by during the break, and I saw the steel going up. Within a couple of years, Toyota and north Mississippians will be manufacturing a hybrid automobile that presently gets 46 miles per gallon.

Using my numbers and the legislation that I introduced, 46 miles per gallon minus 27.5, which is the present CAFE standard, that's 19.5 miles per gallon that automobile will get over the present CAFE standard. Using my numbers of $100 per mile per gallon, if you bought an automobile, a Toyota Prius, you will be entitled to a $1,950 tax credit. I think this is an appropriate step to incentivize Americans to start buying automobiles that are less dependent on foreign oil.

But let me say, it's not just about the Toyota Prius. I'm very pleased and very proud to say that we're going to be making those Toyotas in north Mississippi, but I want Ford Motor Company to take advantage of that. I want General Motors to take advantage of that. I want Chrysler and Nissan and so forth, I want all of these. It's not just a Toyota thing.

Thank you for allowing me to speak tonight. I appreciate the opportunity. I am pleased to be a part of this great body. I am further pleased to be part of the Blue Dog Democrats, Democrats who are about the business of fixing the mess that we have gotten ourselves in over a period of almost 30 years. I'm proud to be a member of a body that is willing to take a stand, try to develop an energy policy for this country, one we've not had since the days of Jimmy Carter.

Mr. ROSS. I thank the gentleman from Mississippi, and at this time, I will yield to the gentleman from Georgia, DAVID SCOTT, my friend.

Mr. SCOTT of Georgia. Thank you very much, Mr. ROSS. Good to be with you again.

I thought I would just start for a few moments on the fact that we are going to vote on a ban to lift the ban on offshore drilling. Democrats are taking the lead and Democrats are moving forward in a very responsible way to take the ban off offshore drilling and drill.

What is important here are two points. One is that we need to make sure—and I understand that we are making sure—that whatever oil we are able to get from offshore drilling stays in America. This is a very tricky maneuver. Right now, as I understand it, all oil goes on the world market, but I do understand that we have the Continental Lands Act, and in that Act of 1953, as amended, it states that all oil that is discovered or pulled out of waters in the United States coastal areas will be American and will stay in America. That's very important.

That's the question that a lot of my constituents want to know, if we go, we get this oil, are we going to be able to keep this oil in America, because fundamentally, that's what's at issue. This is more than just a just basic energy crisis as we've had before. This is a national security issue of the highest regard.

I spent this afternoon for about 3 hours in our Foreign Affairs Committee talking with the Under Secretary of the Secretary of State and discussing the ramifications of Russia invading Georgia and what that was all about, and I hasten to add that this was all about, in many respects, energy and about Russia's position in that.

Europe gets 31 percent of its oil—I mean, we get a lot of ours from foreign sources, but right now, Europe gets 31 percent of its oil and gas from one Nation, Russia. There is a lot at stake that is going on in that part of the world, and underneath it all is oil and gas and energy and who's going to remain in control.

We need to understand that our basic charge is to get American dependent. So that part of the question has to be answered, and I think we've done that.

The other part is, and I think and I hope in this legislation, as we have worked and crafted—I might add that this legislation that's being crafted that we will vote on before we go back home on many, many sources. We're pulling in many ideas because no one has a monopoly on these ideas. Some of these ideas that we'll be voting on are contained in what the Senate calls the ''Gang of 10.'' That is very important.

But I think one aspect of that—and I've been very supportive of that—is that we will allow four to five States on the eastern seaboard, Georgia being one of them, to decide and opt in to whether they want to drill. We are going to have to come up with what the mileage is offshore, whether it's 3, 5, 10, 50 or 100 miles offshore. But I think we ought to entertain the possibility of allowing it open to every State, that every State may make that choice so that you're not deciding one or the other. Perhaps we will go in that direction, to allow the entirety of America, the United States of America, wherever we can get oil that we can keep, that is American dependent oil, we must do so, and wherever that drilling needs to take place, we must do so. And hopefully, that will be incorporated into the bill.

But we must not stop there. What we have more than any other country, we have the greatest amount of technology. Nobody's smarter than we are. We've got to unleash our technology, our scientists, our chemists, our engineers to go and hurry up and get alternative sources of fuel away from fossil fuels. We can't drill our way out, no matter what it is. There's just so much oil there. We've got to grow our way out of it.

And that's why we hope that this bill will be multifaceted, but drilling will be an important component on it, and we're excited for the future. I think the American people can be proud of what the Congress is about to do.

Mr. ROSS. I appreciate my colleague from Georgia, my dear friend, for working late on a Tuesday night here to help us address this energy crisis facing this country.

And at this time, I'm pleased to yield to another leader of the fiscally conservative Democratic Blue Dog Coalition, my good friend from the State of Tennessee, LINCOLN DAVIS.

Mr. LINCOLN DAVIS of Tennessee. Thank you, Mr. ROSS.

Certainly, it's always a pleasure to be here to speak when the Blue Dogs have a special session and an opportunity to come and speak before the Members of Congress, as well as the American people. There are some facts that I believe all of us need to know. I think the American people need to know this.

When you look at the oil reserves, the proved oil reserves, that we have in the world, America has about 3 percent. When you look at the actual production of the consumption of oil in the world, we produce about 10 percent of the world's consumption. Unfortunately, we consume almost 25 percent of all the production in the world, and in doing that, it makes us almost be a hostage to oil-producing countries.

Now, let's talk a little bit about how much oil that we use. We use over 7.5, almost 8 billion barrels of crude oil a year. We produce about 2.5 billion of that, and the rest we import, mainly from our hemisphere, some small amount from the Middle East, but mostly, from our hemisphere, whether it's Canada, Mexico, Venezuela. Different parts of our hemisphere comes to America.

Now, what does that tell me? If we have got 3 percent of the oil reserves, then we're always going to be held hostage. But where are those reserves located?

They tell us that we've got roughly 150 billion barrels of crude oil in the Outer Continental Shelf. That's the max. Good estimates say we probably have no more than 85 billion barrels of crude oil in the Outer Continental Shelf, add about 10 billion max up in

ANWR or about 7.5 billion that we could actually take out of ANWR for a profitable margin for our oil companies.

That being the case, we have a 1-year supply in ANWR. We're hearing from folks who are making this a political issue that we just drill and drill our way out of it.

We import 5 billion barrels of crude oil a year, 5 billion barrels. If we, in fact, have 100 billion barrels of crude oil, which is the estimate that we would have probably in both ANWR, in the Outer Continental Shelf in Alaska, in the Outer Continental Shelf in the Pacific—about 24 billion in the Outer Continental Shelf in Alaska; 20 billion barrels in the Outer Continental Shelf in the Pacific; in the gulf about 44 billion; very little on the Atlantic Outer Continental Shelf, about 3 to 4 billion barrels; little over 100 billion barrels total. That's a 20-year supply of what we're importing today.

And we will use all that up, and if we have another war, by the time we have to defend ourselves and have the abundance of oil, are we going to go to Saudi Arabia or Iraq or Iran and ask them for oil so we can fight them with it?

I think we have got to look at alternatives more than we have ever looked. Ten years ago, in 1998, the average price of a barrel of oil was $14 a barrel. Let me rephrase that. Just 10 years ago, $14 a barrel. Volatile conditions in the world, over-consumption, and in many cases, an unplanned energy policy that will make us totally self-sustainable has not occurred.

I did some research on windmills. From 1850 to 1900 over 6 million windmills were sold in this country. They ground our corn with it to make cornmeal. They ground our wheat to make flour. In some cases, they even used it for electricity. In 1880, this country had 50 million people in it: 9.5 million families, 8.5 million households. In that 50-year period of time, 6 million windmills. They were smarter than us because we've become dependent on the combustion engine. We've become dependent on foreign sources for our crude oil.

It is time that we take a serious look at all the alternatives, including wind and solar, including nuclear. I'm not sure I'd like to say this. T. Boone Pickens is one of those guys, Mr. Speaker, that helped fund Swift Boat Veterans for Truth. When that guy comes to the Democrat Caucus and says you are on the right track, a staunch Republican, it tells me we are doing something right.

I would love to spend about 20 minutes here.

□ 2200

Mr. ROSS. I thank the gentleman from Tennessee for coming out and joining us this evening.

Mr. Speaker, tonight, you've heard from Democrats from Texas, Ohio, Mississippi, California, Tennessee, Georgia, and yes, Arkansas. They are Democrats who share a common vision, a common plan to reduce our dependence on foreign oil, to create new jobs here at home, to drill here at home, to take the lease and royalty payments to invest in alternative and renewable fuels which will create new jobs here at home, all of which, of course, will lower the price we pay at the pump.

We invite Republicans to join us. It's H.R. 5437, the American-Made Energy Act. It's a bipartisan bill. I hope Republicans will support it as well as they will support these other bills mentioned this evening.

Mr. LINCOLN DAVIS of Tennessee. Would the gentleman yield?

Mr. ROSS. I would yield to the gentleman from Tennessee.

Mr. LINCOLN DAVIS of Tennessee. One last word.

This issue demands and requires leadership probably more than any other issue that we've addressed in this Congress, leadership on doing what's right, not fabricating an issue that we can solve it by just drilling our way out of it. It's going to take leadership to give us an energy policy that will sustain America's future.

Mr. ROSS. The gentleman from Tennessee is absolutely correct.

Mr. Speaker, we don't have a Democratic energy crisis. We don't have a Republican energy crisis. We've got an American energy crisis, and we're here asking Republicans to join us, the Democrats, in passing a bill that includes drilling here at home and in investing in alternative and renewable fuels. If the Republicans will do that, if they will come to the table and will sit down and will talk to us and with us instead of at us, I promise you, Mr. Speaker, we will pass a commonsense energy plan for America, a plan that will reduce the price we pay at the pump.

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SENSENBRENNER (at the request of Mr. BOEHNER) for today on account of his primary election.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BISHOP of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HIGGINS, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 16.

Mr. JONES, for 5 minutes, September 16.

Mr. DAVIS of Kentucky, for 5 minutes, September 15.

Mr. MORAN of Kansas, for 5 minutes, today and September 10, 11 and 12.

Mr. BACHUS, for 5 minutes, today and September 10, 11 and 12.

Ms. FOXX, for 5 minutes, today and September 10, 11 and 12.

Mr. SOUDER, for 5 minutes, today and September 10, 11 and 12.

Mr. WOLF, for 5 minutes, September 10.

Mr. PRICE of Georgia, for 5 minutes, September 10.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. PRICE of Georgia, for 5 minutes, today.

ADJOURNMENT

Mr. ROSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 1 minute p.m.) the House adjourned until tomorrow, Wednesday, September 10, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8142. A letter from the Secretary, Department of Agriculture, transmitting draft legislation, ''To amend the Packers and Stockyards Act, 1921, to provide authority to collect license fees from persons participating in the Packers and Stockyards Programs, and for other purposes''; to the Committee on Agriculture.

8143. A letter from the Under Secretary of Defense, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 07-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8144. A letter from the Under Secretary of Defense, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 08-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8145. A letter from the Deputy Under Secretary of Defense, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities

for Fiscal Year 2007, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

8146. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a report entitled, ''OJJDP Annual Report 2005,'' pursuant to 42 U.S.C. 5617; to the Committee on Education and Labor.

8147. A letter from the Assistant Secretary Electricity Delivery and Energy Reliability, Department of Energy, transmitting a report entitled, ''A Preliminary Report on the Potential Impacts of Plug-in Hybrid Electric Vehicles on the U.S. Electric System''; to the Committee on Energy and Commerce.

8148. A letter from the Assistant Secretary Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's semi-annual implementation report on energy conservation standards activities, pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

8149. A letter from the Chief Operating Officer, Environmental Justice and Climate Change Initiative and Redefining Progress, transmitting a report entitled, ''A Climate of Change: African Americans, Global Warming, and a Just Climate Policy for the U.S.''; to the Committee on Energy and Commerce.

8150. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions list of cancer drugs containing nitrogen mustards, pursuant to section 38(f) of the Arms Control Export Act; to the Committee on Foreign Affairs.

8151. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-496, ''Health-Care Decisions for Persons with Developmental Disabilities Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8152. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-494, ''Tenant-Owner Voting in Conversion Election Clarification Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8153. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-495, ''Department of Transportation Establishment Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8154. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-493, ''Animal Protection Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8155. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-473, ''Street and Alley Closing and Acquisition Procedures Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8156. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-501, ''Income Tax Secured Bond Authorization Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8157. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-500, ''Center Leg Freeway (Interstate 395) Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8158. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-499, ''Southwest Waterfront Bond Financing Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8159. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-498, ''Youth Council of the District of Columbia Establishment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8160. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-497, ''Clean and Affordable Energy Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8161. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8162. A letter from the Chairman, National Capital Planning Commission, transmitting the Commission's annual report for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

8163. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a letter detailing the activities undertaken by the Department to expand training efforts, improve coordination across jurisdictions, and deploy technology to more effectively respond to the threat posed by sex offenders using the Internet and other technology to abuse and exploit children, pursuant to Public Law No. 109-248; to the Committee on the Judiciary.

8164. A letter from the Secretary, Department of Transportation, transmitting a report entitled, ''Rural Interstate Corridor Communications Study,'' pursuant to section 5507 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; to the Committee on Transportation and Infrastructure.

8165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model S10-VT Powered Sailplanes [Docket No. FAA-2008-0598; Directorate Identifier 2008-CE-031-AD; Amendment 39-15543; AD 2008-11-20] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Model SR20 Airplanes [Docket No. FAA-2008-0284; Directorate Identifier 2008-CE-006-AD; Amendment 39-15541; AD 2008-11-18] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls Royce plc (RR) RB211 Trent 500 Series Turbofan Engines [Docket No. FAA-2007-27955; Directorate Identifier 2007-NE-15-AD; Amendment 39-15539; AD 2008-11-16] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) Models Trent 768-60, 772-60, 772B-60, and 772C-60 Turbofan Engines [Docket No. FAA-2008-0597; Directorate Identifier 2008-NE-12-AD; Amendment 39-15542; AD 2008-11-19] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2007-28598; Directorate Identifier 2007-NM-036-AD; Amendment 39-15529; AD 2008-11-07] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8170. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10F, DC-10-30F (KC-10A and KDC-10), DC-10-40F, MD-10-10F, and MD-10-30F Airplanes; and Model MD-11 and MD-11F Airplanes [Docket No. FAA-2007-28748; Directorate Identifier 2007-NM-115-AD; Amendment 39-15537; AD 2008-11-14] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8171. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes; Model DC-9-10 Series Airplanes; Model DC-9-20 Series Airplanes; Model DC-9-30 Series Airplanes; Model DC-9-40 Series Airplanes; Model DC-9-50 Series Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; Model MD-88 Airplanes; and Model MD-90-30 Airplanes [Docket No. FAA-2008-0032; Directorate Identifier 2007-NM-314-AD; Amendment 39-15538; AD 2008-11-15] (RIN: 2120-AA64) Received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8172. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Airplanes [Docket No. FAA-2008-0231; Directorate Identifier 2007-NM-218-AD; Amendment 39-15534; AD 2008-11-12] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8173. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Airplanes [Docket No. FAA-2008-0544; Directorate Identifier 2008-NM-099-AD; Amendment 39-15535; AD 2008-10-51] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8174. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No. FAA-2007-28389; Directorate Identifier 2006-NM-171-AD; Amendment 39-15536; AD 2008-11-13] (RIN: 2120-AA64) received August 19, 2008,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8175. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2008-0554; Directorate Identifier 2008-NM-100-AD; Amendment 39-15522; AD 2008-10-15] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8176. A letter from the Chairman, Social Security Advisory Board, transmitting the Board's report of the 2007 Social Security Technical Panel on Assumptions and Methods; to the Committee on Ways and Means.

8177. A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the bill H.R. 5983 the ''Homeland Security Network Defense and Accountability Act of 2008''; to the Committee on Homeland Security.

8178. A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the bill H.R. 5531 ''Next Generation Radiation Screening Act of 2008''; to the Committee on Homeland Security.

8179. A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the bills H.R. 3815, H.R. 4806, H.R. 6193, and H.R. 6098; to the Committee on Homeland Security.

8180. A letter from the Secretary, Department of Health and Human Services, transmitting notification that the Centers for Medicare & Medicaid Services fully implemented section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA); jointly to the Committees on Energy and Commerce and Ways and Means.

8181. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of a bill, ''To amend the Elwha River Ecosystem and Fisheries Restoration Act to provide certain authorities for dam removal and mitigation activities, and for other purposes''; jointly to the Committees on Energy and Commerce and Natural Resources.

8182. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's ''June 2008 Report to the Congress: Reforming the Delivery System''; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. Supplemental report on H.R. 6322. A bill to amend the District of Columbia School Reform Act of 1995 to permit the District of Columbia government to exercise authority over the Public Charter School Board in the same manner as the District government may exercise authority over other entities of the District government (Rept. 110–782 Pt. 2).

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 6608. A bill to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days, and for other purposes (Rept. 110–832 Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6630. A bill to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress (Rept. 110–833). Referred to the Committee of the Whole House on the State of the Union.

Mr. WELCH: Committee on Rules. House Resolution 1419. Resolution providing for consideration of the bill (H.R. 3667) to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System (Rept. 110–834). Referred to the House Calendar.

Mr. FRANK: Committee on Financial Services. H.R. 6308. A bill to ensure uniform and accurate credit rating of municipal bonds and provide for a review of the municipal bond insurance industry; with an amendment (Rept. 110–835). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 4081. A bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes; with an amendment (Rept. 110–836). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Standards of Official Conduct discharged from further consideration. H.R. 6608 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. NORTON (for herself and Mr. WAXMAN):

H.R. 6842. A bill to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's Capital from crime and terrorism; to the Committee on Oversight and Government Reform.

By Mr. MAHONEY of Florida:

H.R. 6843. A bill to strengthen procedures regarding detention and removal of aliens; to the Committee on the Judiciary.

By Mr. MCHUGH (for himself, Mr. KUHL of New York, and Mr. PAUL):

H.R. 6844. A bill to amend the Internal Revenue Code of 1986 to suspend the taxation of unemployment compensation for 2 years; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. ISSA, Mr. WEXLER, and Mr. FEENEY):

H.R. 6845. A bill to amend title 17, United States Code, with respect to works connected to certain funding agreements; to the Committee on the Judiciary.

By Ms. LEE (for herself, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Ms. MATSUI, Mr. FILNER, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. CARSON, and Ms. WOOLSEY):

H.R. 6846. A bill to ensure that any agreement with Iraq containing a security commitment or arrangement is concluded as a treaty or is approved by Congress; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. LINDER, Mr. GINGREY, Mr. MARSHALL, Mr. SCOTT of Georgia, Mr. BARROW, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, and Mr. BROUN of Georgia):

H.R. 6847. A bill to designate the facility of the United States Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, as the ''First Lieutenant Noah Harris Ellijay Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. ELLISON (for himself, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. WALZ of Minnesota, Mr. PETERSON of Minnesota, and Mr. RAMSTAD):

H.R. 6848. A bill to extend through April 1, 2009, the MinnesotaCare Medicaid demonstration project; to the Committee on Energy and Commerce.

By Mr. ETHERIDGE (for himself and Mr. MORAN of Kansas):

H.R. 6849. A bill to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes; to the Committee on Agriculture.

By Mr. FORTENBERRY:

H.R. 6850. A bill to allow veterans to elect to use, with the approval of the Secretary of Veterans Affairs, certain financial educational assistance to establish and operate certain business, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida:

H.R. 6851. A bill to authorize assistance to facilitate trade with, reconstruction efforts, and economic recovery in the Republic of Georgia, which are necessitated by the destruction of critical infrastructure and disruption of domestic and regional commerce during the August 2008 war between Georgia and the Russian Federation; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself and Mr. SERRANO):

H.R. 6852. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve Federal response efforts after a terrorist strike or other major disaster affecting homeland security, and for

other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEK of Florida:

H.R. 6853. A bill to establish in the Federal Bureau of Investigation the Nationwide Mortgage Fraud Task Force to address mortgage fraud in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SHIMKUS (for himself and Mr. TANNER):

H. Con. Res. 409. Concurrent resolution supporting the awarding of a Membership Action Plan to the Republic of Georgia and Ukraine at the meeting of the North Atlantic Treaty Organization (NATO) Foreign Ministers in December 2008; to the Committee on Foreign Affairs.

By Mr. HOYER:

H. Res. 1420. A resolution expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001; to the Committee on Oversight and Government Reform, and in addition to the Committees on Foreign Affairs, Armed Services, Transportation and Infrastructure, Homeland Security, the Judiciary, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina:

H. Res. 1421. A resolution solemnly commemorating the 25th anniversary of the tragic October 1983 terrorist bombing of the United States Marine Corps Barracks in Beirut, Lebanon and remembering those who lost their lives and those who were injured; to the Committee on Armed Services.

By Mr. KANJORSKI:

H. Res. 1422. A resolution recognizing and promoting awareness of Chiari malformation and expressing support for designation of a ''National Chiari Malformation Month''; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. CLEAVER.
H.R. 211: Mr. CARDOZA.
H.R. 241: Mr. ADERHOLT.
H.R. 549: Mr. HASTINGS of Washington.
H.R. 563: Mr. TIM MURPHY of Pennsylvania.
H.R. 743: Mr. SCALISE.
H.R. 871: Ms. BORDALLO.
H.R. 882: Mr. SMITH of New Jersey, Mrs. TAUSCHER, Mr. THOMPSON of California, and Mr. SIRES.
H.R. 1014: Mr. WALZ of Minnesota.
H.R. 1023: Mr. WALDEN of Oregon.
H.R. 1038: Mr. ROTHMAN.
H.R. 1110: Ms. DELAURO.
H.R. 1193: Mr. BRADY of Pennsylvania.
H.R. 1280: Mr. LANGEVIN and Mr. CASTLE.
H.R. 1283: Mr. MARCHANT and Mr. BAIRD.
H.R. 1293: Mr. SHULER.
H.R. 1380: Mr. LAHOOD.
H.R. 1386: Mr. WELCH of Vermont.
H.R. 1524: Mr. WEXLER, Mr. CARSON, and Mr. SARBANES.
H.R. 1655: Mr. BOUCHER and Mr. BAIRD.
H.R. 1671: Mr. MEEK of Florida, Ms. SCHWARTZ, and Mr. NADLER.
H.R. 1742: Mr. JONES of North Carolina and Mr. WILSON of South Carolina.
H.R. 1755: Mr. CAPUANO.
H.R. 1781: Mr. DONNELLY.
H.R. 1820: Mr. SCHIFF, Mr. ISRAEL, Mr. CUMMINGS, Mr. MICHAUD, Mr. DAVIS of Illinois, Mrs. CAPPS, Mr. GUTIERREZ, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Ms. WASSERMAN SCHULTZ, Mr. FARR, Mr. HASTINGS of Florida, Mr. OLVER, Mr. DELAHUNT, Ms. LEE, Mr. KENNEDY, Mrs. DAVIS of California, Ms. ESHOO, Ms. HARMAN, Mr. COURTNEY, Mr. BRALEY of Iowa, Mr. CLYBURN, and Ms. MATSUI.
H.R. 1881: Mr. PAYNE, Mr. KUHL of New York, Mr. BACA, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1956: Mr. BACA.
H.R. 1964: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1992: Mr. CHILDERS.
H.R. 2015: Mr. KIND and Mr. CASTLE.
H.R. 2020: Mr. BARRETT of South Carolina, Ms. SUTTON, Mr. WILSON of Ohio, and Mr. STUPAK.
H.R. 2054: Mr. ROSS.
H.R. 2075: Ms. TSONGAS.
H.R. 2131: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2167: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2169: Mr. LARSEN of Washington and Mr. ABERCROMBIE.
H.R. 2188: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. LOEBSACK.
H.R. 2208: Mr. KELLER and Mr. CULBERSON.
H.R. 2221: Mr. DEFAZIO.
H.R. 2244: Ms. BERKLEY.
H.R. 2260: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2329: Mr. HINCHEY, Mr. MILLER of North Carolina, Mr. ROGERS of Alabama, Mr. BISHOP of New York, Mr. SALAZAR, and Mr. LARSON of Connecticut.
H.R. 2606: Ms. WOOLSEY.
H.R. 2677: Mr. MICHAUD.
H.R. 2802: Mr. LOEBSACK.
H.R. 2809: Mr. HOLT.
H.R. 2833: Ms. BERKLEY.
H.R. 2923: Mr. SHULER and Mr. CLAY.
H.R. 3035: Mr. GONZALEZ and Mr. DENT.
H.R. 3212: Mr. DICKS, Mr. REYES, Ms. BERKLEY, and Mrs. NAPOLITANO.
H.R. 3257: Mr. ABERCROMBIE, Mrs. EMERSON, Mr. WALZ of Minnesota, and Mr. MCCRERY.
H.R. 3326: Mr. WALZ of Minnesota, Ms. GIFFORDS, Mrs. MCCARTHY of New York, Ms. SUTTON, Mr. HOLT, Mr. SCOTT of Virginia, and Mr. KIND.
H.R. 3334: Mr. MCCAUL of Texas.
H.R. 3404: Mrs. MCCARTHY of New York and Mr. ABERCROMBIE.
H.R. 3544: Mr. PAYNE.
H.R. 3573: Mr. PAYNE.
H.R. 3636: Mr. HOLT.
H.R. 3652: Mrs. CAPPS.
H.R. 3654: Mr. INGLIS of South Carolina.
H.R. 3737: Mr. BROWN of South Carolina and Mr. MARKEY.
H.R. 3834: Mr. HINCHEY, Mr. BOOZMAN, and Mr. CONYERS.
H.R. 3846: Ms. SLAUGHTER.
H.R. 3929: Mr. STARK, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mrs. CAPPS, Mr. DOYLE, Mr. FARR, and Mr. CLAY.
H.R. 4048: Mr. BISHOP of New York.
H.R. 4206: Mrs. EMERSON and Mr. MARCHANT.
H.R. 4248: Mr. ALLEN.
H.R. 4449: Mr. FILNER.
H.R. 4900: Mr. LARSEN of Washington.
H.R. 5223: Mr. RODRIGUEZ and Mr. STUPAK.
H.R. 5469: Mr. KUHL of New York.
H.R. 5513: Mr. BARRETT of South Carolina and Mr. GRAVES.
H.R. 5585: Mr. PLATTS, Mr. SMITH of New Jersey, Mr. DOYLE, and Mr. MCNULTY.
H.R. 5615: Mr. COBLE and Mr. TIERNEY.
H.R. 5635: Mr. CONAWAY, Mr. RAMSTAD, and Mr. TOWNS.
H.R. 5646: Mrs. SCHMIDT, Mr. BILIRAKIS, and Mr. SESSIONS.
H.R. 5673: Mr. BOUSTANY and Mr. MARCHANT.
H.R. 5713: Mr. NUNES.
H.R. 5750: Mr. STARK.
H.R. 5752: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5793: Ms. BEAN, Mr. MARCHANT, Mr. WILSON of South Carolina, and Mr. MICA.
H.R. 5823: Mr. LARSON of Connecticut, Mr. MAHONEY of Florida, Ms. SUTTON, Mr. GRIJALVA, Mr. TIERNEY, Mr. FILNER, and Mr. MICHAUD.
H.R. 5846: Mr. WATT.
H.R. 5867: Mr. BROWN of South Carolina.
H.R. 5882: Mr. WU, Mr. BLUMENAUER, and Mr. STARK.
H.R. 5901: Mr. SERRANO, Ms. BALDWIN, and Mr. FARR.
H.R. 5921: Mr. WU, Mr. BLUMENAUER, and Mr. STARK.
H.R. 5924: Mr. BILBRAY.
H.R. 5936: Ms. WOOLSEY.
H.R. 5946: Mr. STARK.
H.R. 5951: Mr. LEWIS of Georgia, Ms. BORDALLO, Mr. BRALEY of Iowa, and Mr. STARK.
H.R. 5971: Mr. WELDON of Florida.
H.R. 6039: Mr. WU and Mr. BLUMENAUER.
H.R. 6126: Ms. SCHAKOWSKY and Mr. PAYNE.
H.R. 6127: Mr. NADLER.
H.R. 6143: Mr. BISHOP of New York.
H.R. 6145: Mr. FRELINGHUYSEN.
H.R. 6180: Mr. CAPUANO and Mr. MCGOVERN.
H.R. 6201: Mr. POMEROY and Mr. BERRY.
H.R. 6209: Mr. GORDON, Ms. LEE, and Mr. ELLSWORTH.
H.R. 6210: Mr. CARNEY, Mr. WEXLER, Mrs. GILLIBRAND, and Mr. MICHAUD.
H.R. 6283: Mr. BOUCHER.
H.R. 6355: Mr. SHERMAN.
H.R. 6407: Mr. YARMUTH and Mr. BRALEY of Iowa.
H.R. 6411: Ms. SUTTON.
H.R. 6434: Ms. MATSUI and Mr. HONDA.
H.R. 6444: Mr. CASTLE.
H.R. 6453: Mr. HUNTER.
H.R. 6466: Mr. SCALISE.
H.R. 6479: Ms. ZOE LOFGREN of California, Ms. ESHOO, and Ms. SPEIER.
H.R. 6495: Mr. WU.
H.R. 6508: Ms. SCHAKOWSKY, Mr. GRIJALVA, and Mr. BLUMENAUER.
H.R. 6525: Mr. HONDA.
H.R. 6528: Ms. WOOLSEY.
H.R. 6534: Mr. SHADEGG.
H.R. 6558: Mr. ROHRABACHER, Mr. MCCARTHY of California, and Mr. NUNES.
H.R. 6559: Mr. SCOTT of Georgia.
H.R. 6562: Mr. KUHL of New York, Mr. KAGEN, Mr. MICHAUD, Mr. PLATTS, Mr. STUPAK, Mr. TANCREDO, Mr. GRAVES, Mr. ALLEN, Mr. PASTOR, Mr. THORNBERRY, and Mr. CLEAVER.
H.R. 6566: Mr. SAM JOHNSON of Texas, Mr. WELDON of Florida, Mr. MCHENRY, Mr. KINGSTON, Mr. WELLER, and Mr. RYAN of Wisconsin.
H.R. 6568: Mr. RYAN of Ohio.
H.R. 6597: Mr. BERMAN.
H.R. 6598: Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LOBIONDO, Ms. BERKLEY, Mr. ELLISON, Mr. CASTLE, Ms. BORDALLO, Mr. SHAYS, Mr. PORTER, Ms. LEE, Mr. HALL of New York, Mr. BILBRAY, and Mr. PAYNE.
H.R. 6630: Mr. LIPINSKI.
H.R. 6632: Mr. REGULA.

H.R. 6640: Mrs. MUSGRAVE.
H.R. 6641: Ms. BALDWIN.
H.R. 6652: Ms. JACKSON-LEE of Texas and Mr. CALVERT.
H.R. 6692: Mr. SKELTON and Mr. KUHL of New York.
H.R. 6702: Mr. PASTOR.
H.R. 6709: Mr. DAVIS of Alabama, Mr. KAGEN, Mr. JONES of North Carolina, Mr. PETERSON of Minnesota, Mr. GORDON, Mrs. MYRICK, Mr. FALEOMAVAEGA, Mr. COBLE, Mr. DENT, Mr. RODRIGUEZ, Mr. KIRK, and Ms. JACKSON-LEE of Texas.
H.R. 6742: Ms. WOOLSEY.
H.R. 6749: Mr. HINCHEY.
H.R. 6763: Mr. CHABOT, Mr. CHANDLER, Mr. HARE, Mr. MCCOTTER, and Mr. PLATTS.
H.R. 6783: Mr. GOHMERT and Mr. POE.
H.R. 6788: Mr. BUYER.
H.R. 6789: Mr. GOODE.
H.R. 6792: Mr. HARE, Mr. HINOJOSA, and Mr. MICHAUD.
H.R. 6796: Ms. SCHAKOWSKY and Ms. NORTON.
H.R. 6798: Mr. FRANK of Massachusetts and Mr. ROGERS of Alabama.
H.R. 6832: Mr. PORTER.
H.J. Res. 79: Mr. PAYNE, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. HARE, and Mr. COHEN.
H.J. Res. 89: Mr. WELDON of Florida.
H.J. Res. 91: Mr. MORAN of Virginia.
H. Con. Res. 253: Mr. STARK.
H. Con. Res. 284: Mr. GOHMERT, Mr. PENCE, Mr. RADANOVICH, Mr. WELDON of Florida, and Mr. WOLF.
H. Con. Res. 360: Mr. GUTIERREZ, Mr. STARK, Mr. THOMPSON of California, and Mr. SERRANO.
H. Con. Res. 362: Mr. MCCRERY and Mr. HERGER.
H. Con. Res. 393: Mr. FRANK of Massachusetts.
H. Res. 102: Mrs. MYRICK.
H. Res. 671: Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. LATHAM, Mr. WU, Mr. LEVIN, Ms. ZOE LOFGREN of California, Mr. FRANK of Massachusetts, and Mr. BISHOP of New York.
H. Res. 985: Mr. ROSS.
H. Res. 1000: Mr. MARKEY.
H. Res. 1042: Mr. FEENEY, Mr. BOYD of Florida, Mr. CONYERS, Mr. GRAVES, Mr. MELANCON, Mr. WEXLER, Mr. MEEK of Florida, Ms. BERKLEY, and Mr. ROSS.
H. Res. 1179: Mr. BUCHANAN and Mr. SHERMAN.
H. Res. 1227: Mr. MCNULTY.
H. Res. 1232: Mr. MCNULTY.
H. Res. 1258: Mr. MCDERMOTT.
H. Res. 1300: Mr. RUSH, Ms. ESHOO, and Ms. SCHAKOWSKY.
H. Res. 1303: Mrs. MYRICK, Ms. ROYBAL-ALLARD, and Mrs. BIGGERT.
H. Res. 1306: Mr. SHAYS.
H. Res. 1328: Mr. SHUSTER, Mr. SIRES, Mr. SESSIONS, Ms. NORTON, Mr. GORDON, Mr. FARR, Mr. BOUSTANY, and Mr. BARRETT of South Carolina.
H. Res. 1329: Mr. SESTAK.
H. Res. 1333: Mr. ENGEL, Mr. HILL, Mr. TOWNS, Ms. HOOLEY, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr. HIGGINS, Mrs. MALONEY of New York, Mr. KING of New York, Mr. HINCHEY, Ms. BALDWIN, Mr. WAXMAN, Mr. SERRANO, Mr. INSLEE, Mr. BUTTERFIELD, Mr. NADLER, Mr. LAMPSON, Mr. TAYLOR, Ms. LEE, Mr. DOYLE, Mr. SCHIFF, Ms. HIRONO, and Ms. SLAUGHTER.
H. Res. 1369: Mr. HINOJOSA, Mr. DOGGETT, and Mr. CAPUANO.
H. Res. 1386: Mr. HINCHEY, Ms. ZOE LOFGREN of California, Mr. MCDERMOTT, Mr. BACHUS, and Mr. MORAN of Virginia.
H. Res. 1387: Mr. SCOTT of Georgia.
H. Res. 1401: Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. RADANOVICH, Mr. BERMAN, and Mr. HONDA.
H. Res. 1402: Mr. MORAN of Virginia.
H. Res. 1407: Mr. HINCHEY.
H. Res. 1410: Ms. WOOLSEY.
H. Res. 1411: Mr. MARKEY and Mr. BARTON of Texas.
H. Res. 1416: Mr. DAVIS of Kentucky, Mr. MCCAUL of Texas, Mr. HINOJOSA, and Mr. MCCRERY.
H. Res. 1418: Mr. MCHUGH and Mr. PUTNAM.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Nick Rahall or a designee to H.R. 3667 the Missisquoi and Trout Rivers Wild and Scenic Study Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Representative Rob Bishop or a designee to H.R. 3667 the Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

305. The SPEAKER presented a petition of the City Council of Cotati, Sonoma County, relative to Resolution No. 08-46 entitled, ''A Resolution Of The City Council Of The City Of Cotati Adopting A Petition To Impeach President George W. Bush And Vice President Richard Cheney''; to the Committee on the Judiciary.

306. Also, a petition of the Arizona Commission on Indian Affairs, relative to Resolution No. 2008-01 petitioning the Congress of the United States to obtain adequate funding for the single school concept to serve the students of Hopi Day School and Hotevilla-Bacavai Community School; jointly to the Committees on Natural Resources and Education and Labor.

EXTENSIONS OF REMARKS

HONORING WORLD WAR II VETERANS 1ST CLASS MACHINIST MATE ROYCE DAVID AND SIGNALMAN THIRD CLASS JACK GOODWIN

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize two World War II veterans, 1st Class Machinist Mate Royce David and Signalman Third Class Jack Goodwin, for their distinguished service in the U.S. Navy.

On the morning of April 16, 1945, Japanese suicide pilots in the South Pacific attacked the USS *Laffey* and nearby sister ship USS *LCS 51*. The heavy strikes began at 8:27 a.m. when two planes headed for the bow and two other planes headed for the stern of USS *Laffey*. With the assistance of USS *LCS 51*, all four planes were shot down. In fact, it would take six more kamikazes to finally penetrate the ships. The USS *Laffey* caught fire when the seventh plane crashed. While most ships would sink after just one plane hit, *Laffey* withstood eight more plane crashes and bombs.

All total, twenty-two planes attempted to attack the USS *Laffey*, nine of which were shot down. *Laffey* survived the attacks, despite heavy damage to the ship, including a complete loss of electrical power, and pulled into port the following day.

On board these two ships were two men from North Texas. Mr. David, of Mesquite, Texas, was serving in the engine room of USS *Laffey*. Meanwhile, Mr. Goodwin, of Garland, Texas, was aboard the USS *51*, which picked up several of *Laffey*'s overboard crewmembers, fought fires, and helped shoot down suicide bombers.

Mr. Goodwin, along with the rest of USS *LCS 51* crew, earned the Presidential Unit Citation for his action and assistance on April 16, 1945. A year later, Mr. Goodwin received an honorable discharge from the U.S. Navy Reserves as a Signalman Third Class and returned to Texas to work as a structural ironworker and in the freight industry as a truck driver.

Mr. David served in the U.S. Navy for two more years and then returned to Texas to work for the U.S. Post Office. Sixty-three years later, these two gentlemen are finally receiving their long overdue medals. I am honored to recognize Mr. David for earning the Navy Good Conduct Medal, World War II Victory Medal, American Campaign Medal, Asiatic Pacific Campaign Medal, European-African-Middle Eastern Campaign with one bronze star, the Combat Action Ribbon, a Honorable Service Lapel Pin (Ruptured Duck), and a Discharge Button.

I also want to recognize Mr. Goodwin for earning the Combat Action Ribbon, the Honorable Service Lapel Pin (Ruptured Duck), and the Navy Discharge Button.

Today, these gentlemen live in neighboring cities in North Texas, attend the same church, and have formed a deep friendship.

Madam Speaker, on behalf of the Fifth District of Texas, I am humbled and privileged to recognize Mr. Royce David and Mr. Jack Goodwin. As Calvin Coolidge once said, "The nation which forgets its defenders will itself be forgotten." I for one am committed to ensuring this nation never forgets.

HONORING THE VOLUNTEERS OF THE MUNCIE ROTARY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. PENCE. Madam Speaker, I rise to thank the Rotary Club of Muncie, Indiana for their invaluable service to the residents of my hometown of Columbus, Indiana following catastrophic flooding that city experienced in early June.

"The Power of One," by Tom Farris was published in the Muncie Star Press on August 10, 2008. The article outlines the tremendous support provided by the Muncie Rotary Club and the leadership they provided in the early clean-up efforts. Tom Farris writes:

Often when we think of Rotary relief and assistance programs, we picture people in need halfway around the globe or the worldwide eradication of polio. However, the summertime flooding, which has been labeled a once-in-several-hundred-years disaster, caused hundreds of millions of dollars in damages in Indiana and proved that those in need can be as close as several counties away.

Congressman Mike Pence visited the Muncie Rotary Club on June 17 to provide an update on what had been going on in Washington. But since he had been back in Indiana visiting the flood-ravaged areas of his district, he focused on the extensive damage he had observed in many parts of eastern Indiana, especially severe in the Columbus area . . .

While the Congressman spoke to us, a banner in the Indiana Room at Minnetrista proclaimed the theme ''The Power of One.'' Within 24 hours, ''The Power of One'' was well underway to connect the Muncie Rotary Club to flood victims in Columbus, thanks to Muncie Rotarian Gay Nation, the Club's then incoming chairman for community service. Gay is well-known for taking a project and putting her mind and heart into it for dramatic results. She contacted the Columbus Sunrise and Noon Rotary Clubs to offer help and by the following Tuesday, four work trips were planned—July 12, 19, 26 and Aug. 2—so Muncie Rotary Club members could volunteer to assist in Columbus.

Gay learned bottled water was in great demand, so she clipped coupons from the Sunday edition of The Star Press, contacted retailers and Rotary began accepting donations to purchase water and cleaning supplies. Plus Rotarians began contacting other organizations to make them aware of the needs and to connect them to the relief efforts.

Members of the Muncie Rotary Club participating in the Columbus area flood relief efforts included: Doug Bakken, Marlin Creasy, Roni Johnson, Gay Nation, Jim Needham, Pat Garofolo, Lois Rockhill, Bob Gortner, Loyal Cutforth, Leslie Anderson and Ray Montagno, along with Bill Green, a neighbor of Gay Nation. Tom Kosar from the Muncie Sunrise Rotary Club collected funds for the purchase of 28 cases of water. Columbus Sunrise Rotary Club members assisting with the relief efforts included: Jodi Engelstad (president), Charles Dewey, Mike Ferree, Paula Ferree, Don Harvey, Cindy Greene, Owen Hungerford, Lyn Morgan, Kara Steele, Celeste Racette, Jill Shedd, Mary Tucker, Lacretia Ulery, Bia Carasco (an exchange student from Brazil) and David ''Mac'' McCorry, president of the Columbus Noon Rotary Club.

Additional donors to the project include Muncie Sunrise Rotary Club, which donated 28 cases of water; Lynette Freeman of Cardinal Greenway, more 111 gallons of water, plus 28 cases of water and soda; Mary Alice Hatten, CVS store manager, personally donated two large coolers and 10 cases of water; K-Mart store manager Joetta Roysden donated three large coolers and allowed Rotary to purchase 10 cases of water at a great discount, plus Rotarians donated over $750 to a matching fund to provide a new $3,000 camera for Columbus Regional Hospital. In total, Rotary delivered 2,280 bottles of water.

Never underestimate ''The Power of One'' in getting people engaged to assist neighbors in need—or people they don't even know. Although the flood devastation in the Columbus area didn't receive great media attention, people were hurting and the need for help was real. I think Rotary's Flood Relief Efforts provide a perfect illustration of the Rotary motto ''Service Above Self.''

I commend each of the individuals mentioned in this article, and extend my deepest gratitude to this dedicated group of volunteers who went out of their way to help fellow Hoosiers in need.

RECOGNITION OF CHARLIE WEEMS' SERVICE ON THE LSU BOARD OF SUPERVISORS

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to commend Mr. Charlie Weems and his service on the Louisiana State University (LSU) Board of Supervisors.

For 17 years Mr. Weems served on the LSU Board of Supervisors with meritorious distinction, providing tireless energy and superb leadership.

A former chairman of the Board of Supervisors, Mr. Weems was at the forefront of the long, tedious task of upgrading LSU at Alexandria into an institution granting baccalaureate degrees. During his service, he was a tenacious proponent of the Flagship Agenda and Forever LSU campaign that have generated a Top Tier designation by U.S. News & World Report for the first time in LSU history.

Moreover, Mr. Weems was an ardent supporter of standards that led to significant academic achievement and unparalleled performance by the LSU student body. He was instrumental in hiring leadership of the highest caliber that has thrust LSU into the national spotlight in both academics and athletics.

In addition to serving as chairman of the LSU Board of Supervisors, Mr. Weems also served as the chairman of numerous Board committees, including the Flagship committee, Budget and Finance committee, and Athletics committee.

Earning both a B.S. and law degree from LSU, Mr. Weems is a member of the LSU Law Center Hall of Fame and an LSU Law Center Distinguished Alumnus.

Madam Speaker, I ask my colleagues to join me in commending Mr. Charlie Weems for his remarkable service and contributions to the LSU Board of Supervisors.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS–

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. RUSH. Madam Speaker, unfortunately I have been out on medical leave. I have been unable to cast votes however:

Had I been present for rollcall No. 570, I would have voted "aye." Had I been present for rollcall No. 569, I would have voted "aye." Had I been present for rollcall No. 568, I would have voted "aye." Had I been present for rollcall No. 567, I would have voted "aye." Had I been present for rollcall No. 566, I would have voted "aye." Had I been present for rollcall No. 565, I would have voted "aye." Had I been present for rollcall No. 564, I would have voted "aye." Had I been present for rollcall No. 563, I would have voted "aye." Had I been present for rollcall No. 562, I would have voted "aye." Had I been present for rollcall No. 561, I would have voted "nay." Had I been present for rollcall No. 560, I would have voted "nay." Had I been present for rollcall No. 559, I would have voted "aye." Had I been present for rollcall No. 558, I would have voted "nay." Had I been present for rollcall No. 557, I would have voted "aye." Had I been present for rollcall No. 556, I would have voted "aye." Had I been present for rollcall No. 555, I would have voted "nay." Had I been present for rollcall No. 554, I would have voted "aye." Had I been present for rollcall No. 553, I would have voted "aye." Had I been present for rollcall No. 552, I would have voted "aye." Had I been present for rollcall No. 551, I would have voted "nay."

Had I been present for rollcall No. 550, I would have voted "aye." Had I been present for rollcall No. 549, I would have voted "aye." Had I been present for rollcall No. 548, I would have voted "aye." Had I been present for rollcall No. 542, I would have voted "aye." Had I been present for rollcall No. 541, I would have voted "aye." Had I been present for rollcall No. 540, I would have voted "aye." Had I been present for rollcall No. 539, I would have voted "aye." Had I been present for rollcall No. 538, I would have voted "aye." Had I been present for rollcall No. 537, I would have voted "aye." Had I been present for rollcall No. 536, I would have voted "aye." Had I been present for rollcall No. 535, I would have voted "aye." Had I been present for rollcall No. 534, I would have voted "aye." Had I been present for rollcall No. 533, I would have voted "aye." Had I been present for rollcall No. 532, I would have voted "aye." Had I been present for rollcall No. 531, I would have voted "aye." Had I been present for rollcall No. 530, I would have voted "aye." Had I been present for rollcall No. 529, I would have voted "nay." Had I been present for rollcall No. 528, I would have voted "nay." Had I been present for rollcall No. 527, I would have voted "aye." Had I been present for rollcall No. 526, I would have voted "aye."

Had I been present for rollcall No. 525, I would have voted "aye." Had I been present for rollcall No. 524, I would have voted "aye." Had I been present for rollcall No. 523, I would have voted "aye." Had I been present for rollcall No. 522, I would have voted "aye." Had I been present for rollcall No. 521, I would have voted "aye." Had I been present for rollcall No. 520, I would have voted "aye." Had I been present for rollcall No. 519, I would have voted "aye." Had I been present for rollcall No. 518, I would have voted "aye." Had I been present for rollcall No. 517, I would have voted "aye." Had I been present for rollcall No. 516, I would have voted "aye." Had I been present for rollcall No. 515, I would have voted "nay." Had I been present for rollcall No. 514, I would have voted "aye." Had I been present for rollcall No. 513, I would have voted "aye." Had I been present for rollcall No. 512, I would have voted "aye." Had I been present for rollcall No. 511, I would have voted "aye." Had I been present for rollcall No. 510, I would have voted "aye." Had I been present for rollcall No. 509, I would have voted "aye." Had I been present for rollcall No. 508, I would have voted "aye." Had I been present for rollcall No. 507, I would have voted "aye." Had I been present for rollcall No. 506, I would have voted "nay."

Had I been present for rollcall No. 505, I would have voted "nay." Had I been present for rollcall No. 504, I would have voted "aye." Had I been present for rollcall No. 503, I would have voted "nay." Had I been present for rollcall No. 502, I would have voted "nay." Had I been present for rollcall No. 501, I would have voted "aye." Had I been present for rollcall No. 500, I would have voted "aye." Had I been present for rollcall No. 499, I would have voted "aye. Had I been present for rollcall No. 498, I would have voted "aye." Had I been present for rollcall No. 497, I would have voted "aye." Had I been present for rollcall No. 496, I would have voted "aye." Had I been present for rollcall No. 495, I would have voted "aye." Had I been present for rollcall No. 494, I would have voted "aye." Had I been present for rollcall No. 493, I would have voted "aye." Had I been present for rollcall No. 492, I would have voted "aye." Had I been present for rollcall No. 491, I would have voted "aye." Had I been present for rollcall No. 490, I would have voted "aye." Had I been present for rollcall No. 489, I would have voted "aye." Had I been present for rollcall No. 488, I would have voted "aye." Had I been present for rollcall No. 487, I would have voted "aye." Had I been present for rollcall No. 486, I would have voted "aye."

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HONORING THE PHOENIXVILLE AREA VIOLENCE PREVENTION NETWORK

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor an organization that has been committed for nearly a decade to improving the quality of life in Southeastern Pennsylvania.

The Phoenixville Area Violence Prevention Network has been working with community leaders since 1999 on strategies for strengthening neighborhoods and aiming to rid the Borough of violence. With countless hours of hard work and scores of dedicated volunteers, this organization has brought together schools, church groups and other members of the community to institute a call for peace and zero tolerance for violence.

The network will commemorate its ninth annual Day of Remembrance and Hope on Sunday, September 14 in Reeves Park. The event will remember the victims of violence, promote anti-violence activities and recognize local individuals who exemplify and work to advance peace in the community.

Madam Speaker, I ask that my colleagues join me today in recognizing the Phoenixville Area Violence Prevention Network and all those who give some of their time and energy in hopes of building better communities.

MR. STEVE TOKARSKI

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. VISCLOSKY. Madam Speaker, It is with great honor and pleasure that I stand before you today to recognize Mr. Steve Tokarski. I can truly say that when it comes to service to one's community, few people can match the outstanding efforts of Steve Tokarski. Steve has always been a dedicated, distinguished, and honorable citizen. Having known him for many years, I can say with certainty that he is one of the most involved citizens I have ever known. Steve has served the Polish American community in Northwest Indiana and beyond for many years, and for his efforts, he will be honored at a banquet hosted by the Silver Bell Club on Sunday, September 21, 2008, at the Salvatorian Monastery in Merrillville, Indiana.

An attorney by trade, Steve began his career after completing his Doctor of Jurisprudence degree from the Indiana University School of Law in 1969. Prior to that, he attended Purdue University, where he earned his Bachelor of Arts degree. Mr. Tokarski's desire to serve his community, paired with his passion for his chosen profession, eventually led to him serving not only as a deputy prosecutor for Lake County, Indiana, but also as the attorney for the City of Lake Station and the Town of Schererville. Steve's knowledge of law and his overwhelming desire to serve his community made him a perfect fit to continue his work on behalf of the Polish American community, and his willingness to serve has made him very successful in the many posts he has held.

Indisputably, Steve Tokarski has been extremely successful throughout his legal career. However, his efforts on behalf of the Polish American community have truly set him apart from his peers. As a member of the Polish National Alliance (PNA), he has served as the Director for the Indiana/Michigan region, as a member of the Board of Directors, as Chairperson of the Rules and Regulations Committee, and as a member of the Education Committee, the Financial Control Committee, and the Membership Committee. He also served as Parliamentarian, First Vice-Chairperson, and Secretary for various conventions. Additionally, Steve has served as President of PNA Council Number 127 and of PNA Lodge Number 2365—Silver Bell Club.

In addition to his efforts with the PNA, Steve has also been extremely active in the Polish American Congress (PAC), currently serving as the President for its Indiana division, a position he has maintained since 1977. Mr. Tokarski has also served as the National Director and the Parliamentarian for the Council of National Directors of the PAC and as Chairperson of the By-Laws and Grievance Committees. He has also served as Vice President of the PAC's charitable foundation since 1995.

Steve's community involvement does not end with his service to these two outstanding organizations. He is also an active member of several Purdue University alumni associations, as well as the Purdue President's Council, and he has held positions as Secretary-Treasurer

and State Vice President of the National Advocates Society since 1984.

When not engaged within the community, Steve spends his spare time with his loving wife of 35 years, Marsha. Steve and Marsha, a stained glass artist and former science teacher, have two sons: David and Christopher.

Madam Speaker, Steve Tokarski has given his time and efforts selflessly to his church, his community, and the Polish American people of Northwest Indiana and beyond. His efforts have touched the hearts of many people throughout the years, and at this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service and dedication.

IN RECOGNITION OF THE RETIREMENT OF COLONEL RICKY CREWS, UNITED STATES AIR FORCE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. MILLER of Florida. Madam Speaker, I rise to honor the service of Colonel Ricky Crews, U.S. Air Force, who is retiring after 33 years of dedicated service to this Nation. A graduate of the University of West Florida and Troy State University, Colonel Crews is the Installation Inspector General for the 94th Airlift Wing, Dobbins Air Reserve Base, GA. Colonel Crews acted as the ''eyes and ears'' of the Wing Commander as he identified and corrected problems and coordinated the installation Fraud, Waste and Abuse monitoring program.

Colonel Crews enlisted in the Air Force in 1975. He completed basic training at Lackland AFB, TX before receiving specialized training at Keesler AFB, MS in Signals Intelligence. He performed tours of duty with the 6987th Security Group at Shu Lin Kou, AS in Taipei, Taiwan and with the 6917th Security Group, at San Vito AS, in Brindisi, Italy. He finished his active duty commitment with an assignment as a Communications Specialist at Strategic Air Command Headquarters in Omaha, NE.

Colonel Crews joined the Air Force Reserve in 1979 at Eglin Air Force Base Aux Field 3 (Duke Field), FL as an Airborne Weapons Mechanic, flying AC–130A Gunship missions worldwide. Upon his commissioning in 1983 through Officer Training School, he was assigned back to the 711th Special Operations Squadron at Eglin AF Aux Field 3 (Duke Field), FL, as a Fire Control Officer. He was responsible for directing and controlling the tactical operations of the AC–130A aircraft during both training and actual combat operations. In 1988, Colonel Crews moved forward in the AC–130A to assume the duties of Mission Navigator. During his assignment at Duke Field, Colonel Crews participated in several real world contingencies including operations in Panama, Haiti, and Iraq.

Colonel Crews' other assignments include: the 911th Airlift Wing, Pittsburgh, PA, the 908th Airlift Wing, Assistant Director of Operations for the 357th Airlift Squadron, 908th Operations Support Flight Commander and the Deputy Commander, 908th Operations Group, Air Force Reserve Command in Maxwell AFB, AL, 908th Aeromedical Evacuation Support, and the 908th Operations Support Squadron. This assignment included recruiting, equipping and training combat aircrews to ensure combat readiness to meet all Air Force Reserve and global airlift requirements in peace and wartime in support of the Total Force. While assigned at Maxwell, Colonel Crews served in both Afghanistan and Iraq in support of the Global War on Terror.

A navigator with over 3,500 hours, Colonel Crews has flown global close air support and airlift missions including combat missions in Iraq, Kuwait and Afghanistan and combat support missions in Panama, Haiti, Qatar and Uzbekistan. He completed Air War College in 2004 and Air Command and Staff College in 2001.

Madam Speaker, few can match the dedication and professionalism of Colonel Ricky Crews. He is a man of honor and a man of principle. On behalf of the United States Congress and a grateful Nation, I wish to thank Colonel Crews for his years of dedicated service. Vicki and I wish him, his wife, Debbie, and their daughter, Alyssa Ivey our best wishes for continued success and happiness in the future.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF MR. AND MRS. JOE ADERHOLT

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House to pay recognition to an important day in the lives of two constituents of mine, Mr. and Mrs. Joe Aderholt.

On August 24, the Aderholts celebrated their 50th wedding anniversary. Joe Marvin Aderholt was born on March 25, 1936, in Cedar Springs, AL, and his wife, Mary Jane Finley, was born on September 19, 1936 also in Cedar Springs. Joe and Jane met and married in the small community of Weaver, AL. Over the years, they have been blessed with two daughters, Alison and Angie, six grandchildren, and five great-grandchildren. Joe and Jane have been active members of Weaver Baptist Church where Joe has been a soloist in the church choir.

They celebrated their 50th Anniversary on August 23 at Weaver Baptist Church with a reception honoring them given by friends and family.

I would like to congratulate Joe and Jane for reaching this important milestone in their lives. They are shining examples of love and dedication for us all, and I wish them and their family all the best at this important occasion.

HONORING THE MEMORY OF JOSEPH J. MICARE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. BONNER. Madam Speaker, the city of Mobile and the State of Alabama recently lost a dear friend, and I rise today to honor Judge Joseph J. Micare and pay tribute to his memory.

A native of Albany, NY, Joseph Micare served in the U.S. Navy during World War II. He graduated from Albany Law School and was past Venerable of the Albany Chapter of the Sons of Italy and a lifetime member of the Bucci McTeague Post.

Judge Micare served for many years as the chief counsel for the New York Liquor Authority. He worked as an assistant attorney general for the State of New York before he was appointed administrative law judge with the Social Security Administration.

Judge Micare and his family have proudly called southwest Alabama home for the past 25 years.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a friend to many throughout Alabama, as well as a wonderful husband, father, and grandfather.

Judge Joseph L. Micare will be dearly missed by his family—his wife of 35 years, Sharleen McClellan O'Hare Micare; his son, Pascal Micare; his daughters, Jan Micare and Gina Micare; his stepson, Shawn O'Hare; his stepdaughter, Meghan O'Hare; his 10 grandchildren, Deana Corrigan, Marc Micare, Jason Micare, Hanna Spongberg, Kate Spongberg, Brandon Grant, Justin Grant, Sam O'Hare, Jack O'Hare, and Dee Dee Micare; his six great-grandchildren; and his two sisters, Rose Delehanty and Angie Shiek—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

TRIBUTE TO ED SMITH: RETIREE OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. FILNER. Madam Speaker, I rise today to honor a long-time leader in the labor movement, Ed Smith. I am very proud and happy to join with the San Diego Labor Community in honoring Ed as the ''2008 Johns Retiree of the Year!''

Ed began working in small ''Mom and Pop'' grocery stores at the age of 13. By the age of 18, he was a full time journeyman grocery store clerk and a member of Local 1222, Retail Clerks, which is now known as U.F.C.W. 135. In December of 1966, he went to work for Coca-Cola Bottling Company of San Diego as a route sales driver and joined Teamster Local Union 683. While at Coke, he held various leadership positions.

In May of 1977, he went to work for I.T.T. Continental Baking Company-Wonder Bread

as a route sales driver. While at Wonder Bread, he assumed the role of shop steward and quickly became interested in worker's rights. In October 1991, he was appointed trustee to the Executive Board of Teamsters Local 683. In January of 1994, he was hired as a business agent and served in that capacity for 5½ years.

Upon Rich Truffa's retirement in November of 1999, Ed was appointed secretary-treasury, a position he held until his retirement on January 1, 2005. Ed currently resides in San Diego with his wife, Linda. They have been married for 43 years, and have one daughter and two grandchildren, a 12-year old grandson, and an 8-year granddaughter.

In his retirement, our Retiree of the Year, Ed Smith, continues to support and champion worker's rights and remains active in the labor community!

INTRODUCTION OF THE COMMUNITY PROTECTION AND RESPONSE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mrs. MALONEY of New York. Madam Speaker, today I am introducing the Community Protection and Response Act to eliminate confusion in responding to disasters following homeland security events.

One of the major lessons learned in the aftermath of September 11th, 2001 is that timely response is critical. Any delay complicates short-, medium-, and long-term recovery efforts. Sadly, many of the lessons that we have learned have gone without an appropriate response.

In response to the attacks of September 11th, for example, Congress took a series of actions to bring relief to affected areas. These legislative actions along with existing statutes, including the Robert T. Stafford Relief and Emergency Act and the Disaster Mitigation Act, formed the framework for the Federal Government's response. The magnitude of the attacks and the need for Congress to take action before certain relief could be delivered added to the challenge of the recovery efforts and exposed critical weaknesses in Federal authority to respond.

The Community Protection and Response Act would amend the Stafford Act along with other statutes and would give the President a series of policy options to choose from following a homeland security event. A homeland security event is defined as an event that poses a significant risk to the security of people and property and is of such magnitude that effective response is beyond the scope and capability of the affected State and local government. Many of these options are based on congressional action following September 11th, or other policy suggestions in reports by the Congressional Research Service, the General Accounting Office and the New York branch of the Federal Reserve. Specifically, in the event of a homeland security event, the President can provide grants for lost tax revenue, aid to school systems, and assistance to medical facilities and utility companies. The bill also establishes guidelines to ensure the public health of area residents and disaster workers.

This bill is an important failsafe and preventative measure that will ensure America is prepared to respond to any homeland security event in the future.

IN RECOGNITION OF THE 165TH ANNIVERSARY OF THE FOUNDING OF THE HOPEWELL METHODIST EPISCOPAL CHURCH

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the members of Hopewell Methodist Episcopal Church in Valley, Alabama, who on September 7, 2008, celebrated their congregation's 165th anniversary.

Church founder James M. Spear began holding Methodist class meetings in his home in the early 1840s. Hopewell's first church was erected in 1843, and the congregation moved to the current site in 1853. Since that time, the church has seen many changes, including renovations to its historic sanctuary and the addition of a parsonage in 1966. The celebration on September 7th paid tribute to the work of Hopewell on behalf of its members and community.

I am pleased to recognize the Hopewell Methodist Episcopal Church today for reaching this important milestone in the history of their congregation and wish its members all the best in its next 165 years of faith and witnessing in the community.

HONORING THE SPECIAL ACHIEVEMENTS OF JIM TUCKER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. COSTA. Madam Speaker, I rise today along with my colleagues from California, Mr. RADANOVICH, Mr. NUNES and Mr. CARDOZA to pay tribute and congratulate the distinguished public service and educational career of Mr. Jim Tucker. After 19 years, Jim Tucker is leaving his position as host of the Valley Press Show. Mr. Tucker will be honored at a reception held by Valley Public Television on Wednesday, August 27, 2008.

During his 19 years of service, Mr. Tucker has hosted the Valley Press Show and has interviewed more than 1,500 guests on more than 650 episodes and hosted 40 political debates. His guests included national, state and local politicians, celebrities, authors, historians, sports figures, religious, educational and community leaders, as well as, numerous members of our local Valley media. He planned, prepared, wrote, scheduled and hosted the weekly program. Valley Press is the signature KVPT public affairs program; it provides viewers with an in-depth look at major local area news stories. Mr. Tucker has been responsible for researching topics of interest and contacting the numerous guests for the program. Mr. Tucker has dedicated himself tirelessly to KVPT—Valley Public Television and to his community.

Mr. Tucker also taught journalism in the Mass Communications Department at California State University, Fresno. Due to his vast wisdom and knowledge of journalism and reporting, he has been honored with many distinctions recognition awards throughout the years. His awards include Outstanding Journalism Professor of the Year in 1996, twice nominee for a regional Emmy award and California State University of Fresno Provost's Award for excellence in Teaching in 1997.

For those who have had the wonderful opportunity to be one of the guests on Jim's show, it has always been a learning experience. The same dedication and knowledge of journalism he shared with his students at Fresno State was always demonstrated in his efforts to bring as much information as possible from his guests to the public at large. That is what made his show one of the best of its kind, and why he had such a large following throughout the Valley and across the entire political spectrum. As a result, Jim Tucker is the quintessential journalist; always seeking answers to tough questions in an attempt to try and better inform the public, who are the critical link in making representative democracy work effectively.

Madam Speaker, I rise today to commend and congratulate Jim Tucker upon his retirement from Valley Public Television. As a valley resident his journalistic integrity and credibility have been greatly appreciated. Upon his retirement, as he prepares to spend more time with his family and endeavors of interest to him, we thank him for his service and we wish him continued success and best of luck for the future.

HONORING THE DEDICATION OF RUDDER HIGH SCHOOL IN BRYAN, TX

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. EWARDS of Texas. Madam Speaker, I rise today to honor the newly dedicated James Earl Rudder High School in the community of Bryan-College Station, TX.

There is something very special about the dedication of a new school. It is a place where so many lives will be shaped, so many memories made, a place where hopes for a better world will become a reality. Add to that that James Earl Rudder was a true American hero, and it makes the dedication of this high school a memorable event in the history of Brazos County.

Superintendent Cargill and Principal Piatt, thank you for giving me the privilege of being there, because the Rudder family has had a very personal impact on my life. Mrs. Earl Rudder was like a second mother to me, although in fairness, I should point out that she

effectively adopted thousands of Aggies over several generations. That did not make her any less special to me, and I want to thank Ann, Linda, Bud and Bob for sharing for so many years your mother and father with all of us in your extended Aggie family.

I never met General Rudder, because he died just months before I enrolled at A&M in 1970, but like every American and every citizen of the world who benefited from the defeat of Nazi forces in World War II, I am the beneficiary of his indomitable courage on D-Day, which marked the beginning of the end for Hitler's plan of world domination.

In a more personal way, I paid for my graduate school education with the scholarship I received when I was awarded the Earl Rudder Award upon my graduation from A&M in 1974. Nevertheless, receiving that award has always been a source of deep humility to me, because I know that I could not even walk in the shadows of this great American's shoes.

I want to salute the school board members, Superintendent Cargill, Principal Piatt, and all who made this new school possible. James Earl Rudder High School is far more than brick, glass and mortar, because a school represents the very best of our values as a community. This school represents the commitment of one generation to the next. It represents this community's willingness to tax itself to ensure that its children have a fair chance to reach their highest God-given potential.

It is in our schools and houses of worship that we witness our best sense of community, a sense that we truly are our brothers' keepers. It is in our schools that we Americans strive to provide for equality of opportunity for all. Ours is an imperfect, never ending journey, but in that march toward equality for all, we show our greatness and goodness as a nation.

Thomas Jefferson was the 33-year-old author of our Declaration of Independence. He was our third and one of our greatest Presidents. Yet, before he died, he made it clear that he wanted it etched on his gravestone that he was the founder of a university. In his wisdom, Thomas Jefferson understood the importance of education to our democracy.

Two centuries later, I believe that each of you who played a role in founding James Earl Rudder High School shares the right to be proud of your accomplishment. It is my hope that the life and values of Earl Rudder will be an inspiration to every student here from this day forward. We should never forget the story of Earl Rudder, because his is the story of the American spirit. It is a story from which we can all learn.

Born in the small town of Eden, Texas, Earl Rudder did not inherit material wealth, but his family, faith and education helped mold a true leader. Like so many Americans, he dedicated his life to helping others, to serving his country.

After graduating from Texas A&M in 1932, Earl Rudder was commissioned as a Second Lieutenant in the U.S. Army Reserves. He then chose the noble profession of teaching—first as a coach and teacher at Brady High School and later at Tarleton State College. In 1941, his country called him to duty, and did he ever answer that call. Rising through the ranks because of his integrity, courage and leadership skills, he was chosen to lead the 2nd Ranger Battalion by one of the most respected Generals to ever serve in the U.S. Army, General Omar Bradley.

His D-Day mission was to lead the best of the best up the 100-foot cliffs of Pointe du Hoc to disarm massive German guns that could have killed thousands of American G.I.s and put the Allied invasion of France at risk.

General Bradley said this about the responsibility given then Lt. Colonel Earl Rudder:

"No soldier in my command has ever been wished a more difficult task than that which befell the thirty-four-year-old Commander of this Provisional Ranger Force."

Two hundred and twenty-five Rangers began their mission on that perilous day when literally the fate of the world was in their hands. Only ninety-nine survived, but because of the heroism of Earl Rudder and Rudder's Rangers that day, our world survived the tyranny of Adolf Hitler. Lt. Colonel Rudder, this great Aggie and American, didn't stop there. He went on to lead a unit in the Battle of the Bulge and became one of the most decorated veterans of World War II.

Having every right to say his public service was completed at the end of World War II, Earl Rudder did what so many of America's veterans have done throughout our history. He spent the rest of his life in service to others and to the country he loved. He moved back to Brady, Texas and became its mayor. He was elected Land Commissioner of Texas, a position he used to clean up abuses in veterans' land programs.

When he became the President of Texas A&M University, his beloved alma mater, Earl Rudder told his close classmate of '32 and my mentor, Congressman Olin E. Teague, that he had to make a decision that in some ways brought more heat on him than German guns at Pointe du Hoc. He decided to allow women into A&M and to make the Corps of Cadets voluntary for A&M students.

Some Aggies didn't talk to President Rudder ever again. But, just as he did on D-Day, Earl Rudder showed the courage of his conviction. Just as D-Day literally helped save the world as we know it, President Rudder's decision in the 1960s saved the future of Texas A&M. It was, perhaps, the most important decision ever made by any President of Texas A&M, and I am not sure if any other person but Earl Rudder could have made it. In 1967, President Lyndon Johnson presented Earl Rudder with the Distinguished Service Medal, our Nation's highest civilian award.

Love of faith, family and country; courage under fire; integrity; and lifelong service to others—these were the values of Earl Rudder. They are the quintessential American values that have made ours the greatest nation in the world.

My hope is that the story and values of Earl Rudder will inspire the lives of everyone who walks through these doors for generations to come. If so, then ours will be a better community and a better country, and we will have truly honored the service of this American hero.

May God bless James Earl Rudder High School and all who will serve there.

BUD DOGGETT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. HOYER. Madam Speaker, I rise in memory of my good friend, and a pillar of our Washington community, L.B. "Bud" Doggett, Jr. Bud died last month, while Congress was out of session, but I want to take this moment to note how dearly he will be missed, and how many will miss him.

Bud was one of Washington's most successful businessmen, who turned a small parking company founded by his parents into a local business powerhouse. But he was far from content to simply enjoy his success; instead, he made himself into a vital civic leader, contributing immeasurably to Washington's development into a world-class city. Bud was born here in the District, and he always said he never crossed "the Potomac Ocean" unless absolutely necessary. Everyone who lives here is a beneficiary of his dedication to his hometown.

But to Bud, leadership meant service as much as it meant power. He learned the spirit of service in the European Theater of World War II, and he put it to work back home. Perhaps his most lasting accomplishment was the foundation of Heroes Inc., a charity that for the last 45 years has provided for the families of police officers and firefighters killed in the line of duty. As his wife, Cherrie Wanner Doggett, said at his funeral: "What he most loved was watching his friends and the people he loved being happy. His pleasure in life was doing for others—especially when he knew he was helping someone who could never give him anything in return."

Our community was blessed to have a servant-leader like Bud Doggett, for so long. He will be dearly missed.

INTRODUCTION OF THE REPUBLIC OF GEORGIA ENHANCED TRADE ASSISTANCE, ECONOMIC RECOVERY, AND RECONSTRUCTION ACT OF 2008

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. HASTINGS of Florida. Madam Speaker, today I rise to introduce the Republic of Georgia Enhanced Trade Assistance, Economic Recovery, and Reconstruction Act of 2008. This bill will provide urgently needed economic and reconstruction assistance to the people of Georgia following Russia's invasion of that sovereign and independent country last month.

Madam Speaker, the war between Russia and Georgia resulted in the displacement of tens of thousands of men, women, and children from the conflict zone in South Ossetia and elsewhere in Georgia. There is credible evidence that at least some villages were hit because they were populated by ethnic Georgians. As we know, people can't work when

they have nowhere to live and their basic needs are not being met. Additionally, the Russians clearly targeted critical components of Georgia's economic infrastructure for destruction, resulting in the disruption of domestic and regional commerce.

The dire circumstances in the aftermath of the invasion require timely action by the United States and the international community.

As Chairman of the Commission on Security and Cooperation, the body charged by Congress with monitoring human rights throughout Europe and beyond, I am deeply concerned over developments in and around Georgia, a country I have visited on numerous occasions, most recently in January. It pains me that there is a need for the kind of legislation I am introducing today—an urgent measure to aid one OSCE country—Georgia—which is recovering from devastating damage done to its people, economy, infrastructure, and environment by another OSCE country—Russia.

The Helsinki principles were meant to preclude such armed conflict between participating states. Among them were the commitments to refrain from the threat of or use of force to resolve conflicts; and respect for the sovereignty and territorial integrity of other states. In invading Georgia, Russia has violated these OSCE commitments and I am saddened to be compelled to condemn Russia's conduct.

Madam Speaker, it is apparent that Russia deliberately sought to cripple Georgia's economy, wreaking economic hardship and perhaps seeking to foment upheaval. In the process, Russia has sought to degrade key economic and commercial zones in the region, and I'm concerned that the most serious long-term damage could be the loss of confidence in Georgia as a reliable transit point for oil and gas pipelines—currently the only transit point for oil to Europe from central Asia and the Caucasus that does not go through Russia.

This legislation, while it cannot undo all of the damage done to Georgia's economy and infrastructure, will go far in helping Georgia, a strategic U.S. partner, begin to rebuild its economy and critical infrastructure while helping to create new trade, business, and economic opportunities among key countries in the region.

I welcome the administration's announcement of a package of U.S. emergency assistance to be provided to Georgia. My legislation seeks to complement these preliminary efforts with the aim of ensuring the kind of sustained assistance the people of Georgia will need in the coming months to rebuild their lives and country.

Madam Speaker, I urge my colleagues to support this important legislation and ensure its timely passage.

RABBI STANLEY HALPERN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. VISCLOSKY. Madam Speaker, It is with great pleasure and admiration that I congratulate Rabbi Stanley Halpern as he celebrates a milestone, his 20th anniversary as Rabbi at Temple Israel in Gary, IN. Throughout his years of service at Temple Israel, Rabbi Halpern has been one of northwest Indiana's most dedicated and distinguished citizens. The people of northwest Indiana have certainly been rewarded by the service and uncompromising loyalty he has displayed to the parish and the entire community, and for his outstanding efforts, he was recognized at a dinner in his honor at Sand Creek Country Club in Chesterton, IN, on September 6, 2008. As part of the celebration, a very special Shabbat service also took place the previous night.

Stanley Halpern was born and raised in Spokane, WA, where he received an intensive Jewish education at Keneseth Israel Synagogue. Following his graduation from Lewis & Clark High School, he went on to receive his Bachelor's and Master's degrees from the University of Washington, where his studies were focused on Philosophy and Near Eastern Languages and Literature. He also served as Scholar in Residence at Dropsie College in Philadelphia, PA. Following his ordination, Rabbi Halpern spent the next ten years focusing on fundraising and Jewish educational work as the Executive Director of the Bureau of Jewish Education in Sacramento. Finally, in 1988, Rabbi Halpern settled into his first pulpit, Temple Israel in Gary, IN, where he has served since 1988.

Temple Israel's long tradition of dedication to social justice and active involvement in the life of northwest Indiana was a perfect fit for Rabbi Halpern's commitment to Tikkun Olan, the obligation in Judaism of each individual to do all they can for the healing of the world.

Under Rabbi Halpern's leadership, the people of Temple Israel have involved themselves in a myriad of social and community projects, including: the Open Housing Center of Northwest Indiana, the Interfaith Clergy Council of Gary, and Muslim/Jewish Dialogue—Breaking Down Barriers by Breaking Bread Together. Temple Israel has also played a major role in assisting local veterans by teaching skills to prepare them for re-entry into the workforce. Through Rabbi Halpern's involvement with Hospice, the Bio-Ethics Committee of Community Hospital, and AIDS awareness, they have also been very active in Northwest Indiana's health care community, and they have been outstanding advocates in the fight against domestic abuse through their efforts with the Domestic Relations Counseling Bureau of Lake County. With a focus on doing what is right, Rabbi Halpern and Temple Israel have remained active in these causes, all while continuing to prosper in the building of a vibrant Jewish community in northwest Indiana.

Rabbi Halpern and his wife, Carol, reside in Portage, IN. They are the proud parents of one daughter, who also resides in Portage, and Carol's son, who resides in the Boston, MA, area.

Madam Speaker, northwest Indiana is a better place because of the tireless service of people like Rabbi Halpern. He is a man who has dedicated himself to serving others. I ask that you and my other distinguished colleagues join me in commending Rabbi Halpern for his many years of enduring service and the unforgettable effect he has had on the people of Temple Israel, as well as the entire northwest Indiana community, and I ask that you join me in congratulating him on this impressive milestone.

HONORING THE MEMORY OF CHARLES JOSEPH POLLMAN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. BONNER. Madam Speaker, the city of Mobile and the State of Alabama recently lost a dear friend, and I rise today to honor Charles Joseph Pollman and pay tribute to his memory.

A lifelong resident of Mobile, Charles graduated from McGill Institute and Spring Hill College. He served in the U.S. Army Air Corps, Second Air Division, in Norwich, England, during World War II.

After his service in the war, he used his veteran benefits to attend the Dunwoody Institute in Minneapolis, MN, where he studied baking. He followed in the footsteps of his father, Fred Pollman Sr., and became owner and operator of his parents' bakery, Pollman's Bake Shop. He started working in the family bakery when he was just 12 years old, and at the age of 88, he was still going to the bakery several days a week.

Three generations of the Pollman family have been baking in Mobile since 1918, and his passing is a tremendous loss to the city. Every Mobilian cherishes Pollman brownies, and many a schoolchild in Mobile County has carried a Pollman po'boy in their lunch box. From ham biscuits to king cakes—Pollman's is the place to go downtown or in west Mobile. It is not an overstatement to say that thousands of wedding cakes have had the Pollman touch.

Charles Pollman also devoted much of his time to his community. He was a member of St. Pius X Catholic Church and the Knights of Columbus Council No. 666.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a friend to many throughout southwest Alabama, as well as a wonderful husband and devoted father. Charles Pollman will be dearly missed by his family—his wife, Beverly Pollman; their six children, Chase J. Pollman, Mary Corinne Pollman, Thomas L. Pollman, Leannah P. Duncan, Frederick J. Pollman, III, and Page H. Pollman; his sister, Mary Pollman Bender; his seven grandchildren, Zachary J. Pollman, Fred J. Pollman, IV, Michelle C. Pollman, Charles B. Duncan, Adrienne D. Duncan, Blake H. Pollman, and T. Bender Pollman—as well as the many countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

RECOGNITION OF THE NORTH CAROLINA AZALEA FESTIVAL

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. McINTYRE. Madam Speaker, it is my great pleasure to rise today to ask you to join me in recognizing the long and important tradition of the North Carolina Azalea Festival, held each year in Wilmington, NC. The North Carolina Azalea Festival's rich history reminds us of its rightful place among our nationally-recognized festivals.

Founded in 1948 as the Wilmington Azalea Festival, the festival has since grown and is now recognized at the North Carolina Azalea Festival. Now, preparing for its 62nd year, this festival deserves to be nationally recognized as a valuable tradition. It is a unique showcase for our community's rich array of artwork, gardens, history and culture through recreational, educational and family-oriented events. Furthermore, the Festival encourages volunteerism and civic participation as it contributes to the region's economy and promotes the rare qualities of Wilmington's river-to-the-sea community.

Throughout the last 62 years the North Carolina Azalea Festival has brought numerous entertainers and celebrities to the port city, including Frankie Avalon, Cab Calloway, Dionne Warwick, Bob Hope, Barbara Mandrell, Marie Osmond, Tom Jones, the Judds, Frank Sinatra, Ronald Reagan, the Beach Boys, Tim McGraw, Jessica Simpson, and Carrie Underwood. Also, it is attended each year by local, State and nationally-elected officials. The 3-day Street Fair along the Cape Fear Riverwalk brings hundreds of thousands of people out to see the local entertainers, arts, crafts, and food booths, multicultural stage performances, fireworks show, and of course the annual North Carolina Azalea Festival Parade. A Coin Show, Horse Show, Boxing Event, Circus, Shag Contest, Queen's Coronation, and Variety Show are among the other events put on by the Festival. Wilmingtonians have long worked to organize this legendary festival so that Americans might come from near and far to enjoy its distinctive charm.

Madam Speaker, thank you for allowing me to speak about one of North Carolina's most treasured events. I rise today to ask my colleagues to join me in recognition of the North Carolina Azalea Festival as a great American tradition.

30TH ANNIVERSARY OF THE AMERICAN CITIZENS ABROAD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise today to recognize the 30th anniversary of American Citizens Abroad, ACA. This organization deserves to be honored for promoting and protecting the rights of the global American community thereby contributing to the political, social and economic prosperity of all Americans.

Americans living abroad are a key demographic in many ways and are often overlooked in Washington. Americans living abroad continue to vote and pay taxes in the United States. Their role in extending American influence around the globe is vital to the well-being of our Nation. Moreover, they are unofficial ambassadors, often the first contact many people around the world have with America and our nation's representatives abroad.

The ACA provides reports containing important information and statistics free of charge to contribute to hearings and debates in the Congress on issues of importance to the American community abroad and to all citizens at home. These efforts are designed to help Congress and the Federal government better understand and serve the members of the American community abroad. The ACA also works hard to ensure that Americans are aware of their rights and privileges while living abroad.

The ACA was founded on July 10th, 1978 in Geneva, Switzerland. Since its inception the ACA has brought together U.S. citizens living all over the world to work together to promote and protect their rights. As a cofounder of the Americans Abroad Caucus with Rep. JOE WILSON, it gives me great pleasure to stand before this Congress and honor the 30th anniversary of this wonderful organization.

IN MEMORY OF MR. S. LEE KLING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. SKELTON. Madam Speaker, it is with deep sadness that I inform the House of the death of Mr. S. Lee Kling of Country Life Acres, Missouri.

Mr. Kling was born and raised in St. Louis, Missouri. He attended the New York Military Academy and graduated from Washington University, St. Louis. He served in the U.S. Army from 1950 to 1952.

Mr. Kling had a commitment to political service that broke the boundaries of partisanship. He worked as finance chairman for the Democratic National Committee and served as treasurer of President Jimmy Carter's re-election campaign and treasurer of Congressman Richard Gephardt's presidential committee. He received the Democratic National Committee's Distinguished Service Award in 1982. Mr. Kling also held fundraisers for several Republican candidates, and in 2006, Governor Matt Blunt appointed him to the Missouri Veterans' Commission, as well as the Missouri Development and Finance Board in the spring of 2008.

Mr. Kling's political dedication also extended to the international level. In 1977, he represented President Carter at the funeral of the president of Cyprus, Archbishop Makarios III. He co-chaired a committee for the ratification of the Panama Canal treaties. In 1979, he served as an economic adviser during the peace negotiations between Israel and Egypt. He was also a civilian aide to Secretary of the Army.

Mr. Kling was appointed by President Clinton to head the Base Realignment and Closure Commission in 1995. Three years later, Gephardt asked him to head the Amtrak Reform Council. In addition, Mr. Kling was the chairman of the board of the Bames-Jewish Hospital Foundation and chairman of the Kling Co., an insurance, consulting and investment firm.

Madam Speaker, Mr. Kling was a valuable leader, businessman, philanthropist, and public servant. I know the members of the House will join me in extending heartfelt condolences to his family: his wife, Rosalyn Kling; his four sons, Stephen, Lee, Allan and Frank; and his two grandchildren.

HONORING THE DISTINGUISHED SERVICE OF THE HONORABLE ROBERT H. OLIVER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. COSTA. Madam Speaker, I rise today along with my colleagues from California, Mr. RADANOVICH, Mr. NUNES and Mr. CARDOZA to pay tribute to the distinguished public service of Judge Robert H. Oliver. After more than 15 years, Judge Oliver is stepping down as Chairman of the California State University, Fresno Board of Governors in September of this year.

During his tenure with the University, Robert worked tirelessly to improve the Foundation Board, and its service to both the school and the community by increasing the orderly annual contributions to the University Advancement Division, as well as developing a strong executive committee structure within the organization. It is because of these endeavors and others like them that Robert was able to serve the second longest term as Chairman in the 76 year history of the foundation. It goes without saying that his dedication to the community is to be commended.

Due to his vast wisdom and knack for educating others, Robert was frequently called upon to lecture on or moderate discussion of a diverse variety of issues including: domestic violence, the history of traditional jazz in America, juvenile justice, and leadership in the volunteer sector. Throughout his distinguished career, Robert has served on numerous committees, boards, and panels such as the Fresno County Interagency Council for Children and Families, the Rotary Club of Fresno, and the Board of Governors of the State Bar of California. His service and work have been recognized by countless awards and honors, not the least of which is his recognition as an "Outstanding Alumnus" from both the Craig School of Business at California State University, Fresno and Golden Gate University School of Law in San Francisco.

Throughout his career, Robert Oliver has proven to be a highly effective leader who was always committed to excellence in public service. As he gets ready to spend more time on other causes and endeavors of interest to him, we thank him for his service and we wish him continued success and best of luck for the future.

HONORING THE LIFE OF CITY COUNCILMEMBER MATT GARCIA OF THE FAIRFIELD, CA CITY COUNCIL

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Councilmember Matt Garcia, who faithfully served the city of Fairfield and whose life was tragically taken last week.

Councilman Garcia, in his 22 years, made an indelible mark on the city of Fairfield and as a young leader he inspired many to make this a better world through service and sacrifice.

As the youngest member ever elected to the Fairfield City Council, Matt understood the potential for young people to effect change in their communities.

He coached Little League, rejuvenated the Fairfield Youth Commission, and vigorously supported the Police Athletics League; Councilman Garcia was a tireless advocate for the youth of Fairfield.

At the age of 16, Matt told his fellow students that he would become the mayor of Fairfield one day and never lost sight of that goal.

From his days at Armijo High to his victorious race for City Council, Matt was able to bring together diverse people and organizations.

My thoughts and prayers are with Councilmember Garcia's family and our community at this very difficult time. I am deeply saddened by his passing and know his memory will live on for generations through the work of those he inspired.

IN RECOGNITION OF JOHN W. RODGERS—SUPERINTENDENT OF SCHOOLS, SANTA ROSA COUNTY SCHOOL DISTRICT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. MILLER of Florida. Madam Speaker, I rise to recognize my good friend and neighbor, Superintendent Johnny Rodgers. Johnny has been the Superintendent of Schools, Santa Rosa County since 1999. The people of Santa Rosa County re-elected him twice since then and he is retiring from public service at the end of this year.

A career educator, the Pensacola News Journal recently wrote ''For years, Santa Rosa County has relished the title of being a high-performing public school system.'' As Johnny gets ready to turn over the reins to a new superintendent, he should be proud of how good a school system he has led and mentored.

Johnny started his life of public service in 1968 in the United States Air Force. He served honorably in Vietnam and Thailand and upon returning to civilian life, Johnny received his bachelor's and master's degrees from the University of West Florida. Johnny doesn't talk much about his service during the Vietnam conflict but we all know how important his contributions were and I want to thank him again for his service during a time of war.

Before Johnny's current position, he served in numerous public education positions in Santa Rosa County, including teacher, coach, assistant principal and principal. Named Elementary School Principal of the Year in 1994 and Middle School Principal of the Year in 1997, Johnny has done it all.

He has been married to the former Vick Rogers for 40 years and together they have two children and four grandchildren.

HONORING THE MEMORY OF JORGE ALBERTO SUBIRATS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. BONNER. Madam Speaker, the city of Mobile and the State of Alabama, recently lost a dear friend, and I rise today to honor Jorge Alberto Subirats and pay tribute to his memory.

A native of Havana, Cuba, Jorge came to the United States at the age of 12, He, along with his brothers and sisters, left Cuba in 1961 and flew to Miami. Jorge and his siblings soon moved to Birmingham, Alabama, where they were joined by the rest of their family in 1963. Jorge graduated from John Carroll High School in Birmingham in 1967 and from Auburn University in 1972.

A resident of Mobile for 36 years, Jorge was perhaps most widely known for his service as a realtor with Roberts Brothers for 31 years, He was consistently one of the company's top agents each year, an achievement due in large part to the trust and admiration he earned from his clients.

Jorge met every definition of a community leader—he served as a high school teacher and coach, a swim and dive coach, and a Sunday school leader. He was active in many civic organizations, including the Mobile Area Kiwanis Club and the Mobile Association of Realtors.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a friend to many throughout Alabama, as well as a wonderful husband and devoted father. Jorge Alberto Subirats will be dearly missed by his family—his wife of 25 years, Valerie Jean Subirats; their four children, Lindsey Loper, Michael Jorge Subirats, Laura Katherine Subirats, and Katherine Anne Subirats; his mother, Elvira Margaret Subirats; his brothers, Fernando Subirats, Gustavo Subirats, and Luis Subirats; and his two sisters, Silvia Theye and Margaret Hopkins—as well as the many countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

TRIBUTE TO 173RD AIRBORNE PARATROOPERS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mrs. EMERSON. Madam Speaker, I rise to recognize and to submit for the RECORD a story concerning the events of July 13, 2008, and an account of the heroics of the paratroopers of the 173rd Airborne. Reports such as this one remind every American of the bravery, the courage, and the willingness to sacrifice of every servicemember in the U.S. Armed Forces—but this tale is an exceptional example. I am honored to share it with you and with the American people.

I'm sure you heard about 9 soldiers being killed in Afghanistan a couple of weeks ago. As AP reported it, it was a ''setback'', the ''newly established base'' there was 'abandoned' by the Americans. That, of course, was the extent of their coverage.

Steve Mraz of Stars and Stripes and Jeff Emanuel tell the rest of the story. Emanuel, who went out and dug into the story sets the enemy force at 500 while AP sets it at 200. Frankly I'm much more inclined to believe Emanuel than AP.

July 13, 2008 was the date, and Jeff Emanuel, an independent combat reporter sets the scene:

Three days before the attack, 45 U.S. Paratroopers from the 173d Airborne [Brigade Combat Team], accompanied by 25 Afghan soldiers, made their way to Kunar province, a remote area in the northeastern Afghanistan-Pakistan border area, and established the beginnings of a small Combat Outpost (COP). Their movement into the area was noticed, and their tiny numbers and incomplete fortifications were quickly taken advantage of.

A combined force of up to 500 Taliban and al Qaeda fighters quickly moved into the nearby village of Wanat and prepared for their assault by evicting unallied residents and according to an anonymous senior Afghan defense ministry official, ''us [ing] their houses to attack us.''

Tribesmen in the town stayed behind ''and helped the insurgents during the fight,'' the provincial police chief, told The Associated Press.

Dug-in mortar firing positions were created, and with that indirect fire, as well as heavy machine gun and RPG fire from fixed positions, Taliban and al Qaeda fighters rushed the COP from three sides.

As Emanuel notes, the odds were set. 500 vs. 70. Even so, Emanuel entitled his article, ''An Alamo With a Different Ending.'' The 500 terrorists apparently didn't realize they were attacking US Army paratroopers.

The unit in question was 2nd Platoon, Company C, 2nd Battalion, 503rd Infantry Regiment (Airborne), 173rd Airborne Brigade Combat Team, led by 1LT Jonathan Brostrom.

The first RPG and machine gun fire came at dawn, strategically striking the forward operating base's mortar pit. The insurgents next sighted their RPGs on the tow truck inside the combat outpost, taking it out.

That was around 4:30 a.m.

This was not a haphazard attack. The reportedly 500 insurgents fought from several positions. They aimed to overrun the new base. The U.S. Soldiers knew it and fought like hell. They knew their lives were on the line.

The next target was the FOB's observation post, where nine soldiers were positioned on a tiny hill about 50 to 75 meters from the base. Of those nine, five died, and at least three others—Spc. Tyler Stafford among them—were wounded.

When the attack began, Stafford grabbed his M–240 machine gun off a north-facing sandbag wall and moved it to an east-facing sandbag wall.

Moments later, RPGs struck the north-facing wall, knocking Stafford out of the fighting position and wounding another soldier.

Stafford thought he was on fire so he rolled around, regaining his senses. Nearby, Cpl. Gunnar Zwilling, who later died in the fight, had a stunned look on his face.

Immediately, a grenade exploded by Stafford, blowing him down to a lower terrace at the observation post and knocking his helmet off. Stafford put his helmet back on and noticed how badly he was bleeding.

Cpl. Matthew Phillips was close by, so Stafford called to him for help.

Phillips was preparing to throw a grenade and shot a look at Stafford that said, ''Give me a second. I gotta go kill these guys first.''

This was only about 30 to 60 seconds into the attack.

Kneeling behind a sandbag wall, Phillips pulled the grenade pin, but just after he threw it an RPG exploded at his position. The tail of the RPG smacked Stafford's helmet. The dust cleared. Phillips was slumped over, his chest on his knees and his hands by his side. Stafford called out to his buddy three or four times, but Phillips never answered or moved.

''When I saw Phillips die, I looked down and was bleeding pretty good, that's probably the most scared I was at any point,'' Stafford said.

''Then I kinda had to calm myself down and be like, 'All right, I gotta go try to do my job.' ''

The soldier from Parker, Colo., loaded his 9 mm handgun, crawled up to their fighting position, stuck the pistol over the sandbags and fired.

Stafford saw Zwilling's M–4 rifle nearby so he loaded it, put it on top of the sandbag and fired. Another couple RPGs struck the sandbag wall Stafford used as cover. Shrapnel pierced his hands.

Stafford low-crawled to another fighting position where Cpl. Jason Bogar, Sgt. Matthew Gobble and Sgt. Ryan Pitts were located. Stafford told Pitts that the insurgents were within grenade-tossing range. That got Pitts' attention.

With blood running down his face, Pitts threw a grenade and then crawled to the position from where Stafford had just come. Pitts started chucking more grenades.

The firefight intensified. Bullets cut down tree limbs that fell on the soldiers. RPGs constantly exploded.

Back at Stafford's position, so many bullets were coming in that the soldiers could not poke their heads over their sandbag wall. Bogar stuck an M-249 machine gun above the wall and squeezed off rounds to keep fire on the insurgents. In about five minutes, Bogar fired about 600 rounds, causing the M–249 to seize up from heat.

At another spot on the observation post, Cpl. Jonathan Ayers laid down continuous fire from an M–240 machine gun, despite drawing small-arms and RPG fire from the enemy. Ayers kept firing until he was shot and killed.

Cpl. Pruitt Rainey radioed the FOB with a casualty report, calling for help. Of the nine soldiers at the observation post, Ayers and Phillips were dead, Zwilling was unaccounted for, and three were wounded.

Additionally, several of the soldiers' machine guns couldn't fire because of damage. And they needed more ammo.

Rainey, Bogar and another soldier jumped out of their fighting position with the third soldier of the group launching a shoulder-fired missile.

All this happened within the first 20 minutes of the fight.

Platoon leader 1st Lt. Jonathan Brostrom and Cpl. Jason Hovater arrived at the observation post to reinforce the soldiers. By that time, the insurgents had breached the perimeter of the observation post.

Gunfire rang out, and Rainey shouted, ''He's right behind the sandbag.''

Brostrom could be heard shouting about the insurgent as well.

More gunfire and grenade explosions ensued. Back in the fighting position, Gobble fired a few quick rounds. Gobble then looked to where the soldiers were fighting and told Stafford the soldiers were dead.

Of the nine soldiers who died in the battle, at least seven fell in fighting at the observation post.

The insurgents then started chucking rocks at Gobble and Stafford's fighting position, hoping that the soldiers might think the rocks were grenades, causing them to jump from the safety of their fighting hole.

One rock hit a tree behind Stafford and landed directly between his legs.

He braced himself for an explosion. He then realized it was a rock.

Stafford didn't have a weapon, and Gobble was low on ammo.

Gobble told Stafford they had to get back to the FOB. They didn't realize that Pitts was still alive in another fighting position at the observation post. Gobble and Stafford crawled out of their fighting hole.

Gobble looked again to where the soldiers had been fighting and reconfirmed to Stafford that Brostrom, Rainey, Bogar and others were dead.

Gobble and Stafford low-crawled and ran back to the FOB. Coming into the FOB, Stafford was asked by a sergeant what was going on at the observation post. Stafford told him all the soldiers there were dead.

Stafford lay against a wall, and his fellow soldiers put a tourniquet on him.

From the OP, Pitts got on the radio and told his comrades he was alone.

Volunteers were asked for to go to the OP.

SSG Jesse Queck sums up the reaction to the call: ''When you ask for volunteers to run across an open field to a reinforced OP that almost everybody is injured at, and everybody volunteers, it feels good.

There were a lot of guys that made me proud, putting themselves and their lives on the line so their buddies could have a chance.''

At least three soldiers went to the OP to rescue Pitts, but they suffered wounds after encountering RPG and small-arms fire, but Pitts survived the battle.

At that time, air support arrived in the form of Apache helicopters, A–10s and F–16s, performing bombing and strafing runs.

The whole FOB was covered in dust and smoke, looking like something out of an old Western movie.

''I've never seen the enemy do anything like that,'' said Sgt. Jacob Walker, who was medically evacuated off the FOB in one of the first helicopters to arrive. ''It's usually three RPGs, some sporadic fire and then they're gone . . . I don't where they got all those RPGs. That was crazy.''

Two hours after the first shots were fired, Stafford made his way—with help—to the medevac helicopter that arrived.

''It was some of the bravest stuff I've ever seen in my life, and I will never see it again because those guys,'' Stafford said, then paused.

''Normal humans wouldn't do that. You're not supposed to do that—getting up and firing back when everything around you is popping and whizzing and trees, branches coming down and sandbags exploding and RPGs coming in over your head . . . It was a fist-fight then, and those guys held 'em off.''

Stafford offered a guess as to why his fellow soldiers fought so hard.

''Just hardcoreness I guess,'' he said. ''Just guys kicking ass, basically.

''Just making sure that we look scary enough that you don't want to come in and try to get us.''

Jeff Emanuel summed the fight up very well:

''Perhaps the most important takeaway from that encounter, though, is the one that the mainstream media couldn't be bothered to pay attention long enough to learn: that, not for the first time, a contingent of American soldiers that was outnumbered by up to a twenty-to-one ratio soundly and completely repulsed a complex, pre-planned assault by those dedicated enough to their cause to kill themselves in its pursuit.

That kind of heroism and against-all-odds success is and has been a hallmark of America's fighting men and women, and it is one that is worthy of all attention we can possibly give it.''

Of the original 45 paratroopers, 15 were wounded and The Sky Soldiers lost 9 killed in action in the attack. They were:

1LT Jonathan Brostrom of Aiea, Hawaii SGT Israel Garcia of Long Beach, California SPC Matthew Phillips of Jasper, Georgia SPC Pruitt Rainey of Haw River, North Carolina SPC Jonathan Ayers of Snellville, Georgia SPC Jason Bogar of Seattle, Washington SPC Sergio Abad of Morganfield, Kentucky SPC Jason Hovater of Clinton, Tennessee SPC Gunnar Zwilling of Florissant, Missouri.

Of the 9 that were lost, Sgt Walker says:

''I just hope these guys' wives and their children understand how courageous their husbands and dads were. They fought like warriors.''

They fought like warriors.

Last week, there were 9 funerals in the United States. 9 warriors were laid to rest. 9 warriors who had given their all for their country.

All proud members of a brotherhood that will carry on in their name. They fought and died in what most would consider impossible circumstances, and yet they succeeded. A nameless fight in a distant war which, until you understand the facts, could be spun as a defeat. It wasn't. And it is because of the pride, courage and fighting spirit of this small unit that it was, in fact, a victory against overwhelming odds. And there's little doubt, given that pride and given that fighting spirit, that they'll be back to reestablish the base, this time with quite a few more soldiers just like the ones who ''kicked ass'' the last time there.

HONORING THE SERVICE OF JUDY GILBERT-GOULD AND HER WORK WITH THE GREATER MIAMI JEWISH FEDERATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to honor one of south Florida's great citizens, Judy Gilbert-Gould. She has spent most of her life working on behalf of the Greater Miami Jewish Federation. She has spent a lifetime of service to the community. For the past 25 years, Judy has been advocating for equality and respect for Jews across the globe.

Judy's desire to serve and lifelong commitment to helping those in need was spurred by her father, the late Stanley C. Myers, who founded the Greater Miami Jewish Federation in his backyard in 1939. Before joining the federation full-time, Judy worked as director of Victim-Witness Services at the Florida State attorney's office, community services director for the Miami Beach Redevelopment Agency, and as executive director of the American Jewish Congress.

Judy's dedication not only led her to help those in her community, but she also became a voice for many around the world. She worked on behalf of Soviet Jews who were trying to escape the horrors of communism by fleeing to Israel. She worked closely with the Florida delegations in the U.S. House of Representatives and the U.S. Senate to encourage our Nation's strong partnership with Israel, as well as to denounce the genocide in Sudan and to care for Holocaust survivors.

Judy has received awards from the national Council of Jewish Women, the city of Miami Beach, and from Jewish Community Services of South Florida, to name a few. I am proud to be her representative in Congress. Judy serves as an example for countless individuals throughout south Florida. I am sure she will continue on with her mission to empower those most vulnerable among us.

LINCOLN'S JOURNEY OF REMEMBRANCE

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. HILL. Madam Speaker, this year marks the 200th anniversary of the birth of President Abraham Lincoln, one of our Nation's greatest Presidents. Our Nation began a three-year celebration this year honoring Lincoln's life. This bicentennial celebration includes a number of events throughout the Nation—including events in my southern Indiana congressional district, where Lincoln grew from a young boy to a man between 1816 and 1830. Throughout Lincoln's formative years in southern Indiana, he experienced a number of life-changing events including the tragic loss of his mother, Nancy Hanks Lincoln, and his sister, Sarah Lincoln Grigsby.

One of the events commemorating President Lincoln's time in Indiana is the recreation of his 1828 flatboat trip to New Orleans, Louisiana, where he delivered a load of produce for a local merchant. Popular lore indicates that it was on this trip that Lincoln witnessed a slave auction, helping to shape his views on the practice of slavery. The voyage also illustrates Lincoln's enterprising nature at a relatively young age.

The recreation of this journey will include 22 stops over 27 days down the Ohio and Mississippi Rivers in eight States: Indiana, Kentucky, Illinois, Missouri, Arkansas, Tennessee, Mississippi, and Louisiana. At each stop, the flatboat crew will educate citizens about the importance of Abraham Lincoln's legacy, as well as increasing awareness of the Abraham Lincoln historical sites in southern Indiana, including the Lincoln Boyhood National Memorial in Lincoln City, Indiana.

The flatboat journey, dubbed Lincoln's Journey of Remembrance, will begin today, September 9, 2008, with a ceremony in Rockport, Indiana. The ceremony will include remarks by State and local officials, as well as patriotic musical performances. Hundreds of residents and school children will witness the event, and dignitaries will join crew members for the first leg of the voyage to Owensboro, Kentucky. The Rockport Post Office will also issue a commemorative postmark cancellation stamp to commemorate the occasion.

Lincoln's Journey of Remembrance will reach out to citizens that otherwise would not have known or experienced an Abraham Lincoln bicentennial event. The chance to educate individuals outside Kentucky, Indiana, Illinois, and Washington, DC, cannot be undervalued and is one of the primary responsibilities for the bicentennial celebration. I am proud that this recreation, which also recreates a similar 1958 trip, was developed by my fellow Hoosiers.

This project would have not been possible without the assistance of Mr. Ron Drake, the flatboat owner and project underwriter, as well as several local and regional business and civic contributors. On behalf of my constituents, I wish to thank and commend these individuals and organizations. Special tribute must also be paid to the Lincoln's Journey of Remembrance Organizing Committee for their dedication and hard work, which ranged from raising funds to support the voyage to physically refitting the flatboat for this adventure. It has been a pleasure to work with them to facilitate this voyage.

It is an honor and privilege to represent Rockport and the Abraham Lincoln Boyhood National Memorial in Congress. It is my sincere hope that other Members of Congress and citizens from across the Nation will participate in the many planned public events commemorating President Lincoln. I congratulate the community on organizing this celebration and wish the crew Godspeed.

HONORING THE SAGINAW FIRE DEPARTMENT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. KILDEE. Madam Speaker, I rise today to pay tribute the Saginaw Michigan Fire Department. The Department celebrated 150 years of protecting the public at a celebration on September 6th in Saginaw.

The idea for a fire department in Saginaw was born in 1854 as the result of a tragic fire that year. Business leaders in the South and East Villages of Saginaw held initial organization meetings in 1857 and the fire department became operational in 1858. Originally a volunteer department with one Engine House, the first career fire fighters were employed full-time in the 1880s.

As the City of Saginaw grew so did the fire department. There are now four fire stations and the department is a member of the Regional Response Team Network created to respond to hazardous materials incidents. The Saginaw Fire Department employs technology in fighting fires through the use of ISI Breathing Air System, thermal imaging equipment, and onboard computerization in command vehicles. They also utilize a six-story fire-training tower.

The Saginaw Fire Department is active in fire prevention. They conduct fire safety education, maintain an Insurance Services Office insurance classification 3, enforce Fire Codes, and operate a Fire Safety House. The Saginaw Fire Department is committed to providing the highest level of service to the citizens of Saginaw.

Madam Speaker, I ask the House of Representatives to join me in congratulating Chief E. Dean Holland and the men and women of the Saginaw Fire Department for 150 years of protecting and safeguarding the public. Their courage and dedication are an inspiration to the community and may they continue their diligent service in safety for many, many years to come.

HONORING THE 130TH ANNIVERSARY OF SECOND MORNING STAR MISSIONARY BAPTIST CHURCH

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Second Morning Star Missionary Baptist Church in Attapulgus, Georgia, which for the past 130 years, has been a beacon of hope and a sacred place of worship for many in the Second Congressional District.

According to a warranty deed dated February 11, 1878, Second Morning Star Missionary Baptist Church has existed at approximately the same location since its founding. In addition to providing a place of worship, the site also served as a school house for African-American children in the community at the beginning of the 20th century—an invaluable resource at a time in our Nation's history when

education for African-Americans was a rare thing.

Building of the current structure was completed in 1956, under the Reverend J.L. Wingfield, a faithful servant of God and one of the church's thirteen pastors during its long and venerable history. The longest-serving pastor, Reverend C.D. Hammonds, served Christ, his community and the church for thirty wonderful years. The church's current pastor, Reverend Randall Hines, is in his seventh year and has overseen a large amount of growth, as well as an expansion of the sanctuary.

Second Morning Star now has worship services every Sunday, and is able to spread the word with the glorious sound of four choirs, Christian education classes for new members, and different ministries which serve every sector of the congregation.

Madam Speaker, it indeed is an honor and a privilege to know this church is in my district. I am proud to be able to serve Second Morning Star Church, and wish its members many more years of blessed service to their Lord and community.

RECOGNIZING SOUTH DAKOTA DIRECT SUPPORT PROFESSIONALS

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Ms. HERSETH SANDLIN. Madam Speaker, I rise today to recognize the hard work of employees at three excellent South Dakota organizations, Black Hills Workshop and Training Center, Northern Hills Training Center, and Community Connections, who have each sent representatives to Washington, DC, this week to take part in the American Network of Community Options and Resources (ANCOR) 2008 Governmental Activities Seminar.

In my work in Congress, I have made fair and equitable treatment of people with disabilities a priority. Identifying the key issues and areas on which to focus has been the result of a dialogue with those who know the issues best: people like the employees at Black Hills Workshop, Northern Hills Training Center, and Community Connections. These good folks are working in South Dakota right now to provide direct support and services to individuals with disabilities of all ages.

Black Hills Workshop and Training Center, Northern Hills Training Center, and Community Connections employ nearly 600 direct support professionals (DSPs) who provide a range of supports seven days a week, 24-hours a day to help those with mental and physical disabilities live and work in their community. Together this outstanding, highly trained, highly skilled, and highly committed workforce supports nearly 800 people with disabilities in South Dakota as they strive to live up to their potential and be as independent as they can be. Many of the people receiving supports from DSPs, both at these three agencies and around the country, hold paid and volunteer jobs, contributing a great deal to their communities. But without the dedicated daily work of DSPs, such contributions may not be possible and the lives of individuals with disabilities and their families would be disrupted and unfulfilled.

Without an adequately paid, trained and dedicated workforce, our Nation's individuals with disabilities and their families face a less secure future. Without the necessary workforce, providers cannot help our Nation fulfill the commitment Congress made to people with disabilities in the Americans with Disabilities Act, as the U.S. Supreme Court affirmed in its Olmstead decision.

I applaud the people at Black Hills Workshop and Training Center, Northern Hills Training Center, and Community Connections for taking a lead on this workforce issue. And, as a member of the Bipartisan Disabilities Caucus and the Congressional Mental Health Caucus, I encourage all of my Colleagues to examine their commitment to providing the best support possible to the people with disabilities in their districts.

There is no better way to recognize the contribution DSPs make to the Nation than to ensure that they are fairly compensated. Direct support professionals make a difference; they should make a living too. I ask that my colleagues join with me in cosponsoring the bipartisan Direct Support Professionals Fairness and Security Act (H.R. 1279) and to urge hearings on this important issue in the coming months.

HONORING THE MEMORY OF MR. JAMES HERMAN FAULKNER, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. BONNER. Madam Speaker, Bay Minette and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. James H. Faulkner, Sr., known to his many friends simply as Mr. Jimmy, was a devoted family man and dedicated community leader throughout his life. In a loving tribute, Mobile's Press-Register noted that Mr. Jimmy "left behind a lasting legacy of achievements that contributed to the economic, educational, and cultural well-being of his community, his county and his state."

First and foremost, Mr. Jimmy loved Bay Minette; he loved Alabama; and he loved his country. In fact, he was one of the most patriotic men I have ever known.

He answered his Nation's call to service and attained the rank of first lieutenant serving as pilot and flight instructor in the U.S. Army Air Corps during World War II. When Mr. Jimmy went back to Alabama following his military service, he returned to what was already a successful career. He was the owner of the Baldwin Times newspaper and had served as mayor of his beloved Bay Minette. In fact, when Mr. Jimmy was elected mayor in 1941, he was said to be the youngest mayor in America.

Years later, Mr. Jimmy went on to serve Baldwin, Monroe, and Escambia Counties by becoming one of Alabama's most respected and influential State senators. He also ran twice for Governor of Alabama.

Mr. Jimmy blazed a trail of success in the world of business, spanning 42 years as the owner and publisher of a chain of south Alabama newspapers, and he served as president of seven radio stations in Alabama and Georgia. However, he was not a person to rest on his laurels.

Mr. Jimmy's entrepreneurial talents gave him the confidence to start Loyal American Life Insurance Company of Mobile. During most of the past 50 years, he was associated with Volkert & Associates, one of the top engineering, architectural, planning, and environmental firms in the United States. He served on the boards of two Baldwin County banks as well as the board of Alpine Laboratories of Bay Minette.

Undoubtedly, Mr. Jimmy's legacy will be his lifelong dedication to improving education. He served as chairman of the board of directors for Alabama Christian College in Montgomery, which was renamed Faulkner University in his honor and now has campuses in Huntsville and Mobile. He was instrumental in bringing a 2-year college to Baldwin County, which became the James H. Faulkner State Community College in Bay Minette. During his tenure as a State senator, Mr. Jimmy was credited with establishing the teachers' retirement system. He was awarded eight honorary doctorate degrees in law and humane letters, and he served on several commissions that worked to improve Alabama's secondary education system.

Over his lifetime, Mr. Jimmy received more than 35 awards. He was named the North Baldwin Chamber of Commerce Person of the Century in 2000, and in 2003, he was awarded the Alabama Press Association's Lifetime Achievement Award. In 1992, the Alabama State Senate and House of Representatives passed a resolution commending Mr. Jimmy for his outstanding personal achievement.

Madam Speaker, there has been no other individual more important to south Alabama or to the life of his community than James H. Jimmy Faulkner, Sr. Mr. Jimmy will be deeply missed by his family—his wife, Karlene Faulkner; his sons, James H. Faulkner, Jr., and his wife, Beverly Faulkner, and Dr. Henry Wade Faulkner and his wife, Ann Blackburn Faulkner; his eight grandchildren, and his 14 great grandchildren—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

TRIBUTE TO HANNIBAL LAGRANGE COLLEGE

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. HULSHOF. Madam Speaker, I rise today to mark a significant date in higher education in northeast Missouri. My congressional district is privileged to be home to many honorable and successful institutions of higher learning. Among them, Hannibal-LaGrange College this very month celebrates its sesquicentennial. For 150 years, Hannibal-LaGrange has provided quality Christian education to untold thousands of students while remaining true to its God-given principles and beliefs.

The humble journey began in LaGrange, MO, about 30 miles north of the college's current campus. The college opened its doors on September 15, 1858, as the LaGrange Male and Female Seminary, founded by the Wyaconda Baptist Association. Steering this ship on the first leg of its journey was William Ellis. Ellis was the college's first president and just 24 years old when classes started in September 1858. The school's young journey was derailed just 4 years later when Union troops commandeered the college's facilities for use during the Civil War.

Once the college reopened in 1866, Dr. Joshua Flood Cook, the new president, faced the awesome tasks of replacing equipment, textbooks, faculty and staff, as well as rebuilding campus facilities, community support and confidence. Cook successfully fought these battles and served as president for 30 years, advancing the institution perhaps more than any other single individual in its history.

After 70 years in its LaGrange home, college leadership accepted an overture to move the campus south to the northeast edge of Hannibal. In 1927, Hannibal-LaGrange College opened the doors to its Hannibal campus, which still sits today on those 110 acres of scenic hills and woods on the bluffs overlooking the Mississippi River.

The college continued to grow and serve the community through the middle part of the 20th century. In 1973, however, the college faced its first real test since the move to Hannibal. Inflation and other financial strains put the college's very future in jeopardy. Community leaders, area residents and HLG personnel forcefully answered in one voice, raising $85,000 to keep the college's doors open and averting what would have been the college's immediate closure.

While 1973 marked the college's first test in Hannibal, it wasn't the last or most severe. Sixteen years later, on June 22, 1989, a small fire that started in the college's cafeteria area soon grew to a raging inferno, swallowing many of the college's vital facilities, including the campus' administration building, auditorium and gymnasium. Black smoke billowed into the air, visible from miles away. Emergency responders worked through the night to douse the fire. But doused with the fire were hopes and dreams for the coming fall semester and the collective futures of incoming students. By daylight, as only charred remains of the structures stood, any thoughts of a successful future vanished into the air with the remnants of the previous night's smoke.

However, President Dr. Paul Brown began the next morning with a pledge to hold classes on campus that very fall. Dr. Brown led college trustees and personnel on a massive effort to rebuild and expand the campus. A large burlap tent was erected on campus for chapel services that fall, classes were held in dormitory basements and trailers on campus and a massive reconstruction program began in an effort to rebuild what had been lost.

Just 3 years later, following the construction of a new sports complex, computer center and cafeteria, the college dedicated its new administration building under the leadership of Dr. Brown and current President Dr. Woodrow Burt. On the cornerstone of this building, built on the site of the administration building lost in the 1989 fire, is a passage from Isaiah 61:3, ''A crown of beauty instead of ashes.'' This building was later renamed for Dr. Burt, who became president of the college in 1995 and still proudly yet humbly serves in that position today.

But the journey for HLG is not complete. The vision for the college's growth and service continued forward over the past decade, as the college constructed a new dormitory and the Roland Fine Arts Center, the centerpiece of the college's recent expansions. The college is also in the midst of a $30-million campaign, ''Building for the Future,'' which calls for the construction of a new library, allied health and science center and dormitory renovations, as well as enhancing the college's endowment.

Throughout this journey, beating in the heart of HLG is a desire to serve Christ, embodied in the college's motto, ''Knowledge for Service.'' HLG strengthened this commitment over the last 4 years through its implementation of missions programs that serve both domestic and international missions opportunities year-round. HLG is a multiple recipient of the Courts Redford Award, the top award among U.S. colleges and universities for mobilizing students for missions with the North American Mission Board. In May of this year, HLG was named number one among 314 colleges and universities that send students to work with the NAMB.

Madam Speaker, I was honored to stand before this Chamber 10 years ago to commend HLG's commitment to excellence and its use of knowledge for service during their 140th anniversary. I am again privileged to stand before this body and congratulate my friends at HLG for 150 years of quality Christian education. May God continue to bless this fine institution for many years to come.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. WELLER of Illinois. Madam Speaker, I rise today to enter into the RECORD votes I would have cast had I been present for rollcall votes 567 through 569. I was absent on Monday, September 8 due to CODEL travel.

If I were present I would have voted, ''aye'' on rollcall vote 567, ''aye'' on rollcall vote 568, and ''aye'' on rollcall vote 569.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. BRALEY of Iowa. Madam Speaker, on rollcall 567; S. 2403, I was not present. If I had been there, I would have voted ''yea.''

On rollcall 568, S. 2837, I was not present. If I had been there, I would have voted ''yea.''

On rollcall 569, S. 2135, I was not present. If I had been there, I would have voted ''yea.''

IN RECOGNITION OF THE 50TH ANNIVERSARY OF MR. AND MRS. MARSHALL PRICKETT

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House to pay recognition to an important day in the lives of two constituents of mine, Mr. and Mrs. Marshall Prickett.

On September 13, the Pricketts will celebrate their 50th wedding anniversary. Marshall Prickett was born on October 19, 1934, in Alexandria, Alabama, and his wife, Margaret, was born on July 2, 1935, in Weaver. Over the years, Marshall and Margaret have been blessed with three sons, Marshall, Michael, and Matthew, as well as eight grandchildren.

I would like to congratulate Marshall and Margaret for reaching this important milestone in their lives. They are shining examples of love and dedication for us all, and I wish them and their family all the best at this important occasion.

MS. SANDRA IRONS AND MR. MARVIN SETZER, JR.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I take this time to honor two of Northwest Indiana's most distinguished citizens, Sandra Irons and Marvin Setzer, Jr., upon their retirement from their positions with the Gary, Indiana Teachers Union, Local Number 4, American Federation of Teachers (AFT). Sandra and Marvin's membership in the Gary Teachers Union date back to the beginning of their careers in 1961 and 1962, respectively, and the impact they have had on the quality of life for educators in the city of Gary is immeasurable. For their lifetime of service to the Gary Teachers Union, the Indiana Teachers Union, and the American Federation of Teachers, Sandra and Marvin were honored at a retirement celebration that took place at the Genesis Convention Center in Gary, Indiana, on Friday, August 15, 2008.

Sandra Jean (Carr) Irons' career in education began following her graduation from Kentucky State College in 1960, where she completed her Bachelor's degree in Mathematics and Chemistry. Following that, she went on to receive her Master's degree in Teaching Mathematics from Purdue University, West Lafayette. Prior to her work with the Gary Teachers Union, Sandra was a mathematics teacher for the Gary School Corporation from 1961 to 1971. Following her ten years in the classroom, Sandra was elected President of the Gary Teachers Union, a position she held until her recent retirement on June 30, 2008. During those years, she served in many other capacities, not only with the Gary Teachers Union, but with the Indiana Federation of Teachers and the American Federation of Teachers as well.

Sandra has also participated in numerous civic and community organizations, including: the National Council of Teachers of Mathematics, Alpha Kappa Alpha Sorority, the National Association for the Advancement of Colored People, the Lake Area United Way, the Lake County Mental Health Association, the Coalition of Labor Union Women, the YWCA, and the Gary Educational Foundation. For her outstanding efforts, Ms. Irons has received many accolades and awards. To name a few, she was awarded the Viola Briley Service Award by the Gary Teachers Union, the Adam Benjamin, Jr., Advocacy Award by the Mental Heath Association, the Labor Leader of the Year Award by the Calumet Project, and the United Way of America's Joseph A. Beirne Community Service Award.

Marvin Setzer, Jr., completed his Bachelor's degree in Elementary Education at Winston Salem Teachers' College in North Carolina in 1962, followed by his Master's degree in Elementary Education from Indiana University, Bloomington. From 1962 to 1981, Marvin was employed by the Gary Community School Corporation as an elementary school teacher. During that time, he began his career as the Working Conditions Committee Chairperson for the Gary Teachers Union. He held this position for more than 30 years before his recent retirement on June 30, 2008. During this time, he has also held other positions with the Gary Teachers Union, including the Coordinator for the Pre-Retirement Planning Seminar, as well as several other posts with the Indiana Federation of Teachers, where he served as its president, the Northwest Indiana Council of Teachers Unions, and the American Federation of Teachers' Progressive Caucus.

Throughout the years, Marvin has also donated much of his time to various community and civic organizations, including: the Lake Area United Way, the Referral Emergency Agency, the Northwest Indiana Open Housing Center, Tots and Teens, and Saint Timothy Community Church.

Madam Speaker, Sandra Irons and Marvin Setzer, Jr., have given their time and efforts selflessly to the teachers, as well as to the students and the community, in Gary, Indiana. Throughout the years, and through their efforts, the quality of life for their colleagues has improved, and the pair has served as true role models to their peers and as true friends to Northwest Indiana. I respectfully ask that you and my other distinguished colleagues join me in commending Sandra and Marvin for their outstanding contributions and in wishing them well upon their retirement.

ASSISTANCE NEEDED FOR CAREGIVERS SUPPORTING CITIZENS WITH DISABILITIES

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. LATHAM. Madam Speaker, I rise today to draw attention to a looming crisis. I have been involved in finding ways to address the growing nursing workforce shortage that threatens access to quality health care for retiring members of the baby boom generation. There is another workforce crisis with which we should also be concerned, which is that facing direct support professionals, often referred to as personal assistants or home health aides. These dedicated individuals provide the kind of daily assistance that allows people with intellectual and developmental disabilities the option to live in home or community-based settings rather than institutions when appropriate. This not only saves taxpayer dollars through the Medicaid program but dramatically improves quality of life for these Americans.

However, wages for direct support professionals have historically been low, particularly those in private non-profit settings. Vacancy rates for direct support professionals are rapidly increasing as other service and health care sector jobs become more competitive. In my home state of Iowa the annual turnover rate at non-profit service providers ranges from 20 percent to more than 40 percent.

It takes individuals with special skills and compassionate motivation to be direct support professionals. For example, Pete Faust has been working at Opportunity Village, a home and community-based services provider in Clear Lake, Iowa, for over 31 years. Although Pete must work extra hours just to pay his bills, he continues to work at Opportunity Village because he understands that consistency and familiarity are what his clients need. Many direct support professionals like Pete would like to continue in this field but are faced with hard choices when there are opportunities to earn more money for their families in other occupations.

The U.S. Bureau of Labor Statistics projects that the demand for this workforce will increase 41 percent by 2014, and the number of people needing personal assistance services will double by 2050. The current crisis will soon grow exponentially. That is why I strongly support measures like H.R. 1279, the Direct Support Professionals Fairness and Security Act, which creates federal-state Medicaid partnerships to find innovative ways to provide incentives such as increased wages for these workers on a sustainable basis.

I urge my colleagues to support this effort by cosponsoring this legislation and urging the leadership of the House of Representatives to move this and similar proposals forward.

IN RECOGNITION OF HERSCHEL ELKINS

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Ms. SPEIER. Madam Speaker, the consumers of California and our nation will lose their premier protector when Herschel Elkins retires from the California Attorney General's Office this month. Mr. Elkins has devoted his entire career to public service and protecting California's consumers. He is the most senior attorney and longest-serving employee in the AG's office, having celebrated his 50th anniversary in December, 2006.

Herschel Elkins received his J.D. from UCLA in 1956 and began work the same year as a Deputy Attorney General, where he served briefly in the criminal section before transferring to the civil division. Following the Watts riots in 1965, a report commissioned by Governor Pat Brown cited a contributing factor as frustration in the community with merchants taking unfair advantage of the poor. The legislature acted by bolstering the Attorney General's nascent Consumer Fraud Unit and Mr. Elkins was appointed to lead the effort, a position he occupied until 2004 when he was appointed Special Assistant Attorney General for Consumer Policy, Coordination and Development.

During his long tenure with the Consumer Law Section, Herschel used all the arrows in his quiver—litigation, legislation and education—to protect the rights of consumers and push California to the forefront of consumer protection. Mr. Elkins drafted or shepherded many of our state's vital consumer protection laws, including anti-pyramid statutes, the establishment of the Bureau of Auto Repair, laws providing for a ''cooling off period'' for home solicitations, and mandating civil penalties for unfair competition. As a litigator, Mr. Elkins has represented the Attorney General in more than 150 appellate cases. He has also publicized the Section's work and educated the public about their rights on hundreds of radio and television programs.

Madam Speaker it was a distinct privilege to work side-by-side with Herschel on consumer issues during my time in the California legislature. His knowledge, passion and creativity improved every piece of legislation he reviewed and made those of us whose names were on the bills look that much smarter. I am just one of hundreds of legislators who owe him a sincere debt of gratitude.

After so many years looking after the public welfare, Herschel and Miriam, his wife of 48 years, will enjoy a retirement devoted to their inspiring and growing family. They will travel to Israel, New York and Pennsylvania to spend time with their three sons, David, Jeremy and Joel and their families. Herschel, known as much for his storytelling ability as his legal brilliance, will entertain his grandchildren and, no doubt, pass along his commitment to community and his profound sense of justice. Our state's loss is the Elkins family's well-earned gain.

But Madam Speaker, a dedicated public servant like Herschel Elkins doesn't just walk away from his life's work. Something tells me that Herschel will make himself available to members of the Consumer Law Section and others devoted to the public good who seek his help and guidance.

On behalf of the many millions of protected consumers in the State of California, I ask that the United States House of Representatives join me in saluting Mr. Herschel Elkins for his long career devoted to protecting and guaranteeing a vibrant, just and equitable marketplace.

PAYING TRIBUTE TO BARRY BECKER JR.

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. PORTER. Madam Speaker, I rise today to honor the life of my good friend Barry Becker Jr., who passed away August 12, 2008.

Mr. Becker was born on June 11, 1970 in Burbank, California, and within a year of his birth he was a resident of the Las Vegas community. He graduated from Bishop Gorman High School in 1988. After high school he attended Arizona State University where he earned a bachelor's degree in fine arts. After graduating from college, Barry decided to uphold the endeavors and honorable work ethic of his family by joining their business, Becker Realty Corp. His congenial personality and his strong ties to the community were immediate assets to the company, but they also helped make Barry independently successful.

Through his many humanitarian efforts in community and business activities, he continuously demonstrated the honorable principles and standards championed by the Southern Nevada community. A man of great faith, he truly understood the importance of prayer and positivity and he strived to maintain a positive attitude and uplifting spirit.

As son, brother, husband and friend, Mr. Becker never failed to show the utmost respect, dedication and love to everyone around him. I offer my heartfelt condolences and genuine support to his dear wife Shannon, his brothers Danny and Randy, his parents Sue and Barry, his grandmother Betty and to all those who held him dear, of which there were undoubtedly many.

Madam Speaker, I am proud to honor the life and legacy of my friend Barry Becker Jr. His work and dedication to the Las Vegas community were commendable and enriched countless lives. Mr. Becker was a great man and he will always be admired for his compassion, dedication to his family, and his generosity. Most of all, he will be profoundly missed.

IAN RONDALL CALEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ian Rondall Caley, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 100, and by earning the most prestigious award of Eagle Scout.

Ian's Eagle Scout service project consisted of building a scoreboard table for the Bethany Memorial Park Softball Field. Ian supervised other scouts, friends and family that assisted with this project. This project continues the long tradition of community service established by the Boy Scouts of America.

Madam Speaker, I proudly ask you to join me in commending Ian Rondall Caley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE DAILY 45: MENTALLY ILL ASSAILANT KILLS SIX

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States, a significant number of those deaths stem from a lethal weapon wielded by a mentally ill assailant. Such was the case, last week, in a small town in Washington state where reports say that a 28-year-old young man killed Skagit County Deputy Sheriff Anne Jackson, and five other men and women who were also in the line of fire.

How did this happen? The assailant's grieving mother, Dennise Zamora, said her son had refused treatment for mental illness for years and, for much of that time, he had been living, literally, in isolation in the woods of the town of Alger where the rampage took place. Mrs. Zamora called police that day in a desperate cry for help as she'd noticed her son invading her neighbors' homes. The responding officer, Sheriff Jackson, was someone who had even tried to help Zamora's son obtain treatment.

My condolences are extended to these victims, this community and the Zamora family in the wake of these senseless deaths.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will we say "enough is enough, stop the killing!"

25TH ANNIVERSARY OF THE ARMY FAMILY ACTION PLAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. WOLF. Madam Speaker, I rise today to recognize the 25th anniversary of the establishment of the Army Family Action Plan which took place on August 15.

The Army Family Action Plan is an Army-wide program that aims to improve Army quality of life. Through this plan, all members of the Army, including active, reserve, and National Guard soldiers, family members, retirees, surviving spouses, DA civilians, and military technicians have a forum to voice concerns to Army leadership and make recommendations for a change regarding standards of living.

The past 25 years has proven to be a success for the Army Family Action Plan as the Army leadership has trusted its recommendations and taken action on many new policies due to the plan's ideas.

I was originally involved with the creation of the Army Family Action Plan after watching a film called "Where's Dad" by Dr. James Dobson. This video addresses some of the greatest threats to meaningful family life: fatigue, time pressures, overcommitment and workaholism watching it was a life changing experience for me. Afterward, I changed my priorities, put my family first and committed to keeping Sundays free of events to spend more time with my family. Because this video had such a profound impact on me, I shared it with others who I thought it may help, including other members of Congress and also General Wickham, who was instrumental in developing the Army Family Action Plan.

I commend the Army for enacting this plan which provides soldiers and their families a way to get their perspective heard which in turn betters the quality of life of those who serve or have served in the Army.

I am proud to join with the Army in celebrating this significant anniversary.

DAR: ALIVE AND WELL IN GUILFORD COUNTY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. COBLE. Madam Speaker, September 17, 2008, begins the national celebration of Constitution Week. Since being signed into law by President Dwight D. Eisenhower in 1956, Americans have set aside time each year to celebrate the document upon which our nation was founded. Constitution Week also highlights the important work performed by the DAR—Daughters of the American Revolution. The DAR is a volunteer women's service organization dedicated to keeping America strong by promoting patriotism, preserving U.S. history, and supporting education programs.

The Guilford Battle Chapter of the DAR, founded in Greensboro, NC, in 1901, has been hard at work since its inception in promoting Constitution Week. On behalf of the citizens of the Sixth District of North Carolina, we congratulate the Guilford Battle Chapter for its more than a century of dedicated service, and we send best wishes to all of its members for a successful event this year.

As a proud member of the Sons of the Revolution, a counterpart to the DAR, I am well aware of the many contributions made by the DAR—particularly the Guilford Battle Chapter. As many of our schools have reduced or eliminated teaching basic civics lessons, the work of the DAR has taken on even more significance. For example, many people do not know that the U.S. Constitution is the oldest Constitution still in active use in the world today and remains the basic document of our Republic. The DAR is committed to preserving and defending the Constitution through its educational and public service programs.

On September 17, take a moment to reflect on what the U.S. Constitution means to you. If you know anyone who is a member of the Daughters of the American Revolution, take another moment to thank her for her service. In particular, if you know anyone who is a member of the Guilford Battle Chapter of the DAR, tell her that Congressman HOWARD COBLE is proud of her efforts.

HONORING BOOKS FOR AFRICA FOR 25 YEARS OF SERVICE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise to honor the work of an internationally recognized nongovernmental organization based in St. Paul, Minnesota, that for the past 25 years has helped to transform the lives of millions of people—young and old—across the continent of Africa. With commitment and a passion for putting a book in the hands of children and elders hungry for knowledge, Books for Africa is an organization that has shipped more than 20 million books to more than 35 African countries since 1988. In so many African cities, towns and rural schools, where students had no access to books, there are now books for learning, enjoyment, and to experience the wonders of the world.

Mr. Tom Warth is the founder of Books for Africa and he is an inspirational humanitarian. Tom's vision, enthusiasm, and his ongoing commitment, along with the work of all the board of directors of Books for Africa, continues to transform lives by facilitating the shipment of container after container of books that put real books in the hands of real people.

Now, under the strong leadership of Mr. Pat Plonsky, I am proud to continue my office's ongoing relationship with Books for Africa. Their collaborations with Peace Corps volunteers, the State Department, and the U.S. Agency for International Development, USAID, enables the U.S. to demonstrate both its generosity and its willingness to provide a tangible learning tool. Last year, in partnership with USAID's Africa Education Initiative, 18 containers of books were delivered to Ghana, Liberia, Madagascar, Senegal, South Africa, Tanzania, and Zambia. All told, Books for Africa delivered 119 containers of books in 2007 to 22 countries, a truly impressive accomplishment.

This form of public diplomacy—putting the book in the hands of a child or elder—is truly the best face of America and should not only be sustained, but expanded. In the U.S. we take books for granted, but we should never forget the power of a book. And, when they are distributed by the millions, the benefit cannot be overstated.

Let me conclude by also recognizing the extraordinary effort of the volunteers for Books for Africa, as well as the donations of high quality books from publishers, schools and organizations. This combined and coordinated effort is transforming lives. If this generosity and determination to provide books can continue to match the hunger for knowledge, learning, and education by the children and adults all across the African continent, then we will have even greater accomplishments to celebrate in the future.

Again, congratulations to Books for Africa for 25 years of extraordinary work to build a bridge of knowledge, education and hope between Minnesota and communities all across Africa.

IN MEMORY OF JAMES HERBERT ''JIMMIE RED'' JONES

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. ROSS. Madam Speaker, I rise today to honor the memory of a great Arkansas statesman MG (Ret.) James Herbert ''Jimmie Red'' Jones of Hot Springs, Arkansas, who passed away on September 1, 2008 at the age of 88. He was a former Arkansas State auditor and a former adjutant general of the Arkansas National Guard.

I will forever remember Jimmie Red Jones as one of Arkansas's finest. His life was one defined by honor, leadership, and service to the people of Arkansas for over 70 years.

Jimmie Red Jones graduated from Magnolia High School, Southern Arkansas University and Keegan's School of Radio and Television in Memphis. He attended Arkansas Law School and later received the Southern Arkansas University Distinguished Alumni Award in 1988.

Jimmie Red Jones joined the Arkansas National Guard in 1938, and by the time he left active service in 1945, he had received the Distinguished Flying Cross with Oak Leaf Cluster, the Air Medal with four Oak Leaf Clusters (which he particularly cherished), the Joint Service Medal, the European-African Middle Eastern Campaign Medal recognition with five Bronze Stars, and the World War II Victory Medal—along with many others. He later rejoined the National Guard in 1947 and remained with the Guard until his promotion to adjutant general in 1979, earning the Legion of Merit and the Armed Forces Reserve Medals.

Jimmie Red Jones returned to Magnolia after the war and sought to serve his community. He organized the Veterans of Foreign Wars, VFW, and Chamber of Commerce in Magnolia. Governor Francis Cherry appointed him as State land commissioner in 1955 and he was named Magnolia Man of the Year that same year.

He was also elected State auditor in 1956 and served 12 terms. He would later serve as adjutant general of the Arkansas National Guard from 1979 to 1981 and then from 1983 to 1984.

I will especially always remember the many miles and countless hours that I spent with Jimmie Red Jones on the campaign trail while he pursued his active interest in politics serving as state campaign manager for Bill Clinton's 1982 gubernatorial campaign.

Jimmie Red Jones will be forever remembered in Arkansas as an inspiring example of selfless service to state and country. I extend my deepest condolences to his wife, Shirley Ledbetter Jones, Colonel (Ret.); stepsons Bobby Dale Gentry of Pine Bluff, Barry Gentry of Redfield and Chan Holcombe of Fort Smith; his six grand-step-children and his niece and nephew. Jimmie Red Jones will be greatly missed in Arkansas and we are all truly saddened by this loss.

CIVIL WAR SESQUICENTENNIAL: VIRGINIA LEADS THE WAY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. WOLF. Madam Speaker, the years 2011 through 2015 will mark the 150th anniversary of the American Civil War, a momentous milestone for our nation that provides an exceptional opportunity to examine the war, its causes and its legacies. The sesquicentennial commemoration of the American Civil War needs to involve full participation at the local, State and Federal levels. However, as there are currently no Federal plans for the sesquicentennial, the states have stepped in to take the lead in planning for this watershed event. I am proud to announce that Virginia leads the nation in being the first to establish a sesquicentennial commission that is planning events and activities that offer a fair and balanced depiction of Civil War history that includes all perspectives. I am pleased to support the work of the Commission and endorse its plans.

Virginia was the epicenter of the Civil War in the 1860s and continues to be a central location in terms of what visitors can see and experience today. Virginia has more Civil War battlefields, museums and historic sites than any other state, including the historic site of the first land battle of the Civil War at Manassas that is located in the 10th Congressional District, which I represent. Too often when we study history, we tend to think that battles were neatly fought within the split-rail fenced boundaries. In truth, most of Virginia was a battleground during the Civil War.

CIVIL WAR SESQUICENTENNIAL COMMISSION

The Virginia General Assembly created the Virginia Sesquicentennial of the American Civil War Commission in 2006 for the purpose of preparing for and commemorating the sesquicentennial of Virginia's participation in the American Civil War. Speaker of the House of Delegates William Howell chairs the Commission, whose other members include President Pro Tempore of the Senate Chuck Colgan, members of the House of Delegates and Senate of Virginia, citizens, and the renowned Civil War historian Dr. James I. ''Bud'' Robertson, Jr., of Virginia Tech. It is important to recall that Dr. Robertson was selected by President Kennedy to serve as executive director of the Federal Centennial Commission 50 years ago.

The Commission is charged with:

Planning commemorative programs and activities that are designed to involve all citizens and result in a positive legacy and long-term public benefit,

Encouraging civic, historical, educational, economic, and other organizations throughout Virginia to organize and participate in activities to expand the understanding and appreciation of the significance of the American Civil War, and

Providing technical assistance to localities and nonprofit organizations to further the commemoration of the sesquicentennial of the American Civil War.

The Commission has established the following goals to guide the commemoration that

are reflective of values that are important to Americans today:

Diversity: The commemoration will be inclusive of and meaningful to all Virginians, particularly: diverse racial and ethnic groups, citizens who are new to this country and those who do not have a hereditary link to the American Civil War, and young people and others seeking to understand the relevance of the American Civil War to today's society.

Inclusiveness: The commemoration will seek to portray a fair and balanced story of Virginia's participation in the American Civil War that includes African-American, Union, and Confederate perspectives.

Statewide Accessibility: The commemoration will be statewide, involving all localities and encompassing all Civil War-related institutions, museums, battlefields, parks, and facilities.

Education: The commemoration will include a strong education component designed to ignite a renewed interest in Virginia's historical heritage. Opportunities will be provided to reexamine the lessons of the past and the legacies of the Civil War to understand how they affect the present and continue to shape our future.

Permanence: The commemoration will imprint Virginia history and leave a positive and rich legacy well beyond 2015.

The Commission has begun to develop plans for how to recognize the magnitude of this occasion. The Commission has adopted a vision statement that will guide the commemoration period, ''Understanding Our Past, Embracing Our Future,'' launched a Web site that is receiving national and international attention (www.VirginiaCivilWar.org), and is developing a comprehensive array of initiatives, including:

Statewide coordination: Linking, coordinating, and promoting the hundreds of Civil War museums and sites throughout the state.

Museum exhibitions: Partnering with the Virginia Historical Society to develop a major exhibition, ''An American Turning Point: The Civil War in Virginia,'' as well as the Civil War 150 HistoryMobile, a mobile museum vehicle that will be capable of traveling throughout the nation to bring these important stories directly to the people.

Legacy Project: Document Digitization: Using the sesquicentennial as an opportunity to preserve and provide access to unknown diaries, journals, letters, and other documents that are in private hands, the Library of Virginia will lead a major initiative to identify, catalog, and preserve those documents through digitization and web access. Locating and uncovering this material will provide a boon to Civil War research for years to come.

Signature events: Signature events begin in 2009 with a conference on the coming of the Civil War at the University of Richmond, and a joint commemorative event with the State of West Virginia, planned in conjunction with the 150th anniversary of John Brown's raid on the federal arsenal at Harper's Ferry. High profile events are planned for the duration of the commemoration to mark important milestones, such as a national event at Manassas in 2011 to mark the 150th anniversary of the first land battle of the war and to set the tone for the sesquicentennial.

I would like to commend the leadership role that the Commonwealth has taken and recognize the work of the Virginia Sesquicentennial of the American Civil War Commission and urge others to join with them to participate in this commemorating this special occasion.

INTRODUCTION OF THE SUSPENSION OF FEDERAL INCOME TAX ON UNEMPLOYMENT BENEFITS ACT OF 2008

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. McHUGH. Madam Speaker, I rise today to introduce legislation, the Suspension of Federal Income Tax on Unemployment Benefits Act of 2008, which is designed to help unemployed Americans as they face increasing living costs and a sluggish economy. Specifically, the bill would suspend the federal income tax on unemployment compensation benefits for two years.

As of August 2008, 9.4 million Americans were unemployed, an increase of 2.2 million from just a year ago. Similarly, the unemployment rate has risen from 4.7 percent to 6.1 percent. Closer to home, as of the end of July, in New York State 522,000 people were unemployed, including 26,200 in the 23rd Congressional District, which I have the privilege of representing. Additionally, six of the 11 counties I represent had unemployment numbers that exceeded the national rate.

On September 4, 2008, the U.S. Department of Labor announced that initial unemployment insurance claims had increased 15,000 to 444,000 and that approximately 3.44 million Americans are now receiving unemployment compensation benefits, which currently average $294 a week. However, these benefits have been significantly eroded by substantial increases in the prices for consumer goods, perhaps most notably, food and energy.

Many fail to realize that Americans must pay federal income taxes on any unemployment compensation benefits they might receive. However, prior to 1979, those payments were excluded from federal income taxation and it was not until 1986 that Congress made such benefits fully taxable.

Accordingly, someone receiving the average unemployment benefit of $294 a week ($1,176 a month) who elects to have federal income taxes withheld will realize a loss of approximately $117.60 a month—money that might better be used for necessities such as food, housing, health insurance, and gasoline. Moreover, many States also choose to make unemployment compensation subject to state income taxes, which further erodes the assistance these hard-working Americans receive in their time of need.

While I was pleased to join with my colleagues earlier this year to enact legislation to extend unemployment benefits for an additional 13 weeks, I firmly believe that we should take the next step of immediately increasing these benefits by exempting them from the federal income tax. Beyond greater assistance to millions of unemployed Americans, this measure would also act to stimulate the economy. In fact, as the Congressional Budget Office has previously estimated, the cessation of income taxes on unemployment benefits would return at least $3.1 billion annually to those taxpayers who are most in need.

Accordingly, as we consider new ways to help unemployed Americans and to boost the economy, I ask my colleagues to join with me to enact the Suspension of Federal Income Tax on Unemployment Benefits Act of 2008.

ARMY RESERVE 100TH ANNIVERSARY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. DUNCAN. Madam Speaker, I rise today to honor the centennial of an organization which is vital to our Nation and brings much honor to the State of Tennessee.

The United States Army Reserve celebrated 100 years of service on April 23, 2008, and the history of its citizen warriors exemplifies what makes this Nation the greatest in the world.

The security and strength of our republic has always relied on the readiness and fortitude of its citizens. When the drumbeat of revolution grew loud, it was an army of average citizens who answered the call and fought for our independence. This tradition continues today with the U.S. Army Reserve.

Since its beginning as a 160-person medical corps in 1908, the U.S. Army Reserve has grown into a force which is the support structure for our Nation's armed forces. From World War I to the global war on terror, the soldiers of the U.S. Army Reserve have put their own lives on hold to serve their Nation.

More than 26,000 U.S. Army Reserve soldiers have served in support of military operations since the September 11th attacks. This corps of citizen soldiers brings their expertise—providing half of the Army's combat support—to the front lines in defense of freedom.

My home State of Tennessee is known as the Volunteer State. It is not a term we take lightly, and Tennessee's record of service demonstrates the character of its citizens.

I am especially proud of the 505 soldiers assigned to the 844th Engineer Battalion, headquartered in my district in Tennessee. This battalion is responsible for heavy construction—including roads, living quarters, plumbing, electricity and other infrastructure, keeping our troops safe and more comfortable while serving abroad.

Our Nation's military could not operate without the 844th Engineer Battalion or the United States Army Reserve.

Madam Speaker, in closing, I urge my colleagues to join me as I salute 100 years of the United States Army Reserve and the citizen warriors who stand ready to defend freedom at a moment's notice.

HONORING CALVIN ''JIM'' BEATTY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Calvin James Beatty for his dedication to his family and community. Mr. Beatty passed away at Madera Community Hospital on August 19, 2008, at the age of eighty two.

Mr. Jim Beatty was born in Puenta, California on March 21, 1926. He graduated from Sweetwater High School in National City, California in 1944 and immediately enlisted in the United States Marine Corps. He served in the Western Pacific during World War II and in China after the war. Before leaving the military he attained the rank of sergeant. He received an Honorable Discharge in April 1947.

In 1949, Mr. Beatty settled in Madera, California. He met and married Edith Mae Sciacqua in 1950. They have three sons; Kelly, John and Jerry. He spent most of his life as the manager of a cotton gin and retired in the 1980's. He had many hobbies, including flying. Mr. Beatty maintained a pilot's license for over fifty years. He served as a deputy sheriff in the Madera County Aero Squadron. He was always active in the local chapter of the Veterans of Foreign Wars. He was also involved with the Knights of Columbus and the Young Men's Institute.

Mr. Beatty is survived by his wife and three children, his daughter-in laws; Cheryl, Michele and Brenda, and five grandchildren: Ryan, Meghan, Michael, Christian and Hallie, and one great-grandson: Brannon. He is also survived by his sister, Donna, her husband and numerous extended family members.

Madame Speaker, I rise today to posthumously honor Jim Beatty for his dedication to his family and community. I invite my colleagues to join me in honoring his life and wishing the best for his family.

HONORING THE 9TH ANNUAL KALEIDOSCOPE OF HOPE WALK-A-THON

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to ask my colleagues to join with me in paying tribute to 9th Annual Kaleidoscope of Hope Foundation's Walk-a-thon, which would not be possible without the hard work of Gail MacNeil, a wonderful woman who truly made her mark as a dynamic advocate on behalf of ovarian cancer. On Sunday, September 14, 2008, the good citizens of Morris County will take part in the Kaleidoscope of Hope's 9th Annual Walk-a-thon at Loantaka Brook Reservation.

Gail was diagnosed with Stage IIIC ovarian cancer over Christmas 1997. Sadly, her cancer recurred in 2002 and from then on she was on non-stop chemotherapy until she ultimately lost her brave battle on June 21, 2008. She was an amazing life force who continued to work full time as a realtor at Coldwell Banker as well as actively lead many initiatives at Kaleidoscope of Hope. She was an inspiration to all that knew and worked with her, her family and especially to all the cancer survivors and other families whose lives she so passionately touched over the past ten years. "

In 2000, Gail co-founded the Kaleidoscope of Hope Foundation along with two other ovarian cancer survivors, Lois Myers and Patricia Stewart-Busso. The mission of Kaleidoscope of Hope was to raise awareness of ovarian cancer. Gail, Patty and Lois realized that there was a critical and urgent need for more awareness and research to find an early detection test for ovarian cancer, especially in New Jersey, which has the third highest incidence of ovarian cancer in the nation.

In her role as a co-founder, Gail helped enhance research programs and supported the state's first four year Gynecology Oncology Fellow, based at the Cancer Institute of New Jersey. Last year, Gail initiated the successful "Turn The Towns Teal" campaign which was the first major awareness effort for KOH. At first, this started as a grass-roots teal ribbon tying event in Morris County, New Jersey, however, word quickly spread and people throughout the state joined in and turned their towns teal. Gail also shared her story as part of the Survivors Teaching Students program through the Ovarian Cancer National Alliance.

Madam Speaker, I urge you and my colleagues to join me in congratulating the citizens of the 11th Congressional District of New Jersey and the Kaleidoscope of Hope's Walk-a-thon participants for their efforts to raise awareness for ovarian cancer, and in so doing, celebrating the life of a fine woman and leader.

TRIBUTE TO JOHN JERMANIS, JR.

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to John J. Jermanis, Jr. upon his retirement as the City Manager of San Leandro, California. John's career with the City of San Leandro spanned 37 years. His first position was Assistant Finance Director where he served for 11 years; he next served as Finance Director for 15 years, and was then appointed City Manager in 1997, where he completed an 11-year tenure prior to his retirement.

John was born and raised in Berkeley, California. He graduated from Berkeley High School in 1961, received his bachelor's degree in Business Administration from San Francisco State University in 1966, and has furthered his studies in Public Administration at California State University East Bay.

After serving in the Army National Guard from January 1966 to January 1972, John took a position with General Motors' Personnel Division in Fremont from 1967 to 1968. He began his municipal government service in 1969 as an accountant with the city of Livermore, California and in 1971 he was hired by the City of San Leandro.

Under John's management, the City of San Leandro went through one of its largest building periods in history, seeing the completion of the new main library, Creekside Plaza, Hilton Garden Inn, and Westgate Shopping Center. More recently he has overseen the rejuvenation of Bayfair Center, the opening of the San Leandro History Museum and Art Gallery and the opening of both the Washington Manor Branch Library and the Family Aquatics Center.

Through his guidance, the city has also facilitated a fundamental shift in its business sector, from one largely composed of manufacturing companies to a sector that also includes service and high-tech companies.

John points to his greatest accomplishment as his ability to build and maintain a strong rapport with each council member and city employees with whom he has worked. John also has gained the respect of his colleagues, and elected officials, as well as the San Leandro community.

He has served the city admirably. His expert leadership, intellect and vast talent and experience as the City of San Leandro's top administrator will be missed. My hat is off to John J. Jermanis, Jr. as he departs for a well-earned retirement. Over the past 37 years, he leaves an unmatched legacy of commitment and dedication.

SENATE—*Wednesday, September 10, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Rev. Catherine Quinn, St. John's Church, Washington, DC.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, we give You thanks for these, Your servants, gathered to do Your work in the governing of this country that You have so blessed. Help them to recognize Your abundance. Help them to honor their responsibility. May they be humble as well as wise, civil as well as courageous, patient as well as strong.

Make us each mindful of our relation to all creation, the fullness of which only You, dear Lord, can survey. On this 10th day of September, as we recall the calm before the storm of September 11, 2001, strengthen us to summon the best in ourselves. May we deal gently and honestly with one another, live in recognition that our spirits are interconnected, and in all things embody Your love.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 10, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes. Following morning business, the Senate will resume consideration of S. 3001, the Defense authorization bill.

Last night, the Senate reached an agreement to consider several amendments to the bill, including amendments by Senators LEAHY, VITTER, NELSON of Florida, and KYL. Those amendments will be debated this morning, and we will work with the two managers of the bill and with my counterpart, Senator MCCONNELL, to find out when those votes should take place. We are hopeful we can continue working on this most important legislation today and complete the legislation this week. It would be really good if we could do that.

Mr. President, if the distinguished Republican leader wouldn't mind, I wish to yield a couple of minutes to the Senator from Nebraska, and then Senator MCCONNELL would have the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

WELCOMING THE GUEST CHAPLAIN

Mr. HAGEL. Mr. President, I thank the distinguished majority leader and minority leader for allowing me to welcome and congratulate our guest chaplain today, Rev. Cathy Quinn, who has been noted as the senior assistant rector at St. John's Episcopal Church here in Washington, DC. That church, as my colleagues know, is also referred to occasionally as the Church of the Presidents.

Reverend Quinn plays an integral role in leading the congregation in their faith and spiritual growth. She is not new to Capitol Hill, having served as a legislative assistant for former New York Congressman Amo Houghton. Her experiences while at Yale Divinity School ranged from working at hospitals ministering to patients in the pediatric intensive care units and the oncology ward to assisting with the Children's Mission at St. Paul and St. James Episcopal Church. Her many accomplishments have prepared her well for a life of ministry. Along with her growing number of ministerial duties at St. John's, Reverend Quinn also manages to balance the needs of her family—her husband Peter, who is in the Chamber today, and her two daughters, Nora and Molly. Her level of commitment to both aspects of her life is a model for many to follow.

I wish to thank Reverend Quinn for her contributions to her community and for her service to the members of St. John's Church.

So I wish to acknowledge her good work and her spiritual guidance. I am particularly pleased because I have a parochial interest. As I said, not only does my family belong to that church, but my wife Lilibet serves on the vestry there. So not only am I always tuned in, but I pay particular attention in this case.

Again, we are very proud of her and the work she does, the work of St. John's, and all who are associated with that church and that ministry.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DEFENSE AUTHORIZATION

Mr. MCCONNELL. Mr. President, we have a limited number of workdays between now and November, so we will obviously have to focus our priorities starting with the Defense authorization bill which the distinguished majority leader was just discussing, which is now before us. Among other things, the bill authorizes a much deserved pay raise for America's military men and women. Of course, an authorization bill only gets us halfway there. In order for this military pay raise to reach the families it is intended for, the Senate will need to pass an appropriations bill as well. So my suggestion is that we begin processing amendments to the Defense bill today, as the majority leader has indicated, starting with the first four amendments which will be voted on later today. We weren't, unfortunately, able to vote on any amendments yesterday. As everyone knows, the Defense bill is typically a heavily amended bill. It usually takes 2 or 3 weeks to complete, but it is my hope we can make some good forward

progress today. Kentucky is home to two major military installations and more than 357,000 veterans. They, and the rest of America's veterans, deserve our full attention.

We have time but not a lot of time. Tomorrow, we will be taking some time out to remember the 9/11 attacks. Friday, we have an all-day energy summit. So let's use our time wisely. If we do, it is my hope we can work together and, with cooperation, finish this bill, at least early next week.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the majority controlling the first half of the time and the Republicans the final half.

The assistant majority leader is recognized.

FANNIE MAE AND FREDDIE MAC

Mr. DURBIN. Mr. President, Sunday's announcement by Treasury Secretary Paulson that the Treasury Department and the Federal Housing Finance Authority would be placing Fannie Mae and Freddie Mac into conservatorship should be recognized for what it is: This is a landmark intervention by the Federal Government into our private markets, the housing markets. We are literally nationalizing half of the American housing market. The Bush economic policies and the irrational exuberance of the mortgage banking industry have driven us into this box canyon. The U.S. economy is hurting, with dramatic job losses, home values reeling, and middle-income families struggling to pay for the basic necessities.

While it may have been necessary and may have been the best of many bad options, this certainly raises significant long-term questions about how we organize and regulate mortgage financing in this country. This move may stop the rot for now, but real reform must follow.

With this administration's days numbered and only a few months left, it will be up to the next President and the next Congress to face these issues honestly and quickly.

For my part, I intend to make the case in the coming months that there is a sensible role for Government to play in the regulation of markets, regardless of what some may argue to the contrary. Letting our private sector markets run amok can lead to excessive booms and bailouts, as last weekend's actions evidence.

There are two things that merit immediate attention. I have written to the Secretary of the Treasury, Henry Paulson, Federal Housing Finance Authority Director Lockhart, and the incoming CEOs of Fannie Mae and Freddie Mac asking two things: First, it is unconscionable to reward the outgoing CEOs of these companies with golden parachutes that will literally cost the taxpayers millions of dollars—some estimate $24 million—in farewell gifts; second, that we focus on restructuring the mortgages owned or serviced by Fannie Mae and Freddie Mac. Our goal needs to be structuring mortgages so troubled homeowners can keep up with their house payments and not lose their homes.

According to analysts cited in news coverage, the two ousted CEOs of Fannie Mae and Freddie Mac may be entitled to over $24 million as a farewell gift from American taxpayers for running their companies into the ground. With taxpayers across America now facing the burden of paying up to $200 billion in bailout costs for these agencies, I find this unconscionable.

Income equality in our country continues to grow. Middle-class families continue to work hard for paychecks that can't keep up with the cost of living. Yet compensation for senior executives has risen dramatically over the last 8 years.

My colleague, Senator JIM WEBB, not that long ago, in response to the State of the Union Address, noted that in the 1960s the CEOs of major corporations made 20 times more than the average worker. Today, they make 400 times more than the average worker. That means that literally each day a CEO works, he makes more than the average American worker makes in a year. How can we be asked to enshrine this inequity with taxpayers' dollars? We are being asked to reward incompetence and to lavish millions of dollars on the CEOs of Fannie Mae and Freddie Mac who have failed in their assignment. A worker who doesn't do his job will be given a pink slip, but a failed CEO of Fannie Mae or Freddie Mac is given a multimillion-dollar windfall.

I understand that both of these individuals were brought on the job to try to save failing agencies, but it is also true that in the case of the head of Fannie Mae, Daniel Mudd, he was paid $11.6 million as an income last year as Fannie Mae was headed into the tank. Mr. Syron, Richard Syron, who headed up Freddie Mac, was paid $18.3 million last year and given stock options. It turns out those stock options have become almost worthless. The fact is that they are still being rewarded—unless we do something—with farewell gifts and golden parachutes as they leave.

When Mr. Mudd took over Fannie Mae some 4 years ago, the shares were trading at $70. On Friday, the day the news of the possible takeover started to leak out, Fannie Mae shares were trading at $7. On Monday, the shares closed at 73 cents.

Freddie Mac had its own accounting problems when Mr. Syron took over in December of 2003. The company was forced to admit it had inflated its earnings by nearly $5 billion. Like Mr. Mudd, Syron—who had served as a chief executive at other companies before—had been brought on pledging to fix the company and get it back on track. Freddie's shares, which traded for about $55 when Mr. Syron took over in 2003, dropped to about $5 last Friday and then to 88 cents on Monday.

You don't have to be a subscriber to the Wall Street Journal to realize these two men failed in their assignments. Given 3 or 4 years to right the ship and steady the course, they failed. Yet, in their failure and departure, they are asking for a rich reward—literally millions of dollars to be paid by the taxpayers. That, to me, is indefensible. That is why I have joined others in Congress, including Senator OBAMA, Senator REID, and Senator SCHUMER, in writing to the Treasury Secretary and the head of the Housing Finance Authority and telling them to stop the golden parachutes for Mr. Mudd and Mr. Syron.

However, there is more that needs to be done. Last Sunday, Secretary Paulson called me to explain what was going to happen with Fannie Mae and Freddie Mac.

I told him I didn't know what else he could do. To allow these two housing giants to fail could literally cause reverberations across the economy, hurting many innocent companies, shareholders, and workers. I thought we had to step in. We had no choice. But it is not enough. To ride to the rescue of Bear Stearns, as our Government has, or to the rescue of Fannie Mae and Freddie Mac, as we have, is, of course, an effort to avert a worse disaster. But there are literally hundreds of thousands of small-scale disasters taking place every day, which still evidence a serious problem in the American economy. I am speaking, of course, of foreclosures. Despite the passion this administration has for making sure corporations survive bad times, they don't have a similar passion for families facing foreclosure.

The letter I have written to the Treasury Secretary calls on him, as part of this restructuring of Fannie Mae and Freddie Mac, to at least consider a helping hand for those facing foreclosure.

When IndyMac Federal Bank was taken over by the FDIC in July, the

FDIC instituted a systematic plan to refinance troubled mortgages to help those homeowners avoid foreclosure. It set up strict criteria for those who would be eligible. It would not help speculators but those who had their homes at stake. It initiated restructurings for all of the mortgages that qualified. However, when it comes to the other mortgages across America, I am afraid there is a sad story to tell, where there has been a failure to refinance, a failure to create opportunity for people to stay in their homes. Foreclosure is a disaster for any family facing it, but it is also a disaster for their neighbors. The value of my home in Springfield, IL, has diminished because some of my neighbors have gone through foreclosure. Of course, it affects the overall housing market. It affects whether people will buy or build homes. Unless this cloud is removed from our housing market, then one of the pillars of the American economy has been shaken and may crumble.

That is why we have called on the Treasury Department and this administration to step in as part of restructuring Fannie Mae and Freddie Mac to avert foreclosures. Now, the Mortgage Bankers Association—the group that brought us this subprime mortgage disaster—has been arguing not just for months, but for years, that voluntary efforts by financial institutions are enough, that these banks will come forward and help these families. But there is no evidence of that whatsoever; foreclosures still are occurring at a record historic rate.

We cannot expect to emerge from this weak and failing economy until we address the root cause, which is the failure of the housing market. The Bush economic and tax policies have brought us to this disastrous moment—this moment where we have a Tax Code that rewards the wealthiest instead of helping middle-income families, a moment where the administration rushes to the rescue of the big banks but forgets American families who are struggling to keep a roof over their heads, struggling to protect the only asset they have in life against an economy that is making it difficult for them to survive.

Foreclosures continue to skyrocket. We have set a new record high in the last quarter, according to the Mortgage Bankers' own data. The Hope Now Alliance, which is run by bankers with the support of this administration, is supposed to be riding to the rescue. But they don't require banks to do anything to help homeowners, but just gives them ''guidelines.'' Let me tell you something: Guidelines will not save a home. Guidelines will not avoid foreclosure. Guidelines won't keep you out of bankruptcy. That is what many homeowners are facing.

We tried, unsuccessfully, to convince this Senate and this administration to allow those homeowners facing bankruptcy and foreclosure to have one last chance in the bankruptcy court, to let the courts sit down with the bank and the family and try to find a way to keep them in their home. It was rejected. The ''sanctity of the contract'' is what we were told, we cannot violate the sanctity of the mortgage contract. Why, that would be unconscionable. It would shake the very foundations of the private sector economy in America.

But what happened last week? What happened to the sanctity of the contract when our Government and taxpayers rode to the rescue of Fannie Mae and Freddie Mac? We decided there was a greater good. The greater good was stabilizing this economy, averting a disaster if these two agencies failed. We said we would step in and do something extraordinary for the good of America. Why is it we will step in with billions of dollars for the good of America when it comes to major banks and major financial institutions but consider it anathema, unacceptable, heretical to step in when it comes to helping a family save a home?

That is the difference in the thinking here. When it comes to the priorities of this administration in Washington, those at the top, whether it is the banks or the CEOs of Fannie Mae and Freddie Mac, they always come out fine. They are always going to find themselves at the end of the day quite comfortable. But when it comes to helping working families—middle-income families who are struggling to get by—the policies of this administration have not been kind.

This Hope Now Alliance still won't report to the public how many families are receiving real mortgage relief, through a reduction in what is owed. We can assume that not many are getting help. Now that Fannie and Freddie have been taken over by the Government, we can do something about it. These companies need to systematically restructure mortgages so we can prevent as many foreclosures as possible. Everyone wins if we do that. Families get to stay in their homes, taxpayers spend less money covering foreclosure losses, Fannie Mae and Freddie Mac reduce their future exposure to failed loans, and it is the right and smart thing to do. As our economy continues to struggle, we should take advantage of every opportunity we have to step in and help.

Saving the taxpayers from overpaying failed CEOs and helping families stay in their homes and avoid foreclosure are two such opportunities. In this letter, I have urged the administration to seize both opportunities.

On November 4, the American voters will have a chance to speak to the record of this administration, to decide whether we are going to make the change in Washington that is needed to steer a different course, to bring, I hope, a stronger economy. Many of us believe the strength of that economy and future of that economy is with the working families of this country, the middle-income families who struggle every day, pay their taxes, try to keep gasoline and groceries available, pay for college education and health expenses, and are having a hard time getting by. There hasn't been enough sensitivity in the actions and policies of this Congress or this administration when it comes to these families.

The fact is we have a chance in this election to change things in Washington, to bring some new thinking, some new priorities, and some new values. Those values don't include multimillion dollar golden parachutes for failing CEOs, or putting banks as a priority above average working people who have always been the strength of this country. I certainly hope we have that opportunity and seize it on November 4.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

ENERGY

Mr. TESTER. Mr. President, I rise today to visit about an issue we have all been talking about for some time: energy. In fact, truth be known, we have been talking about energy for over 30 years in this country, since the first energy crisis in the early 1970s.

Over the August recess, I had the opportunity to go around the State of Montana—I logged hundreds of miles on my vehicle—and talk with Montanans virtually from all over the State about energy and our Nation's energy future. Every visit to the great State of Montana is another reminder to me that many of the best ideas—if not all of the best ideas—are found outside of Washington, DC. From a dairy farm in western Montana that converts cow manure into enough electricity to power that farm and its neighbors through hydrogen fuel cells that keep the lights on in college classrooms, to a generator that turns tree bark into electricity, Montanans are finding innovative ways to meet their energy needs. That can not only help Montana, but it can help the whole country's energy future.

It is no wonder, as I traveled around the State, as we see in Montana, gas prices a little under $4 a gallon, and as we see winter coming in and the potential of a cold winter and the potential for high heating oil and natural gas prices, that Montanans are very concerned about their energy future.

This fall, over the next few weeks, we have an opportunity to address this country's energy future both in the short term and in the long term. Hopefully, we will address it. Hopefully, we can put the partisanship away. Hopefully, we will be more concerned about

energy for this country's citizenry than about who is going to win the next election.

Back in 1978, one of the other times we had energy problems in this country, Montana put out this book. It says 1978 on the bottom, and it is called ''Montana's Energy Almanac.'' This book contains information about oil and gas and coal. It also contains information about electricity transmission, solar power, geothermal, renewable energy, and a myriad of other issues. This book could have been written in 2008. The fact is we had a format to move forth with this country's energy future, and it didn't happen. We had the ability to develop a long-term energy plan for this country, and it didn't happen—30 years ago, it didn't happen; a generation ago, it didn't happen.

We need to make it happen this fall. It is critically important for this country. It is critically important for this Nation's security. As we come forth with an energy plan over the next few weeks, it will include drilling, make no mistake about it, and it should. Also remember this: It is not going to significantly decrease the prices at the pump right now. That doesn't mean it is the wrong thing to do. It is the right thing to do, because the truth is that if we can take our reliance off of places such as Venezuela, Russia, and Saudi Arabia, that is a good thing. You also must note that, right now, we are drilling. In fact—and I have stated this before on the floor—right now, it would be difficult to find a rig in the United States to punch a hole for gas or oil, because they are already doing that. If you are lucky enough to find a rig, you would be hard pressed to find the casing to put in that hole once it is drilled.

The truth is we need to drill, and how much we drill will probably depend upon the availability of rigs and casings, and right now they are being used up. Drilling is part of the plan. We also need to invest in renewables, because drilling should be a bridge. We talk about bridges, but we never talk about where that bridge is going to go. It will go to nowhere unless we invest in renewables such as solar, wind, geothermal, biofuels, and cellulosic ethanol, and it is critically important for our long-term energy future. So we need to invest in those things by a myriad of ways.

My colleague in the Senate, MAX BAUCUS, has a bill that will do exactly that. That bill needs to be a part of the Energy plan to invest in solar, wind, geothermal, biofuels, cellulosic ethanol—the list goes on and on—because there is tremendous opportunity out there. We need to invest in R&D in clean coal, battery technology, hydrogen technology, high-mileage cars, hybrids, and electric. We need to encourage innovation in R&D. It will happen because it is happening on the ground in places such as Montana now. We need to encourage the innovation.

As this book said on all these issues, we also need to invest in transmission. We need to invest in the grid. If we are going to get electricity to consumers in a way that makes sense, in a way that is efficient and cost-effective, we need to invest in transmission.

Finally, and potentially the most important of all these points, we need to eliminate the redtape. A few years ago, we eliminated the redtape for gas and oil companies. We need to do the same thing for renewable energy. The agencies have been understaffed and, quite frankly, it occupies a lot of time now to get a project through.

We have a Montana-Alberta tie line project to move electricity from Montana to Alberta and from Alberta back to Montana with renewable energy on that line. It has been 3 years in progress. The redtape needs to be eliminated.

I will be introducing a bill to cut through the redtape and encourage these kinds of renewable energy projects because, for the long-term future of this country, it is absolutely what we need to do.

In closing, I wish to say this: Oil is hovering around $100 a barrel right now. It has backed off somewhat. Back in the seventies, we saw oil peak and then back off, and this book was put on the shelf and never looked at again, and probably every State in the Union had a book such as this.

The truth is, we have an opportunity right now to address this issue from a short-term and a long-term standpoint. This issue is not going to go away. We have 3 percent of the reserves. We use 25 percent of the oil. We need to figure out not only ways to maximize our own oil capacity but also how we are going to take renewables into the future and other energy sources into the future so it makes sense for this country and its consumers and this country's security.

As I said earlier, with countries such as Venezuela, Russia, and Saudi Arabia determining our energy future, that is no way to run a country. We need to address our energy problems, and we need to do it together today by all of us giving a little bit to find common ground to move forward.

As we move across the next 57 days to the election, we ought to forget about it. We ought to forget about the election and do what is right for this country and develop a short-term and long-term energy plan that addresses current demand, future demand, affordability, and sustainability. Thirty years from now, I don't want to see a Senator standing up on this floor holding this book up saying: In 2008 we had this same problem, and we need to deal with it today.

We need to deal with it now in 2008, this fall. We cannot blow this one.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes, and after I have completed my speech, Senator CORNYN be recognized for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Hampshire is recognized for 15 minutes.

Mr. GREGG. I ask the Chair to notify me when I have used 10 minutes.

FISCAL RESPONSIBILITY

Mr. GREGG. Mr. President, yesterday the CBO gave us their estimates of what the deficit is going to be and what the deficit for next year will be, and it is not good news. The deficit has more than doubled. It is projected now to be $407 billion. That is up from about $160 billion. That has all occurred under the leadership of this Democratic Congress. Obviously, the administration takes significant responsibility, but the Congress, under the law, under the Constitution, controls the purse strings, and the Congress has the control over the check writing of the Government. As a result, the first responsibility for fiscal restraint and fiscal discipline is with the Congress, and it has failed that test.

It is hard to imagine how the deficit could jump this much in this short period of time. Most people will say it is the result of the war—or people on the other side will say that. It is not. This jump in the deficit, to the extent it was controllable from the Federal Government's standpoint—in other words, it wasn't caused by the slowdown in the economy—was purely a function of increased spending on nondefense—not purely but was significantly increased by spending on nondefense activities and a dramatic increase in spending.

The problem is that not only is this deficit now at $400 billion and going up under this Congress, but the outyears are even more severe that the risk for us as a nation is even more dramatic from the standpoint of fiscal policy because looming over the horizon is the problem with entitlement spending which will expand dramatically as the baby boom generation retires and where we already know there is more than $60 trillion of unfunded liability.

What has this Congress's response been to this situation? It is the worst record in the last 20 years. One appropriations bill—one appropriations bill—freestanding, has been passed in the last 2 years, the Defense appropriations bill last year. There have been Omnibus appropriations bills passed. Then this year, we are going to pass, it

looks like, not an Omnibus appropriations bill but simply a continuing resolution; a complete abdication, a complete abandonment of the budget process, of the responsibility—the first responsibility of the Congress, other than defending the country—of setting up a fiscal process for managing the taxpayers' dollars has occurred under the leadership of this Democratic Congress. It is truly the worst record in the last 20 years. Nothing like this has happened where so much that Congress is supposed to do has not been done. No appropriations bills have been brought to the floor of the Senate, and no appropriations bills have passed the Senate and the House. None. We are supposed to pass 12 bills. None have been passed.

The debt has gone up over $1 trillion, $1 trillion added to the debt in the last 2 years. The deficit has doubled, and yet there has been no effort at all not only to do the day-to-day responsibility of managing the Government, which, after all, is the responsibility of the Congress, by passing appropriations bills, but to address the issue of the looming crisis in our entitlement accounts—no effort to address entitlement reform or even at the margin to try to control the rate of growth of entitlement programs. Even the most simple ideas which are reasonable and could have been accomplished have not been pursued, ideas such as making wealthy people pay for some portion of their Part D premium.

Today, Warren Buffett, who qualifies for a drug benefit under Medicare, does not have to pay for any of that or pays only a marginal amount of that cost compared to what he should be paying as a high-income individual. That adjustment has been ignored. Ideas such as that which make sense that would at least save us some money have not even been brought forward; zero effort in the area of Medicare reform, in the area of Medicaid reform, and in the area of entitlement reform by this Congress, zero effort in the area of controlling spending. Not one program has been reduced, not one program has been eliminated, not one program has been adjusted downward. Everything has gone up and up and up. Thousands of earmarks have been proposed, thousands—7,000 or 11,000, I have forgotten the number. Senator COBURN knows it off the top of his head. But it is so many you can't even keep track of them.

It is a true dereliction of duty by this Democratic Congress the way the fiscal house of this country has been managed. They do debt, they do deficits, and they do nothing, and they deserve a D minus when it comes to managing our fiscal house.

It is unfortunate because all these costs which we are running up represent radical increases in borrowing which means dramatic burdens for our children and our grandchildren as they have to pay these bills when they come due in the outyears instead of paying as we go, which is the appropriate way to proceed with spending. We are simply borrowing from our children.

In fact, the pay-go rules, which were supposed to discipline spending, have been waived, adjusted, and gamed time after time to the point where over $399 billion under this Congress has been spent or put on the books as an obligation which should have all been subject to a pay-go point of order. But those pay-go points of order have been adjusted, waived, or gamed so they did not even get raised or, if they did get raised, they got run over by the majority in this Congress.

So the rules which this Congress put in place to try to discipline spending and which we so often hear chest beating about from the other side of the aisle—I am for pay-go—have been eviscerated. I call it ''Swiss-cheese go.'' It has no relevance at all any longer because the spending around here occurs in a manner which is profligate and there is no attempt to adjust spending to reflect revenues, to attempt to bring down the deficit. In fact, the deficit is now double.

It is not good news for the American taxpayer. Here we are in a situation where we are facing some very serious fiscal times, and we ought to at least be able to discipline our budgets in a more effective way. We ought to at least do the business of the Congress, which is to pass appropriations bills which are within the budget rather than pass supplemental emergencies which are outside the budget.

This is a problem, and it is a significant problem. It is brought about in large part because this Congress has failed to do its job of managing the fiscal house or even taking up the bills which are supposed to manage the fiscal house.

There is another subject I want to touch base on—I see the majority leader is here and as a courtesy, I will proceed to those comments so I don't take up too much of his time—and that is the issue of the highway trust fund needing to be replenished to meet obligations which it has incurred.

A little bit of history is important, if the majority leader will allow me to proceed briefly to outline the history.

We passed something called SAFETEA back in 1995. That bill set out highway spending which was supposed to be paid for from the highway fund, which the highway fund is paid for by gas taxes. But that bill was intentionally structured—intentionally structured—so that the spending would exceed the income. We knew one day during the term of that bill—people thought it would be later in the process—the highway trust fund would be spent out and there would be a problem.

Why do we know that? Because that bill included 6,000 earmarks totaling $24 billion which we knew were not going to be able to be totally paid for by gas tax revenues even if the gas tax revenues had maintained themselves.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. GREGG. I thank the Chair.

What happened was that the gas tax revenues have fallen because of the increase in gas prices and the American people's appropriate effort to try to conserve their use of gasoline. So the day of reckoning has come earlier, much earlier, than expected, but we knew there was going to be a day of reckoning because the bill was structured to fail. All these 6,000 projects that were put in there, $24 billion of spending we knew was not going to work or be paid for under the present bill. So now the suggestion is that rather than pay for them in a responsible way, we should raid the general fund, take that money and use it in the highway trust fund.

The highway trust fund has always been a separate entity. The whole purpose of the highway trust fund was to fund highways and have them have their own stream of revenues to fund them and to not commingle those funds with the general fund.

The argument has been made—and it is a straw dog argument of the most extraordinary level—that back in 1998, the highway trust fund lent $8 billion to the general fund, and they are just trying to recover that now as an accounting event. That puts a whole new spin on the concept of accounting. Even the people who did Enron's internal accounting would have found that one a hard sell. That was a movement in 1998 of nothing more than paper.

This event is a real addition to the Federal debt of $8 billion. This is real money; that had no real money involved. This has a real effect; that had no real effect involved. So that argument is truly a straw dog argument put out there to try to legitimize a raid on the general fund in order to settle up the highway fund.

Now, I know I am going to lose this fight, and I am not trying to stop the fight. I am not trying to stop the event. I haven't suggested we need 60 votes to go through this. What I have suggested—and I will ask unanimous consent to accomplish this—is that we simply have two amendments: One—mine—would put back in place pay-go rules and the Byrd rule prospectively—so it doesn't even affect this event—so this doesn't happen again. Both of those should be disciplining events on how we fund roads, and it is the right procedure. It is not an outrageous request to proceed that way. The other is the Coburn-DeMint amendment, which says that any money that is taken out of the highway fund will be used for building roads or bridges, as I understand it, and not be used for things

such as bike paths and basketball arenas.

So those are the two amendments; that those amendments be brought up, debated, and voted on in a very short and very constricted timeframe and then we have a final passage vote. The majority leader has asked for an amendment to his proposal, so if either one of these proposals were to pass, it is going to go back to the House.

The argument that this is going to slow the process doesn't really have legs because, first off, we may lose both our amendments, but even if we don't lose them, the majority leader has proposed a unanimous-consent request which has an amendment in it, and that amendment will pass because, in effect, it is an effective date amendment. But that will send it back to the House and it will have to be done again, anyway. So as a practical matter, these proposals aren't going to slow the process.

It does seem to me it is reasonable to have two amendments and then final passage or three amendments and then final passage rather than just one amendment and have final passage, and do it all within a framework that has a reasonable timeframe.

UNANIMOUS-CONSENT REQUEST—H.R. 6532

Mr. GREGG. Mr. President, I ask unanimous consent that the Finance Committee be discharged and the Senate proceed to the immediate consideration of H.R. 6532, the highway trust fund bill, under the following agreement: that the Baucus amendment at the desk changing the enactment date be agreed to and the only other amendments in order be the Gregg amendment on budget discipline and the Coburn on nonessential projects, the text of which is at the desk, with 30 minutes of debate on each amendment and 1 hour on the bill equally divided in the usual form. I further ask unanimous consent that upon disposition of the amendments and following the use or yielding back of the time, the bill, as amended, be read a third time and the Senate proceed to a vote on passage without any intervening action. I further ask unanimous consent that no points of order be waived by virtue of this agreement.

So the maximum amount of time that would be involved here would be 2 hours, and then there would be a vote on final passage.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, the one thing I am not going to do is get into a debate on the Senate floor with the Senator from New Hampshire on the rules relating to the budget. He knows them inside out and upside down. The only person I know who is qualified to debate him on these issues is Senator CONRAD. So his amendment is something I am not going to discuss at all because, without in any way demeaning myself, I am not capable of doing that.

But I can say a few things about the Coburn nonessential projects amendment. My friend, the junior Senator from Oklahoma, has held up scores of bills. His definition of nonessential is unique to him. For example, we all know—we have been through it before—that he has held up the Lou Gehrig bill, which would allow a registry to be set up so we could start doing research on this dread disease that is killing people as we speak. The Senator from Oklahoma has held up the Christopher and Dana Reeve Paralysis Act, which is so important to people who are paralyzed. Postpartum depression—I don't know if anyone has had this in their family, situations where this disease has reared its ugly head. It is very severe. A woman has a baby, and following the woman having a baby, she becomes emotionally unstable and needs help. We need to do research on this to try to find out what we can do to alleviate this very serious problem. The Senator from Oklahoma has held that up. Conquering childhood cancer—held up. Breast cancer research was stopped by Senator COBURN. The Emmett Till Unsolved Crimes Act—stopped. Child pornography prosecution—stopped. Enhancing child pornography prosecution—stopped. Funding victims for torture—stopped.

So, Mr. President, I have great respect for my friend from New Hampshire, but the President of the United States and his Cabinet officer, the Secretary of Transportation, called me personally to say they needed this legislation done Monday. They have said they want it done Monday. They want it done now. All 50 States are facing a highway funding crisis if we don't get this bill to the President's desk immediately. His Transportation Secretary, Mary Peters, after opposing our efforts for months to do this, has stated that the crisis has become so severe that the bill needs to be on the President's desk no later than Friday of this week. The Department of Transportation has told us that by this Thursday, States will be reimbursed to the tune of 62 cents on the dollar. That will mean immediate layoffs, immediate terminations of existing contracts.

We don't have time for debating frivolous amendments. The amendment my friend talks about is one the President wants and can be completed just like that. We need to get this done. We need to pass the bill now with an immediate implementation date so that our Governors and our highway workers will know they will have the Federal funds they are owed. Anything short of that is playing Russian roulette with our economy.

Mr. President, it speaks volumes that we are here, as we should be, talking about how much money $8 billion is. Keep in mind that we want to take that money and put it in the highway trust fund to keep jobs, to keep people from being laid off, when yesterday it was announced by the administration that we are going to have the highest deficit in the history of our country this year. Where is President Bush when we have been talking about these deficits for such a long time?

So, Mr. President, with all due respect to my friend, the senior Senator from New Hampshire, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. GREGG. Mr. President, might I inquire of the majority leader——

The ACTING PRESIDENT pro tempore. The time of the Senator from New Hampshire has expired. The Chair is informing him of that. This is the Republican time.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed for 2 minutes to enter into a dialog with the majority leader and that it not affect the 15 minutes that has been reserved for the Senator from Texas.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Might I inquire of the majority leader, 2 days ago, the majority leader—yesterday—proposed a unanimous-consent request, and I didn't note in that request that he had a recorded vote involved. Also, if I heard his statement correctly, if the Senator from North Dakota were to agree to my amendment, would he be willing to place it into this amendment?

Mr. REID. No. Mr. President, what I said is that I am not going to debate these very complicated issues relating to budgetary matters with the Senator from New Hampshire. I said the only person who I think is as knowledgeable of the budgetary provisions of the law and precedents here in the Senate is the Senator from North Dakota. So I have every belief that the Senator from North Dakota is not going to come and do this, and I have an even stronger belief that the Senator from North Dakota would not agree to what the Senator suggests.

Mr. GREGG. Well, I suspect the Senator knows the position of the Senator from North Dakota well.

Mr. REID. I would also say this, Mr. President: I would be happy to propound a unanimous-consent request. My request, which I have done on two separate occasions—Monday and Tuesday, and now it is Wednesday—called for passage by unanimous consent with no rollcall vote. I would be happy to change that so that we have a rollcall vote on this. That rollcall vote would be scheduled forthwith.

Mr. GREGG. Mr. President, I would like to talk to the majority leader about that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized under a previous order.

Mr. CORNYN. Mr. President, I would request I be notified when I have used 12 minutes.

Mr. President, I wish to join my colleague from New Hampshire in raising some alarm—not intemperate, not hysterical alarm, but alarm nonetheless—about the recent reports that the Federal deficit has now risen in excess of $400 billion. Of course, what that means is that the Federal Government continues to spend money it does not have, and I think the American people are rightfully concerned that we are on a course of significant fiscal irresponsibility for which a tremendous price is going to be paid by our children and grandchildren.

The Senator from New Hampshire mentioned the fact that here we are in September, and this Congress, under the Democratic control conferred upon them in the last election, has yet to pass a single appropriations bill. I know that in the blame game—which in Washington, DC, is a world-class sport—our colleagues on the other side of the aisle like to point to the President of the United States as the person responsible for the high budget deficit. But the fact is that the President can't appropriate a penny of money. The President does not have that authority under the Constitution of the United States. Only Congress can appropriate money, and Congress is the one that should bear the responsibility for this tremendous state of fiscal neglect and irresponsibility that brings us here today.

We also know that in this election season, Senator OBAMA, our colleague from Illinois, has already proposed $350 billion in new Federal spending. The $400 billion deficit apparently is not enough to satisfy Senator OBAMA. He wants to spend $350 billion more in new spending. And these are not on existing spending programs, this is new spending. Over 5 years, his proposals would cost almost $1.7 trillion. Well, I have to tell you that in the 5 weeks I was back in Texas traveling the State and listening to my constituents, the last thing that was on their to-do list for us here in Congress was to come up with new ways to spend their money. What they wanted was for Congress to accept the responsibility that goes along with the privilege of holding the offices we hold and to actually do something about the problems that confront our Nation when it comes to fiscal irresponsibility.

It is a troubling sign that our deficit has ballooned from $161 billion to more than $400 billion. Yet what do we find out yesterday or the day before but that the Federal Government is now going to have to take over, in essence, Freddie Mac and Fannie Mae. This move could potentially cost taxpayers as much as $200 billion more on top of the $400 billion deficit.

Since the 2006 election, Democrats have been in control. And this year alone, spending has increased by 8.3 percent. Now, I don't know any business, I don't know any family who increased their spending 8.3 percent from last year to this year. Only the Federal Government—which, of course, prints money, which is then added to the deficit and the bill passed on to our children and grandchildren—only the Federal Government could get away with that.

Regarding the Fannie Mae and Freddie Mac debacle, no one actually knows how much this bailout is going to cost the American taxpayer. I have very serious concerns whether the poor investment decisions of the CEOs and the shareholders should be guaranteed by the paychecks of taxpayers.

As a matter of fact, I think they should not be. While they were granted a backstop against catastrophic losses, certainly the taxpayers were not there to share in the profit during the heyday of those Government-sponsored enterprises. And the most disturbing to me is that the collapse of Fannie and Freddie was, in all likelihood, contributed to by corrupt actions of its corporate officers.

As a matter of fact, in May of 2006, a report by Fannie Mae's oversight authority, the Office of Federal Housing Enterprise Oversight, noted that:

> By deliberately and intentionally manipulating accounting to hit earnings targets, senior management maximized bonuses and the executive compensation they received at the expense of shareholders.

Now, there was an investigation into these corrupt practices. But, amazingly enough, there were no criminal charges pursued, only civil fines against the top three corporate officers. So while three corporate officers overstated Fannie Mae's earnings by approximately $10.6 billion, they have been given a slap on the wrist and no real sense of accountability, no accountability in any sense of the word.

> We know they contributed to what ultimately happened by the Treasury Secretary using the power Congress conferred in him to essentially take over and bail out these two enterprises.

I have written a letter to the Attorney General of the United States asking him to conduct a criminal investigation into the activities of the corporate officers and anyone else who may have contributed to the overstatement of assets on the books of Fannie Mae and Freddie Mac and to make sure a thorough criminal investigation is undertaken and that those responsible for violating any of the criminal laws of the United States be held accountable.

Mr. President, I ask unanimous consent that this letter to the Attorney General be printed in the RECORD after my remarks.

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. What the American people want in Washington is accountability. And what they see is dysfunction and no accountability. If there is one thing I heard from my constituents in Texas as I was there during the month of August is that no one is happy with what is happening in Washington, in Congress in particular, not Democrats, not Republicans, and certainly not me.

I think to see, for example, a $400-billion-plus deficit, a bailout of Fannie Mae and Freddie Mac that is going to cost probably somewhere on the order of $200 billion, and then to hear Speaker PELOSI in the other body talk about a second stimulus bill which is going to, of course, increase Government spending, spending money we do not have and pass that debt along to our children and grandchildren, I wonder whether Congress has lost leave of its senses entirely, because there seems to be absolutely no recognition of our fiscal responsibility here. I point to the fact that there has actually been an effort to try to figure out how to eliminate wasteful spending projects. The Office of Management and Budget has done a review of about 1,000 Government programs and actually concluded that about 22 percent of them were either ineffective or else they could not tell whether they were effective.

In other words, out of 1,000 Government programs chosen by the Office of Management and Budget, 22 percent were either found ineffective or else it was impossible to say whether they were effective. I do not know which is worse, whether they are ineffective or whether you do not have the information to tell one way or the other.

What Congress needs to do as it sets about spending more money is not grow the size of Government and raise taxes or else pass the bills down to our children and grandchildren, Congress needs to start cutting ineffective programs. That is why I have introduced a bill that would create a sunset commission like the sunset commission in many States, including mine, which would actually periodically review Federal Government agencies and programs and cut wasteful or ineffective programs.

That is the kind of commonsense, practical, bipartisan solution the American people are crying out for, but apparently in vain, because Congress persists down this road of fiscal irresponsibility, and there is no apparent end in sight.

DEFENSE AUTHORIZATION

Mr. CORNYN. Mr. Presient, I know we are going to be moving to the Defense authorization bill. I want to speak briefly on an amendment which I intend to offer called the Military Voter Protection Act. I believe the right to vote is one of the most precious civil rights we have as American citizens. Yet the scandalous fact is that last election, in 2006, out of all of the eligible military voters and civilians overseas, only 5.5 percent of those eligible to vote and who actually tried to cast a vote had their vote counted—5.5 percent.

Now, if this were to happen in any city, in any town, any State here in our country, there would be a major public outcry. There would be newspaper headlines, and investigative reporters would be scrounging for information finding out who is denying the most basic civil right to American citizens that we have, which is the right to vote.

But for some reason nothing is done, either by the Department of Defense or the Department of Justice or by the Congress to make sure that those men and women who are deployed in harm's way have the opportunity to register to vote, and to make sure that when they do vote, their ballot is actually delivered back and counted on a timely basis.

This is something that I think all of us would support on a bipartisan basis, the Military Voting Protection Act. I intend to bring it up this morning with both the bill managers, Senator LEVIN and Senator WARNER. I hope I will be permitted an opportunity——

The PRESIDING OFFICER. The Senator has used 12 minutes.

Mr. CORNYN. I thank the Chair. I hope I will be given an opportunity to call up this amendment and to have it voted on. I worry a little bit because of the fact that the majority leader has filled the amendment tree, and that there is some question whether amendments will be allowed on this bill.

As a member of the Senate Armed Services Committee, as is the occupant of the chair, I am usually familiar with the fact we are on Defense authorization bills for a matter of a week or more, usually 2 or 3 weeks, and it is usually a much amended bill because of the public interest in this particular piece of legislation.

I am worried that the majority leader is trying to compress all activity into this 1 week and we will not have an opportunity to offer important amendments such as the Military Voting Protection Act, which I have described, which I will come back to the floor and describe more thoroughly.

After a very bad year here in the Senate, we still have about 2½ weeks in order to pull the chestnuts out of the fire and actually accomplish some very important things by passing a Defense authorization bill, including protecting the voting rights of our military deployed overseas.

We have a chance to stand up for fiscal responsibility by actually passing some appropriations bills and by considering high energy prices and how those are affecting average Texas families and families all across this country, and driving up the cost of food and other commodities as well.

We actually have an opportunity, by eliminating the moratorium on offshore oil exploration and production, to produce more American energy so we do not have to send $700 billion a year overseas to other countries in order to buy something which we have an abundance of right here at home, as much as 3 million additional barrels a day right here in the United States, if Congress would simply become part of the solution rather than becoming part of the problem, which it has been by annually passing an appropriations bill rider banning drilling and exploration and production in the Outer Continental Shelf.

Last year, there was an amendment to an appropriations bill that would actually ban rulemaking and exploration and production of oil shale out in Utah, Colorado, and Wyoming, which has enormous capacity to produce a lot more American energy at home.

And then, of course, there is ANWR, where 2,000 acres, right in the middle of a desolate part of a 19-million acre refuge in Alaska, harbor untold amounts of oil, American oil, that would obviously, if produced, make it possible for us to buy less from countries that in some cases wish us harm and not well.

This is a national security problem. It is an economic problem not only for our country but for every hard-working family. I hope Congress will do what it has not done in the preceding months and actually act in a bipartisan way to solve some of these problems which I mentioned in a way that hopefully would make our constituents proud of us rather than disdainful, which is demonstrated, of course, by the historic low approval rating which Congress now—I was going to say enjoys, but certainly we do not enjoy that—now suffers.

EXHIBIT 1

U.S. SENATE,
Washington, DC, September 9, 2008.

Hon. MICHAEL B. MUKASEY,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR GENERAL MUKASEY: The recent government takeover of the Federal National Mortgage Association (''Fannie Mae'') and the Federal Home Loan Mortgage Corporation (''Freddie Mac'') raises serious concerns whether a well-documented culture of corporate executive corruption at these organizations contributed to the mortgage giants' collapse. I request that the Department of Justice begin a new, full-scale investigation into accounting fraud and other corrupt practices perpetuated by top executives—and coordinate efforts with the Department of Treasury and other regulatory entities to determine to what extent any illegal activities led to the institutions' failure. The public deserves a full understanding of the events surrounding the failure of Fannie Mae and Freddie Mac and, furthermore, corporate executives must be held accountable to the American people.

In May 2006, a report by Fannie Mae's oversight authority, the Office of Federal Housing Enterprise Oversight (OFHEO), noted that ''[b]y deliberately and intentionally manipulating accounting to hit earnings targets, senior management maximized the bonuses and other executive compensation they received, at the expense of shareholders.'' The investigation into illegal accounting practices resulted in fines levied on Fannie Mae and three of its top corporate officers—but no criminal charges. While the three corporate officers who overstated Fannie Mae's earnings by approximately $10.6 billion may possess some form of prosecutorial immunity, it is imperative that there is accountability for each and every fraud perpetrated upon shareholders and the public. Moreover, the efficacy of prior investigations by OFHEO and Justice are further called into question in light of evidence of disturbing allegations of active interference on the part of Fannie Mae lobbyists. According to the OFHEO report, Fannie Mae ''sought to interfere'' with the OFHEO investigation by petitioning Congress to conduct a separate investigation of OFHEO. Furthermore, they allegedly lobbied Congress to cut OFHEO's funds for failure to fire the top official responsible for investigating Fannie Mae.

As the future of Fannie Mae and Freddie Mac is debated, it is essential for Congress to shine more light on the culture of corruption that plagued these institutions. But federal prosecutors and regulators also must vigorously investigate these institutions with the utmost urgency. Shareholders—indeed, all taxpayers—are entitled to a critical examination of Fannie Mae and Freddie Mac in light of the huge costs they are forced to bear as a result of the mortgage companies' demise.

Thank you for your prompt attention to this matter.

Sincerely,

JOHN CORNYN,
U.S. Senator.

Mr. CORNYN. I yield the floor and yield back any remaining time we have, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid amendment No. 5290, to change the enactment date.

Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.

Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature.

Reid amendment No. 5294 (to amendment No. 5293), of a perfecting nature.

Levin (for Leahy/Byrd) amendment No. 5323, to provide for a suspension of certain statutes of limitations when Congress has authorized the use of military force.

AMENDMENT NO. 5323

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Michigan on the Senate floor, the chairman of the committee, and the distinguished Senator from Alabama, a key member of the committee. I will speak on the Wartime Enforcement of Fraud Act. This was introduced last night. It is one I hope the Senate will wholeheartedly accept.

For more than 5 years, America has been fighting wars in Iraq and Afghanistan. In fact, we have been there longer than we were in World War II. But efforts to investigate contracting fraud during these wars continue to lag. Part of the reason is not because the authorities don't want to find out whether there has been fraud, but it is difficult to uncover fraud when you are in a shooting war and conflicts continue.

The problem is not new—this has happened before—and the solution is not new. Current law extends the statute of limitations for contracting fraud offenses during wartime to address this problem. In other words, if fraud has occurred, you have a certain statute of limitations. We would simply extend it. This commonsense law was passed by Congress during World War II with the support of President Roosevelt. A similar provision was passed in World War I. Those were wars in which we were involved for less time than we have been involved in Iraq and Afghanistan. Current law only applies to declared wars and not to circumstances where Congress only authorizes the use of military force rather than officially declaring war. So the extension of the statute of limitations doesn't apply to the ongoing wars in Iraq and Afghanistan.

The bipartisan Wartime Enforcement of Fraud Act will close that technical loophole. It will apply the law that we already have on the books, but it will apply it not only to declared wars but also to the wars in Iraq and Afghanistan. I was pleased to join with Senator GRASSLEY of Iowa earlier this year to introduce this legislative fix, and the Judiciary Committee reported this measure before the August recess. With each passing day, we are losing the legal authority to prosecute fraud in Iraq and Afghanistan because the existing law that extends the statute of limitations does not apply to these wars.

We have an obligation, no matter whether one is for or against the war in Iraq, to protect the public interest and certainly to protect taxpayer dollars during times of war. This simple amendment will allow us to do so. We have done that in past wars. Iraq and Afghanistan should be no different.

We have well-documented reports of fraud and abuse, as we have seen in other wars. When we are spending billions of dollars, often in a hurry, it is an open invitation for people to put their own interests ahead of the interests of the country, and those people who then defraud our great Nation at a time of war should be punished for it. They should not be let off the hook. Too many brave men and women are putting their lives on the line in Iraq and Afghanistan. Too many brave, patriotic Americans are doing everything they possibly can over there, risking and often losing their lives every day. We should not allow those who want to make money out of their sacrifice and defraud the Government to get away with it. The bill being paid by the American taxpayers for the wars in Iraq and Afghanistan is high enough. As in past wars, Congress should do all it can to ensure their money is not lost to waste and fraud.

I hope Senators will join in this effort. This is not creating a new crime. It is simply saying those who do commit crimes, who do defraud America, who do defraud people who are over there serving our country, ought to be punished. I find it hard to think Members would disagree with that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator LEAHY for his amendment and his interest in dealing with a difficulty that has impacted real life. Contractors should be held to account, and there is difficulty in gathering the evidence necessary in a prompt way in a time of conflict to effectively carry out prosecutions—I can see as a former Federal prosecutor—within the time of the statute of limitations. There is only one concern I have about it, and I will address that in a moment.

But, fundamentally, the Senator is correct. We have discussed this a good bit in the Judiciary Committee, where Senator LEAHY is chairman. We did the Military Extraterritorial Jurisdiction Act that I sponsored and led the first one of those. We do have to be careful because it can have unintended consequences.

The trial of a marine in California for an act in Iraq that he was acquitted for just a few days ago resulted from the bill that we passed. I don't think any of us at the time thought that we were subjecting military persons to a civilian trial when we were dealing, we thought at the time, with defense contractors. We need to be careful as we deal with the issue. I know Senator LEAHY agrees with that. For the most part, I understand and support what he is attempting to do.

The statute of limitations is an important principle of law. It is something as a Federal prosecutor, as attorney general of Alabama, I had to deal with on many occasions. My colleagues probably know that an individual who commits armed bank robbery, if he is not prosecuted within 5 years, cannot be prosecuted. If a person commits arson, they can't be prosecuted. It is not from the time of discovery of the offense, it is from the commission of the offense because we are talking about criminal law. We have a great heritage of understanding the difficulties faced when we put somebody in jail based on old evidence that is somewhat difficult to deal with.

With regard to civil actions, we have a number of statutes of limitations that commence on discovery of the wrong, but for the most part, except for murder, certain crimes, I think for almost all crimes dealing with death and maybe one with child sexual abuse, there is a limited statute of limitations.

The statute of limitations on most crimes in the Federal court, even serious ones, is 5 years. I do believe during the debate that we extended the statute on S&L fraud to 8 years. The truth is, these savings and loans would go bankrupt 4 or 5 years after the crime was committed. Then it takes 2 or 3 years to investigate it. By then the statute had run, and you have, red-handed, defrauding the people, and you couldn't prosecute the case. I understand the difficulties we are dealing with here.

Mr. LEAHY. Will the Senator yield for a moment?

Mr. SESSIONS. Yes.

Mr. LEAHY. We also have the case that most jurisdictions are under a statute of limitations. If you have a crime within a jurisdiction, but then the person flees to escape prosecution, the statute does not run in that circumstance. While this is not on all fours, when you have a war situation where people are shooting each other, it is very difficult to go over and just gather the evidence.

The Senator is absolutely correct. The bank robbery that occurs, you know it occurred at that moment.

Somebody came in, put a gun to the teller's face, and stole the money and left. The investigators immediately start investigating the crime. Because of the person's jurisdiction, you have to investigate the crime and arrest them within the 5 years. Here the difficulty is investigating the crime when many times it is hidden. The crime is hidden, using the savings and loan example. I am simply trying to do what we did in World War II and World War I—I don't recall whether we did it in Korea or not—in past wars. I have a reluctance to give any cover to those who defraud us. We have so many contractors over there who are putting their own lives on the line, playing by the rules, doing everything right. They should be commended for that. We have others who try to take advantage of this situation when others are putting their lives on the line and sometimes losing their lives. We ought to nail them. I think we ought to nail them very hard.

Mr. SESSIONS. I agree. That is why we have passed the Military Extraterritorial Jurisdiction Act, why we have expanded it, under the leadership of the chairman. I supported making sure that contractors were fully covered from the original act based on a crime that came to my attention where a young person was sexually molested and the host country didn't want to prosecute it and they couldn't be tried and court-martialed because the person was a contractor, not a military person. We made that possible.

Since we are in a world in which some of these authorizations to use military force may be very long indeed, it is determined not by what we do so much as by the actions of the enemy; that is, if they continue to attack us, I think our authorization of military force will continue many years perhaps. If the conflict ends, it could be ended sooner. So we could be in a position, just as a matter of law, of limiting the amount we are exposing a contractor to of criminal prosecutions for something that happened many years before, when actually in the fog of war, sometimes it is more difficult to handle things correctly. It would be certainly more difficult to gather evidence, and it is more difficult to get witnesses here and that kind of thing.

My suggestion would be that we do as we did with the statute of limitations on S&L fraud but have some sort of definite end to it because some of these extended wartime efforts could go on for a number of years. I don't see as a matter of principle, not specific facts, why a contractor who commits fraud in the United States gets the protection of a 5-year statute, even if it is against the Department of Defense, but one in Iraq, in the chaos of war that even affects them—their ability to maintain discipline over their workers is sometimes more difficult, frankly—that they would be prosecuted with an unlimited statute of limitations. That is something we could discuss, and I ask the Senator to think about it. I don't take any fundamental objection to the work he is doing. It is fundamentally sound and good, and I support it.

I will say this, if I could: In Toussie v. United States, the Supreme Court held:

> The purpose of a statute of limitations—

Which I want to say is available in all cases, for all kinds of crimes, except very few, such as murder—

> The purpose of a statute of limitations is to limit exposure to criminal prosecution to a certain fixed period of time following the occurrence of those acts the legislature has decided to punish by criminal sanctions. Such a limitation is designed to protect individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past. Such a time limit may also have the salutary effect of encouraging law enforcement officials promptly to investigate suspected criminal activity.

The Court has further held:

> Passage of time, whether before or after arrest, may impair memories, cause evidence to be lost, deprive the defendant of witnesses, and otherwise interfere with his ability to defend himself. . . .Possible prejudice is inherent in any delay, however short; it may also weaken the Government's case. . . .Such a [statute of] limitation is designed to protect individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past. Such a time limit may also have the salutary effect of encouraging [cases to be prosecuted promptly].

But I will say that is the only concern I have. I thank the Senator for raising this issue. It will definitely close a loophole.

I would note I had the honor last night to be on an airplane coming back from Alabama sitting by a young individual who served 2 years as a contractor in Iraq. He is going back for a third year. We talked about some of these things. I did not know this amendment was coming up. But he talked about that some of the people do not perform very well. Many of them are very hard working. Many of them are former military people who served with great distinction.

But in this time of war, some people do lose their discipline, and fraud is a matter of real risk. We do need to watch every penny, and we certainly do not need to have unscrupulous contractors billing the American people for work they do not perform, for making false claims to the Government. I think a statute of limitations probably needs to be extended in this case.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this is an important amendment that appropriately recognizes the United States is now engaged in combat operations in Iraq and Afghanistan without a formal declaration of war. The amendment takes the appropriate step of modifying the statute of limitations to cases in which the use of force has been authorized without a formal declaration of war.

I very much welcome—and I am sure Senator LEAHY does as well—the support of the Senator from Alabama. I do not know of anybody else who wants to speak on this amendment. Unless the Senator from Alabama does, I will suggest then that we move on to the next amendment.

I understand there is going to be a unanimous consent request that may interrupt that flow, but before we get to that, if the Senator from Alabama knows of no other—first of all, let me ask the Senator whether he does know of any other speaker on the amendment.

Mr. SESSIONS. Mr. President, I am not aware of any.

Mr. LEVIN. Is the Senator willing to have this amendment voice voted at this time?

Mr. SESSIONS. I would like to discuss that a little more with Senator LEAHY, and perhaps he will convince me that my suggestion is not wise, so I would object at this time.

Mr. LEVIN. All right. If we could get the yeas and nays on this amendment so we could move on.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I understand, under the current order, we would now be moving to consideration of the Vitter amendment regarding missile defense for 2 hours of debate. Those who are interested in that amendment are urged to come to the floor so we could begin that debate. But at this time I will yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that I be recognized for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNMENT SPENDING

Mr. COBURN. Mr. President, I heard, this morning, the majority leader talk about the objection to the request by Senator GREGG. I do not believe there is anybody in this body who does not want us to fix the highway trust problem, and it will probably be the fact that there will be no amendments offered at the direction of the majority leader, which I think is probably somewhat tragic because we would not be able to have the debate we need to have on this issue.

But it should not be lost on the American public that some $16 billion in the last highway bill was not for roads, bridges or highways. One of the amendments that was going to be discussed, had we had the opportunity to amend it—which we are not because the majority leader is not going to grant that opportunity—was the idea that of the $8.5 billion we are going to put in there, no new projects ought to be started unless they are for roads, bridges or highways. In other words, we should not be building museums. We should not be building parking garages. We should not be doing ancillary work that does not have anything to do with true transportation needs associated with the trust fund. That was the only amendment we were going to offer.

All the States are going to be at a significant disadvantage if we do not do this. But I found it somewhat curious that before we left we had an omnibus bill that had to spend $10 billion. We had to do it. We were contrasted as terrible because we did not agree with it. Now we have $8 billion, and we want to do it, we want to debate it, and we are not going to be allowed to debate or amend it. I would think that is to the detriment of the body, that, again, we are losing the history of this body, we are losing the deliberative nature of the body, and at the whim of the majority leader, because we have an emergency, we have to have a unanimous consent, we do not even have to have a vote, and that is the only way we can do it. I think it hurts the institution in the long run.

As far as what Senator REID said about the omnibus package he put forward, let me correct the RECORD. First of all, the childhood cancer bill was agreed to by unanimous consent. It was not even a part of that package he claimed it was. The irony is, as we heard from the majority leader's statement today his disdain for the largest deficit in history, do you realize the President of the United States cannot spend one penny unless we let him? If there is a deficit in this country, it says a whole lot more about this body and the House than it says about the President. We are the ones who approve the spending.

So far, this year, we are going to spend off-budget about $270 billion. Where is that money going to come from? It is going to come from the next two generations paying it back. So I find it curious we have to have a bill that spends $10 billion and then we are critical of the deficit and now we have to have a bill that is going to spend $8 billion, but we cannot have any amendments and we cannot debate it in a thoughtful way and still get it done this week. We could get it done in less than 2 or 3 hours.

It shows you the lack of consistency. To be fair, Senator REID has a very difficult job. This is a hard place to manage, there is no question about it. But we are getting on the edge of a lack of fairness. We are getting very close to an edge where the traditions of the Senate are going to be thrown out the window.

As we look at it, as Senator REID complains about the deficit, I would remind that he sponsored $531.2 billion worth of new spending in the 109th Congress. So far, he has sponsored $56.7 billion in the first 8 months of 2007. So it is another $150 or $200 billion in this Congress. We cannot continue to have more and more new spending without getting rid of some of the spending that is not effective.

So when we have the claims that we are disgusted with the deficit, and then we can have $500-plus billion sponsorship of new spending and routine votes against an earmark moratorium, against the idea of stealing money from Social Security to spend new money, against amendments that say we have a moral obligation to offset the cost of new spending so we do not charge it to our children, against prioritizing the reconstruction of Louisiana bridges instead of earmarks in Alaska, these are the votes of Senator REID.

So the disdain for the—and I have three pages of them by the way, all similar. So the fact is, our country is in trouble right now. We are going to have a trillion-dollar—a trillion; that is with a ''T''—deficit next year. We have $382 billion worth of documented waste and fraud every year in this Government. We have not had one amendment to get rid of any of it in this body this year that has passed, save the hippie museum in New York. That is it. We saved $1 million out of $380 billion of waste, fraud, and duplication.

So it rings hollow to come down and complain about the administration when they cannot spend one penny we do not send to them. We are at least as culpable and liable as the administration in terms of this deficit. To say we cannot debate and clean up the priorities of the transportation fund by saying it is going to be spent on some of the 240,000 bridges that are in desperate shape in this country and spend the money on highways and roads and bridges and not other things that benefit Members of this body but do not benefit the majority public and are outside the transportation goals of every State transportation department in this country rings hollow.

There are a lot of great things we can do. We can help people with disease. We can solve problems. He mentioned the Emmett Till bill. He objected twice to a compromise that the Emmett Till board had agreed to—twice—that Senator DODD had agreed to, that Senator BIDEN had agreed to. As far as the child pornography, Senator DODD and Senator BIDEN had agreed to that too. It was offered as a unanimous consent request twice. Both had agreed to it.

Is this about politics or is this about doing things for the country? I would tell you the evidence shows it is about politics. We need to wake up. Our country is at a crossroads. We had Fannie Mae, Freddie Mac taken over. The first number, of course, is low: $200 billion. It is going to be $600 or $700 billion that we are going to charge to our kids for the mismanagement of those two agencies. That is going to get added next year. We are getting ready to do another emergency supplemental that everybody is piling things on. It is going to be $50 or $60 billion. It is going to be another free-for-all. It is going to fly through here in spite of my votes against it. We are going to do another stimulus package—none of it we have the money for. We are going to borrow every bit of it. We are compounding to make the problems worse. Because we will not work on the $350 to $380 billion worth of waste, and we would not even put an effort out toward that, we are going to continue to see a downward spiral in our economic position in this world.

So I would think most Americans, as we add $8.5 billion back to the highway trust fund, would want us to see that it goes for highways, bridges, and roads, not for earmarks, special pork projects that make us look good at home that are outside the boundaries and the priority lists of the State departments of transportation. That was the amendment I was going to offer. I knew I was going to lose, but we ought to have the debate.

The fact is the majority leader does not want us to have the debate. We could dispense with the bill in less than 3 hours, be done with it, and it could be going to the President, but we have decided we want to make it political. It is not about what is best for the long-term interests of this country, but about what is best for the upcoming election in November. To me that is a disservice to this body and it is a disservice to the American people.

I yield the floor.

Mr. SESSIONS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITTER AMENDMENT NO. 5280

Mr. VITTER. Mr. President, I ask unanimous consent to call up Vitter amendment No. 5280.

The PRESIDING OFFICER (Mr. CASEY). The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. INHOFE, and Mr. KYL, proposes an amendment numbered 5280.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize, with an offset, an additional $100,000,000 for Procurement, Defense-wide, and an additional $171,000,000 for Research, Development, Test, and Evaluation, Defense-wide, for near-term missile defense programs and activities)

At the end of subtitle C of title II, add the following:

SEC. 237. ADDITIONAL FUNDING FOR THE MISSILE DEFENSE AGENCY FOR NEAR-TERM MISSILE DEFENSE PROGRAMS AND ACTIVITIES.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104(1) for Defense-wide procurement is hereby increased by $100,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 104(1) for Defense-wide procurement, as increased by paragraph (1), up to $100,000,000 may be available for the Missile Defense Agency for the Terminal High Altitude Area Defense (THAAD) system for the purpose of advanced procurement of interceptor and ground components for Fire Unit #3 and Fire Unit #4, including component AN/TPY–2.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts available in this Act for such purpose.

(b) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $171,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, as increased by paragraph (1), amounts are available to the Missile Defense Agency as follows:

(A) Up to $87,000,000 for Ground Based Midcourse Defense for purposes as follows:

(i) To implement a rolling target spare.

(ii) To maintain inventory for additional short-notice test events.

(B) Up to $54,000,000 for the purpose of equipping two Aegis Class cruisers of the Navy with Ballistic Missile Defense Systems (BMDSs).

(C) Up to $30,000,000 for the purpose of reducing the technical risk of the Throttleable Direct and Attitude Control System (TDACS) for the SM–3 Block 1B missile in order to meet the needs of the commanders of the combatant commands as specified in the Joint Capabilities Mix Study.

(3) SUPPLEMENT NOT SUPPLANT.—Amount available under each of subparagraphs (A) through (C) of paragraph (2) for the purposes set forth in such paragraph are in addition to any other amounts available in this Act for such purposes.

(c) OFFSET.—The amount authorized to be appropriated by this division (other than the amount authorized to be appropriated for Defense-wide procurement, and for research, development, test, and evaluation, Defense-wide, for the Missile Defense Agency) is hereby reduced by $271,000,000, with the amount the reduction to be allocated among the accounts for which funds are authorized to be appropriated by this division in the manner specified by the Secretary of Defense.

Mr. VITTER. Mr. President, I urge all of my colleagues, Democrats as well as Republicans, to come together on this important amendment to ensure that we have robust, full missile defense capabilities in this era of real threat, real uncertainty from terrorists, rogue nations, and others.

Tomorrow is September 11. It will mark the 7-year anniversary of one of the most tragic days in our Nation's history—a day in which 19 radical Islamic extremists believed their actions could cripple this great Nation. The good news is that those 19 extremists were wrong. Rather than cripple our Nation, they focused our Nation on the threat we face. They brought our Nation together with new resolve and with new strength. They gave our generation a new central and defining challenge to work to prevent any future attacks, particularly on our soil, and to make sure that terrorists and rogue nations never acquire weapons of mass destruction.

As part of facing this clear and present danger, the American public understands that we need a robust missile defense system. According to a national poll released today by MDAA, 87 percent of Americans believe the United States should have a robust missile defense system—the highest percentage of support ever recorded. The poll also showed that 58 percent of Americans believe there is a real threat from missiles carrying weapons of mass destruction, and that missile defense is a preferred option over preemptive military action.

Rogue nations, regardless of sanctions or disarmament deals, continue to pursue ballistic missile technology capable of one day carrying nuclear weapons, and this poses an enormous threat. On July 9 of this year, Iran tested nine ballistic missiles as part of their escalation in terms of military exercises and political rhetoric, and they are a clear example of this threat I am talking about. Currently, the United States has fully operational, deployed missile defense systems that can stabilize the region that Iran sits in—the Middle East—but we need to make sure we have the full capability to bring to bear to do this. In this situation, missile defense can stabilize a situation, can provide enormously important defense for our country and for our allies, and can avoid much more widespread war. That is the reason 26 countries of NATO have fully endorsed this missile defense plan, with a third site in Europe. It is the reason the Czech Republic agreement on missile defense is valid and is moving forward. It is the reason why 11 Congresses and 4 U.S. Presidents have moved forward on this important part of our national defense. The Vitter amendment No. 5280 will move that part of our national defense forward in a significant way.

What does it do specifically? Specifically, this amendment provides $271 million to the Missile Defense Agency so that it responds to near-term—very near-term—ballistic missile threats to the United States, our deployed forces around the world, and our allies. This amendment is fully offset within the bill.

The Senate Armed Services Committee itself noted in its committee report that the Joint Capabilities Mix Study conducted by the Joint Staff concluded that the United States needs about twice as many THAAD and Standard Missile 3 interceptors as the number currently planned. So we need twice as many as what is currently planned. Yet, at the same time, the committee unfortunately cut $411 million from the budget of the Missile Defense Agency. This Vitter amendment would reinstate $271 million of that cut. It would do that in four areas in particular:

Aegis cruisers. It would authorize $54 million to accelerate upgrade with an additional two Aegis cruisers to equip it with ballistic missile defense systems.

It would authorize an additional $100 million for THAAD fire units 3 and 4 interceptor and ground component advanced procurement.

SM–3 Block 1B risk reduction. It would authorize another $30 million to reduce SM–3 Block 1B schedule and technical risks.

Targets. It would authorize $87 million to implement a rolling target spare and maintain minimal inventory to have full targets for our testing and production capability.

This is sorely needed so that we ensure our citizens that we have the missile defense deployed that we need in this very dangerous world.

Again, this concept was first developed by President Reagan when the Cold War was still raging, when the Soviet Union was still our primary threat in the world. Obviously, the world has changed in fundamental ways since then, but it has only changed in ways that make missile defense even more important than ever before, because the threat from rogue nations, from terrorist States, and from terrorist groups has grown enormously and missile defense is even more important in light of that growth.

I urge all of my colleagues to come together in light of that on the eve of September 11, on the eve of the seventh anniversary of that tragic attack on our Nation. We must restore this $271 million, at a minimum, in this bill to the Missile Defense Agency. As I said, the committee itself noted that the

Joint Chiefs report says the United States needs about twice as many THAAD and Standard Missile 3 interceptors as the number currently planned. Yet the committee cut $411 million from that missile defense budget. We must restore at a minimum this $271 million to continue to meet this vital need for our citizens' safety.

With that, I yield to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I come to the floor today to support Senator VITTER's amendment to authorize the additional $271 million which is fully offset—it is fully offset—to the Missile Defense Agency.

The importance of missile defense is increasingly crucial to the safety of the United States and our allies. The United States must maintain the capability to respond to near-term ballistic missile threats that present grave danger to the United States, our deployed forces, and our allies.

We know that rogue nations such as Iran and North Korea will have the capability to use nuclear weapons. We cannot escape the fact that this widespread proliferation of ballistic missile technologies makes it increasingly possible for dangerous States and terrorist organizations to obtain and use them for harm.

We are in a crucial time in our Nation's history and we should understand the importance of defense of the homeland. I am frustrated that as other nations continue to develop nuclear programs, that as Russia has demonstrated a renewed capacity for aggression, that as China and North Korea press forward on missile technology, the Armed Services Committee cut more than $411 million from the administration's request for the Missile Defense Agency's program.

The United States has worked hard to reach agreements with the Czech Republic and Poland to establish ballistic missile defense radar sites. This was a monumental and important step in our efforts to protect the United States as well as our NATO allies from the growing threat by the proliferation of ballistic missiles. Radar will provide precision tracking of ballistic missiles launched out of the Middle East and will be linked to other U.S. missile defense facilities in Europe and the United States. Cuts to our missile defense program simply undermine this progress and signals to NATO that the United States is backing away from our commitments to a European missile defense.

This amendment will authorized $54 million to accelerate and upgrade an additional two Aegis cruisers to equip with ballistic missile defense systems.

Admiral Hicks, program director for Aegis BMD, recently stated the need for additional Atlantic fleet ships for defense of the United States, our allies, and our deployed forces.

The amendment will authorize an additional $100 million for THAAD fire units interceptor and ground component advanced procurement. It will authorize an additional $30 million to reduce SM–3 schedule and technical risk. This is the premier missile defense cooperation program with our Japanese allies. And it will authorize $87 million for a target spare and to maintain minimal inventory as contingency for additional short notice test events for the Ground Based Midcourse Defense. This is Missile Defense Agency's top unfunded priority. The SASC Committee report notes that for some MDA systems the Director of Operational Test and Evaluation requires additional tests to prove out capabilities, which necessitates additional target sets.

There is no doubt that the United States will continue to face missile threats. Missile defense is needed and should have been made a priority of this committee and by this Senate. I thank Senator VITTER for bringing this amendment to the floor, and I urge this Senate to vote yes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I, too, very strongly support the amendment offered by Senator VITTER. This is an amendment that restores only part of the funding that was cut from the missile defense programs—only $270 million of the $411 million that was cut—and it is targeted to very specific things that have near-term applicability, and that enables us to do more testing, which has been the only criticism of which I am aware of the Missile Defense Program—that we need to do additional testing. Part of this money, as I will discuss in a moment, gives us the ability to conduct some of those tests.

So the key point is, we are talking about near-term ballistic missile threats to the United States. This isn't some long-term, pie-in-the-sky proposition. It would assist both our allies and also U.S. forces deployed abroad as well. It is common sense. I hope it receives wide bipartisan support. I believe there is bipartisan support for this issue.

Let me discuss, first, a little about what some of the near-term threats are. They are both from belligerent nations and, as we will see in a moment, one from a country in particular that is not yet capable of communicating appropriately with its forces, with the result that there is a threat of accidental or unauthorized launch. We sometimes forget that. We are consumed with North Korea and Iran, and therefore we appreciate the fact that we have to have some capability of protecting ourselves and our allies from potential threat from those countries. But one of the reasons President Reagan first thought it would be a good idea to have a missile defense system is, he said it is moral. Not only does it give an alternative to massive retaliation against an enemy, but it also provides protection in the event there is an unauthorized or accidental launch.

In the early days of missile development, that was not at all outside the realm of possibility. With what happened to the Soviet Union when it broke up, that possibility was raised again. Now, as we note in the case of China, developing sophisticated weapons, but without the infrastructure to control those weapons, there is again the potential for an unauthorized or accidental launch, not to mention the situation with countries such as North Korea or Iran. We are not just talking about a threat of belligerency but also the potential for an accident, and missile defense, of course, is the primary way of defense against an accidental launch.

Just to summarize briefly, there are now 27 nations that have ballistic missile capability. We tend to think of Russia, China, North Korea, Iran, and maybe a few other countries, but 27 nations have ballistic missile capability, and the knowledge to build and use them is proliferating rapidly. Much of this is because countries such as North Korea are willing to sell missiles, such as the Scud which Iraq used, and they then develop their own types of missiles with that technology. But there are 27 countries. We will not be able to put that genie back in the bottle. Talk about Iran.

Some people say, well, the launch of all of these missiles earlier this year they took pictures of and then doctored the pictures might have been clumsy and didn't demonstrate new technology. It did demonstrate that Iran wants to be part of the club of nations with ballistic missiles and weapons of mass destruction capability. They have that capability. There is no question they have it. The only question is, how far beyond Israel does its capability currently go?

As the latest IAEA report informed us, the Iranian missile threat is real and growing. I mentioned North Korea. With the difficulty of knowing who is in charge of North Korea today, we need to be concerned. We don't even know if the ''dear leader,'' or however he is referred to, is still alive or is functioning as the leader of the country. As a result, that country that has nuclear weapons, other weapons of mass destruction, and the means to deliver them by ballistic missiles that can even reach the United States ought to be a matter of concern for us.

Fortunately, the United States had made operational our first land-based system just before the big July 4 launch a couple years ago by the North

Koreans. We could have defended against that test launch had we had to do so, but with very rudimentary capability. The intelligence community ''deems that North Korea is nearly self-sufficient in developing and producing ballistic missiles and is willing to provide them to existing and new customers.'' Some of these are capable of reaching the United States. So you have a real and growing threat from a country that is clearly not stable.

I mentioned China. It has for a long time had the capability of delivering weapons of mass destruction to the United States with its ballistic missiles. There is an interesting new twist. The 2008 annual report on the People's Republic of China raises serious questions about the potential for an accidental or unauthorized launch. This is a nation which, by the way, is increasing its arsenal of ballistic missiles. In addition to that, it has a very robust program to modernize its nuclear weapon warheads. So it has the combination of the warhead and improved capability. This report says China has problems communicating with its submarines at sea. This is very dangerous, with a navy that has no experience in performing strategic protocols of the kind Russia and the United States have performed for years. What's more, the land-based strategic missile forces ''face scenarios in which missile batteries use communication links with higher echelons and other situations that would require commanders to choose alternative launch locations.''

The bottom line is, whatever you think about a potential threat from an enemy, you have to be concerned about protecting against an accidental or unauthorized launch. Missile defense is the way to do that. As a result, I hope those folks who say, well, China isn't an enemy of the United States today, would at least acknowledge while that may be true, it is also true it has the capability of harming the United States accidentally or in an unauthorized fashion, and missile defense is our only way to protect against that. I think it would be an awful situation if something like that were to occur and the United States Congress would be asked by our constituents: Did you all know about this?

Well, yes.

Did we have the ability to do something about it?

Yes.

How much did it cost?

Not all that much, as these numbers reflect.

And you didn't put into place a program to protect us against that?

I think we ought to put this program into effect. I support the amendment of the Senator from Louisiana.

Let me describe again what specifically is in the amendment to assure our colleagues that this is not some massive expansion or pie-in-the-sky proposition. It authorizes funding, first, for the advanced procurement of two THAAD fire units. That is the terminal high altitude area defense, the near-term threat—our capability of meeting that threat.

Second, risk reduction for the development of an advanced version of the SM–3 missile—that is kind of a standard critical missile in the U.S. inventory—additional target sets to respond to additional testing requirements set by the Defense Department's Director of Operational Test and Evaluation.

Frequently, the concern is expressed: Well, we should not be moving forward with missile defense programs because we have not adequately tested yet. These are, of course, programs that have been tested a lot. They are the near-term threats. But to the extent that the Department's Director indicated there are additional tests that could be done, this provides the target sets for those tests. You cannot conduct the tests without it. For those who criticize the program for not having enough tests, this is the sine qua non for getting tests done. You have to support this.

The amendment also authorizes funding to accelerate upgrades of two additional Aegis cruisers to equip with the ballistic missile defense systems. This is something that I think virtually everybody in Congress, and certainly at the Pentagon, is supportive of—the ability of the Aegis cruisers to carry this defense to other parts of the globe so that it can more readily respond to a launch. This would be the perfect way of responding to that accidental launch I mentioned.

Admiral Hicks, the program director for the Aegis BMD program, stated the need for additional Atlantic fleet ships to keep a presence there as well. That would defend against a threat from a country such as Iran. The Armed Services Committee, in its report accompanying the bill, stated the joint capabilities mixed study, conducted by the joint staff and combatant commanders, concluded that the United States needs about ''twice as many THAAD and standard missile interceptors as the number currently planned.'' This doesn't by any means fulfill that entire requirement, but it lays the foundation for doing so. I think that is another critical reason for this amendment.

As I said, the committee cut $411 million from the budget of the Missile Defense Agency to procure these systems. I don't understand why the committee would both acknowledge the need for additional missiles and then cut the items out. I understand the committee has a lot of different constraints, different needs, and it is difficult to satisfy everybody. You have to cut somewhere. But I think my colleagues would agree that the relatively modest increase that the Vitter amendment provides is for very specific things, recognized by the committee itself, recognized by the combatant commanders, as needed. There is nothing new here or nothing that is pie in the sky. These are things that are required. We need them now.

With regard to the testing, if the criticism is that we need more tests, this provides funding for those tests.

Mr. President, it is a commonsense amendment. It is limited. It is all backed up; all of the requirements are fully supported. I urge my colleagues to support this amendment. There is a lot going on in this world. Unfortunately, when you are doing something as complex as developing missile defense systems, there is a long lead time. It takes a lot of technology and testing and so on. So you cannot wait until the last minute to put this into effect. That is why this should be carried forward in the authorization for this year's defense programs.

I commend the committee for its work. It basically acknowledged the need for these things. I appreciate that it sometimes has to make cuts. I ask my colleagues to recognize this is an area in which we cannot afford to try to do it on the cheap. Therefore, I urge my colleagues to support the Vitter amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I want to respond to the Senator from Arizona, who is my friend. But I want the Senator to understand that the committee did not cut THAAD nor the Aegis. To the contrary, the committee raised, for the very reasons the Senator from Arizona said—that we need more THAAD for our area commanders—we raised that $115 million, as well as the Aegis ballistic missile defense. We raised that $100 million from what was requested. So let's make sure we know what we are talking about.

Mr. President, what this all boils down to is the National Missile Defense Program is requested by the administration for $9.3 billion of authorization in this bill. In essence, this whole argument is that the committee has pared back that $9.3 billion request by $400 million.

That is what all this argument is about. It is an attempt to increase back that funding of a de minimis cut in a $9.3 billion program. Given all the other requirements we have in the U.S. Government and given all of the other requirements we have in the Department of Defense, should we have a modest decrease from the President's request of $9.3 billion in 1 year?

I suggest that there are so many other demands. Think about body armor. Think about getting the V-shaped hulls of MRAPs that are so resistant to the improvised explosive devices they run over on the road and that are saving marines' and soldiers'

lives. Ask any commander in Iraq or Afghanistan what are their high priorities. Ask the commanders if THAAD, which is an intercept that can be launched from a mobile launcher, is an important program to them to intercept an incoming intermediate-range missile and you will get a quick answer from those military-area commanders that is what they want.

That is the philosophy we have tried to adapt in this bill and at the same time allow national missile defense research to continue but recognizing there are other priorities besides national missile defense. So we just took a de minimis cut out of a $9.3 billion request by the President. That is what all of this flap is about here: Is national missile defense going to have a minor cut so that we can do some of these other priorities for protecting our troops and satisfying their commanders' requests? That is what all this is about.

The Vitter amendment proposes to cut $271 million from the rest of the Defense Department and add it to the Missile Defense Agency. This is not funding that the Defense Department has requested. These are programs that are fully funded in our Armed Services Committee bill. But this amendment would give the Secretary of Defense an extraordinary and unwarranted power; that is, the power to cut any items in the defense budget that the Congress is putting in here in order to pay for this increase in an already flush national missile defense budget we have provided.

As the chairman of the Strategic Subcommittee, I can tell you that we have some of the Nation's most sophisticated weapons systems, many of which we cannot even speak about here because of their classification. This is not a good allocation of priorities.

I don't think we would want to give the Secretary of Defense the authority to ignore the will of Congress.

For example, would we want the Secretary of Defense to be able to go in and, in order to fund this amendment, cut body armor or would we want him to be able to go in and cut what the commanders in Afghanistan now are begging for—more of these V-hulled vehicles, which replace the humvees, that are saving our boys' and girls' lives called the MRAPs? Of course, we don't want that.

Would we want the Secretary of Defense to have the authority to go in and cut $271 million from the $430 million in the bill for sustaining the Joint Strike Fighter, its alternate engine which the Department supports? Of course, we wouldn't want to give the Secretary power to do that.

Would we want to give the Secretary the power to go in and totally wipe out the additional $118 million we provided in this bill for operating a full B–52? The Department opposed that. Would we want to give the Secretary the ability to override the will of Congress to do that?

How about the F–22, the most sophisticated fighter aircraft? Would we want to give the Secretary of Defense the power to go in and cut half of the $500 million we have provided in this bill for advance procurement of the F–22? I don't think we would want to do that, but that is what we would do, is give the Secretary the power to do that if this amendment is adopted.

Would we want to give the Secretary the power of reducing the Army budget request of $512 million for the Patriot missile? Talk about countries and allies and force protection for our own troops of incoming warheads—the Patriot missile is a quick-reaction missile that intercepts those incoming missiles on our troops in a theater. Would we want to cut the increase we provided in this bill? This amendment would give the Secretary the power to do that.

Would we want to eliminate the proposed addition of $170 million for advance procurement of another amphibious ship called the LPD–17? I don't think that is what we want to do, but that is what this amendment is going to do, all under the ideology that we haven't provided enough for national missile defense. But we have provided almost $9 billion in this bill for it.

We have to set priorities and we have to allocate for programs that we want to make sure are there for the protection of our troops and our allies, and that is what we tried to do. Didn't we have a unanimous vote coming out of the committee for all of these priorities? We did. So why do we want to suddenly change the unanimous, bipartisan support of the Senate Armed Services Committee to adjust all of these priorities? Why would we want to change that? Because there are some people who say ideologically we want to pour more and more money into national missile defense. Isn't $9 billion enough for 1 year?

This Senator respectfully requests that the Senate listen to reason and common sense in the allocation of priorities. The committee recommends already—as I stated to Senator KYL, we have added $215 million for THAAD, which is the terminal high-altitude aerial defense which commanders are requesting, and we have also added that total amount of money, including the Aegis Ballistic Missile Defense Program, which is launched from a ship and is very effective for incoming warheads.

We certainly agree there are potential threats from North Korea and places such as Iran, but those threats are generally in the neighborhood of where they are. That is why Aegis from a ship is so effective, and that is why THAAD from a mobile platform is so effective. We have plussed up those programs. They shouldn't be cut. But the Secretary of Defense, under this amendment, would have that authority.

The Vitter amendment would not make any choices about where the additional money to provide for this plus-up to an already rich and robust national missile defense budget would come from. This amendment would not make any choices about where that additional money would come from. So what it says is that this $271 million in additional funding for missile defense, programs that we have either fully funded at the level requested by the Pentagon or increased in our committee bill by $215 million—that program is so important that the Secretary of Defense could cut any other funding program in the Pentagon to pay for it. I don't think that is a responsible way to go.

This Senator, as the chairman of the Strategic Subcommittee, will oppose the amendment. It is my hope that Members on both sides of the aisle, members of the Armed Services Committee, will support the committee product.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me respond to a couple of points that were made, and then Senator VITTER wishes to make some additional comments.

The Senator from Florida suggested that I have said that THAAD was cut. I don't believe I said that. What I did was quote from the Armed Services Committee in its report on this bill in which it is stated that the Joint Capabilities Mix Study, conducted by the Joint Staff and combatant commanders, concluded that the United States needs ''about twice as many THAAD and Standard Missile-3 interceptors as the number currently planned.''

My point was that by what the Senator from Florida calls a de minimis and minor cut of $411 million—I guess only in the Senate could someone consider $411 million de minimis money. That is a lot of money, and it is taken out of the Ballistic Missile Defense Program. I guess what the Senator was saying is that cut doesn't hurt the THAAD Program or the Aegis Program. The committee referred to the study which said we need twice as many THAAD and Standard Missile-3 interceptors, and part of what this add-back does is enable the military to acquire some more of those missiles.

I didn't suggest they had cut it. What I said was they didn't meet the requirement they themselves identified in the committee report, and one of the things the amendment does is add money for those two items.

The other two points I would like to make are these:

No. 1, we provide that the Secretary of Defense does have the ability to fund

this out of some programs. The Senator from Florida says this is extraordinary power. No, it isn't. This is the way it is frequently done. And I am not going to assume the Secretary is going to make irresponsible decisions about where he would get the money. Some of the items the Senator from Florida mentioned—MRAPs and body armor—are not in the program from which the Secretary could get the money to offset this $271 million. So that is not a response.

Finally, those people who support these requirements, those of us who have supported the Vitter amendment, take some exception to the reference to this amendment as an ideological amendment. If it is ideological, then the committee's report is ideological because we are quoting from the committee report and saying we would like to fulfill the requirements which the committee report said existed and which the committee did not fully fund. If that is ideological, so be it. If that is intended to be a pejorative term, I take exception to it. If it is ideological to protect the American people from an accidental or unauthorized launch of a ballistic missile, then I guess maybe my position would be ideological.

I call it common sense to try to restore some of the $411 million that was cut for programs that the military says it needs, the commander who says he needs the additional Aegis cruisers, for example, the additional SM–3, the additional THAAD missiles that are needed. It seems to me that you can argue over whether, in view of all of the priorities, this is a priority that should be funded, but you cannot say it is not a priority or that the committee and the military don't believe it is important or that it somehow is ideological when the committee and the Pentagon and the Navy, in the one case, for example, have all said these are items that need to be done.

Finally, with regard to those people who say: Well, we never have enough testing, we are trying to respond to that criticism by saying: All right, in order to have tests, you need the equipment for the test. Part of what this amendment does is to restore funding for those items.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I would say to my good friend from Arizona, first of all, recognize how much we have spent on national missile defense. We have spent over $150 billion on national missile defense. In this 1 year, the request is $9.3 billion, of which the committee felt like there were other priorities for $400 million of that. That is a reduction of only 4.2 percent in a program that has spent $150 billion—$150 billion—to date. Now, that is a de minimis cut when you have so many other priorities in the budget of the Pentagon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, if I could also respond briefly, again, I simply disagree with my distinguished colleague from Florida that $411 million is pocket change, de minimis, doesn't make a difference. It will make a difference in terms of missile defense, our capability, and the defense of the American people.

It is important to restore a good part of that, and specifically this amendment proposes restoring $271 million. That is real money. It makes a real difference. And in today's world of threats such as North Korea and China and Iran, this is a top defense priority.

Secondly, I appreciate the Senator's support of very crucial systems. He is exactly right, they are bottom-line crucial systems such as THAAD and Aegis. But again, the committee didn't cut those programs. It put some more money into those programs but not enough to meet the need that the committee itself recognized. In fact, even this Vitter amendment doesn't get us the whole way there. The committee itself recognized, citing reports of the Joint Chiefs, we need about twice as many THAAD and Standard Missile-3 interceptors as the number currently planned. The committee's bill doesn't get us there. In fact, even this Vitter amendment doesn't get us fully there, but it goes much further down the line in terms of getting us there, in terms of immediate near-term needs, such as THAAD, such as Aegis. I agree with the distinguished Senator from Florida, those are crucial programs with real near-term impact.

Third, all the possible offset cuts that the distinguished Senator from Florida mentioned are not allowed under this amendment. Every example he gave cannot be used as an offset cut under this amendment. Under this amendment, this $271 million can only be offset with cuts to defense-wide accounts, not program-specific accounts, not service-specific accounts. Therefore, every one of those examples was a program-specific account, was a service-specific account and can't be cut, will not be cut. We are talking about broad defense-wide accounts, such as administrative accounts, O&M accounts. I appreciate the Senator's concern, but those specific examples cannot come to pass. Those programs cannot be cut.

Fourth and finally, I agree with the distinguished Senator from Arizona. This isn't an ideological amendment. This is a practical amendment in defense of the American people. When we look around the world today, in a very dangerous time, with all sorts of new looming threats, this is bottom-line practical. The three examples the distinguished Senator from Arizona gave are perfect examples. North Korea, with nuclear capability, with ballistic missile capability. It is very practical to make sure we have a robust defense against that very unpredictable country in a time of dangerous leadership transition.

China, as my colleague from Arizona said, is a power that is coming into its own, but there are real dangers there because, as the Senator from Arizona said, it doesn't have the communication capabilities it needs to match the enormous force and strength of its military. So there are real threats and real possibilities of accidental or unauthorized launch.

The best example, the most worrisome example of all, is Iran. We debate, with increasing frequency, the choices we may have to make, sooner rather than later, in terms of Iran's march to be a nuclear power. Whatever we think about what measures we should consider, nonmilitary as well as military, however we come down on that very difficult issue, certainly we should all agree that having a robust missile defense system is something that is useful and important to have in that scenario on the military side. Certainly, that is better than simply being more limited to offensive-only capabilities, only the capability to take preemptive action. Certainly, we can all agree it is better to have that robust missile defense capability rather than purely offensive or preemptive capabilities.

So with North Korea and China and Iran, this is very practical. This is setting the right priorities in terms of looking around the world and understanding a wide array of very worrisome threats. And $411 million is real money. We don't restore all of that. We restore $271 million. It goes to specific uses that, again, will help advance important systems such as THAAD and Aegis toward the full capability the committee itself recognized and that is fully offset and paid for within the bill.

Mr. NELSON of Florida. Mr. President, I wish to respond to the Senator from Louisiana, but I would first like to ask unanimous consent that after my response, the majority leader have time as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Mr. President, is my understanding correct that we will then return to the Vitter amendment? I ask unanimous consent that we then return to the Vitter amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Well, Mr. President, I wish to respond, but all I can do is read the amendment of the Senator from Louisiana.

On page 4, starting at line 6:

The amount authorized to be appropriated by this division . . . is hereby reduced by $271 million, with the amount the reduction—

And it goes on to say—

to be allocated . . . in the manner specified by the Secretary of Defense.

What do the words ''this division'' in his own amendment mean? It means everything in the Pentagon, the Department of Defense spending, minus military construction. So when he says the amendment would not allow the Secretary of Defense, at his discretion, to cut all these things I have listed, that is incorrect. That is what the amendment says, as it is drafted.

I would add this gets down into the weeds, but since a lot of this is very arcane, there are some additional concerns regarding the Vitter amendment that I will mention for the record. The amendment proposes an additional $87 million for targets, for flight tests. But those funds would, instead, go to the Ground-Based Midcourse Defense Program. That is in the wrong place because the targets program is managed in a totally separate office. So any additional funds for targets should go to the test and targets funding line, not to the Ground-Based Midcourse Defense Program.

I said this is in the weeds, but we have to get in the weeds to talk about how this amendment is flawed.

Another example is the proposed $54 million to convert two Aegis cruisers to the missile defense configuration. Well, the Navy doesn't plan on doing two such cruiser conversions, and this amendment might be a problem for the Navy. It is better to simply refer to ''ships'' rather than cruisers. In any event, we should get more information before we authorize something where we don't know what we are doing.

Additionally, the amendment would propose $30 million for technology risk reduction to one component of the Standard Missile-3, called the Throttling Divert and Attitude Control System, pronounced TDACS. Well, rather than put all those funds into this one piece of the Standard Missile-3, it would seem like it would be better—and this is according to the Missile Defense Agency—it would be better to provide funds for the overall Standard Missile-3 Development Program. That would be doing a lot more good than the proposal in this amendment.

So I think even down in the weeds there are a lot more objections to this amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

AFGHANISTAN

Mr. REID. Mr. President, I deeply appreciate the Senators engaged in the debate on the amendment offered by Senator VITTER allowing me to step forward and give a speech. I have been looking for an opportunity to do this. I traveled in August to Afghanistan with a bipartisan Senate delegation. I remember a lot of things about that trip, but probably the most stunning was a statement made by Ambassador Wood, the American Ambassador to Afghanistan. He said you could take Afghanistan, pick it up and move it to the poorest country in all of Africa, and the African country would say: Now, that is really poor.

Afghanistan is very poor. I have had the good fortune, in my many years in Congress, to travel to many places in the world. I have seen some very economically depressed areas, but Afghanistan is the topper.

During my trip to Afghanistan, I met with general officers, I met with troops. We traveled to Kyrgyzstan, to Kazakhstan, allies in our fight against terror, and every place I went, I had the opportunity to meet with officers and, of course, the troops. They are fighting on the frontlines every day. During my meetings with the generals and the troops, they reinforced to me their courage and determination to win the fight against the Taliban and the terrorists.

I learned a lot about Afghanistan, but one thing in particular I learned about is the terrain. Oh, is it mountainous. High mountains.

I attended a funeral not too long ago in Boulder City, NV, because a young Navy SEAL by the name of Eric ''Shane'' Patton was killed in Afghanistan. When I attended the funeral, I didn't understand the full implications of what this young man and the SEALs who were there with him—who served with him and trained with him—had gone through. But there is a book out, and I would recommend it to everyone. Every Senator who is interested at all in what is going on around the world and loves history should read this book. It is called ''The Lone Survivor.''

Shane Patton is one of those who didn't survive. As I indicated, I better appreciate now what the SEALs were doing there and why and how Eric ''Shane'' Patton was killed.

I knew his family. I was from a neighboring town. I went to a high school in a town called Henderson, NV, where his great-uncle Charlie and I were competitors athletically, football and baseball. I remember very clearly the funeral, after having been to Afghanistan.

We didn't spend all of our time with the troops. We traveled to other parts of the country. One part of the trip took us to a vocational school where young Afghani women and men were receiving training in computers, English, car repair, and other skills so they could pull their families and their country out of poverty toward a brighter day. I can remember, I went to the back of the room and there were some young women there. I don't know how old they were, but they were young. They were teenagers or maybe in their early twenties. I talked to them. Some of them spoke fairly good English.

One girl wouldn't talk to me. When I asked a question, she would write things on the palm of her hand. It was not because she couldn't talk. It was just she was not used to being out, I guess, with men, in public places. They are so happy to be able to be out of the clutches of the Taliban and learning something.

Despite the years of chaos and bloodshed, despite many families being torn apart by this war, the young people I met there were brimming with hope, for lack of a better description. Seeing these young men and women study together I was reminded of the difference the United States had made by aiding their fight against the Taliban.

One of my long-time Nevada friends, Harriett Trudell, who worked for me when I was in the House of Representatives, asked me if I would meet with Eleanor Smeal, who runs an organization in town called the Feminist Majority. She was concerned about how women were being treated by the Taliban, as well she should be. It was awful what this group of people did to women. These people, hopefully, see the light and will not have to go back to that day.

The courage of our troops and the Afghan people was inspiring to me, but I was reminded of the difference the United States has made by aiding in the fight against this Taliban. But there is another conclusion you cannot avoid if you go to Afghanistan. The progress I saw is being undermined by the security situation that is deteriorating day by day.

I returned home more convinced than ever that the greatest threat to our national security lies in Pakistan and Afghanistan. These places must be our central focus on the war on terror. Today, 1 day from the seventh anniversary of the most violent terrorist attack ever to take place on American soil, the mastermind of the attack, Osama bin Laden, is still free. For all the tough rhetoric of the Bush administration of chasing bin Laden to the gates of hell—he has been joined in that by Senator MCCAIN—the Bush administration has failed to put the necessary resources and manpower in the hunt for America's No. 1 enemy. We had him trapped in a place called Tora Bora, but our eyes were taken off that. Troops were taken out of Afghanistan and sent to the unnecessary war in Iraq.

President Bush has rightly said the war on terror is about more than just one man. Yet 7 years after 9/11, the President has allowed that group called al-Qaida to regroup in its safe haven in Pakistan. And in Afghanistan, the sad fact is that the Taliban, the brutally oppressive regime that housed bin Laden and al-Qaida, is on the rise, attacking our troops and innocent Afghan civilians. So we must be clear-eyed in the realization that the same

people who attacked us then continue to regain strength and threaten us now.

This dire situation could have been avoided. When President Bush took us to Afghanistan following 9/11, Democrats, our country, and the world stood with him. We knew it was a fight that we must wage and we must win. But after a series of military victories the President lost focus and turned, instead, to an ill-conceived war in Iraq. With the job unfinished in Afghanistan, the President devoted our troops and treasure to another battlefield.

Predictably, with the focus shifted, the Afghan people joining with us found no one at their side. The progress in Afghanistan began to go backward, with neighborhoods once reclaimed from the enemy becoming battlegrounds once again. The reason for this failure is no mystery. No matter how hard the Republican spin machine tries to rewrite history and obscure the truth, the fact is, the terrorists who attacked us on 9/11 were in Afghanistan, not in Iraq. As much as we are glad about Saddam Hussein, and we all are, during his reign—and that is what it was in Iraq—there were no terrorists there. Afghanistan is a far larger country than Iraq, with a larger population and far, far more difficult terrain. Yet today we have about 34,000 American troops in Afghanistan and about 150,000 in Iraq.

Afghanistan is much poorer than Iraq. I have explained to the Presiding Officer and those listening how important that is, according to Ambassador Wood. It may not be the poorest country in the world, but it is right up there. Yet the money we have spent in Afghanistan is a small fraction of what we have spent in Iraq—approaching $1 trillion in Iraq. Afghanistan is the home of al-Qaida, home of the Taliban, the central front of the war on terror. Yet there are 4½ times as many troops in Iraq, and we have spent huge amounts more money in Iraq than Afghanistan.

The result of this, the Republican failure led by President Bush, is clear. After a drop in violence early in the war, the Taliban came back with a vengeance in mid-2006. By that time we didn't have enough troops on the ground to respond. The troops needed were 1,500 miles away.

This is not just HARRY REID giving an anti-Bush speech. The commander of American forces in the region, the No. 1 man, ADM William Fallon, put it this way in January of this year:

> Back in 2001, early 2002, the Taliban were pretty much vanquished.

Just what I said. He continued:

> But my sense looking back is we moved focus to Iraq, which was the priority from 2003 on, and the attention and resources focused on a different place.

That is what Admiral Fallon said, and that is what I have said in my remarks prior to this quote. With resources focused on a different place, Admiral Fallon said, here is what we are now seeing. In July, nearly twice as many U.S. troops were killed in Afghanistan as in Iraq. June was the second deadliest month in Afghanistan for coalition and U.S. troops since the start of the war. In eastern Afghanistan, attacks on coalition troops increased by more than 40 percent over the first 5 months of the year. Roadside bombings have increased. Opium production is up.

Mr. President, 93 percent of all the world's opium is produced in Afghanistan—heroin. Coincidentally, right before we had our break, before I went to Afghanistan, I received a call from a woman. I, of course, recognized her name. Her former husband was the first criminal client I ever represented. I was appointed by the court to represent this indigent. I walked into that jail and looked through the bars and here was this man. He should have been in the movies, not in jail—handsome. His name was Gregory Torres, Humbert Gregory Torres. He put his wife through hell. They had a little baby. She was a showgirl in Las Vegas, also as beautiful as he was handsome. She called me to tell me he had died. I represented him in the 1960s. He survived, in and out of prison; off of heroin for short periods of time, but it is an addiction that is very hard to fight.

Mr. President, 93 percent of the stuff used to create hell in people's lives comes from Afghanistan—heroin. We have to do better than that; 93 percent of the world's opium is produced in one country.

President Bush's failures in Iraq and Afghanistan have had consequences beyond the borders of those two countries. This morning, the bipartisan American Security Project issued a report noting that attacks by violent terrorist groups around the world are at an all-time high. This is without the terrorist attacks in Afghanistan and Iraq. Their report also notes that ungoverned spaces continue to provide sanctuary for terrorist organizations, including Afghanistan, east and north Africa, and Somalia. Yesterday President Bush had one last chance to meaningfully change the strategy and begin to reverse all these backsliding trends, but he chose not to do so. He chose to stick with the status quo and not make the significant changes that were necessary. Unfortunately, we have seen no reason to believe a JOHN MCCAIN Presidency would offer any break from the failed Bush foreign policy.

For all his talk about listening to commanders on the ground, George Bush—and JOHN MCCAIN—are dangerously deaf to the calls of our commanders in Afghanistan. Listen to what Admiral Mullen said—Admiral Mullen, not Fallon. Here is what he said in addition to what Fallon said. Fallon said, back in 2001 early 2002:

> The Taliban were pretty much vanquished. But my sense looking back is that we moved focus to Iraq, which was the priority from 2003 on, and the attention was on a different place.

Here is what Admiral Mullen said, also one of the leading commanders of the American military:

> I have made no secret of my desire to flow more forces, U.S. forces, to Afghanistan just as soon as I can, nor have I been shy about saying that those forces will not be available unless or until the situation in Iraq permits us to do so. . . .

We know today that no more than a token shift of troop levels will take place until we have a new President, a new President committed to winning the war on terrorism by fighting the actual terrorists, not creating war but winning war. That will require a new approach to Iraq, Afghanistan, and Pakistan. We have seen in Pakistan a dangerous approach by this administration, placing all of our bets on one man, General Musharraf.

Senator Daschle and I were the first two American elected officials to meet him after the coup. We went there and we met with him. Obviously, all the talking to him by us and others did not do a lot of good because what President Bush did was place everything on this one man. It was a fatal and avoidable—certainly an avoidable—blunder. Musharraf did not implement democracy, did not uphold human rights, and did not stop the terrorists operating inside Pakistan's borders. He fired all the judges. American dollars meant to fight terrorism were wasted, the Pakistani people suffered, and the United States lost credibility with them for supporting a dictator who did not want to uphold their basic human rights.

Because of President Bush's failed approach to Pakistan, we now have seen al-Qaida regroup within its borders. According to the declassified key judgments of the National Intelligence Estimate of July 2007 entitled ''The Terrorist Threat to the U.S. Homeland,'' al-Qaida has ''protected or regenerated key elements of its Homeland attack capability, including a safe haven in the Pakistani Federal Administered Tribal Areas.''

The intelligence agencies reiterated this a few weeks ago, saying that al-Qaida ''has maintained or strengthened key elements of its capability to attack the United States in the past year.''

During our time in Afghanistan, from our meetings with President Karzai to our meetings with American generals, one message was clear: We cannot solve the problem in Afghanistan without solving the problem in Pakistan.

Those concerned with the writing of our history books will have ample opportunity to delve into the Bush failures in Iraq, Afghanistan, and Pakistan

in far greater detail than I have done in these brief remarks. The historians will note that on George Bush's watch the Taliban grew stronger, running their operations from terrorist bases inside Pakistan.

They will note, the historians, that under George Bush's watch, al-Qaida regrouped, ready to carry out other attacks against our great country. They will note on George Bush's watch, our national security was jeopardized, and the threats that led to the attacks in 2001 are as grave if not graver in 2008.

So our job in Congress is not to do the job of the historians, but to answer one question: Where do we go from here? President Bush gave his answer to that question yesterday. His answer was: We do not go anywhere. We stay exactly where we are.

JOHN MCCAIN has made it clear that he stands in place with George Bush. So with due respect to President Bush and Senator MCCAIN, the status quo has failed. They are out of touch with the realities and ramifications of our efforts in Iraq, Afghanistan, and Pakistan.

I saw in Afghanistan a people eager, desperate, and ready to lift their country to democracy, equality, and economic opportunity, but held down by the weight of an enemy we failed to destroy.

The military, our military, has expressed to me how impressed they are with the Afghan fighters. They do not leave battle. They are ready to fight. So I hope in the coming months, our courageous, overworked, overstretched, overstressed troops can continue to hold off the enemy. I am confident they will. They will do it without the full resources and manpower necessary to complete the mission, which is too bad.

I hope the American people have the wisdom to choose a leader who will take the war on terror back to the terrorists and look the Afghan people in the eye and say that help is on the way.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I regret that we had hearings all morning in the Environment and Public Works Committee on another crisis; that is, we are going to have to do something about the trust fund to get it jarred loose before we can get out of here. There is going to be a serious problem in the Nation's infrastructure, and it was necessary that I be there. However, I regret that I missed the discussion of the Vitter amendment.

Many members of the Armed Services Committee are very concerned about the ability of the missile defense system. Some of us have been around long enough to remember back in the Reagan administration when this whole thing started. At that time, there was an attempt to denigrate the threat that was out there, calling it Star Wars and other things. But, in fact, the problem was very real. It took a lot of vision. That administration set about to give us the capability that we would need, when the need was there. We were pretty much on course.

Missiles have become a key component to the militaries of many countries now that were not a problem back at that time. Our enemies are advancing their ability to reach out and hit us, our allies, and our forward-deployed forces in a devastating way. We have a different threat now than we had at one time. People are now aware of it.

I can recall that I disagreed with President Clinton when he took a lot of the money out of the national missile defense system. I think it was the 1996 Defense authorization bill he vetoed. The veto message said that we are spending too much money on a threat that is not out there for the foreseeable period. Now I think we realize this problem is there.

This is a complicated subject. One of the problems we have—and I have this with a lot of my conservative friends—is that people will look at it and say: We don't need to have all this redundancy in a missile defense system. Right now, we are talking about the boost phase, the midcourse phase, and the terminal defense segment. In these areas, we need to have at least two capabilities such as the airborne laser and the kinetic energy booster in the boost defense segment. So people who say that perhaps we don't have that need and that it is redundant don't think of the consequences.

As tragic as 9/11 was, I am sure all of us have thought about what could have happened or what could have been or might have been prevented as a result of the increase in some of our collection systems to prevent a missile from coming in. We know countries have missiles. They have weapons of mass destruction, and they have delivery systems. The combination is varied. We are talking about potentially hundreds of thousands of people or millions of people who could be killed. There are a lot of areas where the midcourse defense segment was the only one that would be effective in knocking down an incoming missile. We are working hard now on the terminal defense segment.

I applaud the Missile Defense Agency and the work they have been doing because they have been able to analyze this and see where the threat is, why it should be dealt with. When they developed a budget, they put the amount of money in there they thought was necessary to keep on course to get us to the point where we would be able to adequately defend America against an incoming missile. I think they have done that.

We took some 400, I believe, out of that amount, and the Vitter amendment is trying to reinstate that. In 1993, the Clinton administration cut $2.5 billion from the Bush missile defense budget request for fiscal year 1994; terminated the Reagan-Bush Strategic Defense Initiative program; downgraded national missile defense to a research and development program only; cut 5-year missile defense funding by 54 percent from $39 billion to $18 billion; and reaffirmed a commitment to the ABM Treaty, saying any defense must be ''treaty-compliant.''

A lot of people honestly in their hearts—and I respect them for having a different opinion than mine—think that the answer is not in missile defense system but in arms control. This is what we went through during the middle 1990s. But we have reached a level of sophistication now where we have watched our tests become successful. People used to ridicule those of us who were for this program a long time ago: You will never be able to hit a bullet with a bullet. But we have done it now. So the technology has come along. To not stay on track is something that would be devastating.

Right now, we are looking at countries such as North Korea and Iran developing ballistic missile capabilities and delivery systems. There should not be any doubt that these countries would actually use them. The only way to deter that is to have a defense system.

I think it is wise for us—and I think all of America agrees that the threats are out there; we need to have the capability of deterring when it comes in—that we do what is necessary to meet that test. We have relied upon the experts in the Missile Defense Agency and those of us who have studied this to determine what it should cost. Making a mistake here is not like making a mistake in some other area. If we make a mistake here and are incapable of knocking down something that is coming into a populated area, that is a disaster that is beyond description. As tragic as 9/11 was, multiply that by 100 or whatever it might be in the case that we don't stay on course.

So what I would encourage us to do is to go ahead and adopt the Vitter amendment. What he has done is said: Take it from other areas. It will be covered. But this shows that there should be that priority. I believe that priority is certainly justified.

As we follow through what has happened over the past few years, what happened in 1998 when they opposed and helped kill the legislation that called for the deployment as soon as technologically possible—we remember that well. Those of us on the Armed Services Committee have watched that

moving target as time has gone by. But that is really the key, to be sure we have a national missile defense system deployed as soon as technologically possible because we know what other countries are doing. We know people are trading technology. We know that China is trading technology, that North Korea is trading technology, and countries such as Iran are rapidly gaining this capability. Our enemies out there don't like America. This is the most defensive program we should have in defending my 20 kids and grandkids and all of America.

I strongly encourage in this process that we reinstate the amount of money that the experts say is necessary to stay on course to defend America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I oppose the Vitter amendment for a number of reasons. Let me begin by saying we have already placed into our bill more money for the areas that the Vitter amendment would add additional money for than was requested by the administration. In other words, in these areas—terminal high-altitude area defense, the THAAD Program; the Aegis ballistic missile defense, DMD, and its Standard Missile-3 interceptor—we have added money in our committee to the budget request. So this is not restoring cuts in these programs. If the Vitter amendment were passed, it would add additional funds to programs that we on the committee unanimously already have added additional funds to above the administration's request.

I would like to go through these one by one.

For the THAAD system, the administration's budget requested $865 million. The committee bill, approved by all committee members, added $115 million.

The Targets Program, which provides targets for flight tests, the budget request was $665 million. The Armed Services Committee fully funded the administration request. The Vitter amendment adds money the administration is not requesting. The administration is not requesting the money that the Vitter amendment adds to the committee bill.

Next, the Aegis BMD Program, the budget request was nearly $1.2 billion. The committee bill would authorize an additional $100 million for systems improvement and additional procurement. The Vitter amendment adds to what the committee already added to the administration request—$74 million on top of the committee increase, $54 million to convert two additional ships and $30 million for technology improvements.

So point No. 1, in the areas to which Vitter amendment would add funds, the committee has either fully funded the administration request or we have added to the administration request. The administration is not requesting additional funds in the areas to which the Vitter amendment adds funds. That is point No. 1.

Point No. 2, how does the Vitter amendment pay for these add-ons? What it does is it allows the Secretary of Defense to cut $271 million from any part of the Defense Department budget except for the specified accounts which we are not authorizing the Secretary of Defense to cut. But except for those very precise, specific, enumerated exceptions, the Secretary of Defense is given carte blanche to cut any program which the Secretary of Defense wants to cut. That is an abdication of congressional authority. It is a serious abdication. We have not done this. Where we have put weapons systems money in, frequently at the request of Members of this body, going over this at great length in committee, we have not given the Secretary of Defense a blank check to cut whatever procurement programs he might want to cut in order to pay for other add-ons that are offered on the floor of the Senate.

Now, when the Senator from Florida gave examples where these cuts could come from, the Senator from Louisiana denied those cuts could come from these examples. But the Senator from Florida is right. So I am going to repeat the examples, and then we can debate later on whether the Senator from Louisiana is correct or the Senator from Florida is correct in terms of the amendment which has been offered.

These are some of the examples the Senator from Florida used where if the Secretary of Defense wanted to make cuts in programs, in his discretion, he would be given the authority to do it. He could cut funds for the Joint Strike Fighter alternate engine. He could wipe out money for operations of the B–52. He could cut money for advance procurement funds for the F–22. He could reduce the Patriot missile request. These are areas where the committee has added funds and where if the Vitter amendment is adopted, the Defense Secretary could, at his discretion, make cuts in these program or any other program in his discretion.

It is a serious abdication of congressional budget authority to say the Secretary of Defense may make cuts in programs wherever he wants, with the specific two exceptions that are enumerated in the Vitter amendment.

So we ought to defeat the Vitter amendment, No. 1, because it adds funds not requested, No. 2, it adds funds to accounts we have already added funds to, and, No. 3, because of the broad authority that would give the Secretary of Defense to pay for these add-ons by cutting other programs in the discretion of the Secretary of Defense—a very serious abdication of our budget power and something we should not do.

So I will oppose the Vitter amendment and support the position, the argument of the Senator from Florida, Mr. NELSON, who is the chairman of our subcommittee, who earlier today made the presentation in chief, as we would say in a court, against the Vitter amendment.

I yield the floor now. I would ask unanimous consent—if my friend from Alabama might hear this—that if we go into a quorum call now the time be charged equally against both sides on the Vitter amendment.

I suggest the absence of a quorum with the unanimous consent request that any time during this quorum call be charged equally to both sides.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, how much time remains on the Vitter amendment?

The PRESIDING OFFICER. The proponent has 2 minutes. The opponents have 19 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Vitter amendment be set aside, and that when we return to the Vitter amendment, the Senator from Louisiana have 10 minutes on his side, and that the full 19 minutes remain on our side, the opponents, and with that understanding we move to the regular order, which I believe would be the Senator from Florida offering his amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4979

Mr. NELSON of Florida. Mr. President, I call up amendment No. 4979.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself, Mr. HAGEL, Mr. SESSIONS, and Mrs. MURRAY, proposes an amendment numbered 4979.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation)

At the end of subtitle D of title VI, add the following:

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that I may have printed in the RECORD a letter from The Military Coalition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MILITARY COALITION,
Alexandria, VA, June 19, 2008.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The Military Coalition (TMC), a consortium of nationally prominent military and veterans organizations, representing more than 5.5 million members plus their families and survivors, is writing to ask for your support of Senator Bill Nelson's Defense Authorization Bill amendment (S. amendment 4979) that repeals the law requiring a dollar-for-dollar deduction of VA benefits for service connected deaths from the survivors' SBP annuities. The elimination of this survivor benefit inequity is a top legislative goal for TMC in 2008.

We strongly believe that if military service caused a member's death, the Dependency and Indemnity Compensation (DIC) the VA pays the survivor should be added to the SBP benefits the disabled retiree paid for, not substituted for them. In the case of members who died on active duty, a surviving spouse with children can avoid the dollar-for-dollar offset only by assigning SBP to the children. But that forces the spouse to give up any SBP claim after the children attain their majority—leaving the spouse with only a $1,091 monthly indemnity from the VA. Surely, those who give their lives for their country deserve fairer compensation for their surviving spouses.

The Military Coalition urges you to restore equity to this very important survivor program and vote in favor of Senator Nelson's SBP amendment when it comes to the floor for consideration.

Sincerely,

THE MILITARY COALITION,
(signatures enclosed).

Air Force Association; Air Force Women Officers Associated; American Logistics Association; AMVETS (American Veterans); Army Aviation Assn. of America; Assn. of Military Surgeons of the United States; Assn. of the US Army; Commissioned Officers Assn. of the US Public Health Service, Inc.; CWO & WO Assn. US Coast Guard; Enlisted Association of the National Guard of the US; Fleet Reserve Assn.; Gold Star Wives of America, Inc.; Iraq & Afghanistan Veterans of America; Jewish War Veterans of the USA; Marine Corps League; Marine Corps Reserve Association.

Military Officers Assn. of America; Military Order of the Purple Heart; National Association for Uniformed Services; National Military Family Assn.; National Order of Battlefield Commissions; Naval Enlisted Reserve Assn.; Naval Reserve Association; Non Commissioned Officers Assn. of the United States of America; Reserve Enlisted Assn. of the US; Reserve Officers Assn.; Society of Medical Consultants to the Armed Forces; The Retired Enlisted Assn.; USCG Chief Petty Officers Assn.; US Army Warrant Officers Assn.; Veterans of Foreign Wars of the US.

Mr. NELSON of Florida. Mr. President, following one of the bloodiest wars in America, the time that this Nation was put asunder and split right down the middle, in those dark days, President Abraham Lincoln, in his second inaugural address, said that one of the greatest obligations of war is to take care of those who had borne the fight and to take care of his widow and orphan.

What he said was:

> As God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and orphan.

That is the quote of Lincoln in that very memorable second inaugural address.

This amendment has to do with widows and orphans. This Senator, for 8 years now, has brought this amendment up, and on most every occasion we have passed it in the Senate. But because it has a fiscal consequence, because what we are going to do is help widows and orphans, when it gets through here on almost a unanimous vote and gets into a conference committee with the House, it gets whacked. We had a minor victory last year in that some of this offset that I am about to tell you was reduced, but it was a very minor achievement.

I have offered this amendment, which is cosponsored by Senators HAGEL, MURRAY, and SESSIONS. So you can see that this is bipartisan. It is going to eliminate the unjust offset on the survivor benefits for widows, widowers, and orphans. The U.S. Government, when it plans for cost of war, has to go through—and understand that the cost of war is not just guns, ammunition, tanks, and airplanes.

A cost of war is also taking care of the veterans and also taking care of the deceased servicemembers' widows, widowers, and orphans. It is both a cost of war and of peace.

Now, before August, back in July, the Senate supported sweeping changes to the GI bill, which certainly is providing greater opportunities for today's members of the military and their families to have the ability to earn a college education. Well, now, in this amendment, we have the privilege of honoring the families whose loved ones have given their lives in service to the country.

Today, we can remove one of the last unjust benefit offsets that face our veterans and our families. On both sides of the aisle, over the last several years, the Senate has tried to correct these benefit offsets that penalize our Nation's heroes. Back in 2004, in the Defense authorization bill, we passed combat-related special compensation that allowed veterans who were injured during war, and awarded a Purple Heart, to receive both their disability pay and their earned retirement income. Back then, in 2004, we reviewed

the veterans concurrent receipt disability pay, otherwise known as concurrent receipt. We agreed that military retirees with 20 or more years of service and a 50-percent or higher disability would no longer have their retirement pay reduced by the amount of their VA disability compensation. That was the offset that was known as concurrent receipt. So we eliminated that offset if the veteran had a 50-percent or higher disability.

Well, through the National Defense Authorization Act, back then, in 2004, we authorized concurrent receipt of the retired pay and the disability pay for military retirees but not so with the widows and the orphans.

Last year, in the Defense authorization bill, we reasoned that those veterans rated as 100 percent unemployable should receive both their retirement pay, which they have earned through years of service, plus their disability pay, which they earned through injury. Before the law was changed, a veteran suffering from PTSD, posttraumatic stress disorder, or TBI, traumatic brain injury, and was unable to work due to the service-connected disability—back before that, that veteran was penalized because he or she was not 100 percent physically disabled. Prior to our efforts, our veterans could not concurrently receive their hard-earned retirement pay and their well-deserved disability pay.

That is what brings me now to the widows and orphans. We treated our veterans that way in the past. We have acted to get rid of these unjust offsets. But there is one offset that remains, and that is the one that affects the survivors—the offset between the survivor's benefits under the Department of Defense Survivor's Benefit Plan, or SBP—that is on one hand—and the Veterans Department Dependency and Indemnity Compensation, or DIC, there is an offset there. Here is what happens. The Survivor's Benefit Plan is purchased by the retiree, like an insurance annuity. It is issued automatically in the case of servicemembers who die while on active duty, and retired members of the military pay for this benefit from their retired pay. Again, it is as if they pay premiums for an insurance policy. Upon the death of the servicemember, their spouse or dependent children can receive up to 55 percent of their retired pay as an annuity—a straight kind of insurance annuity. Understood.

But there is another law. The other law is that the Department of Veterans Affairs Dependency and Indemnity compensation, or DIC, is given to a surviving spouse of an active-duty or retired military member who died from a service-connected cause. Here is the catch: Under current law, even if the surviving spouse of such a servicemember is eligible for SBP, that purchased insurance annuity is reduced, or offset, by the amount they get under the Dependency and Indemnity Compensation from the Veterans' Administration. Well, why should that be, because they are entitled to both. In one case, they purchase it; in the others, they are a veteran and they are entitled to it. The Survivor Benefit Plan is that purchased insurance annuity plan.

In my previous life as the elected insurance commissioner of the State of Florida, I want you to know I have never heard of any other purchased insurance annuity program that can justify refusing to pay the insured the benefits that the insured purchased by saying: Oh, by the way, because you are getting a different benefit somewhere else. So for the past 8 years, this Senator has been trying to fix that situation. This amendment is going to end that injustice and completely remove this offset to take care of the widows, the widowers, and the orphans who have lost a loved one to combat or service-connected injuries.

In 2006, the Senate passed a similar amendment 92 to 6. What happens, it gets down into the conference committee between the Senate and the House and they say: Oh, we can't afford it. It got watered down into a special payment that provides a $50 monthly payment to a deceased servicemember's beneficiaries. So at least it is offset $50. But the real offset is about $1,100. Fifty dollars is better than zero, but we have a long way to go to make this right by our veterans and their families.

I hope the Congress now is going to face the music and come up with the responsible thing and recognize that the cost of war is taking care of the families, the widows, and the orphans. Under current law, because of that offset, all of our military are going to find it difficult for their families to make financial ends meet. These are the families of the men and women who do not return home. They have already lost so much, they should not have to endure the financial hardships because of a benefits offset.

The Senate has an opportunity to change this injustice as we get into this Defense authorization bill. If we respond to it as we did a couple of years ago by passing legislation with overwhelming support and then again with the special offset of only $50, if we can take it to the full offset and remove it, then we will have achieved what we ought to be doing, which is to do right by our families, recognizing that it is our obligation as a government to take care of the one who shall have borne the burden of war and of his widow and orphan.

That ends my remarks. I do not see any other Senator in the Chamber wanting to offer any comments. So if other Senators are not ready to speak, I wish to speak on another subject. I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL DRILLING

Mr. NELSON of Florida. Mr. President, next week we are going to be on the Energy bill, and we are going to be acting on one of the most important challenges facing our Nation. In fact, the single greatest threat to our national and economic security may well be our dependence on oil, not just foreign oil but oil.

No one among us would argue that we need to drill in places where it makes sense. But we all know that more drilling will not do anything to bring down the price of gasoline. A report from the White House has said that, and we have stated that on the floor of the Senate. Nor will more drilling take us down the path to making America energy independent in 10 years. But let's acknowledge that we need to drill for oil in places where it makes sense.

This Senator has come to the floor and said over and over that 68 million acres of Federal lands, both on land and submerged lands, leased by the oil companies, is a good place to start. We need to drill for oil in places where it makes sense. If there are expanded places offshore that do not have a counterbalancing reason not to drill there, then let's use that standard. Let's drill in places where it makes sense but understanding all along that is not going to affect the price of gasoline now.

The White House report said it would not affect the price of gasoline until the year 2030. But people are hurting now. They want something done about gas prices now.

Recognize also there is a fundamental truth that the United States has only 3 percent of the world's oil reserves, but the United States consumes 25 percent of the world's oil production. Common sense tells us, if we only have 3 percent but consume 25 percent, drilling is not going to get us out of the problem. We have people such as Texas oilman T. Boone Pickens who are on the TV saying exactly the same thing.

If we cannot drill our way out of the problem, what should we do? It is clear that we could bring the price of gas down a lot more and right away if we would cut some of the waste, if we would conserve. What is one way to conserve? Higher-miles-per-gallon cars because 50 percent of the oil we use goes into cars and trucks. It does not take a rocket scientist to realize this is where we ought to focus. So let's focus on raising the mileage standards for our personal vehicles. It took us 30 years to just a few months ago raise the mileage standards to a paltry 35 miles per gallon, but that is phased in over the next decade and a half.

In the meantime, Europe is driving around on an average of 43 miles a gallon. By the way, it is American manufacturers in Detroit that are selling

their products, American automobiles, that add to that 43-mile-per-gallon average in Europe. And in Japan, they are driving around in vehicles that get 50 miles per gallon.

In other words, we are wasting a lot of oil right here in America that we could be saving, and we could do it with serious conservation measures. One of those ways is to increase our miles per gallon in our vehicles in the fleet average, which we could start doing tomorrow.

There is another way, and the other way is to start giving tax incentives to Americans to go out and buy fuel-efficient cars. We ought to require at least 40 miles per gallon on our vehicles, and we should provide to the American consumer tax incentives to encourage them to buy those higher-miles-per-gallon, fuel-efficient cars.

In the long run, we have to rapidly build cars that run on batteries and hydrogen, not petroleum, and we need to develop alternative fuels, such as ethanol, from products that we do not eat. While we are at it, we are going to have to pay attention to how we power our homes and industry. We are going to need to develop solar, wind, thermal energy, and safer nuclear power, and we are going to need to increase our oil-refining capacity.

Our Government must enact this national energy program to transition us from petroleum to alternative and synthetic fuels. President Kennedy said we were going to release ourselves from the bonds of gravity and go to the Moon and back within 9 years, and we did it. We need to act on this energy crisis with the same urgency. If we put our minds together, then we can realize a number of these items that I have mentioned—drill in places where it makes sense; raise the miles per gallon on our automobiles; give our people tax incentives so that they will be encouraged to buy fuel-efficient cars; develop solar, wind, thermal, safer nuclear power; and increase our oil-refining capacity. These are the ways we are going to solve our energy crisis.

This is what I hope as the Senate goes into session next week working on the Energy bill. These are the commonsense ways that we can, with divergent views, come together and build consensus.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 5280

Mr. VITTER. Mr. President, I will return to my pending Vitter amendment. I ask the majority side, and perhaps the distinguished Senator from Florida is the appropriate person on the floor to give consent to a modification of the Vitter amendment, which is in the last paragraph, only to clear up any uncertainty and confusion about this offset issue which we have discussed.

This modification, which I provided to the majority side, would make crystal clear and ensure that the full offset of this amendment would have to come out of research, development, test, and evaluation accounts only, and therefore it could not come out of O&M. It could not come out of procurement. It could not come out of any of those broad categories about which the Senator and others were most concerned.

I ask unanimous consent for that modification so that there is certainty on that issue.

The PRESIDING OFFICER. Is there objection? The Senator from Florida.

Mr. NELSON of Florida. Mr. President, reserving the right to object, out of consideration for Senator LEVIN, the chairman of the committee, who is off the floor right now and is considering the request of the Senator from Louisiana, I suggest the Senator withdraw the request until Senator LEVIN returns. I have been instructed to say that he is considering that request right now. So will the Senator withdraw the request?

Mr. VITTER. Pending that answer, Mr. President, I will withdraw the request and look forward to that response so that we can modify the amendment. It is a good-faith attempt to address and clear up any possible ambiguity about some of the issues we discussed on the Senate floor. I think this modification would do that by, beyond argument, limiting any offset to research, development, test, and evaluation accounts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MENTAL HEALTH PARITY

Mr. SMITH. Mr. President, I often try to come to this Chamber and offer remarks without reading a text, but this text that I have prepared is of such a personal nature and so difficult to give that I think I am going to try to read it.

I also want to note for the record that in this hyperpolitical season, sometimes we forget that we are just Americans. Senator KENNEDY somehow knew I was going to give this speech, and I was just called to the Republican cloakroom to take a call from our colleague who struggles with a terrible illness. He wished me well in this speech because we share a common bond when it comes to human loss and the passion for the issue of mental health. I also want to report, Mr. President, that he sounded great, and I am confident he will be back.

Mr. President, 5 years ago this week—it was actually 5 years ago on Monday—my wife Sharon and I received the worst news that any parent can receive when a police officer showed up at our door to inform us that our 21-year-old son Garrett had taken his life. That day and the days and weeks that followed were the most painful imaginable. But instrumental to Sharon and me being able to persevere through those weeks was the love and support we received from my colleagues here in the Senate.

To note just a few, Senators WYDEN, REID, STEVENS, BENNETT, DeWine, and CHAMBLISS traveled all the way to Pendleton, OR, a little town in northeastern Oregon, for Garrett's service. When I returned to this Chamber weeks later, Senators KENNEDY and BIDEN, who had experienced the loss of family members in their lives, were just two of many who reached out to me with compassion and wise counsel. Senators LEAHY and Santorum lit candles for us in their Catholic parishes, Senator LIEBERMAN remembered us in his synagogue, and many protestant colleagues included us in their prayer circles. Sharon and I were reminded again and again that human heartache has no political affiliation.

Sharon and I were also blessed to receive the support and understanding of the people of Oregon. We were overwhelmed with cards, letters, and kind words, many from individuals who had lost a loved one battling depression or who had lost a loved one to suicide. Indeed, as a result of the publicity surrounding Garrett's death, Sharon and I had become the focus of an immense fraternity of sorrow. I had never been aware of or imagined the size of this silent and shapeless society, but the avalanche of letters confirmed what my studies later taught me: There are 30,000 suicides and as many as 600,000 attempts at suicide in America every year. Suicide is the third leading cause of death in the United States for those ages 15 to 24. It is the second leading cause of death among college students, with more than 1,000 taking their lives each year.

I began to wonder what I, as a Senator, could do about this epidemic which had claimed the life of my son. Six months after Garrett's death, our then-colleague Mike DeWine provided me with an answer. He told me that the epidemic of youth suicides had been weighing on his mind as well and that he had coauthored two pieces of legislation he hoped might make a positive difference. The first bill, authored with Senator DODD, increased screening for children to detect those predisposed to depression and suicide. The second, written with Senator REED of Rhode Island, provided funding necessary to improve suicide prevention programs on college campuses.

I reviewed the two bills and felt more and more that I had found my cause: to bring suicide's brutal toll and mental health subordinate status out of our society's shadows. I believed that the shame and the stigma our society feels about mental health must stop and a

national conversation needed to begin. I believed that if Government policy and insurance priorities did not change, then more lives would be tragically lost, more families would be shattered, more of our citizens would wander our streets and needlessly fill our jails, and higher costs would be borne by taxpayers or be shifted to overburdened private policyholders. In short, our society would be diminished and too many of our fellow citizens would continue to suffer needlessly.

Senators DeWine, DODD, and REED graciously offered to let me take the lead in advancing the legislation through Congress. Because of their support, the support of countless others in the House and Senate, and the support of the President of the United States, George W. Bush, we were able to make a difference and for the first time put the Federal Government on the front lines in the battle against youth suicide.

This week marks another anniversary, Mr. President. It was on September 9, 2004, on what would have been Garrett's 23rd birthday, that final passage was achieved on what my colleagues' named the Garrett Lee Smith Memorial Act. So I rise today during what is also National Suicide Prevention Week to reflect on what has been accomplished these past 4 years thanks to the provisions of the Garrett Lee Smith Act and to remind my colleagues of the work that still must be done.

Since its enactment into law, the Garrett Lee Smith Act has provided funding for youth suicide prevention programs in 31 States, 7 Native American tribes or tribal organizations, and 55 colleges and universities. Incredibly, more than 150,000 people across our Nation have been trained in youth suicide prevention activities under the Garrett Lee Smith Memorial Act. This includes more than 40,000 college students who can now look for the warning signs of depression in peers, more than 11,000 parents and foster parents who can spot the warning signs in their children, 9,000 teachers who can better identify the needs of their students, and 1,300 primary care providers who can better serve the mental health needs along with the physical needs of our children and youth they seek to heal. We also know that 13,000 youth have been screened for mental illness through the Garrett Lee Smith Memorial Act grants. Of these youth, more than 2,800 were found to be at risk of suicide and 95 percent were referred for mental health services. Amazingly, of these children, 90 percent received care.

In my home State of Oregon alone, more than 900 people have been trained in suicide prevention activities. They have been taught these new skills in a way that will allow them to share what they have learned to train others. This ''train the trainer'' type of program has created a sustainable program which will continue to grow the number of caring people in our communities who have the know-how to spot mental illness and suicide risks in our children and youth.

Mr. President, much has been accomplished in the battle against youth suicide, but there is still much more that needs to be done, and I would like to provide a roadmap of five actions this Congress can and should take before adjournment.

First, Congress needs to reauthorize the Garrett Lee Smith Memorial Act. Last May, I joined with Senators DODD and REED in introducing just such a reauthorization proposal. Our bill would provide some important updates to the program, including allowing States and tribes to get more than one grant so that many States can expand on the work they started with the initial youth suicide prevention grants they received. Our bill would also allow for increasing funding levels and allow for the current youth suicide resource centers to serve those of other ages.

Second, mental health parity has passed both the House and the Senate and is awaiting final passage. I urge the conference committee to get this to final passage. This final version has been included in the tax extenders package drafted by Senator BAUCUS that is awaiting consideration. I am very hopeful that through this package, mental health parity will soon be completed. Placing mental health on parity with physical health will send a very important message to our family members and friends with mental illness. It says to them: We support you, we love you, and we are working to ensure that you get the help you need.

Third, mental health parity must also be provided to children under SCHIP. Low-income children suffer at higher rates of mental illness. We must ensure that the State Children's Health Insurance Program better supports their needs. We know that the earlier we can identify and help children with any mental health issues, the better chance they will have in obtaining a long-term recovery and learning the ability to manage their illness.

Fourth, along with many colleagues, I have long been concerned with the mental health needs of our older veterans as well as those who are returning from our current conflicts. I held a field hearing in Oregon last year on the issues that our aging veterans face and convened two roundtables on the issue with veterans, mental health professionals, and local officials. Senator KOHL and I also held an Aging Committee hearing in the fall of last year that looked at veterans' mental health issues. I was honored that Senator Bob Dole was able to testify at this important hearing.

In response to the findings I gathered from these hearings and discussions, I introduced in July of this year, along with my colleague and friend Senator WYDEN, the Healing Our Nation's Heroes Act of 2008. This bill would improve the oversight of the Department of Veterans Affairs and the Department of Defense as it relates to the mental health services they provide to our service men and women and veterans. It would also work to increase the number of their mental health professionals and train them to better understand the unique issues of our men and women who have seen combat.

Finally, I have worked to introduce a package of bills with Senator REED of Rhode Island that would support and enhance our community mental health centers. These centers are the safety net of our local mental health systems and work to ensure care to so many low-income individuals. These bills would help to better integrate the physical and mental health at these centers. This package would also help to provide funding for infrastructure expansion and improvements that are so desperately needed as local centers struggle under low funding and increased community needs. Currently, the reauthorization is pending in the HELP Committee.

Mr. President, I know we are in the midst of a partisan season. Two of our colleagues are campaigning for the Presidency of the United States, and one is campaigning for the Vice Presidency. In my State of Oregon, my colleague, Mr. SCHUMER of New York, is spending millions upon millions of dollars running very partisan and negative ads in the hopes of defeating me, and that is certainly his right. I know Mr. SCHUMER has put pressure on many of my colleagues on the other side of the aisle these past few months not to continue any bipartisan work with me. But just as passage of the Garrett Lee Smith Memorial Act was not a partisan issue, taking action on the five items I have just listed is also not partisan. Mental illness does not differentiate between Republican and Democrat. It is an American issue. It is a human issue. And as Americans, we have a duty to act.

Perhaps the best counsel I received in the days and weeks following Garrett's death came from Dr. Lloyd Ogilvie, who served with such distinction as the Chaplain of the Senate. Lloyd had recently lost his beloved wife Mary Jane and called me from Los Angeles to commiserate. His message to me was that ''gratitude'' is a miraculous antidote for grief, and that, whenever I was feeling overwhelmed by bewilderment and remorse, I should remember to be grateful that the Lord gave us Garret for 22 years less a day. It sounded simple enough—gratitude as an antidote for grief—so I tried it, I tried it again, and I discovered that it works.

I stand here today, 5 years after losing my son, with profound gratitude in

my heart: gratitude for the countless Oregonians who continue to let Sharon and me know that we are in their thoughts and prayers; gratitude for my colleagues here in this Chamber, without respect of party, who helped me persevere and recover; gratitude for public servants such as Mike DeWine and CHRIS DODD and JACK REED and many others—and I must mention ORRIN HATCH, who has been an incredible brother to me. They allowed me to turn my grief into action through the Garrett Lee Smith Memorial Act. I express gratitude for President Bush signing this act. He did it on a misty day, on an October morning in 2004, just before election day. I express gratitude for those who are on the front lines of the battle against suicide, and countless mental health professionals who are implementing the programs authorized by the Garrett Lee Smith Memorial Act, who are often overwhelmed by the demand and underfunded by resources.

And above all, I express gratitude that a remarkable boy graced Sharon's and my life for so many years, and that his memory lives on through the good works implemented by legislation that bears his name on the statutes of the United States of America.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4979

Mr. INHOFE. Mr. President, right now the pending business, as I understand it, is the Bill Nelson amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. Let me first compliment Senator NELSON for bringing this up. This has been something we have been wrestling with now for more than 8 years and we are finally going to have an opportunity to make it happen. It is a long overdue fix in the Survivor Benefit Plan and I am honored to be a cosponsor of this amendment. It clearly states that a surviving spouse and dependents of our veterans should receive the full value of the SBP and the Dependency and Indemnity Compensation—DIC—without an offset.

Here is what the problem has been in the past. They would receive one or the other, but the other would be offset against it so our surviving spouses would not have the full benefit. Let's look at what it is. They have distinct purposes. The DIC, the Dependency and Indemnity Compensation, is tax free and it compensates for a service-connected death and the resulting economic loss. That is what that stands for.

The SBP, the Survivor Benefit Plan, is more like a life insurance policy. Survivors are qualified for SBP only because their spouses bought it with monthly premiums.

It is time we gave back these benefits to families of those who have served bravely in the defense of our Nation. I think it is an insult to their honor and their memory to do anything else.

Many of us have fought for years to ensure the SBP pays survivors as it was intended. I, along with 38 colleagues, sponsored the SBP Benefits Improvement Act of 2001. We are talking about quite a number of years ago. It amended the Federal provisions concerning the Military Survivor Benefit Plan to adjust the basic annuity amount for surviving spouses of former military personnel and adjust similarly the authorized percentage amounts of SBP supplemental annuity authorized for such spouses.

Again, I cosponsored, with 45 colleagues, the Military Survivor Benefits Improvement Act of 2003 to accomplish the same thing.

We have worked diligently to change the laws covering the concurrent receipt and have been successful. This legislation is the logical expansion of the same principle, acknowledging that the surviving spouses and dependents should not be left behind. Every year for the last 3 years we voted to include this legislation in our version of the National Defense Authorization Act. We have the authorization bill—I should say the reauthorization bill—every year. We put it in. Then, somehow, in conference it comes out.

As the Chair knows, we cannot discuss what happens in conference other than we know the results. The results were this was something we wanted to do, we had it in, it came out. In 2006, 2007, and 2008, we agreed to repeal this SBP/DIC offset and every year it has been dropped by the conference committee.

Again, that is something nobody knows why. I, frankly, do not know why and I am on the conference. With this amendment we rectify a longstanding injustice to widows and dependents whose spouses or parent died, of a military service-related cause, who are sacrificing a dollar of the DOD Survivor Benefit Plan for every dollar of the VA Dependency and Indemnity Compensation they receive.

Finally, after all these years it is going to become a reality. I applaud the Senator from Florida, Mr. NELSON, for bringing it up. I encourage everyone to agree to this amendment. I think it will be agreed to because it has had favorable treatment from our defense committee, our Armed Services Committee, for a number of years now.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, before I ask for a quorum call, if the quorum call is put in motion here, is the time charged against both sides on the Vitter amendment?

The PRESIDING OFFICER. We are on the Nelson amendment so no time would be charged.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first I wish to say to our colleague and fellow member of the Senate Armed Services Committee from Oklahoma, I was very moved by your remarks on this particular program, as requested by our colleague from Florida. This will have my support. But your voice has added a great deal of significance to the fundamental necessity for this body to go ahead with this amendment. I judge you, too, are a cosponsor on this amendment?

Mr. INHOFE. That is correct. I say to the Senator from Virginia, we have been working on this, you and I together, along with several other Senators on both sides of the aisle, for 8 years now that I know of. This should be the day that we come to the happy conclusion and make sure it does happen.

I wonder why things that are so right are so long in coming. He and I both know, after the years we have served, it is not all that easy sometimes. I thank the Senator for all of his support for the survivor benefits and all the things we have done since—actually prior to 2001.

Mr. WARNER. Mr. President, I thank the Senator. If it is one hallmark he has in the Senate, it is his tenacity, year after year after year. So stick with it—whether it is this program or your beloved highway programs, which you fight for, or your beloved WRDA bill, which you fight for. It is a long list.

I thank the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Virginia.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Would the Senator from Oregon yield?

Mr. WYDEN. I will yield.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be recognized following the presentation from the Senator from Oregon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. First, I wish to note that my friend and colleague, Senator

SMITH, was just on the floor. I wish to commend him for all the work he has done for the vulnerable families in our country. He and Sharon, of course, have suffered the loss, a loss almost unbearable to all of us who are parents. They have done everything they possibly could to stand up for other families across the country.

Since our colleague spoke, and very movingly, on the floor, I wish to take a special note, before I begin my comments on another subject, of his advocacy because I think it has been extremely important for millions of families in our country.

MINERALS MANAGEMENT SERVICE

Mr. President, I have come to the floor to talk about a new report that the Interior inspector general has released on the offshore oil and gas leasing program.

Several years ago, I stood on the floor and spoke for several hours in an effort to draw the Senate's attention to the mismanagement of this offshore oil and gas leasing program. Today we have learned, with the inspector general's report, that nothing has changed. What they have shown, the inspector general in this report, is that the Royalty-in-Kind program, one of the key royalty programs that they looked at, is a horror story of mismanagement and misconduct.

The inspector general looked at the Minerals Management Service, and said, with respect to this royalty program, there is a ''culture of ethical failure.'' Nearly one-third of the entire staff of the Royalty-in-Kind program accepted gifts and gratuities from the oil and gas companies with which they were conducting official business.

There are stories of drug use. There are stories of inappropriate sexual relationships. The inspector general confirmed that two Royalty-in-Kind employees were running a side consulting business for oil and gas companies with which the Royalty-in-Kind program was doing business.

The inspector general's report detailed how Royalty-in-Kind managers, instead of working for the taxpayers' interests, were working for their own self-interest, ingratiating themselves with the very oil companies they were charged to negotiate fair deals with on behalf of American taxpayers.

Now, some are probably wondering exactly how much money has been lost as a result of this mismanagement and misconduct. The bottom line from the inspector general's investigation is there is no way to determine how extensive the abuses in this program have been. There is no way to determine exactly how much money the American taxpayer has lost. Because the record keeping has been so shoddy, it is not possible to figure out exactly what these losses are.

I am very hopeful, as a result of this extraordinarily important report by the inspector general, that it will be possible to clean house finally at the Minerals Management Service. I hope it will be possible.

You say to yourself: How can it be that these things are done at this agency today? What would it take to get a serious audit program at the Mineral Management Service? I hope it will be possible now to make changes in this program, to make it crystal clear that the Federal Government will no longer employ someone serving an interest other than the public's.

Whether you are a secretary or manager or the guy or the gal who is cleaning up, if you want to work for the public, then you need to take the public's trust seriously.

Now, you say to yourself, this should pretty much go without saying. But particularly this afternoon, as the Congress is on the eve of a historic debate about the future of energy policy, you ought to say: Let's clean up the abuses that are taking place in existing leasing programs that are going to continue and possibly be expanded under the legislation that the Congress will consider shortly.

Some of the Minerals Management Services problems also involve a law that was written originally in the mid-1990s, when the price of oil was low. When the price of oil was around $15 a barrel, the Congress said: Let's give oil companies a financial incentive to drill on new leases in the Gulf of Mexico. The law said that while the oil companies were drilling on public land, they didn't have to pay the Federal Government the required royalties until the price of oil rose high enough for the companies to make a profit, obviously a little bit different time than today. Oil prices, of course, have not stayed low. It turns out that royalty relief didn't phase out the way it should have.

We learned the Minerals Management Service, the part of the Interior Department charged with issuing and administering offshore leases, bungled things so badly they forgot to include provisions in the leases requiring royalties on those particular leases. The Government Accountability Office has estimated that just this dereliction of duty would cost American taxpayers as much as $11.5 billion. The Government Accountability Office recently has updated that amount and the impact is several billions of dollars higher.

The Congress has held hearings on this management failure, but the fact is, nothing has been done to fix the problem.

To add further insult to the injuries suffered by taxpayers, the oil companies operating in the gulf, led by Kerr McGee, sued the Federal Government, claiming they shouldn't pay royalties on any of the oil from any of the 1995 to 2000 leases, no matter how high the price of oil went. They got a judge in Louisiana to agree with them. The Federal Government is appealing the case.

Senator KYL and I have been working on a bipartisan basis to try to get this corrected, but in the 2005 Energy bill, the Congress extended the exemptions for new leases in the Gulf of Mexico from royalty payments for both oil and natural gas wells, despite the fact that oil was already $50 a barrel. This is a loophole that remains in effect until June of 2010 and is going to allow current and future leases in the Gulf to continue to avoid even more royalties while additional profit is generated at record prices.

The Bush administration has proposed repealing these 2005 royalty relief provisions, but they are still in place.

This is the time to get control of this runaway stallion. We are talking about millions, certainly billions, in terms of the cumulative cost of the program, and these practices take your breath away.

Let me read from one paragraph from the summary the inspector general has issued. One paragraph talking about three employees says: The results of this investigation paint a disturbing picture of three senior executives who were good friends and remained calculatedly ignorant of the rules governing postemployment restrictions, conflict of interest, and Federal acquisition regulations to ensure that two lucrative contracts would be awarded to a company created by one of them and then later joined by another.

These are such clear examples of abuse that no matter what one says, you have to say this is unacceptable. The inspector general found that between 2002 and 2006, nearly one-third of the entire Royalty-in-Kind staff socialized with and received a wide array of gifts and gratuities from oil and gas companies with which the Royalty-in-Kind Program was conducting official business. We are talking about 135 occasions involving gifts and gratuities. They went on to say that the inspector general discovered a culture of substance abuse and promiscuity in the Royalty-in-Kind Program, alcohol abuse associated with the program, where there was socializing by staff with the industry.

I have suggested two steps today that strike me as obvious changes that should be put in place. First, there needs to be an effort to clean house at the Minerals Management Service so that we get these practices behind us. We also have to get back in the serious business of auditing these programs where millions and billions of dollars are involved.

I want to commend particularly the inspector general of the Department of the Interior for his outstanding work in putting together this report. This is one of a series of reports that the inspector general has issued in this area.

I and the chairman of the Energy Committee, Senator BINGAMAN, have worked closely with colleagues to try to get these changes put in place. Senator BINGAMAN in particular has offered a number of promising legislative changes to deal with the royalty issue.

I wanted colleagues to know in particular about this Office of Inspector General inquiry into the Minerals Management Service, given the debate that is about to begin in the Senate.

We will be, as far as I can tell, spending much of the remainder of this session talking about these and similar programs. I happen to think it is possible for us to do our work in a bipartisan fashion, get in place energy changes that will allow us, in the area of alternative energy supplies and renewables, to make significant progress. I have made it clear that particularly with respect to additional opportunities for drilling, be it in the Gulf of Mexico, and maybe other areas, I am open. What I am not open to is the continued abuse of taxpayers in these essential programs involving public resources. We are talking about public lands. We are talking about public resources. It is one thing when private companies drill on private lands. It is quite another when they are developing energy on public lands and, in my view, taking advantage of programs that were set up years ago when the price of oil was $15 a barrel.

It is time to clean house at the Minerals Management Service. It is time to get back in the business of accountability and rigorous oversight of these leasing programs that involve such extensive amounts of taxpayer funds.

I hope all colleagues will look at the report issued by the inspector general of the Department of the Interior. It provides a clear roadmap for how the Congress ought to proceed in terms of correcting these programs, ending the pattern of abuse and mismanagement, and changing the channel from the current horror show of mismanagement and misconduct at the Minerals Management Service.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Will the Senator yield for a question?

Mr. DORGAN. Yes.

Mr. LEVIN. Could we have a time set for the Senator's presentation? Can he give us an idea about how long he would be?

Mr. DORGAN. I would expect to be about 15 minutes. Is there some intervening business the Senator wishes to conduct?

Mr. LEVIN. That is helpful. I wonder if Senator DORGAN could be recognized for 15 minutes. I will ask unanimous consent to extend it, if necessary, but it will give us an idea how we can proceed, and then I ask unanimous consent that following Senator DORGAN, the Chair recognize the managers.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Senator DORGAN is recognized for 15 minutes, and then the managers will be recognized.

Mr. DORGAN. I thank Senators LEVIN and WARNER for their leadership on the Defense authorization bill and the Armed Services Committee which brings to us the Defense authorization bill. They held a hearing on the subject of Iraq contracting at one point in their committee, and I went to testify before that hearing. It is interesting that at that hearing my testimony about a range of issues with respect to subcontractors doing contracting in Iraq was contradicted by an Army general. That Army general is now under investigation because it is anticipated that Army general did not provide truthful testimony to the committee. One of the things I wanted to talk about today was about the issue of profound waste of money with respect to Iraq contracting. But then I want to talk about how much money we have committed and how much we have appropriated and, for that matter, authorized to Iraq at a time when the special inspector general for Iraq tells us that that country is pumping out about 2 million barrels of oil a day, selling it on the open market, amassing substantial cash for their own country, and the Iraqi treasury is now expected to have a surplus of around $50 billion. The Government of Iraq is accumulating a surplus of about $50 billion currently, and it is estimated to be $79, perhaps $79 billion by the end of the year.

Contrast that with this country. Iraq is pumping oil, 2 million barrels a day, selling oil. We go up to the gas pump and put gas in our cars and pay money that ends up in Iraqi banks. In fact, that Iraqi money is in the Federal Reserve Bank in the United States. Meanwhile, Americans are paying high prices for oil, part of which ends up in Iraqi coffers, and Iraq has about $50 billion, while we are up to our neck in debt. It is unbelievable. We have a fiscal policy that is wildly out of control. We are going to borrow $600 to $700 billion this year. We are spending money for reconstruction in Iraq.

Let me show a picture of something called the Whale. The Whale is a facility that has been built in Iraq, and it is a facility called the Kahn Bani Sa'ad prison. If we take a look at this picture, we see bricks falling all over, an unbelievable mess. This doesn't look like a building. It looks like a construction site that is under substantial disrepair.

Let me tell the story about the Kahn Bani Sa'ad prison. Our Government told them that they had to build this prison. We are going to build this with American money. The Iraqi said: We don't need this prison. We won't use this prison. If you are going to build it, it is built in the wrong location, but we don't want this built.

The American Government said: We are going to build this prison. They contracted with Parsons Corporation for $30 million. My understanding is that after spending $30 million, they actually got rid of that contractor and brought another contractor in and spent another $10 million. Here it sits. They call it the Whale. It sits on the sands of Iraq, paid for with American taxpayer money, never used, will never be used. It is shoddy construction, bricks are falling apart. It is unbelievable. It is a hood ornament on incompetence in my judgment, the Whale.

How much more of this should we do? I have spent a career on the Senate floor talking about how miserable the oversight has been with respect to these contractors. Here is one small but illustrative example. A contractor was supposed to be buying towels for the troops, little hand towels, Kellogg, Brown & Root, a subsidiary of Halliburton, buying hand towels for the troops. Henry Bunting, a purchasing employee, is told: Buy hand towels for the Army. So he orders some white hand towels.

His supervisor said: You cannot do that. You have to buy hand towels with ''KBR'' embroidered on them, the name of the company.

He said: That will triple or quadruple the price of these towels.

His supervisor said: That doesn't matter. This is a cost-plus contract. The taxpayers will pay for that.

So the towels ordered for American troops were towels with ''KBR'' embroidered on them—Kellogg Brown & Root—at triple or quadruple the cost to the American taxpayer.

There were $85,000 trucks left behind to be torched—brandnew $85,000 trucks left beside the road in Iraq to be torched—because they had a flat tire, they did not have a wrench to fix it, or had a plugged fuel pump and they did not have the tools to fix it. These weren't dangerous areas where there was a concern about being attacked. These were pacified areas where a repair could have been made. But the decision was to just have the truck torched, because taxpayers could just buy new ones.

You think these are stories that are wild? No. That is just the beginning. I have held 17 hearings on it.

I say to Senator WARNER, he will recall the day I came to the committee

and testified about this issue. He will recall a General Johnson who testified just after me and said: Senator DORGAN is wrong about this. Then he told you what he thought the truth was. It turns out he deceived the committee.

That General Johnson is now under investigation by the Secretary of Defense. I asked the Inspector General to look into the testimony—my testimony and his. Several weeks before General Johnson came before the Armed Services Committee, the Inspector General had furnished a report, an interim report, to the military saying exactly the opposite of what General Johnson told the Armed Services Committee.

I appreciate the fact that Senator WARNER held that hearing, and I also appreciate the fact that Secretary Gates is now investigating because, if anything, we desperately need people who come to this Congress to testify to tell the truth and not deceive the Congress. That particular issue was a water issue that was providing water—this was Halliburton and Kellogg Brown & Root providing water—to the military bases in Iraq. The allegation has been since sustained, by the way, by the inspector general's report.

Mr. WARNER. Mr. President, I do recall very vividly the Senator coming before the Senate Armed Services Committee—I believe I was chairman at that time——

Mr. DORGAN. I say to the Senator, you were the chair of the hearing

Mr. WARNER. For the purpose of bringing to the attention of the committee this very important issue.

Mr. DORGAN. Mr. President, that particular issue was the provision of water to the military bases in Iraq. We discovered the nonpotable water that was sent to the bases for showering, shaving, brushing their teeth was twice as contaminated as raw water from the Euphrates River because the contractor was not doing its job and not testing the water.

Well, I will not go on. I could go on at great length talking about the unbelievable waste. But what I do want to say is this: In recent months, what we have discovered is that in the county of Iraq they are amassing a very substantial amount of money. At the moment, we believe it is $50 billion and expected to grow to $79 billion in budget surplus in their bank accounts by the end of this year.

It seems to me from an infrastructure standpoint it is time—long past the time, in fact—for Iraqis, who have money in the bank—and a lot of it—to begin providing their own needs and infrastructure and investment. It is interesting to me and somewhat depressing, I would say, that in this year we are building somewhere close to 950 water projects in the country of Iraq. Let me say that again: about 950 water projects in the country of Iraq—with American taxpayers' money at the same time the President has recommended that we cut $1 billion out of water project investment in this country. It does not make much sense to me.

Now, here is what I propose. There are three accounts for which we have appropriated American taxpayers' dollars in which a substantial amount of that is as yet unspent and, in fact, a substantial amount unobligated. I believe when we have some billions of dollars that have previously been appropriated but are unobligated, that at this point—given the fact that Iraq has substantial surpluses and we have substantial deficits, given the fact that we have spent somewhere now over two-thirds of a trillion dollars in the pursuit of the war in Iraq and Afghanistan, and so much of it has been infrastructure investment in addition to replenishment of the military accounts—I believe it is time for us to take at least a baby step and say: Do you know what. With respect to that which has been appropriated but is yet unobligated, it is time to ask the Iraqis to pay for the cost of this with their surplus that sits in a Federal Reserve bank.

Now, let me provide some evidence of all of this.

The New York Times of August 6, that is last month:

> Soaring oil prices will leave the Iraqi government with a cumulative budget surplus of as much as $79 billion by year's end, according to an American federal oversight agency. But Iraq has spent only a minute fraction of that on reconstruction costs, which are now largely borne by the United States.

Does this make sense? Does anybody think this makes sense? We are deep in debt. They have massive cash reserves they are building every single day by pulling up 2 million barrels of oil and selling it on the market, and we are told we should keep paying for these costs? It does not make much sense to me.

A Government Accountability Office report to Congress from last month:

> [From 2005 to 2007], the Iraqi government was unable to spend all the funds it budgeted, especially for investment activities.

I am not talking about the surplus now. The surplus is that which is over the amount of money the Iraqi Government was going to spend. They could not spend the amount of money they decided to spend, and yet they have accumulated large surpluses beyond that.

> Significant amounts of unspent money from the 2006 and 2007 Iraqi budgets remain available for further infrastructure investment by the Government of Iraq.

That is from the Special Inspector General for Iraq Reconstruction Report to us dated July 30.

Iraq Deputy Prime Minister Salih said, as noted in the special inspector general's report to Congress on July 30:

> Iraq does not need financial assistance.

''Iraq does not need financial assistance.''

This is just another example of that which I have held 17 hearings on. This is an April 30, 2006, article:

> A $243 million program led by the United States Army Corps of Engineers to build 150 health care clinics in Iraq has in some cases produced little more than empty shells of crumbling concrete and shattered bricks cemented together into uneven walls. . . .

This is a picture of a man named Judge Al Radhi. Judge Al Radhi was selected by us, by the Coalition Provisional Authority, by Mr. Bremer, to be the Commissioner of Public Integrity in Iraq. He found $18 billion of graft and corruption. He found examples where we appropriated money for Iraq to buy airplanes, warships, and tanks, and there are no airplanes, warships, and tanks purchased with that money. The money is gone, but the equipment does not exist. By the way, one of the Ministers from the Government is now living in a plush place overseas, and the money apparently is in a Swiss bank. This man, by the way, was not even supported by our own State Department. Eventually, the Iraqi Government wanted to get rid of him, and they did. A substantial number of the people who worked for him were assassinated. They tried to kill him a couple of times. He came. He had the courage to come and testify before a committee hearing that I requested before the Senate Appropriations Committee.

He said $18 billion was taken—most of it American money. He talked about the Ministers who took it and where they are now and the tanks and ships and planes that were supposed to have been purchased with our money that did not exist. The money is gone. The equipment does not exist.

Well, Mr. President, that is a long way of saying that, obviously, I am impatient about all of these issues, having held a lot of hearings on all this. My colleague, Senator LEVIN, has spoken of this issue often, recently, and going back some long while on the subject of who should bear these costs.

If the Iraqi Government has substantial amounts of money in bank accounts in surplus—$50 billion now and $75, $79 billion by the end of the year—should they not bear the cost of some of their own reconstruction rather than continue to ask—after 5 long years—the United States, which is deep in debt, to have to bear this cost and bear the burden? The answer clearly is yes. We ought to ask Iraq to do more.

Now, I am going to offer an amendment. I am not asking us to take a giant step. But let's at least take a baby step in the right direction, a reasonable step toward common sense, to say: Do you know what. We are off-track in fiscal policy. We have an unbelievable mess, and it is time to start taking a look at some of this spending and using a deep reservoir of common

sense on this issue. At this point in time it is reasonable for us to say if the county of Iraq is selling 2 million barrels of oil a day, amassing very large amounts of surplus in their treasury, we ought to be relieved of the burden of using American money to build infrastructure in Iraq that could easily, and should be, built with Iraqi money.

It is not the case of us abandoning the Iraqi Government. But it is the case of saying we ought to expect them to do for their own, which they can. Again, I just refer to the comment that was made by the Deputy Prime Minister of Iraq, who said:

Iraq does not need financial assistance.

That ought to be an invitation, finally, at long last, for us to use some common sense in the way we begin to address these issues.

There are appropriated funds that are as yet unspent and unobligated. It seems to me appropriate for us at this point to begin to look at finding ways to decide that those funds, rather than being spent and burdening the American taxpayer, should be covered by the surpluses that exist in bank accounts with the name of the county of Iraq on the account.

Mr. President, I intend to work with my colleagues on the amendment I will offer. But I did want to describe the reason for it today. I appreciate very much the time offered to me by the chairman and ranking member.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I commend the Senator from North Dakota. This subject, which he has described, is a subject which every American—at least those I have spoken to—understands. Regardless of their position on the Iraq war, regardless of whether they believe we did the right thing going in, regardless of whether they are critics of the Bush administration's policies, this cuts across every single line. I have not talked to anybody, at least in my State of Michigan, who believes that when Iraq has $80 billion in surplus funds sitting in banks, some of which are our banks drawing interest from our taxpayers—we have paid billions of dollars in interest on Iraqi surplus accounts coming from sales of oil, much of which comes to America, much of which ends up in our tanks at $4 a gallon, enriching themselves at the expense of the American taxpayers. Why in heaven's name they are not paying for the kinds of items which Senator DORGAN has described beats me and I think it absolutely stuns at least every American I have spoken to when they hear about it. This cuts across all the positions on the war and the success of the surge or the lack of success because it hasn't accomplished its purposes.

This issue is a critically important issue. It is shocking. It is unsustainable, it is untenable, it is unconscionable that Iraq is not paying for the kinds of reconstruction efforts the Senator has described.

Senator WARNER and I wrote a letter some months ago, and we received a response on this subject which provides a lot of the information to which Senator DORGAN has referred. I commend Senator WARNER because he has been active in trying to probe this area: How many surplus funds are there and how much is being added every day and what are they being spent for? So we have been able to accumulate a lot of information which I believe will be very supportive of an amendment which Senator DORGAN may offer and hopefully will put in a form which can command bipartisan support of the Senate.

Mr. DORGAN. Mr. President, if I might just make an observation, let me also thank Senator WARNER from Virginia for his work on this, and the Senator from Michigan, and say that this publication—and I know the two of you have been very supportive of it—by the special inspector general for Iraq—this is dated July 30, so it is 2 months ago, a month and a half old. This publication has some unbelievable information in it about what is necessary, what kinds of expenditures exist in the major reconstruction accounts. There is at the moment $7 billion in the three reconstruction accounts that is unspent and unobligated.

As I move this amendment, I wish to work with both of you to see if we can construct the amendment in a manner that meets your needs and my needs because I believe this will make real progress.

Again, I thank both the chairman and the ranking member for their work on these issues. I am well aware of the letter they wrote some months ago.

Mr. WARNER. Mr. President, if I might add, I appreciate the sentiments of both of my colleagues. It has been a joint effort by Senator LEVIN and me.

Mr. President, I ask unanimous consent to have the letter we prepared printed in the RECORD after this colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. I wish to also bring to the Senator's attention—he already knows, but those following the debate should have been advised that this letter prompted a GAO study, and that study, which was released recently, received widespread attention, not only here in the Senate and in the House of Representatives but throughout the Government and other circles. So I would say we are well along in achieving some—what I would call better accounting for these dollars, better control over the expenditures.

We have heard that the report is prepared by Stuart Bowen, whom I see regularly, three or four times a year, and I know my colleague and others feel likewise. I have a high regard for the work he and his staff have done through the years with that report. There was a time when there were elements of the Government—I won't get into specifics—which wanted to abolish that department. I think the Senator from Michigan remembers that. We stepped in and said in very simple language: No way; they are going to continue.

Mr. DORGAN. Mr. President, if the Senator will yield for a question or comment, I think the special inspector general, Stuart Bowen, has done a terrific job. I would commend all of my colleagues to take a look at the reports the special inspector general has issued. They are unbelievably valuable to us.

The Senator is correct. There were some who were pushing very hard to eliminate the special inspector general, and it was the fight waged by Senator LEVIN and Senator WARNER to say that would not make sense at all. So I appreciate the work of Inspector General Bowen, and I appreciate the work of my colleagues.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 6, 2008.

Hon. DAVID M. WALKER,
Comptroller General of the United States, Washington, DC.

DEAR MR. WALKER: Nearly five years ago, on March 27, 2003, then Deputy Secretary of Defense Paul Wolfowitz, in testimony before the Defense Subcommittee of the House Appropriations Committee, was asked whom he expected would pay for the rebuilding of Iraq. He answered that "there's a lot of money to pay for this. It doesn't have to be U.S. taxpayer money. And it starts with the assets of the Iraqi people . . . the oil revenues of that country could bring between 50 and 100 billion dollars over the course of the next two or three years. . . . We are dealing with a country that can really finance its own reconstruction and relatively soon."

In fact, we believe that it has been overwhelmingly U.S. taxpayer money that has funded Iraq reconstruction over the last five years, despite Iraq earning billions of dollars in oil revenue over that time period that have ended up in non-Iraqi banks. At the same time, our conversations with both Iraqis and Americans during our frequent visits to Iraq, as well as official government and unofficial media reports, have convinced us that the Iraqi Government is not doing nearly enough to provide essential services and improve the quality of life of its citizens.

According to the U.S. Department of State's Iraq Weekly Status Report for February 27, 2008, the Iraq Oil Ministry goal for 2008 is to produce 2.2 million barrels per day (MBPD). To date through the 24th of February, the 2008 weekly averages have ranged from a low of 2.1 MBPD to a high of 2.51 MBPD, missing that goal for one week only. Exports are over 1.9 MBPD, with revenues estimated at $41.0 billion in 2007 and $9.4 billion in 2008 year to date.

Extrapolating the $9.4 billion of oil revenues for the first two months of 2008 yields an estimate of $56.4 billion for all of 2008.

And that figure will probably be low given the predictions for oil prices to continue to rise over the coming year. In essence, we believe that Iraq will accrue at least $100.0 billion in oil revenues in 2007 and 2008.

We request you look into this matter and provide answers to the following questions:

What are the estimated Iraqi oil revenues each year from 2003–2007?

How much has Iraq and the United States, respectively, spent annually during that time period on training, equipping and supporting Iraqi security forces, and on Iraq reconstruction, governance, and economic development?

What are the projections for oil revenue and spending for 2008?

What is the estimate of the total Iraqi oil revenue that has accumulated unspent from 2003–2007, and the expected estimate at the end of 2008?

How much money does the Iraqi Government have deposited, in which banks, and in what countries?

Why has the Iraqi Government not spent more of its oil revenue on reconstruction, economic development and providing essential services for the Iraqi people?

Your assistance in this matter would be appreciated.

Sincerely,

JOHN WARNER,
Member.
CARL LEVIN,
Chairman.

The ACTING PRESIDENT pro tempore. The Senator from Michigan has the floor.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to express my appreciation to Senator LEVIN and Senator WARNER and the staff and other members of the Armed Services Committee who have worked hard to produce a bill that I think does the job pretty well to meet the challenges we have and at the same time has bipartisan support, which is important for passage as it is one of the realities of this Senate. So I think we have done fairly well.

I wish to share some thoughts about some issues in general.

I think it was Fareed Zakaria who wrote a book not too long ago noting that perhaps we had reached the end of history or beyond history. I understand he has since indicated that is not a viable philosophy anymore. I saw the cover, I believe, in the Weekly Standard recently which said: ''The Return of History.'' History teaches us that this is a dangerous world. We wish it were not so. We wish we did not have to have a Defense Department. We wish there were no such thing as war. I respect people who are prepared to be total pacifists in their lives, but for most of us who lack that kind of faith, we believe we have to be prepared to defend our legitimate national interests around the globe and do those things with courage and fidelity and to think ahead, to be prepared, and that peace is most often accomplished through strength. I believe we have a pretty good recognition of that in this bill, and that is why I support it out of committee.

I wish to note the unease we have seen in some of the nations of the world. We know about the rogue nations. But it has been very troubling, I have to say, what Russia is doing today. It seems in their statements, in their comments, in their actions, and in their military aggression that they are not seeking to align themselves with nations of good will that seek to work in ways that avoid military conflict, that act in ways that are just and fair to their neighbors. So that is a big problem, some of the things they have been saying to the Czech Republic and Poland about missile defense; some of the threats they have raised toward the Baltics; the military attack they launched in Georgia, their rhetoric in Georgia; their rhetoric toward the United States represents almost bizarre activity. That is something I had hoped wouldn't happen. I think President Bush has done everything he could, saying that he divined in examining Mr. Putin that he had a good heart, but it looks as if that heart is—if it was good then, it is getting darker and darker today. I just wish it weren't so, but I am afraid it is so.

We are looking at what is happening in China, whose economy continues to grow. There is a very nationalistic impulse in China. Their military is growing at a rapid pace. It is technologically advanced. We spend billions and billions of dollars on developing weapons systems and research and development. Too often, China steals that information and then produces a system that may well be comparable in some aspects for a far less investment than we put into it.

So those are things we face in the world today. I think a wise nation, a mature nation understands that you have to be prepared, that you have to be ready to defend your values, and that allowing nations that do not share our values to achieve military parity or advantage is not a good thing.

I wish to share, along those lines, a resolution I will be offering. It will be to call on this Senate to exercise its prerogative to make a statement through a sense-of-the-Senate resolution that we affirm the action taken by the Czech Republic and Poland to accept and participate in our goal of establishing a third site for missile defense in Europe. Missiles launched by Iran would pass over Europe before they reached the United States. Truly, Iran does not have that capability today, but our intelligence experts tell us they are moving forward with progress toward that goal. They also seem totally unrepentant with regard to their determination to build nuclear weapons, which is even more problematic as we think about the possibility that they could launch a nuclear weapon attack against our allies or even against the United States. Central Europe represents a good location to place another missile defense system.

I heard someone suggest: Well, the Russians have a right to be concerned. We were concerned when the Russians put missiles in Cuba. But, of course, those were offensive nuclear weapons designed to kill people. What we are talking about is operating with independent, sovereign nations to put a system up that would have limited capability to protect us from missile attack. It has no offensive capability. It is a defensive, peacekeeping weapons system.

For reasons that go beyond my comprehension, the Russians have apparently felt that they have a right to decide what the people of Poland do or what the people of the Czech Republic do. They are going to tell them that they can't have such a system. They at one time were under the Soviet boot, so now the Russians have a right to tell them that they can't—as an independent, sovereign, democratic Nation—make a decision that is in their interests and in the world's interests and in Europe's interests and in NATO's interests to place a limited missile defense system there. What kind of mentality is that? I say that because that ought to give us concern in this body. We ought to be concerned about that kind of mentality. It spilled out in a military attack in Georgia. It was not coincidental that while the Russian troops were still attacking in Georgia, high Government officials from Poland and the Ukraine and, I believe, Estonia came to Georgia and stood with them because they have a real sense that they might be next. They have not forgotten what Mr. Putin said last year or the year before—less than 2 years ago. He said the greatest disaster of the 20th century was the collapse of the Soviet Union.

What does that have to say about Russia's mentality and approach to life today? We were at a NATO conference not too long ago, and one nation that had been under the Soviet Communist boot, in response to that, and after our discussion, said they thought that may have not been the worst thing in the 20th century. They said they thought it was the best thing that happened in the 20th century. That is the kind of reality we are dealing with in the world. It tells us we are not beyond history. History is here. It has not gone away.

We need to be very smart about how we utilize our limited financial resources to prepare ourselves for the future. These are problems we have to think about. Of course, we have the immediate threat of terrorism. We know the history of the attacks on the United States, on our warship, the USS *Cole*, in a neutral harbor; marines have been attacked; the Khobar Towers—by a group of people whose stated objective was to destroy us. Bin Laden declared war on the United States. That is what he said on his Web site—that he was at war with us. He killed so many of our people on 9/11, and destroyed the trade towers and attacked our own Pentagon, our own military headquarters right here in the United States. Is that not an act of war? Is that not consistent with a desire to destroy the United States? They had the Capitol or the White House in their sights, had it not been for the American heroes who took that plane down in Pennsylvania. So I guess we have to prepare for that. I wish it weren't so. I wish we could sit down with these terrorists and have a few hours of discussion and reach some accord that would result in us not having to prepare to spend billions of dollars to defend our interests around the world, and they would stop attacking us. But that is not likely to happen. That is not going to happen in the short term.

President Bush was right, fundamentally, in his decision that we would not sit on defense and wait to be attacked again. He made a fundamental decision that the best way to preserve, protect, and defend the United States of America is for our military to quit being on the defensive and allowing terrorists to be treated as a law enforcement problem and, after they attack you, you see if you cannot investigate and figure out who it is and perhaps prosecute somebody. We needed to defend America and stop the attacks before they came. That is what I believe history will give him high marks for. It has been going on 6 or 7 years and we have not had another attack on this country. It has been a challenge for us. We have called on our military to perform to the highest level. We have sent them time and again into dangerous places. We have extended their deployment. We hated to do that, but we have done it. They have met the challenge and they have answered the call. They have been successful in protecting us. We don't know how things will come out, but I believe we will be able to see the government reach maturity in Iraq—a decent and good government that is a positive force in the world, and likewise in Afghanistan.

I think we should be prepared as a Senate to affirm the action of Poland in recent weeks to approve the deployment of 10 missile interceptors in Poland. That could be effective against an Iranian attack or maybe a mistake. It would not be enough to stop the hundreds of missiles the Russians have, for Heaven's sake. It would not be able to do that, but it would be able to protect Europe, and even the United States, from the long-range missiles that Iran is striving to build right now. It is also a good way to bind our countries in mutual security and mutual interests, and it affirms the Czechs' and the Poles' commitment to democracy and freedom, to the Western way of life, to the values we share, and a rejection on their part of terrorism and bullying. We will be offering that resolution, and I will talk more about it.

We also need to be sure that we follow through on the authorization to send this bill and actually see that the money gets appropriated in the next aspect of Defense spending. For example, I will note that our committee, I am most proud to say, has fully funded and given the authorization to fund the site for the Czechs and the Poles, who have supported the President's request in that regard. I think it was a very important decision on our committee. Other committees of the Congress that have relevant jurisdiction to put out the money have not been as supportive. I am proud that our committee has been. It is important for these other committees—it is important in the geopolitical world we are in that our friends, our allies, free sovereign nations, Poland and the Czech Republic, have stood up to pressure from Russia and they have stood up to leftist complaints, and they have agreed to deploy this system.

We ought to affirm it with a strong vote on this resolution and, ultimately, in passing an appropriation that is adequately funded. It is not going to be difficult to put this system in place. It would require some little differences in the missile system. We need a two-stage instead of a three-stage rocket. That is not hard to adjust to. But the main guidance systems, the high technology, would be the same. We are on track to do this.

Our bill that Senators LEVIN and WARNER have moved forward to the floor does the right thing. I hope this Congress will explicitly express our appreciation to the Poles and Czechs and reaffirm our commitment to financially complete that project.

I see other colleagues here. I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I yield the floor to the assistant leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5414

Mr. KYL. Madam President, I send an amendment to the desk for myself and Senators VITTER, INHOFE, MARTINEZ, WARNER, and LEVIN.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. VITTER, Mr. INHOFE, Mr. MARTINEZ, Mr. WARNER, and Mr. LEVIN, proposes an amendment numbered 5414.

Mr. KYL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available from Research, Development, Test, and Evaluation, Defense-wide activities, $89,000,000 for the activation and deployment of the AN/TPY–2 forward-based X-band radar)

At the end of subtitle C of title II, add the following:

SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY–2 FORWARD-BASED X-BAND RADAR.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to $89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY–2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY–2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and nonrecurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Mr. KYL. Madam President, I express my strong support for the amendment I offered on deploying an advanced early warning radar to an allied country from near term ballistic missile threats.

This is a commonsense amendment and I hope it receives wide, bipartisan support from my colleagues.

We all know what other countries are developing: We are now living in a world in which at least 27 nations have ballistic missile capability, and the knowledge to build and use them is rapidly proliferating.

Most recently, Iran's clumsy missile test earlier this summer may not have

demonstrated new technology, but it certainly demonstrated the desire to be in the club of the nations with ballistic missile and weapons of mass destruction capability. As the latest IAEA report informed us, the Iranian missile threat is real and growing.

General Obering, director of the Missile Defense Agency, offered compelling illustrations of this growing threat in his testimony earlier this year to the Senate Armed Services Committee: ''Iran continues to pursue newer and longer-range missile systems and advanced warhead designs.''

''Iran is developing an extended-range version of the Shahab-3 that could strike our allies and friends in the Middle East and Europe as well as our deployed forces. It is developing a new Ashura medium-range ballistic missile capable of reaching Israel and U.S. bases in Eastern Europe.''

''Iranian public statements also indicate that its solid-propellant technology is maturing; with its significantly faster launch sequence, this new missile is an improvement over the liquid-fuel Shahab-3.''

The amendment offered provides funding for the Missile Defense Agency to deploy an early-warning X-band missile defense radar to an allied nation, which press reports have noted was agreed to in meetings with senior DOD leaders and the allied nation's defense leaders. Due to the sensitive nature of preparations for this deployment, details concerning the specific location and operational concept have not been publicly revealed.

However, spokesman for the Missile Defense Agency said the new system could double or even triple a threat missiles' range of identification, which would be particularly useful should countries such as Syria or Iran launch an attack against a critical allied nation.

The new capability will improve the allied nation's missile defense. capability, allowing it to engage threats such as the Iranian Shahab-3 ballistic missile. A defense security expert said the significance of the deal is that it will add ''precious minutes'' to its early warning ability.

The newly deployed early warning radar will also provide an important element of the U.S. missile defense network, providing ascent and mid-course coverage of missiles, launched from Iran, as well as the eastern Mediterranean.

Mr. President, this amendment is common sense and I urge my colleagues to support it. Rogue nations such as Iran are dangerous and represent a vital threat to our own security and the security of our allies.

Iran possesses ballistic missiles and is rapidly developing more advanced, long-range missiles.

The U.S. must act responsibly, take this threat seriously, and take the necessary steps to protect our deployed forces and our allies.

Madam President, I thank Senator LEVIN and Senator WARNER for their cooperation in considering this amendment. This is a rather last-minute request. The committee would not have been able to put it in the bill because the request came up very recently from the Department of Defense. There is still an aspect of it that is classified. It has to do with the deployment of an X-band missile defense radar to an allied country. This amendment will allow the administration to go forward with that plan. I understand there is no opposition. I don't need to discuss it further.

Mr. WARNER. Madam President, I commend our distinguished colleague for this amendment. It is one that was specifically requested by the administration. I think in a most cooperative way, our distinguished chairman has joined in. It relates to the missile defense system which is so essential to our Nation and indeed much of the free world.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I thank Senator KYL for not just the amendment but his willingness to work to craft the language in a way that I think has improved it, narrowed it in a number of ways, but also meets the needs of the Defense Department and our allies.

Mr. WARNER. Madam President, I urge consideration of the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 5414) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I ask that Senator LEAHY's amendment No. 5323 be considered.

The PRESIDING OFFICER. Without objection, the amendment is once again pending.

The Senator from Virginia is recognized.

Mr. WARNER. Madam President, on this side, I saw that the amendment was sent to the Judiciary Committee. The distinguished Senator from Alabama, Mr. SESSIONS, reviewed it. I know of no request for a recorded vote.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. LEVIN. Madam President, I ask unanimous consent that the yeas and nays be vitiated on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5323

Mr. LEVIN. Madam President, is the pending amendment now the Leahy amendment No. 5323?

The PRESIDING OFFICER. Yes, it is.

Mr. LEVIN. I don't know of any further debate.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 5323.

The amendment (No. 5323) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. KYL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5280

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate resume consideration of the Vitter amendment No. 5280 and that all debate time be yielded back, except for 2 minutes equally divided; and that at 6 p.m., the Senate proceed to vote in relation to the Vitter amendment; that upon disposition of the Vitter amendment, the Senate resume consideration of the Nelson amendment and proceed to vote with respect to that amendment, provided that the 2 minutes of debate be made available prior to the vote; and that the other provisions of the previous order governing prohibition on intervening amendments prior to a vote and any other appropriate restrictions remain in effect.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, reserving the right to object, and I will not object, I think we should either order the rollcall votes now or inform colleagues there will be rollcall votes.

Mr. LEVIN. I believe when we say the Senate proceed to vote at 6 o'clock—the unanimous consent request does intend to provide for rollcall votes on both amendments described. I thank my friend from Virginia for that clarification.

Mr. WARNER. I want my colleagues fully informed.

Mr. LEVIN. I also ask unanimous consent that it be in order to request the yeas and nays at this time.

The PRESIDING OFFICER. With respect to both amendments?

Mr. LEVIN. With respect to both amendments.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Madam President, we had a very brief discussion whether the second vote will be a 10-minute vote. It is part of the order.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. LEVIN. I thank all our colleagues. I thank the Senator from North Dakota for his patience.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, the bill on the floor of the Senate is the Defense authorization bill. It has much to do about the security of this country, talking about ''defense.'' Tomorrow will be the seventh anniversary of the attacks on September 11, 2001.

I was sitting here thinking that on that morning at 9 o'clock, I was part a regular Tuesday morning meeting of the Democratic leadership here in the Capitol Building. We saw on television what happened to the trade towers in New York. We heard the television reports, and then we saw the plume of smoke come from the Pentagon. Then someone from security rushed into the room and indicated they felt there was an incoming plane to strike the Capitol Building, and we were very quickly evacuated. That was 7 years ago tomorrow.

Standing in the beautiful morning sun that day looking up into the sky and seeing F–16 fighter planes flying air cover over the Capitol of the United States was a pretty remarkable sight, knowing our country had been attacked. Then in very short order we discovered who attacked our country that day, who attacked the World Trade Towers, who attacked the Pentagon, who brought down the plane in Pennsylvania. We discovered it was a group called al-Qaida and a leader named Osama bin Laden who not only plotted the attack but boasted and took credit for the attack. That was 7 years ago tomorrow.

Because we are talking about national security in the Defense authorization bill, I wanted to call my colleagues' attention to the fact that on August 12, 2008, a speech was given here in Washington, DC, by the National Intelligence Officer for Transnational Threats. He addressed the Washington Institute Special Policy Forum. What he said in many ways tracks with what we heard last summer from the National Intelligence Estimate.

Let me put up a chart with some words from the National Intelligence Estimate because it is relevant to what we are talking about here on the Defense authorization bill, that is, defending our country, keeping America free. Here is what last year's July 2007 National Intelligence Estimate says. This is the declassified version of what had previously been and what was a classified intelligence estimate:

> Al-Qaida is and will remain the most serious terrorist threat to the homeland . . . we assess the group has protected or regenerated key elements of its homeland attack capability, including: A safe haven in the Pakistan Federally Administered Tribal Areas, operational lieutenants, and its top leadership.

Think of that. In July 2007, 6 years after America was attacked by Osama bin Laden, and our National Intelligence Estimate was telling us that organization has regenerated its leadership, has developed new training camps, has, in fact, a secure hideaway. This says ''safe haven.'' Can you imagine? Now it is 7 years after the attack, and our intelligence community still says those who boasted of murdering thousands of innocent Americans have a ''safe haven.'' There ought not be an acre of ground on this planet that is safe for those who murdered those innocent Americans 7 years ago tomorrow.

Let me read what was said by Mr. Ted Gistaro, who is the National Intelligence Officer for Transnational Threats. Here is what he said in August:

> Al-Qaida remains the most serious terrorist threat to the United States. We assess that al-Qaida's intent to attack the U.S. homeland remains undiminished. Attack planning continues. In spite of successful U.S.-allied operations against al-Qaida, the group has maintained or strengthened key elements of its capability to attack the United States in the past year.

This from our intelligence community.

Finally:

> Al-Qaida has replenished its bench of skilled midlevel lieutenants capable of directing global operations. It now has many of the operational and organizational advantages it once enjoyed across the border in Afghanistan. Al-Qaida is identifying, training, and positioning operatives for attacks in the west, likely including in the United States.

All of this from top intelligence officials in our country. Seven years after we were attacked by those who boasted about engineering and planning the attack to murder innocent Americans, those who have promised to do it again, we are told by our national intelligence folks that they have regenerated their capability, they have resurrected their training camps, they are recruiting new recruits to al-Qaida, and that the most significant threat to the United States is al-Qaida, the most serious terrorist threat to our homeland.

Now, I don't understand. We are, of course, bogged down in a lengthy war in the country of Iraq. Iraq did not attack our country on 9/11/2001; al-Qaida did. We are bogged down in a war in Iraq. We see Afghanistan slipping through our fingers with the resurrection of the Taliban. And even more important, we are told that the most serious threat to our country—we are told by intelligence estimates—is al-Qaida, which is growing in strength. So here we go again.

In August of 2001, the Presidential daily brief said that Osama bin Laden wanted to:

> Bring the fight to America; wanted to conduct terrorist attacks in the U.S.; wanted to retaliate in Washington; wanted to hijack a U.S. aircraft.

The August 2001 intelligence briefing to President Bush talked of ''Patterns of suspicious activity in this country consistent with preparations for hijackings or other types of attack.'' It said that ''The FBI is conducting approximately 70 full field investigations throughout the United States that it considers bin Laden related.''

That was August of 2001. Seven years later, the greatest threat to our country is al-Qaida and its leadership. That is unbelievable to me. And we see, beginning last year—and I have shown my colleagues this before—beginning last year, September 11:

> Al-Qaida's Return. The Terrorists Have a Sanctuary Once Again.

October 3 last year:

> Pakistan seen losing the fight against the Taliban and al-Qaida. Military officials say the insurgents have enhanced their ability to threaten not only Pakistan, but the United States and Europe as well.

The same article says:

> Pakistan's government is losing its war against emboldened and insurgent forces, giving al-Qaida and the Taliban more territory in which to operate and allowing the groups to plot increasingly ambitious attacks.

CIA Director Hayden, on ''Meet the Press'' this year, just months ago, said this:

> It is very clear to us that al-Qaida has been able, over the past 18 months or so, to establish a safe haven along the Afghanistan-Pakistan border area that they have not enjoyed before; that they are bringing operatives into that region for training.

I have flown over that area in an airplane. You can't see a border. I understand you can't distinguish between Afghanistan and Pakistan. You look down and see mountains and you see rugged terrain. You don't see any kind of border. I understand how difficult it might be to deal with al-Qaida in that region. What I don't understand is why it has not been the singular priority of our country to bring to justice those who planned the attacks against our country on 9/11/2001. And if someone says it has been a priority, show me the evidence. Seven years later and we have ''safe havens'' or ''secure areas,'' both terms used by our intelligence to describe areas of the ground on this planet where it is safe and secure for

al-Qaida to recruit new soldiers, to train new soldiers, to plan new attacks against our country. That is unbelievable.

In my judgment, it must be a priority for us to deal with the most serious threat to our homeland. That is not my assessment, that is the assessment of the CIA Director and it is the assessment of the National Intelligence Estimate. That simply must be a priority.

In August 2001 the intelligence community said ''Bin Laden is determined to strike U.S.'' That is what we knew. That is what U.S. leaders we were told in the intelligence briefings. In July 2007 the intelligence community told us: ''Al-Qaida better positioned to strike the west.'' One would have hoped, with the hundreds and hundreds of billions of dollars we have spent in defense of this country and in this country's national security interests, that one of the major priorities would have been to bring to justice those who plotted the attack of 9/11/2001. Regrettably, that has not been the case.

I hope very much, as we pass this legislation, that things will change. We have very big challenges. A terrorist threat exists. It is serious. It is relentless. It seems to me we will best be served not by moving—as we have now for 5 years—our money, our effort, our treasury, and the lives of our soldiers to continue the war in Iraq but, rather, by addressing the worsening condition in Afghanistan and addressing the question of why we have not brought to justice Osama bin Laden and the al-Qaida leadership that is in a safe or secure sanctuary in the Pakistan border area.

Now, Madam President, this country has a lot at stake, and the fight against terrorism is a real fight. We have made a lot of very serious mistakes in the last years. Mistakes aren't Republican or Democratic, they are just mistakes our country has made. We are bogged down in a long, difficult war in Iraq. We have spent $20 billion training Iraqi soldiers and police forces. We have trained half a million people in the country of Iraq. We have spent $20 billion doing it. We have spent two-thirds of a trillion dollars in that war, and yet we are told we must remain in Iraq because the Iraqi people aren't capable of providing for their own security. We have trained half a million of them. If able-bodied Iraqis don't have the will to provide for security in Iraq, this country can't do that forever. It is their country, not ours. It is their responsibility, not ours.

This country was diverted to Iraq when, in fact, this country should have been in a position where, 7 years after the 9/11 attack of 2001, we wouldn't be describing Osama bin Laden and al-Qaida as the greatest threat to the homeland. But that is what has happened. We can't change what has happened, but it seems to me what we can change is what we are determined to do about it in the future.

It is my hope, as we discuss in some detail our national security and defense, the authorization of Defense expenditures, that we will decide this is not Osama bin Forgotten; this is Osama bin Laden, who threatens this country, who is the most significant threat to our homeland, and who is resurrecting training camps and recruiting new soldiers for al-Qaida. It is our responsibility as a country to address that and to address it now.

Madam President, I yield the floor.

The Senator from Florida.

DEPARTMENT OF INTERIOR IG REPORT

Mr. NELSON of Florida. Madam President, yesterday, I warned publicly that we could not trust the oil companies that want to drill in the waters off our most protected coastlines nor the Federal watchdogs charged with keeping a watchful eye over them. Now we have proof because just this afternoon the inspector general at the Department of the Interior has released this scathing report about the Mineral Management Service in the U.S. Department of the Interior and specifically an office that manages revenue from offshore oil drilling, and it concludes:

> We also discovered a culture of substance abuse and promiscuity in the Royalty-in-Kind Program, both within the program—including the supervisor, Greg Smith, who engaged in illegal drug use and had sexual relations with subordinates—and in concert with the industry. Internally, several staff admitted to illegal drug use as well as illicit sexual encounters. Alcohol abuse appears to have been a problem when program staff socialized with the industry. For example, two program staff accepted lodging from industry after industry events because they were too intoxicated to drive home or to their hotel. These same program staff also engaged in brief sexual relationships with industry contacts. Sexual relationships with prohibited sources cannot, by definition, be arm's-length.

The inspector general's report goes on to say:

> More specifically, we discovered that between 2002 and 2006, nearly one-third of the entire program staff socialized with and received a wide array of gifts and gratuities from oil and gas companies with whom the Royalty-in-Kind Program was conducting official business. While the dollar amounts of the gifts and gratuities was not enormous, these employees accepted gifts with prodigious frequency. In particular, two Royalty-in-Kind Program marketeers received combined gifts and gratuities on at least 135 occasions from four major oil and gas companies with whom they were doing business.

This is in the offshore leasing program, Madam President.

I continue the quote:

> . . . A textbook example of improperly receiving gifts from prohibited sources. When confronted by our investigators, none of the employees involved displayed remorse.

It is bad enough that the Government employees who oversee offshore oil drilling are literally, as well as figuratively, in bed with big oil. The rest of the U.S. Government doesn't need to jump in bed with them.

Offshore drilling will not solve our energy crisis nor will it bring down prices at the pump. Instead, it will enrich the oil companies and reward the culture of corruption that has been fostered, funded, and now exposed by the inspector general of the Department of the Interior.

This comes out at a time that we are being told: Drill here, drill now, drill, baby, drill—as if that were the solution. We should simply not allow ourselves to become a part of the agenda of the oil companies. Here we have an example from the inspector general of what is supposed to be the Government watchdogs overseeing a part of this offshore leasing program that uses sex and drugs and illegal gifts to foster their program.

I commend to my colleagues the three parts of the inspector general's detailed report along with the memorandum which is the cover memorandum from the inspector general, Earl Devaney, on the subject of the office of the inspector general investigation of the MMS, the Minerals Management Service, employees.

Madam President, I ask unanimous consent to have printed in the RECORD what is moving across the wire right now, the Associated Press story by Dina Cappiello, about this expose.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOV'T OFFICIALS PROBED ABOUT ILLICIT SEX, GIFTS

(By Dina Cappiello)

WASHINGTON (AP).—Government officials handling billions of dollars in oil royalties engaged in illicit sex with employees of energy companies they were dealing with and received numerous gifts from them, federal investigators said Wednesday.

The alleged transgressions involve 13 Interior Department employees in Denver and Washington. Their alleged improprieties include rigging contracts, working part-time as private oil consultants, and having sexual relationships with—and accepting golf and ski trips and dinners from—oil company employees, according to three reports released Wednesday by the Interior Department's inspector general.

The investigations reveal a ''culture of substance abuse and promiscuity'' by a small group of individuals ''wholly lacking in acceptance of or adherence to government ethical standards,'' wrote Inspector General Earl E. Devaney.

The reports describe a fraternity house atmosphere inside the Denver Minerals Management Service office responsible for marketing the oil and gas that energy companies barter to the government instead of making cash royalty payments for drilling on federal lands. The government received $4.3 billion in such Royalty-in-Kind payments last year. The oil is then resold to energy companies or put in the nation's emergency stockpile.

Between 2002 and 2006, nearly a third of the 55-person staff in the Denver office received gifts and gratuities from oil and gas companies, the investigators found.

Devaney said the former head of the Denver Royalty-in-Kind office, Gregory W. Smith, used illegal drugs and had sex with subordinates. The report said Smith also steered government contracts to a consulting business that was employing him part-time.

Smith, contacted by e-mail by The Associated Press, said he had not seen the report and could not respond. He and nine other employees in the Denver office are mentioned in the reports.

The findings are the latest sign of trouble at the Minerals Management Service, which has already been accused of mismanaging the collection of fees from oil companies and writing faulty contracts for drilling on government land and offshore. The charges also come as lawmakers and both presidential candidates weigh giving oil companies more access to federal lands, which would bring in more money to the federal government.

Mr. NELSON of Florida. Madam President, all of this is happening while we are considering what to do about energy. I hope we will remember that what we ought to do, what we need to do, is drill where it makes sense. But if you want to lower gas prices, we need higher miles per gallon on our cars. We need to increase our tax incentives to our consumers so they can buy more efficient automobiles and tax incentives to the industry so they can retool, as well as we need to increase our oil refining capacity. That is the way we solve the problem of being dependent on oil in this energy crisis we are facing.

Madam President, I see my colleague from New Jersey, who has been a kindred spirit on this question of drilling offshore, off of our two respective States. I do not know if the Senator heard what I just talked about, about the inspector general's report, about what has been going on, the hanky-panky that has been going on over at the Minerals Management Service at the Department of the Interior.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, while I did not come to the floor for purposes of talking about something both Senator NELSON and I are passionate about, which is making sure the Nation's energy challenge is met but making sure it is met in a responsible way, I must say I appreciate him coming to the floor with a revelation that just came out and is being reported. It calls into question the nature of the decisions, the information and the substance of looking at drilling policy, as has been suggested, when there are clearly influences here that are geared toward supporting big oil versus what is the ultimate interest of the American people in achieving energy security and independence. I will be speaking about that and joining Senator NELSON in the near future.

I am concerned at what the inspector general's report says. It should be alarming to every Member of the Senate. I appreciate the Senator from Florida bringing it to the attention of the Senate.

Madam President, I ask unanimous consent to speak as in morning business.

Mr. WARNER. If I might ask the Senator, about how long would the Senator wish to speak?

Mr. MENENDEZ. About 10 minutes.

Mr. WARNER. I thank the Senator.

Mr. MENENDEZ. Madam President, what I came to the floor to talk about is Osama bin Laden. None of us will ever forget—no one in this country will ever forget—the shock and the horror we felt, 7 years ago tomorrow, when we realized that a group of terrorist murderers had taken 3,000 American lives, taken down two of our monumental skyscrapers, and taken a chunk of our military headquarters at the same time, as well as downed a plane in the fields of Pennsylvania.

I know this is true for every American. It is seared into our hearts as well as in our mind. I know it specifically by virtue of the hundreds of New Jersyans who were lost on that fateful day.

Before long we learned the name of the organization that plotted and executed this plot. They are called al-Qaida. Although he had already been a deadly force before that fateful day, each and every American would soon learn the name of the evil mastermind behind this carnage, Osama bin Laden.

As a country, we were unified in our grief and unified in our resolve to find bin Laden dead or alive, as our President said. There was no reason to think we would not succeed. We live in the greatest country on the Earth, with the greatest military in the world and the greatest resolve of any people. We are the country that taught man to fly, that has helped save the world from marauding dictators, and put a human being on the Moon. If we set our mind to capturing or killing the people responsible for this mass murder, then we were going to get the job done.

Here is the thing. As we speak here today, 7 years have passed since those terrorist attacks, and where is Osama bin Laden? Where is the man who killed 3,000 of our fellow Americans? Where is our Nation's No. 1 enemy? He was allowed to get off the hook. He was allowed to rebuild his terrorist organization to pre-9/11 strength, as has been noted by testimony before the Senate Foreign Relations Committee, of which I am a member. It has been noted in various official reports. He was allowed to establish his own safe zone along the Afghanistan-Pakistan border.

I do not think any American would disagree that the words ''Osama bin Laden'' and ''safe'' should never be uttered in the same sentence. Why is he living in a safe zone? Why was he allowed to rebuild his terrorist organization? Why has he not suffered for the consequences of his mass murder?

I would say the answer to that question is because President Bush—who was so steadfast in his call to go after bin Laden and smoke him out of his hole, with the backing of a unified country in the days after September 11, when I was squarely with the President in that regard—decided not to commit the military force necessary to finish the job when bin Laden and al-Qaida were cornered in the mountains of Afghanistan. He decided to outsource the fighting to warlords in Afghanistan who took our money, put it in their pockets, and let bin Laden get away. He decided that the war against those who actually attacked us was not worth the absolute commitment of the most powerful, sophisticated, technologically advanced military in the world.

Instead, he committed the full force of the United States military to invade and police another country, Iraq, which had no part in the murder of 3,000 Americans.

As bad as that sounds, the reality is even worse than that. It was not just about the White House losing its focus. They misled the American people so they could start a new war. They assumed Afghanistan would stabilize itself and maybe bin Laden would turn up one day. So let's add up the running tally of these ill-fated decisions of President Bush: a forgotten war against the real terrorist threat in Afghanistan along the Afghan-Pakistan border, plus misleading the American people into a war of choice—not a war of necessity, where no one from al-Qaida or bin Laden was engaged; a stunning disaster of a war that had no connection to September 11—increased anger in the Middle East; squandered international goodwill; becoming entrenched as Iraq's military police force; a military stretched thin, less able to respond to the real challenges of this country where Afghanistan and Pakistan's border are.

I was there earlier in August with the distinguished majority leader. I heard what our generals said. They said they needed 10,000 troops minimally—now; not next year, now—to face the challenges they are having in the resurgence of the Taliban and the new tactics they have acquired from al-Qaida, an al-Qaida that is rushing over that border, plus $600 billion in U.S. taxpayers' money, easily going well over $1 trillion, to secure and rebuild another country that we were told—I sat at those hearings—we were told, when we asked how much is this engagement going to cost: Oh, we were told, not more than $50 billion max.

Madam President, $600 billion later, $12 billion a month and rising—by the way, not only were we told it is not $50 billion, we were told Iraq's oil would pay for all of it. What we have seen is $600 billion of the taxpayers' money, later, rising clearly in excess of $1 trillion and Iraq having a surplus in its

budget. We are running deficits, Iraq has a surplus in its budget of anywhere between $50 and $70 billion, and yet we still continue to pay for their reconstruction. I was there this past January.

Of course, beyond all of this, beyond all of this, the most important, incalculable loss—over 4,100 American service men and women who have been lost in Iraq.

What does this all add up to? It adds up, in my view, to less security here at home, one terrorist mastermind responsible for the deaths of 3,000 dead Americans, plotting and planning yet again in his very own safe zone to pre-September 11 strength.

That is a huge challenge. I recently returned from a trip to Afghanistan with the distinguished majority leader and several of our colleagues. Our troops and their commanders are doing a terrific job with what they have been given, as they always do.

But the message from everything I saw when I was there and heard from the people we always say let's listen to—the commanders in the field—well, I listened to General McKiernan, who is the commanding general not only of our troops but also the NATO forces there. I listened to General Schlosser, who is in the midst of that part of Afghanistan that is in the fight. They said clearly they needed extra troops.

I heard the President's decision: They will not get those troops, even though they need them until sometime next year. In the interim, the fight intensifies, the risks grow greater, and our challenges grow more difficult.

Afghanistan and Pakistan are the epicenter, the epicenter of the threat to our Nation. Things are not going to get better in that region or with our security here at home until we commit our focus to doing away with a resurgent Taliban and a resurgent al-Qaida once and for all.

Our focus must be on what are called the Federally Administered Tribal Areas, or FATA, those lawless areas along the Afghanistan-Pakistan border, our major challenges.

The Chairman of the Joint Chiefs of Staff said it himself in June, so let me quote him because this is the ultimate authority advising the President. He said:

> I believe fundamentally if the United States is going to get hit, it's going to come out of the planning that leadership in the FATA is generating, their planning and direction.

It could not be said more powerfully by the Chairman of the Joint Chiefs of Staff and more clearly: That is where the threat is coming from. That is where we need to focus if we are to secure our Nation.

Our colleague, Senator MCCAIN, who is now the standard bearer for his party, has expressed his desire to keep our troops entrenched in Iraq even beyond what the Iraqis want and even beyond what President Bush has been calling for.

This does not help us with Afghanistan, this does not help us with Osama bin Laden, this does not help us target the threat of the Nation that is most vital. So I hope that after the solemn memorials and heartfelt remembrances we have tomorrow, on the seventh anniversary of September 11, after we continue to mourn and after we pray for those we have lost, when our thoughts turn again to preventing a repeat of September 11, making sure that ''never again'' means never again, I hope we can rededicate ourselves, as we did in the weeks following the attacks, to going after those responsible for this mass murder and ridding ourselves of that threat once and for all.

Let us not only follow bin Laden to the gates of hell, let us follow bin Laden to the cave in which he is in, in that region along the Afghan-Pakistan border.

It is never too late. It is never too late to bring the masterminds of September 11 to justice, to diminish the real challenge to our security, and to ultimately achieve what I truly believe is in the national security interest of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, with the concurrence of the distinguished chairman, I wonder if our colleague from Texas could be recognized. He is a very valued member of our committee. He wants to discuss, for 8 minutes, our bill.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, if I might inquire, I talked to the distinguished chairman. I know the Rules Committee is reviewing the amendment. I am a little confused, and maybe he can help. I understand there could be an objection to my calling up the amendment. But I know the chairman is trying to work with me in trying to work this out.

But if I only have 8 minutes to speak, and I do not know yet whether there is going to be an objection to calling it up, I guess all I can do is go ahead and call it up and see what happens. But I do not wish to dishonor the commitment I made to him to try to work with him. But I am in a little bit of a box.

Mr. LEVIN. If the Senator would yield, the Rules Committee has jurisdiction over the amendment, over the subject matter of the amendment. That is why we are asking the Rules Committee to give us their reaction. Before I can give unanimous consent to make it a pending amendment, I want to hear from the Rules Committee, which is part of the regular process of the Senate, since it is within their jurisdiction.

So if the Senator will bear with me, I do not know what I will do if the Senator asks unanimous consent until the Rules Committee replies. If I do not hear from them by the moment the Senator asks unanimous consent, if the Senator decides to do so, I will have to make up my mind without the benefit of their advice.

Mr. CORNYN. Madam President, I hope that after hearing the subject matter of this amendment, the distinguished chairman of the Armed Services Committee will agree with me that the subject matter is of overwhelming importance.

This has to do with the fact that in 2006—2006—it is estimated that only 5.5 percent of qualified military voters deployed overseas, as well as civilians eligible to vote in the 2006 election, only 5.5 percent actually had their votes counted.

Of the troops that attempted to vote by asking for their ballots in 2006, less than half, only 47.6 percent of their completed ballots actually arrived back at the local election office and were counted. That is according to the U.S. Election Assistance Commission.

I know all our colleagues would agree that if there is anyone who deserves to have their vote counted, and certainly this is a fundamental civil right for all American citizens, but if anyone is entitled to the best efforts that this body could possibly supply to make sure their vote is actually counted, that it would be our men and women in harm's way, fighting to protect our very freedoms.

To me, this is an outrage of such proportion that I cannot believe the Department of Defense, knowing these statistics, is simply complacent about preserving and protecting the right of our deployed military and civilians overseas to vote in elections.

To me, this is an appalling feature of our absentee voting system, and we need to take action right now. Of course, the appropriate vehicle as we are talking about protecting the right of military voters is on the Defense authorization bill. We know time is running out, only 54 days, I believe, until the next general election. We need to do everything in our power to make sure their right to vote is protected.

That is why I decided to introduce a bill last May called the Military Voting Protection Act of 2008. Currently, I believe I have, to the stand-alone bill, 30 cosponsors.

I believe the Department of Defense, if it is unwilling to take the necessary steps to protect the rights to vote for our deployed troops, then it is up to us to direct them to do so, to mandate that requirement in law and to make it a priority, not something they get around to perhaps after they have done everything else.

Certainly, the Department of Defense can better use modern technology to

protect the ability of our troops to participate in elections. We know it is also important to recognize the right of privacy and the integrity of the voting system by calling upon the Department of Defense to focus its efforts on secure, efficient systems that would achieve these important goals.

I have more extended remarks, but I do not feel they are necessary at this time. I have seen a letter from the Department of Defense about some of their responses to the bill I have introduced. I would say in each case it is classified more as bureaucratic gobbledygook and not a serious effort to try to solve this problem.

I am actually very disappointed that the Department of Defense would take the position that preserving the votes of our deployed military is so unimportant that they would not welcome the participation of the Senate in finding ways to make sure every fighting man and woman's vote is counted.

I ask unanimous consent to call up amendment 5329 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I am constrained and will object at this time because of the reasons I gave before. So I do object. I hope this objection can be dealt with overnight. I hope I can hear from the Rules Committee and understand what their position is. But at least at this time I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Madam President, I am sorry to hear the chairman has objected. Of course, there is no requirement that the committee pass on these matters. I understand his interest in getting their input, but I cannot imagine what sort of input the Rules Committee might give now or later that we could not work on this either as this bill proceeds to completion, I hope to completion this week or next or during the conference committee process.

But to object to my ability to actually get it pending before the Senate is regrettable. At this point, I have no other recourse.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I think the distinguished chairman and I are aware the Senate would now turn to the highway bill. I believe the distinguished chairman of the Environment and Public Works Committee will be arriving, and the distinguished ranking member is present on the floor at this time. Perhaps they could advise us with regard to the amount of time that would be required to have to act on this.

Mr. INHOFE. Madam President, first of all, let me thank the distinguished ranking member for the fine work he is doing on the Defense authorization bill. We have to get this done at a later time because there will not be time.

Right now I would like to address some of the comments that were made in the last few minutes about what some people misinterpret as not a successful operation in Iraq. I think it is amazing that you can be successful, all of our troops over there bathe in the success we have had in Iraq and still refer to it as an invasion instead of a liberation. Later on I will address those remarks.

Right now it is my understanding—I would ask if it is accurate—that the chairman and myself, the ranking member of the Environment and Public Works Committee, will be involved in about either 1 hour or 90 minutes equally divided, I would ask the Chair. This is on the highway trust fund fix.

RESTORING HIGHWAY TRUST FUND BALANCE

Mrs. BOXER. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 6532, and that the Senate then proceed to its consideration; that the only amendment in order be the Baucus amendment which is at the desk; that the amendment be considered as agreed to and the motion to reconsider be laid upon the table; and that there then be 90 minutes of debate with respect to the bill, as amended, with the time equally divided and controlled between the leaders or their designees; and that upon the use or yielding back, the Senate proceed to vote on passage of the bill, as amended, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, Madam President, it is my understanding that under the current unanimous consent agreement, we will begin voting on two amendments on the Defense authorization bill at 6 o'clock; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Would the unanimous consent request of the Senator from California modify the existing unanimous consent?

The PRESIDING OFFICER. The vote that is scheduled to occur at 6 p.m. will occur unless an agreement specifies differently.

Mr. LEVIN. It is my understanding that this agreement does not specify differently, and on that basis I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6532) to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, this is an important moment for us, not just for us as legislators acting responsibly but for our States and for the working people of this country. We were perilously close to having a shortfall in the highway trust fund which would have resulted in slowing down contracts on repairing bridges, building highways, et cetera. Six times the Senate has brought up legislation to restore money to the highway trust fund and protect those jobs, but until now my Republican friends on the other side of the aisle have put up roadblocks and filibustered us.

Today, at a hearing we held on the status of our bridges, the condition of our bridges, the Bush administration itself urged us to act. I was very grateful to Senator INHOFE for his work. Because we have been facing objections from Senators DEMINT, GREGG, and others, we were unable to move forward. We are very grateful we have reached this moment so we may vote on this important legislation and solve the immediate crisis.

We all know what has been happening with the trust fund. First, $8 billion was borrowed from the trust fund in 1998. We need to restore those funds. That is what we are doing today. Beyond that, we have to figure out a way to finance highways and transit systems and repair bridges and the rest with a more secure source of funding. Senator INHOFE and I are working together on that, along with Senators ISAKSON, BAUCUS, and the rest of the members of the Environment and Public Works Committee. We know our colleagues in the House are doing it as well. We are going to have to look at how we keep pace with the many billions of dollars needed for repair. We have to make sure we pay attention to our Nation's infrastructure if we care about a thriving economy, moving goods, moving people, all the rest. If we ignore this, it is to our detriment. We saw a bridge collapse in Minnesota. We were reminded of that today at the hearing. All of us were appalled to see what that looks like. I know bridges in California, in Oklahoma, bridges all over the country are in need of repair. We can't play politics. That is why we have been on the Senate floor. We have sent letters, asked our friends to back off. If they want to make a statement about how to fund transit and highways, that is very appropriate as we write the new highway bill.

What is happening out there is, obviously, because of the horrible price of gas, which, thank goodness, has come down a little bit, people are turning away from driving or they are doubling up. They are switching to hybrid cars. Hopefully, soon we will see more opportunities for electric cars. As a result, however, the trust fund, which gets its

funding from the gas tax, has been going down. That, coupled with the borrowing that we did in 1998 from the trust fund, has led us to this day.

I don't have much more of a statement except I want to thank certain people who weighed in to push us and my friends on the other side. I hope they were pushed by this to back off and say: Let's have a clean bill. Let's fix the problem. Then we will debate how we get a highway trust fund that is necessary for the needs of the country.

AAA was very helpful, as was the American Association of State Highway and Transportation Officials; the American Society of Civil Engineers; the American Road and Transportation Builders Association; the American Highway Users Alliance; the American Trucking Association; the Associated General Contractors of America; the National Association of Counties; the National Association of Manufacturers; the National Governors Association; the National Conference of State Legislatures; Midwestern Governors' Association; the Coalition of Northeastern Governors; the Transportation Trades Department, AFL–CIO; the U.S. Chamber of Commerce.

Again, what we are doing is simply restoring the revenue that was shifted out of the trust fund 10 years ago when the balances were high. What we are doing is saying to many working people that we are not going to let them run the risk of being laid off, fired, having to come home and tell their family they can't work. We know that is a fact because each billion dollars of Federal funding is estimated to support 34,000 jobs. If we didn't act on this and that $8 billion was not restored, we would have lost 379,000 jobs all across America; in my own State, 32,000 jobs. This is not the time to play games. In August, we lost 84,000 jobs in America. Imagine if we had added another 379,000 lost jobs.

Today, through the wonders of communication I can say to State and local officials watching us have confidence that the flow of funds to build and operate transportation systems, to build highways and bridges, to make sure communities are insured, those funds are going to be there. Again, as we move behind this crisis, I do look forward to working with my colleagues on both sides of the aisle. Senator INHOFE and I, Senators BAUCUS and ISAKSON, we call ourselves the big four of the committee. We have met. Our staffs are meeting every day. We are meeting. We are coming up with principles, what is the fair way to fund infrastructure needs. These meetings have been very important. They are not ideological. They are only business. How do we take care of business? That means moving goods, people, keeping the country going. I can't tell my colleagues how pleased I am that we can have the opportunity today to vote on a clean bill, simply restoring the $8 billion that was borrowed from this fund and sending a signal to the 300,000-plus people who would have lost their jobs, at least this is some bit of good news for them in what has been a very bleak economy.

I yield the floor and reserve the remainder of my time through the leader's office on our side.

AMENDMENT NO. 5427

(Purpose: To change the date of restoration.)

The PRESIDING OFFICER. Pursuant to the previous order, amendment No. 5427 is agreed to.

The amendment (No. 5427) was agreed to, as follows:

On page 3, line 2, strike ''September 30, 2008'' and insert ''the date of the enactment of this Act''.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent that time on the Republican side be allocated as follows: 15 minutes for Senator DEMINT, 10 minutes for Senator GREGG, 10 minutes for Senator COBURN, 10 minutes for Senator INHOFE.

Mr. INHOFE. I don't object, Mr. President, but I would also like to be included in that particular order just given.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I would like to address the issue of this highway bill and the charge that it has been held by me and a few others. The fact is, this $8 billion highway trust fund bailout has not been held up. The only request was that it come to the floor with some debate and the opportunity for amendment, which is the normal Senate process. The request was that this $8 billion be passed in secret essentially with no vote and no debate. Our only request as Senators was that we have a chance to bring to light why this happened.

A few years from now—maybe even a few months—many of my colleagues are going to wake up and look at our Nation's finances and wonder how we got in this mess. We are running this country into the ground, and we are actually on the verge of an economic crisis because of incredible overspending and a huge growing debt. One bill after another comes up, and we pass it almost without thinking and spend more and more borrowed money.

Today's votes are creating tomorrow's fiscal disaster. This $8 billion highway trust fund bailout is only one example among many I would like to mention over the next few minutes.

During the previous year, the Democratic-controlled Congress has produced a parade of fiscally irresponsible bills that have mortgaged our Nation's future and could ultimately bankrupt the Nation and harm the future for our children and grandchildren. If we look at the 2008 appropriations bills, at the end of 2007 Congress passed a bloated budget bill. Supposedly, they were going to get things under control, but this exploded with over 10,000 earmarks. On top of that, there were a number of budget tricks and gimmicks that hid at least $14 billion of extra spending.

Not too long after, we brought up the farm bill. This was reauthorizing an antiquated farm program that cost taxpayers billions and increased costs to consumers all across the country. This was a $600 billion bill over 10 years. It was all borrowed money. We don't have this money to spend. Yet we continue to spend it. It included numerous wasteful, unnecessary earmarks that had nothing to do with a solid farm bill. Just a few examples would be $257 million in tax earmarks for Plum Creek Timber Company. This is the Nation's largest private landowner, a multibillion-dollar company with over $7 billion in capitalization. Yet we believed we needed to give them $257 million.

The language in the farm bill also requires the Forest Service to sell portions of a certain mountain to a ski resort and over $1 million to the national sheep and goat industry—all worthy causes, I am sure, but not worthy of more borrowed money and more debt on the future of Americans.

The so-called stimulus package, over $100 billion was supposed to help solve our problems. Certainly, it didn't. We sent checks to all Americans but did little to fix the problem. Over $100 billion more in borrowed money that we didn't have, just sending checks to people to build up our political clout rather than do something for the country.

We need to have a predictable Tax Code, lower our corporate tax rate, make the current tax rates permanent so businesses and investors know what their tax rate will be in the future. But we don't debate that. We just send out checks with borrowed money.

Everyone knows more and more about the housing bill. The housing bill bailed out mortgage companies that had made bad loans and ultimately included a section that allowed the U.S. Government to essentially nationalize the mortgage industry. As part of that bill, we created a $4 billion deficit spending slush fund for community development block grants and millions that went to a very suspect group, the ACORN group. That seems to be more of a political group to get out the vote for some of our colleagues.

Now, we know we have taken over these two large companies of Fannie Mae and Freddie Mac. Now the taxpayers are on the hook for what could be hundreds of billions of dollars because of the lack of congressional oversight over the last several years. As

part of that bill, I had asked for one amendment that would stop the lobbying and the contributions to Congress by these two corporations that we are now bailing out. But instead of giving me that amendment, the majority leader kept the Senate here until Saturday to avoid that one vote that would have done what all of us know needs to be done and stopped the political influence from these companies for which we are supposed to be providing oversight.

Today we are talking about $8 billion that we are going to borrow and put in the highway trust fund. Supposedly back in the late 1990s, $8 billion was taken as part of an agreement to set up a separate trust fund. I will take them at their word for that. But we have had numerous opportunities this year to save more than that amount of money, if we knew we needed it. Frankly, the Department of Transportation says we probably only need about half of that right now. Yet we are going to take $8 billion from the general fund, borrow it, and put it in the trust fund.

Highway infrastructure is one of the most important things we can do as a Nation.

But much of this bill is not about roads and bridges. It is numerous, wasteful earmarks that I am afraid could end up as part of this $8 billion. The current bill includes $45 million for a magnetic levitation train project in Las Vegas; $2.5 million for landscaping enhancements along a freeway; $3.3 million for a bike trail in Laredo, TX. This list could go on page after page. These are not priority projects. They do not deserve us going into more debt as a nation to borrow this money.

We have had numerous opportunities to cut these projects so that the highway trust fund would not go broke. Only a few months ago, we had a transportation technical corrections bill. We had almost a billion dollars of projects that were no longer needed or wanted by the States. Yet, instead of saving that $1 billion, we added back essentially the same amount of new projects.

Now we are here at the trough again, and we have a crisis, and we will put a lot of people out of work if we do not produce this bill. That is why we have agreed to forgo the opportunity to offer amendments, even though we should not pass an $8 billion bill without the opportunity to debate it in more detail.

I wish to remind my colleagues, we do not have this $8 billion. It is borrowed money, and we are going to move it from one account to another, and borrow it from who knows where—China or somewhere else—because we do not have that money. But there are numerous problems with this, and we need to recognize that the earmarks, the wasteful earmarks, are taking priority national projects and putting them places they do not need to be. Our lack of an energy policy in this Nation that has run up the cost of gasoline has restricted the ability of Americans to travel, and that in itself has reduced the revenues to the trust fund. So we have caused this problem ourselves by congressional mismanagement, and now we want the taxpayers to bail us out again.

Again, this is a bill I think we need as far as funding projects. But the way it is done, and the fact that it is done with no more accountability on earmarks and the things that have caused the problems, makes it very difficult to support the bill, even though I see long-term highway funding being one of the most important things we can do.

I hope the chairman and ranking member of the committee will consider next year, as we go into reauthorizing a highway program, the fact that the Federal Government should no longer be involved in non-Federal projects around the country. We have an opportunity to devolve this program to the States, where the money would stay at home and be used for real priorities, not for things I decide or another colleague decides they want for somebody back home where the State does not necessarily want it to go.

Obviously, we have talked a lot about the ''bridge to nowhere'' and other projects such as that across the country. But I hope I will get the support of my colleagues to move this back to the States, give them the ability to manage their own programs over the years, and stop this wasteful spending at the Federal level.

Again, there are a number of amendments we would have liked to have had the opportunity to offer, and I wish to warn my colleagues, the pattern that is developing here is that we are passing bills by unanimous consent, with no debate, no amendments. This goes on bill after bill. We are passing very bad legislation with very little accountability to the American people.

But I appreciate the passion of Senator INHOFE and others who know we need to push this through, and it is not fair to the States or to the workers to blindside them with shortfalls as we have. But the shortfalls are of our own doing, and it is because of our own waste and incompetence here in Congress that we have ended up with this problem and more debt on the American people. I hope next year we will go about doing it in a much better way than we have done in the past.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor this evening to talk about the emergency we are facing in the highway trust fund. The highway trust fund is the primary means of funding all of our highway construction and repair projects in every State in this Nation.

Last Friday, President Bush's Transportation Secretary, Mary Peters, acknowledged finally what we on this side have been warning about for months: that the highway account of our highway trust fund is broke.

We have been hearing denials of this crisis for some time, but the Bush administration has now finally taken a closer look at the real receipts that are coming in from the Federal gas tax and discovered their estimates have been off by some $3 billion just since May. Now they tell us they are preparing to default on their bills to our States.

Let me make it very clear to everyone how serious the impact could be. If we do not pass the bill that is before the Senate this evening, my Transportation Appropriations Subcommittee is going to be forced to slash money for Federal highway investments in every State across the country, and it is going to cost each of our States tens of millions of dollars in the next month alone.

Not only does this threaten the safety of our Nation's roads and bridges, it could also very easily mean tens of thousands of jobs lost, as the Federal Government defaults on the contracts in every State of our Union.

Now, this nightmare is going to become a reality just as the unemployment rate has reached the highest it has been in nearly 5 years. Our country lost 84,000 jobs in August alone—84,000 jobs—which came on top of job losses in July and June and, in fact, every month of this year.

We know people across this country are hurting. Many are wondering how they are going to be able to pay their bills as the weather now starts to get colder and they have to begin turning on their heat.

If we do not shore up this trust fund, we are going to be forced to halt ongoing highway projects dead in their tracks. That means thousands upon thousands of people who go to work every day in the construction industry in our Nation to build our highways and bridges are going to be told to go home and do not come back to work the next morning.

The urgency of this bill is very critical. We cannot delay it. I hope we can put aside the ideology and partisanship for the evening and everyone can work together for the good of the Nation on this critical issue because we literally cannot afford to wait any longer.

I want to explain the situation so my colleagues understand where we stand this evening. This coming Thursday—that is tomorrow—may be the last time the Federal Government will be able to reimburse 100 percent of their expenses. The Department of Transportation has told my Transportation and Housing Appropriations Subcommittee that on Thursday, September 18—that

is a week from tomorrow—reimbursements could drop to as little as 64 percent of the funds that States are due. They simply have to offer the States an IOU for the rest.

In my home State of Washington, 21 percent of the transportation budget is supported by the Federal gas tax. Local agencies spend between $15 million and $30 million per month in Federal dollars. If the Federal Government has to cut back or cut off funds, Washington State will lose between $33 million and $54 million a month over the next 5 months.

That is only one State, one example in this country. In other States, the Federal Government's share is a lot bigger than in Washington State. In fact, at a hearing this morning, the Oklahoma Transportation Director, Gary Ridley, testified to the Senate about the impact it will have in his State. In answer to questions, he said, in Oklahoma, 85 percent of the State's construction program—85 percent—is paid for with Federal funds. He said the kind of crisis we are talking about will have a ''dramatic effect'' on his State's ability to move forward on road construction.

He told us that in Oklahoma they just opened bids on $80 million in highway work, including a $40 million project to replace a bridge in Oklahoma City that has been identified as having numerous safety vulnerabilities. But Mr. Ridley testified this morning he has had to ask his State highway commission to hold off on those contracts. In fact, he said he might even have to stop all right-of-way acquisition and construction projects until we here in Congress find a solution to this trust fund crisis.

So this is a desperate situation in every State across the country. What is most disturbing to me is it is not as though we did not know this was coming. I have been sounding the alarm about the highway trust fund for almost 2 years. My Democratic colleagues and I have warned repeatedly that we face a looming disaster. We have proposed a solution that would enable these funds to stay solvent, so our States are whole, so our construction industry can continue during this construction season to move forward on these critical safety transportation projects. We have made it clear that without action this year, we would face a financial disaster, and that it was coming upon us very fast.

Well, the situation is so serious that after months of blocking our legislative solution, this administration, the Bush administration, did a 180 and is now asking us—in fact, telling us—we have to get a bill on the President's desk by the end of this week. So I am very hopeful this evening we can finally move this bill and provide a solution to our States.

What this bill does is replace $8 billion that was taken out of the highway trust fund back at the end of 1998. This is not a bailout from the general fund of the Treasury. That $8 billion was collected from our gas taxes for the purposes of being deposited into the highway trust fund.

Now, at the time, the trust fund was flush with money and people did not think we needed it. Well, clearly, we need it now. We are proposing to restore that $8 billion that was paid in gas tax receipts to the trust fund, and we are not asking for a penny more.

This is not new to anyone in this body. We have debated this proposal before. I and my ranking member on the Transportation Appropriations Subcommittee, Senator BOND, included this proposed transfer in our Transportation, Housing and Urban Development appropriations bill. So it has been a bipartisan effort in our Senate Transportation Subcommittee.

In fact, Democrats also tried to pass this proposal back in June on the FAA bill. We included it in the tax extender package. We tried to pass it as part of the stimulus bill.

Well, we are back this evening. We have another chance. We are working on a bipartisan basis to move this critical bill forward, and I urge my colleagues again to get this done this evening because, as I said, we are going to start seeing severe consequences to this crisis if we do not act and work together on this now.

As I said, this Thursday—tomorrow—could be the last day that our States are fully reimbursed for construction work. So by this time next week, States may have to start doing without. The stakes could not be higher. Mr. President, 84,000 jobs were lost last month. We cannot afford to put another job at risk. But, importantly, these construction contracts are out there and we are in the middle of construction season. Our States need to know we stand by our word and this money is going to go out to them in a timely fashion.

I thank my Democratic colleagues, as well as our Republican colleagues, who have been working with us this evening in a bipartisan way to finally move this bill forward and solve this crisis that is in front of us.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we do not have a UC on the majority side, but we do on the minority side. So our next speakers will be in the order of 10 minutes for Senator GREGG, 10 minutes for Senator COBURN, and then I will wind up the final 10 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, there is no question there is a serious problem out there relative to the financing of already let contracts in road construction and that it is unfair to those people who have had those contracts and those people who are working on those projects that they should be blindsided by the fiscal irresponsibility of the Congress. But it is also inappropriate to the taxpayers of the United States that we should correct this problem in a way which does even more egregious harm to the future of this country by significantly expanding the deficit.

Just yesterday, we learned that the deficit of the United States has doubled under this Congress. It has gone from $163 billion to $407 billion. This is a huge increase in the deficit. What does the deficit mean? We are passing debt on to our children which they all have to pay for. Now we are going to, with this bill, add another $8 billion to that deficit—$8 billion. That is big money. Eight billion dollars would run the State of New Hampshire for at least 2 years, probably for 2½ years, so it is a lot of dollars. So this decision, the way it is being executed, the way we are approaching solving the problem of the highway trust fund running short of funds, although it needs to be done—we need to address the issue of let contracts. The way we are trying to correct the problem is the wrong way. We shouldn't be adding to the deficit to do this.

This is pretty much a self-inflicted wound, and it is really an intentionally self-inflicted wound. When the SAFETEA bill was passed, it was passed with the knowledge—the open knowledge, which was pointed out on this floor by a number of us—that the revenues in the highway trust fund, which would come from gas tax and which had always paid for highway construction, were not going to be enough to meet the largess of that bill. The avarice of our colleagues to spend money far outweighed the money that was coming into the trust fund.

We knew that in the term of SAFETEA that this was going to happen, that the lines were going to cross and that the trust fund would be depleted. That depletion was accelerated, obviously, by the fact that energy prices went up and people, rightly and appropriately, started to aggressively conserve their use of gasoline, and that was good for the country and good for ourselves in dealing with this issue of gas prices. However, it had the effect of reducing the revenues into the trust fund. So the day of reckoning, which was inevitable under the original SAFETEA bill, was accelerated and, according to the administration, occurred sort of out of the blue because 2 weeks ago they were saying they would have vetoed a bill such as this that added to the deficit, and now they are saying they support it. So they reversed their position on the basis of information they received in the last 2 weeks about the status of the trust fund.

Why was the original SAFETEA bill so out of whack? Well, it was out of

whack because it included 6,000 earmarked special projects—some of which were listed by my colleague from South Carolina, Senator DEMINT—which totaled $24 billion of spending, which we didn't have money to pay for, yet we put them on the books anyway. Then, a year ago or so, when we could have contracted those projects, we went by lapsing those projects which nobody wanted to pursue—$1 billion worth—we decided not to. We decided instead to expand projects and add even more projects.

There has been a representation that this $8 billion raid on the general fund by the highway fund is just a repayment for a loan that occurred in the late 1990s, as it is represented—1998, I believe it was—when the highway trust fund allegedly transferred $8 billion to the general fund. Well, that is truly a straw dog argument because those monies never had any practical effect on Federal spending or the Federal deficit—that transfer, that event—but this event does. This is real dollars. This event is a real $8 billion increase in the deficit. Somebody is going to have to pay for it, and the people who are going to have to pay for it basically are these young men and women right here who are serving us as pages. When they get out—they are juniors in high school, and when they get out of high school and go to college, which I am sure they all will, when they graduate they are going to start a job, and when they start that job they will find there is a big tax bill, and a large chunk of that tax bill is going to be for debt we are running up here today. So 8, 10, 12, 15 years from now, when they are starting to make their living and trying to raise their children, trying to send their kids to college, trying to buy their first home, they are going to be limited in what they can do. Why? Because they are going to have to pay a huge amount of taxes for costs which are being incurred right here today by adding to our deficit, and this is $8 billion of our costs that we are putting onto the next generation.

This is not the correct way to do it. There are ways to pay for this. There are ways to do this that do not involve that. The cleanest would be to simply borrow the money—not from the general fund but from the mass-transit accounts which have the money—and that was what the administration suggested. It was rejected by the House because the House didn't want to be responsible. Now we are in this tight timeframe, and it is claimed that we can't have any amendments here in the Senate. We simply have to take care of this. Actually, there is some legitimacy to the tight time argument, but it doesn't mean we shouldn't have any amendments to discuss this.

I proposed an amendment, Senator DEMINT proposed an amendment, and Senator COBURN.

My amendment was to try to avoid this in the future by reinstituting rules around here which used to discipline our spending but which were, in the dark of night, eviscerated by those who wanted to spend a lot of money we don't have out of the highway trust fund. Two rules—one, that this should have a scoring event and should be subject to pay-go. How can a group of folks around here who carry a pay-go flag around as if it is the banner of fiscal responsibility say that pay-go shouldn't apply to a transfer which is going to create an $8 billion deficit—an $8 billion add-on to the deficit? Inexcusable. That was part of my amendment, to make pay-go applicable here.

The second part was to reinstitute what is known as the Byrd Rule. BYRD developed language which said that as the trust fund—as it became apparent that the trust fund monies were not going to meet trust fund obligations, you reduce the obligations, and that was called the Byrd Rule. It was the responsible way to govern. You pay as you go. As money comes in, you spend the money. If you have a trust fund that funds a project, as that trust fund has money to pay for that project, you spend the money to pay for that project. But when SAFETEA was passed, everybody knew that a lot more money was being promised than was going to come in, so a little game was played in the middle of the night: Let's put a knife into the Byrd Rule. Let's cut it in half. Let's eviscerate it. That is exactly what happened. So I am just suggesting that we reinstitute the Byrd Rule. It won't apply to this event, but at least prospectively it will. Fiscal responsibility—that is all I am asking for.

Unfortunately, it has been represented that we can't take up any amendments because we have to do this in a matter of hours or else these contracts can't go forward. Well, we could obviously have taken up the amendments. Clearly, we are going to spend 2 hours debating this. I only wanted 15 minutes to debate my amendment. It clearly could have been done in this 2-hour period. No, the issue was that we didn't want to take up any amendments that might make people have to take a hard vote. That was the issue: a hard vote on fiscal responsibility, on the issue of putting pay-go back in place and putting the Byrd Rule back in. So, using the leverage of people being put out of work and contracts which had been let not being paid for, the other side has been able to successfully get around making those hard votes. I recognize the eccentricity of the situation, but it still doesn't look well, and it is not correct.

At some point, we are going to have to face up to this, you know. One generation should not do this to another generation. One generation should not constantly run up the debt on the next generation and take credit for the spending today which they are not willing to pay for. It is just not right. As a politician running for reelection, I shouldn't say: Oh, I got this project for my State, we are going to build this program right here, and then not be willing to say I was willing to pay for it also; instead, say: Oh, well, as to paying for it, I am going to let my children and my grandchildren, my neighbors' children and my neighbors' grandchildren worry about that problem. I am just going to do the project and take credit for it.

So what we are doing here is totally inappropriate from a fiscal standpoint, but obviously the timing of this is such that we are not going to get these votes. I intend to return to this amendment. I will find someplace to stick it on, and then everybody will have to vote on this, hopefully, at some point in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, seeing no one on the other side of the aisle, I yield to the junior Senator from Oklahoma, Mr. COBURN, for 10 minutes.

The PRESIDING OFFICER. The junior Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I have listened to the debate today and the majority leader's remarks this morning, and I do appreciate the job my senior Senator has done in trying to secure funds for infrastructure through the trust fund. I intend to support passing this. Begrudgingly I will support it because I think it is the wrong way to do it. It is not wrong to put the additional money in there; it is wrong to not pay for it.

I can't help but note that the Senator from Washington stated that this is an emergency. Well, you haven't seen anything when you start talking about the emergencies we are getting ready to face. What about the emergency when, by law, Social Security benefits get cut, when we can't make Medicare trust fund payments? What emergency are we going to have? How is this going to compare to that? We are not allowed to do anything on this bill except debate.

I wonder what the American people would think, that we are going to spend an additional $8 billion that we don't have—whether it is owed to the trust fund or not, we don't have it—that we are going to collect that money but we are not going to pay for it out of some of the $300 billion-plus waste we now know exists every year in the Federal Government? Imagine if you applied that to your own situation. You have a family. You have an emergency, as the Senator from Washington said, but you know that about 12 percent of everything you spend in your household is wasted. Are you going to

go out and make a note at the bank and have your kids be responsible for paying for it or are you as a family going to get rid of some of the 11 percent or 12 percent of pure waste, pure fraud that you have going on in your family budget? None of us in America are going to do that. We wouldn't do that to our kids. We wouldn't do that in our family budget. But that is exactly what we are doing here today. This is a small one. This is a small one we are facing.

We didn't have an amendment on the floor to say we will pay for this $8 billion by reducing the fraud in Medicare from $80 billion to $72 billion. There is $80 billion a year in fraud in Medicare. We weren't offered the opportunity to offer that amendment to get rid of the fraud in Medicare so we could afford to do this. It was just released 2 weeks ago that 31 percent of the payments Medicare makes are improper payments, with 80 percent of them overpayments. That is not included in the $80 billion worth of fraud. There is not any opportunity for us to offer an amendment to offset that incompetence and clean that up so we can pay for this.

There are similar projects in Medicaid. The Social Security disability trust fund—the GAO tells us there is $2.5 billion a year in fraud in the Social Security disability trust fund. We didn't have an opportunity to offer an amendment to get rid of that fraud to help pay for some of this $8 billion shortfall.

The American people are going to be scratching their heads. We are going to borrow more, and we are not going to eliminate any of the other problems, any of the other excess, or any of the other waste or fraud, which came to over $382 billion this past year of American taxpayers' money that was unwisely spent.

We weren't given an opportunity to get rid of the performance bonuses at the Pentagon that are $8 billion that they pay every year to Pentagon contractors who do not meet the performance requirements of their contracts but they pay them anyway. There was no opportunity for us to offer that amendment, to be able to pay for this rather than charge it to our children.

There is $15 billion worth of excess costs associated with no-bid contracts at the Department of Homeland Security. There is no opportunity to offer an amendment to change the discipline in the contracting at Homeland Security, which we could have easily done and mandated to pay for this. There is no opportunity to do that.

There is $4 billion in wasted excess payments for crop insurance every year. We, in fact, passed a farm bill, but we didn't fix that.

That is $4 billion a year of hard-earned taxpayer money that goes out the window, which doesn't benefit anybody. Yet we are not given an opportunity to try to grab that to pay for this, and $10 billion is wasted a year, at a minimum, on IT contracts in the Federal Government. There is no opportunity to offer to save that money to pay for the highways.

The American people have to be scratching their heads and saying: What are we doing? Why aren't we addressing the real issues? We need to build infrastructure, take care of our highways and bridges and our roads. That is what the trust fund is for. Why would we not pay for it when we have such a large amount of fraud, waste, and duplication in the Federal budget?

I could go on and on. There is mismanagement of U.N. contributions. We know at least $2 billion out of the $6 billion we send to U.N. is pure waste every year. There is no opportunity to offer that amendment against this. There is no opportunity whatsoever to say we are not going to send another penny to the U.N. until they show us how they are spending American taxpayers' money. The only government that is less efficient than ours is the U.N. The only one that obfuscates more of the numbers than ours is the U.N. The only one with less transparency than ours is the U.N. There is no opportunity to do that.

We wanted to offer an amendment because part of the problem with the highway trust fund is that too much of the money doesn't go for bridges, roads, and highways. My senior Senator is committed to making sure we get back on that with the next Transportation bill. We have 242,000 bridges in disrepair in this country—242,000. This body rejected fixing that. Instead, we went on to build bike trails. Which do you think is more of a safety concern, building bike trails or building bridges?

I hope the American people are paying attention to what we are doing and that they become very dissatisfied with what we are doing. We have earned our 11-percent approval rating. How we are handling this bill today exactly fits the expectations of the American people—that Congress doesn't get it, that we are different, that we don't have to meet the expectations that every small business and every family does. We don't have to eliminate waste because it may be hard to do or we may have to take a hard vote. We just fit the mold of their expectations. It is time for us to change that, not just for us but for the generations that follow.

I will state to you today that the estimates for next year's budget deficit are far under what it will actually be. We will be much closer to $1 trillion than we will be to $500 billion. Think about $1 trillion. That is $3,300 for every man, woman, and child we are going to spend next year that we don't have. We are not going to add it to the seniors because they are never going to pay it back. If you are born today, instead of owing $410,000, which you will ultimately be responsible for in terms of unfunded liabilities, we are going to move you to about $500,000. None of our kids can afford that. We are stealing America away from our children. The process—not the goal; the goal is a worthy one—under which we are doing this is something that cannot continue if our Republic is to survive.

Of every republic in the history of the world that has failed, none of them failed because they were conquered from without. Every one of them failed on fiscal issues. We should wake up. We should start addressing the waste, fraud, abuse, and duplication in the Federal budget before we ask the next child or grandchild to take on debt for our benefit.

Like I said, I support that we are putting the $8 billion in there. What I don't support is the process under which we cannot eliminate other waste, fraud, and other duplication to be able to pay for it. We do a disservice to our country and to ourselves, and we do a disservice to the body of the Senate.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 28½ minutes remaining.

Ms. KLOBUCHAR. I thank the Chair.

Mr. President, I am here to talk about the need to replenish the funds in the highway trust fund. I have to tell you, I have visited our State, and you know that about a year ago a bridge just fell down in the middle of the Mississippi River. I was thinking as I listened to the Senator from Oklahoma talk about the promises that we make to our children, that we make to future generations. I think the people of this country think we made a promise to them that we are going to have safe roads and safe bridges. We didn't keep up that promise to the 13 people who died that day when they plummeted into the Mississippi River. We didn't keep the promise to the hundreds of people who were injured in all the cars that went crashing down on an eight-lane highway in the middle of the Mississippi River six blocks from my house. We need to keep that promise.

When you look at the history of the highway trust fund, it was raided once before, many years before I came to Congress, by the exact amount of money. I believe it was something like $8 billion. It was raided of that money, and it was taken out of the fund and put into the general fund.

What we are doing today, at the request of the Bush administration, is taking that money from the general fund and putting it back into the highway trust fund because we have a

promise for public safety to the people of this country.

My colleagues have been talking about priorities. I think there has been an issue of priorities. I would like to pay for some of the things that are going on in this country when we see that deficit. I can tell you how I would do it, how I would pay for that deficit. I would start bringing our troops home from Iraq. That is $10 billion a month.

It is ironic—that figure—because Senator INHOFE was at the hearing we had in the Environment and Public Works Committee about bridges and about the expenditures on bridges and trying to keep bridges safe, with Congressman OBERSTAR and others. One of the witnesses told us that it would be about $10 billion a year to start bringing up our bridges to safety over the next few years. I thought that is exactly the amount of money we are spending per month in Iraq. So that is one way we can get the money if we really wanted to and if some of my friends on the other side would have the will to want to pay for this important infrastructure investment.

Another is to close the loopholes that have allowed people to store money in the Cayman Islands and hide their money. Another is to change the capital gains rate. Another is to roll back tax cuts on the wealthiest people, couples making over $250,000 a year and individuals making over $200,000 a year. That would bring in between $50 billion and $60 billion a year.

I don't have trouble trying too find money to pay for this. We have been unable to get our friends on the other side—whether it is the AMT fix or any other tax fixes for the middle class, we have been unable to get them to pay for this. We are left where we are now with a request from the administration to pay for this from the general fund so we don't have contractors or people out of work who are supposedly working on construction projects. This means something to me because I see it every day. That bridge is going up and it is going to be opening on Monday. It is kind of ironic to me that we are debating whether we are going to replenish our Nation's highways—when everybody is giving glorious speeches about the need to invest for infrastructure—on the anniversary of that bridge going up again. Some people are actually saying we should let this highway trust fund die on the vine and let these jobs die on the vine.

I am going to use some examples for bridges. We learned today that fully one-quarter of America's 600,000 bridges have aged so much that their physical condition, or ability to withstand current traffic levels, is simply inadequate. One of the things we have seen on our roads and bridges in the last few years is that we are seeing something of a boon in our world economy, with the new energy economy. We are seeing wind turbines being transported on our roads and rails. We are seeing biofuels and more wear and tear on our roads and rails.

As we move to the next century, economics with the next century energy, looking at more of our energy being produced from the workers and farmers of this country, we cannot be stuck in last century's transportation system. I am not going to pretend that replenishing the money into the highway trust fund is going to bring us to where we need to be with public transportation and where we truly need to go with infrastructure in this country to compete on the world stage. At least it will stop the bleed so we are going to be able to keep up with the ongoing projects we have right now.

I am glad the administration is finally supporting doing something about this. It has been sad that we have gone to the other side three times to try to fund this important transit fund. As President Kennedy once said, building a road or highway isn't pretty, but it is something that our economy needs to have. We see that with that bridge in Minnesota, but we see it over and over again in the rural areas with the development of the wind farms and development of solar and ethanol.

Just to give you a sense of what we are seeing in our State, for the first 6 months in 2007 ethanol production in the United States totaled nearly 3 billion gallons or 32 percent higher than the same period last year. Of course, we are going to move to cellulosic, but that will still meet transportation needs in rural areas. Currently, there are 128 ethanol plants nationwide, with total annual production capacity nearing 7 billion gallons, and an additional 85 plants are under construction. Total ethanol production is expected to exceed 13 billion gallons per year by early 2009.

In terms of transportation, this means that an average square mile of land in southern Minnesota, which generates now the equivalent of 80 loaded semitrucks per year, could soon produce double that or 160 loads of grain per year. So we are seeing more wear and tear on our roads. It is a good thing. We want to produce wind and solar and biofuel and homegrown energy in this country. That will mean having a transportation system that can keep up with our growing economy.

Mr. President, I will end with what I began with. We are going to be opening a new bridge in Minnesota. Every time I go by that bridge, which is six blocks from my house, I always think about that schoolbus with kids in it that was perched precariously and by some miracle it didn't go over the side. Every kid was saved. They called it the miracle bus. We have a promise to those kids that were on that bus that this isn't going to happen again. We will keep our roads and highways as a No. 1 goal of our Government—public safety. That means not just safety on our streets but safety in our streets. That means better roads, bridges, and a better transportation system. So that is why we would have liked to have done this in another way, but we are in a crisis situation with our transit funds, and we should support it and replenish the funds.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, let me conclude on our side and then, hopefully, we are going to go to Senator MURRAY after that and then to a voice vote. Where we are right now is, last Friday I was notified by the Department of Transportation that the highway trust fund would run out of money sometime in the next 2 weeks. As recently as this summer, DOT said it was going to be all right for another year. We understand. A lot of people don't understand this.

The Federal gas tax is not a percentage, it is a centage. That means for every increase that we have in the price of gas, the revenues go down. Consequently, they have gone down in such a way that could not have been anticipated at the time. That, combined with the busy construction season, caused the trust fund's balance to go from $4.2 billion at the end of July to less than $1.4 billion in the beginning of September.

In my State of Oklahoma, our director is Gary Ridley, who I believe is the best director in the United States of America. He was forced to take dramatic action—and I think prudent action—when he said we would have to cut by $80 million the projects in August that were postponed.

Here is what we are up against. These are projects that have already been bid, people have been hired, the shovels are in their hands ready to do something, and all of a sudden they have to stop doing it which creates all kinds of problems.

Furthermore, at the point the trust fund officially runs out of money—which will be within the next 8 days unless we do what we are doing today, which I am confident we will—work on countless projects currently under construction will be halted. In other words, projects already under construction will be stopped.

The uncertainty over the Federal Government's ability to make good on financial promises made in law is forcing States to substantially disrupt their highway programs. It is a lot more serious than just stopping programs because if you stop programs, you are breaching contracts. You will have lawsuits and penalties that will come in and end up costing a lot more money. This is why we say what we are facing is, indeed, a crisis.

Once a project is canceled or delayed and jobs are lost, it is not as simple to restart the project, as there will be penalties to the States and, in many cases, a new contracting process.

Despite the arguments to the contrary, in my opinion, H.R. 6532 is not a raid on the general fund. In fact, the opposite is true. Let me go over this point to be sure we all understand.

I do not find disagreement with anything my three Republican colleagues said here. They are talking about a lot of things that had very little to do with this bill. I certainly agree with my junior Senator in his discussion about the United Nations, about the Social Security trust fund problems, and spending in general. What happened here—and I was mistaken not too long ago. I said it was the 1998 Balanced Budget Act. It was not that. It was actually in TEA–21. Nonetheless, back in 1998, they took $8 billion out of the trust fund and put it into the general fund. That is critical, we understand, because this is a moral issue. Probably the most popular tax in America today is the tax we have on our highways because people know when they buy a gallon of gas, that money is going to go to repairing highways, bridges and overpasses and make them safer for everyone in America. That is fine, but when they find out we have raided that trust fund and have taken $8 billion out and put it into the general fund, that is morally wrong.

I argued since that time—I can remember being on the floor 10 years ago, in 1998, saying this is wrong, we shouldn't be doing it. I have been trying to rectify that problem since 1998.

We are in a position where we can look at it this way: that we are rectifying something that should not have happened 10 years ago. We are giving back the $8 billion to the trust fund. That is not fiscally irresponsible. I think it is the right thing to do.

While I agree with my colleagues the highway program has grown to include things that are not in the Federal interest and doing nothing to save lives or reduce congestion or relieve the problems of transportation, which is a crisis in America, these issues are more appropriately dealt with in the national highway reauthorization bill for 2009.

I plan to play a very important, significant role. I will continue to be one of the big four, as Senator BOXER referred to it, during that time. I have felt for a long time—and I agree with my junior Senator—that there are a lot of items that should not be in a Transportation reauthorization bill. Over the years, more and more projects have crept in.

It is interesting that Senator BOXER, who is considered one of the most liberal Members of this body, and myself, who has been ranked recently as the most conservative Member of this body, agree in this area. While I am conservative, I have said I am a big spender in two areas. One is national defense and the other is infrastructure. That is what Government is supposed to be doing.

Talk to anyone, and they will tell you it is a crisis out there with our bridges. Oklahoma is dead last in the condition of our bridges. They don't realize it, but we are No. 3 from the top in terms of number of bridges, only exceeded by Texas and California. Yet we are a relatively small State. So we have this problem. We have to deal with it, and Government has to do it.

When the Federal highway system was chartered back in 1953 during the Eisenhower administration, I believe, we have been doing highways and funding them the same way since that time. Up until about 7 or 8 years ago, we always enjoyed a surplus in the highway trust fund. That is why people are always targeting it, saying there is a surplus there, let's throw in the bike trails, let's throw in all these other projects about which Senator COBURN was talking. I agree with him they should not have been there.

One of the ways we are going to meet this crisis—and I am going to try to do it—is to make sure everything we do is directly related to safety on the highways and safety in transportation. Intermodal, sure, we have to consider we have channels, we have barge traffic, we have trains, we have all these things that are important. But we do have a serious problem, and anyone who doesn't think we have a serious problem in transportation in America has not been out driving around.

I don't argue with those who feel this process is not right. I don't like this process. I was hoping we would be all right when we passed the 2005 Transportation reauthorization bill. I was elated. I knew we were going to be in good shape on that bill. All these things happen, but when they happen, we have to correct it. You can't say this is the wrong way to do it. I have to do it and whatever way is right. That is my opinion. Maybe I am in the minority, but when we are defending America and working on infrastructure, Government has to perform.

I would only say I do not disagree with my colleagues who do not like the way this happened. I don't like the way it happened either. I wish it did not happen that way. I can tell you we are going to have to do something. I don't agree this is a bailout. I don't call it a bailout. I think it is one of the two prime responsibilities of Government, and we are going to have to do it. What we are doing now is not enough.

Let me speak to my colleagues who have complaints about what is in a highway reauthorization bill. When the 2009 reauthorization bill takes over from the 2005 bill, I will expend as much energy as I can to keep on the track of safety and moving America and not all these other things special interest people want. I think those things are fine, but they should stand on their own two feet. I believe we have the opportunity now to get this done.

While I don't like the way it happened, I can tell you it had to happen. We cannot stop construction in America at a time that is already a crisis. In the absence of passing this bill today, that is exactly what will happen.

I encourage everyone to vote for it. I hope we are going to be able to do it on a voice vote. I understand other speakers wish to be heard. I will go ahead and set an example and yield back the remainder of our time on this side, hoping we can get to the vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is available?

The PRESIDING OFFICER. Twenty minutes.

Mr. BAUCUS. On this side?

The PRESIDING OFFICER. Yes.

Mr. BAUCUS. Mr. President, I rise to discuss legislation vital to this Nation's transportation infrastructure. The highway trust fund, the means by which we fund our Nation's roads, highways, and bridges, is in trouble. Tomorrow, the U.S. Department of Transportation will slow down payments to States for infrastructure investments. That is highway projects. This is happening because forecasts now suggest that a shortfall of billions of dollars to the highway trust fund will occur in the near future.

The shortfall stems from the agreement of the 2005 highway bill negotiations, when the Bush administration and the Republican-led Congress agreed to spend down the balance of the fund.

Last year, we learned the trust fund would run out of money faster than anticipated. Accordingly, the Finance Committee reported out a bill at that time to address the problem. We tried to move a $5 billion highway fix earlier this year as part of a larger FAA reauthorization bill, and that proposal was blocked. So we had to find other ways to pass this critical highway fix. In the meantime, the highway trust fund problem worsened. As gas prices rose dramatically, fuel tax receipts, which finance the lion's share of the highway trust fund, dropped sharply. In short, as Americans drive less and purchase less fuel, the trust fund shortfall has worsened, even more so than we previously expected.

So we tried to pass the highway trust fund as a stand-alone bill. Recognizing the dramatically worsening state of the fund, we proposed an $8 billion fix—not $5 billion but up to $8 billion. In fact, the $8 billion fix matched the amount that was taken from the highway trust fund when its balance was deemed to be too large back in 1998.

We worked with the House in developing that measure, and the House sent

it over to the Senate with a resounding vote of 387 to 87. We attempted to clear that bill through the Senate by unanimous consent on June 26, but the bill was blocked again.

Then before Congress recessed in August, I again attempted to move this $8 billion highway trust fund fix as part of the Jobs, Energy, Families, and Disaster Relief Act. But that measure also failed to pass.

Ensuring the highway trust fund remains solvent means my State of Montana will not have to suffer more than $98 million in funding cuts, as well as approximately 3,500 job losses in the next year.

Nationwide, the industry experts tell us the funding cuts to States would be at least $14 billion, with job losses approaching 400,000 if we fail to address this trust fund need. This will occur at a time when nationwide unemployment is at its highest level in 5 years.

In transferring $8 billion from the general fund into the highway trust fund, we will ensure delivery of the full $41.2 billion in guaranteed highway funding for fiscal year 2009.

It is important to remember the States have been relying on the 2005 agreement between the Bush administration and Congress when developing State budgets over the last several years. They relied on us.

Fixing the highway trust fund will preserve Federal funding for roads, highways, and bridges, and it will preserve good-paying jobs that rely on construction and maintenance projects.

An important point here, too, is no offset is required to fix the highway trust fund and that is because the $8 billion transferred is intergovernmental. The Congressional Budget Office indicates this fix does not constitute a spending outlay and, thus, would not violate the pay-go rules. Likewise, the Joint Committee on Taxation confirms this transfer will have no revenue effect.

I am pleased the Bush administration has finally come to its senses and realized the need to address this problem. I am pleased my colleagues in the Senate across the aisle have removed their objections, and I am pleased we are now finally going to do what needed to be done for over a year.

I wish to note that the chairman of the Subcommittee on Transportation, the senior Senator from Washington, has joined me in doing everything she could do to get this problem fixed. She talked with me innumerable times and many Senators. She was very concerned about this situation and worked so hard. She deserves the lion's share of the credit for all the work she has done. I congratulate her for her staying efforts in that regard.

We should not delay any further. We should remember the old adage: There are no Democratic roads, there are no Republican roads, only American roads. We need to fix this trust fund now. Our States and constituents are relying on it.

Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is on passage of the bill, as amended.

The bill (H.R. 6532), as amended, was passed, as follows:

H.R. 6532

Resolved, That the bill from the House of Representatives (H.R. 6532) entitled ''An Act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.'', do pass with the following amendment:

On page 3, line 2, strike [September 30, 2008] and insert *the date of the enactment of this Act*

Mrs. MURRAY. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—Continued

AMENDMENT NO. 5280

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes, equally divided, prior to a vote on the Vitter amendment.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

AMENDMENT NO. 5280

Mr. LEVIN. Madam President, what is the order now?

The PRESIDING OFFICER. The pending question is the Vitter amendment.

Mr. LEVIN. And is there a time agreement on debate?

The PRESIDING OFFICER. There was to be 2 minutes equally divided at 6 p.m.

Mr. LEVIN. Does the Senator from Louisiana wish to go first or second?

Mr. VITTER. I would like to go first, and I may reserve some time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I rise in strong support of the amendment pending before us and would ask all my colleagues to look favorably upon this amendment.

The committee had decided to cut $411 million from the Missile Defense Agency budget. That is a significant amount of money. This amendment would not restore all of that; it would restore $271 million of that amount. I think that is very justified considering the significance of missile defense, particularly in a post-Cold War world, with threats such as North Korea and Iran and even the technological uncertainty of the Chinese military.

In addition, the committee itself noted that the Joint Chiefs staff report said that we need about twice as many THAAD and Standard Missile-3 interceptors as the number currently planned. This amendment would help get us to that point.

The PRESIDING OFFICER. The Senator has used 1 minute.

Mr. LEVIN. Madam President, I will take 30 seconds and yield 30 seconds to my friend from Florida.

On the four items that the Vitter amendment adds money to, the committee either already added more than the administration requested or fully funded. On THAAD, we added $115 billion; on targets, we fully funded; and on the Aegis and the SM–3 missile, we added $100 million. So on the items he adds money to, we either added money or fully funded. We did not cut those items.

Mr. NELSON of Florida. Madam President, his cuts would allow the Secretary of Defense to make cuts across the board to the budget in order to fund his add-back, and that could be the Joint Strike Fighter, the B–52, the F–22, the Patriot Missile, and the LPD amphibious ship. This is not good policy. Our committee came out, on $9.3 billion, and cut only 4 percent on national missile defense.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays were previously ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—39

Alexander	Craig	Isakson
Allard	Crapo	Kyl
Barrasso	DeMint	Landrieu
Bayh	Dole	Lugar
Bond	Domenici	Martinez
Brownback	Ensign	McConnell
Bunning	Enzi	Roberts
Burr	Graham	Shelby
Chambliss	Grassley	Specter
Coburn	Hagel	Thune
Cochran	Hatch	Vitter
Coleman	Hutchison	Voinovich
Cornyn	Inhofe	Wicker

NAYS—57

Akaka	Feinstein	Nelson (NE)
Baucus	Gregg	Pryor
Bennett	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Lautenberg	Sessions
Carper	Leahy	Smith
Casey	Levin	Snowe
Clinton	Lieberman	Stabenow
Collins	Lincoln	Stevens
Conrad	McCaskill	Sununu
Corker	Menendez	Tester
Dodd	Mikulski	Warner
Dorgan	Murkowski	Webb
Durbin	Murray	Whitehouse
Feingold	Nelson (FL)	Wyden

NOT VOTING—4

Biden	McCain
Kennedy	Obama

The amendment (No. 5280) was rejected.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. BAUCUS. Madam President, I move to lay that on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4979

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided on the Nelson amendment No. 4979. Who yields time?

The Senator from Florida is recognized.

Mr. NELSON of Florida. Senators, I can make this very quick. This is for the widows and orphans. This is removing the offset from the survivor's benefit that a military retiree pays, like an insurance premium, and gets a survivor's benefit. But, oh, by the way, under current law that survivor's benefit is offset—what they get out of the Veterans Affairs Department—in dependency and indemnity compensation.

We passed this overwhelmingly last year. We need a big vote so we can tell the conference committee not to gut it again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, this is a very laudatory effort on behalf of our colleague. It is one I will personally support. I do, however, draw to the attention of all colleagues that it is a very expensive provision, but it is one that deserves the recognition that it has been given by our colleague and further consideration of the conference between the House and the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have previously been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—94

Akaka	Domenici	Menendez
Alexander	Dorgan	Mikulski
Allard	Durbin	Murkowski
Barrasso	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Pryor
Bingaman	Graham	Reed
Bond	Grassley	Reid
Boxer	Gregg	Roberts
Brown	Hagel	Rockefeller
Brownback	Harkin	Salazar
Burr	Hatch	Sanders
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Cardin	Inouye	Shelby
Carper	Isakson	Smith
Casey	Johnson	Snowe
Chambliss	Kerry	Specter
Clinton	Klobuchar	Stabenow
Coburn	Kohl	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Vitter
Corker	Levin	Warner
Cornyn	Lieberman	Webb
Craig	Lincoln	Whitehouse
Crapo	Lugar	Wicker
DeMint	Martinez	Wyden
Dodd	McCaskill	
Dole	McConnell	

NAYS—2

Bunning	Voinovich

NOT VOTING—4

Biden	McCain
Kennedy	Obama

The amendment (No. 4979) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, for the information of colleagues, what I am about to do is send a series of 14 amendments to the desk which I hope we will be able to adopt at this point by unanimous consent. The amendments include one on behalf of myself and Senator MCCAIN, which is a technical correction to the underlying bill; an amendment on behalf of Senators AKAKA and VOINOVICH requiring a report on the security clearance review process; an amendment on behalf of Senators BINGAMAN and DOMENICI requiring a report on the test and evaluation activities of the Department of Defense; an amendment on behalf of Senators COLLINS, LIEBERMAN, and others to ensure oversight and accountability in Federal contracting; an amendment on behalf of Senators COLLINS and LIEBERMAN to establish a governmentwide contingency contracting corps; an amendment on behalf of Senators LUGAR, BIDEN, and others to build operational readiness and civilian agencies; an amendment on behalf of myself, Senators MCCAIN and AKAKA, to establish the position of Director of Independent Cost Assessment; an amendment on behalf of Senators MCCASKILL and MCCAIN relating to a database for contracting officials; an amendment on behalf of Senators SMITH, BAYH, and NELSON of Florida relating to travel of family members of the Armed Forces with serious mental disorders; an amendment on behalf of Senators LIEBERMAN and COLLINS relating to ethics safeguards for employees; an amendment on behalf of Senators LIEBERMAN, COLLINS, and MCCASKILL regarding whistleblower rights; an amendment on behalf of myself and Senator WARNER codifying recurring authority on contributions to NATO; an amendment on behalf of Senator MCCONNELL on traumatic brain injuries; and on behalf of Senator MENENDEZ, an amendment regarding the Environmental Protection Agency. Those are the amendments I am hoping we can adopt at this time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, at the moment, speaking for myself as one of the managers of the bill, I strongly support the package. We have worked on it together, as we have all the times we have managed these bills. I know of no objections that have been communicated to me, but I would like to ask the indulgence of the chairman for a few minutes such that I can check with my cloakroom staff.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the Senator from Iowa wishes to speak as in morning business for up to 10 minutes. I have no objection, providing he would agree that at any time during that 10 minutes we could interrupt him, if we get unanimous consent agreement on the series of amendments I outlined. I

hate to interrupt his remarks, but the timing is critical.

Mr. HARKIN. I have no problem.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank my colleague. I have been informed by our staff that there are objections to the procedure to have this package of amendments cleared at this time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, this week is National Suicide Prevention Week. In honor of the families who have lost a military family member to suicide, I wish to speak now about an amendment I have to this bill to address one of the most critical issues facing our troops right now, the issue of suicide. The Joshua Omvig Veterans Suicide Prevention bill was signed into law this past November. But that has to do with veterans. However, the Department of Defense has reported an increase in suicides among Active-Duty soldiers. With extended combat tours to 15 months from 12 months, with many servicemembers on their third or even fourth rotation to Afghanistan or Iraq, the psychological strains are enormous. The Department of Defense Task Force on Mental Health has stated that both the VA and the Department of Defense are not prepared to deal with this increase in mental health needs of Active-Duty service men and women.

Nearly each year of the 5-year-old war in Iraq and the 7 years of war in Afghanistan, the suicide rate has increased. Last year suicides among Active-Duty soldiers reached their highest level since the Army began keeping records 28 years ago. Suicide was the leading cause of noncombat deaths in Iraq in 2007. This trend has begun to repeat itself in 2008. So far there have been 62 confirmed suicides as well as 31 deaths under investigation that are suspected to be suicides, which means this year's gruesome numbers could surpass the record of 115 suicides set last year. The number of attempted suicides or self-inflicted injuries in the Army, approximately 2,100 last year, has risen sixfold since the Iraq war began. These startling statistics should serve as a wake-up call that suicide among soldiers and veterans is more than a small problem. It is rapidly becoming a very big problem. To address this critical concern, I worked with a number of my colleagues to introduce the Armed Forces Suicide Prevention Act, S. 2585, with 20 bipartisan cosponsors. The amendment I am offering to this bill merely adds the preventative measures from this carefully crafted bill, S. 2585, to the excellent underlying language that is in the Defense authorization bill before us.

The Defense authorization bill before us does increase mental health personnel and post-suicide investigations in the military. That is in the underlying bill. The amendment I am offering requires the Department of Defense to implement comprehensive suicide prevention programs within all branches of the military, including the National Guard and Reserves. Among other things, the amendment directs the Pentagon to conduct a servicewide campaign to reduce the stigma associated with mental health issues and to encourage servicemembers who are experiencing difficulties to seek help. It also engages military leadership by incorporating suicide prevention training for all servicemembers.

So this amendment takes the preventative measures from the bill we introduced with 20 bipartisan cosponsors and adds it to the underlying Defense authorization bill.

The language I am talking about was coordinated carefully with each branch of the Armed Forces, and their recommended revisions were incorporated. The bill complements other recent defense legislation such as the Wounded Warriors Act, addressing the well-being and welfare of our servicemembers and their families. This Armed Forces Suicide Prevention Act has the endorsement of the Iraq and Afghanistan Veterans of America, the Suicide Prevention Action Network, the National Military Families Association, and the National Alliance on Mental Illness.

We know these kinds of programs can make a big difference. In the early 1990s, one in every four deaths among Active-Duty Air Force personnel was from suicide. The Air Force implemented the kind of comprehensive suicide prevention program required by the bill we have introduced and by this amendment, and by 2002 the suicide rate had been reduced by over a third. Violent crime and family violence also were reduced after the preventative program was implemented.

We cannot just sit idly by and watch as these young brave Americans, who are making great sacrifices, are left alone to fend for themselves, as they suffer the pain and anguish of post-traumatic stress disorder, the despair of losing friends to roadside bombs, or the depression and helplessness felt after multiple deployments that are stressing their families to the breaking point. This is not just about the armed servicemembers who commit suicide; it is about the deep and painful despair that drives them to do it. I know the Army says they have effective programs in place. But if that is true, where are the outcomes? Why do we have an ever-increasing suicide rate in the military?

The GAO just reported last week that the DOD—Department of Defense—does not even know if the post-deployment health reassessment surveys are being completed. Now, for those who may not have heard about this tool, the PDHRA, as it is called, surveys health and mental health concerns within 90 and 120 days of deployment. Well, how can DOD say they are good stewards of mental health when they cannot show us they are even doing these screenings?

The DOD's position on this amendment I am offering is that it ''would establish a legislative mandate for programs already ongoing or within the Secretary's authority to establish. However, the administration supports the goals of this legislation and we look forward to working with Congress to address these concerns.''

Well, they may have the current authority, but the numbers do not bear out they are actually doing it. Frankly, my staff has met—and I have also—with veterans in Iowa who say that while programs like this are in place and working well in some units, it is not a universal experience for Armed Services members. Too many brave young men and women are falling through the cracks, and the DOD is simply not doing a thorough job here. One ignored soldier who has had mental health problems—who is stressed out, who has seen his buddies' arms and legs disappear from bombings or had their lives taken away, who is on multiple deployments, and he has kids back home—one soldier with those kinds of stresses who is ignored is one soldier too many.

That is why Congress has to act to make this a priority. Yes, this is going to be a legislative mandate, and I intend it to be that. When GAO tells us that DOD cannot even tell us what they are doing, then I think it is time for a legislative mandate.

The military does an extraordinarily good job of treating our warriors' physical wounds and preventing death and disability. It is time to place an equal priority to treating their psychological wounds, their emotional wounds, and preventing suicides. That is exactly what this amendment will accomplish.

As I have said, there is already excellent language in the underlying Defense authorization bill to expand mental health services for Active-Duty servicemembers. This amendment would add suicide prevention training for armed servicemembers and their families. It would add additional postdeployment assistance and a stigma reduction outreach campaign to aid in those efforts—a campaign to reduce the stigma of a soldier who is having mental health problems from seeking help.

We all know—those of us who have been in the military—what it is like. You do not want to admit you are having psychological problems, that this, somehow, is something you are not supposed to have happen to you. So you have to reduce the stigma of this so these young men and women who are having these problems will seek help and by getting that help will heal their psychological wounds.

It is a simple, commonsense approach to a pervasive, disturbing trend, as I said, a very growing problem in the military. So I hope all my colleagues can join with us to support the dedicated men and women serving our country and support this needed amendment.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I see the chairman of the committee. I think the work on the bill tonight is concluded, and I recommend we go off the bill and open the floor to morning business, if that is agreeable.

Mr. LEVIN. Mr. President, would Senator SANDERS be willing, as a number of other colleagues are, that his remarks, although they relate to the bill, be in morning business?

Mr. SANDERS. Absolutely.

MORNING BUSINESS

Mr. LEVIN. In that case, Mr. President, I ask unanimous consent that we now move off the bill, move to morning business, and that Senators GRAHAM and LIEBERMAN be recognized and then Senator SANDERS be recognized.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if I might say to my colleague, Senator GRAHAM has an airplane he is trying to catch.

Mr. LEVIN. Mr. President, I wonder if Senator GRAHAM could speak for just a few minutes, and then we could turn to Senator SANDERS and then to Senator LIEBERMAN.

Mr. President, I ask Senator GRAHAM, how many minutes does he wish?

Mr. GRAHAM. Three minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that we now move off the bill and go to morning business and that Senator GRAHAM be recognized for 3 minutes and then Senator SANDERS be recognized for up to 20 minutes. I want Senator LIEBERMAN to hear that request.

Mr. SANDERS. I say to the Senator, I listened to your speech.

Mr. LEVIN. That Senator SANDERS be recognized for up to 20 minutes and Senator LIEBERMAN be recognized for up to 20 minutes. That is my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. GRAHAM. I thank the Chair.

IRAQ

Mr. GRAHAM. Mr. President, I just want to let my colleagues know where I am coming from, along with Senator LIEBERMAN, that amendment No. 5368, I believe it is, is an amendment offered by Senator LIEBERMAN and myself that speaks of the surge, the success of the surge, how vital it was that we turn Iraq around, and the fact that the surge has worked.

General Petraeus said today in the Washington Post, I believe, that Iraq is still the central battlefront in the war on terror. Senator OBAMA has disagreed with that on numerous occasions, saying it is Afghanistan and Pakistan.

The truth is, the battle regarding the war on terror is an idea, not a place, and the fight now is in Iraq. Bin Laden said: Go to the land of the two rivers. Make sure we win that battle. Bin Laden has always seen Iraq as an outcome-determinative event. So does General Petraeus. So does Senator MCCAIN, Senator GRAHAM, and Senator LIEBERMAN.

So the good news is that battle has taken place in Iraq between al-Qaida, the Iraqi people, and the coalition forces, and we have greatly diminished al-Qaida. They suffered a mighty blow at the hands of fellow Muslims who turned on al-Qaida after tasting their agenda. I cannot think of a more appropriate topic for the Senate to take up than to comment on what I think is the most historic, successful counterinsurgency operation in military history, to memorialize that it has worked, to acknowledge those who sacrificed to make it work, those who led our men and women in battle. This, to me, is very appropriate and important. It was a year ago today that General Petraeus testified about his plan in Iraq, and a year later we see stunning success militarily, economically, and politically. So I believe with all the passion I can muster about this topic that the Senate needs to take this up, discuss it, debate it, and vote on it.

I thank Senator LIEBERMAN for his steadfast leadership over the last year. I say to the Senator, you, my friend, will go down in history as being one of the Senators who stood up at a time when the country needed people to speak out. We turned this war around because of people like yourself and Senator MCCAIN but mainly because of the leadership of General Petraeus and the men and women in uniform, Ambassador Crocker and his team, and the Iraqi people themselves.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak for 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION BILL

Mr. SANDERS. Mr. President, the legislation we are dealing with today authorizes more than $500 billion, and even in Washington that is a heck of a lot of money. That expenditure comes at a time when we have massive amounts of unmet needs in our country, when there is a crumbling infrastructure, a need to invest in sustainable energy, a need to address education, and many other needs. On top of all of that, we are looking at a $9.5 trillion national debt and a record-breaking deficit.

I hear many of my colleagues come to the floor and speak about waste and fraud in all kinds of agencies and, frankly, that is appropriate. Our job as Members of Congress is to make sure we do our best to see that not one nickel—not one nickel—is spent in waste or in fraud or unwisely. But just as we should do that with the Department of Agriculture or with Human Services, we should also do it with the Defense Department; in fact, even more so with the Defense Department, because their budget is so huge—$500 billion at a time of massive amounts of unmet needs in this country. It appears that not a week goes by when one doesn't open a newspaper or see a television program which deals with another example of horrendous waste, fraud, or abuse which takes place within the Department of Defense.

I know my colleagues on the Defense Committee, Senator LEVIN and Senator WARNER, are aware of these things and they are trying, but this is tough stuff. I think we have to raise our profile in addressing this waste, fraud, and abuse.

Just some examples: In March of this year, we learned that a 22-year-old Defense contractor peddled as much as $300 million in old ammunition, much of it defective, to the Afghan Army and to their police forces. That is right. AEY, a fly-by-night company, landed the huge contract, despite its record of botched dealings with the State Department and Defense Department. In fact, the State Department had placed this company on a watch list of companies suspected of illegal arms transactions.

Further, the Pentagon inspector general revealed that $321 million was paid out to cover salaries of 1,000 anonymous employees in the Iraqi Ministry of Finance. That amounts to $320,000 per employee—not bad in Iraq where people do very well if they make $50 or $60 a week, but we are not even sure that the employees saw any of this money.

We also learned not terribly long ago that the Army ousted the contracting officer overseeing Kellogg, Brown & Root's huge Iraq support contract when this distinguished public servant refused to approve paying the company more than $1 billion in questionable charges. In other words, he did his job. He took a hard look at where this money was going. There were red flags popping up all over the place. He said:

Wait a minute. We are not going to pay this money. His reward was not a commendation but his firing.

And on and on it goes. The Air Force paid a private U.S. contractor $32 million to construct a Ramadi, Iraq airbase. That is OK, except the only problem is the contractor cashed a check and the facility was never built—$32 million for a project never undertaken.

Another contractor was paid $142 million to construct Iraqi prisons, fire stations, and police facilities that were either never started or never completed—$142 million.

It is absolutely essential for us to provide the Pentagon with the budgetary means they need within that huge budget to root out waste, fraud, and abuse by contractors in war zones overseas. We also must take a close look at how money is misspent here at home—not just in Iraq or Afghanistan. The Air Force—the Air Force, needless to say—has a few airplanes, but apparently cannot ship a package directly from a depot in Corpus Christi, TX, to a National Guard unit in Oklahoma. Because of outdated freight forwarding rules, investigators discovered that one package took a 2,243-mile detour through Houston, TX, to Fort Wayne, IN, and then on to Dallas before it arrived at its destination in Oklahoma. The GAO is investigating the ridiculous shipping regulations that cost taxpayers millions of dollars.

Now, are all of these examples simply so-called bad apples or do they more likely represent a broken system with inadequate oversight? In my view, unfortunately, it is the latter. I think we have a broken system. I think we have billions and billions of taxpayers' dollars being wasted and not going where they need to go, which is to defend our country. The Pentagon's leaders have not done enough to ensure that a dollar spent means a dollar gained in national security.

Frankly, this is not a new problem. In 1940, Senator Harry Truman investigated waste and fraud by the U.S. military. During World War II he proposed the creation of a Senate special committee to investigate the national defense program. The Truman committee identified way back then in the 1940s more than $15 billion in unnecessary and fraudulent defense spending. That is a huge amount of money. As Senator Truman put it at the time:

> We intend to see that no man or corporate group of men shall profit inordinately on the blood of the boys in the fox holes.

I think what Truman said in the 1940s is absolutely true today.

Was Harry Truman unpatriotic for demanding increased congressional oversight on the War Department and defense contractors at a moment of national crisis during World War II? The answer is, of course, no, he was not. He simply demanded that, in his words:

> Each dollar expended for war purposes would produce a dollar's worth of the necessary war supplies.

I think that is certainly a reasonable request supported by every taxpayer in this country.

That is why last year I and the Presiding Officer joined with other freshmen colleagues to introduce legislation calling for the creation of a commission on war contracting modeled on the Truman committee. We need such a bipartisan effort more now than ever. Today, government auditors have compiled lists of countless examples of risky and inadequate practices by the Defense Department in overseeing contracts.

The problem is not just private contractors. The Department needs to adopt better practices to stop blatant examples of wasteful and overpriced purchases.

Some examples:

The GAO—the Government Accountability Office—recently assessed 72 major weapons acquisition programs and reported a colossal $295 billion in cost overruns on a $1.6 trillion contract portfolio—$295 billion in cost overruns. That is not a bad apple, that is not an aberration, that speaks to a system that is significantly broken. What is more, on average, these systems are delivered 21 months late. So these contractors end up getting far more than they were originally supposed to get and, to boot, they are almost 2 years late on delivering the product.

It gets even worse than that. The Defense Department has shelled out billions of dollars in bonuses to contractors who don't deserve them. According to one study, award and incentive fees totaling $8 billion were granted even when the contractors did not deserve the bonuses under the Pentagon's own rules. What a bonus is supposed to be about is you get a reward when you do your job well, when you come in perhaps under contract, when you come in earlier than you had agreed to. That is what a bonus is. But unfortunately, these guys are getting these bonuses even when they perform poorly, and that is clearly unacceptable.

I wish to commend my colleagues, Senator LEVIN and Senator WARNER, for their initiative to establish a director of independent cost assessment. It is time for this Congress to impose effective acquisition controls and require the Pentagon to put its financial house in order. Even the Pentagon's own inspector general has admitted that:

> The rapid growth of the DOD budget since fiscal year 2000 leaves the department increasingly more vulnerable to the fraud, waste, and abuse that undermines the department's mission.

That is the Pentagon's own inspector general.

So it is time to engage in a serious debate over this Bush defense budget that elevates gold-plated technologies and huge contractor payouts over cogent and sensible strategy.

A little historical perspective is instructive. President Dwight David Eisenhower, a five-star general and the military commander of Europe during World War II, deplored excessive military spending and its diversion of resources away from pressing public needs—Dwight D. Eisenhower. A few days before he left office in 1961, President Eisenhower gave one of the most prophetic speeches ever given in the White House. Here is what Eisenhower—a Republican, I should add—what Eisenhower said:

> In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.—Dwight David Eisenhower.

Fast forward 48 years to the last months of George W. Bush's Presidency. It is remarkable how prescient Eisenhower's concerns were.

Today the budget of President Bush calls for a $515 billion Pentagon budget. This is in addition—this is in addition—to the $200 billion a year being spent on the wars in Iraq and Afghanistan, and it also does not include $16 billion spent on nuclear weapons. That is why I proposed an amendment—a very modest amendment, I might say—to address one of the more egregious examples of wasteful spending in the Federal Government. The incredible amount of unneeded spare parts—what we are talking about is unneeded spare parts and other items—in the Army, Navy, Air Force, and other Department of Defense agency warehouses is measured in the billions of dollars. What we are talking about is unneeded spare parts. They don't need it, billions of dollars of unneeded spare parts.

Fixing the military inventory systems is the reason behind the amendment I have authored, along with Senator FEINGOLD and Senator WHITEHOUSE.

The Government Accountability Office—the GAO—has placed the Department of Defense inventory system on ''high risk'' lists year in and year out. In other words, there is a red flag attached to this line item.

The unneeded spare parts inventory and the inefficient inventory management systems are literally costing the taxpayers millions and millions of dollars each year. Worse, these unnecessary spare parts are clogging up the supply system, costing millions for storage, and are not providing the support needed for our service men and women for defending our country. More than half of the Air Force's secondary inventory—an average of $31.4 billion—was not needed to support service requirements. That is right. More than $18 billion of its on-hand spare parts are beyond the needs of the Air Force.

Imagine that: $18 billion in unneeded spare parts. We have Air Force warehouses full of parts that are simply not needed.

It gets even worse than that. The Air Force has on order $235 million in inventory already identified as ready for disposal. In case you didn't catch that: $235 million in inventory already identified as ready for disposal. So $235 million worth of parts not even delivered to the Air Force's warehouses will be ready for disposal by the time they arrive. Now, that may make sense to somebody—maybe the people who make money producing the stuff. It certainly does not make sense to me or, I expect, anybody else in this country. By the way, this is almost 20 percent of its total on-order inventory. It is a huge amount of inventory.

The Air Force has redefined terms and created new categories such as ''Additional Applications Anticipated,'' ''Uneconomical to Terminate,'' ''Management Decision,'' and ''Data Error.'' What they mean by data error is a series of computer entry mistakes amounting to $96.5 million during one recent 3-month period alone. To my way of thinking, this is further evidence of the Air Force's inability to manage its inventory program. If data errors are rampant in the system, fix them. If the inventory problems can't be corrected without costing even more money, then something is wrong with the system.

This is not just an Air Force problem; it is Pentagon-wide. The numbers for the Navy and Army are also extremely troubling. The Army's numbers are incomplete because the Army could not provide data from two major agencies, including the communications and electronics commands, because their inventory computer systems were not compatible with other Army computer systems. This is with a budget of $500 billion and we can't get computers to talk to each other. Ironically, the communications and electronics command is one of the commands responsible for Army hardware and software acquisition.

This underscores the serious problem of the inability of the Defense Department computer systems to interface with each other. My staff was actually told by an Air Force material command manager that Air Force inventory officers are still actually relying on computer systems that are based on decades-old designs.

Year after year, the nonpartisan research arm of Congress has exhorted the Pentagon to, 1, provide incentives to reduce purchases of unneeded on-order inventory; 2, conduct a comprehensive assessment of unneeded inventory items on hand; and, 3, take measures to address fluctuations in demand that produce these huge inventories.

Clearly, something must be done to set things right. It is time to get the Pentagon inventory system up to modern practices.

What does our amendment do? It does a few things. First, the amendment, offered by Senators FEINGOLD, WHITEHOUSE, and myself, will require the Secretary of Defense to develop a comprehensive plan for improving the inventory system, including each service's plan to improve audit systems for reducing the gap between projected requirements and actual requirements, improvements to information technology systems, personnel and training needs, contract reviews, and other relevant policy changes.

Second, this amendment will require a certification to Congress that the Army, Navy, Air Force, and Defense Logistics Agency have reduced their secondary inventory.

Third, this amendment strengthens the certification process by fencing off $100 million in inventory purchases until the Secretary of Defense makes the required certifications.

This is a small but critical step toward fixing the DOD's inventory system. It is time for this Congress to impose long-needed improvement and require the Pentagon to put its house in order.

Frankly, this is just a small step forward. We have a lot more to do. This country faces enormous problems. We need money spent in many areas. We don't need to be wasting tens of billions of dollars. I look forward to working with my fellow Senators to see that this amendment becomes law.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The gas prices have hit us so hard that my family cannot afford to fill up the tank but rather $50 at a time. To fill up my diesel tank, it now costs $160. We cannot afford vacations nor can we afford day trips to the mountains. If this is what the speculators wanted, well, they got it. We basically go to work to pay for fuel. I wanted to see my father this year in Bakersfield, California but that is impossible now. That would be easily close to $1,000 in fuel.

What is more frustrating is there is not a thing I can do about it. Groceries have gone up 20%, Idaho Power is planning on raising their rates, [the state of Idaho] wants to increase the car registration to $150. I give up! When my taxes increase (sales, fees, ssn, state, fed) are more than 50%, I am planning on leaving the workforce and staying home to get all of the benefits of the poor and unemployed.

I am absolutely for a free market economy, but with all of the taxes and fuel charges and surcharges on items that require transit, it is going to break this family.

I am a [conservative, but have been disappointed with the partisan actions on many issues, including immigration, 2nd Amendment rights, national security. It sometimes feels like those we have elected to lead us have forgotten their responsibilities.]

Sincerely,

SAM, *Boise*.

I think we are technically smart enough to drill for oil without endangering the environment. I mean every place that oil can be found. If we listen to the extreme environmentalists, we will all starve to death in the dark!!!

STEPHEN.

The lobbyist for the oil companies are too rich and have too many politicians in their pockets. The Solar lobby consists of one man begging for tax brakes. Do the math. The federal government really does not [care] about what we, the American people think so, the best thing we (Idaho) can do is to declare sovereignty from the NeoCon/Zionist regime and just live our lives in peace and harmony. Stop killing for oil. Politicians are not intelligent enough to run my life. They are not intelligent enough to resolve the problems of the world today. You will never get anywhere with this. It is all a big joke. But, in the end, the joke will be on the politicians. You see, the Federal Reserve's dollar really is of no real value anyway. The fed has put America in debt that can never be repaid. The private bankers will repo the U.S. to be paid in full, soon. You have nothing to worry about since they already own you and your buddies in Washington. Stop wasting your time and grow a garden. Get right with God.

DOUG.

Energy prices are terribly high and that is uncalled for when we have resources in our own country available if we could lesson some of the ridiculous environmental laws that make it next to impossible to drill and refine our own oil. If we could use our own resources the price of crude oil should come down.

I am retired and live alone, so my fuel needs are not great. I have children and grandchildren whose energy needs are great and the rising prices of food, health care, etc. make life difficult for them. They work hard and some have their own businesses and they have a hard time making ends meet.

We need to make use of the nuclear resources that we already have in place in some areas of our state. Our population is growing and that brings a need for more energy for just living. We need a congress that will encourage not discourage the use of

what we have while other sources of energy are being developed.

Sincerely,

FERN, *Rigby*.

I believe every Congressman should be tried for treason to this country who has not supported our energy independence!! They have taken an oath to support the constitution and defend the USA from all enemies foreign and domestic!!! We have lost our sovereignty to the foreign oil countries and the problem lies at the feet of Congress!!! In such a court for treason there would be some found not guilty but there would be many who would be found guilty and should be dealt with accordingly!! Yes we need to protect our environment but if we go down as a sovereign nation, who in this world will take over our leadership on the issue of environment??? We have to get our oil and energy independence back so that we can lead the world in saving our environment!!! It is not just about money!!! It is about saving this sovereign nation!!!! Not only does our nation depend on it but all the nations of the free world depend on our survival.

LEE.

I often wonder whatever has become of Senators and Congressmen that love America beyond their own political gain? For years and years the Senate and the Congress have closed their eyes to passing bills that would have protected we Americans from the horrific gas prices we now face. This situation should never have happened! There is nothing that justifies this crisis!!! As the greatest nation on earth, we should not be dependent upon foreign oil We should never be dependent upon countries that despise America. We have enough oil in this nation to care for our own people!

How shameful what you Senators and Congressmen have done to us, the American people!!! Everyone is financially hurting. In our opinions, it is treason on your part! This situation is not going to get better until we drill here, drill now and pay less

We are disappointed and ashamed of our Senators and Congressmen who sat by, and continue to sit by and allow this nation to suffer financially. Do your job or resign!

LA VAR and MARLENA.

My husband has his own business and it is a small 2 man business but they are a valuable resource to our cities. They have a carpet/disaster and restoration company. They are always busy but because of the high price of everything especially gas it really makes it hard on them. They cannot raise their prices for fear of losing business but then again they have to pay the high price of gas to keep customers and keep them happy. It's a no win for them.

PAM.

As a citizen of the United States, and a resident of Idaho, I appreciate your call for suggestions. I have two children, 8 and 12 yrs of age—a boy and a girl. Some of the things that are affected are medical checkups that now go without being done, even with the ridiculous insurance coverage, and then entertainment. So with one big swoop, our lives have just changed in two dramatic ways, one essential at times, the other stress relief. Sad thing is I work in the oil and gas fields. I know that animal rights activists are full of crap for the most part. I see life in the fields far better off than whatever they seem to see. (Or do not see). It is safer for wild animals than it ever has been, and I just do not see why we do not drill more. I am not a huge fan of oil products being wasted, burned, and otherwise used, but let us be real. We have been addicted to this, and now rely on it. Drill, it is renewable. It regenerates, albeit at a slower rate than grass and weeds. Let us look at affordable solar harvest as well.

RICHARD, *Firth*.

As a small business owner (insurance agency), I have come to realize that this dependence on the present energy sources is not just an incapacitation to private concerns, but will ultimately translate into higher ins. premiums due to increased repair costs arising from parts manufacture costs, repair shop employee costs etc.. This crisis will reach into every avenue of our lives. At 56, I am trying to plan for retirement. I am a licensed securities advisor, and as such probably have better information than most to help to arrive at a reasonable retirement income. However, my present plan, due to energy prices has become doubtful. If my situation is such, what of the common laborer? Will the gov't find themselves caring for the aged in an even bigger way than at present? Where will they get the funds with the increase of baby boomers and reduction of upcoming generations? The energy crisis will be a tremendous cost to our American way of life. I personally believe that all americans should be appraised of those in their voting district that do not support a more aggressive move into the future of energy independance. Perhaps those in elected offices will find themselves more interested in acting upon the will of the masses and less interested in the special interest groups, their money, and in particular the environmentalists. While the invironment must be preserved, it also must be utilized and not be allowed to go unmanaged. I appreciate your concerns, and would like to see someone provide the voting public, the ''real time'' voting records of those in office. It is always after the fact that the information is recieved, if at all. Only when one's livelyhood is at risk, will a person act decisively. Perhaps that would apply to those in office as a result of instant notification of a negative vote.

Sincerely,

JERRY.

Sixteen years ago we moved 12 miles west of Blackfoot on a small acreage to raise our two daughters along with our dogs, cats, horses, and birds. Our oldest daughter has some learning disabilities and is now an active Special Olympics athlete. It was a long road to where she is today and that was an amazing journey. Not long after moving, through our church's children's ministry, we became aware of a great need for safe and nurturing homes for damaged children. We eventually adopted two boys and it was a good thing we lived in the country because they liked to make noise. Some years later we started to take in foster children and have now had about 30 needy kids in our home (at different times I assure you). Early in that venture we developed a relationship with the Shoshone-Bannock people at Fort Hall and they have great needs for homes to take care of their damaged children. Many of our foster kids have been native children and we now have three for which the tribe has allowed us guardianship. These children are very needy and spend time daily with various therapists and the oldest went to a developmental preschool this year. Because of their needs, and our oldest daughter's job at Wal-Mart, our vehicles do not even cool off most days. My wife makes several trips to Blackfoot and to various therapists every day. We travel 500 miles a week or more and the gas prices are painful. However, we just do what it takes. Relief from gas prices would be a wonderful blessing but it does cause a dilemma for us because we are very conservative and do not believe the government should solve all of our problems. However, there are appropriate issues for the government to take responsibility for and this may be one.

We have entrusted you with representing our interests to the federal government so please evaluate this issue very carefully and if you can find a sound moral and ethical way to help us continue our contribution to our community and our neighbors please strive for that.

Thanks for your service.

DENNIS, *Blackfoot*.

First it is nice to hear that the Senate is at least thinking about it but I have to say that if the Senate needs families to write a few paragraphs to explain what impact these conditions are placing on the American family then I am not sure the Senate is in touch with reality as they should be.

I have worked hard all my life and have provided well for my family. I am very thankful for the opportunities given me. I know that with hard work, kindness for our fellow man we will continue to do well. However, these impacts will be negative in the long run. They are putting undue stress on my family, on my life and every discussion everyday is about these prices and the affects it has on every aspect of the economy. There will be less productivity, less education, more broken families due to the financial stress and probably most important less faith in our system.

The American public has a government in place that has become so out of touch with who it represents that I am not sure anything will or can be done. There is too much greed and dishonesty in our government system and those that lead this country are in it for their own prosperity and not the prosperity and best interests of the people. I feel the liberals only want power and control. And I am not sure what the Republicans represent anymore.

These energy prices impact every aspect of our lives, security and well being. If our government will not do the right thing immediately then there will be ramifications beyond belief and for generations to come. I am sure you know this but I hope you do . . . Our forefathers would have never have let this happen. We would be totally independent of all foreign control. They would have known the liberty and safety of this country would be at jeopardy.

Best Regards,

DAVID.

Today, I was in a grocery store where the fellow in line in front of me bought a small bag of tomatoes for $7.00. Tomatoes are not in season here, and have to be shipped from California. The clerk said we will no longer be able to buy Cyrus O'Leary pies, as the company is located in Spokane, almost 100 miles away, and they are no longer willing to deliver further than 30 miles. We are going to have to change our ways of living, buying more locally produced goods. There is great opportunity here for new local businesses. People are going to have to once again learn how to eat the food that is in season. Maybe local butcher shops will once again thrive,

and be able to compete with the giant slaughter houses. None of this local economic development will happen if we once again are able to buy cheap gas.

I do not favor anything that will bring the price of gas down. Our own natural reserves of oil in the ground should be saved for future generations to be used in manufacturing and other basic industries, instead of being burned up in internal combustion machines. I agree with you wholeheartedly that we need to turn to nuclear (providing there is adequate resources of uranium) and other non oil energy sources, and end our dependence on oil. Without the pain involved in high oil prices, there will not be the will to make this difficult transition. Please stop trying to extract the last drop of oil from the ground so we can have cheap gas, and start thinking about the future.

JANET.

This hits the nail on the head, Senator. Until we cut down on the long-range use of fuels in this country for private transportation, the costs will—most likely—continue to accumulate and even accelerate.

We see it on the highway as semi after semi tools along burning more fuel that an equivalent freight train to handle the same load. Somehow we have to come to grips with this or we are going to find ourselves either walking, or starving, or both.

We see it on the highways and bi-ways of this country as 4-wheelers burn up fuel for recreation that could be put to better use. And, if you so much as suggest this might be a waste of precious resources, your political career would be in jeopardy!

I appreciate the positive steps that you have taken in regard to legislation. The solutions are going to be hard—drill for oil, conserve what we have, eliminate unnecessary trips and combine errands to save gas. And quit using gasoline for recreational uses. These are some of the first steps.

But, ultimately, we are going to have to look deeply at the problem of public transportation in this country. People are too selfish and too intent on achieving their own ends to cooperate until the situation becomes dire.

But I am sure you will agree that this attitude of ''you will have to pry my dead hands off the steering wheel (or handlebars) to get me to stop my wasteful practices'' will actually only cease when we run out of oil or can no longer afford it. And that will be too late to do anyone any good.

Limited public transportation options mean that many of us do not have any choice but to keep driving and paying those ever-increasing prices for fuel

RAY.

TRIBUTE TO COLONEL ERIC J. WILBUR

Mr. GRASSLEY. Mr. President, it is my honor to pay tribute today to COL Eric J. Wilbur, Vice Commander of the 37th Training Wing at Lockland Air Force Base. On February 1, 2009, Colonel Wilbur will retire after a distinguished 20-year military career in which he has honorably and faithfully served his country. Among many other awards, Colonel Wilbur has been decorated with the Legion of Merit, the Bronze Star, and the Defense Meritorious Service Award.

I have always considered it a privilege to highlight the distinguished service of those men and women serving in the military, especially when they have Iowa ties. As an Iowa native and graduate of Iowa State University, I am confident that Colonel Wilbur retires not only with the esteem and admiration of his peers, subordinates, and country but also his hometown of West Union, IA, and all Iowans.

Through his distinguished career, Colonel Wilbur has been a noteworthy example of the definition of loyalty, dedication, and sacrifice. Today I would like to extend my personal thanks to Colonel Wilbur for faithfully serving his country with excellence, as well as my congratulations on his much deserved retirement. Men and women such as Colonel Wilbur deserve to be recognized for their service and patriotism.

ADDITIONAL STATEMENTS

CONGRATULATING LAURA SANDERS

• Mr. BUNNING. Mr. President, I congratulate Ms. Laura Sanders as Kentucky's 2008 No Child Left Behind American Star of Teaching. Initiated in 2004, the American Starts of Teaching is part of the U.S. Department of Education's Teacher-to-Teacher Initiative. By offering regional and district workshops, roundtables for teachers and principals, and digital learning, the Teacher-to-Teacher Initiative allows some of our nation's best teachers to share strategies to raise student achievement and inform teachers of successful research-based practices. Each year, over one million, students are taught by a teacher who participated in the Teacher-to-Teacher Initiative.

Ms. Sanders, a kindergarten teacher at Cumberland Trace Elementary School in Bowling Green, KY, has been recognized as one of Kentucky's top teachers. She developed teaching practices in her classroom along with research-based materials that have helped her students to consistently make clear improvements. Over the past 2 years, her students' reading scores have gone from the 50th percentile in the fall to over the 85th and 91st percentile the following spring. Ms. Sanders' ability to assess the individual needs of each student has enabled her to ensure that every child is working at an appropriate pace and level. Having already been a recipient of numerous awards for her contribution to education, her work is widely recognized.

I am proud to recognize Ms. Sanders for her ability to effectively challenge students at Cumberland Trace Elementary School, while at the same time sharing her techniques with other teachers—making a difference in the lives of students. Her work is an inspiration to the citizens of Kentucky and to teachers everywhere. I look forward to seeing all that she will accomplish in the future.•

HONORING THE HEALTH OCCUPATION STUDENTS OF AMERICA

• Mr. CORNYN. Mr. President, today I wish to recognize the Health Occupation Students of America, HOSA, for their accomplishments over the past 32 years. Composed of 100,000 students in nearly 3,000 chapters across the Nation, HOSA is providing the knowledge, skills and opportunity for secondary and postsecondary students to enter the health care workforce. Through health science curricula, personal development exercises, practical work in the health care field and medical competitions at the local and national levels, HOSA Advisors and students prepare a healthcare workforce not only to serve but also to lead our country.

Now more than ever, we need organizations like HOSA to address critical shortages in the health care industry. Occupational programs in our high schools offer training for young students and often help them find a rewarding career path. Programs like HOSA direct students to worthwhile vocations while also leading the effort to stimulate industry and job growth.

The American healthcare system faces myriad, complex challenges: rising prescription drug costs, a lack of stable insurance coverage, and a medical bureaucracy that is increasingly difficult to navigate. Qualified healthcare professionals should not be one of them. HOSA has found a way to combine two very important needs in our economy: an educated workforce and competent health care professionals.

I am proud that Texas is home to HOSA National Headquarters and to 491 chapters, the most of any State in the Nation. HOSA is helping build a pipeline of skilled health care workers to ensure that health care in the United States remains a model of professionalism, compassion, and innovation to the world. I commend these talented and ambitious young men and women for their dedication both to the health care profession and to our Nation.•

REMEMBERING DON HASKINS

• Mr. CORNYN. Mr. President, today I wish to pay tribute to Don Haskins, a great Texan, legendary basketball coach, and remarkable man who passed away earlier this week at his home in El Paso.

Haskins, who started his career coaching small-town high school basketball teams, served as the head coach at Texas Western College, now the University of Texas at El Paso, UTEP, from 1961 to 1999. His decision to ''put

my five best guys on the court'' in the 1966 NCAA national championship game against the Kentucky Wildcats is now widely regarded as a catalyst for racial integration in college sports. The Texas Western Miners, with an all-Black starting lineup, beat the Wildcats 72–65. Their inspiring story is told in the film, ''Glory Road,'' and the book of the same name.

Over his long career, Coach Haskins compiled a 719–353 record and earned a place in the Naismith Memorial Basketball Hall of Fame in 1997 and the Texas Sports Hall of Fame in 1987. Over the years, he turned down lucrative job offers in order to stay at UTEP. He retired in 1999 with the fourth best record in history that included winning seven Western Athletic Conference, WAC, championships and four WAC tournament titles.

While Coach Haskins was known for his tough and competitive spirit, he is also remembered for his selfless acts of kindness.

According to an Associated Press report, ''USC coach Tim Floyd, a former Haskins assistant, said he once got a call from the mayor of Van Horn, a small town about 120 miles east of El Paso, to thank Haskins for giving a ride to a family of five stranded along the highway.

'' 'He'd been coyote hunting and saw a station wagon broken down,' Floyd recalled this week. 'He put them (the family) in his truck, drove them to El Paso, put them up in a hotel for two nights, and gave them $1,000.'

''The family drove to Los Angeles after Haskins also helped get their car repaired. The coach never told anyone about it, not even his wife, according to Floyd.

''Floyd said he never told the story before, mostly because Haskins wouldn't have wanted anyone to know.

'' 'I'm only telling it now because he's gone,' Floyd said. 'I want people to know.' ''

In deciding to devote the best years of his life and career to the people of Texas, Coach Haskins built a legacy that will continue to inspire generations. I join with all Texans as we mourn his passing and extend our deepest condolences to his family.●

COMMENDING THE IDAHO ARMY NATIONAL GUARD UNIT

● Mr. CRAPO. Mr. President, in early August, I was informed that an Idaho Army National Guard Unit from eastern Idaho was awarded one of the U.S. Army's highest commendations, the Meritorious Unit Commendation. The First Battalion, 148th Field Artillery Unit based in Pocatello served as part of the Idaho Army National Guard's 116th Cavalry Brigade combat team in 2004 and 2005 in Iraq. Although part of a combat brigade, these citizen soldiers are doctors, dentists, electricians, lawyers, and other occupations as Idaho civilians. BG Alay Gayhart, Assistant Adjutant Army General for the Idaho Army National Guard, has rightly noted that these men and women utilized their civilian occupational skills in Iraq to help restore civic and governmental services to the country. I am honored to call myself a fellow Idahoan of these brave men and women, some of whom I had the pleasure of meeting prior to their deployment when they were at Fort Bliss, TX, at the end of the summer in 2004. I congratulate them on their professionalism, commitment to our mission, and am happy for their safe return to family and friends. I also keep the families and friends of those who made the ultimate sacrifice in prayer as they continue on without their loved ones.

Idaho has a proud history of military service. Her sons and daughters have been serving our Nation in uniform far from home since the days of the Spanish American War in the early 20th century. The deployment of the 116th Cavalry Brigade combat team from 2004 to 2005 was the largest deployment of the Idaho Army National Guard in history.

The Meritorious Unit Commendation is awarded to military commands that display exceptionally meritorious conduct in the performance of outstanding service, heroic deed, or valorous actions. The unit was recommended for the award by the U.S. Army's higher headquarters and was selected by the Pentagon for the commendations.●

DENISON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Denison Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Denison Community School District received a 2002 Harkin grant totaling $904,200 which it used to help with renovations at the elementary school including the installation of air conditioning. The district also received a 2005 construction grant to help build a new middle school and make renovations at the former middle school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent new schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Denison Community School District. In particular, I would like to recognize the leadership of the Board of Education, president Rod Bradley, vice president Brenda Martens, Mark Johnson, Kris Rowedder and Les Lewis and former board member Craig Dozark. I would also like to recognize superintendent Michael Pardun, former superintendent Bill Wright, business manager Larry Struck and the co-chairs of the Vote Yes Committee, Dr. Scott Bowker and Chad Langenfeld.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Denison Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

ESTHERVILLE-LINCOLN CENTRAL COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent

reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Estherville-Lincoln Central Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Estherville-Lincoln Central Community School District received three fire safety grants totaling $350,000 to make safety improvements throughout the district, including the installation of new fire alarm systems at the elementary and middle schools and replacement of doors and hardware at the high school. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Estherville-Lincoln Central Community School District. In particular, I would like to recognize the leadership of the Board of Education—president Molly Anderson, vice president Karen Butler, Nancy Anderson, Mike Karels, Don Schlitz, Jodie Grieg, and Duane Schnell and former board members, Gordon Juhl, Tom Ross, and Gary Feddern. I would also like to recognize superintendent Richard Magnuson, elementary principal Kris Schlievert, former middle school principal Steve Schroeder, former high school principal Susan Bish, business manager Kate Woods, maintenance supervisors Al Hall and Larry Enderson, Estherville Police Chief Eric Milburn and Estherville Fire Chief Randy Cody.

As we mark the 10th anniversary of the Harkin School grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Estherville-Lincoln Central Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

MFL MARMAC COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the MFL MarMac Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The MFL MarMac Community School District received a 2001 Harkin grant totaling $162,500 which it used to help build an addition at the high school for the music programs and to remodel the former music classrooms to expand the library. The district also received a 2003 fire safety grant for $25,000 to upgrade the fire alarm system in the Monona building. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the MFL MarMac Community School District. In particular, I'd like to recognize the leadership of the Board of Education, president Jill Winkowski, vice president Patti Ruff, Patty Burkle, Toni Niel, Brian Meyer, Terry Mohs and Greg Formanek and former members Craig Strutt, Norm Lincoln and Jerry Schroeder and superintendent Dale Crozier. I would also like to recognize the many individuals who served on the MFL MarMac facility committee which provided valuable input on meeting the needs of the school district.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the MFL MarMac Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

POSTVILLE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Postville Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the

State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Postville Community School District received a 2002 Harkin grant totaling $1 million which it used to help build an addition to the elementary school that included a new media center and administrative offices. The district also received a 2003 grant totaling $265,408 for renovations at the high school. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Postville Community School District. In particular, I'd like to recognize the leadership of the Board of Education, president Brad Rekow, Jeff Cox, Laura Lubka, Jamie Smith and Dan Schutte and former board members Staci Malcom, Kathy Ohloff, Gary Catterson, Dennis Koenig and Dennis White. I would also like to recognize the chairman of the district's capital campaign, Cloy Kuhse, superintendent Darwin Winke, former superintendent David Strudthoff and architect Mark Moine of Gardner Architecture.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Postville Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

HONORING DR. AL LORENZO

● Mr. LEVIN. Mr. President, the importance of providing access to a quality education is one of our most important goals as a nation, as our children and grandchildren compete in an ever increasingly complex workplace. Those who dedicate their lives to this mission have chosen one of the most rewarding and satisfying life paths. For 29 years, Dr. Albert Lorenzo served as president of Macomb Community College, skillfully charting a course that has greatly benefitted not only those who have been directly affiliated with the college, but also the surrounding community. His commitment to educating students has transformed countless lives.

July 1, 2008, marked the end of an era for one of Michigan's premier educational institutions, Macomb Community College, and the end of a richly rewarding journey for Dr. Lorenzo. I, along with my Michigan colleague, Senator STABENOW, would like to sincerely thank him for a job well done and for making such a significant contribution to the lives of the people of Macomb County and the State of Michigan.

Dr. Lorenzo was installed as the fourth president of Macomb Community College in July 1979 and navigated the college through significant transition and growth. Upon his retirement, he was the longest-serving community college president in Michigan. Under his leadership, Macomb Community College began offering classes leading to various bachelor degrees in 1991, filling an important void in the community. Dr. Lorenzo is also credited with creating the first ever university center model, which is now used in community colleges throughout the country. Macomb's University Center facilitates partnerships with eight universities and institutions, working to bring higher educational opportunities to this underserved community in Michigan. The college is flourishing, with an enrollment of approximately 27,000 students and with three out of every four Macomb County college students beginning their college careers at MCC.

In addition to his commitment and success at MCC, Dr. Lorenzo has been a leading member of the Macomb community. Over the years, he has been active on several corporate boards and policy commissions, has worked with several national advisory groups and has been appointed by both Governor Engler and Governor Granholm to economic advisory boards.

Al Lorenzo has also been recognized nationally for his many publications and has been awarded 12 major leadership awards, as well as 2 honorary doctoral degrees. He has received numerous other commendations, including the Tom Peters Leadership Award, and the March of Dimes Citizen of the Year Award. Additionally, he was named President of the Year by three national associations.

Al will be devoting the next chapter of his life to solving the economic and educational challenges that face Macomb County and Michigan by working with Oakland University as they expand their services in Macomb County. We know our colleagues in the Senate join us in recognizing Dr. Al Lorenzo, his wife Katherine, and their family on his retirement. He has left an enduring mark on the educational landscape in Michigan, and we wish him many more years of service and success as he begins this new endeavor.●

ANNIVERSARY OF MARIAN HIGH SCHOOL

● Mr. LEVIN. Mr. President, I would like to offer my warmest congratulations to the students, faculty and staff of Marian High School on the 50th anniversary of the school's founding. This is indeed an important milestone, and the many contributions they have made are evident throughout the Detroit community.

For a half century, the faculty and staff of Marian High School have worked tirelessly to educate young women and prepare them for college and the workforce. The school's emphasis in service instills the values of leadership and responsibility in Marian High students, and the strong academic curriculum, vast array of sports and activities, and qualified staff has contributed mightily to the success of many women over the years.

Education is an investment in the future of our Nation, and students and schools must aspire to high standards. Throughout the last 50 years, the faculty and staff of Marian High School have met this challenge by fostering a nurturing and safe environment for its students to grow and develop. The most recent example of this is the class of 2007, which produced five National Merit Scholars, 37 Phi Beta Kappa Honorees, and numerous other scholarship winners. Students at Marian continued to consistently score above State and national averages on the SAT and ACT tests, a testament to the high standard of excellence cultivated at Marian High School.

I know my Senate colleagues join me in extending my congratulations to the faculty, staff, alumni, and students of Marian High School on the school's 50th anniversary. I wish them the best as they continue this important work for another half century.●

WEST VIRGINIA ANGELS IN ADOPTION

● Mr. ROCKEFELLER. Mr. President, today I honor the love and commitment exhibited by two of my fellow

West Virginians, Jeff and Amy Dunford of Spanishburg, my 2008 nominees as West Virginia's Angels in Adoption. I have participated in this program by the Congressional Caucus on Adoption since its inception, and I am proud to talk about this year's West Virginia family.

In 2003, Jeff and Amy made the wonderful decision to become foster parents. They, like many caring West Virginia families, opened up their home and created a loving environment for children in need of such a place.

The Dunfords started with a sibling group, and by the spring of 2005, the Dunfords have successfully adopted three children, all the while continuing to provide both a short-term and long-term home for additional foster children. In fact, it was not long after the adoption process was completed that another sibling group was placed in the Dunford home. These three boys, all under the age of 3, would also be adopted by the Dunfords.

Being a foster and adoptive family always has its challenges, as well as its unique rewards. Taking care of young children often means sleepless nights, unexpected emergency room visits, and countless parent-teacher conferences. They were also faced with situations unique to foster families, including biological parent visits and counseling sessions. Through it all, the Dunfords faced these challenges with love and determination and now six children have a permanent and loving home.

Today, the Dunford family consists of Jeff and Amy, Jeremy, Walter, Holly, Richard, Greg, and Christopher. Jeff and Amy continue to be active in the foster care system, providing assistance with recruitment and training.

Jeff and Amy are a testament to the wonderful men and women involved in foster care and adoption services. Throughout my Senate career and as a member of the Congressional Coalition on Adoption, I have worked hard in a bipartisan manner to expand and support adoptive and foster parents. Over the years, progress has been made, and since the 1997 Adoption and Safe Family Act which I fought for, adoptions for foster care have doubled—a true sign of success. But with over 100,000 children still in foster care and waiting to be adopted, there is more to do.

This year, I am working with a bipartisan coalition to expand the adoption incentives program, improve adoption assistance and on programs enhancing foster care. As important as policy can be, the true heroes are the parents like the Dunfords, who have selflessly opened up their home to vulnerable children. I hope their story, and the stories of all this year's Angels in Adoption, will inspire my colleagues and families nationwide to promote adoption and other supports for vulnerable children.●

MESSAGE FROM THE HOUSE

At 2:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R.6168. An act to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''.

H.R.6575. An act to require the Archivist of the United States to promulgate regulations to prevent the over-classification of information, and for other purposes.

H.R.6630. An act to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6168. An act to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6575. An act to require the Archivist of the United States to promulgate regulations to prevent the over-classification of information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6630. An act to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7500. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to certain terrorist attacks; to the Committee on Banking, Housing, and Urban Affairs.

EC–7501. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Singapore; to the Committee on Banking, Housing, and Urban Affairs.

EC–7502. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of the Philippines; to the Committee on Banking, Housing, and Urban Affairs.

EC–7503. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. Exports to Hong Kong; to the Committee on Banking, Housing, and Urban Affairs.

EC–7504. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((73 FR 46809)(44 CFR Part 65)) received on August 27, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7505. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((73 FR 46811)(44 CFR Part 67)) received on August 27, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7506. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Conforming Amendment to Include Students with Disabilities Receiving Assistance as of November 30, 2005'' ((RIN2501-AD43)(FR-5226-F-01)) received on August 27, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7507. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Kosovo in the Export Administration Regulations'' (RIN0694-AE34) received on August 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7508. A communication from the President of the United States, transmitting, pursuant to law, the District of Columbia's Budget Request Act for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–7509. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the organization's inventory of commercial activities for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7510. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, a report relative to the Commission's FAIR Act inventory for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7511. A communication from the Chief of Staff and Director of Communications, Office of Special Counsel, transmitting, pursuant to law, the Office of Special Counsel's Buy American Act report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–7512. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's inventory of non-inherently governmental activities during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–7513. A communication from the Acting Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Critical Position Pay Authority''

(RIN3206–AK87) received on August 26, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7514. A communication from the Deputy Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Dental and Vision Insurance Program'' (RIN3206–AL03) received on August 26, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7515. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items that will not measurably improve the missile or space launch capabilities of the People's Republic of China (one two-inch fluid energy mill); to the Committee on Foreign Relations.

EC–7516. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, a correspondence from the Chairman of Bahrain's Council of Representatives; to the Committee on Foreign Relations.

EC–7517. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to post-liberation Iraq for the period of June 15, 2008, through August 15, 2008; to the Committee on Foreign Relations.

EC–7518. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the employment of an adequate number of Americans during 2007 by the United Nations; to the Committee on Foreign Relations.

EC–7519. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–129–2008–139); to the Committee on Foreign Relations.

EC–7520. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–140–2008–147); to the Committee on Foreign Relations.

EC–7521. A communication from the Secretary General, Inter-Parliamentary Union, transmitting, documents relative to the International Day of Democracy; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Foreign Relations, without amendment:

S. 3052. A bill to provide for the transfer of naval vessels to certain foreign recipients (Rept. No. 110–451).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN:

S. 3460. A bill to establish a pilot program to demonstrate best practices, innovation, and knowledge transfer regarding cyber security within State governments; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD:

S. 3461. A bill to evaluate certain certification programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions .

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3462. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by heirs and survivors of such persons; to the Committee on the Judiciary.

By Mr. TESTER (for himself and Mrs. FEINSTEIN):

S. 3463. A bill to amend the Energy Policy Act of 2005 to establish pilot project offices to improve Federal permit coordination for renewable energy; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 3464. A bill to amend the Trade Act of 1974 to improve the international protection and enforcement of intellectual property rights, and for other purposes; to the Committee on Finance.

By Mr. WICKER:

S. 3465. A bill to reserve certain proceeds from the auction of spectrum, including the auction of the D-block of spectrum, for use to provide interoperable devices to public safety personnel; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 3466. A bill to improve the job access and reverse commute program , and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR:

S. 3467. A bill to extend through April 1, 2009, the MinnesotaCare Medicaid demonstration project; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. ALEXANDER):

S. 3468. A bill to amend title XVIII of the Social Security Act to continue the ability of hospitals to supply a needed workforce of nurses and allied health professionals by preserving funding for hospital operated nursing and allied health education programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. Res. 653. A resolution celebrating the outstanding athletic accomplishments of The Ohio State University football team for achieving its 800th all-time victory; to the Committee on the Judiciary.

By Mr. BROWN (for himself, Mr. VOINOVICH, and Mr. HATCH):

S. Res. 654. A resolution honoring the life and recognizing the accomplishments of the Honorable Stephanie Tubbs Jones, Member of the House of Representatives for the 11th Congressional District of Ohio; considered and agreed to.

By Mrs. CLINTON:

S. Con. Res. 97. A concurrent resolution expressing the sense of Congress regarding sexual assaults and rape in the military; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 507

At the request of Mr. CONRAD, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 903

At the request of Mr. DURBIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1001

At the request of Mrs. HUTCHISON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1001, a bill to restore Second Amendment rights in the District of Columbia.

S. 1232

At the request of Mr. DODD, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2261

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2261, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 2310

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2310, a bill to establish a National Catastrophic Risks Consortium and a National Homeowners' Insurance Stabilization Program, and for other purposes.

S. 2641

At the request of Mr. GRASSLEY, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2641, a bill to amend title XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 2892

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2892, a bill to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force.

S. 2908

At the request of Mr. BROWN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 2998

At the request of Mr. NELSON of Florida, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2998, a bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, and for other purposes.

S. 2999

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2999, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials.

S. 3078

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3078, a bill to establish a National Innovation Council, to improve the coordination of innovation activities among industries in the United States, and for other purposes.

S. 3080

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3200

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3200, a bill to develop capacity and infrastructure for mentoring programs.

S. 3246

At the request of Mr. CARDIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3246, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to set the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction.

S. 3325

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3327

At the request of Mr. KERRY, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 3327, a bill to amend title XIX of the Social Security Act to improve the State plan amendment option for providing home and community-based services under the Medicaid program, and for other purposes.

S. 3361

At the request of Mr. VITTER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3361, a bill to amend title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program.

S. 3362

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3362, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

S. 3377

At the request of Mr. COLEMAN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3377, a bill to amend title 46, United States Code, to waive the biometric transportation security card requirement for certain small business merchant mariners, and for other purposes.

S. 3392

At the request of Ms. KLOBUCHAR, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3392, a bill to amend Homeland Security Act of 2002 to establish an appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes.

S. 3406

At the request of Mr. HARKIN, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990.

S. 3408

At the request of Mr. BAUCUS, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3408, a bill to amend title XI of the Social Security Act to provide for the conduct of comparative effectiveness research and to amend the Internal Revenue Code of 1986 to establish a Comparative Effectiveness Research Trust Fund, and for other purposes.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3458

At the request of Mr. BUNNING, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3458, a bill to prohibit golden parachute payments for former executives and directors of Fannie Mae and Freddie Mac.

S.J. RES. 27

At the request of Mrs. DOLE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto.

S. RES. 636

At the request of Mr. LIEBERMAN, the names of the Senator from Georgia

(Mr. CHAMBLISS), the Senator from North Carolina (Mr. BURR), the Senator from North Carolina (Mrs. DOLE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Res. 636, a resolution recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the members of the United States Armed Forces who made that success possible.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 4979 proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5266

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 5266 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5271

At the request of Mr. VOINOVICH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 5271 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5281

At the request of Mr. NELSON of Nebraska, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 5281 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5282

At the request of Mr. NELSON of Nebraska, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 5282 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5298

At the request of Mr. ALLARD, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Florida (Mr. MARTINEZ), the Senator from Alabama (Mr. SESSIONS), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. KYL), the Senator from Virginia (Mr. WARNER), the Senator from Missouri (Mr. BOND), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. CRAPO), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Ohio (Mr. VOINOVICH), the Senator from Minnesota (Mr. COLEMAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. ISAKSON), the Senator from Tennessee (Mr. CORKER) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 5298 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5302

At the request of Mr. NELSON of Florida, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 5302 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5319

At the request of Mr. SUNUNU, his name was added as a cosponsor of amendment No. 5319 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5320

At the request of Mr. SANDERS, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 5320 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5323

At the request of Mr. LEAHY, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Oregon (Mr. WYDEN), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 5323 proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of amendment No. 5323 proposed to S. 3001, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 3461. A bill to evaluate certain certification programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I introduce a simple bill that is the first step toward helping American workers and businesses. The Skills Standards Certification Evaluation Act of 2008 will require the Secretaries of Labor and Commerce to evaluate skills standards certification programs that have been developed with Federal funding.

Skills Standards Certifications have emerged in the past 2 decades in response to job growth in high-technology and varied industries. The training or classes usually take weeks or months, rather than years. Often, they are developed in response to the needs of one industry or even one company, though the skills may be applicable more widely.

The Federal government has taken conflicting approaches to skills standards certifications over the past two decades. That is why, as part of the Skills Standards Certification Evaluation Act, I require a recommendation from the Secretaries of Labor and Commerce on how Congress ought to move forward with funding for these certification programs. Both the national, top-down, and a local, bottom-up approach have been tried, and a thorough evaluation will make clear how we can

move forward to get the most out of the funding the Federal Government provides.

These certifications have a tremendous benefit for workers. First, because the training is often condensed into a few weeks with a flexible schedule, it allows people to complete certifications without leaving a current job and without the financial cost of attending a full-time program that lasts a year or more. In addition, these programs allow workers to clearly demonstrate a certain set of skills, and may open more doors for higher-paying employment. Because these programs can be completed without leaving work, they also allow workers to advance within a career or company to more skilled positions and better wages and benefits.

For employers, Skills Standards Certifications can simplify the search for employees. I have heard from numerous Wisconsin employers, especially small businesses with limited resources, that it is hard to find employees with the skills they need, or who will be dedicated and loyal. Skills Standards Certifications clearly show the qualification of an individual, of course, but also tell the employer that he or she is dedicated enough to invest in the course to earn the certificate. Very few people will spend the time and money to enroll in such a program if they don't intend to use the certificate.

Lastly, these programs can help State and local governments quantify their skilled workforce, which can be invaluable when marketing the area to businesses and investment.

This bill is a small first step in what I hope can be a continuing effort to help hard working Americans obtain and use high-demand work skills.

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 3464. A bill to amend the Trade Act of 1974 to improve the international protection and enforcement of intellectual property rights, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to express my support for International Intellectual Property Protection and Enforcement Act of 2008 S. 3464, introduced by my friend from Montana, Senate Finance Committee Chairman MAX BAUCUS and myself. This piece of legislation represents months of hard work and collaboration, and I am pleased that we have finally arrived at a consensus on this very important global issue.

The protection of intellectual property has always been one of my top legislative priorities in the Senate. Now more than ever, America's ingenuity continues to fuel our economy, and it is imperative that we protect new ideas and investments in innovation and creativity. Make no mistake about it: piracy and counterfeiting are the new face of economic crime around the world, far exceeding traditional property crimes.

It is estimated that U.S. intellectual property alone is worth $5 to $5.5 trillion, that is equivalent to about 45 percent of our GDP. In other words, this is greater than the entire GDP of any other nation in the world. Additionally, millions and millions of jobs are created every year by U.S. IP industries. And, I might add, these jobs earn an average of 40 percent more than the average pay of other U.S. jobs. Without doubt, America's Intellectual property drives our economy and is the envy of the world and we must do everything to protect our prime status as a world leader on this front.

Counterfeiting and piracy aren't just about downloaded music, pirated software, or fake designer hand bags. It's about the health and safety of the American people. Indeed, counterfeiting and piracy affect all sectors of our economy, including pharmaceuticals, auto parts, and the quality and safety of our food.

S. 3464 will serve as an important bridge in the battle to protect U.S. intellectual property rights overseas. With the rising tide of piracy and counterfeiting abroad, it is vital that we provide those working on the front lines with the tools they need to ensure that our nation's IP rights are lawfully respected by foreign countries.

To that end, S. 3464 will require the U.S. Trade Representative, USTR, to press countries that violate U.S. intellectual property rights to take specific steps to stop violations by developing an action plan for each foreign country that has remained on USTR's ''Priority Watch List'' of intellectual property deficient countries for at least one year. The action plan must list the legislative, enforcement, or other actions that the foreign country must take in order to achieve adequate and effective protection of intellectual property rights.

The legislation also provides funds to increase USTR's ability to partner with developing countries to improve IP protection and enforcement, including capacity building, activities designed to increase awareness of intellectual property rights, and training for officials responsible for enforcing the laws. Additionally, the bill give the President enforcement tools to deal with countries that refuse to fight widespread theft of our Nation's IP.

I am committed to moving this legislation forward and hope that we will do so in an expeditious manner.

By Mr. FEINGOLD:

S. 3466. A bill to improve the job access and reverse commute program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I introduce another piece of my E4 initiative, so named because it is a collection of proposals that address issues important to the economy, education, employment and energy. The piece of legislation I am introducing now focuses on the important supporting role that transportation can play in economic development by creating an environment where employers and those seeking employment or better employment are connected together. Having such a system to overcome transportation hurdles can benefit both employers and employees, as well as the local economy.

In more general terms, investing in our infrastructure like roads, bridges and transit systems can have direct job creation impacts. This is one reason I have fought hard with the rest of the delegation for a fair rate of return for Wisconsin from the highway bill. I was glad the most recent 2005 bill continued a recent streak of getting at least a 1:1 rate of return after decades of being a donor state and not getting a fair share.

In addition to supporting transportation-related jobs, linking workers and businesses that need them can also be an important part of a more comprehensive job creation strategy. This can mean supporting a robust public transportation system or more specific programs designed to link low-income individuals with jobs. I have consistently done the former by supporting public transportation during consideration of the highway bill and Amtrak reauthorizations. But my specific proposal today focuses on the latter and improving the Job Access and Reverse Commute, JARC, program that links low-income workers with employers.

I have heard good things about the JARC program and was glad that it was shifted away from earmarks and was made available as a combination formula and competitively awarded program in the last highway bill. The primary program goal is to locally assess the transportation needs of low-income workers and then plan and fund programs to help alleviate transportation-related barriers to employment or better employment. While the traditional vision for these projects may have begun as reverse commute projects whereby transit routes were established to allow city center residents to access jobs in the suburbs, the program actually does much more than just this and provides reliable transportation to low-income urban, rural and suburban workers.

In Wisconsin, the Federal JARC program is jointly administered by the State departments of transportation and workforce development as the Wisconsin Employment Transportation Assistance Program, WETAP. According to the Wisconsin Department of Transportation, transportation barriers can include a lack of a dependable

vehicle or bus service in the area, an absence of local jobs, or child care transportation problems.

The State agencies in Wisconsin have found several different types of projects to be effective, depending on the local circumstances. These projects have included the traditional public transit projects such as extending bus lines or supporting van-pooling, along with other programs such as providing cars or car repairs to low-income individuals. Wisconsin has even found that assisting with indirect barriers such as transportation of children to and from child care facilities is critical in allowing some individuals to improve their job prospects.

A recent University of Illinois Chicago study found that the societal benefits from this program are $1.65 per dollar spent and estimated lifetime benefits to low-income participants of $15 per dollar spent due to their ability to find and retain better paying jobs. While the goals of the Job Access and Reverse Commute program are important and the program has been found to be fairly effective, there are some details that have prevented the program from reaching its full potential. Working closely with transportation officials in Wisconsin and partially based on recommendations from the UIC study, I've come up with some specific ideas to improve the program.

With a proven effective program and continuing unmet needs by employers and low-income individuals seeking employment, it seems clear to me that JARC could use a boost in funding. So that is why my proposal ramps up funding by $100 million over 5 years from the current funding of $165 million to $265 million in fiscal year 2014.

My proposal would also allow the Federal share of projects to increase to 80 percent from the current 50 percent level for operating expenses. The 50 percent local and State match wasn't feasible for far too many local governments in Wisconsin and as a result Wisconsin has not been able to spend all its Federal funds. The higher Federal cost share will better balance the need to leverage Federal funds, while ensuring that these critical funds are fully utilized—millions of dollars in an account does nothing to link people to jobs.

Besides the challenge in coming up with a 50 percent local cost share, the other main issue that has kept JARC from being as effective as it could be is the paperwork and reporting burden required by the program, especially for the small nonprofit groups that often have never dealt with Federal grant requirements before. My proposal directs the Federal Transit Agency, FTA, to examine the current reporting requirements to see if there are ways to streamline the amount of paperwork required while still ensuring that the program goals are met.

My bill also includes a pilot program funded at $10 million a year for 5 years in order to test a few areas that seem very promising, but should be evaluated more before broader implementation. The first portion of the pilot program builds off the regulatory streamlining evaluation and allows the FTA to test streamlined reporting requirements to help get the balance between oversight and administrative burden in proper balance.

The second part of the pilot program focuses on improving education and employment-related transportation for teens and young adults. Enabling students and young people to reliably get between their high schools or neighborhoods and technical colleges, job training centers or apprenticeships can have a life-long positive impact.

The third section of the pilot program would allow experimentation with combining different transit programs and integrating JARC projects across local political boundaries to provide a more comprehensive local transportation system. Instead of having one transit program to assist the disabled, one targeted toward the elderly and another focused on jobs, this pilot program would encourage funding combined applications to meet these needs together with one comprehensive project. There is even the potential for the Department of Transportation to further coordinate with other departments such as Health and Human Services for health care-related transportation. Similarly, the needs of employers for employees does not recognize local political boundaries, so encouraging greater collaboration between local entities to make a more robust interconnected system should ultimately provide more efficient and effective service.

While the FTA already provides some technical assistance for the JARC program, my proposal provides a small boost in funding and some additional areas of emphasis. For example, after hearing about the struggles that some small nonprofits have with the reporting requirements, in addition to looking for ways to streamline the requirements, my proposal would direct the FTA to also provide some technical assistance especially targeted to this need.

The final element of my proposal is the offset. The new spending authorized in the proposal is fully offset by rescinding highway and bridge earmarks that have not had funds spent from them despite being authorized over a decade ago as part of the TEA–21 highway bill. Helping connect workers and employers is a much better use of these funds than letting them sit unused in some obscure DOT account.

Providing reliable transportation to low-income individuals only goes so far—it is the companies and innovators creating the jobs and the individuals seeking to better their lot through education or more challenging employment, that are doing the heavy lifting. That being said, transportation can clearly be a challenge for companies and workers and in the case of the JARC program can play an important supporting role.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 653—CELEBRATING THE OUTSTANDING ATHLETIC ACCOMPLISHMENTS OF THE OHIO STATE UNIVERSITY FOOTBALL TEAM FOR ACHIEVING ITS 800TH ALL-TIME VICTORY

Mr. BROWN (for himself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 653

Whereas, on September 6, 2008, The Ohio State University football team, known as the ''Buckeyes,'' achieved its 800th win, becoming the 5th major college football program to reach this mark;

Whereas the Buckeyes have an all-time record of 800 wins, 304 losses, and 53 ties in their 119 seasons;

Whereas, in 1890, the Buckeyes played their first game, and since have become a symbol of pride and tradition for the past and present members of The Ohio State University community;

Whereas The Ohio State University has the largest self-supporting athletics program in the country;

Whereas The Ohio State University continues to strive for academic excellence in sports, ranking first in the Big Ten Academic All-Conference Team for the 2007-08 academic year;

Whereas, there are 1,877 Buckeye All-Americans in the history of the program;

Whereas the Ohio State athletic program strives to improve the academic quality of The Ohio State University by donating key funding to renovate Ohio State's academic facilities, including the recent donation to the William Oxley Thompson Memorial Library;

Whereas Ohio State strives for diversity at all levels and was commended nationally in 2007-08 for its National Collegiate Athletic Association academic progress rate, Overall Excellence in Diversity, and for ranking 2nd in the Degree Completion Program;

Whereas each year Ohio State student-athletes and coaches are involved in thousands of hours of community service;

Whereas each player, coach, and contributor to the team remained committed to ensuring that the Buckeyes achieved this historic accomplishment; and

Whereas all supporters of The Ohio State University are to be praised for their dedication to, and pride in, The Ohio State University football program: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates The Ohio State University football team for achieving 800 victories in its 119-year-history;

(2) recognizes The Ohio State University athletic program for its accomplishments in both sports and academics; and

(3) requests the Secretary of the Senate to prepare an official copy of this resolution for presentation to—

(A) The Ohio State University for appropriate display;

(B) the President of The Ohio State University, Dr. E. Gordon Gee; and

(C) the head coach of The Ohio State University football team, Mr. Jim Tressel.

SENATE RESOLUTION 654—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF THE HONORABLE STEPHANIE TUBBS JONES, MEMBER OF THE HOUSE OF REPRESENTATIVES FOR THE 11TH CONGRESSIONAL DISTRICT OF OHIO

Mr. BROWN (for himself, Mr. VOINOVICH, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 654

Whereas Stephanie Tubbs Jones was born on September 10, 1949, in Cleveland, Ohio, and attended Case Western Reserve University and the Franklin Thomas Backus School of Law;

Whereas, in 1982, at the age of 33, Stephanie Tubbs Jones was elected to serve on the Cleveland Municipal Court;

Whereas, in 1983, Stephanie Tubbs Jones became the first African-American woman to serve on the Court of Common Pleas in the State of Ohio;

Whereas Stephanie Tubbs Jones served as the Cuyahoga County Prosecutor from 1991 through 1999, becoming the first woman and the first African-American to hold the position;

Whereas, in 1998, Stephanie Tubbs Jones was elected to the first of 5 terms in the House of Representatives, where she was a tireless advocate for the citizens of Ohio's 11th Congressional District and championed increased access to health care, improved voting rights, and quality education for all;

Whereas Stephanie Tubbs Jones was the first African-American woman to represent the State of Ohio in Congress;

Whereas Ohio has lost a beloved daughter and the House of Representatives one of its strongest voices with the passing of Stephanie Tubbs Jones on August 20, 2008: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of the Honorable Stephanie Tubbs Jones and expresses its condolences to her family and friends and to the people of the 11th Congressional District of Ohio; and

(2) honors the life of Stephanie Tubbs Jones, a highly esteemed and accomplished Member of Congress, dedicated community leader, and tireless advocate for those in need.

SENATE CONCURRENT RESOLUTION 97—EXPRESSING THE SENSE OF CONGRESS REGARDING SEXUAL ASSAULTS AND RAPE IN THE MILITARY

Mrs. CLINTON submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 97

Whereas, since 2002, 59,690 female veterans have reported being raped or sexually assaulted or experiencing another form of sexual trauma while in the military;

Whereas, according to the Department of Veterans Affairs, female veterans reporting rape, sexual assault, or other sexual trauma constitute almost 20 percent of the women seen at facilities of the Department nationwide;

Whereas 41 percent of female veterans treated at the West Los Angeles Medical Center of the Department of Veterans Affairs reported being sexually assaulted while in the military and 29 percent of such veterans reported being raped while in the military;

Whereas the number of reported sexual assaults and rapes in the military increased by 73 percent from 2004 to 2006, according to the Department of Defense;

Whereas 2,688 sexual assaults were reported in the military in fiscal year 2007, including 1,259 reports of rape, according to the Department of Defense;

Whereas the military chain of command took no action in almost half of the cases of sexual assault in the military investigated by military authorities, claiming insufficient evidence, and the majority of the cases in which some action was taken were resolved through nonjudicial punishment or administrative action, which in most cases amounts to little more than a slap on the wrist;

Whereas only 181 of the 2,212 subjects, or 8 percent, investigated by the military for sexual assault during fiscal year 2007 were referred to courts martial;

Whereas civilian law enforcement authorities prosecute approximately 40 percent of individuals arrested for rape, according to statistics of the Department of Justice and the Federal Bureau of Investigation;

Whereas the absence of aggressive prosecutions by the military perpetuates a hostile environment and hinders a victim's willingness to report a sexual assault or rape;

Whereas, in 2005, the Department of Defense created the Sexual Assault Prevention and Response Office, which serves as the single point of accountability and oversight for the policies of the Department relating to sexual assault;

Whereas the Sexual Assault Prevention and Response Office has improved reporting of sexual assault and rape, but still does not track investigations or prosecutions of reported cases; and

Whereas sexual assault and rape in the military are a threat to the national security of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of Defense should develop a comprehensive strategy to increase and encourage investigation and prosecution of sexual assault and rape cases in the military that includes—

(1) requiring commanders to be held accountable for sexual assaults and rapes that occur in the units under their command and to provide justification for disposing of cases through nonjudicial punishment and other administrative actions;

(2) developing and enhancing existing prevention and response programs by using proven best-practice methods to create a culture that prevents sexual assault and rape in the military and encourages more reporting of sexual assaults and rapes by victims;

(3) conducting more aggressive oversight of existing prevention and response programs, establishing performance metrics to ensure that such programs are effective, and analyzing trends in the prevention and reporting of sexual assaults and rapes;

(4) reviewing current training methods for all personnel involved in military investigations of sexual assault and rape cases, and for judge advocate staff, and implementing any improvements that are necessary;

(5) encouraging communication and data sharing between the Sexual Assault Prevention and Response Office and other components of the Armed Forces and the Department of Defense to enhance coordination and oversight of sexual assault and rape cases as those cases move through the legal process;

(6) reviewing the capacity of the legal infrastructure of the Armed Forces to investigate and prosecute effectively sexual assault cases in the military;

(7) examining any additional barriers, such as the availability of staff and the adequacy of resources, on military installations and facilities in the United States and abroad, and in theaters of operations, to conduct effective investigations of sexual assault and rape cases;

(8) reviewing command disposition of cases and identifying whether additional oversight is required to ensure that the resolution of cases through nonjudicial means is justified;

(9) classifying a military protection order as a standing military order to ensure that an investigation has occurred and appropriate command authorities have completely adjudicated allegations before the order can be overturned;

(10) establishing a policy that mandates the notification of any military protective order issued at a military installation to local civilian law enforcement agencies to provide the continuity of protection to victims; and

(11) ensuring that once a member of the Armed Forces has notified the member's command that the member has been sexually assaulted or raped, the command affords the member an opportunity for transfer if a military protection order is issued.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5339. Mr. ALEXANDER (for himself, Mr. BINGAMAN, Mr. VOINOVICH, Mr. KENNEDY, Ms. MURKOWSKI, Mr. BROWN, Mr. MCCONNELL, Mr. HARKIN, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5340. Mr. LUGAR (for himself, Mr. BIDEN, Mr. DURBIN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5341. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5342. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5343. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5344. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5345. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5346. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5347. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LEAHY, Mr. WYDEN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5348. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5349. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5350. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5351. Mr. AKAKA (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5352. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5353. Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5354. Mr. BURR (for himself, Mrs. CLINTON, Mr. ALEXANDER, Mr. INHOFE, Mr. WICKER, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5355. Mr. GRAHAM (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5356. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5357. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5358. Mr. ENSIGN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5359. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5360. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5361. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5362. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5363. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5364. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5365. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5366. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5367. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5368. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mr. ALLARD, Mr. BOND, Mr. BENNETT, Mr. BROWNBACK , Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. ENSIGN, Mr. DOMENICI, Mr. ENZI, Mrs. HUTCHISON, Mr. ISAKSON, Mr. THUNE, Mr. INHOFE, Mr. KYL, Mr. WICKER, Mr. ROBERTS, Mr. CHAMBLISS, Mrs. DOLE, Mr. BURR, Mr. MARTINEZ, Mr. STEVENS, Mr. COBURN, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5369. Mr. WHITEHOUSE (for himself, Mrs. FEINSTEIN, Mr. ROCKEFELLER, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5370. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5371. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5372. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5373. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5374. Mr. REID (for Mr. BIDEN (for himself, Mr. KERRY, and Mr. HAGEL)) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5375. Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5376. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5377. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5378. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5379. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5380. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5381. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5382. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5383. Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5384. Mr. LAUTENBERG (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5385. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5386. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5387. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5388. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5389. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5390. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5391. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5392. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5393. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5394. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5395. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5396. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5397. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5398. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5399. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5400. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5401. Mr. BROWN submitted an amendment intended to be proposed by him to the

bill S. 3001, supra; which was ordered to lie on the table.

SA 5402. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5403. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5404. Mrs. CLINTON (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5405. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5406. Mr. LEAHY (for himself, Mr. BOND, Mr. FEINGOLD, Mr. BROWN, Ms. KLOBUCHAR, Mr. HARKIN, Mr. JOHNSON, Mr. CASEY, Mr. BYRD, Mr . GRASSLEY, Mr. SMITH, Mr. CARDIN, Mr. CRAIG, Mr. WYDEN, Mr. ROCKEFELLER, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5407. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5408. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5409. Mr. BROWN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5410. Mr. HARKIN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5411. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5412. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5413. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5414. Mr. KYL (for himself, Mr. VITTER, Mr. INHOFE, Mr. MARTINEZ, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill S. 3001, supra.

SA 5415. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5416. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5417. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5418. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5419. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5420. Mr. TESTER (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5421. Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5422. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5423. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5424. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5425. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5426. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5427. Mrs. BOXER (for Mr. BAUCUS) proposed an amendment to the bill H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

SA 5428. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5429. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5430. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5431. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5432. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5433. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5434. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5435. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5436. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5437. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5438. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5439. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5440. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5441. Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5442. Mrs. MCCASKILL (for herself, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5443. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5444. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5445. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5339. Mr. ALEXANDER (for himself, Mr. BINGAMAN, Mr. VOINOVICH, Mr. KENNEDY, Ms. MURKOWSKI, Mr. BROWN, Mr. MCCONNELL, Mr. HARKIN, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SECTION 3116. PAYMENT OF COMPENSATION TO SURVIVORS OF DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) SHORT TITLE.—This section may be cited as the ''Energy Employees Occupational Illness Compensation Program Improvement Act of 2008''.

(b) PAYMENT OF COMPENSATION TO SURVIVORS OF DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES.—

(1) IN GENERAL.—Section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–1) is amended to read as follows:

''SEC. 3672. COMPENSATION TO BE PROVIDED.

''Subject to the other provisions of this subtitle:

''(1) CONTRACTOR EMPLOYEES.—

''(A) IN GENERAL.—A covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3673.

''(B) COMPENSATION AFTER DEATH OF CONTRACTOR EMPLOYEE.—

''(i) IN GENERAL.—Except as provided in paragraph (2)(B), if the death of a contractor employee occurs after the employee applies for compensation under this subtitle but before such compensation is paid, the amount of compensation described in clause (ii) shall be paid to a survivor of the employee (for purposes of section 3674) or, if the employee has no such survivors, to the surviving family members of the employee in accordance

with the procedures set forth in section 3628(e)(1).

''(ii) AMOUNT OF COMPENSATION.—The amount of compensation described in this clause is the amount of compensation the contractor employee would have received pursuant to section 3673(a), except that if the Secretary cannot determine the minimum impairment rating of the employee under paragraph (1) of such section as a result of the death of the employee, such compensation shall not include compensation pursuant to such paragraph.

''(2) SURVIVORS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) or paragraph (1)(B), a survivor of a covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3674.

''(B) ELECTION OF CONTRACTOR EMPLOYEE COMPENSATION OR SURVIVOR COMPENSATION.—A survivor who is otherwise eligible to receive compensation pursuant to both subparagraph (A) and paragraph (1)(B) shall not receive compensation pursuant to both subparagraph (A) and paragraph (1)(B), but shall receive compensation pursuant to subparagraph (A) or paragraph (1)(B), as elected by the survivor.

''(C) COMPENSATION AFTER DEATH OF SURVIVOR.—If the death of a survivor occurs after the survivor applies for compensation under this subtitle but before such compensation is paid and, in the case of compensation pursuant to paragraph (1)(B), there are no other survivors of the employee (for purposes of section 3674), the amount of compensation the survivor would have received under this section shall be paid to the surviving family members of the employee in accordance with the procedures set forth in section 3628(e)(1).''.

(2) APPLICABILITY.—The provisions of section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–1), as amended by paragraph (1), shall apply to applications for compensation under subtitle E of such Act filed before, on, or after the date of the enactment of this Act.

SA 5340. Mr. LUGAR (for himself, Mr. BIDEN, Mr. DURBIN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle E—Reconstruction and Stabilization Civilian Management

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Reconstruction and Stabilization Civilian Management Act of 2008''.

SEC. 1242. FINDINGS.

(a) FINDINGS.—Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the ''Coordinator'') was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator's mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary's direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator's assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

(5) The President's Fiscal Year 2009 Budget Request to Congress includes, as part of the request for the Department of State and Other International Programs, $248,600,000 for a Civilian Stabilization Initiative that would vastly improve civilian partnership with the Armed Forces in post-conflict stabilization situations, including by establishing an Active Response Corps of 250 persons, a Standby Response Corps of 2000 persons, and a Civilian Response Corps of 2000 persons.

SEC. 1243. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term ''agency'' means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this subtitle, the term ''Department'' means the Department of State.

(5) PERSONNEL.—The term ''personnel'' means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of State.

SEC. 1244. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

''SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.

''(a) ASSISTANCE.—

''(1) IN GENERAL.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to respond to the crisis using funds referred to in paragraph (2).

''(2) FUNDS.—The funds referred to in this paragraph are funds as follows:

''(A) Funds made available under this section.

''(B) Funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

''(b) SPECIAL AUTHORITIES.—In furtherance of a determination made under subsection (a), the President may exercise the authorities contained in sections 552(c)(2) and 610 without regard to the percentage and aggregate dollar limitations contained in such sections.''.

SEC. 1245. RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 62. RECONSTRUCTION AND STABILIZATION.

''(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

''(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

''(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

''(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

''(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the reconstruction and stabilization of a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

''(B) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the non-military resources and capabilities of agencies (as such term is defined in section 1243 of the Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

''(C) Planning, in conjunction with USAID, to address requirements, such as demobilization, disarmament, rebuilding of

civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

''(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

''(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

''(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

''(G) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

''(H) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication.

''(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

''(b) RESPONSE READINESS CORPS.—

''(1) RESPONSE READINESS CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish and maintain a Response Readiness Corps (referred to in this section as the 'Corps') to provide assistance in support of reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of the active component) to provide such assistance when deployed to do so by the Secretary to support the purposes of this Act.

''(2) CIVILIAN RESERVE CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to employ and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps pursuant to a determination by the President under section 618 of the Foreign Assistance Act of 1961.

''(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

''(c) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.''.

SEC. 1246. AUTHORITIES RELATED TO PERSONNEL.

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1245 of this Act), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) AUTHORITY REGARDING DETAILS.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this subtitle, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 1245 of this Act.

SEC. 1247. RECONSTRUCTION AND STABILIZATION STRATEGY.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

SEC. 1248. ANNUAL REPORTS TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act and annually for each of the five years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this subtitle. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Reserve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1245 of this Act).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has had on the capacity and readiness of any domestic agencies or State and local governments from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 1247 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1956, including measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

SA 5341. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. PILOT PROGRAM ON PROVISION OF MOBILE CARE AND SERVICES TO VETERANS LIVING IN RURAL AREAS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a program to assess the feasibility and advisability of providing care and services described in subsection (d) to veterans residing in rural areas through the mobile centers described in subsection (e).

(b) GENERAL ADMINISTRATION.—

(1) PRINCIPAL RESPONSIBILITY.—The Secretary shall carry out the pilot program through the Director of the Office of Rural Health of the Department of Veterans Affairs.

(2) CONSULTATION.—The pilot program shall be developed and carried out in consultation with the following:

(A) The Regional Director of Veterans Integrated Services Network (VISN) 23, in which mobile Department of Veterans Affairs clinics are currently in operation.

(B) The Director of the Office of Rural Health Policy of the Department of Health and Human Services.

(C) The agencies or offices for rural health in the States selected for participation in the pilot program.

(D) The country or local agencies or offices for rural health in the areas designated for the pilot program.

(c) LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out in not less than three Veterans Integrated Services Networks selected by the Secretary for the purposes of the pilot program.

(2) RURAL AREAS WITHIN VISNS.—The pilot program shall be carried out in one or more rural areas in each Veterans Integrated

Services Network selected under paragraph (1) that are designated by the Secretary for purposes of the pilot program in consultation with the Regional Director of such Veterans Integrated Services Network. In designating such areas, the Secretary shall take into account—

(A) the number of veterans residing in or near an area;

(B) the proximity of the nearest Department of Veterans Affairs medical facility; and

(C) the difficulty of access of such veterans to the nearest Department of Veterans Affairs medical facility, whether by reason of travel or other factors.

(d) CARE AND SERVICES PROVIDED.—The care and services provided under the pilot program may include, but not be limited to, care and services as follows:

(1) Counseling and education for veterans on accessing such health care, educational, pension, or other benefits for which veterans may be eligible under the laws administered by the Secretary of Veterans Affairs.

(2) Assistance for veterans in completing paperwork necessary for enrollment in the healthcare system of the Department of Veterans Affairs.

(3) The prescription for and delivery to veterans of medications for which veterans are entitled under such laws, including, in particular, medications for veterans suffering from acute or chronic injuries or illnesses.

(4) Mental health screenings for veterans to identify potential mental health disorders such as post-traumatic stress disorder (PTSD) or a substance abuse, including, in particular, for veterans recently discharged or released after service overseas in Operation Iraqi Freedom or Operation Enduring Freedom.

(5) Job placement assistance and information on employment or training opportunities for veterans.

(6) Substance abuse counseling for veterans.

(7) Bereavement counseling for families of members of the Armed Forces who were killed in military service.

(8) Such other care, services, and assistance as the Secretary considers appropriate for purposes of the pilot program.

(e) MOBILE CENTERS.—

(1) IN GENERAL.—Care and services under the pilot program shall be provided through mobile centers established for purposes of the pilot program that meets the requirements of this subsection.

(2) MOBILE CENTERS.—In carrying out the pilot program, the Secretary shall determine the most effective manner in which to operate the mobile centers.

(3) PERSONNEL AND MATERIALS.—In providing care and services under the pilot program, the mobile centers shall transport such personnel, equipment, forms, information, and other materiel as are necessary for the provision of care and services under the pilot program.

(f) COORDINATION REQUIREMENTS.—

(1) IDENTIFICATION OF VETERANS NOT ENROLLED IN VA HEALTH CARE SYSTEM.—In carrying out the pilot program, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly undertake action to identify veterans residing in areas designated for the pilot program who are not enrolled in, or otherwise being cared for by, the health care system of the Department of Veterans Affairs.

(2) COORDINATION WITH COUNTY AND LOCAL VETERANS SERVICE OFFICES.—In carrying out the pilot program, the Secretary of Veterans Affairs shall coordinate with county and local veterans service officers in areas designated for the pilot program.

(3) UTILIZATION OF COMMUNITY-BASED OUTPATIENT CLINICS.—The program shall, to the extent practicable, utilize appropriate personnel and resources of community-based outpatient clinics of the Department of Veterans Affairs in areas designated for the pilot program, including the inclusion of such personnel in visits of the mobile centers under subsection (e).

(g) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on the date that is three years after the date of the enactment of this section.

(h) REPORTS.—Not later than one year after the commencement of the pilot program, and every 180 days thereafter, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the pilot program. Each report shall include the following:

(1) A description and assessment of the pilot program.

(2) An assessment, current as of the date of such report, of the effectiveness of the pilot program in providing care and services to veterans residing in rural areas, including a comparative assessment of effectiveness for each of the various areas designated for the pilot program.

(3) An assessment, current as of the date of such report, of the effectiveness of the coordination described in subsection (f) in contributing toward the effectiveness of the pilot program.

(4) Such recommendations as the Secretary considers appropriate for modifications of the pilot program in order to better provide care and services to veterans residing in rural areas.

SA 5342. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. FULL ACCESS TO MENTAL HEALTH CARE FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall undertake an initiative intended to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The initiative shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Requirements for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) MENTAL HEALTH CARE UNDER TRICARE.—

(1) IN GENERAL.—Under such regulations as the Secretary of Defense shall prescribe, reimbursement shall be provided under the TRICARE program under chapter 55 of title 10, United States Code, for mental health care that is provided to a family member of a covered member of the National Guard or Reserve during the period of deployment of such covered member of the National Guard or Reserve as described in paragraph (2).

(2) COVERED MEMBERS OF THE NATIONAL GUARD OR RESERVE.—For purposes of this subsection, a covered member of the National Guard or Reserve is any member of the National Guard or Reserve on active duty for more than 30 days for a deployment in connection with Operation Iraqi Freedom, Operation Enduring Freedom, or other operation that requires deployment overseas who, while so on active duty, is covered by the TRICARE program on a for self and family basis.

(3) EFFECTIVE DATE.—This subsection shall take effect on January 1, 2009.

(c) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed at State-accredited treatment centers.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SA 5343. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 834. INTEGRITY AND BUSINESS ETHICS REQUIREMENTS FOR FEDERAL CONTRACTORS.

(a) DEFENSE CONTRACTORS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2305a the following new section:

"§ 2305b. Satisfactory record of integrity and business ethics

''(a) IN GENERAL.—No prospective contractor may be awarded a contract with an agency under this title unless the contracting officer for the contract determines that such prospective contractor has a satisfactory record of integrity and business ethics, including satisfactory compliance with the law (including tax, labor and employment, environmental, antitrust, and consumer protection laws).

''(b) INFORMATION TO BE CONSIDERED.—In making a determination as to whether a prospective contractor has a satisfactory record of integrity and business ethics, a contracting officer—

''(1) shall consider all relevant credible information, but shall give the greatest weight to violations of law that have been adjudicated within the last 5 years preceding the offer;

''(2) shall give consideration to any administrative agreements entered into with the prospective contractor if the prospective contractor has taken corrective action after disclosing a violation of law, and may consider such a contractor to be a responsible contractor if the contractor has corrected the conditions that led to the misconduct;

''(3) shall consider failure to comply with the terms of an administrative agreement as evidence of a lack of integrity and business ethics under this section;

''(4) shall consider in descending order of importance—

''(A) convictions of and civil judgments rendered against the prospective contractor for—

''(i) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public Federal, State, or local contract or subcontract;

''(ii) violation of Federal or State antitrust law relating to the submission of offers; or

''(iii) commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statement, tax evasion, or receiving stolen property; and

''(B) relative to tax, labor and employment, environmental, antitrust, or consumer protection laws—

''(i) Federal or State felony convictions;

''(ii) adverse Federal court judgments in civil cases brought by the United States;

''(iii) adverse decisions by a Federal administrative law judge, board, or commission indicating violations of law;

''(iv) Federal or State felony indictments; and

''(v) any other civil judgment rendered against the prospective contractor; and

''(5) may consider other relevant information, such as civil or administrative complaints or similar actions filed by or on behalf of a Federal agency, board, or commission, if such action reflects an adjudicated determination by the agency.

''(c) REPEATED VIOLATIONS OF LAW.—A single violation of law normally should not give rise to a determination that the prospective contractor has an unsatisfactory record of integrity and business ethics, but evidence of repeated, pervasive, or significant violations of the law may indicate an unsatisfactory record of integrity and business ethics.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2305a the following new item:

''2305b. Satisfactory record of integrity and business ethics.''.

(b) CIVILIAN CONTRACTORS.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303M the following new section:

"SEC. 303N. SATISFACTORY RECORD OF INTEGRITY AND BUSINESS ETHICS.

''(a) IN GENERAL.—No prospective contractor may be awarded a contract with an executive agency unless the contracting officer for the contract determines that such prospective contractor has a satisfactory record of integrity and business ethics, including satisfactory compliance with the law (including tax, labor and employment, environmental, antitrust, and consumer protection laws).

''(b) INFORMATION TO BE CONSIDERED.—In making a determination as to whether a prospective contractor has a satisfactory record of integrity and business ethics, a contracting officer—

''(1) shall consider all relevant credible information, but shall give the greatest weight to violations of law that have been adjudicated within the last 5 years preceding the offer;

''(2) shall give consideration to any administrative agreements entered into with the prospective contractor if the prospective contractor has taken corrective action after disclosing a violation of law, and may consider such a contractor to be a responsible contractor if the contractor has corrected the conditions that led to the misconduct;

''(3) shall consider failure to comply with the terms of an administrative agreement as evidence of a lack of integrity and business ethics under this section;

''(4) shall consider in descending order of importance—

''(A) convictions of and civil judgments rendered against the prospective contractor for—

''(i) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public Federal, State, or local contract or subcontract;

''(ii) violation of Federal or State antitrust law relating to the submission of offers; or

''(iii) commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statement, tax evasion, or receiving stolen property; and

''(B) relative to tax, labor and employment, environmental, antitrust, or consumer protection laws—

''(i) Federal or State felony convictions;

''(ii) adverse Federal court judgments in civil cases brought by the United States;

''(iii) adverse decisions by a Federal administrative law judge, board, or commission indicating violations of law; and

''(iv) Federal or State felony indictments; and

''(5) may consider other relevant information, such as civil or administrative complaints or similar actions filed by or on behalf of an executive agency, board, or commission, if such action reflects an adjudicated determination by the agency.

''(c) REPEATED VIOLATIONS OF LAW.—A single violation of law normally should not give rise to a determination that the prospective contractor has an unsatisfactory record of integrity and business ethics, but evidence of repeated, pervasive, or significant violations of the law may indicate an unsatisfactory record of integrity and business ethics.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contracts for which solicitations are issued after the date of the enactment of this Act.

SA 5344. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. SENSE OF THE SENATE.

(a) IN GENERAL.—It is the sense of the Senate that the United States Government should not award any Federal contracts, grants, or loans to any offshore secrecy jurisdiction company.

(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) CONTRACT.—

(A) IN GENERAL.—The term ''contract'' means a binding agreement entered into by an Executive agency for the purpose of obtaining property or services, but does not include—

(i) a contract designated by the head of the agency as assisting the agency in the performance of disaster relief authorities; or

(ii) a contract designated by the head of the agency as necessary to the national security of the United States.

(B) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) OFFSHORE SECRECY JURISDICTION COMPANY.—

(A) IN GENERAL.—The term ''offshore secrecy jurisdiction company'' means any person which the Commissioner of Internal Revenue determines that for the purpose of avoiding Federal tax obligations—

(i) is organized in an offshore secrecy jurisdiction; or

(ii) is a member of a domestically controlled group of entities any member of which is organized in an offshore secrecy jurisdiction.

(B) OFFSHORE SECRECY JURISDICTION.—

(i) IN GENERAL.—The term ''offshore secrecy jurisdiction'' means any foreign jurisdiction which is listed by the Secretary as an offshore secrecy jurisdiction for purposes of this section.

(ii) DETERMINATION OF JURISDICTIONS ON LIST.—A jurisdiction shall be listed under clause (i) if the Secretary determines that such jurisdiction has corporate, business, bank, or tax secrecy rules and practices which, in the judgment of the Secretary, unreasonably restrict the ability of the United States to obtain information relevant to the enforcement of the Internal Revenue Code of 1986, unless the Secretary also determines that such country has effective information exchange practices.

(iii) SECRECY OR CONFIDENTIALITY RULES AND PRACTICES.—For purposes of clause (ii), corporate, business, bank, or tax secrecy or confidentiality rules and practices include both formal laws and regulations and informal government or business practices having the effect of inhibiting access of law enforcement and tax administration authorities to beneficial ownership and other financial information.

(iv) INEFFECTIVE INFORMATION EXCHANGE PRACTICES.—For purposes of clause (ii), a jurisdiction shall be deemed to have ineffective information exchange practices unless the Secretary determines, on an annual basis, that—

(I) such jurisdiction has in effect a treaty or other information exchange agreement

with the United States that provides for the prompt, obligatory, and automatic exchange of such information as is forseeably relevant for carrying out the provisions of the treaty or agreement or the administration or enforcement of such Code,

(II) during the 12-month period preceding the annual determination, the exchange of information between the United States and such jurisdiction was in practice adequate to prevent evasion or avoidance of United States income tax by United States persons and to enable the United States effectively to enforce such Code, and

(III) during the 12-month period preceding the annual determination, such jurisdiction was not identified by an intergovernmental group or organization of which the United States is a member as uncooperative with international tax enforcement or information exchange and the United States concurs in such identification.

(C) DOMESTICALLY CONTROLLED GROUP OF ENTITIES.—

(i) IN GENERAL.—The term ''domestically controlled group of entities'' means a controlled group of entities the common parent of which is a domestic corporation.

(ii) CONTROLLED GROUP OF ENTITIES.—The term ''controlled group of entities'' means a controlled group of corporations as defined in section 1563(a)(1) of the Internal Revenue Code of 1986, except that—

(I) ''more than 50 percent'' shall be substituted for ''at least 80 percent'' each place it appears therein, and

(II) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563 of such Code.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3) of such Code) by members of such group (including any entity treated as a member of such group by reason of this sentence).

(D) PERSON.—The term ''person'' means—

(i) a corporation; or

(ii) a partnership or any other entity (other than a corporation).

(E) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

SA 5345. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 834. AWARD FEES.

(a) LINKAGE OF AWARD FEES TO SUCCESSFUL ACQUISITION OUTCOMES.—Every contract entered into by an executive agency that provides for award fees shall link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

(b) PROHIBITION ON AWARD OF UNWARRANTED AWARD FEES.—The head of an executive agency may not—

(1) award a bonus or other incentive payment to a contractor for work the contractor did not perform or with respect to which the contractor received a poor performance rating; or

(2) provide to a contractor award fees unless the contractor, to the extent reasonably within the control of the contractor, achieved the successful acquisition outcome to which such fees were linked under the contract.

SA 5346. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. 1617. MORATORIUM ON THE DEPLOYMENT OF THE UNITED STATES ARMED FORCES TO IRAQ.

(a) MORATORIUM.—Effective as of the date of the enactment of this Act, no member or unit of the Armed Forces may be deployed to Iraq before March 31, 2009.

(b) LIMITATION AND REQUIREMENT.—The Secretary of Defense shall—

(1) not extend the deployment to Iraq of any unit or member of the Armed Forces that is deployed to Iraq as of the date of the enactment of this Act; and

(2) take all necessary and appropriate measures to protect United States personnel in Iraq.

(c) EXCEPTION.—A member of the Armed Forces may be deployed to Iraq for the purpose of providing services to United States personnel in Iraq without regard to the moratorium in subsection (a) or the limitation in subsection (b)(1) if the Secretary of Defense certifies to Congress that the member—

(1) has an essential, specialized, noncombat skill (such as a medical, linguistic, or explosive ordnance removal skill); and

(2) will replace in Iraq a member with such skill who is returning from Iraq.

SA 5347. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LEAHY, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds authorized to be appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 5348. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 546. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

Section 8003(a)(2)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i)) is amended by striking ''6,500'' and inserting ''5,000''.

SA 5349. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ELECTRONIC DATABASE OF INFORMATION ON THE INCIDENCE OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.

(a) DATABASE REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Assistant Secretary of Defense for Health Affairs and in coordination with the Secretaries of the military departments, establish and maintain an electronic database on the incidence of suicide and attempted suicide among members of the Armed Forces on active duty, including the information specified in subsection (c).

(b) COVERAGE OF DEMOBILIZED MEMBERS OF RESERVE COMPONENTS.—To the extent practicable, the members of the Armed Forces covered by the database required under subsection (a) shall include members of the National Guard and Reserve who are demobilized from active duty during the 720-day period beginning on the date of their demobilization.

(c) INFORMATION.—The information to be included in the database required by subsection (a) shall include, to the extent practicable, the following:

(1) For each Armed Force—

(A) the number of members on active duty who have attempted suicide; and

(B) the number of members on active duty who have committed suicide.

(2) For each member who commits or attempts suicide, the following:

(A) The sex of the member.

(B) The race or ethnicity of the member.

(C) The Armed Force of the member.

(D) The grade, military occupational specialty, duty status, and duty location of the member at the time of the completion or attempt.

(E) The physical location of the member at the time of the completion or attempt.

(F) A description of any combat experience of the member, including the location of such experience, the intensity and duration of such experience, and the time between the last such experience and the attempt.

(G) The highest level of education achieved by the member.

(H) Any mental health condition, including Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), or substance use disorder, diagnosed or otherwise detected in the member.

(I) A description of any previous psychological care or treatment received by the member for a condition under subparagraph (H) or another mental health condition.

(J) A description of any family history of the member of mental illness, suicide, or both.

(K) A description of any physical or sexual abuse suffered by the member.

(L) A description of any recent marital or other relationship difficulties of the member.

(M) A description of any recent disciplinary actions taken against the member.

(N) A description of any recent legal difficulties of the member.

(O) A description of any recent financial or employment difficulties of the member.

(P) A description of any prior communications of suicidal intent by the member.

(3) Such other information as the Secretary considers appropriate for purposes of the database.

(d) SEPARATE INFORMATION ON EACH ATTEMPT.—Each attempted suicide of a member of the Armed Forces (whether or not completed) shall be treated as a separate attempt at suicide for purposes of subsection (c)(2).

(e) UPDATES.—The database required by subsection (a) shall be updated on a continuing basis.

(f) REPORTS.—

(1) REPORTS TO CONGRESS.—Not later than 90 days after the establishment of the database required by subsection (a), and every 180 days thereafter, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the following:

(A) Aggregated data on the incidence of suicide among members of the Armed Forces on active duty.

(B) An assessment of recent trends in suicides and attempted suicides among members of the Armed Forces on active duty.

(2) AVAILABILITY TO PUBLIC.—Each report under paragraph (1) shall be made available to the public through the Internet website of the Assistant Secretary of Defense for Health Affairs that is available to the public.

(3) PROTECTION OF PERSONAL INFORMATION.—The information in any report under paragraph (1) shall not include any personal information or personally-identifying information on any member of the Armed Forces covered by the database.

(g) CONSTRUCTION WITH OTHER REQUIREMENTS.—The requirements of this section are in addition to the requirements of section 581.

SA 5350. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. REDUCTION OF MINIMUM DISTANCE OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES FOR TRAVEL FOR SPECIALTY HEALTH CARE.

(a) REDUCTION.—Section 1074i(a) of title 10, United States Code, is amended by striking ''100 miles'' and inserting ''50 miles''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to referrals for specialty health care made on or after that date.

SA 5351. Mr. AKAKA (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 303, between lines 3 and 4, insert the following:

SEC. 1056. REPORTS ON INFORMATION TECHNOLOGY STRATEGY AND SECURITY CLEARANCE REVIEW PROCESSES.

(a) REPORT ON INFORMATION TECHNOLOGY STRATEGY.—

(1) REQUIREMENT FOR REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report describing the plans to provide security reform by carrying out the Enterprise Information Technology Strategy referred to in the Initial Report of the Joint Security and Suitability Reform Team, dated April 30, 2008.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of any efforts of the Department of Defense, the Office of Personnel Management, or the Office of the Director of National Intelligence to carry out the plans referred to in paragraph (1), including such efforts carried out with other agencies or departments;

(B) a description of any of the plans referred to in paragraph (1) that will not be carried out and a description of the reasons that such plans will not be carried out;

(C) the plans of each such Department or Office to develop, implement, fund, and provide personnel to carry out the plans referred to in paragraph (1); and

(D) a description of the schedule for carrying out the plans referred to in paragraph (1).

(b) REPORTS ON SECURITY CLEARANCE REVIEW PROCESSES.—Paragraph (2) of section 3001(h) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(h)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by striking subparagraph (A) and inserting the following:

''(A) a description of the average period of time required by each authorized investigative agency and authorized adjudicative agency to respond to a request for a security clearance for an individual, including the average period required to conduct a security clearance investigation, adjudicate such a request, and make a final determination on such a request, from date of submission to ultimate disposition and notification to the subject and the subject's employer, dissagregated by—

''(i) the type of security clearance, including Secret, Top Secret, and Top Secret with Special Access Program access including sensitive compartmented information;

''(ii) the period of time required for the investigation of an individual seeking the security clearance and for the adjudication of the request; and

''(iii) the proposed recipients of security clearances, including civilian employees of the United States, members of the Armed Forces, and contractors working for the Government of the United States;

''(B) a description of the average period of time required by each authorized investigative agency and each authorized adjudicative agency to conduct an investigation for a suitability determination from successful submission of an application to ultimate disposition and notification to the subject, dissagregated by—

''(i) the type of suitability determination, including suitability for Federal employment, access to Federal facilities, and access to Federal information systems;

''(ii) the period of time required for the investigation of an individual seeking the suitability determination and the adjudication of the request; and

''(iii) the category of employment of the individual for which the suitability determination was made, including civilian employees of the United States and contractors working for the Government of the United States;''.

SA 5352. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 241, beginning on line 2, strike ''and'' and all that follows through the period at the end of line 6 and insert the following:

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Deputy Chief Management Officer of the Department of Defense.''; and

(3) by striking paragraph (7), as redesignated by paragraph (1), and inserting the following new paragraph:

''(7) The Chief Management Officers of the military departments and the heads of such Defense Agencies as may be designated by the Secretary of Defense.''.

SA 5353. Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. DIRECTOR OF INDEPENDENT COST ASSESSMENT.

(a) DIRECTOR OF INDEPENDENT COST ASSESSMENT.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139a the following new section:

''§ 139b. Director of Independent Cost Assessment

''(a) There is a Director of Independent Cost Assessment in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the Director. The Director may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

''(b) The Director is the principal advisor to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Under Secretary of Defense (Comptroller) on cost estimation and cost analyses for the acquisition programs of the Department of Defense and the principal cost estimation official within the senior management of the Department of Defense. The Director shall—

''(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

''(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the Secretaries of the military departments with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense acquisition program under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

''(3) monitor and review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs;

''(4) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs when necessary to ensure that such estimates and analyses are unbiased, fair, and reliable; and

''(5) review and make recommendations to the Secretary of Defense on all budgetary and financial matters relating to cost estimation and cost analysis for the acquisition programs of the Department of Defense, including the personnel required to perform such estimates and analyses.

''(c)(1) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

''(2) The Director shall consult closely with, but the Director and the Director's staff shall be independent of, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and all other officers and entities of the Department of Defense responsible for acquisition and budgeting.

''(d)(1) The Secretary of a military department shall report promptly to the Director the results of all cost estimates and cost analyses conducted by the military department and all studies conducted by the military department in connection with cost estimates and cost analyses for major defense acquisition programs of the military department.

''(2) The Director may make comments on cost estimates and cost analyses conducted by a military department for a major defense acquisition program, request changes in such cost estimates and cost analyses to ensure that they are fair and reliable, and develop or require the development of independent cost estimates or cost analyses for such program, as the Director determines to be appropriate.

''(3) The Director shall have access to any records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the Director's duties under this section.

''(e) The Director shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year. Each such report shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and Congress not later than 10 days after the transmission of the budget for the next fiscal year under section 1105 of title 31. The Secretary may comment on any report of the Director to Congress under this subsection.

''(f) The President shall include in the budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the Director of Independent Cost Assessment in carrying out the duties and responsibilities of the Director under this section.

''(g) The Secretary of Defense shall ensure that the Director has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139a the following new item:

''139b. Director of Independent Cost Assessment.''.

(b) TRANSFER OF CERTAIN PERSONNEL AND FUNCTIONS.—The personnel and functions of the following entities of the Department of Defense are hereby transferred to the Director of Independent Cost Assessment under section 139b of title 10, United States Code (as added by subsection (a)), and shall report directly to the Director:

(1) The Cost Analysis Improvement Group.

(2) The cost estimation functions of the Director of Program Analysis and Evaluation.

(c) CONFORMING AMENDMENTS.—

(1) Section 2306b(i)(1)(B) of title 10, United States Code, is amended by striking ''Cost Analysis Improvement Group of the Department of Defense'' and inserting ''Director of Independent Cost Assessment''.

(2) Section 2366a(a)(1)(C) of such title is amended by striking ''have been developed to execute'' and inserting ''have been approved by the Director of Independent Cost Assessment to provide for the execution of''.

(3) Section 2366b(a)(4) of such title is amended by striking ''has been submitted'' and inserting ''has been approved by the Director of Independent Cost Assessment''.

(4) Section 2433(e)(2)(B)(iii) of such title is amended by striking ''are reasonable'' and inserting ''have been determined by the Director of Independent Cost Assessment to be reasonable''.

(5) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

''(A) be prepared or approved by the Director of Independent Cost Assessment; and''.

(6) Section 2445c(f)(3) of such title is amended by striking ''are reasonable'' and inserting ''have been determined by the Director of Independent Cost Assessment to be reasonable''.

SA 5354. Mr. BURR (for himself, Mrs. CLINTON, Mr. ALEXANDER, Mr. INHOFE, Mr. WICKER, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. ACCEPTANCE BY COMMANDERS OF WOUNDED WARRIOR BATTALIONS OF CHARITABLE GIFTS ON BEHALF OF WOUNDED MEMBERS OF THE ARMED FORCES ASSIGNED TO SUCH BATTALIONS.

(a) IN GENERAL.—Section 2601(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) Under regulations prescribed by the Secretary of Defense, the commander in grade O–5 or higher of a unit comprised exclusively of members of the armed forces described in paragraph (1)(B) (as determined without taking into account members of such unit performing command or administrative duties with respect to such unit) may accept, hold, administer, and spend gifts, devises, or bequests of personal property,

money, or services for the benefit of the members of the armed forces described in paragraph (1)(B) which comprise such unit.

''(B)(i) Except as provided in clause (ii), the amount of any gift, devise, or bequest accepted by the commander of a unit under subparagraph (A) may not exceed $100,000.

''(ii) The amount a gift, devise, or bequest accepted by the commander of a unit under subparagraph (A) may exceed $100,000 under such circumstances, if any, as the Secretary of Defense may specify in the regulations prescribed under this paragraph.''.

(b) REPORT ON UTILIZATION OF AUTHORITIES.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the utilization of the authorities provided in paragraph (2) of section 2601(b) of title 10, United States Code (as amended by subsection (a)). The report shall include the following:

(1) A description of the authorities in paragraph (2) of section 2601(b) of title 10, United States Code (as so amended), including a description of any limitations on such authorities under the regulations required by that paragraph.

(2) A description of the gifts, devises, and bequests accepted under such authorities, and of the administration and use of any gifts, devises, and bequests so accepted.

(3) An assessment of the utility of such authorities in assisting commanders of wounded warrior battalions in carrying out the mission of such battalions with respect to members of the Armed Forces assigned to such battalions.

SA 5355. Mr. GRAHAM (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3001 to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. HABEAS CORPUS REVIEW FOR CERTAIN ENEMY COMBATANTS.

(a) SHORT TITLE.—This section may be cited as the ''Enemy Combatant Detention Review Act of 2008''.

(b) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by striking section 2256, as added by section 250 of the Act of November 6, 1978 (Public Law 95–598; 92 Stat. 2672), and inserting the following:

''§ 2256. Habeas corpus review for certain enemy combatants

''(a) DEFINITIONS.—In this section—

''(1) the term 'attorney for the Government' means the attorney representing the United States in a habeas corpus proceeding under this section;

''(2) the term 'covered individual' means an individual who—

''(A) has been determined by a Combatant Status Review Tribunal to be an enemy combatant (pursuant to the definition employed by that tribunal) or is awaiting the determination of such a tribunal;

''(B) is in the custody of the United States at Guantanamo Bay, Cuba on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008; and

''(C) is not a citizen of the United States or an alien admitted for permanent residence in the United States; and

''(3) the term 'enemy combatant' means a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its cobelligerents on behalf of the Taliban, al Qaeda, or associated forces.

''(b) STATEMENT OF AUTHORITY.—

''(1) IN GENERAL.—Congress reaffirms that the United States is in an armed conflict with al Qaeda, the Taliban, and associated forces and that those entities continue to pose a threat to the United States and its citizens, both domestically and abroad.

''(2) AUTHORITY.—Congress reaffirms that the President is authorized to detain enemy combatants in connection with the continuing armed conflict with al Qaeda, the Taliban, and associated forces, regardless of the place of capture, until the termination of hostilities.

''(3) RULE OF CONSTRUCTION.—The authority under this section shall not be construed to alter or limit the authority of the President under the Constitution of the United States to detain combatants in the continuing armed conflict with al Qaeda, the Taliban, and associated forces, or in any other armed conflict.

''(c) JURISDICTION AND VENUE.—

''(1) IN GENERAL.—The United States District Court for the District of Columbia (in this section referred to as the 'District Court') shall have exclusive jurisdiction of, and shall be the exclusive venue for consideration of, all applications for habeas corpus by or on behalf of any covered individual that is pending on or filed on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008.

''(2) SCOPE OF JURISDICTION.—An application for habeas corpus filed under paragraph (1) by or on behalf of a covered individual—

''(A) may challenge the legality of the continued detention of the covered individual; and

''(B) may not include any other claim relating to the detention, transfer, treatment, trial, or conditions of confinement of the covered individual or any other action against the United States or its agents.

''(3) CONSOLIDATED MOTIONS PRACTICE.—All applications for a writ of habeas corpus by or on behalf of a covered individual that are pending on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008 shall be consolidated before the Chief Judge of the District Court or a designee of the Chief Judge for consolidated proceedings and determinations on common questions of fact or law, including questions concerning the procedures to be conducted on the applications.

''(4) TRANSFER.—Consistent with section 1403(a) of this title, any court of the United States shall transfer a case within the exclusive jurisdiction of the District Court.

''(d) PROCEDURES.—

''(1) STATUS OF COVERED INDIVIDUAL.—

''(A) IN GENERAL.—In a proceeding instituted by an application for habeas corpus by or on behalf of a covered individual under subsection (c)(1), the burden shall be on the Government to submit a return in the form of a written declaration describing the factual basis upon which the Government is detaining the covered individual. Any evidence relied upon by the Government in its declaration shall be subject to a rebuttable presumption with respect to the competency and authenticity of such evidence.

''(B) PRESUMPTION.—Upon a determination that the Government's return shows credible evidence that the covered individual is an enemy combatant, there shall be a rebuttable presumption that the covered individual is an enemy combatant. The covered individual shall have the burden of rebutting the presumption that the covered individual is an enemy combatant by a showing of more persuasive evidence. The covered individual shall present such evidence in the form of a written declaration.

''(C) REBUTTAL OF PRESUMPTION.—If a covered individual presents evidence sufficient to rebut the presumption under subparagraph (B), the District Court may hold an evidentiary hearing on any disputed matter. In a hearing under this subparagraph, the court shall hear evidence and make findings of fact by a preponderance of the evidence.

''(2) DISCOVERY.—

''(A) SCOPE OF DISCOVERY.—Subject to subparagraph (B), a covered individual may request from the Government as the discovery relating to a habeas corpus proceeding under this section, and if requested by a covered individual, the Government shall provide—

''(i) any documents or objects directly and specifically referenced in the return submitted by the Government;

''(ii) any evidence known to the attorney for the Government that tends materially to undermine evidence presented in the return submitted by the Government;

''(iii) all statements, whether oral, written, or recorded, made or adopted by the covered individual that are known to the attorney for the Government and directly related to the information in the return submitted by the Government.

''(B) PROTECTION OF NATIONAL SECURITY INFORMATION.—

''(i) GENERALLY.—Classified information shall be protected and is privileged from disclosure in habeas corpus proceedings relating to a covered individual. The rule under this subparagraph applies to all stages of any proceeding relating to an application for habeas corpus filed under subsection (c)(1).

''(ii) SUBSTITUTE.—If any information described in subparagraph (A) is classified, the attorney for the Government shall either—

''(I) provide the covered individual with an adequate substitute, to the extent practicable and consistent with national security; or

''(II) make the classified information available to properly cleared counsel for the covered individual.

''(iii) NONDISCLOSURE OF CLASSIFIED INFORMATION.—Under no circumstances shall the Government be required to provide a covered individual, or any other person detained as an enemy combatant, with access to classified information as part of a habeas corpus proceeding under this section.

''(iv) SOURCES AND METHODS.—The Government shall not be required to disclose to anyone outside the Government the classified sources, methods, or activities by which the Government acquired information described in subparagraph (A). The District Court may require the Government to present, to the extent practicable and consistent with national security, an unclassified summary of the sources, methods, or activities by which the Government acquired such information.

''(v) ORDER.—Upon motion of the Government, the District Court shall issue an order to protect against the disclosure of any classified information.

''(vi) EX PARTE AND IN CAMERA REVIEW.—If the Government seeks to protect classified information from disclosure pursuant to the protections of this subparagraph, the court may review the Government's submission ex parte and in camera.

''(vii) INTERLOCUTORY APPEAL.—The Government may take an interlocutory appeal from a decision of the District Court relating to the disclosure of classified information subject to the same expedited procedures that would apply to such an appeal pursuant to section 7 of the Classified Information Procedures Act (18 U.S.C. App.).

''(3) WITNESS PRODUCTION.—

''(A) IN GENERAL.—To the maximum extent possible, habeas corpus proceedings shall be decided on the basis of a written return and a written declaration. The rules concerning the admissibility of evidence in civil or criminal trials shall not apply to the presentation and consideration of information at any evidentiary hearing under this section. The District Court may consider any reliable and probative evidence, including hearsay from military, intelligence, and law enforcement sources.

''(B) BASIS FOR IN-PERSON TESTIMONY.—The District Court may grant a motion for oral testimony relating to an evidentiary hearing pursuant to paragraph (1)(C) only if the court finds by clear and convincing evidence that military and intelligence operations would not be harmed by the production of the witness and oral testimony would be likely to provide a material benefit to the resolution by the court of the disputed matter.

''(4) ATTORNEYS.—

''(A) IN GENERAL.—The covered individual shall be represented by an attorney if the attorney—

''(i) is retained by the covered individual or appointed by the District Court;

''(ii) has been determined to be eligible for access to classified information that is classified at the level Secret or higher, as required; and

''(iii) has signed a written agreement to comply with all applicable regulations or instructions for attorneys in habeas corpus proceedings before the District Court, including any rules of court for conduct during the proceedings.

''(B) CLASSIFIED INFORMATION.—Any attorney for a covered individual—

''(i) shall protect any classified information received during the course of representation of the covered individual in accordance with all applicable law governing the protection of classified information; and

''(ii) may not divulge such information to any person not authorized to receive it.

''(5) VIDEO HEARINGS.—The District Court shall not require the presence of a covered individual detained at Guantanamo Bay, Cuba, or elsewhere, for the purpose of any proceeding under this section, including an evidentiary hearing pursuant to paragraph (1)(C), although the District Court in its discretion may permit a detainee to participate from Guantanamo Bay, Cuba, in certain proceedings through available technological means, if appropriate and consistent with the procedures for the protection of classified information and national security under this section.

''(e) EXHAUSTION OF MILITARY COMMISSION PROCEDURES.—

''(1) STAY OF APPLICATIONS PENDING OTHER PROCEEDINGS.—Any application for habeas corpus that is pending on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008 by or on behalf of a covered individual against whom charges have been sworn under chapter 47A of title 10 shall be stayed pending resolution of the proceedings under chapter 47A of title 10.

''(2) HABEAS PROCEDURES FOR PERSONS CONVICTED BY FINAL JUDGMENT OF A MILITARY COMMISSION.—

''(A) IN GENERAL.—Subject to the restrictions under sections 950g and 950j of title 10, an application for a writ of habeas corpus on behalf of a covered individual in custody pursuant to a final judgment of a military commission shall not be granted unless the applicant has exhausted the remedies available under chapter 47A of title 10.

''(B) FAILURE TO EXHAUST.—An application for a writ of habeas corpus by a covered individual may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available under chapter 47A of title 10.

''(C) REMEDIES NOT EXHAUSTED.—A covered individual shall not be determined to have exhausted the remedies available under chapter 47A of title 10, within the meaning of this section, if the covered individual has the right under chapter 47A of title 10 to raise, by any available procedure, the question presented in an application for a writ of habeas corpus.

''(D) LIMITATIONS.—An application for a writ of habeas corpus on behalf of a covered individual in custody pursuant to the judgment of a military commission shall not be granted with respect to any claim that was adjudicated on the merits in military commission proceedings under chapter 47A of title 10 or that could have been raised before the military commission, except where the commission was without jurisdiction to impose such a judgement.

''(E) SCOPE OF REVIEW.—Subject to the restrictions under subparagraph (D), in reviewing any other claim on an application for a writ of habeas corpus on behalf of a covered individual in custody pursuant to the sentence of a military commission, the District Court shall apply the same deference applicable to a court reviewing an application on behalf of a person in custody pursuant to the sentence of a court martial.

''(f) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—

''(1) IN GENERAL.—A claim presented in a second or successive application for habeas corpus under this section that was presented in a prior application shall be dismissed.

''(2) CLAIMS NOT INCLUDED IN PRIOR APPLICATION.—A claim presented in a second or successive application for habeas corpus under this section that was not presented in a prior application shall be dismissed unless the—

''(A) factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

''(B) facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found that the covered individual was lawfully detained.

''(3) PROCEDURES FOR SECOND AND SUCCESSIVE APPLICATIONS.—

''(A) IN GENERAL.—The District Court may only consider a second or successive application for habeas corpus under this section if the court determines that the covered individual makes a prima facie showing that the application satisfies the requirements under paragraph (2) for consideration of a second or successive application for habeas corpus.

''(B) APPEAL.—The Government may take an interlocutory appeal from a decision by the District Court to grant consideration of a second or successive habeas corpus application under this paragraph to the United States Court of Appeals for the District of Columbia Circuit. The District Court shall stay proceedings pending the decision on an interlocutory appeal.

''(g) RELEASE.—

''(1) COVERED INDIVIDUALS ORDERED RELEASED.—

''(A) IN GENERAL.—No court shall order the release of a covered individual into the United States.

''(B) VISAS AND IMMIGRATION.—The Secretary of State shall not issue any visa and the Secretary of Homeland Security shall not admit or provide any type of status to a covered individual described in subparagraph (A) that may permit the covered individual to enter or be admitted to the United States.

''(C) WAIVER.—The President, in the sole discretion of the President, may waive the restrictions under subparagraph (A) or (B), in whole or in part, upon a finding that the waiver of such restriction would be consistent with the national security of the United States.

''(2) TRANSFER.—

''(A) IN GENERAL.—If the District Court grants an application for a writ of habeas corpus and orders the release of a covered individual, the covered individual shall be released into the custody of the Secretary of Homeland Security for the purpose of transferring the individual to the country of citizenship of the individual or to another country.

''(B) TRANSFER.—An individual in the custody of the Secretary of Homeland Security pursuant to subparagraph (A) shall be housed separately from aliens detained as enemy combatants by the Department of Defense and in a manner consistent with safety and security of United States personnel. A transfer made pursuant to subparagraph (A) shall be effected as expeditiously as possible and in a manner that is consistent with the policy set out in section 2242 of the 1998 Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (subdivision B of division G of Public Law 105–277; 8 U.S.C. 1231 note), and with the national security interests of the United States.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(2) TABLE OF SECTIONS.—The table of sections for chapter 153 of title 28, United States Code, is amended by striking the item relating to section 2256, as added by section 250 of the Act of November 6, 1978 (Public Law 95–598; 92 Stat. 2672), and inserting the following:

''2256. Habeas corpus review for certain enemy combatants.''.

(3) DETAINEE TREATMENT ACT OF 2005.—Section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note) is amended by striking paragraph (2).

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to all cases, without exception, pending on or after the date of the enactment of this Act.

SA 5356. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. TRANSITIONAL HEALTH CARE FOR CERTAIN MEMBERS OF THE ARMED FORCES WHO AGREE TO SERVE IN THE SELECTED RESERVE.

(a) PROVISION OF TRANSITIONAL HEALTH CARE.—Section 1145(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) A member who is separated from active duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.''.

(b) EFFECTIVE DATE.—Subparagraph (E) of section 1145(a)(2) of title 10, United States Code, as added by subsection (a), shall apply with respect to members of the Armed Forces who are separated from active duty after the date of the enactment of this Act.

SA 5357. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number of requests for Junior Reserve Officers' Training Corps units by public and private secondary educational institutions; or

(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers' Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees containing, at a minimum, the following:

(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many units will be established per year by each service.

(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) A description of proposed efforts to improve the increased distribution of units geographically across the United States.

(5) A description of proposed efforts to increase distribution of units in educationally and economically deprived areas.

(6) A description of proposed efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees not later than March 31, 2009. The Secretary of Defense shall submit an updated report annually thereafter containing (at a minimum) the information specified in subsection (d) until the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

SA 5358. Mr. ENSIGN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1221.

SA 5359. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, strike line 2 and insert the following:

(2) assess any lessons learned from the design, development, and construction of the Airborne Laser system that could improve the operational effectiveness, suitability and survivability, or the affordability, of any future system; and

On page 45, line 3, strike ''(2)'' and insert ''(3)''.

On page 45, line 18, insert before the period the following: ''relative to the ballistic missile threat posed by North Korea, Iran, and other countries with active ballistic missile development and fielding programs''.

SA 5360. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1233. ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the current and future military and security strategy of Iran.

(2) GENERAL SCOPE OF REPORTS.—Each report shall address the current and probable future course of military-technological development of the Iran military and the tenets and probable development of the grand strategy, security strategy, and military strategy, and of military organizations and operational concepts, of Iran during the 20-year period beginning on the date of such report.

(3) FORM.—Each report shall be submitted in both unclassified and classified form.

(b) ELEMENTS.—Each report under this section shall include analyses and forecasts with respect to the following:

(1) The goals of the grand strategy, security strategy, and military strategy of Iran during the 20-year period beginning on the date of such report, and the relationship between such strategies and the current security situation in the Middle East and Central and South Asia.

(2) The size, location, and capabilities of the land, sea, air, and irregular forces of Iran, including the Artesh, the Iranian Revolutionary Guard Corps (IRGC), the Qods Force of the Iranian Revolutionary Guard Corps, Lebanese Hezbollah, and any other force controlled by the Iran or receiving funds or training from the Iran.

(3) Developments in and the capabilities of the ballistic missile, nuclear, and chemical and biological weapons programs of Iran.

(4) The degree to which Iran depends on unconventional, irregular, or asymmetric capabilities to achieve its strategic goals.

(5) The irregular warfare capabilities of Iran, including the exploitation of asymmetric strategies and related weapons and technology, the use of covert forces, the use of proxy forces, support for terrorist organizations, and strategic communications efforts.

(6) Efforts by Iran to develop, acquire, or gain access to information, communication, nuclear, and other advanced technologies that would enhance its military capabilities.

(7) The nature and significance of any arms, munitions, military equipment, or military or dual-use technology acquired by Iran from outside Iran, including from a foreign government or terrorist organization, or provided by Iran to any foreign government or terrorist organization.

(8) The nature and significance of any bilateral or multilateral security or defense-related cooperation agreements, whether formal or informal, between Iran and any foreign government or terrorist organization.

(9) Expenditures by Iran on each of the following:

(A) The security forces of Iran, whether regular and irregular, including the Artesh, the Iranian Revolutionary Guard Corps, and the Qods Force of the Iranian Revolutionary Guard Corps.

(B) The programs of Iran relating to weapons of mass destruction.

(C) Support provided to terrorist groups, insurgent groups, irregular proxy forces, and related activities.

(D) Bilateral military aid.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

SA 5361. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 344. SENSE OF SENATE ON EXPEDITIONARY MEDICAL SUPPORT PACKAGES.

It is the sense of the Senate that—

(1) Expeditionary Medical Support (EMEDS) packages are an important part of the disaster response capabilities provided by the Department of Defense; and

(2) Department plans for civil support missions should identify how Expeditionary Medical Support packages will be transported rapidly enough to meet medical surge schedules at any disaster site.

SA 5362. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 356, between lines 12 and 13, insert the following:

SEC. 1222. RESTRICTIONS ON ENTERING INTO AGREEMENT FOR NUCLEAR COOPERATION WITH RUSSIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the date of the enactment of this Act and until the President makes the certification described in subsection (c), the restrictions described in subsection (b) shall apply with respect to Russia.

(b) RESTRICTIONS.—The restrictions referred to in subsection (a) are the following:

(1) NUCLEAR COOPERATION AGREEMENTS.—The United States may not enter into an agreement for cooperation with Russia pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(2) LICENSES TO EXPORT NUCLEAR MATERIAL, FACILITIES, OR COMPONENTS.—The United States may not issue a license to export directly or indirectly to Russia any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(3) TRANSFERS OF NUCLEAR MATERIAL, FACILITIES, OR COMPONENTS.—The United States may not approve the transfer or retransfer directly or indirectly to Russia of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(c) CERTIFICATION.—The certification referred to in subsection (a) is a certification made by the President to Congress that—

(1) either—

(A) Russia has suspended all nuclear assistance to Iran and all transfers of advanced conventional weapons and missiles to Iran, including the SA-20 system; or

(B) Iran has completely, verifiably, and irreversibly dismantled all nuclear enrichment-related and reprocessing-related programs; and

(2) all Russian forces have been withdrawn from the undisputed territory of the sovereign state of Georgia and Russia has complied with its obligations under the cease-fire agreement signed on August 15, 2008.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as interfering with or preventing cooperation between the United States and Russia on Cooperative Threat Reduction programs.

SA 5363. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. PROHIBITION OF WAR PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1040. War profiteering and fraud

''(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

''(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

''(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

''(2) in connection with the contract or the provision of those goods or services—

''(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(B) makes any materially false, fictitious, or fraudulent statements or representations; or

''(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1040. War profiteering and fraud.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1040''.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 1040 (relating to war profiteering and fraud),'' after ''liquidating agent of financial institution),''.

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting ''section 1040 (relating to war profiteering and fraud),'' after ''in connection with access devices),''.

SA 5364. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 833 and insert the following:

SEC. 833. INFORMATION FOR FEDERAL GOVERNMENT CONTRACTOR EMPLOYEES ON THEIR WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to prescribe a policy for informing employees of a contractor of an executive agency of their whistleblower rights and protections under section 265 of title 41, United States Code, or section 2409 of title 10, United States Code, as applicable, as implemented by subpart 3.9 of part I of title 48, Code of Federal Regulations.

(b) ELEMENTS.—The regulations required by subsection (a) shall include requirements as follows:

(1) Employees of contractors shall be notified in writing of the provisions of section 265 of title 41, United States Code, or the provisions of section 2409 of title 10, United States Code, as applicable.

(2) Notice to employees of contractors under paragraph (1) shall state that the restrictions imposed by any employee agreement or nondisclosure agreement shall not supersede, conflict with, or otherwise alter the employee rights created by section 265 of title 41, United States Code (or the regulations implementing such section), or the employee rights created by section 2409 of title 10, United States Code (or the regulations implementing such section), as applicable.

(c) CONTRACTOR DEFINED.—In this section, the term ''contractor''—

(1) in the case of the Department of Defense or any other agency covered by section 2409 of title 10, United States Code, has the meaning given that term in section 2409(e)(4) of such title; and

(2) in the case of any other executive agency, has the meaning given that term in section 265(e)(2) of title 41, United States Code.

SA 5365. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 832 and insert the following:

SEC. 832. ETHICS SAFEGUARDS FOR EMPLOYEES UNDER CERTAIN CONTRACTS FOR THE PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) ETHICS SAFEGUARDS.—

(1) CONTRACT CLAUSE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require that each contract (or task or delivery order) in excess of $500,000 that calls for the performance of acquisition functions closely associated with inherently governmental functions for or on behalf of an executive agency shall include a contract clause addressing financial conflicts of interests of contractor employees who will be responsible for the performance of such functions.

(2) CONTENTS OF CONTRACT CLAUSE.—The contract clause required by paragraph (1) shall, at a minimum—

(A) require the contractor to prohibit any employee of the contractor from performing any functions described in paragraph (1) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter in which the employee (or a member of the employee's immediate family) has a financial interest without the express written approval of the contracting officer;

(B) require the contractor to obtain, review, update, and maintain as part of its personnel records a financial disclosure statement from each employee assigned to perform functions described in subparagraph (A) under such a contract (or task or delivery order) that is sufficient to enable the contractor to ensure compliance with the requirements of subparagraph (A);

(C) require the contractor to prohibit any employee of the contractor who is responsible for performing functions described in subparagraph (A) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter from accepting a gift from the affected company or from an individual or entity that has a financial interest in the program, contract, or other matter;

(D) require the contractor to prohibit contractor personnel who have access to nonpublic government information obtained while performing work on such a contract (or task or delivery order) from using such information for personal gain;

(E) require the contractor to take appropriate disciplinary action in the case of employees who fail to comply with prohibitions established pursuant to this section;

(F) require the contractor to promptly report any failure to comply with the prohibitions established pursuant to this section to the contracting officer for the applicable contract or contracts;

(G) include appropriate definitions of the terms ''financial interest'' and ''gift'' that are similar to the definitions in statutes and regulations applicable to Federal employees;

(H) establish appropriate contractual penalties for failures to comply with the requirements of subparagraphs (A) through (F); and

(I) provide such additional safeguards, definitions, and exceptions as may be necessary to safeguard the public interest.

(3) DEFINITIONS.—In this subsection:

(A) The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(B) The term ''functions closely associated with inherently governmental functions'' means the functions described in section 7.503(d) of the Federal Acquisition Regulation, or any successor regulation.

(b) PERSONAL CONFLICTS OF INTEREST.—

(1) REVIEW OF FAR REGARDING PERSONAL CONFLICTS OF INTEREST.—Not later than 12 months after the date of the enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with the Director of the Office of Government Ethics, shall review the Federal Acquisition Regulation to determine whether revisions to the Federal Acquisition Regulation are necessary to address personal conflicts of interest by contractor employees with respect to contracts other than contracts described in subsection (a)(1).

(2) REVISIONS OF FAR.—If the Administrator determines pursuant to the review under paragraph (1) that revisions to the Federal Acquisition Regulation are necessary to address personal conflicts of interest described in that paragraph, the Administrator shall work with the Federal Acquisition Regulatory Council to prescribe appropriate revisions to the Federal Acquisition Regulation for that purpose.

(3) REPORT.—Not later than March 1, 2010, the Administrator shall submit to the appropriate committees of Congress a report setting forth the findings and determinations of the Administrator as a result of the review under paragraph (1), together with an assessment of any revisions to the Federal Acquisition Regulation that may be necessary to address personal conflicts of interest described in that paragraph.

(c) ORGANIZATIONAL CONFLICTS OF INTEREST.—

(1) REVIEW OF FAR REGARDING ORGANIZATIONAL CONFLICTS OF INTEREST.—Not later than 12 months after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall review the Federal Acquisition Regulation to determine whether revisions to the Federal Acquisition Regulation are necessary to achieve sufficiently rigorous, comprehensive, and uniform government-wide policies to prevent and mitigate organizational conflicts of interest in Federal contracting.

(2) REVISIONS OF FAR.—If the Administrator determines pursuant to the review under paragraph (1) that revisions to the Federal Acquisition Regulation are necessary to achieve the policies described in that paragraph, the Administrator shall work with the Federal Acquisition Regulatory Council to prescribe appropriate revisions to the Federal Acquisition Regulation for that purpose.

(3) REPORT.—Not later than March 1, 2010, the Administrator shall submit to the appropriate committees of Congress a report setting forth the findings and determinations of the Administrator as a result of the review under paragraph (1), together with an assessment of any revisions to the Federal Acquisition Regulation that may be necessary to achieve the policies described in that paragraph.

(d) BEST PRACTICES REGARDING CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall, in consultation with the Director of the Office of Government Ethics, develop and maintain a repository of best practices relating to the prevention and mitigation of organizational and personal conflicts of interest in Federal contracting.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

SA 5366. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 834. IMPROVEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) EVIDENCE SUBSTANTIATING OCCURRENCE OF REPRISAL.—Subsection (b) of section 2409 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) A person alleging a reprisal under this section shall affirmatively establish the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal. A disclosure may be demonstrated as a contributing factor for purposes of this paragraph by circumstantial evidence, including evidence as follows:

''(i) Evidence that the official undertaking the reprisal knew of the disclosure.

''(ii) Evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

''(B) Except as provided in subparagraph (C), if a reprisal is affirmatively established under subparagraph (A), the Inspector General shall recommend in the report under paragraph (1) that corrective action be taken under subsection (c).

''(C) The Inspector General may not recommend corrective action under subparagraph (B) with respect to a reprisal that is affirmatively established under subparagraph (A) if the contractor demonstrates by clear and convincing evidence that the contractor would have taken the action constituting the reprisal in the absence of the disclosure.''.

(b) BURDEN OF PROOF IN ACTIONS FOLLOWING LACK OF RELIEF.—Paragraph (2) of subsection (c) of such section is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following new subparagraph:

''(B) In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including the burden of proof in that subsection, subject to the establishment by the contractor that the action alleged to constitute the reprisal did not constitute a reprisal in accordance with the provisions of subsection (b)(3)(C), including the burden of proof in that subsection.''.

(c) CLARIFICATION OF RECOURSE TO JUDICIAL REVIEW.—Paragraph (5) of subsection (c) of such section is amended by striking ''Any

person'' and inserting ''Except in the case of a complainant who brings an action under paragraph (2), any person''.

SA 5367. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. REPORT ON BONUSES AND INCENTIVES FOR RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of the Air Force shall submit to the congressional defense committees a report assessing the feasibility, advisability, utility, and cost effectiveness of establishing new retention bonuses or assignment incentive pay for members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons in order to enhance the recruitment and retention of such members.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of current reenlistment rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) An assessment of whether additional retention bonuses or assignment incentive pay could help to improve retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(4) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(5) Such other matters as the Secretary considers appropriate.

SA 5368. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mr. ALLARD, Mr. BOND, Mr. BENNETT, Mr. BROWNBACK, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. ENSIGN, Mr. DOMENICI, Mr. ENZI, Mrs. HUTCHISON, Mr. ISAKSON, Mr. THUNE, Mr. KYL, Mr. WICKER, Mr. ROBERTS, Mr. CHAMBLISS, Mrs. DOLE, Mr. BURR, Mr. MARTINEZ, Mr. STEVENS, Mr. COBURN, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activies of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. SENSE OF THE SENATE ON THE STRATEGIC SUCCESS OF THE TROOP SURGE IN IRAQ AND THE MEMBERS OF THE UNITED STATES ARMED FORCES WHO MADE THAT SUCCESS POSSIBLE.

(a) FINDINGS.—The Senate makes the following findings:

(1) By the end of 2006, it had become clear that, despite exceptional efforts and sacrifices on the part of the United States Armed Forces in Iraq, the United States was pursuing a failed strategy in Iraq.

(2) By the end of 2006, large-scale sectarian violence was accelerating throughout Iraq, al Qaeda had established significant safe havens there, militias sponsored by the Government of Iran had seized effective control of large swaths of Iraq, and the Government of Iraq was suffering from political paralysis.

(3) By the end of 2006, insurgents and death squads were killing more than 3,000 civilians in Iraq each month and coalition forces were sustaining more than 1,200 attacks each week.

(4) In December 2006, the Iraq Study Group warned that ''the United States is facing one of its most difficult and significant international challenges in decades'' in Iraq and that ''Iraq is vital to regional and even global stability, and is critical to U.S. interests''.

(5) In December 2004, Osama bin Laden said the following of the war in Iraq: ''The most important and serious issue today for the whole world is this Third World War. . . . The world's millstone and pillar is Baghdad, the capital of the caliphate.''.

(6) On January 10, 2007, in an address to the Nation, President George W. Bush acknowledged that the situation in Iraq was ''unacceptable'' and announced his intention to put in place a new strategy, subsequently known as ''the surge''.

(7) President Bush nominated and the Senate confirmed General David H. Petraeus as the Commander of Multi-National Forces—Iraq, a position he assumed on February 10, 2007.

(8) General Petraeus, upon assuming command, and in partnership with Lieutenant General Raymond Odierno, the Commander of Multi-National Corps—Iraq, and United States Ambassador to Iraq Ryan Crocker, developed a comprehensive civil-military counterinsurgency campaign plan to reverse Iraq's slide into chaos, defeat the enemies of the United States in Iraq, and, in partnership with the Iraqi Security Forces and the Government of Iraq, reestablish security across the country.

(9) Under the previous strategy, the overwhelming majority of United States combat forces were concentrated on a small number of large forward operating bases and were not assigned the mission of providing security for the people of Iraq against insurgents, terrorists, and militia fighters, in part because there were insufficient members of the United States Armed Forces in Iraq to do so.

(10) As an integral component of the surge, approximately 5 additional United States Army brigades and 2 United States Marine Corps battalions were deployed to Iraq.

(11) As an integral component of the surge, members of the United States Armed Forces were deployed out of large forward operating bases onto small bases throughout Baghdad and other key population centers, partnering with the Iraqi Security Forces to provide security for the local population against insurgents, terrorists, and militia fighters.

(12) Additional members of the United States Armed Forces began moving into Iraq in January 2007 and reached full strength in June 2007.

(13) As a consequence of the additional forces needed in Iraq, in April 2007 the United States Army added 3 months to the standard year-long tour for all active duty soldiers in Iraq and Afghanistan, and the United States Marine Corps added 3 months to the standard 6-month tour for all active duty Marines in Iraq and Afghanistan.

(14) As an integral component of the surge, members of the United States Armed Forces began simultaneous and successive offensive operations, in partnership with the Iraqi Security Forces, of unprecedented breadth, continuity, and sophistication, striking multiple enemy safe havens and lines of communication at the same time.

(15) As an integral component of the surge, additional members of the United States Armed Forces were deployed to Anbar province to provide essential support to the nascent tribal revolt against al Qaeda in that province.

(16) Those additional members of the United States Armed Forces played a critical role in the success and spread of anti-Qaeda Sunni tribal groups in Anbar province and subsequently in other regions of Iraq.

(17) Since the start of the surge in January 2007, there have been marked and hopeful improvements in almost every political, security, and economic indicator in Iraq.

(18) In 2007, General Petraeus described Iraq as ''the central front of al Qaeda's global campaign''.

(19) In 2008, as a consequence of the success of the surge, al Qaeda has been dealt what Director of Central Intelligence Michael Hayden assesses as a ''near strategic defeat'' in Iraq.

(20) As a consequence of the success of the surge, militias backed by the Government of Iran have been routed from major population centers in Iraq and no longer control significant swaths of territory.

(21) As a consequence of the success of the surge, sectarian violence in Iraq has fallen dramatically and has been almost entirely eliminated.

(22) As a consequence of the success of the surge, overall insurgent attacks have fallen by approximately 80 percent since June 2007 and are at their lowest level since March 2004.

(23) As a consequence of the success of the surge, United States casualties in Iraq have dropped dramatically and United States combat deaths in Iraq in July 2008 were lower than in any other month since the beginning of the war.

(24) As a consequence of the success of the surge, the Government of Iraq has made significant strides in advancing sectarian reconciliation and achieving political progress, including the passage of key benchmark legislation.

(25) As a consequence of the success of the surge, the Iraqi Security Forces have improved markedly and approximately 70 percent of Iraqi combat battalions are now leading operations in their areas.

(26) As a consequence of the success of the surge, General Petraeus concluded in 2008 that conditions on the ground in Iraq could permit the additional brigades and battalions dispatched to Iraq in 2007 as part of the surge to be safely redeployed without replacement, and all such brigades and battalions have been successfully withdrawn without replacement.

(b) SENSE OF SENATE.—It is the sense of the Senate to—

(1) commend and express its gratitude to the men and women of the United States Armed Forces for the service, sacrifices, and

heroism that made the success of the troop surge in Iraq possible;

(2) commend and express its gratitude to General David H. Petraeus, General Raymond Odierno, and Ambassador Ryan Crocker for the distinguished wartime leadership that made the success of the troop surge in Iraq possible;

(3) recognize the success of the troop surge in Iraq and its strategic significance in advancing the vital national interests of the United States in Iraq, the Middle East, and the world, in particular as a strategic victory in a central front of the war on terrorism; and

(4) recognize that the hard-won gains achieved as a result of the troop surge in Iraq are significant but not yet permanent and that it is imperative that no action be taken that jeopardizes those gains or dishonors the service and sacrifice of the men and women of the United States Armed Forces who made those gains possible.

SA 5369. Mr. WHITEHOUSE (for himself, Mrs. FEINSTEIN, Mr. ROCKEFELLER, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 20, add the following:

SEC. 1037. REQUIREMENT FOR RED CROSS NOTIFICATION OF AND ACCESS TO DETAINEES.

(a) REQUIREMENT.—No funds authorized to be appropriated by this Act or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community or an instrumentality of such element unless the International Committee of the Red Cross is provided notification of the detention of such individual and access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this subsection shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

(c) DEFINITIONS.—In this section:

(1) INSTRUMENTALITY.—The term ''instrumentality'', with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SA 5370. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 452, between lines 9 and 10, insert the following:

SEC. 2806. EXPANSION OF AUTHORITY FOR PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

Section 2881a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary of the Navy'' and inserting ''(1) The Secretary of the Navy''; and

(B) by adding at the end the following new paragraph:

''(2) The Secretary of the Army shall carry out a pilot project under the authority of this section or another provision of this subchapter to use the private sector for the acquisition or construction of military unaccompanied housing for all ranks at Fort Polk, Louisiana.'';

(2) in subsection (b), by striking ''The Secretary of the Navy'' and inserting ''The Secretaries of the Army and Navy'';

(3) in subsection (d)(1), by striking ''The Secretary of the Navy'' and inserting ''The Secretaries of the Army and Navy'';

(4) in subsection (e)(1), by striking ''The Secretary of the Navy shall transmit'' and inserting ''The Secretaries of the Army and Navy shall each transmit''; and

(5) in subsection (f)—

(A) by striking ''The authority'' and inserting ''(1) The authority''; and

(B) by adding at the end the following new paragraph:

''(2) The authority of the Secretary of the Army to enter into a contract under the pilot program shall expire September 30, 2010.''.

SA 5371. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. WORLD WAR II MUSEUM FOUNDATION FOR AMERICA'S NATIONAL WORLD WAR II MUSEUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The National D-Day Museum was officially designated by the Congress as ''America's National World War II Museum'' in section 8134 of the Fiscal Year 2004 Defense Appropriations Act (Public Law 108–87; 117 Stat. 1103).

(2) The Museum received the national designation because it is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during World War II, years 1939-1945, on both the battlefront and the homefront. In doing so, the Museum covers all of the branches of the Armed Forces and the Merchant Marine.

(3) A one-time $50,000,000 grant to the World War II Museum Foundation would provide vital Federal support for the U.S. Freedom Pavilion portion of the current Museum expansion.

(4) The U.S. Freedom Pavilion will be the main entrance building to the main theater, exhibit halls, and other pavilions in the Museum. Among its major exhibits, the Freedom Pavilion will contain an interactive exhibition honoring all of the World War II veterans who have also served the Nation as President or as a member of the Senate or House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amount appropriated pursuant to the authorization of appropriations under section 301(1), $50,000,000 may be made available for a grant to the National World War II Museum Foundation for the museum in New Orleans, Louisiana, designated as America's National World War II Museum by section 8134 of the Department of Defense Appropriations Act, 2005 (Public Law 108–87; 117 Stat. 1103).

SA 5372. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 539. AUTHORIZED STRENGTH AND DISTRIBUTION IN GRADE OF CERTAIN NATIONAL GUARD AND RESERVE OFFICERS AND ARMY NATIONAL GUARD ENLISTED PERSONNEL.

(a) STRENGTH AND GRADE AUTHORIZATIONS FOR CERTAIN NATIONAL GUARD AND RESERVE OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended—

(1) by striking the matter relating to the Army National Guard and the Marine Corps Reserve and inserting the following new matter:

''Army National Guard:	Major	Lieutenant Colonel	Colonel
20,000	1,500	850	325
22,000	1,650	930	350
24,000	1,790	1,010	378
26,000	2,070	1,168	420
28,000	1,930	1,085	395
30,000	2,200	1,245	445

''Army National Guard:	Major	Lieutenant Colonel	Colonel
32,000	2,330	1,315	460
34,000	2,450	1,385	470
36,000	2,570	1,455	480
38,000	2,670	1,527	490
40,000	2,770	1,590	500
42,000	2,837	1,655	505

''Marine Corps Reserve:	Major	Lieutenant Colonel	Colonel
1,000	99	63	20
1,200	103	67	21
1,300	107	70	22
1,400	111	73	23
1,500	114	76	24
1,600	117	79	25
1,700	120	82	26
1,800	123	85	27
1,900	126	88	28
2,000	129	91	29
2,100	132	94	30
2,200	134	97	31
2,300	136	100	32
2,400	138	103	33
2,500	140	106	34
2,600	142	109	35''.

(2) by striking the matter relating to the Air National Guard and inserting the following new matter:

''Air National Guard:	Major	Lieutenant Colonel	Colonel
5,000	333	335	251
6,000	403	394	260
7,000	472	453	269
8,000	539	512	278
9,000	606	571	287
10,000	673	665	313
11,000	740	759	339
12,000	807	827	353
13,000	873	886	363
14,000	939	945	374
15,000	1,005	1,001	384
16,000	1,067	1,057	394
17,000	1,126	1,113	404
18,000	1,185	1,169	414
19,000	1,235	1,224	424
20,000	1,283	1,280	428''.

(b) STRENGTH AND GRADE AUTHORIZATION FOR CERTAIN ARMY NATIONAL GUARD PERSONNEL.—The table in section 12012(a) of such title is amended by striking the matter relating to the Army National Guard and inserting the following new matter:

''Army National Guard:	E–8	E–9
20,000	1,650	550
22,000	1,775	615
24,000	1,950	645
26,000	2,100	675
28,000	2,250	715
30,000	2,400	735
32,000	2,500	760
34,000	2,600	780
36,000	2,700	800
38,000	2,800	820
40,000	2,900	830
42,000	3,000	840''.

SA 5373. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. AUTHORITY TO CONTINUE PROVISION OF INCENTIVES AFTER TERMINATION OF TEMPORARY ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3321) is amended to read as follows:

''(i) TERMINATION OF AUTHORITY.—

''(1) IN GENERAL.—The Secretary may not develop an incentive under this section, or first provide an incentive developed under this section to an individual, after December 31, 2009.

''(2) CONTINUATION OF INCENTIVES.—Nothing in paragraph (1) shall be construed to prohibit or limit the continuing provision to an individual after the date specified in that paragraph of an incentive first provided the individual under this section before that date.''.

SA 5374. Mr. REID (for Mr. BIDEN (for himself, Mr. KERRY, and Mr. HAGEL)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

Subtitle E—Enhanced Partnership With Pakistan

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Enhanced Partnership with Pakistan Act of 2008''.

SEC. 1242. FINDINGS.

Congress makes the following findings:

(1) The people of Pakistan and the United States have a long history of friendship and comity, and the vital interests of both nations are well-served by strengthening and deepening this friendship.

(2) In February 2008, the people of Pakistan elected a civilian government, reversing months of political tension and intrigue, as well as mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of that country's populace, and serve as a model to other countries around the world.

(4) Pakistan is a major non-NATO ally of the United States, and has been a valuable partner in the battle against al Qaeda and the Taliban.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past 6 years.

(6) Since the terrorist attacks of September 11, 2001, more al Qaeda terrorist suspects have been apprehended in Pakistan than in any other country, including Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi.

(7) Despite the sacrifices and cooperation of the security forces of Pakistan, the top leadership of al Qaeda, as well as the leadership and rank-and-file of affiliated terrorist groups, are believed to use Pakistan's Federally Administered Tribal Areas (FATA) as a haven and a base from which to organize terrorist actions in Pakistan and with global reach.

(8) According to a Government Accountability Office Report, (GAO–08–622), ''since 2003, the administration's national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power— diplomatic, military, intelligence, development assistance, economic, and law enforcement support— was needed to address the terrorist threat emanating from the FATA'' and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 22 U.S.C. 2375 note).

(9) According to United States military sources and unclassified intelligence reports, including the July 2007 National Intelligence Estimate entitled, ''The Terrorist Threat to the U.S. Homeland'', the Taliban, al Qaeda, and their Pakistani affiliates continue to use territory in Pakistan as a haven, recruiting location, and rear base for violent actions in both Afghanistan and Pakistan, as well as attacks globally, and pose a threat to the United States homeland.

(10) The toll of terrorist attacks, including suicide bombs, on the people of Pakistan include thousands of citizens killed and wounded across the country, over 1,400 military and police forces killed (including 700 since July 2007), and dozens of tribal, provincial, and national officials targeted and killed, as well as the brazen assassination of former prime minister Benazir Bhutto while campaigning in Rawalpindi on December 27, 2007, and several attempts on the life of President Pervaiz Musharraf, and the rate of such attacks have grown considerably over the past 2 years.

(11) The people of Pakistan and the United States share many compatible goals, including—

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

(B) solidifying democracy and the rule of law in Pakistan;

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

(D) promoting the social and material well-being of Pakistani citizens, particularly through development of such basic services as public education, access to potable water, and medical treatment; and

(E) safeguarding the peace and security of South Asia, including by facilitating peaceful relations between Pakistan and its neighbors.

(12) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

(13) The election of a civilian government in Pakistan in February 2008 provides an opportunity, after nearly a decade of military-dominated rule, to place relations between Pakistan and the United States on a new and more stable foundation.

(14) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

SEC. 1243. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.—The term ''counterinsurgency'' means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through the use of subversion and armed conflict.

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(4) FATA.—The term ''FATA'' means the Federally Administered Tribal Areas of Pakistan.

(5) NWFP.—The term ''NWFP'' means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(6) PAKISTAN-AFGHANISTAN BORDER AREAS.—The term ''Pakistan-Afghanistan border areas'' includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

(7) SECURITY-RELATED ASSISTANCE.—The term ''security-related assistance'' means—

(A) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(B) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(C) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368).

(8) SECURITY FORCES OF PAKISTAN.—The term ''security forces of Pakistan'' means the military, paramilitary, and intelligence services of the Government of Pakistan, including the armed forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, Frontier Corps, and Frontier Constabulary.

SEC. 1244. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support the consolidation of democracy, good governance, and rule of law in Pakistan;

(2) to affirm and build a sustained, long-term, multifaceted relationship with Pakistan;

(3) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

(4) to work with Pakistan and the countries bordering Pakistan to facilitate peace in the region and harmonious relations between the countries of the region;

(5) to work with the Government of Pakistan to prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, or elsewhere in the world;

(6) to work in close cooperation with the Government of Pakistan to coordinate military and paramilitary action against terrorist targets;

(7) to work with the Government of Pakistan to help bring peace, stability, and development to all regions of Pakistan, especially those in the Pakistan-Afghanistan border areas, including support for an effective counterinsurgency strategy; and

(8) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods.

SEC. 1245. AUTHORIZATION OF FUNDS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the following amounts:

(1) For fiscal year 2009, up to $1,500,000,000.

(2) For fiscal year 2010, up to $1,500,000,000.

(3) For fiscal year 2011, up to $1,500,000,000.

(4) For fiscal year 2012, up to $1,500,000,000.

(5) For fiscal year 2013, up to $1,500,000,000.

(b) SENSE OF CONGRESS ON ECONOMIC SUPPORT FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate, there should be authorized to be appropriated up to $1,500,000,000 per year for fiscal years 2014 through 2018 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

(c) SENSE OF CONGRESS ON SECURITY-RELATED ASSISTANCE.—It is the sense of Congress that security-related assistance to the Government of Pakistan should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (5), (6), and (7) of section 1244.

(d) USE OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations under this section shall be used for projects determined by an objective measure to be of clear benefit to the people of Pakistan, including projects that promote—

(1) just and democratic governance, including—

(A) political pluralism, equality, and the rule of law;

(B) respect for human and civil rights;

(C) independent, efficient, and effective judicial systems;

(D) transparency and accountability of all branches of government and judicial proceedings; and

(E) anticorruption efforts among police, civil servants, elected officials, and all levels of government administration, including the military;

(2) economic freedom, including—

(A) private sector growth and the sustainable management of natural resources;

(B) market forces in the economy; and

(C) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders; and

(3) investments in people, particularly women and children, including—

(A) broad-based public primary and secondary education and vocational training for both boys and girls;

(B) the construction of roads, irrigation channels, wells, and other physical infrastructure;

(C) agricultural development to ensure food staples in times of severe shortage;

(D) quality public health, including medical clinics with well trained staff serving rural and urban communities; and

(E) public-private partnerships in higher education to ensure a breadth and consistency of Pakistani graduates to help strengthen the foundation for improved governance and economic vitality.

(e) PREFERENCE FOR BUILDING LOCAL CAPACITY.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan to provide assistance under this section.

(f) AUTHORITY TO USE FUNDS FOR OPERATIONAL EXPENSES.—Funds authorized by this section may be used for operational expenses. Funds may also be made available to the Inspector General of the United States Agency for International Development to provide audits and program reviews of projects funded pursuant to this section.

(g) USE OF SPECIAL AUTHORITY.—The President is encouraged to utilize the authority of section 633(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2393(a)) to expedite assistance to Pakistan under this section.

(h) USE OF FUNDS.—Funds appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs by the United States mission in Pakistan, subject to existing reporting and notification requirements.

(i) NOTIFICATION REQUIREMENTS.—

(1) NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.—The President shall notify Congress not later than 15 days before providing any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government.

(2) ANNUAL REPORT.—The President shall submit to the appropriate congressional committees a report on assistance provided under this section. The report shall describe—

(A) all expenditures under this section, by region;

(B) the intended purpose for such assistance, the strategy or plan with which it is aligned, and a timeline for completion associated with such strategy or plan;

(C) the partner or partners contracted for that purpose, as well as a measure of the effectiveness of the partner or partners;

(D) any shortfall in financial, physical, technical, or human resources that hinder effective use and monitoring of such funds; and

(E) any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any.

(j) SENSE OF CONGRESS ON FUNDING OF PRIORITIES.—It is the sense of Congress that the Government of Pakistan should allocate a greater portion of its budget, consistent with its ''Poverty Reduction Strategy Paper'', to the recurrent costs associated with education, health, and other priorities described in this section.

SEC. 1246. LIMITATION ON CERTAIN ASSISTANCE.

(a) LIMITATION ON CERTAIN MILITARY ASSISTANCE.—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(b) LIMITATION ON ARMS TRANSFERS.—Beginning in fiscal year 2012, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(c) CERTIFICATION.—The certification required by this subsection is a certification to the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

(1) are making concerted efforts to prevent al Qaeda and associated terrorist groups from operating in the territory of Pakistan;

(2) are making concerted efforts to prevent the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan; and

(3) are not materially interfering in the political or judicial processes of Pakistan.

(d) WAIVER.—The Secretary of State may waive the limitations in subsections (a) and (b) if the Secretary determines it is in the national security interests of the United States to provide such waiver.

(e) PRIOR NOTICE OF WAIVER.—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor.

SEC. 1247. COALITION SUPPORT FUNDS.

(a) ACCOUNTING REPORTS.—Not later than May 1 and November 1 of each year, the President shall submit to the appropriate congressional committees and the Committees on Armed Services of the Senate and the House of Representatives a complete accounting of the Coalition Support Fund payments made to Pakistan for the preceding two fiscal quarters. The accounting shall include a description of each claim presented by the Government of Pakistan and reimbursed by the United States, in sufficient detail to permit Congress to provide effective oversight.

(b) PROHIBITION ON REIMBURSEMENT WITHOUT ACCOUNTING REPORT.—Except as provided in subsection (c), no claim for funding under the Coalition Support Fund made after the date of the enactment of this Act may be paid until the President has submitted the accounting described in subsection (a) for the most recent two fiscal quarters.

(c) WAIVER.—The Secretary of Defense may waive the prohibition in subsection (b) for a nonrenewable 6-month period for an individual Coalition Support Fund claim if the Secretary submits to the committees described in subsection (a) a written certification that such waiver is in the national security interests of the United States.

(d) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex. The unclassified portion shall be submitted in a searchable electronic format.

SEC. 1248. AFGHANISTAN-PAKISTAN BORDER STRATEGY.

(a) DEVELOPMENT OF COMPREHENSIVE STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-border strategy for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measurers in and near the border areas of Pakistan and

Afghanistan, especially in known or suspected safe havens such as Pakistan's FATA, the NWFP, parts of Balochistan, and other critical areas in the south and east border areas of Afghanistan.

(b) REPORT.—Not later than June 1, 2009, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the FATA, as well as proposed timelines and budgets for implementing the strategy.

SEC. 1249. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan; and

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally.

SA 5375. Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS FOR LONG DISTANCE TRAVEL TO INACTIVE DUTY TRAINING.

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

"§ 411k. Travel and transportation allowances: long distance travel to inactive duty training performed by members of the reserve components of the armed forces

''(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse a member of a reserve component of the armed forces for expenses incurred in connection with round-trip travel in excess of 100 miles to an inactive duty training location, including mileage traveled and lodging and subsistence.

''(b) RATES OF REIMBURSEMENT.—

''(1) MILEAGE.—In determining the amount of allowances or reimbursement to be paid for mileage traveled under this section, the Secretary concerned shall use the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707(b) of title 5.

''(2) LODGING AND SUBSISTENCE.—In determining the amount of allowances or reimbursement to be paid for lodging and subsistence under this section, the Secretary concerned shall use the per diem rate as prescribed by the Administrator of General Services under section 5707 of title 5.

''(3) AUTHORITY TO REIMBURSE AT HIGHER RATES.—Subject to the availability of appropriations and the approval of the Secretary of Defense, the Secretary concerned may modify the amount of allowances or reimbursement to be paid under this section using reimbursement rates in excess of those prescribed under paragraphs (1) and (2).

''(c) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

''411k. Travel and transportation allowances: long distance travel to inactive duty training performed by members of the reserve components of the armed forces.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act.

SA 5376. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1003 and insert the following:

SEC. 1003. CODIFICATION OF RECURRING AUTHORITY ON UNITED STATES CONTRIBUTIONS TO THE NORTH ATLANTIC TREATY ORGANIZATION COMMON-FUNDED BUDGETS.

(a) CODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2263. United States contributions to the North Atlantic Treaty Organization common-funded budgets

''(a) IN GENERAL.—The total amount contributed by the Secretary of Defense in any fiscal year for the common-funded budgets of NATO may be an amount in excess of the maximum amount that would otherwise be applicable to those contributions in such fiscal year under the fiscal year 1998 baseline limitation.

''(b) REPORTS.—(1) Not later than October 30 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the contributions made by the Secretary to the common-funded budgets of NATO in the preceding fiscal year.

''(2) Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) The amounts contributed by the Secretary to each of the separate budgets and programs of the North Atlantic Treaty Organization under the common-funded budgets of NATO.

''(B) For each budget and program to which the Secretary made such a contribution, the percentage of such budget or program during the fiscal year that such contribution represented.

''(c) DEFINITIONS.—In this section:

''(1) COMMON-FUNDED BUDGETS OF NATO.—The term 'common-funded budgets of NATO' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

''(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term 'fiscal year 1998 baseline limitation' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

''2263. United States contributions to the North Atlantic Treaty Organization common-funded budgets.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply to fiscal years that begin on or after that date.

SA 5377. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 454, after line 21, add the following:

SEC. 2814. VEGETATION MAINTENANCE PLAN FOR DEPARTMENT OF DEFENSE TRAINING RANGES.

(a) PLAN REQUIRED.—The Secretary of Defense shall submit concurrently with the budget materials submitted to Congress for fiscal year 2010 a vegetation maintenance plan for all Department of Defense training ranges identifying measures to prevent training range encroachment, identify recoverable acreage, and sustain any potential recovery.

(b) CONTENT.—The plan submitted under subsection (a) shall include—

(1) a survey of all Department of Defense training ranges and the impact of vegetation on the loss of training range acreage;

(2) an estimate of the funds required, identified by installation, for vegetation management;

(3) a ranking of probable adverse training impacts by installation; and

(4) a proposed five-year plan, and projected budgetary resources needed by year, to sustain the vegetation management gains proposed by the plan.

SA 5378. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 257. REPORT ON THE ACCELERATION OF RESEARCH, DEVELOPMENT, AND FIELDING OF LIFE-PRESERVING BLOOD TECHNOLOGIES.

(a) REPORT REQUIRED.—Not later than March 30, 2009, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the feasability and advisability of accelerating research, development, and fielding of blood technologies that will improve the capacity to save lives of members of the Armed Forces receiving combat care.

(b) COVERED TECHNOLOGIES.—The technologies to be addressed by the report required by subsection (a) shall include, but not be limited to, extended life red blood cells, cryogenic storage of white blood cells, cryo-preserved platelets, hemoglobin-based oxygen carriers, and freeze dried plasma.

SA 5379. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term ''qualified individual'' means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a ''voucher''), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) QUALIFIED MAILING.—In this section, the term ''qualified mailing'' means the mailing of a single mail piece which—

(A) is first-class mail (including any sound-recorded or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) TRANSFERS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) FUNDING.—Of the amounts authorized to be appropriated for the Department of Defense for fiscal year 2008 for military personnel, $10,000,000 shall be for postal benefits provided in this section.

SA 5380. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1135. Cold War service medal

''(a) MEDAL AUTHORIZED.—The Secretary concerned shall issue a service medal, to be known as the 'Cold War service medal', to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

''(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War service medal:

''(1) A person who—

''(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

''(B) completed the person's initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

''(2) A person who—

''(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

''(B) completed the person's initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

''(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any person.

''(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person described in subsection (b) dies before being issued the Cold War service medal, the medal shall be issued to the person's representative, as designated by the Secretary concerned.

''(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

''(f) APPLICATION FOR MEDAL.—The Cold War service medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

''(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

''(h) COLD WAR DEFINED.—In this section, the term 'Cold War' means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

amended by adding at the end the following new item:

''1135. Cold War service medal.''.

SA 5381. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. SENSE OF THE SENATE ON THE USE OF OIL REVENUES IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) Congress has called on the Government of Iraq to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other citizens of Iraq in an equitable manner.

(2) The Government of Iraq has failed to pass national hydrocarbon revenue-sharing legislation to ensure the equitable distribution of oil revenues to the people of Iraq, a national security priority of the United States Government.

(3) The failure to pass such legislation leaves Iraq at great risk of suffering from the ''oil curse'', marked by declining economic growth, vast inequality, political repression, and continuing violence.

(4) According to the Government Accountability Office, the Government of Iraq will receive as much as $80,000,000,000 in oil revenues in 2008 and has a projected budget surplus for 2008 of almost $50,000,000,000.

(5) As of September 2008, the United States Government has spent approximately $48,000,000,000 on reconstruction projects in Iraq, while the Government of Iraq has spent roughly $4,000,000,000 on reconstruction projects.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of Iraq should immediately pass national hydrocarbon revenue-sharing legislation to ensure the equitable distribution of oil revenues in Iraq;

(2) the Government of Iraq should significantly increase its contribution to the funding of reconstruction projects in Iraq; and

(3) the United States Government, in the budget and appropriations process for fiscal years after fiscal year 2008, should reduce appropriations for reconstruction in Iraq by the amount of oil revenue that accrues to the Government of Iraq before the Government of Iraq enacts national hydrocarbon revenue-sharing legislation.

SA 5382. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2814. PROJECT MODIFICATION, BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.

(a) IN GENERAL.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey, authorized by section 101(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary of the Army, acting through the Chief of Engineers (referred to in this section as the ''Secretary''), to carry out, at Federal expense, such measures as the Secretary determines to be necessary and appropriate in the public interest to address the handling of munitions placed on the beach during construction of the project before the date of enactment of this Act.

(b) TREATMENT OF COSTS.—Any cost incurred by the Secretary in carrying out subsection (a) shall not be considered to be a cost of constructing the project.

(c) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for any cost incurred by the non-Federal interest with respect to the removal and handling of the munitions referred to in subsection (a).

(d) ELIGIBLE ACTIVITIES.—Measures authorized under subsection (a) include monitoring, removal, and disposal of the munitions referred to in subsection (a).

SA 5383. Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. MONTHLY SPECIAL PAY FOR MEMBERS OF THE UNIFORMED SERVICES WHOSE SERVICE ON ACTIVE DUTY IS EXTENDED BY A STOP-LOSS ORDER OR SIMILAR MECHANISM.

(a) PAY REQUIRED.—

(1) IN GENERAL.—Subchapter I of chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 330a. Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism

''(a) SPECIAL PAY.—A member of the uniformed services entitled to basic pay whose enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to the exercise of an authority referred to in subsection (b) is entitled while on active duty during the period of such extension or suspension to special pay in the amount specified in subsection (c).

''(b) AUTHORITIES.—An authority referred to in this section is an authority for the extension of an enlistment or period of obligated service, or for suspension of eligibility for retirement, of a member of the uniformed services under a provision of law as follows:

''(1) Section 123 of title 10.

''(2) Section 12305 of title 10.

''(3) Any other provision of law (commonly referred to as a 'stop-loss authority') authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

''(c) MONTHLY AMOUNT.—The amount of special pay specified in this subsection is $1,500 per month.

''(d) CONSTRUCTION WITH OTHER PAYS.—Special pay payable under this section is in addition to any other pay payable to members of the uniformed services by law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 330 the following new item:

''330a. Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 2001.

SA 5384. Mr. LAUTENBERG (for himself and Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 702. LIMITATIONS ON ADJUSTMENTS TO BENEFICIARY FEES FOR MILITARY HEALTH CARE.

(a) FINDINGS.—Congress makes the following findings:

(1) Career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) The demands and sacrifices are such that few Americans are willing to bear or accept them for a multi-decade career.

(4) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) Many private sector firms are curtailing health benefits and shifting significantly higher costs to their employees, and one effect of such curtailment is that retired members of the uniformed services are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in uniform.

(6) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts has been devoted to shifting a larger share of the costs of benefits under that program to retired members of the uniformed services.

(7) The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for

health care benefits under the TRICARE program far exceeds the percentage increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the uniformed services.

(8) Proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments of retired members of the uniformed services who are participants in the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in uniform.

(9) Some of the Nation's health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs, and imposes unique administrative requirements, for health care services.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the uniformed services that exceeds the obligation of corporate employers to provide health care benefits to their employees;

(2) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program;

(3) any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the uniformed services and their families or survivors should not in any case exceed the percentage increase in military retired pay; and

(4) any percentage increase in fees, deductibles, and copayments under the TRICARE program that may be considered for members of the uniformed services who are currently serving on active duty or in the Selected Reserve, and for the families of such members, should not exceed the percentage increase in basic pay for such members.

(c) LIMITATIONS ON CERTAIN INCREASES IN HEALTH CARE COSTS.—

(1) PHARMACY BENEFITS PROGRAM.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS.—Section 702 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Section 1074g(a)(6) of title 10, United Stated Code, is amended by adding at the end the following new subparagraph:

''(C) Effective as of October 1, 2009, the amount of any cost sharing requirements under this paragraph may not be increased in any year by a percentage that exceeds the percentage increase of the most recent increase in retired pay for members and former members of the armed forces under section 1401a(b)(2) of this title. To the extent that such increase for any year is less than one dollar, the accumulated increase may be carried over from year to year, rounded to the nearest dollar.''.

(2) PREMIUMS FOR TRICARE STANDARD FOR RESERVE COMPONENT MEMBERS WHO COMMIT TO SERVICE IN THE SELECTED RESERVE.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN PREMIUMS.—Section 1076d(d)(3) of such title is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Such section is further amended—

(i) by striking ''The monthly amount'' and inserting ''(A) Subject to subparagraph (B), the monthly amount''; and

(ii) by adding at the end the following new subparagraph:

''(B) Effective as of October 1, 2009, the percentage increase in the amount of the premium in effect for a month for TRICARE Standard coverage under this section may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.''.

(3) COPAYMENTS UNDER CHAMPUS.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN CHARGES FOR INPATIENT CARE.—Paragraph (3) of section 1086(b) of such title is amended in the first sentence by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Such paragraph is further amended by inserting after the first sentence the following new sentence: ''Effective as of October 1, 2009, the percentage increase charges for inpatient care under this paragraph may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.''

(4) PROHIBITION ON ENROLLMENT FEES FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

''(5) A person covered by subsection (c) may not be charged an enrollment fee for coverage under this section.''.

(5) AUTOMATIC ENROLLMENT FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

''(6) A person covered by subsection (c) shall not be subject to denial of claims for coverage under this section for failure to enroll for such coverage. To the extent enrollment may be required, enrollment shall be automatic for any such person filing a claim under this section.''.

(6) PREMIUMS AND OTHER CHARGES UNDER TRICARE.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of such title is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Such section is further amended—

(i) by inserting ''(1)'' before ''The Secretary of Defense''; and

(ii) by adding at the end the following new paragraph:

''(2) Effective as of October 1, 2009, the percentage increase in the amount of any premium, deductible, copayment, or other charge prescribed by the Secretary under this subsection may not exceed the percentage increase of the most recent increase in retired pay for members and former members of the armed forces under section 1041a(b)(2) of this title.''.

SA 5385. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 20, add the following:

SEC. 314. REPORT ON COMPLIANCE WITH ADMINISTRATIVE ORDERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the steps that the Department of Defense has taken or plans to take, if any, to comply with any Unilateral Administrative Orders issued to the Department, or any component of the Department, in 2007 or 2008 by the Environmental Protection Agency under any of its imminent and substantial endangerment authorities. The report shall explain the legal basis for any decision by the Department of Defense, or any component of the Department of Defense, not to comply fully with any such order.

SA 5386. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ENHANCEMENT OF PROTECTIONS FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS AGAINST SALE, FORECLOSURE, SEIZURE, OR SALE OF MORTGAGED PROPERTY.

(a) EXTENSION OF PERIOD AFTER MILITARY SERVICE COVERED BY GENERAL PROTECTIONS.—Section 303(c) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(c)) is amended by striking ''90 days'' and inserting ''one year''.

(b) ENHANCEMENT OF PROTECTIONS FOR MEMBERS OF THE ARMED FORCES WHO SERVE IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM AND THEIR DEPENDENTS.—

(1) SCOPE OF PROTECTIONS.—This subsection applies to an obligation on real or personal property owned by a covered member of the Armed Forces, or by a dependent of a covered member of the Armed Forces, regardless of whether entered into before, on, or after the member's entry onto military service, on which the covered member or dependent, as the case may be, is still obligated and that is secured by a mortgage, trust deed, or other security in the nature of a mortgage.

(2) SALE OR FORECLOSURE.—

(A) IN GENERAL.—A sale, foreclosure, or seizure of property for breach of an obligation described in paragraph (1) shall not be valid if made during, or within one year after, the military service of a covered member of the Armed Forces, or the military service of the covered member of the Armed Forces concerned in the case of a dependent of such a member.

(B) NO WAIVER.—The limitations of subparagraph (A) are not waivable by a covered member of the Armed Forces pursuant to

section 107 of the Servicemembers Civil Relief Act (50 U.S.C. App. 517).

(3) PROHIBITION ON ACTIONS FOR NONPAYMENT OR DEFAULT.—No court shall have jurisdiction to hear any civil action against a covered member of the Armed Forces or a dependent of a covered member of the Armed Forces for nonpayment or default on an obligation described in paragraph (1) during, or within 1 year after, the military service of the covered member or the covered member Armed Forces concerned, as the case may be.

(4) RESPONSIBILITIES OF OBLIGORS.—In the event a sale, foreclosure, or seizure of property for breach of an obligation described in paragraph (1) is prohibited by operation of paragraph (2) or (3), the obligor on the obligation shall—

(A) notify the covered member of the Armed Forces or dependent concerned, in writing, of the outstanding liability of the covered member or dependent, as the case may be, for principal and interest on the obligation; and

(B) if the obligor determines that a modification of the obligation or a reduction in the outstanding liability of the covered member or dependent for principal, interest, or both on the obligation is in the interest of the obligor and the covered member or dependent, as the case may be, notify the covered member or dependent, as the case may be, in writing, of—

(i) such determination; and

(ii) the actions to be taken by obligor and the covered member or dependent, as the case may be, to effectuate the modification or reduction.

(5) EFFECT OF PROTECTIONS ON FUTURE FINANCIAL TRANSACTIONS.—

(A) COVERED MEMBERS.—The application of paragraph (2), (3), (4), or (5) to an obligation described in paragraph (1) of a covered member of the Armed Forces shall be deemed to constitute the receipt by the covered member of a stay of a civil liability with respect to the obligation under the Servicemembers Civil Relief Act for purposes of section 108 of that Act (50 U.S.C. App. 518).

(B) DEPENDENTS.—In the event of the application of paragraph (2), (3), (4), or (5) to an obligation described in paragraph (1) of a dependent of a covered member of the Armed Forces, the dependent shall be deemed to be a servicemember receiving a stay of a civil liability with respect to the obligation under the Servicemembers Civil Relief Act for purposes of section 108 of that Act.

(6) PENALTIES.—The provisions of section 303(d) of the Servicemembers Civil Relief Act (50 U.S.C. 533(d)) shall apply to sales, foreclosures, and seizures of property, and attempted sales, foreclosures, and seizures of property, prohibited by paragraph (2).

(7) DEFINITIONS.—In this subsection:

(A) COVERED MEMBER OF THE ARMED FORCES.—The term ''covered member of the Armed Forces'' means a member of the Armed Forces, including a member of a Reserve component of the Armed Forces, who serves on active duty in the Armed Forces—

(i) in Iraq as part of Operation Iraqi Freedom; or

(ii) in Afghanistan as part of Operation Enduring Freedom.

(B) DEPENDENT.—The term ''dependent'', in the case of a covered member of the Armed Forces, has the meaning given that term in section 101(4) of the Servicemembers Civil Relief Act (50 U.S.C. App. 511(4)).

(C) MILITARY SERVICE.—The term ''military service'', in the case of a covered member of the Armed Forces, means service of the member on active duty in the Armed Forces—

(i) in Iraq as part of Operation Iraqi Freedom; or

(ii) in Afghanistan as part of Operation Enduring Freedom.

(8) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act.

SEC. 588. FINANCIAL SERVICES COUNSELING ON MORTGAGES AND MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES WHO SERVE IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM, VETERANS, AND THEIR DEPENDENTS.

(a) COUNSELING REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Housing and Urban Development, provide financial services counseling relating to mortgages and mortgage foreclosures to a veteran, covered member of the Armed Forces, or dependent of such veteran or covered member, upon request of such individual.

(2) PROVISION AT NO COST TO RECIPIENT.—Financial services counseling shall be provided under this section at no cost to the recipient.

(b) ANNUAL OUTREACH PLAN.—

(1) PLAN REQUIRED.—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Housing and Urban Development, develop and implement on an annual basis a plan for the provision of outreach to veterans, covered members of the Armed Forces, and their dependents on the financial services counseling available under this section.

(2) ELEMENTS.—Each plan under this subsection shall include—

(A) efforts to identify veterans, covered members of the Armed Forces, or dependents who are not otherwise enrolled in or registered for financial counseling services under other programs administered by the Secretary of Defense or the Secretary of Veterans Affairs; and

(B) provisions for informing veterans, covered members of the Armed Forces, and their dependents about loan modification programs, workout plans, foreclosure prevention, and other financial counseling programs available to them through the Department of Defense, the Department of Veterans Affairs, the Department of Housing and Urban Development, nonprofit organizations, and other Federal, State, and local initiatives.

(3) CONSULTATION.—In developing each plan under this subsection, the Secretary of Defense shall consult with, at a minimum, the following:

(A) Directors or other responsible officials of veterans service organizations.

(B) Representatives of other outreach programs for veterans.

(C) Nonprofit organizations.

(D) Other appropriate Federal, State, or local government agencies, individuals, or organizations.

(c) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term ''covered member of the Armed Forces'' means a member of the Armed Forces, including a member of a Reserve component of the Armed Forces, who serves on active duty in the Armed Forces—

(1) in Iraq as part of Operation Iraqi Freedom; or

(2) in Afghanistan as part of Operation Enduring Freedom.

SA 5387. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

TITLE XXXIII—INTELLIGENCE AUTHORIZATIONS

SEC. 3301. DEFINITIONS.

In this title:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

Subtitle A—Budget and Personnel Authorizations

SEC. 3311. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 3312. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 3311 and, subject to section 3313, the authorized personnel levels as of September 30, 2009, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 3311, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Tenth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 3313. PERSONNEL LEVEL ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2009 by the classified Schedule of Authorizations referred to in section 3312(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 5 percent of the number of civilian personnel authorized under such section for such element.

(b) TRANSITION TO FULL-TIME EQUIVALENCY.—

(1) TREATMENT FOR FISCAL YEAR 2009.—For fiscal year 2009, the Director of National Intelligence, in consultation with the head of each element of the intelligence community, may treat the personnel ceilings authorized under the classified Schedule of Authorizations referred to in section 3312(a) as full-time equivalents.

(2) CONSIDERATION.—In exercising the authority described in paragraph (1), the Director of National Intelligence may consider the circumstances under which civilian employees are employed and accounted for at each element of the intelligence community in—

(A) a student program, trainee program, or similar program;

(B) reserve corps or equivalent status as a reemployed annuitant or other employee;

(C) a joint duty rotational assignment; or

(D) other full-time or part-time status.

(3) NOTIFICATION TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall notify the congressional intelligence committees in writing of—

(A) the policies for implementing the authorities described in paragraphs (1) and (2); and

(B) the number of all civilian personnel employed by, or anticipated to be employed by, each element of the intelligence community during fiscal year 2009 accounted for—

(i) by position;

(ii) by full-time equivalency; or

(iii) by any other method.

(4) TREATMENT FOR FISCAL YEAR 2010.—The Director of National Intelligence shall express the personnel levels for all civilian employees for each element of the intelligence community in the congressional budget justifications submitted for fiscal year 2010 as full-time equivalent positions.

(c) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACTORS.—

(1) IN GENERAL.—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contractor employees should be performed by employees of such element, the Director of National Intelligence may authorize for that purpose employment of additional full-time equivalent personnel in such element equal to the number of full-time equivalent contractor employees performing such activities.

(2) CONCURRENCE AND APPROVAL.—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph and the Director of the Office of Management and Budget approves such determination.

(d) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a) or (b).

SEC. 3314. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2009 the sum of $696,742,000.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 944 full-time or full-time equivalent personnel as of September 30, 2009. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The Director of National Intelligence may use the authorities described in subsections (a) and (c) of section 3313 for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2009 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 3312(a). Such additional amounts for advanced research and development shall remain available until September 30, 2010.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2009, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 3312(a).

Subtitle B—Central Intelligence Agency Retirement and Disability System

SEC. 3321. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2009 the sum of $279,200,000.

SA 5388. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) CONTENT OF REPORTS.—Clause (ii) of section 102A(q)(1)(C) of the National Security Act of 1947 (50 U.S.C. 403–1(q)(1)(C)) is amended by striking the period at the end and inserting ''that includes—

''(I) the current total acquisition cost for such system, and the history of such cost from the date the system was first included in a report under this clause to the end of the calendar quarter immediately proceeding the submittal of the report;

''(II) the current development schedule for such system, including an estimate of annual development costs until development is completed;

''(III) the planned procurement schedule for such system, including the best estimate of the Director of National Intelligence of the annual costs and units to be procured until procurement is completed;

''(IV) a full life-cycle cost analysis for such system;

''(V) the result of any significant test and evaluation of such system as of the date of the submittal of the report, or, if a significant test and evaluation has not been conducted, a statement of the reasons therefor and the results of any other test and evaluation that has been conducted of such system;

''(VI) the reasons for any change in acquisition cost, or schedule, for such system from the previous report under this clause, if applicable;

''(VII) each major contract related to such system; and

''(VIII) if there is any cost or schedule variance under a contract referred to in subclause (VII) since the previous report under this clause, the reasons for such cost or schedule variance.''.

(b) DETERMINATION OF INCREASE IN COSTS.—Subsection (q) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraph (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) Any determination of a percentage increase in the acquisition costs of a major system for which a report is filed under paragraph (1)(C)(ii) shall be stated in terms of constant dollars from the first fiscal year in which funds are appropriated for such system.''.

(c) DEFINITIONS.—Paragraph (5) of such subsection (q), as redesignated by subsection (b)(1) of this section, is amended to read as follows:

''(5) In this subsection:

''(A) The term 'acquisition cost', with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

''(B) The term 'full life-cycle cost', with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

''(C) The term 'intelligence program', with respect to the acquisition of a major system, means a program that—

''(i) is carried out to acquire such major system for an element of the intelligence community; and

''(ii) is funded in whole out of amounts available for the National Intelligence Program.

''(D) The term 'major contract,' with respect to a major system acquisition, means each of the 6 largest prime, subordinate, or government-furnished equipment contracts under the program that is in excess of $40,000,000 and that is not a firm, fixed price contract.

''(E) The term 'major system' has the meaning given that term in section 4 of the

Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(F) The term 'significant test and evaluation' means the functional or environmental testing of a major system or of the subsystems that combine to create a major system.''.

SEC. 1084. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.

(a) NOTIFICATION.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

''SEC. 506B. (a) COST INCREASES OF AT LEAST 25 PERCENT.—(1)(A) On a continuing basis, and separate from the submission of any other report on a major system required by this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 25 percent as compared to the baseline cost of such major system.

''(B) Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

''(2)(A) If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 25 percent, the Director shall submit to the congressional intelligence committees a written notification of such determination as described in subparagraph (B), a description of the amount of the increase in the acquisition cost of such major system, and a certification as described in subparagraph (C).

''(B) The notification required by subparagraph (A) shall include—

''(i) an updated cost estimate;

''(ii) the date on which the determination covered by such notification was made;

''(iii) contract performance assessment information with respect to each significant contract or sub-contract related to such major system, including the name of the contractor, the phase of the contract at the time of the report, the percentage of work under the contract that has been completed, any change in contract cost, the percentage by which the contract is currently ahead or behind schedule, and a summary explanation of significant occurrences, such as cost and schedule variances, and the effect of such occurrences on future costs and schedules;

''(iv) the prior estimate of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

''(v) the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

''(vi) a statement of the reasons for any increases in the full life-cycle cost of such major system;

''(vii) the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such major system, stated both in constant dollars and current year dollars;

''(viii) the completion status of such major system expressed as the percentage—

''(I) of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

''(II) of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

''(ix) the action taken and proposed to be taken to control future cost growth of such major system; and

''(x) any changes made in the performance or schedule of such major system and the extent to which such changes have contributed to the increase in full life-cycle costs of such major system.

''(C) The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

''(i) the acquisition of such major system is essential to the national security;

''(ii) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

''(iii) the new estimates of the full life-cycle cost for such major system are reasonable; and

''(iv) the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

''(b) COST INCREASES OF AT LEAST 50 PERCENT.—(1)(A) On a continuing basis, and separate from the submission of any report on a major system required by section 506B of this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 50 percent as compared to the baseline cost of such major system.

''(B) Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

''(2) If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 50 percent as compared to the baseline cost of such major system, the Director shall submit to the congressional intelligence committees a written certification stating that—

''(A) the acquisition of such major system is essential to the national security;

''(B) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

''(C) the new estimates of the full life-cycle cost for such major system are reasonable;

''(D) the management structure for the acquisition of such major system is adequate to manage and control the full life-cycle cost of such major system; and

''(E) if milestone decision authority had been delegated to the program manager, such authority is revoked and returned to the Director, except with respect to Department of Defense programs, such authority is revoked and returned to the Director and the Secretary of Defense, jointly.

''(3) In addition to the certification required by paragraph (2), the Director of National Intelligence shall submit to the congressional intelligence committees an updated notification, with current accompanying information, as required by subsection (a)(2).

''(c) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If a written certification required under subsection (a)(2)(A) is not submitted to the congressional intelligence committees within 60 days of the determination made under subsection (a)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2)(A).

''(2) If a written certification required under subsection (b)(2) is not submitted to the congressional intelligence committees within 60 days of the determination made under subsection (b)(2), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(3).

''(d) DEFINITIONS.—In this section:

''(1) The term 'acquisition cost', with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

''(2) The term 'baseline cost', with respect to a major system, means the projected acquisition cost of such system that is approved by the Director of National Intelligence at Milestone B or an equivalent acquisition decision for the development, procurement, and construction of such system. The baseline cost may be in the form of an independent cost estimate.

''(3) The term 'full life-cycle cost', with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

''(4) The term 'independent cost estimate' has the meaning given that term in section 506A(e).

''(5) The term 'major system' has the meaning given that in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(6) The term 'Milestone B' means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

''(7) The term 'program manager', with respect to a major system, means—

''(A) the head of the element of the intelligence community which is responsible for the budget, cost, schedule, and performance of the major system; or

''(B) in the case of a major system within the Office of the Director of National Intelligence, the deputy who is responsible for the budget, cost, schedule, and performance of the major system.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

''Sec. 506B. Excessive cost growth of major systems.''.

SA 5389. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

''SEC. 506B. (a) INITIAL VULNERABILITY ASSESSMENTS.—The Director of National Intelligence shall conduct an initial vulnerability assessment for any major system and its significant items of supply that is proposed for inclusion in the National Intelligence Program prior to completion of Milestone B or an equivalent acquisition decision. The initial vulnerability assessment of a major system and its significant items of supply shall, at a minimum, use an analysis-based approach to—

''(1) identify vulnerabilities;

''(2) define exploitation potential;

''(3) examine the system's potential effectiveness;

''(4) determine overall vulnerability; and

''(5) make recommendations for risk reduction.

''(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall conduct subsequent vulnerability assessments of each major system and its significant items of supply within the National Intelligence Program—

''(A) periodically throughout the life span of the major system;

''(B) whenever the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment; or

''(C) upon the request of a congressional intelligence committee.

''(2) Any subsequent vulnerability assessment of a major system and its significant items of supply shall, at a minimum, use an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in paragraphs (1) through (5) of subsection (a).

''(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the annual consolidated National Intelligence Program budget.

''(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) not later than 10 days after the date of the completion of such assessment.

''(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent vulnerability assessments of a major system under subsection (b) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by subsection (d).

''(3) The results of vulnerability assessments conducted under subsection (b) shall be included in the report to Congress required by section 102A(q).

''(e) DEFINITIONS.—In this section:

''(1) The term 'items of supply'—

''(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including spare parts and replenishment parts; and

''(B) does not include packaging or labeling associated with shipment or identification of items.

''(2) The term 'major system' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(3) The term 'Milestone B' means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

''(4) The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

''Sec. 506B. Vulnerability assessments of major systems.''.

SA 5390. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking ''2004,'' and inserting ''2004 (Public Law 108–458; 50 U.S.C. 403 note),''; and

(B) by striking the period at the end and inserting a semicolon and ''and''; and

(3) by adding after paragraph (3), the following new paragraph:

''(4) conduct accountability reviews of elements of the intelligence community and the personnel of such elements, if appropriate.''.

(b) TASKING AND OTHER AUTHORITIES.—Subsection (f) of section 102A of such Act (50 U.S.C. 403–1) is amended—

(1) by redesignating paragraphs (7) and (8), as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6), the following new paragraph:

''(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

''(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

''(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director's recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

''(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

''(D) The requirements of this paragraph shall not limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.''.

SA 5391. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other, purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. FUTURE BUDGET PROJECTIONS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''FUTURE BUDGET PROJECTIONS

''SEC. 506B. (a) FUTURE YEAR INTELLIGENCE PLANS.—(1) The Director of National Intelligence, with the concurrence of the Office of Management and Budget, shall provide to the congressional intelligence committees a Future Year Intelligence Plan, as described in paragraph (2), for—

''(A) each expenditure center in the National Intelligence Program; and

''(B) each major system in the National Intelligence Program.

''(2)(A) A Future Year Intelligence Plan submitted under this subsection shall include the year-by-year proposed funding for each center or system referred to in subparagraph (A) or (B) of paragraph (1), for the budget year in which the Plan is submitted and not less than the 4 subsequent budget years.

''(B) A Future Year Intelligence Plan submitted under subparagraph (B) of paragraph (1) for a major system shall include—

''(i) the estimated total life-cycle cost of such major system; and

''(ii) any major acquisition or programmatic milestones for such major system.

''(b) LONG-TERM BUDGET PROJECTIONS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Long-term Budget Projection for each element of the National Intelligence Program acquiring a major system that includes the budget for such element for the 10-year period following the last budget year for which proposed funding was submitted under subsection (a)(2)(A).

''(2) A Long-term Budget Projection submitted under paragraph (1) shall include, at a minimum, projections for the appropriate element of the intelligence community for—

''(A) pay and benefits of officers and employees of such element;

''(B) other operating and support costs and minor acquisitions of such element;

''(C) research and technology required by such element;

''(D) current and planned major system acquisitions for such element; and

''(E) any unplanned but necessary next-generation major system acquisitions for such element.

''(c) SUBMISSION TO CONGRESS.—Each Future Year Intelligence Plan or Long-term Budget Projection required under subsection (a) or (b) shall be submitted to Congress along with the budget for a fiscal year submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

''(d) CONTENT OF LONG-TERM BUDGET PROJECTIONS.—(1) Each Long-term Budget Projection submitted under subsection (b) shall include—

''(A) a budget projection based on constrained budgets, effective cost and schedule execution of current or planned major system acquisitions, and modest or no cost-growth for undefined, next-generation systems; and

''(B) a budget projection based on constrained budgets, modest cost increases in executing current and planned programs, and more costly next-generation systems.

''(2) Each budget projection required by paragraph (1) shall include a description of whether, and to what extent, the total projection for each year exceeds the level that would result from applying the most recent Office of Management and Budget inflation estimate to the budget of that element of the intelligence community.

''(e) INCREASE IN FUTURE BUDGET PROJECTIONS.—(1) Not later than 30 days prior to the date that an element of the intelligence community may proceed to Milestone A, Milestone B, or an analogous stage of system development, in the acquisition of a major system in the National Intelligence Program, the Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide a report on such major system to the congressional intelligence committees.

''(2)(A) A report submitted under paragraph (1) shall include an assessment of whether, and to what extent, such acquisition, if developed, procured, and operated, is projected to cause an increase in the most recent Future Year Intelligence Plan and Long-term Budget Projection for that element of the intelligence community.

''(B) If an increase is projected under subparagraph (A), the report required by this subsection shall include a specific finding, and the reasons therefor, by the Director of National Intelligence and the Director of the Office of Management and Budget that such increase is necessary for national security.

''(f) DEFINITIONS.—In this section:

''(1) The term 'major system' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(2) The term 'Milestone A' means a decision to enter into concept refinement and technology maturity demonstration pursuant to guidance issued by the Director of National Intelligence.

''(3) The term 'Milestone B' means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

''Sec. 506F. Future budget projections.''.

(c) DEFINITION OF MAJOR SYSTEM.—Paragraph (3) of section 506A(e) of the National Security Act of 1947 (50 U.S.C. 415a–1(e)) is amended to read as follows:

''(3) The term 'major system' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).''.

SA 5392. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''SEC. 506B. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

''(a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year along with the budget submitted by the President under section 1105 of title 31, United States Code.

''(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

''(1) The budget submission for personnel costs for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

''(4) The number of personnel positions requested for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

''(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

''(7) The best estimate of the number and costs of contractors to be funded by the element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors of the current fiscal year.

''(9) A written justification for the requested personnel and contractor levels.

''(10) The number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

''(11) A list of all contractors that have been the subject of an investigation completed by the Inspector General of any element of the intelligence community during the preceding fiscal year, or are or have been the subject of an investigation by such an Inspector General during the current fiscal year.

''(12) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

''(A) internal infrastructure to support the requested personnel and contractor levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 506A the following new item:

''Sec. 506B. Annual personnel levels assessment for the intelligence community.''.

SA 5393. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

SEC. 2822. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the County of Laramie, Wyoming (in this section referred to as the ''County'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) shall include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air

Force Base, that the Secretary considers acceptable.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) NOTICE TO CONGRESS.—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance and implementing the receipt of in-kind consideration. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5394. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 539. REPORT ON REQUIREMENTS OF THE NATIONAL GUARD FOR NON-DUAL STATUS TECHNICIANS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the following:

(1) A description of the current requirements of the National Guard for non-dual status technicians

(2) A description of various means of addressing any shortfalls in meeting such requirements, including both temporary shortfalls and permanent shortfalls.

(b) CONSIDERATIONS.—The report required by subsection (a) shall take into consideration the effects of the mobilization of large numbers of National Guard military technicians (dual status) on the readiness of National Guard units in critically important areas and on the capacity of the National Guard to continue performing home-based missions and responsibilities for the States.

SA 5395. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio. In making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the gift be utilized solely for the purpose of the design and construction of a particular portion of the building.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the ''Director''), shall deposit the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in the escrow account not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account upon termination shall be available to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF GIFTS.—

(1) DESIGN AND CONSTRUCTION.—The Director shall use amounts in the escrow account, including income on investments, to pay the costs of the design and construction of a fourth building for the National Museum of the United States Air Force, including progress payments for such design and construction, subject to any conditions imposed by the Air Force Museum Foundation under subsection (a). Amounts in the account shall be available to the Director, in such amounts as are provided in advance in appropriations Acts, until expended.

(2) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

SA 5396. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private

nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio. In making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the gift be utilized solely for the purpose of the design and construction of a particular portion of the building.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the ''Director''), shall deposit the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in the escrow account not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account upon termination shall be available to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF GIFTS.—

(1) DESIGN AND CONSTRUCTION.—The Director shall use amounts in the escrow account, including income on investments, to pay the costs of the design and construction of a fourth building for the National Museum of the United States Air Force, including progress payments for such design and construction, subject to any conditions imposed by the Air Force Museum Foundation under subsection (a). Amounts in the account shall be available to the Director, in such amounts as are provided in advance in appropriations Acts, until expended.

(2) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

SA 5397. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1215. AVAILABILITY OF APPROPRIATED FUNDS FOR INTERNATIONAL MILITARY-TO-CIVILIAN AND CIVILIAN-TO-CIVILIAN CONTACT ACTIVITIES CONDUCTED BY THE NATIONAL GUARD.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, as amended by section 1202 of this Act, is further amended by inserting after section 2249d the following new section:

''§ 2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds

''(a) AVAILABILITY OF APPROPRIATED FUNDS.—Funds appropriated to the Department of Defense shall be available for the payment of costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting international military-to-civilian contacts, civilian-to-civilian contacts, and comparable activities for purposes as follows:

''(1) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

''(2) To build international civil-military partnerships and capacity.

''(3) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments.

''(4) To facilitate intergovernmental collaboration between the United States Government and foreign governments.

''(5) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

''(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for contacts and activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

''(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in contacts and activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

''(c) REIMBURSEMENT.—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in contacts and activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

''(d) DEFINITIONS.—In this section:

''(1) The term 'military-to-civilian contacts' means the following:

''(A) Contacts between members of the armed forces and foreign civilian personnel.

''(B) Contacts between members of foreign armed forces and United States civilian personnel.

''(2) The term 'civilian-to-civilian contacts' means contacts between United States civilian personnel and foreign civilian personnel.

''(3) The term 'United States civilian personnel' means the following:

''(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

''(B) Members and employees of the legislative branch, and non-governmental individuals, if the participation of such individuals in contacts and activities described in subsection (a)—

''(i) contributes to responsible management of defense resources;

''(ii) fosters greater respect for and understanding of the principle of civilian control of the military;

''(iii) contributes to cooperation between foreign military and civilian government agencies and United States military and civilian governmental agencies; or

''(iv) improves international partnerships and capacity on matters relating to defense and security.

''(4) The term 'foreign civilian personnel' means the following:

''(A) Civilian personnel of foreign governments at any level (including personnel of ministries other than ministries of defense).

''(B) Non-governmental individuals of foreign countries, if the participation of such individuals in contacts and activities described in subsection (a) will further the achievement of any matter set forth in clauses (i) through (iv) of paragraph (3)(B).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 134 of such title, as so amended, is further amended by inserting after the item relating to section 2249d the following new item:

''2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds.''.

SA 5398. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1215. AVAILABILITY OF APPROPRIATED FUNDS FOR INTERNATIONAL MILITARY-TO-CIVILIAN AND CIVILIAN-TO-CIVILIAN CONTACT ACTIVITIES CONDUCTED BY THE NATIONAL GUARD.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, as amended by section 1202 of this Act, is further amended by inserting after section 2249d the following new section:

"§ 2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds

''(a) AVAILABILITY OF APPROPRIATED FUNDS.—Funds appropriated to the Department of Defense shall be available for the payment of costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting international military-to-civilian contacts, civilian-to-civilian contacts, and comparable activities for purposes as follows:

''(1) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

''(2) To build international civil-military partnerships and capacity.

''(3) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments.

''(4) To facilitate intergovernmental collaboration between the United States Government and foreign governments.

''(5) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

''(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for contacts and activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

''(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in contacts and activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

''(c) REIMBURSEMENT.—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in contacts and activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

''(d) DEFINITIONS.—In this section:

''(1) The term 'military-to-civilian contacts' means the following:

''(A) Contacts between members of the armed forces and foreign civilian personnel.

''(B) Contacts between members of foreign armed forces and United States civilian personnel.

''(2) The term 'civilian-to-civilian contacts' means contacts between United States civilian personnel and foreign civilian personnel.

''(3) The term 'United States civilian personnel' means the following:

''(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

''(B) Members and employees of the legislative branch, and non-governmental individuals, if the participation of such individuals in contacts and activities described in subsection (a)—

''(i) contributes to responsible management of defense resources;

''(ii) fosters greater respect for and understanding of the principle of civilian control of the military;

''(iii) contributes to cooperation between foreign military and civilian government agencies and United States military and civilian governmental agencies; or

''(iv) improves international partnerships and capacity on matters relating to defense and security.

''(4) The term 'foreign civilian personnel' means the following:

''(A) Civilian personnel of foreign governments at any level (including personnel of ministries other than ministries of defense).

''(B) Non-governmental individuals of foreign countries, if the participation of such individuals in contacts and activities described in subsection (a) will further the achievement of any matter set forth in clauses (i) through (iv) of paragraph (3)(B).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 134 of such title, as so amended, is further amended by inserting after the item relating to section 2249d the following new item:

''2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds.''.

SA 5399. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. IMPROVEMENT OF POLICIES AND PRACTICES OF THE ARMED FORCES REGARDING PREVENTION AND RESPONSE TO SEXUAL ASSAULT AND RAPE.

(a) STRATEGY TO ENCOURAGE INVESTIGATION AND PROSECUTION OF CASES.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall develop a comprehensive strategy to increase and encourage the prevention, investigation, and prosecution of cases of sexual assault and rape in the Armed Forces.

(2) BASIS FOR STRATEGY.—The strategy required by paragraph (1) shall be based on the following:

(A) An analysis of trends in the prevention and reporting of cases of sexual assaults and rape in the Armed Forces.

(B) A review of current training methods for all personnel involved in military investigations of cases of sexual assault and rape in the Armed Forces, including judge advocate general staff.

(C) A review of the capacity of the legal infrastructure of the Armed Forces to investigate and prosecute effectively cases of sexual assault in the Armed Forces.

(D) An identification and analysis of any additional barriers, such as the availability of staff and the adequacy of resources, on military installations and facilities in the United States and abroad, and in theaters of operations, to conduct effective investigations of cases of sexual assault and rape in the Armed Forces.

(E) A review of the disposition of cases of sexual assault and rape in the Armed Forces.

(F) Such other matters as the Secretary considers appropriate.

(3) ELEMENTS.—The strategy required by paragraph (1) shall include the following:

(A) Guidelines for expanding, enhancing, and developing programs for the Armed Forces on prevention and response to sexual assault and rape that use proven best-practice methods, support victims of sexual assault or rape, and focus on creating a culture with zero tolerance for sexual assault and rape.

(B) A plan for increased oversight of existing programs of the Armed Forces on prevention and response to sexual assault and rape, including the establishment of—

(i) performance metrics to evaluate the effectiveness of such programs; and

(ii) a timeline for the implementation of such metrics.

(C) In light of the review under paragraph (2)(B), recommendations for improvements to training described in that paragraph, and a timeline for the implementation of new training methods as a result of such review.

(D) A plan for increased communication and data sharing between the Sexual Assault Prevention and Response Office and other components of the Armed Forces, on the one hand, and the Department of Defense, on the other, to enhance coordination and oversight of cases of sexual assault and rape in the Armed Forces as such cases move through the legal process.

(E) In light of the review under paragraph (2)(C), recommendations for improvements to the legal infrastructure of the Armed Forces to ensure that the capacity of such infrastructure is adequate to meet the needs of victims of sexual assault in the Armed Forces.

(F) In light of the review under paragraph (2)(D), recommendations for ways to eliminate the barriers identified under that paragraph.

(G) Such other matters as the Secretary considers appropriate.

(b) POLICIES REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe policies for the Armed Forces as follows:

(1) To require military commanders to report on the outcomes of cases of sexual assault and rape in units under their command, including—

(A) a description of the actions taken to punish assailants;

(B) a description of any retaliatory measures experienced by victims; and

(C) a detailed justification for disposing of such cases through nonjudicial punishment or other administrative actions.

(2) To classify a military protective order as a standing military order, with such order to be overturned only after an investigation has occurred and appropriate command authorities have completely adjudicated allegations.

(3) To require notification to appropriate local civilian law enforcement agencies on any military protective order issued at a military installation to provide continuity of protection to victims of sexual assault or rape in the Armed Forces.

(4) To require that each member of the Armed Forces who has notified the member's command that the member has been sexually

assaulted or raped is afforded an opportunity to be transferred to another unit if a military protective order is issued.

SA 5400. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 309, after line 20, add the following:

SEC. 1068. IMPROVEMENT OF INFORMATION FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES ON UPGRADES OF DISCHARGE.

(a) CLARIFICATION AND IMPROVEMENT OF INFORMATION.—

(1) REQUIRED NOTICES.—

(A) NOTICE THAT UPGRADE IS NOT AUTOMATIC.—

(i) IN GENERAL.—Each member of the Armed Forces who is being considered for or processed for an administrative or any other type of discharge shall receive written notice that an upgrade in the characterization of discharge will not automatically result from review of the discharge by a board of review under section 1533 of title 10, United States Code. The notice shall be dated and shall be provided to the member at least 30 days prior to any deadline to elect a particular characterization or type of discharge or manner of processing.

(ii) RELATED CLARIFICATION.—The notice of discharge issued to a member of the Armed Forces upon discharge may not contain or include any information, references, or other material that is inconsistent with the notice required under clause (i).

(B) NOTICE OF RIGHT TO OBTAIN LEGAL COUNSEL.—

(i) IN GENERAL.—The written notice required under subparagraph (A) shall also advise the member in bold letters that the member has the right to meet with and discuss his or her discharge options with military legal counsel prior to electing a characterization or type of discharge or manner of processing. The notice must provide the name, rank, phone number, email address, and physical address of the military legal counsel responsible for providing legal advice to members.

(ii) DELAY IN PROCESSING.—Processing for the discharge of a member of the Armed Forces cannot proceed until the member has either met with military legal counsel or elected in writing not to do so. A member must be given at least 5 duty days after meeting with military legal counsel to make an election regarding characterization or type of discharge or manner of processing.

(C) ACKNOWLEDGMENT OF RECEIPT OF NOTICE.—A member of the Armed Forces receiving notices under subparagraphs (A) and (B) shall be required to acknowledge receipt of such notices by placement of his or her initials or other identifying sign or symbol next to the paragraph or paragraphs that contain such notices. The member shall be provided with a copy of the initialed notices, and a copy of such notices shall be retained in any personnel or other files maintained on such member by the Armed Forces.

(2) ENHANCEMENT OF INFORMATION ON APPLICATION FOR UPGRADE OF DISCHARGE.—Each Secretary concerned shall make available to the public through an Internet website available to the public and by other appropriate mechanisms, information on the means by which former members of the Armed Forces under the jurisdiction of such Secretary may apply for a review and upgrade of their discharge from the Armed Forces under section 1553 of title 10, United States Code.

(3) ANNUAL REPORTS ON ACTIONS BY BOARDS OF REVIEW.—

(A) IN GENERAL.—Each Secretary concerned shall, on an annual basis, make available to the public information on the reviews of discharge or dismissal undertaken under section 1553 of title 10, United States Code, by boards of review under the jurisdiction of such Secretary during the preceding year. The information shall include, for each Armed Force, the following:

(i) The number of motions for review received by the boards of review during the year.

(ii) The number of reviews conducted by the boards of review during the year.

(iii) The number of discharges upgraded as a result of the reviews referred to in clause (i), set forth by aggregate number of discharges so upgraded and by number of each type of discharge so upgraded.

(B) PROTECTION OF PRIVATE INFORMATION.—Each Secretary concerned shall ensure that the information on reviews made available to the public under subparagraph (A) does not include any personal information regarding the members of the Armed Forces the discharges and dismissals of whom are the subject of such reviews.

(4) SECRETARY CONCERNED DEFINED.—In this subsection, the term ''Secretary concerned'' has the meaning given that term in section 101(a) of title 10, United States Code.

(b) ENHANCEMENT OF NOTICE TO MEMBERS OF THE ARMED FORCES ON CONSEQUENCES OF DISCHARGE STATUS FOR BENEFITS AND SERVICES THROUGH THE FEDERAL GOVERNMENT.—

(1) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that each member of the Armed Forces receives at the time of discharge from the Armed Forces comprehensive information, in writing, on the effect of the discharge status of such member on the benefits and services available to such member through the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Federal Government providing benefits or services to individuals in their status as former members of the Armed Forces.

(2) INFORMATION ON UPGRADE OF DISCHARGE.—The information provided pursuant to paragraph (1) shall include the information described in subsection (a)(2).

(c) REQUIREMENT TO TEST MEMBERS OF THE ARMED FORCES FOR CERTAIN INJURIES AND CONDITIONS BEFORE DISCHARGING FOR PERSONALITY DISORDERS.—

(1) TESTING REQUIREMENT.—The Secretary of a military department may not discharge from the Armed Forces for personality disorder any member of the Armed Forces unless such member has undergone testing by the Department of Defense for post-traumatic stress disorder, traumatic brain injury, and any related mental health disorder or injury prior to final action with respect to such discharge.

(2) RESTRICTIONS ON DISCHARGE FOR PERSONALITY DISORDER.—The Secretary of a military department may not discharge from the Armed Forces for personality disorder a member of the Armed Forces determined by the Secretary of Defense to suffer from post-traumatic stress disorder, traumatic brain injury, or any related mental health disorder or injury.

(d) WAIVER OF STATUTE OF LIMITATIONS APPLICABLE TO CERTAIN REVIEWS OF DISCHARGES FOR PERSONALITY DISORDERS.—Section 1553(a) of title 10, United States Code, is amended—

(1) in the second sentence, by striking ''A motion or request for review'' and inserting ''Except as provided in the following sentence, a motion or request for review''; and

(2) by inserting after the second sentence the following: ''The Secretary of Defense shall waive the 15 year time limit specified in the preceding sentence in the case of a motion or request for review of a discharge for personality disorder of a former member who has been diagnosed by the Secretary of Veterans Affairs with post-traumatic stress disorder, traumatic brain injury, or any related mental health disorder or injury.''.

(e) APPLICABILITY.—Nothing in this section or the amendments made by this section shall be construed to authorize or require the upgrade of a bad conduct discharge or dishonorable discharge imposed on a member of the Armed Forces as the result of a conviction by court-martial, unless the conviction is overturned on appeal.

SA 5401. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. EQUITY IN THE AWARD OF MILITARY DECORATIONS AND CITATIONS FOR SERVICE IN THE ARMED FORCES SINCE MARCH 20, 2003.

(a) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that each member and unit of the Armed Forces (including members and units of the National Guard and Reserve) that has served in the Armed Forces since March 20, 2003, is awarded each decoration, medal, citation, commendation, or other military award to which such member or unit is entitled by reason of service in the Armed Forces since that date.

(b) AUDIT OF AWARDS.—In furtherance of meeting the requirement in subsection (a), the Secretary shall provide for a comprehensive audit of the decorations, medals, citations, commendations, and other military awards awarded for service in the Armed Forces since March 20, 2003, in order to determine whether any decorations, medals, citations, commendations, or other awards to be awarded as described in that subsection have yet to be awarded.

(c) PROCEDURES FOR EXPEDITED REVIEW OF CERTAIN AWARDS.—

(1) IN GENERAL.—Each Secretary of a military department shall establish procedures to provide for the expedited review by general officers or flag officers, as applicable, of recommendations for the award by such military department of decorations medals, badges, or other military awards for service in combat or under hostile fire that require the approval of a general or flag officer.

(2) CONSULTATION.—The Secretary of the Army and the Secretary of the Air Force shall each consult with the adjutants general

of the States under the jurisdiction of such Secretary in establishing procedures under paragraph (1).

(d) REPORT ON PROGRESS IN AWARD.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a reports on the progress made in the award of decorations, medals, citations, commendations, and other military awards as described in that subsection.

SA 5402. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

SEC. 2822. LAND CONVEYANCE, GEORGE F. PENNINGTON UNITED STATES ARMY RESERVE CENTER, MARION, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Marion County, Ohio (in this section referred to as the ''County''), all right, title, and interest of the United State in and to a parcel of real property, including improvements thereon, consisting of approximately 5.3 acres located at the George F. Pennington United States Army Reserve Center, 2164 Harding Way Highway East, Marion, Ohio, for public benefit.

(b) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5403. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

SEC. 854. REPORT ON CONTRACTS FOR MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES FOR MILITARY PERSONNEL SERVING IN COMBAT ZONES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on current contracts of the Department of Defense for morale, welfare, and recreation telephone services for military personnel serving in combat zones.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of each contract for morale, welfare, and recreation telephone services for military personnel serving in combat zones that was entered into or agreed upon by the Department of Defense after January 28, 2008, and, for each such contract, an assessment of the extent to which the entry into or agreement upon such contract. 1) was accomplished using competitive procedures. 2) provided individual users the flexibility of using phone cards from other phone card companies.

(2) A statement of the average cost per minute of telephone service for military personnel serving in combat zones under each contract of the Department of Defense for morale, welfare, and recreation telephone services for such personnel that is in effect as of the date of the enactment of this Act.

SA 5404. Mrs. CLINTON (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 342, between lines 10 and 11, insert the following:

SEC. 1208. SUPPORT FOR AN IRAQ OIL TRUST.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) the people of Iraq should benefit directly from a share of the revenues generated by the hydrocarbon resources of their country; and

(2) the United States Government should present a plan and provide capacity and economic assistance for the implementation of an Iraq oil trust.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the future of Iraq's oil reserves remains at the heart of political reconciliation in Iraq;

(2) ensuring that individual Iraqis benefit directly from hydrocarbon revenues is critical to promoting reconciliation and facilitating sustainable stability in Iraq;

(3) the development and implementation of an oil trust could provide significant benefits to Iraq and its citizens, including by—

(A) helping to demonstrate the values at the heart of democratic governance by giving Iraqi citizens a direct stake in the responsible and transparent management of the hydrocarbon resources of Iraq and the use and distribution of hydrocarbon revenues;

(B) helping to diffuse the degree and concentration of control of the revenues generated from hydrocarbon resources, thereby reducing the opportunity for and magnitude of corruption;

(C) facilitating ''bottom-up'' private sector development, which will be critical to Iraq's future prosperity and economic diversity, by putting revenues from the oil resources of Iraq directly in the hands of its citizens;

(D) helping to alleviate the incentive for smuggling or sabotage by providing individual citizens a direct stake in the amount of Iraqi oil that is legally produced and sold;

(E) contributing to sustainable security by providing individuals monetary-resource alternatives to cooperating with militias, extremists, and other extra-legal entities;

(F) providing additional income directly to individual citizens, thereby stimulating entrepreneurship and reducing the reliance on the ability of the central and provincial governments to deliver basic services and execute their budgets; and

(G) serving as a model for revenue distribution to other resource-rich countries in the Middle East; and

(4) the United States should provide assistance to Iraq for implementation of an oil trust.

(c) UNITED STATES ASSISTANCE TO IRAQ.—

(1) PURPOSE.—The purpose of this subsection is to stipulate limitations on United States assistance to Iraq for reconstruction purposes.

(2) LIMITATION.—

(A) IN GENERAL.—Unless the Secretary of State submits to the appropriate congressional committees the certification described in subsection (d) within 90 days after the date of the enactment of this Act, 10 percent of United States assistance described in subparagraph (D) that is otherwise available to Iraq through the Economic Support Fund shall be withheld.

(B) ADDITIONAL WITHHOLDING OF FUNDS.—An additional 10 percent of United States assistance described in subparagraph (D) that is otherwise available to Iraq through the Economic Support Fund shall be withheld for each additional 30 days after funds are withheld under subparagraph (A) until the Secretary of State makes the certification described in subsection (d).

(C) RELEASE OF WITHHELD FUNDS.—Any funds withheld under subparagraphs (A) and (B) shall be made available upon submission by the Secretary of State of the certification described in subsection (d).

(D) COVERED ASSISTANCE.—The assistance referred to in subparagraphs (A) and (B) are the following funds:

(i) Provincial Reconstruction Development Council Funds.

(ii) Operations and Maintenance Sustainment.

(iii) Targeted Development Program.

(d) CERTIFICATION.—The certification referred to in subsection (c) is a certification submitted by the Secretary of State to the appropriate congressional committees that—

(1) certifies that representatives of the United States Government have presented to Government of Iraq representatives an oil trust plan that includes—

(A) background on oil trusts, including those currently used by sovereign nations or territories and states within nations; and

(B) options for different types of oil trusts that could be implemented in Iraq; and

(2) includes a discussion on the steps necessary to implement an oil trust.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 5405. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1002.

SA 5406. Mr. LEAHY (for himself, Mr. BOND, Mr. FEINGOLD, Mr. BROWN, Ms. KLOBUCHAR, Mr. HARKIN, Mr. JOHNSON, Mr. CASEY, Mr. BYRD, Mr. GRASSLEY, Mr. SMITH, Mr. CARDIN, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—NATIONAL GUARD EMPOWERMENT AND RELATED MATTERS

SEC. 1701. SHORT TITLE.

This title may be cited as the ''National Guard Empowerment and State-National Defense Integration Act of 2008''.

SEC. 1702. EXPANDED AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) The Chief of the National Guard Bureau.''.

(2) CONFORMING AMENDMENT.—Section 10502 of such title is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

''(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.''.

(b) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

''(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

''(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

''(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.''.

SEC. 1703. EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of title 10, United States Code, is amended by inserting after section 10503 the following new section:

''§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

''(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

''(1) identify gaps between Federal and State military capabilities to prepare for and respond to emergencies; and

''(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

''(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

''(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

''(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

''(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

''(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

''(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

''(d) CONSULTATION.—(1) The Chief of the National Guard Bureau shall carry out activities under this section through and utilizing an integrated planning process established by the Chief of the National Guard Bureau for purposes of this subsection. The planning process may be known as the 'National Guard Bureau Strategic Integrated Planning Process'.

''(2)(A) Under the integrated planning process established under paragraph (1)—

''(i) the planning committee described in subparagraph (B) shall develop and submit to the planning directorate described in subparagraph (C) plans and proposals on such matters under the planning process as the Chief of the National Guard Bureau shall designate for purposes of this subsection; and

''(ii) the planning directorate shall review and make recommendations to the Chief of the National Guard Bureau on the plans and proposals submitted to the planning directorate under clause (i).

''(B) The planning committee described in this subparagraph is a planning committee (to be known as the 'State Strategic Integrated Planning Committee') composed of the adjutant general of each of the several States, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

''(C) The planning directorate described in this subparagraph is a planning directorate (to be known as the 'Federal Strategic Integrated Planning Directorate') composed of the following (as designated by the Secretary of Defense for purposes of this subsection):

''(i) A major general of the Army National Guard.

''(ii) A major general of the Air National Guard.

''(iii) A major general of the regular Army.

''(iv) A major general of the regular Air Force.

''(v) A major general (other than a major general under clauses (iii) and (iv)) of the United States Northern Command.

''(vi) The Director of the Joint Staff of the National Guard Bureau under section 10505 of this title.

''(vii) Seven adjutants general from the planning committee under paragraph (B).''.

(b) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of such title is amended by adding at the end the following new section:

''§ 10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations

''(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

''(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

''(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

''(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 1011 of such title is amended by inserting after the item relating to section 10503 the following new item:

''10503a. Functions of National Guard Bureau: military assistance to civil authorities.''.

(2) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

''10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.''.

SEC. 1704. REDESIGNATION OF POSITIONS OF DIRECTOR OF THE ARMY NATIONAL GUARD, DIRECTOR OF THE AIR NATIONAL GUARD, AND ASSOCIATED POSITIONS.

(a) REDESIGNATION.—Section 10506 of title 10, United States Code, is amended—

(1) by striking ''Director, Army National Guard'' each place it appears and inserting ''Vice Chief, Army National Guard'';

(2) by striking ''Deputy Director, Army National Guard'' each place it appears and

inserting ''Deputy Vice Chief, Army National Guard'';

(3) by striking ''Director, Air National Guard'' each place it appears and inserting ''Vice Chief, Air National Guard''; and

(4) by striking ''Deputy Director, Air National Guard'' each place it appears and inserting ''Deputy Vice Chief, Air National Guard''.

(b) CONFORMING AMENDMENT.—Section 14512(a)(2)(D) of such title is amended by striking ''Director of the Army National Guard, or Director of the Air National Guard'' and inserting ''Vice Chief of the Army National Guard, or Vice Chief of the Air National Guard''.

(c) REFERENCES.—

(1) DIRECTOR, ARMY NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Director of the Army National Guard shall be deemed to be a reference to the Vice Chief of the Army National Guard.

(2) DEPUTY DIRECTOR, ARMY NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Deputy Director of the Army National Guard shall be deemed to be a reference to the Deputy Vice Chief of the Army National Guard.

(3) DIRECTOR, AIR NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Director of the Air National Guard shall be deemed to be a reference to the Vice Chief of the Air National Guard.

(4) DEPUTY DIRECTOR, AIR NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Deputy Director of the Air National Guard shall be deemed to be a reference to the Deputy Vice Chief of the Air National Guard.

SEC. 1705. TREATMENT OF CERTAIN SERVICE AS JOINT DUTY EXPERIENCE.

(a) VICE CHIEFS, ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, as amended by section 1704(a) of this Act, is further amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of assignment or promotion to any position designated by law as open to a National Guard general officer.''.

(b) ADJUTANTS GENERAL AND SIMILAR OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of assignment or promotion.

(c) REPORT ON DUTY IN JOINT FORCE HEADQUARTERS TO QUALIFY AS JOINT DUTY EXPERIENCE.—Not later than April 1, 2009, the Chief of the National Guard Bureau shall, in consultation with the adjutants general of the National Guard, submit to the Chairman of the Joint Chiefs of Staff and to Congress a report setting forth the recommendations of the Chief of the National Guard Bureau as to which duty of officers of the National Guard in the Joint Force Headquarters of the National Guard of the States should qualify as joint duty or joint duty experience for purposes of the provisions of law requiring such duty or experience as a condition of assignment or promotion.

(d) REPORTS ON JOINT EDUCATION COURSES.—Not later than April 1 of each of 2009, 2010, and 2011, the Chairman of the Joint Chiefs of Staff shall submit to Congress a report setting forth information on the joint education courses available through the Department of Defense for purposes of the pursuit of joint careers by officers in the Armed Forces. Each report shall include, for the preceding year, the following:

(1) A list and description of the joint education courses so available during such year.

(2) A list and description of the joint education courses listed under paragraph (1) that are available to and may be completed by officers of the reserve components of the Armed Forces in other than an in-resident duty status under title 10, United States Code, or title 32, United States Code.

(3) For each course listed under paragraph (1), the number of officers from each Armed Force who pursued such course during such year, including the number of officers of the Army National Guard, and of the Air National Guard, who pursued such course.

SEC. 1706. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING REGARDING THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SEC. 1707. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 15 the following new chapter:

''CHAPTER 16—CONTROL OF THE ARMED FORCES IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS

''Sec.

''341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

''§ 341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities

''(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case may be, when such forces are engaged in emergency response activities within such State or possession.

''(b) DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the governor of a State or possession as described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the Headquarters.

''(c) POSSESSIONS DEFINED.—Notwithstanding any provision of section 101(a), in this section, the term 'possessions' means the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 15 the following new item:

''16. Control of the Armed Forces in Activities Within the States and Possessions ..... 341''.

SEC. 1708. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

(d) CERTAIN JOINT TASK FORCE POSITIONS.—

(1) IN GENERAL.—Of the officers serving in the positions specified in each subparagraph of paragraph (2), as least one such officer under each subparagraph shall be an officer in the Army National Guard of the United States or an officer in the Air National Guard of the United States.

(2) COVERED POSITIONS.—The positions specified in this paragraph are:

(A) Commander, Joint Task Force Alaska, and Deputy Commander, Joint Task Force Alaska.

(B) Commander, Joint Task Force Civil Support, and Deputy Commander, Joint Task Force Civil Support.

(C) Commander, Joint Task Force North, and Deputy Commander, Joint Task Force North.

SA 5407. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. SAFETY OF EXPEDITIONARY FACILITIES, INFRASTRUCTURE, AND EQUIPMENT SUPPORTING UNITED STATES MILITARY OPERATIONS OVERSEAS.

In order to assure the safe utilization by the Armed Forces of expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas, the Secretary of Defense shall certify to the congressional defense committees, by not later than March 30, 2009, that each of the following actions have been accomplished:

(1) That generally accepted industry standards for the safety of personnel are incorporated into military regulations establishing requirements for facilities, infrastructure, and equipment, including standards with respect to fire protection and structural integrity, and standards with respect to electrical systems, water treatment, and telecommunication networks.

(2) That each contract or task or delivery order carried out for the construction, installation, repair, maintenance, or operation of expeditionary facilities for the Armed Forces overseas incorporates generally accepted industry standards for the safety of personnel utilizing such facilities.

(3) That the standards required under paragraphs (1) and (2) apply in all current and future United States military operations overseas.

SA 5408. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. CONSIDERATION OF ADVISORY MISSIONS BY THE DEPARTMENT OF DEFENSE IN SUPPORT OF UNITED STATES EFFORTS TO BUILD PARTNER CAPACITY IN THE GLOBAL WAR ON TERRORISM IN THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) IN GENERAL.—In conducting the quadrennial defense review required in 2009 by section 118 of title 10, United States Code, the Secretary of Defense shall assess the following:

(1) The advisability of advisory missions by the Department of Defense in support of United States efforts to build partner capacity in the Global War on Terrorism, including advisory missions as follows:

(A) Combat advisory missions to train ground forces and air forces of partner countries.

(B) Advisory missions to the defense and interior ministries of partner countries.

(2) The forces, whether general purposes forces or special operations forces, that are the most effective means of undertaking the future advisory missions of the Department as described in paragraph (1).

(3) The modifications in the force structure necessary to ensure the continued effectiveness of the advisory missions of the Department as described in paragraph (1).

(b) SUBMITTAL TO CONGRESS.—The quadrennial defense review required to be submitted to Congress under section 118(d) of title 10, United States Code, in 2010 shall include a separate discussion of the results of the assessment required by subsection (a).

SA 5409. Mr. BROWN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, may implement a plan to establish and support up to 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) COOPERATION.—The Secretary of Defense, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(c) REPORT ON PLAN.—The Secretary of Defense shall provide a report to the congressional defense committees on the following:

(1) A description of how the Secretaries of the military departments can increase the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many new units may foreseeably be established per year by each service.

(2) The annual funding necessary to support any increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) Efforts to improve the increased distribution of units geographically across the United States.

(5) Efforts to increase distribution of units in educationally and economically deprived areas.

(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The report required under subsection (b), along with the report required by subsection (e), shall be submitted to the congressional defense committees not later than May 1, 2009.

SA 5410. Mr. HARKIN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 581 and insert the following:

SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PREVENTION OF SUICIDES BY MEMBERS OF THE ARMED FORCES.

(a) POLICY REQUIRED.—Not later than August 1, 2009, the Secretary of Defense shall develop a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(b) PURPOSES.—The purposes of the policy required by this section shall be as follows:

(1) To ensure that investigations, analyses, and appropriate data collection can be conducted, across the military departments, on the causes and factors surrounding suicides by members of the Armed Forces.

(2) To develop effective strategies and policies for the education of members of the Armed Forces and their families to assist in preventing suicides and suicide attempts by members of the Armed Forces.

(c) ELEMENTS OF INVESTIGATIONS.—The policy required by subsection (b)(1) shall include, but not be limited to, the following:

(1) Requirements for investigations and data collection in connection with suicides by members of the Armed Forces.

(2) A requirement for the appointment by the appropriate military authority of a separate investigating officer to conduct an administrative investigation into each suicide by a member of the Armed Forces in accordance with the requirements specified under paragraph (1).

(3) Requirements for minimum information to be determined under each investigation pursuant to paragraph (2), including, but not limited to, the following:

(A) Any mental illness or other mental health condition, including Post Traumatic

Stress Disorder (PTSD), of the member of the Armed Forces concerned at the time of the completion of suicide.

(B) Any other illness or injury of the member at the time of the completion of suicide.

(C) Any receipt of health care services, including mental health care services, by the member before the completion of suicide.

(D) Any utilization of prescription drugs by the member before the completion of suicide.

(E) The number, frequency, and dates of deployment of the member.

(F) The military duty assignment of the member at the time of the completion of suicide.

(G) Any observations by family members, health care providers, medical care managers, and other members of the Armed Forces of any symptoms of depression, anxiety, alcohol or drug abuse, or other relevant behavior in the member before the completion of suicide.

(H) The results of a psychological autopsy of the member, if conducted.

(4) A requirement for a report from each administrative investigation conducted pursuant to paragraph (2) which shall set forth the findings and recommendations resulting from such investigation.

(5) Procedures for the protection of the confidentiality of information contained in each report on an investigation pursuant to paragraph (4).

(6) A requirement that the Deputy Chief of Staff for Personnel of the military department concerned receive and analyze each report on an investigation pursuant to paragraph (4).

(7) The appointment by the Secretary of Defense of an appropriate official or executive agent within the Department of Defense to receive and analyze each report on an investigation pursuant to paragraph (4) in order to—

(A) identify trends or common causal factors in suicides by members of the Armed Forces; and

(B) advise the Secretary on means by which the suicide education and prevention strategies and programs of the military departments can respond appropriately and effectively to such trends and causal factors.

(8) A requirement for an annual report to the Secretary of Defense by each Secretary of a military department on the following:

(A) The results of investigations into suicide by members of the Armed Forces pursuant to paragraph (2) for each calendar year beginning with 2010.

(B) Actions taken to improve the suicide education and prevention strategies and programs of the military departments.

(C) Total number of suicides among members of the Armed Forces during the period beginning on January 1, 2002, and ending at the end of the most recent calendar year quarter preceding the submittal of such report, including the number of suicides confirmed and the number of deaths being investigated as a suicide, set forth—

(i) by calendar year quarter in which death occurred;

(ii) by military department of the members concerned; and

(iii) by whether death occurred while the members concerned were deployed or while assigned to permanent duty station or homeport.

(d) CONSTRUCTION OF INVESTIGATION WITH OTHER INVESTIGATION REQUIREMENTS.—The investigation of the suicide by a member of the Armed Forces under the policy required by this section shall be in addition to any other investigation of the suicide required by law, including any investigation for criminal purposes.

(e) ELEMENTS OF EDUCATION.—The policy required by subsection (b)(2) may include, but not be limited to, the following:

(1) A review and evaluation of existing suicide prevention efforts across the military departments, including an assessment of the effectiveness of current efforts and of how such efforts are addressing issues related to combat stress.

(2) A requirement for suicide prevention training (as described in subsection (f)) on an annual basis for all members of the Armed Forces (including members of the National Guard and Reserve), for all civilian health care community and family support professionals of the Department of Defense, and for such other service personnel of the Department as the Secretary shall designate for purposes of this paragraph.

(3) Enhancement of the basic lifesaving training course for members of the Armed Forces to include within such training matters relating to recognition of risk factors for suicide, identification of signs and symptoms of mental health concerns and combat stress, and protocols for responding to crisis situations involving members of the Armed Forces who may be at high risk for suicide.

(4) Enhancement of training for military medics and medical personnel to include within such training matters relating to recognition of risk factors for suicide, identification of signs and symptoms of mental health concerns and combat stress, and protocols for responding to crisis situations involving members of the Armed Forces who may be at high risk for suicide.

(5) Review and enhancement of requirements for access of units to crisis response teams to prevent and respond to traumatic events, such as members in crisis or loss of unit members, which teams shall include qualified mental health professionals and may include medical staff, chaplains, family support staff, peers, and other appropriate personnel.

(6) A campaign of outreach throughout the Armed Forces and the military family communities intended to—

(A) reduce the stigma among members of the Armed Forces and their families, and in such communities, associated with mental health concerns;

(B) encourage members of the Armed Forces and individuals in such communities to seek help with such concerns;

(C) increase awareness among members of the Armed Forces and in such communities that mental health is essential to overall health;

(D) increase awareness among members of the Armed Forces and in such communities regarding substance abuse concerns, relationship and financial difficulties, and legal and occupational difficulties; and

(E) inclusion in addresses to veterans service organizations and other public addresses, and in other public speeches, by senior officials of the Department of Defense of the themes of the importance of mental health, and the importance of seeking help on mental health concerns and stress on military family members, for members of the Armed Forces, veterans, and their families.

(7) Post-deployment assistance for spouses and parents of returning members including members of the National Guard and Reserve, who are returning from deployment assistance in—

(A) understanding issues that arise in the readjustment of such members—

(i) for members of the National Guard and Reserve, to civilian life; and

(ii) for members of the regular components of the Armed Forces, to military life in a non-combat environment;

(B) identifying signs and symptoms of substance abuse, mental health conditions, traumatic brain injury, and risk factors for suicide; and

(C) encouraging such members and their families in seeking assistance for such conditions and in seeking assistance on relationship, financial, legal, and occupational difficulties.

(f) SUICIDE PREVENTION TRAINING.—For purposes of this section, suicide prevention training is comprehensive training on suicide prevention (including, at a minimum, education, training, peer-to-peer support methods, outreach, and de-stigmatization on suicide) developed by the Secretary of Defense for purposes of this section in consultation with the Secretary of Veterans Affairs, the National Institute of Mental Health, the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services, and the Centers for Disease Control and Prevention.

(g) REPORT ON POLICY.—Not later than August 1, 2009, the Secretary of the Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy required by this section. The report shall include the following:

(1) A description of the policy.

(2) A plan for the implementation of the policy throughout the Department of Defense, which plan shall be developed by the Secretary of Defense in consultation with the following:

(A) The Secretary of Veterans Affairs.

(B) The National Institute of Mental Health.

(C) The Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

(D) The Centers for Disease Control and Prevention.

(h) REPORT ON ACTIONS TAKEN.—

(1) IN GENERAL.—Not later than August 1, 2011, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the actions taken to develop and implement effective policies and strategies for the education of members of the Armed Forces and their families on the prevention of suicide by members of the Armed Forces.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A description of the actions taken as described in paragraph (1).

(B) An evaluation and assessment of the actions referred to in subparagraph (A), which shall include an evaluation and assessment of the effectiveness of such actions in reducing the incidence of suicide among members of the Armed Forces, including an assessment of—

(i) the extent to which such actions effectively targeted members of the Armed Forces and their families; and

(ii) the extent to which such actions increased awareness among members of the Armed Forces and their families on risk factors for suicide.

(3) PERFORMANCE OF EVALUATION AND ASSESSMENT.—The evaluation and assessment required under paragraph (2)(B) shall be performed by an appropriate non-Federal Government entity selected by the Secretary for

purposes of this subsection. The Secretary may provide for the performance of the evaluation and assessment by the entity so selected by contract or other cooperative agreement with, or by grant to, such entity.

SA 5411. Mr. NELSON (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 309, after line 20, add the following:

SEC. 1068. CLARIFICATION OF CERTAIN ELIGIBILITY REQUIREMENTS FOR ENHANCED DISABILITY SEVERANCE PAY.

Section 1212(c)(1)(A) of title 10, United States Code, as added by section 1646 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 472), is amended by striking ''incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.'' and inserting ''incurred (as determined under criteria prescribed by the Secretary of Defense)—

''(i) as a direct result of armed conflict;

''(ii) while engaged in hazardous service;

''(iii) in the performance of duty under conditions simulating war; or

''(iv) through an instrumentality of war.''.

SA 5412. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. PILOT PROGRAMS ON TRAINING AND CERTIFICATION FOR FAMILY CAREGIVER PERSONAL CARE ATTENDANTS FOR VETERANS AND MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAMS AUTHORIZED.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out up to three pilot programs to assess the feasibility and advisability of providing training and certification for family caregivers of veterans and members of the Armed Forces with traumatic brain injury as personal care attendants of such veterans and members.

(b) LOCATIONS.—Each pilot program under this section shall be carried out in a medical facility of the Department of Veterans Affairs. In selecting the locations of the pilot programs, the Secretary shall give special emphasis to the polytrauma centers of the Department of Veterans Affairs designated as Tier I polytrauma centers.

(c) TRAINING CURRICULA.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall develop curricula for the training of personal care attendants under the pilot programs under this section. Such curricula shall incorporate—

(A) applicable standards and protocols utilized by certification programs of national brain injury care specialist organizations; and

(B) best practices recognized by caregiving organizations.

(2) USE OF EXISTING CURRICULA.—In developing the curricula required by paragraph (1), the Secretary of Veterans Affairs shall, to the extent practicable, utilize and expand upon training curricula developed pursuant to section 744(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2308).

(d) PARTICIPATION IN PROGRAMS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall determine the eligibility of a family member of a veteran or member of the Armed Forces for participation in the pilot programs under this section.

(2) BASIS FOR DETERMINATION.—A determination made under paragraph (1) shall be based on the needs of the veteran or member of the Armed Forces concerned, as determined by the physician of such veteran or member.

(e) ELIGIBILITY FOR COMPENSATION.—A family caregiver of a veteran or member of the Armed Forces who receives certification as a personal care attendant under the pilot programs under this section shall be eligible for compensation from the Department of Veterans Affairs for care provided to such veteran or member.

(f) COSTS OF TRAINING.—

(1) TRAINING OF FAMILIES OF VETERANS.—Any costs of training provided under the pilot programs under this section for family members of veterans shall be borne by the Secretary of Veterans Affairs.

(2) TRAINING OF FAMILIES OF MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for any costs of training provided under the pilot programs for family members of members of the Armed Forces. Amounts for such reimbursement shall be derived from amounts available for Defense Health Program for the TRICARE program.

(g) ASSESSMENT OF FAMILY CAREGIVER NEEDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may provide to a family caregiver who receives training under a pilot program under this section—

(A) an assessment of their needs with respect to their role as a family caregiver; and

(B) a referral to services and support that—

(i) are relevant to any needs identified in such assessment; and

(ii) are provided in the community where the family caregiver resides, including such services and support provided by community-based organizations, publicly-funded programs, and the Department of Veterans Affairs.

(2) USE OF EXISTING TOOLS.—In developing and administering an assessment under paragraph (1), the Secretary shall, to the extent practicable, use and expand upon caregiver assessment tools already developed and in use by the Department.

(h) CONSTRUCTION.—Nothing in this section shall be construed to require or permit the Secretary of Veterans Affairs to deny—

(1) reimbursement for health care services provided to a veteran with a brain injury to a personal care attendant who is not a family member of such veteran; or

(2) access to other services and benefits otherwise available to veterans with a brain injury.

(i) FAMILY CAREGIVER DEFINED.—In this section, with respect to member of the Armed Forces or a veteran with traumatic brain injury, the term ''family caregiver'' means a relative, partner, or friend of such member or veteran who is providing care to such member or veteran for such traumatic brain injury.

SA 5413. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, before line 6, insert the following:

SEC. 344. ALTERNATIVE AVIATION FUEL INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) Dependence on foreign sources of oil is detrimental to the national security of the United States due to possible disruptions in supply.

(2) The Department of Defense is the largest single consumer of fuel in the United States.

(3) The United States Air Force is the largest consumer of fuel in the Department of Defense.

(4) The skyrocketing price of fuel is having a significant budgetary impact on the Department of Defense.

(5) The United States Air Force uses about 2,600,000,000 gallons of jet fuel a year, or 10 percent of the entire domestic market in aviation fuel.

(6) The fuel costs of the Air Force have tripled over the past four years, costing nearly $6,000,000,000 in 2007, up from $2,000,000,000 in 2003. During the same period, its consumption of fuel decreased by 10 percent.

(7) The Air Force is committed to environmentally friendly energy solutions.

(8) The Air Force has developed an energy program (in this section referred to as the ''Air Force Energy Program'') to certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011, and to acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend, at prices equal to or less than market prices for petroleum-based alternatives, that exhibits a more favorable environmental footprint across all major contaminates of concern, by not later than December 31, 2016.

(9) The Air Force Energy Program will provide options to reduce the use of foreign oil, by focusing on expanding alternative energy options that provide favorable environmental attributes as compared to currently-available options.

(b) CONTINUATION OF INITIATIVES.—

(1) IN GENERAL.—The Secretary of the Air Force shall continue the alternative aviation fuel initiatives of the Air Force in order to—

(A) certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011;

(B) acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend by not later than December 31, 2016, provided that—

(i) the lifecycle greenhouse gas emissions associated with the production and combustion of such fuel shall not be greater than such emissions from conventional fuels that are used in the same application; and

(ii) synthetic fuel prices are equal to or less than market prices for petroleum-based alternatives;

(C) take actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) take actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

(2) ANNUAL REPORT.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress a report on the progress of the alternative aviation fuel initiative program, including—

(A) the status of aircraft fleet certification, until complete;

(B) the quantities of domestically-sourced synthetic fuels purchased for use by the Air Force in the fiscal year ending in such year;

(C) progress made against published goals for such fiscal year;

(D) the status of recovery plans to achieve any goals set for previous years that were not achieved; and

(E) the establishment of goals and objectives for the current fiscal year.

(c) ARMY AND NAVY ENERGY INITIATIVES—

(1) IN GENERAL.—The Secretary of the Army and the Secretary of the Navy should seek to engage their respective services in an alternative aviation fuel initiative in order to—

(A) certify each service's aircraft fleet for operations on a 50/50 synthetic fuel blend;

(B) acquire 50 percent of its domestic aviation fuel requirement from a domestically sourced synthetic fuel blend;

(C) take actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) take actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

SA 5414. Mr. KYL (for himself, Mr. VITTER, Mr. INHOFE, Mr. MARTINEZ, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY–2 FORWARD-BASED X-BAND RADAR.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to $89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY–2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY–2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and nonrecurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SA 5415. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. SENSE OF SENATE ON THE FISCAL YEAR 2010 FUNDING REQUEST FOR THE DEPARTMENT OF DEFENSE FOR PROGRAMS AND ACTIVITIES RELATING TO TRAUMATIC BRAIN INJURY AND PSYCHOLOGICAL HEALTH.

(a) FINDINGS.—The Senate makes the following findings:

(1) The members of the Armed Forces who have served in the Global War on Terror have sacrificed greatly on behalf of the American people and deserve treatment for the injuries they have suffered during their service to our nation.

(2) Funding for programs and activities relating to Traumatic Brain Injury and psychological health have typically been provided by emergency supplemental appropriations.

(3) The budget of the President for fiscal year 2009 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) included a request for only minimal funds for the Department of Defense for programs and activities relating to Traumatic Brain Injury and psychological health, relying instead on supplemental appropriations.

(4) According to the 2007 annual report of the Congressionally Directed Medical Research Programs, approximately 20 percent of the members of the Armed Forces who have served in the Global War on Terror suffer from some form of Traumatic Brain Injury.

(5) The symptoms and side effects of Traumatic Brain Injury and other psychological health conditions can include depression, anxiety, substance abuse, mental confusion, and seizures.

(6) The symptoms and side effects of Traumatic Brain Injury and other psychological health conditions in members of the Armed Forces require treatment and future monitoring, and treatment of the wounded should be a long-term priority for the Department of Defense.

(7) Treatment of any long-term health condition that affects a significant portion of the members of the Armed Forces, such as Traumatic Brain Injury and other psychological health conditions, requires a regularized funding commitment by the Department of Defense.

(b) SENSE OF SENATE.—It is the sense of the Senate that the amounts requested for the Department of Defense for fiscal year 2010 in the budget of the President for that fiscal year (as submitted to Congress pursuant to section 1105 of title 31, United States Code) should include a specific request for adequate funds to carry out programs and activities relating to Traumatic Brain Injury and psychological health that would improve the well being of members of the Armed Forces.

SA 5416. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 804. TECHNICAL CORRECTIONS TO AUTHORITIES RELATING TO CERTIFICATION REQUIREMENTS FOR MAJOR SYSTEMS PRIOR TO TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—Section 2366b of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''system'' each place it appears and inserting ''program'';

(2) in subsection (b)—

(A) by striking ''major system'' and inserting ''major defense acquisition program''; and

(B) by striking ''the system'' each place it appears and inserting ''the program''; and

(3) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

''(1) The term 'major defense acquisition program' has the meaning provided in section 2430 of this title.''.

(b) REVIEW OF DEPARTMENT OF DEFENSE ACQUISITION DIRECTIVES.—Section 943(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 289; 10 U.S.C. 2366b note) is amended by striking ''major weapon system'' and inserting ''major defense acquisition program''.

(c) CLARIFICATION OF CERTAIN CERTIFICATION PENDING IDENTIFICATION OF CORE COMPETENCIES OF DOD.—Notwithstanding the effective date in section 943(c) of the National Defense Authorization Act for Fiscal Year 2008, until the completion of the identification of the core competencies of the Department of Defense in the quadrennial review of roles and missions under section 118b of title 10, United States Code, that is conducted during 2008, the Milestone Decision Authority concerned may satisfy the certification requirement of section 2366b(a)(2) of title 10, United States Code (as amended by subsection (a)), with respect to a major defense acquisition program if the Milestone Decision Authority certifies that the program is

being executed by an entity with a relevant core competency identified by the Secretary of Defense for purposes of such certification.

SA 5417. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless there is clear and convincing evidence that such a reinstatement is not in the best interest of the child.

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the S.L.C. September 9, 2008 (8:42 a.m.) servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

''(d) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

SA 5418. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 6 and 7, insert the following:

SEC. 854. DEPARTMENT OF DEFENSE TIRE PRIVATIZATION INITIATIVE.

(a) IMPLEMENTATION AND ADMINISTRATION OF GROUND AND AIR TIRE CONTRACTS.—In implementing and administering ground and air tire contracts of the Department of Defense (Contract No. SPM7L10–07–D–7002 and Contract No. SPM7L10–07–D–7001), the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) require that fair, equal, and competitive procurement procedures among all qualified manufacturers are employed to ensure that the Department of Defense receives the best value when procuring new tire types, and when procuring tires that are newly added to the contract's industrial base requirements;

(2) ensure that all tire manufacturers have equal timely information about the future needs of the Department of Defense for tires, including contractor-prepared forecasts; and

(3) provide all manufacturers with equal quarterly information on the number of tires shipped to the Department of Defense and the number of each type of tire shipped by each manufacturer.

(b) IMPARTIAL EVALUATION OF BIDS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall serve as an impartial evaluator of bids in connection with ground and air tire contracts and shall ensure that the offeror with the most advantageous proposal receives the greatest share of business of the Department of Defense.

(c) ANALYSIS OF TIRE PRICING.—

(1) ANALYSIS.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an analysis of the pricing of tires under existing ground and air tire contracts to determine which tires have high prices even though multiple qualified sources for such tires exist.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the analysis conducted under paragraph (1).

SA 5419. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 344. PROCEDURES FOR MITIGATING THE IMPACT OF RENEWABLE ENERGY TECHNOLOGIES ON MILITARY ACTIVITIES OR READINESS.

(a) ADVISORY COMMITTEE FOR RECOMMENDATIONS ON PROCEDURES.—

(1) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense an advisory committee to make recommendations to the Secretary for the procedures for mitigating any adverse impact of renewable energy technologies (including wind energy, solar energy, geothermal energy, or biomass energy projects) on military training, operations, activities, or readiness.

(2) MEMBERS.—The advisory committee shall be composed of such individuals as the Secretary shall designate for purposes of this section.

(b) DEVELOPMENT OF RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the establishment of the advisory committee required under subsection (a), the advisory committee shall develop and submit to the Secretary such recommendations for procedures described in that subsection as the advisory committee considers appropriate.

(2) CONSULTATION.—In developing recommendations under paragraph (1), the advisory committee shall consult with such technical experts, interested parties, representatives of renewable energy industries, other Federal agencies, and members of the public as the advisory committee considers appropriate.

(c) DESIGNATION OF OFFICIAL.—Not later than 90 days after the receipt under subsection (b) of the recommendations for procedures required under that subsection, the Secretary shall assign to an official within the Department of Defense the responsibility for advising officials of the Department, agencies of the Federal government and State governments, and private sector entities on steps that should be taken to mitigate any adverse impacts of renewable energy technologies or projects on military training, operations, activities, or readiness.

(d) REPORT.—The Secretary shall submit to Congress a report setting forth the findings and recommendations of the advisory committee. The report shall include the following:

(1) A comprehensive description of the procedures recommended by the advisory committee.

(2) The official assigned the responsibility for providing advice in accordance with subsection (c).

SA 5420. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) ALLOWANCES AUTHORIZED.—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Secretary concerned shall provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than

the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.''.

(b) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended by striking ''subsection (a)(1)'' both places it appears and inserting ''paragraph (1) or (2) of subsection (a)''.

SA 5421. Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 216. PARTICIPATION OF DEFENSE LABORATORIES IN COMPETITIVE SOLICITATIONS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—

(1) POLICY ON PARTICIPATION.—The Secretary of Defense shall prescribe policies and regulations such that, to the maximum extent practicable, Department of Defense laboratories are permitted to respond to competitive solicitations for research, development, test, and evaluation funding of the Department of Defense.

(2) CONFLICTS OF INTEREST.—The regulations under paragraph (1) shall ensure that the participation of Department laboratories in competitive solicitations as described in that paragraph is consistent with Federal Government and Department of Defense policies regarding conflicts of interest.

(b) REPORT.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) A description of the policies and regulations prescribed under subsection (a).

(2) A description of the number and value of research, development, test, and evaluation awards competitively awarded to Department of Defense laboratories through Department of Defense solicitations in fiscal year 2009.

(3) An identification of any competitive Federal Government solicitations in fiscal year 2009 for research and development funding from which Department of Defense laboratories were prohibited from direct participation or direct receipt of funds for research and development activities.

SA 5422. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. NO ACCRUAL OF INTEREST FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

Section 455(o) of the Higher Education Act of 1965 (20 U.S.C. 1087e(o)) is amended—

(1) in paragraph (1)—

(A) by striking ''paragraphs (2) and (4)'' and inserting ''paragraph (3)''; and

(B) by striking ''for which the first disbursement is made on or after October 1, 2008'';

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SA 5423. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. SENSE OF CONGRESS ON RENEWAL OF STRATEGIC ARMS REDUCTION TREATY.

It is the sense of Congress that the President should take action to renew the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, signed at Moscow July 31, 1991 (commonly referred to as the ''START I Treaty''), before the expiration date of December 5, 2009.

SA 5424. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3116. STUDY ON SURVEILLANCE OF THE NUCLEAR WEAPONS STOCKPILE.

(a) STUDY.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall enter into a contract with the private scientific advisory group known as JASON to conduct an independent technical study of the efforts of the National Nuclear Security Administration to monitor the aging of, and to detect defects related to aging in, nuclear weapons components and materials that could affect the reliability of nuclear weapons currently in the nuclear weapons stockpile.

(2) AVAILABILITY OF INFORMATION.—The Administrator shall make available to JASON all information necessary to complete the study on a timely basis.

(b) ELEMENTS.—The study required under subsection (a) shall include an assessment of the following:

(1) The ability of the National Nuclear Security Administration to monitor and measure the effects of aging on, and defects relating to aging in, nuclear weapons components and materials, other than plutonium pits, that could affect the reliability of nuclear weapons in the nuclear weapons stockpile.

(2) Available methods for addressing such effects.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, JASON shall submit to the Administrator for Nuclear Security and Congress a report containing—

(A) the findings of the study; and

(B) recommendations for improving efforts within the Directed Stockpile Work Program, the Science Campaign, and the Engineering Campaign of the National Nuclear Security Administration to monitor the effects of aging on, and to detect defects related to aging in, the nuclear weapons stockpile between fiscal year 2009 and fiscal year 2014.

(2) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

SA 5425. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

S10SE8-847]{S8320}On page 41

On page 41, strike lines 1 through 3 and insert the following:

(1) The ballistic missile threat posed by North Korea, Iran, and other countries with active ballistic missile development and fielding programs, including the following:

(A) The existing inventories of short-range, medium-range, long-range, and intercontinental-range ballistic missiles of each such country, and the ranges of such missiles based on possible launch points.

(B) The ballistic missile programs currently under development by each such country, including, for each such program, an assessment of—

(i) the ranges of the ballistic missiles under such program;

(ii) the fuel propulsion systems for such missiles;

(iii) the booster and warhead characteristics of such missiles; and

(iv) the capacity of such missiles to employ countermeasures, decoys, or multiple re-entry vehicles.

(C) The ballistic missile tests and exercises of each such country since 2005.

(D) The proliferation of ballistic missile hardware, technology and expertise of each such country.

(E) The ballistic missile launch facilities of each such country, whether existing or under construction.

SA 5426. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1233. ONE-YEAR EXTENSION OF BRIEFINGS ON QUARTERLY REPORTS ON THE WAR STRATEGY IN IRAQ.

Section 1222(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3463) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SA 5427. Mrs. BOXER (for Mr. BAUCUS) proposed an amendment to the bill H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance; as follows:

On page 3, line 2, strike ''September 30, 2008'' and insert ''the date of the enactment of this Act''.

SA 5428. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a current electronic mail address (if any) and a current telephone number as information requested of a member of the Armed Forces by the form. Such information shall be provided only with the consent of the member of the Armed Forces.

SA 5429. Mr. NELSON of Nebraska (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 395, strike lines 5 through 8 and insert the following:

(3) EXCEPTIONS FOR MILITARY CONSTRUCTION AND CERP.—The limitations in paragraphs (1) and (2) do not apply to—

(A) military construction (as that term is defined in section 2801 of title 10, United States Code); or

(B) amounts authorized to be appropriated for the Commanders' Emergency Response Program (CERP).

SA 5430. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal ear, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. PROVISION TO INJURED MEMBERS OF THE ARMED FORCES OF INFORMATION CONCERNING BENEFITS.

Section 1651 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476; 10 U.S.C. 1071 note) is amended to read as follows:

''SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

''(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—Not later than October 1, 2009, the Secretary of Defense shall develop and maintain, in a handbook and on a publically-available Internet website, a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the separation or retirement of the member from the Armed Forces as a result of a serious injury or illness.

''(b) CONTENTS.—The handbook and Internet website shall include the following:

''(1) The range of compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and other factors affecting compensation and benefits as the Secretary considers appropriate.

''(2) Information concerning the Disability Evaluation System of each military department, including—

''(A) an explanation of the process of the Disability Evaluation System;

''(B) a general timeline of the process of the Disability Evaluation System;

''(C) the role and responsibilities of the military department throughout the process of the Disability Evaluation System; and

''(D) the role and responsibilities of a member of the Armed Forces throughout the process of the Disability Evaluation System.

''(3) Benefits administered by the Department of Veterans Affairs that a member of the Armed Forces would be entitled upon the separation or retirement from the Armed Forces as a result of a serious injury or illness.

''(c) CONSULTATION.—The Secretary of Defense shall develop and maintain the comprehensive description required by subsection (a) in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security.

''(d) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a) on a periodic basis, but not less often than annually.

''(e) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the handbook to each member of the Armed Forces under the jurisdiction of that Secretary as soon as practicable following an injury or illness for which the member may retire or separate from the Armed Forces.

''(f) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the handbook, the handbook shall be provided to the next of kin or a legal representative of the member, as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section.''.

SA 5431. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1056. REPORT ON ADEQUACY OF CURRENT AUTHORITIES AND PROCEDURES FOR THE PROVISION OF MILITARY ADVICE BY THE JOINT CHIEFS OF STAFF AND THE COMMANDERS OF THE COMBATANT COMMANDS TO THE SENIORMOST OFFICIALS AND COUNCILS OF THE GOVERNMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) Civilian control of and authority over the military is fundamental to United States democratic values.

(2) The tradition of civilian control of the military is a time-honored and deeply rooted value of the United States military.

(3) United States civilian leaders value the expertise, advice, and judgment of military professionals in defense and national security policy deliberations.

(4) In his commencement address at the United States Naval Academy on May 23, 2008, Admiral Mullen, the Chairman of the Joint Chiefs of Staff, said that ''few things are more vital to an organization than someone who has the moral courage to question the direction in which an organization is headed and then the strength of character to support whatever final decisions are made''.

(5) In the same address, Admiral Mullen added that ''the military as an institution must remain a neutral instrument of the state''.

(6) Admiral Mullen also said ''that few things are more damaging to our democracy than a military officer who doesn't have the moral courage to stand up for what's right or the moral fiber to step aside when circumstances dictate''.

(7) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433) codified, in sections 151 and 164 of title 10, United States Code, the roles of the Chairman of the Joint Chiefs of Staff, other members of the Joint Chiefs of Staff, and the combatant commanders.

(8) Section 151(b) of title 10, United States Code, designates the Chairman of the Joint Chiefs of Staff as the principal military advisor to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

(9) Section 151(b) of title 10, United States Code, also designates the other members of the Joint Chiefs of Staff (as designated in section 151(a) of title 10, United States Code) as the military advisors to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense as specified in subsections (d) and (e) of section 151 of title 10, United States Code.

(10) Section 151(c) of title 10, United States Code directs that ''the Chairman shall, as he considers appropriate, consult with and seek the advice of the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands''.

(11) Section 151(d) of title 10, United States Code, establishes mechanisms for members of the Joint Chiefs of Staff, other than the

Chairman, to submit ''to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to the advice presented by the Chairman to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense''.

(12) Section 151(e) of title 10, United States Code, directs members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisors to provide advice on a particular matter to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense when requested.

(13) Section 151(f) of title 10, United States Code, permits a member of the Joint Chiefs of Staff to make recommendations to Congress relating to the Department of Defense as he considers appropriate after first informing the Secretary of Defense.

(14) Section 164 of title 10, United States Code, establishes the powers, responsibilities, and duties of the commanders of the combatant commands.

(15) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 was enacted 22 years ago and the provisions of title 10, United States Code, referred to in paragraphs (8) through (14) of this subsection, as enacted by that have not been amended since except to include the Homeland Security Council as the authorized recipient of military advice from the Joint Chiefs of Staff and the commanders of the combatant commands.

(16) The employment of the Armed Forces in the 22 years since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 has produced a body of experience and lessons learned by the Joint Chiefs of Staff and the commanders of the combatant commands.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is an appropriate time in the national interests of the United States for the Joint Chiefs of Staff and the commanders of the combatant commands to review the authorities of and procedures for members of the Joint Chiefs of Staff and the commanders of the combatant commands to provide military advice to the President, the Secretary of Defense, the National Security Council, and the Homeland Security Council.

(c) REVIEW OF AUTHORITIES AND PROCEDURES.—The Chairman of the Joint Chiefs of Staff shall, in consultation with the other members of the Joint Chiefs of Staff and the commanders of the combatant commands, conduct a review of sections 151 and 164 of title 10, United States Code, for the purposes as follows:

(1) To determine whether the authorities in such sections are adequate and sufficient such that those senior military officers are afforded the opportunity to present military advice or opinion to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

(2) To identify recommendations, if any are determined appropriate, for modifications to the authorities in such sections to ensure or enhance the provision of military advice to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense by those senior military officers.

(d) REPORT.—

(1) REPORT TO SECRETARY OF DEFENSE.—Not later than June 15, 2009, the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the review conducted under subsection (c), including a comprehensive description of the determinations made under subsection (c)(1) and of any recommendations identified under subsection (c)(2).

(2) REPORT TO CONGRESS.—Not later than July 30, 2009, the Secretary of Defense shall transmit to the congressional defense committees the report submitted under paragraph (1). In transmitting the report, the Secretary may include such comments on and recommendations regarding the report as the Secretary considers appropriate.

SA 5432. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 216, strike line 15 and all that follows through page 221, line 3, and insert the following:

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—The head of an agency may enter into contracts or agreements for the acquisition of alternative or synthetic fuels, if such contracts or agreements are—

''(1) for a term of not more than 25 years;

''(2) at a price that is competitive, throughout the term of the contract or agreement concerned, with the market price of petroleum-derived fuel of similar quality; and

''(3) for a fuel that has lower lifecycle greenhouse gas emissions when compared to the lifecycle greenhouse gas emissions of conventional petroleum-based fuels that are used in the same application;

''(b) DETERMINATION OF LIFECYCLE GREENHOUSE GAS EMISSIONS.—In the case of a contract or agreement under subsection (a) for an alternative fuel or synthetic fuel, the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under such contract or agreement shall be considered to be less than such emissions for the equivalent conventional fuel produced from conventional petroleum sources if such emissions are determined to be lower—

''(1) by peer-reviewed research conducted or reviewed by a national laboratory; or

''(2) by the head of the agency, based on available research and testing.

''(c) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'alternative fuel' has the meaning given that term in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

''(3) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

''(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

''(B) is produced by chemical or physical transformation of domestic sources of energy (including coal, natural gas, biomass, ethanol, butanol, and hydrogen).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

''2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels.''.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Defense and other departments and agencies of the Federal Government should continue research, testing, evaluation, and use of alternative and synthetic fuels (as that term is defined in section 2410r(c) of title 10, United States Code (as added by subsection (a)) with the goals of—

(1) reducing emissions;

(2) lowering the cost of fuel; and

(3) increasing the performance, reliability, and security of fuel production and supply for the Armed Forces.

SA 5433. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title subtitle G of title X, add the following:

SEC. 1083. WEEKLY INCREASE IN BOUNTY FOR THE CAPTURE OR KILLING OF OSAMA BIN LADEN AND AYMAN AL-ZAWAHIRI.

On the date that is seven days after the date of the enactment of this Act, and every seven days thereafter until the capture or killing of such individual, the Secretary of Defense shall increase by an amount equal to $1,000,000 the amount of the bounty payable for the capture or killing of each of the following:

(1) Osama bin Laden.

(2) Ayman al-Zawahiri.

SA 5434. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. INCREASING THE NUMBER OF PSYCHOLOGIST INTERNSHIPS.

There shall be set-aside from amounts appropriated under section 1403, $1,775,000 for fiscal year 2009, and $3,100,000 for fiscal year 2010, to remain available until expended, to enable the Office of the Surgeon General to increase by 30 the number of civilian psychologist internships provided for by the Office.

SA 5435. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. INSTITUTE OF MEDICINE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.

(a) STUDY REQUIRED.—There shall be set-aside from amounts appropriated under section 1403, $1,000,000 for fiscal year 2009 to enable the Secretary of Defense shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the purpose of conducting a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on factors contributing to the misadministration of medications, including accidental and intentional overdoses, under and over medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that increase the risk of misadministration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the military, other government agencies, and civilian sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risk of medication misadministration and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) REPORT.—Not later than 18 months after entering into the agreement for the study required under subsection (a), the Institute of Medicine shall submit to the Secretary of Defense, and to Congress, a report on the study containing such findings and determinations as the Institute of Medicine considers appropriate in light of the study.

SA 5436. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. TRAUMATIC BRAIN INJURY SURVEY.

There shall be set-aside from amounts appropriated under section 1403, $1,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to enter into a contract with the Center for Military Health Policy Research, RAND, for the conduct of a follow-up survey of the 1,950 service member and veteran participants of the Invisible Wounds of War study to determine if there is any long-term impairment from traumatic brain injuries, to identify the factors that inhibit access to treatment, including cognitive rehabilitation for mental health disorders, and to assess conditions leading to unemployment and substance use. The analysis of the survey results shall identify priority research needs and gaps in the health care system for individuals with traumatic brain injuries and post traumatic stress disorders. The survey under this section shall be completed not later than 1 year after the date of enactment of this Act.

SA 5437. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. COGNITIVE REHABILITATION STUDY.

(a) IN GENERAL.—There shall be set-aside from amounts appropriated under section 1403, $10,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the Agency for Healthcare Research and Quality, to conduct a long-term (10 year), integrated study of at least 10,000 participants (including injured service members, smaller at-risk populations, and those individuals separated from service but not seeking Veterans Administration services) concerning cognitive rehabilitation research.

(b) REQUIREMENTS.—The cognitive rehabilitation research study conducted under subsection (a) shall—

(1) be designed to contribute to the establishment of evidence-based practice guidelines in the area of cognitive rehabilitation including predictors of relapse and recovery;

(2) evaluate how use of health care services affects symptoms, functioning, and outcomes over time;

(3) evaluate how traumatic health injuries and mental health conditions affect physical health, economic productivity, and social functioning;

(4) evaluate how long-term impairments may be reduced based on different rehabilitation options;

(5) be designed to result in the implementation of strategies for accessing quality mental health treatment care, including cognitive rehabilitation;

(6) assess current research activity on post traumatic stress disorder and traumatic brain injury, evaluate programs, and make recommendations for strategic research priority setting; and

(7) be coordinated with the study conducted under section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

(c) REPORTS.—

(1) BASELINE REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a baseline report on the results of the study conducted under subsection (a).

(2) PRELIMINARY REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a preliminary report on the results of the study conducted under subsection (a).

(3) FINAL REPORT.—Not later than 10 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a final report on the results of the study conducted under subsection (a).

SA 5438. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. SURVIVOR BENEFIT PLAN ANNUITIES FOR SPECIAL NEEDS TRUSTS ESTABLISHED FOR THE BENEFIT OF DEPENDENT CHILDREN INCAPABLE OF SELF-SUPPORT.

(a) SPECIAL NEEDS TRUST AS ELIGIBLE BENEFICIARY.—

(1) IN GENERAL.—Subsection (a) of section 1450 of title 10, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) SPECIAL NEEDS TRUSTS FOR SOLE BENEFIT OF CERTAIN DEPENDENT CHILDREN.—Notwithstanding subsection (i), a supplemental or special needs trust established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1936p(d)(4)) for the sole benefit of a dependent child considered disabled under section 1614(a)(3) of that Act (42 U.S.C. 1382c(a)(3)) who is incapable of self-support because of mental or physical incapacity.''.

(2) CONFORMING AMENDMENT.—Subsection (i) of such section is amended by inserting ''(a)(4) or'' after ''subsection''.

(b) REGULATIONS.—Section 1455(d) of such title is amended—

(1) in the subsection caption, by striking ''AND FIDUCIARIES'' and inserting '', FIDUCIARIES, AND SPECIAL NEEDS TRUSTS'';

(2) in paragraph (1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) a dependent child incapable of self-support because of mental or physical incapacity for whom a supplemental or special needs trust has been established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1936p(d)(4)).'';

(3) in paragraph (2)—

(A) by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively;

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) In the case of an annuitant referred to in paragraph (1)(C), payment of the annuity to the supplemental or special needs trust established for the annuitant.'';

(C) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, by striking ''subparagraphs (D) and (E)'' and inserting ''subparagraphs (E) and (F)''; and

(D) in subparagraph (G), as so redesignated—

(i) by inserting ''or (1)(C)'' after ''paragraph (1)(B)'' in the matter preceding clause (i);

(ii) in clause (i), by striking ''and'' at the end;

(iii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new clause:

''(iii) procedures for determining when annuity payments to a supplemental or special needs trust shall end based on the death or marriage of the dependent child for which the trust was established.''; and

(4) in paragraph (3), by striking ''OR FIDUCIARY'' in the paragraph caption and inserting '', FIDUCIARY, OR TRUST''.

SA 5439. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. DESIGNATION OF THE LIBERTY MEMORIAL AT THE NATIONAL WORLD WAR I MUSEUM IN KANSAS CITY, MISSOURI, AS THE NATIONAL WORLD WAR I MEMORIAL.

(a) FINDINGS.—Congress makes the following findings:

(1) Although more than 4,000,000 Americans served in World War I, there is no nationally recognized memorial honoring the service of such Americans in that war.

(2) In 1919, the people of Kansas City, Missouri, expressed an outpouring of support and raised more than $2,000,000 in two weeks for a memorial to the service of Americans in World War I. That fundraising was an accomplishment unparalleled by any other city in the United States irrespective of population and reflected the passion of public opinion about World War I, which had so recently ended.

(3) Following the drive, a national architectural competition was held by the American Institute of Architects for designs for a memorial to the service of Americans in World War I, and the competition yielded a design by architect H. Van Buren Magonigle.

(4) On November 1, 1921, more than 100,000 people witnessed the dedication of the site for the Liberty Memorial in Kansas City, Missouri. That dedication marked the only time in history that the five allied military leaders present, Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, General John J. Pershing of the United States, and Admiral Lord Earl Beatty of Great Britain, were together at one place.

(5) General Pershing, a native of Missouri and the commander of the American Expeditionary Forces in World War I, noted at the November 1, 1921 dedication that ''[t]he people of Kansas City, MO are deeply proud of the beautiful memorial, erected in tribute to the patriotism, the gallant achievements, and the heroic sacrifices of their sons and daughters who served in our country's armed forces during the World War. It symbolized their grateful appreciation of duty well done, and appreciation which I share, because I know so well how richly it is merited''.

(6) During an Armistice Day ceremony in 1924, President Calvin Coolidge marked the beginning of a three-year construction project for the Liberty Memorial by the laying of the cornerstone of the memorial.

(7) The 217-foot Liberty Memorial Tower has an inscription that reads ''In Honor of Those Who Served in the World War in Defense of Liberty and Our Country'' as well as four stone ''Guardian Spirits'' representing courage, honor, patriotism, and sacrifice, which rise above the observation deck, making the Liberty Memorial a noble tribute to all who served in World War I.

(8) During a rededication for the Liberty Memorial in 1961, World War I veterans and former Presidents Harry S. Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed.

(9) The 106th Congress recognized the Liberty Memorial as a national symbol of World War I.

(10) The 108th Congress designated the museum at the base of the Liberty Memorial as ''America's National World War I Museum''.

(11) The National World War I Museum is the only public museum in the United States specifically dedicated to the history of World War I.

(12) The National World War I Museum is known throughout the world as a major center of World War I remembrance.

(b) DESIGNATION.—The Liberty Memorial at the National World War I Museum in Kansas City, Missouri, is hereby designated as the ''National World War I Memorial''.

SA 5440. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 702. IDENTIFICATION AND TREATMENT OF DRUG AND ALCOHOL DEPENDENCE IN MEMBERS OF THE ARMED FORCES UNDER TRICARE THROUGH OUTPATIENT SUBSTANCE ABUSE TREATMENT PROGRAMS.

Section 1090 of title 10, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new subsection:

''(b) ACTIVITIES UNDER TRICARE PROGRAM THROUGH OUTPATIENT SUBSTANCE ABUSE TREATMENT PROGRAMS.—The regulations required by subsection (a) with respect to the TRICARE program shall provide for the provision of services to identify, treat, and rehabilitate members of the armed forces under that subsection through outpatient substance abuse treatment programs.''.

SA 5441. Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

Subtitle E—Other Matters

SEC. 1241. SPECIAL ENVOY FOR SOUTH AND CENTRAL ASIA REGIONAL COOPERATION.

(a) STATEMENT OF POLICY.—Congress declares that it is in the national interest of the United States that the countries of South and Central Asia work together to address common challenges hampering the stability, security, and development of their region and to enhance their cooperation.

(b) ESTABLISHMENT.—The President shall, by and with the advice and consent of the Senate, appoint a special envoy to promote closer cooperation between the countries of South and Central Asia. The special envoy shall have the rank of ambassador.

(c) DUTIES.—

(1) IN GENERAL.—The primary responsibility of the special envoy shall be to coordinate United States policy on issues relating to strengthening and facilitating relations between the nations of South and Central Asia for the benefit of stability and economic growth in the region.

(2) ADVISORY ROLE.—The special envoy shall advise the President and the Secretary of State, as appropriate, and, in coordination with the Assistant Secretary of State for South and Central Asian Affairs, shall make recommendations regarding effective strategies and tactics to achieve United States policy objectives to—

(A) stem cross-border terrorist activities;

(B) provide assistance to refugees to ensure orderly and voluntary repatriation from neighboring states;

(C) bolster people-to-people ties and economic cooperation between the nations of South and Central Asia, including bilateral trade relations;

(D) explore opportunities to anticipate and seek solutions to critical cross-border issues; and

(E) offer comprehensive efforts to support effective counter-narcotics strategies in South and Central Asia.

SA 5442. Mrs. MCCASKILL (for herself and Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, between lines 6 and 7, insert the following:

SEC. 323. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A–76 or any other provision of law for any function of the Department of Defense performed by

Department of Defense civilian employees may not exceed a period of 720 days, commencing on the date on which the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

''(B) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims unless the Secretary of Defense determines that the delay is caused by issues being raised during the appellate process that were not previously raised during the competition.''.

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SA 5443. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

SEC. 2822. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior, acting through the Bureau of Land Management, may convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled ''Proposed Camp Williams Land Transfer'' and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101–628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

SEC. 2823. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Utah on behalf of the Utah National Guard (in this section referred to as the ''State'') all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, that are located within the boundaries of Camp Williams, Utah, consist of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan as being necessary acquisitions for future missions of the Utah National Guard.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is being used solely for non-defense, commercial purposes, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. It is not a violation of the reversionary interest for the State to lease the property, or any portion thereof, to private, commercial, or governmental interests if the lease facilitates the construction and operation of buildings, facilities, roads, or other infrastructure that directly supports the defense missions of the Utah National Guard. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5444. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. VISION CENTER OF EXCELLENCE.

(a) FINDINGS.—Congress makes the following findings:

(1) Ocular injuries are the third highest incidence for injuries sustained in Operation Iraqi Freedom and Operation Enduring Freedom after Traumatic Brain Injury and Post Traumatic Stress Disorder.

(2) From 2002 through January 2008, more than 1,300 members of the Armed Forces suffered eye injuries in Operation Iraqi Freedom or Operation Enduring Freedom, and the Department of Veterans Affairs enrolled it its health care system more than 100 veterans of such operations who are legally blind.

(3) The most common causes of eye injury in Operation Iraqi Freedom and Operation Enduring Freedom include—

(A) improvised explosive device blasts;

(B) rocket propelled grenade explosions; and

(C) gunshot wounds.

(4) In some cases, such injuries may not manifest until weeks or months following exposure to a traumatic event, including Traumatic Brain Injury. Research has found that 63 percent of Traumatic Brain Injury wounded at the Palo Alto Veterans Affairs Medical Center Polytrauma Center located at Palo Alto, California, have a visual impairment associated with Traumatic Brain Injury. In addition, general Traumatic Brain Injury screening at the Hines Department of Veterans Affairs Low Vision Clinic located at Chicago, Illinois, determined that 68 percent of all Traumatic Brain Injury veterans have a visual impairment.

(5) Section 1623 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 455; 10 U.S.C. 1071 note) requires the Secretary of Defense to establish a center of excellence for the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries. That section also requires the Department of Defense to work with Department of Veterans Affairs, to the maximum extent practicable, as well as with public and private entities and institutions of higher learning, to develop a comprehensive plan and strategy for a Military Eye Injury Registry, which would track the diagnosis, surgical intervention, and follow up for each significant case of eye injury incurred by a member of the Armed Forces while serving on active duty.

(6) Section 1623 of the National Defense Authorization Act for Fiscal Year 2008 also requires the Department of Defense and the Department of Veterans Affairs to provide a cooperative program for members of the Armed Forces and veterans with traumatic eye injury by conducting research on prevention of visual dysfunctions, which is a frequent complication from Traumatic Brain Injury.

(7) On June 9, 2008, the Assistant Secretary of Defense for Health Affairs decided that the Vision Center of Excellence will be established in the National Capital Region and

will be comprised of multiple clinical centers throughout the Nation at Department of Defense and Department of Veterans Affairs medical centers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Vision Center of Excellence will be a world class vision center supporting both members of the Armed Forces and veterans;

(2) research on visual impairments related to Traumatic Brain Injury needs to be expanded, and the Vision Center of Excellence should play a key role in identifying current and future research needs;

(3) the goal of the Vision Center of Excellence is to provide all members of the Armed Forces who suffer ocular trauma or disease the most comprehensive, coordinated, progressive, and highest quality eye care possible;

(4) the Vision Center of Excellence should maximize Department of Defense, Department of Veterans Affairs, and civilian resources to ensure the most compassionate, synchronized, and professional eye care; and

(5) the Department of Defense should examine the potential benefit of screening for eye injuries when service members are screened for Traumatic Brain Injury.

(c) REPORTS TO CONGRESS.—

(1) REPORT ON IMPLEMENTATION OF VISION CENTER OF EXCELLENCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs, submit to the Committees on Armed Services and Veterans' Affairs of the Senate and the Committees on Armed Services and Veterans' Affairs of the House of Representatives a report on the status of implementation of the Vision Center of Excellence. The report shall include, at a minimum, a description of the mission of the Vision Center of Excellence, the resources or funds available to fund the Vision Center of Excellence from fiscal years 2009 through 2013, and the planned programs and priorities of the Vision Center of Excellence.

(2) REPORT ON VISUAL SCREENINGS IN CONNECTION WITH TBI.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the feasability and advisability of performing visual screenings on all members of the Armed Forces who experience Traumatic Brain Injury.

SA 5445. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 815. ENHANCEMENT OF BUY AMERICAN REQUIREMENTS WITH RESPECT TO SPECIALTY METALS CRITICAL TO NATIONAL SECURITY.

(a) INCLUSION OF HIGH PERFORMANCE MAGNETS AMONG SPECIALTY METALS.—Subsection (l) of section 2533b of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) High performance magnets.''.

(b) DEFINITIONS.—Subsection (m) of such section is amended by adding at the end the following new paragraphs:

''(11) The term 'produced', in the case of a specialty metal or high performance magnet, means melting, gas atomization, sputtering, or consolidation from powder using non-melt technology in the United States. The term does not include a rolling or finishing process such as quenching and tempering of armor plate.

''(12) The term 'high performance magnet' means a permanent magnet containing 10 or more percent by weight of cobalt, samarium, or nickel.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, August 10, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, September 10, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''Improving the Federal Bridge Program: Including an Assessment of S. 3338 and H.R. 3999.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 10 a.m., in room 215 of Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 10 a.m., to conduct a hearing entitled ''Expediency Versus Integrity: Do Assembly-Line Audits at the Defense Contract Audit Agency Waste Taxpayer Dollars?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''New Strategies for Combating Violent Crime: Drawing Lessons From Recent Experience'' on Wednesday, September 10, 2008, at 10 a.m., in room SD–562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 2:30 p.m. to conduct a hearing entitled, ''Managing the Challenges of the Federal Government Transition.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 3 p.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''Quality and Environmental Impacts of Bottled Water.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Jamie Lynch, Nathan Buniva, and Thomas Barlow, congressional fellows and staff in the office of Senator JIM WEBB, be allowed privileges of the floor during consideration of S. 3001.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I ask unanimous consent that MAJ Monique Matthews, a military legislative fellow in my office, be granted the privilege of the floor for the remainder of the discussion of the Defense bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent that Jon Cary, a military fellow from my office, be granted the privilege of the floor during consideration of the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Luke Lynch and Peter Lillis of my staff be granted the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LIFE OF ANNE LEGENDRE ARMSTRONG

Mr. SANDERS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 645.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 645) honoring the life of Anne Legendre Armstrong.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 645) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 645

Whereas Anne Legendre Armstrong, a pioneer for women in public service, passed away on July 30, 2008, at the age of 80;

Whereas Anne Armstrong was educated at Foxcroft School in Middleburg, Virginia, where she was valedictorian of her graduating class;

Whereas Anne Armstrong received her B.A. degree from Vassar College, where she was elected to Phi Beta Kappa in her junior year;

Whereas Anne Armstrong was an active and respected leader in the Texas Republican Party and the first female co-chair of the Republican National Committee;

Whereas Anne Armstrong served both President Richard Nixon and President Gerald Ford as a Cabinet-level counselor, the first woman to do so;

Whereas Anne Armstrong was named by President Gerald Ford as the United States Ambassador to the United Kingdom, the first woman to hold that important and prestigious post;

Whereas Anne Armstrong was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor, by President Ronald Reagan;

Whereas Anne Armstrong graciously hosted world leaders and other prominent individuals at the legendary Armstrong Ranch in Kenedy County, Texas;

Whereas Anne Armstrong was inducted into the Texas Women's Hall of Fame in 1986 for her numerous achievements and contributions to the State of Texas and the Nation;

Whereas Anne Armstrong lost her beloved husband Tobin in 2005, and is survived by 5 five children: J. Barclay Armstrong, Katharine Armstrong Love, Sarita Armstrong Hixon, James Armstrong, and Tobin Armstrong, Jr.;

Whereas Anne Armstrong is also survived by 13 grandchildren and a sister, Katharine Legendre King; and

Whereas Anne Armstrong will be deeply missed by the people of Texas and the Nation as a whole: Now, therefore, be it

Resolved, That the Senate honors the life of Anne Legendre Armstrong, an exemplar of dedication to public service and an inspiration for the Texans who have followed her.

HONORING THE LIFE AND ACCOMPLISHMENTS OF STEPHANIE TUBBS JONES

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 654, submitted earlier today by Senator BROWN.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 654) honoring the life and recognizing the accomplishments of the Honorable Stephanie Tubbs Jones, a Member of the House of Representatives for the 11th congressional district of Ohio.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 654) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 654

Whereas Stephanie Tubbs Jones was born on September 10, 1949, in Cleveland, Ohio, and attended Case Western Reserve University and the Franklin Thomas Backus School of Law;

Whereas, in 1982, at the age of 33, Stephanie Tubbs Jones was elected to serve on the Cleveland Municipal Court;

Whereas, in 1983, Stephanie Tubbs Jones became the first African-American woman to serve on the Court of Common Pleas in the State of Ohio;

Whereas Stephanie Tubbs Jones served as the Cuyahoga County Prosecutor from 1991 through 1999, becoming the first woman and the first African-American to hold the position;

Whereas, in 1998, Stephanie Tubbs Jones was elected to the first of 5 terms in the House of Representatives, where she was a tireless advocate for the citizens of Ohio's 11th Congressional District and championed increased access to health care, improved voting rights, and quality education for all;

Whereas Stephanie Tubbs Jones was the first African-American woman to represent the State of Ohio in Congress;

Whereas Ohio has lost a beloved daughter and the House of Representatives one of its strongest voices with the passing of Stephanie Tubbs Jones on August 20, 2008: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of the Honorable Stephanie Tubbs Jones and expresses its condolences to her family and friends and to the people of the 11th Congressional District of Ohio; and

(2) honors the life of Stephanie Tubbs Jones, a highly esteemed and accomplished Member of Congress, dedicated community leader, and tireless advocate for those in need.

ORDERS FOR THURSDAY, SEPTEMBER 11, 2008

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10:30 a.m. tomorrow, Thursday, September 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; and that following morning business, the Senate resume consideration of S. 3001, the Department of Defense authorizations bill. I further ask that there be a moment of silence at 12:30 p.m. to honor the victims of the September 11 attacks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. In addition to the moment of silence tomorrow, at 11:45 a.m. on the West front steps of the U.S. Capitol, there will be a bipartisan, bicameral congressional ceremony to honor those who lost their lives and heroically saved others in the attacks of September 11, 2001.

ORDER FOR ADJOURNMENT

Mr. SANDERS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senator LIEBERMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

DEFENSE AUTHORIZATION

Mr. LIEBERMAN. Mr. President, I rise to speak on behalf of amendment

No. 5368, which Senator GRAHAM of South Carolina and I have filed. It is an amendment to the National Defense Authorization Act, which we hope to be able to call up in the next day or two.

This amendment expresses the sense of the Senate recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the members of the U.S. Armed Forces who have made that success possible.

It was exactly 1 year ago today, September 10, 2007, that GEN David Petraeus came to Capitol Hill to testify about the situation in Iraq. At that time, General Petraeus laid out the facts. He gave us an accurate and honest assessment of the situation on the ground. He presented the growing evidence that the surge was working and that security there was improving.

Many, I fear, did not want to listen to General Petraeus, because many had already made up their minds about the surge. They were wedded to the idea that the surge was a mistake because they were wedded to the idea that the war was a mistake and that, in fact, we had already lost it. They didn't want to hear evidence that General Petraeus presented that day that America could still win this critical fight. As a result, even before GEN David Petraeus set foot on Capitol Hill, this honorable American soldier was met by a hail of preemptive attacks by opponents of the surge and the war.

One group, moveon.org, made the absolutely irresponsible and offensive accusation that General Petraeus would try to cook the books to justify the surge. But 1 year later, we know the truth. It was, in fact, moveon.org that was cooking the books, not General Petraeus. The general was right that the surge was working, and his critics were wrong. Had we heeded their advice to abandon the surge and retreat from Iraq in 2007, the United States would have suffered by its own decision a catastrophic defeat in Iraq that would have had terrible consequences far beyond Iraq for years to come. Fortunately, we did not abandon General Petraeus and his brave troops, and as a result, the situation in Iraq has now completely reversed.

In the 12 months since General Petraeus came before Congress to testify on this very day a year ago, almost every imaginable indicator of progress in Iraq, particularly political, economic, military, and security, has changed for the better. The surge is not just a tactical success, as some of its opponents have suggested. It is a strategic success for the United States and for the cause of freedom. Because of the surge, our two most threatening enemies in the world today—al-Qaida and Iran—are weaker and America is safer.

I don't believe this is a matter of opinion by this Senator. I believe it is now a matter of fact that should be acknowledged. I know some opponents of the surge have recently tried to write off this remarkable success by claiming it doesn't matter. They say the success of the surge is irrelevant because Iraq itself is irrelevant, a distraction from the real central front of the war on terror which they say is Afghanistan.

This is a profoundly mistaken and misguided argument. Both Iraq and Afghanistan are important, but I ask my colleagues: Does anyone here believe it is irrelevant if al-Qaida wins or loses in Iraq, a nation that historically has been at the heart of the Arab world? Does anyone here really believe it is irrelevant if Iran succeeds or fails in its efforts to seize control of Iraq? Does anyone really want to tell our brave men and women in uniform in Iraq that the hard-won gains they have achieved over the past year, the lives that have been lost in that effort through their struggle and sacrifice are irrelevant? The answer, to me, is clearly no.

So let there be no doubt, the outcome of the war in Iraq is anything but irrelevant. On the contrary, in my opinion, there are few matters more important to the safety and security of the United States today than whether we win or lose in Iraq.

If there is anyone in this Chamber who doubts the strategic stakes in Iraq, I urge them to listen to General Petraeus. Listen to General Petraeus who warned us in an interview published today in the Washington Post that ''Iraq is still viewed as the central front for al-Qaida.'' Let me repeat that: ''Iraq is still viewed as the central front for al-Qaida,'' which is to say by al-Qaida. Not Afghanistan, Iraq; not Pakistan, Iraq.

This is not the opinion of a Member of Congress. It is not the opinion of a politician running for office. It is the judgment of America's most successful battlefield commander in the war on terror which began 7 years ago tomorrow when America was brutally attacked on 9/11/2001. This is the judgment of a general whom this Senate confirmed as the Supreme Commander for U.S. Forces in the Middle East and South Asia, who is soon to become the Commander in Chief at CENTCOM. What this general tells us is that it is Iraq, not Afghanistan, that is the central front of al-Qaida's war on us as defined by them, by the enemy.

One year ago, many in Congress did not want to listen to General Petraeus. In the 12 months since then, however, we have been presented with ample evidence why that was a mistake. I hope we will not repeat that mistake again.

So today on the 1-year anniversary of General Petraeus's testimony before Congress, let's resolve to come together across party lines. It is time to recognize reality. It is time to acknowledge that the surge has been a strategic success in the central front of the war on the terrorists who attacked us 7 years ago tomorrow morning. It is time to express thanks to our courageous men and women in uniform who made the surge possible, rather than undercutting their struggle and sacrifices as irrelevant. And it is time to pledge that the hard-won gains secured by the surge will be honored and preserved, not squandered by attempts to impose arbitrary timetables for withdrawal, regardless of what is happening on the ground in Iraq.

The good news is that all of the troops who were sent to Iraq as part of the surge, approximately 30,000, have now returned home because of the success of the surge, and they are not being replaced. President Bush announced just yesterday that an additional 8,000 troops will be withdrawn by next February. Again, because the surge has worked, because the Iraq Security Forces are more capable of protecting their own country, because the political leadership of the country has come together to govern—giant steps along the path to what we have been hoping for throughout this conflict.

That is why Senator GRAHAM and I have offered this bipartisan amendment to the National Defense Authorization Act. We hope the Senate can unite to take up and adopt this amendment. It is not going to happen today on the 1-year anniversary of the Petraeus testimony, but I hope it will happen soon.

Let's stop for a moment, is what we are asking, and acknowledge the historic significance of what has been achieved at great sacrifice by the men and women who have worn the uniform of the United States, by the coalition forces who have been there, and, indeed, by the Iraq Security Forces themselves.

Eighteen months ago, Iraq was in chaos. Very few thought we could achieve success there. Yet now in the space of less than 2 years an extraordinary turnaround, one of the most remarkable in the history of the American military, the proud history of the American military, has been brought about. I truly believe the men and women who have served there under General Petraeus, now soon under General Odierno, a wonderfully prepared and able and strong leader, will be viewed by history as America's next or newest ''greatest generation.''

Obviously, there is still much we need to do to secure ultimate victory in Iraq. Of course, we still face other great challenges from terrorists throughout the world and from others, such as autocratic powers rising again.

But at this moment, particularly on this day, I wanted to give thanks for the truly historic achievement that belongs to GEN David Petraeus and the men and women of the American military who have served under him. I hope this amendment can be brought up, and

when it is, we will come together as Americans who are grateful to our troops for a job well done.

I thank the Chair. I thank everyone here who stayed until I finished.

I yield the floor and wish everyone a good night.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. tomorrow.

Thereupon, the Senate, at 7:46 p.m., adjourned until Thursday, September 11, 2008, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, September 10, 2008*

The House met at 10 a.m.

Dr. David O. Dykes, Pastor, Green Acres Baptist Church, Tyler, Texas, offered the following prayer:

Our Father, as the Psalmist prayed, we proclaim that ''the Lord is my strength and my shield; my heart trusts in Him and I am helped.''

Father, on this very day 7 years ago, we were not prepared for how our Nation and our lives would change within a single day. But since that day, we have found that Your grace is enough. We desperately depend upon Your future grace. We praise You that You are not a spectator God who sits in heaven uncaring and unconcerned. You are a loving Father who has numbered the hairs on our head. Your wounded feet still walk with us on the road of suffering. Your heart that was broken on the cross still feels our every pain.

And so, Father, give to Your servants wisdom and grace. May Your kingdom come and Your will be done. We humbly ask in the name that is above every name, Your Son, our Redeemer, Jesus Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING DR. DAVID O. DYKES

The SPEAKER. Without objection, the gentleman from Texas (Mr. GOHMERT) is recognized for 1 minute.

There was no objection.

Mr. GOHMERT. Thank you, Madam Speaker.

Dr. David O. Dykes has been pastor of Green Acres Baptist Church for about 17 years while being a true leader, spiritual guide, and dear friend.

In Tyler, Texas, Green Acres has over 14,000 members and is the most mission-minded church anywhere. Recognized this year with the highest award of the Southern Baptist Convention, Brother David, as his church knows him, has taken seriously the admonitions of Jesus to feed His sheep, minister to their needs, and take the Gospel into all the world.

As I heard here from a Florida pastor yesterday, Brother David is truly an inspiration and a blessing because of his evident burden for reaching out to help others. He faithfully serves our church, the local community, our country and world. He dearly loves his amazing wife, Cindy, their daughters Jenni and Laura Grace, and their husbands Jason and Jim. He and Cindy are now the proud grandparents of Lizzi and Caroline. God's love is evident in the life and love of Brother David as today's congressional chaplain.

Madam Speaker, though I am allowed only 1 minute, it would take many times more than that to adequately extol the virtues of this great American pastor.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendments of the House to the bill (S. 2403) ''An Act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse.''.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

JERSEY CITY REDEVELOPMENT AGENCY

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, I rise to highlight the good work of the Jersey City Redevelopment Agency in the 13th District of New Jersey, which I have the honor of representing.

The Jersey City Redevelopment Agency has a distinguished history in the fight to eliminate blight, to create opportunities, and to attract residential, commercial and industrial real estate projects in Jersey City.

Since its inception 60 years ago, the Jersey City Redevelopment Agency has been responsible for the direct reinvestment of billions of dollars in Jersey City and tens of thousands of jobs. The agency is committed to enhancing the quality of life for all residents of Jersey City by guiding responsible development and reinvestment in all neighborhoods and communities in Jersey City. They work daily to enhance the quality of life of their residents and improve economic and housing opportunities while building strong, viable partnerships with the Jersey City community.

Please join me in honoring the Jersey City Redevelopment Agency as they celebrate their 60th year in business and as they continue to build a better Jersey City for all residents.

HOW MUCH MORE CAN BARACK OBAMA DISRESPECT WOMEN?

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, the campaign of BARACK OBAMA cannot refute Governor Sarah Palin's record of change and reform as Governor of Alaska. She took on the ''Old Boy Network'' in Alaska and she won. She took on corruption throughout State government and rooted it out. She took on Big Oil and made it serve the interests of her State. She is a true agent of change.

So now the Obama campaign has decided that the way to get at Sarah Palin is through personal attacks and sexist insults. Yesterday, the Associated Press quoted the following: '' 'You can put lipstick on a pig,' Obama said to an outbreak of laughter, shouts and raucous applause from his audience, clearly drawing a connection to Palin's joke. 'It's still a pig.' ''

Well, Mr. Speaker, Senator OBAMA might find such jokes funny, but women will only find them insulting. American women also understand that if this is the kind of change that Senator OBAMA is offering to America, it is really no change at all. Senator OBAMA owes Governor Palin and the women of America an apology.

WE NEED A CHANGE IN WASHINGTON

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Mr. Speaker, I rise today because of a great change that is

taking place in northeast Wisconsin, a change brought on by the failed economic policies of the current administration, an administration that doesn't care about people, rather, they care about corporate profits. What is taking place in Wisconsin is taking place across the middle part of this country. We are losing our jobs overseas.

The paper industry in Wisconsin is being decimated, and recently a paper mill closed. One of the families that lost their position was Bruce Van Zeeland, who writes, ''It turned our life upside down, working at one company for 28 years and having no other skills in this horrible job market. My wife is struggling to find a full-time job now. We cannot help out our three kids in college. We worry about losing our home.''

This is the change that came about from this Republican dominated House for 12 years and the current administration. We do need a change in Washington, and the Van Zeelands need it now.

SEPTEMBER 11

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, tomorrow we will look back on a dark day which changed our Nation and the world forever.

On September 11, 2001, we felt the tremors of the World Trade Center collapsing and the attack on the Pentagon. We suffered the destruction of Flight 93 in rural Pennsylvania. And we came together as a country.

On that day, we learned those who would use terror and violence make no distinction between innocent victims and soldiers. We learned the terrible lengths terrorists would go to, and their utter disregard for human life. We mourned the loss of so many of our fellow citizens.

In the days, weeks, months and years since, we have honored the sacrifice and courage of those who showed the world America has men and women willing to lay down their lives for their fellow citizens.

Mr. Speaker, our thoughts should be on the lives lost on September 11, 2001 and of the men and women of our Armed Forces who are fighting for our freedom to this day.

□ 1015

OIL SECURITY

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. Mr. Speaker, the cornerstone of our Republican colleagues' energy mantra these days is ''Drill Now, Drill Anywhere'' to eliminate our dependence on foreign oil and to bring gasoline prices now. ''Drill now, drill anywhere'' works more like a concrete boot than a cornerstone. In the interest of America's national security, that is just about the worst policy we could adopt.

According to our Geological Survey and our Minerals Management Survey, our total oil reserves both on land and offshore would only last 15 to 20 years at the rate America consumes oil today, which is 8 billion barrels a year and still rising. What exactly would America do in 15 to 20 years when all of our oil is used up and the only remaining sources of oil are controlled by some of the most undemocratic oil dictatorships around the world?

Think about it, America, before it's too late.

COMPREHENSIVE ENERGY REFORM; THE TIME FOR CONGRESS TO ACT IS NOW

(Mr. LATTA asked and was given permission to address the House for 1 minute.)

Mr. LATTA. Mr. Speaker, I spent the month of August traveling throughout my district speaking with my constituents about what issues matter to them most. Hands down, energy prices are their number one concern.

As I toured factories, management explained how the rising cost of energy was forcing them to raise the cost of their products, oftentimes making foreign-made goods more appealing to consumers. When I met with farmers, they explained the high cost of fuel, fertilizer, and chemicals. Some farmers are spending over $900 a day to run their tractors.

At our county fairs and events throughout the district, families described the impact of high gas prices and how it is affecting their spending and savings plans, putting their financial future and stability into jeopardy.

During these discussions, I took pride in telling everyone that House Republicans were fighting during the entire August recess for lower energy costs with an ''all of the above'' plan that includes the responsible recovery of our natural resources in addition to further development of renewable and alternative energy.

Without comprehensive energy reform, our constituents and economy will continue to suffer. It's time for Congress to act now.

STROLLING DOWN MEMORY LANE: THE BUSH PRESIDENCY

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, with the clock winding down on the President's second term, this seems like a good time to stroll down memory lane, looking back on America then and now.

Under this President the number of Americans without health care has risen from 38 million to 46 million. Under this President the price of gasoline has risen from less than $1.50 a gallon to $4 a gallon. Under this President the unemployment rate has risen to over 6 percent, with millions more Americans out of work and running out of help. Under this President the prices that Americans pay for food, fuel, college, transportation, and medical costs have risen by 25 percent. And let's not forget that mortgage foreclosures are rising while housing prices are falling, like a rock. This President has been willing to bail out Wall Street but never mind Main Street.

Strolling down memory lane can be very educational, especially when you consider the President is running for an unprecedented third term. They talk about change, but only the names will change. The Republican ''wreck-o-nomic'' policies that created this economic disaster will remain exactly the same. That's not nostalgia; that's a promise from this administration.

DRILL, BABY, DRILL, AND MINE COAL

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, here's the difference between both sides. Following my colleague, who says this administration, this President, what he fails to mention is that the Democrat majority in this House for the past 2 years is part of the problem. I recognize that.

Here is the price of a barrel of crude oil when President Bush came in: $23 a barrel. Here's the price of a barrel of crude oil when this Democrat majority came in: $58 a barrel. Today it's at $103. We can't sustain that. We can blame everybody we want, but this is a problem we can't sustain.

Drill, baby, drill. Here's the Outer Continental Shelf. They want to only to do 20 percent, maybe. They can't even get an agreement on what they want. This whole area should be open for exploration recovery of oil and gas in our country to help decrease our reliance on imported crude oil and lower prices, and they don't have a clue. They'll continue to say ''no'' to oil and gas exploration.

They won't even address coal as part of the solution. Coal is the greatest resource we have in this country.

I want to drill, baby, drill, and I want to mine coal.

IF YOU WANT CHANGE, YOU WANT THE DEMOCRATIC PARTY

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, it's a bit confusing sometimes to listen to the rhetoric. The Republicans have had the Presidency now for nearly 8 years, and they have had the majority in this House since 1994, I think. And if you watched the Republican convention, you would think they were the Democrats talking about change and the problems we have in Washington. They're so against Washington, it's the Washington they have created and cultivated. And the corruption that we've seen here has mostly been on that particular side of the aisle. The failure of our having a children's health plan, which this country should have as a cornerstone of its policy, was the fault of the Republican side that was more interested in tobacco interests than children's interests. And too many times we see the corporate interests of the oil corporations take over the interests of the American society and getting us to be truly energy independent.

I submit to you, Mr. Speaker, that the parties have differences, but if you want change, you want the Democratic Party. BARACK OBAMA was a community organizer like Jesus, whom our minister prayed about. Pontius Pilate was a Governor.

ENERGY

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, it's been 5 weeks since we have been in session here on the House floor. But there have been many of us that have been on this floor throughout the month of August. We have talked directly with the American people about the immediate need for comprehensive energy legislation. And during August, it became crystal clear that there's a disconnect between what is happening on the streets of America and what is happening here in Washington, DC.

One day my colleague was talking and in a moment of doubt and frustration, he said, ''I don't even know if anybody is listening,'' to which somebody stood up on the floor here and said, ''America is listening, Congressman. America is listening.'' And he was right.

The American people are hurting. At a gas station in North Augusta, South Carolina, one gentleman, a special needs gentleman, came up to me and said, ''Congressman, I can only afford $39 of gas, half a tank, because that's all I have and that's got to do me.''

What are we doing to help this gentleman?

Mr. Speaker, let's quit the partisanship. This is an American problem and we need American solutions. Comprehensive legislation, all of the above.

REPUBLICAN FAILURES ON THE ECONOMY; WE CANNOT AFFORD MORE OF THE SAME

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS of Maryland. Mr. Speaker, Americans everywhere are paying the high price of 7 years of failed Republican economic policies that have favored the wealthiest few and the big corporations at the expense of middle class families, including in my State of Maryland.

Today, 3.4 million more Americans are unemployed than when President Bush took office 7 years ago. This year alone more than 600,000 jobs have been lost. Economists estimate that our economy must create at least 150,000 jobs every month. Well, this administration hasn't done that.

The job losses that have occurred on President Bush's watch stand in stark contrast to the millions of jobs created under President Clinton's economy back in the 1990s. Over this same 8-month period in Clinton's second term, the economy created 1.4 million jobs, and we have lost 600,000 jobs under this administration just this year alone.

Mr. Speaker, for 6 years straight, Washington Republicans implemented economic policies that favored the interests of Wall Street over the interests of Main Street. It's time for a dramatic change, one that takes us away from the failed Republican policies of the last 8 years and enables us to really tackle the challenges of the 21st century.

THE FAILED ECONOMIC POLICIES OF THE DEMOCRATS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, when I first came to the Congress, I was appalled at the comments that were being made on the other side. Having come from a legislative position, I was not used to people getting up and telling out-and-out boldfaced untruths. It has been a real learning experience for me, but that has continued particularly in the last 2 years with our colleagues on the other side. They stand up here and try to blame what has happened in this country in the last 2 years on the President of the United States when the Democrats are in charge of the Congress.

One of the best things we accomplished during the month of August, when Republicans stood on this floor for 5 weeks while Democrats were on vacation, was call attention to the fact that the Democrats are in charge. The failed economic policies of the past 2 years belong strictly to the Democrats because they have allowed gas prices to double and they have done absolutely nothing.

Now they're bringing up a bill they say that's going to do something about gas prices. Well, I think that bill will probably deserve the ''Emperor's New Clothes'' award and somebody is going to have to say that.

HEALTH CARE

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, while some in the minority party and in the Presidential race are trying to recast themselves as agents of change, nothing could be further from the truth. In fact, the Republicans controlled this House for the first 6 years of the Bush administration and in the past 2 years they have done little more than obstruct our attempts to correct the misguided policies of the past.

In the past 8 years, the number of Americans living without health insurance has increased by more than 7 million. Today nearly one in nine children lack health insurance. After retaking control of Congress, we tried not once but twice to ensure that 10 million children had access to health care through the Children's Health Insurance Program, which serves families that are working hard and playing by the rules but can't afford health care for their kids. And although we were able to pass the bill through Congress, President Bush vetoed it twice and Senator MCCAIN recently said that was the right decision.

Mr. Speaker, we must work together to find ways to improve our health care system, especially for our children. More of the same just won't do.

SUSPENSION BILLS: MAJOR POLICY DECISIONS BY THE LEADERSHIP OF THE MAJORITY PARTY

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I came to the floor of the House this morning to talk about energy. But I just want to say a word about what was just discussed.

We have had major policy decisions in health care come to the floor of this House, not through my Subcommittee on Health in Energy and Commerce, not through the full Committee on Energy and Commerce. No. It comes directly from the Speaker's Office to the floor of the House. It comes up under suspension because who wants to vote against health? Who wants to vote against doctors?

But the reality is major changes in public policy are going on with no discussion in committee, no ability to

amend or improve a bill on the floor of the House, no ability to offer an alternative before we vote because they are brought up under suspension.

This is wrong and this is indicative of the type of leadership that this House has had for the last 20 months. This is what the American people say they want changed. When they talk about change, they're talking about change from the top, and it's high time it happened.

DEMOCRATS LOOK TO JUMP-START THE BUSH ECONOMY BY PASSING SECOND ECONOMIC RECOVERY PLAN

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, you can put lipstick on the failed Bush-McCain policies, but they are still the same old Bush-McCain policies. And those Bush-McCain policies have led our Nation into a recession. Americans need a new direction and a change.

Since taking control of Congress last year, congressional Democrats have been working to rebuild the Bush-McCain economy and help families struggling to make ends meet. We started by enacting the first increase in the Federal minimum wage in almost a decade, directly helping an estimated 5.3 million Americans and setting a new wage floor for another 7.2 million lower wage workers. When it's fully phased in, the pay raise will place an additional $4,400 in the paychecks of these workers. This year we extended assistance to unemployed workers who are having a difficult time finding a job in a Bush-McCain economy that is simply not producing jobs. Now we are preparing to introduce a new economic package that will invest in America and create new jobs.

Mr. Speaker, Congress cannot afford to wait to jump-start this economy. We must act this month.

□ 1030

LET'S NOT BEG OPEC

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Yesterday, OPEC met. OPEC decided to cut production because they were frustrated that the price per barrel was nearing the $100 per barrel price. My goodness. What a tragedy for them. Isn't it a problem for this country that we rely so heavily on foreign oil? OPEC controls the majority of oil production. Our energy policy should not have to be begging OPEC for more production.

Yesterday, our electric company that serves my district announced they're raising the rates because the train company that hauls the coal to them had to raise their rates because the price of diesel fuel has gone up so much. So the electrical rates of every consumer, every household in Omaha, is going to have double digit inflation on their electric bill.

Please, Mr. Speaker, let the madness stop. Let's do a real energy bill.

THEY PUT US IN THIS SITUATION

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, for the last 8 years, our President and Vice President the founder of Bush Oil Exploration and the former CEO of Halliburton, the world's largest oil servicing firm, have had this country focused almost exclusively on drilling for fossil fuels, the use of oil and gas to power our economy. This administration issued 40,000 permits for drilling on public land onshore, and made 300 million acres offshore available to oil and gas companies. They still have 68 million acres of proven reserves that they are not drilling on.

But what is the focus now? Let's go after that last remaining 20 percent, even though it's the most environmentally sensitive, even though it will devastate the tourism industry and fishing industry of several states. Let's go after that. That's the answer. Forget the fact that we opposed research into solar power, cutting it by 80 percent, cutting wind power research and opposing more fuel efficient engines.

They put us in this situation, and now they want more of the same. And they're wrong.

A RESPONSIBLE ENERGY POLICY MUST INCLUDE SOLAR TAX CREDITS

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. There are three big problems that face America today. First, our dependence on foreign oil; second, climate change; and third, America's innovation and the fact that we are not as competitive as this country needs to be. One of the best solutions to these three major problems is solar energy.

The investment tax credit, Mr. Speaker, the ITC, will expire at the end of the year. At home in southern Arizona and across this great Nation, free energy radiates from the sky almost every day of the year. Across my district, residents, businesses, utilities, and individuals are all working to do their part to take advantage of that sunshine. But major projects, large projects, but also small projects, will not move forward without the extension of the ITC.

Southern Arizonans are willing to do their part. We here in Congress have to do ours by working across party lines and working in the Senate to ensure that the ITC is extended. This is critical for our country, for our competitiveness, for climate change, and for ending our dependency on foreign oil.

I urge my colleagues to work together to pass the ITC.

HOUSE DEMOCRATS CONTINUE TO SUPPORT BILLS THAT PROVIDE AMERICANS RELIEF AT THE PUMP

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, back in 2003, congressional Republicans supported the Bush-Cheney energy bill that was written in secret by Big Oil. And, boy, are we paying.

Three years later, we have record prices for consumers and record profits for the oil companies. Since taking control of Congress last year, Democrats have worked hard to reverse these failed energy policies.

For the first time in 32 years, we increased the fuel efficiency standards for vehicles so they will be more efficient, which will save Americans about $1,000 a year. We also made a historic commitment to investing in biofuels and increasing domestic oil supply and drill responsibly.

This is a good start, but more needs to be done. That's why House Democrats brought eight pieces of legislation up in July to cut the high cost of gas, and Republicans opposed every one of those bills.

Mr. Speaker, it's time for House Republicans to work with us Democrats to provide the American people lower costs at the pump and lower costs in the grocery store by ending the excessive Wall Street speculation in our energy markets and increasing our energy and food costs. Mr. Speaker, it's time to end the manipulation of prices by Wall Street and the excessive speculation, to lower prices and save this American economy.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 35 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1220

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 12 o'clock and 20 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 3667, MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1419 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1419

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3667) to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill pursuant to Part II of House Report 110–668. That committee amendment in the nature of a substitute shall be considered as read. All points of order against that committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3667 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolution 1399 is laid on the table.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington, my friend, Mr. HASTINGS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend remarks on House Resolution 1419.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 1419 provides for the consideration of H.R. 3667, the Missisquoi and Trout Rivers Wild and Scenic Study Act of 2008, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Natural Resources, makes in order three amendments printed in the Rules Committee report, and provides one motion to recommit with or without instructions.

Mr. Speaker, I want to thank Chairman RAHALL and Representative GRIJALVA, Ranking Members YOUNG and BISHOP for helping to bring this bill to the floor today. And I would like to thank the staff of the Natural Resources Committee for their very hard work on a bill that is of great importance to my State of Vermont.

The Missisquoi and Trout Rivers are two of the most beautiful rivers in the most beautiful State in the Nation, and that, with all due respect to the man from Washington, I claim to be the State of Vermont. These rivers are bordered by the largest and perhaps the highest quality silver maple floodplain forest remaining in our State of Vermont. They are also home to diverse animal life, including brook trout, rare freshwater mussels, and spiny soft shell turtles. It's a favorite walking, hiking, fishing area for many people in northern Vermont and, indeed, from Upstate New York and all around Vermont.

Additionally, the Missisquoi River is part of this extraordinary 740-mile northern forest canoe trail, which is home to some of the best flat-water canoeing in Vermont and in the Northeast. Both of these rivers are highly valued by the surrounding towns and the communities. It has great recreational areas, swimming pools, and boating. Vermont parents that grew up swimming in these rivers take their kids back there, and it's a place in Vermont of just extraordinary scenic and natural beauty.

The bill, as these study bills all do, provides for a study of the two rivers, and it represents a first step toward protecting Abenaki Indian archeological sites along the flood plains, protecting scenic waterfalls and gorges, and a way of life that has been in these communities surrounding the two rivers for generations.

Passage of the rule will allow the Missisquoi and Trout Rivers Wild and Scenic River Study Act to be considered on the floor by the full body, and I urge support of this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from Vermont (Mr. WELCH) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, my colleague has spoken at length about the reasons—though not as long as I thought he would, let's put it that way—why he believes these stretches of the river in Vermont to be studied for the designation as Wild and Scenic, and it's very clear that he strongly believes in this bill to enact this study. He obviously has a great deal of love for his State when he challenges all of the other 49 States as not being as beautiful, at least indirectly, as Vermont. And I would just point out to him that in my State we have so much geographic diversity as far as beauty is concerned, from one area of the State where we have more rainfall than anyplace in a country—I'm not talking about Seattle; I'm talking about the Olympic Peninsula—to the area where I live, which is a desert area that has in some areas where I live less than 7 inches of rain. So I invite my friend any time he wants to come out to see what real beauty is in a short period of time, and he may want to ask me up there and I might respond to that.

But having said all of that, Mr. Speaker, I believe it's fair to say that the American people, frankly, are far less concerned about the rivers in Vermont and are far more concerned about the high price of gasoline and the fact that Congress is not acting right now on real solutions to lower energy costs.

The House of Representatives will spend over 2½ hours today discussing rivers in Vermont but not 1 minute, Mr. Speaker, not 1 minute, on actual legislation to lower the price of gasoline. I really believe that the priorities of this Congress since we have come back from the 5-week August vacation are wrong. High gas and energy prices are hurting American workers and it's hurting our Nation's economy.

□ 1230

With jobs at stake, Mr. Speaker, this Congress twiddles its thumbs and

busies itself once again, as we did earlier in the year, naming post offices and, today, studying the value of rivers in Vermont, in all deference to my friend from Vermont.

Mr. Speaker, this House should be permitted to have a ''yes'' or ''no'' vote on legislation to expand alternative energy sources and to lift the ban on drilling offshore, both coasts, Mr. Speaker, and in ANWR and other Alaskan lands in Alaska. But, unfortunately, the liberal leaders in this Congress have blocked, up to this point have blocked, a fair ''yes'' or ''no'' vote for months because I believe, Mr. Speaker, and I believe the majority of Members of this body knows that if we were to put the all-of-the-above energy plan up for a vote, that a majority of this House would vote for it. But we have been denied that opportunity time after time after time. Instead, they voted to go on a 5-week vacation in August to avoid working to lower gas prices, to protect American jobs, to make our Nation more energy independent.

But, Mr. Speaker, I want to say that during that time since the adjournment for the 5-week vacation, a number of my Republican colleagues, 136 of my Republican colleagues, were here every day for several hours a day, trying to attempt to call the ask the Speaker to call Congress back in session. Unfortunately, that didn't happen. So now we are back here again on a regularly scheduled basis, and we will certainly have an opportunity to have a vote on the all-of-the-above, and I will talk about that more later.

But, Mr. Speaker, in the past, in the past, Senator BARACK OBAMA, Senator JOE BIDEN, Senator HARRY REID, and Speaker NANCY PELOSI, they are the leaders of the Democrat Party here in the U.S. Congress. Yet the one thing, other than being Democrat leaders, the one thing they all have in common, Mr. Speaker, is that they have in the past always opposed offshore drilling and drilling in Alaska. I think the majority of the Americans feel contrary to that view. And they fight and block any action on that at every turn. They refuse to act and to allow a vote on a drilling and alternative energy plan that would ultimately lower gas prices.

To me, Mr. Speaker, I just simply have to say in this election year that it's clear that liberalism has been put ahead of the need to help American workers and families struggling with high gas prices. We need to end the stranglehold that they have on America's ability to produce more of its own energy and on American jobs and the economy. And we can do that, Mr. Speaker, very simply by opening the resources that we have in this country. We need to change their no, no, no stance on producing more American energy.

This Congress, Mr. Speaker, and we all know this, needs to vote on the all-of-the-above energy plan. In that plan it includes promoting alternative energy sources, like wind and solar power. I might add parenthetically, Mr. Speaker, that we have a nuclear plant in my district, we have hydro plants in my district, and we have wind machines in my district. I am all in favor of all of the above, and our all-of-the-above energy plan includes precisely that.

This plan recognizes the need for more nuclear power. As I mentioned, I have a nuclear power plant in my district. Of course, it protects the value of hydropower, and that is the most abundant energy source for us in the Northwest. But it also allows, while we transition to a new energy source in the future, it allows drilling offshore and in Alaska and on other Federal lands.

Mr. Speaker, it really is time for the liberal leaders of this Congress to stop blocking a vote on producing more American-made energy. It's time for Members of Congress to stop hiding and to start voting.

Mr. Speaker, we all know that we are not elected to avoid taking positions on tough issues. We are elected to stand up and resolve those tough issues for the American people. So it's time for Congress to set aside naming post offices; in deference, again, to my friend from Vermont, studying rivers. It's time to get serious about addressing the high cost of gasoline and voting yes or no on real solutions, including drilling offshore and in Alaska.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. I am the last speaker on our side, so I will reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, the gentleman is the last speaker, and he is prepared to close. I know I have several Members that have asked for time. So, Mr. Speaker, I will yield myself such time as I may consume until other Members come to the floor.

Mr. Speaker, I mentioned just briefly in my remarks that after the adjournment prior to the 5-week vacation and, by the way, that adjournment resolution was passed on a straight partisan vote. Every Republican voted against it because we felt we needed to stay here to help resolve the energy problem rather than go on a 5-week vacation. But there were a number of Members, I can mention 136 Members, that came down here and talked about the need for energy.

During that time, Mr. Speaker, the lights were off here, the microphones were off, and the cameras were off. Yet there were a number of tourists, as we always have coming through the U.S. Capitol, their Capitol, and they were invited to sit on the floor and talk with us, interact with Members that came down and spoke.

The 2 days that I was here, and I admit I was only here 2 of those days, the last 2 days, and I had private conversations with a number of tourists that came through here. I have to say they were not from the Northwest, although there were some from the Northwest, but there were some from the South, and they were all kind of perplexed as to why the people's House, the House of Representatives, probably the genius part of our Founding Fathers in making a representative body, of which all Members that have served there, and there are slightly over 11,000 Members that have served in this body and, Mr. Speaker, every one, every one of those Members have been elected to this House. There has never been a Member that was appointed to the U.S. House of Representatives.

Now why do I say this in the context of energy prices? The genius of our Founding Fathers was that the House of Representatives and the fact that every one was elected is probably more in tune to what the people's wishes are across the country.

And so they were, frankly, the people I talked to, perplexed. Well, if this is the people's House, why haven't you had the opportunity to have a vote, just a vote up or down, recognizing, listen, we know that a majority rules, and I am prepared to take the consequences of that if my position on any issue fails to get a majority vote. I recognize that. I think every Member of Congress understands that. But to not have the opportunity, not have the opportunity to even vote, even vote on a proposal, really perplexes the tourists that came through here the 2 days I was on the floor.

In talking to my other colleagues, some of whom were down here as many as 13 days, and more, they had what I would say were similar experiences with their conversations with people that came through here.

Mr. Speaker, I mentioned that my district is the district that in central Washington that is a center of virtually—I won't say all, but a great deal—of electricity that is produced in the Pacific Northwest. Within my district, for example, probably the hydroelectric facility that most Americans can associate with is Grand Coulee Dam. Half of that dam is in my district and the other half is in my colleague's from the Fifth District, CATHY MCMORRIS RODGERS' district.

But, in addition to that, I have up to 10 dams that are wholly within my district or I share with other Members of Congress, including my friend and colleague from across the river in Oregon, GREG WALDEN. There are three dams there where we share half of those dams.

That produces about 70 percent of the electricity in the northwest. It is renewable, Mr. Speaker. It is absolutely renewable, and we need to expand that, and a portion of expanding hydropower is in the all-of-the-above energy plan I

talked about earlier that we have been denied a vote on. We have been denied a vote on.

Furthermore, I mentioned that I have wind plants in my district. Because generally in areas that I mentioned earlier on, that there was not a whole lot of rainfall in certain parts of my district, but the wind does blow. Now the wind, of course, is only good if the wind blows. But if the wind blows, it adds to the other facilities, like hydro, like hydro, or like nuclear. And I have a nuclear plant in my district.

What I am saying, Mr. Speaker, is that my constituents are well aware that we need to have a diverse energy portfolio. Without having an opportunity in the people's House to at least address the issue of all of the above, seems to me to be contrary, seems to me to be contrary to what this Congress is all about, and indeed what the House of Representatives is all about as it was envisioned by the Founders.

With that, Mr. Speaker, I have talked about what we did in August, and I have talked about the fact that up until August, and now we have a new session coming in after the break, that the Democrats have blocked and blocked any vote on lifting the ban.

But I have heard during the break that there are a number of brave Democrats who I think went home, talked to their constituents, and find out that their constituents were saying we need to become more energy independent. As a result, they proclaim that they support now offshore drilling to increase the supply of gasoline and oil and to make America more energy independent.

Well, listen. To all of my colleagues that maybe during the August break and having listened to their colleagues or to their constituents at home, I have a very positive message for you, and I have an opportunity for you, because by voting against the previous question, Mr. Speaker, all of my colleagues can prove that you are supporters of drilling and producing American-made energy. Of course, if you do not, that means that you side, of course, with Speaker PELOSI and you oppose drilling.

By defeating the previous question, Mr. Speaker, I will move to amend the rule to make in order H.R. 6566, the American Energy Act, and I have talked at length about what it is. This bill will reduce the price at the pump by enacting an all-of-the-above energy strategy. Once again, what it does, it increases the supply of American-made energy by using environmentally sound technology and innovations. It does so by improving conservation and efficiency and, Mr. Speaker, it promotes a diversity by renewing alternative energy sources, like wind that I had talked about, and solar.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I again ask my colleagues to vote ''no'' on the previous question so that Congress, as they return from the 5-week recess—vacation, in some people's terms—and begin the work here in the fall before the election, so that we can finally vote, Mr. Speaker, on real solutions to the real and painful problem of high gas and energy prices.

American workers and families are hurting. Congress can help, can help today by voting on and passing this legislation, the American Energy Act.

Mr. Speaker, I think it's time to show whether you're really for lowering gas prices or whether you will continue to vote in lockstep with those against lifting the ban on offshore drilling and promoting alternative energy.

Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question.

With that, I yield back my time.

□ 1245

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am shocked that my friend from Washington would question my assertions about the beauty of Vermont, and I will invite the Member from Washington to come to Vermont so I can let you firsthand experience the evidence that I have had so much opportunity to observe myself.

By the way, I have been to Washington. I climbed Mt. Rainier three times and was out on the San Juan Islands.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. WELCH of Vermont. For bragging about Washington, yes, I will.

Mr. HASTINGS of Washington. Well, of course I am going to do that. And, listen: Mt. Rainier I can see from my district on a clear day, because it is 14,410 feet high. But it is quite a view when you view it from a desert setting. So I invite you the next time you come back to come over to my district for all the great wines, where the wine grapes are grown, by the way. And I understand my friend likes to have a cold beer once in a while. The taste of that beer comes from the hops that are grown in my district.

So, Mr. Speaker, I appreciate my friend yielding on that basis, and I look forward to his visit. I appreciate it and yield back to him.

Mr. WELCH of Vermont. Thank you, my friend from Washington. We better get back to the focus at hand, because now Vermont quality beer has been challenged as well as the beauty of Vermont rivers. So we will just call this part of the debate a draw and proceed.

Two things in response to comments made by my friend from Washington. Number one, it appears that there are no reservations or no stated objections to the study itself that is, frankly, quite important to Vermont. This is a very special part of our State that has the opportunity with the benefit of this study to be preserved for generations ahead, just as it has been cared for and enjoyed by generations in the past. So it is a very, very serious issue to the folks in Vermont. It is just a very special place.

The gentleman has not raised any specific objections. His objections are more in the nature of spending time on this instead of spending time on something else. So I would urge the Members to take that into account when they are voting on the previous question.

Second, I will address the energy arguments. This has been the refrain on the part of our friends on the other side as a response to every piece of business that we are doing on behalf of the American people. I think it has become apparent that this has become much more of a political debate than it has been an effort substantively to solve a very, very serious problem. Let me give a little commentary about that.

Number one, my friends on the other side have been in control of this institution and had the Presidency and the control of Congress for the past 12 years, until this Congress, and had an opportunity to enact comprehensive energy legislation when it was quite apparent to the American people that the problem of our excessive dependence on oil was a real and urgent problem.

They did nothing. In fact, the energy act they passed quite astonishingly provided taxpayer incentives, tax deductions, tax credits, to oil companies that were enjoying record profits. It is a mature industry, it is a profitable industry, yet the energy policy that was pursued and failed by our friends on the other side during the 12 years they were in charge basically was to give oil companies more taxpayer money.

It made no sense. There was no effort to use the power they had of the majority to bring to the floor legislation that would promote alternative energy. There was no effort to take the power that they had and provide tax incentives for the alternative energy industries that we know we must support if we are going to reduce and ultimately eliminate our dependence on foreign oil.

Mr. HASTINGS of Washington. Would the gentleman yield on that point?

Mr. WELCH of Vermont. I won't yield. My intention, my friend from Washington, is to respond and bring this to a close, thank you.

So, number one, we are hearing objections from people who when they had the power to do the things they claim they want to do, didn't use the power they had to accomplish those objectives.

Number two, when we have brought forward legislation and passed it, it has been with their objection. And what they claim they want to do are many things that we did over their objection. I will give a few examples.

To deal with the short-term price pressure at the pump and with home heating oil, this House of Representatives passed legislation that I sponsored to stop filling up the Strategic Petroleum Reserve and take off some of the demand on oil. That has contributed to helping bring down the price of gas at the pump by 5 to 25 cents a gallon.

Secondly, this House of Representatives has gotten tough on speculators. The evidence is overwhelming that part of the runup in the price of gasoline when it was heading up to $150 a barrel was because of the speculative control and influence of hedge funds in foreign trading operations. We brought to this floor legislation, and just the fact that we did it finally, when it was ignored and accepted and mollified by our friends who were in control for 12 years, has helped bring down that speculative premium.

There is no justification for any one of our constituents when they pay for a gallon of gasoline or a gallon of home heating oil or a cubic gallon of natural gas to have included in their price a speculation premium for profiteers, and this Congress passed legislation to challenge that, against the opposition of our friends on the other side. So we have taken very specific actions to try to do what we reasonably can do to bring down the price pressure that is ripping off the American consuming public.

Second, we have passed energy legislation that is comprehensive, again over the opposition of our friends on the other side. One of the things we did was provided for tax credits for the alternative energy industry. We have to do that. That is of urgent, vital economic and environmental concern to this country.

We passed legislation that took away the tax breaks that are going to oil companies. There is no basis whatsoever to ask the taxpayer to pad the profits of a mature and profitable industry. They don't need it. They are doing quite well without additional taxpayer money to their bottom line.

But the new industries, the alternative energies that my friend from Washington mentioned, wind and solar, geothermal and biomass, they do need a boost, and historically when we have been at our best is when we have had the wisdom to use tax policy in a targeted and focused way to give a boost to these emerging industries and technologies that are good for the American economy and good for our environment, and that is what we need to do.

We have passed this in the House several times. Our friends on the other side opposed it. Our friends in the Senate won't move on it. We are prepared to do it again. But the suggestion that has been made repetitively, over and over again, that the leadership of the Democratic Party in the House of Representatives is standing in the way of energy policy is flat out wrong. It is flat out false. Why is it being offered? It is being offered for political purposes, I would suggest.

Now, let me tell you this: That although we have passed comprehensive energy legislation several times in this House, although each time we have done it we have had to overcome the opposition of our friends on the other side, and although every time we bring up a legitimate piece of legislation that is part of the public business that this Congress must conduct, whether it is a study on the Missisquoi River, an energy bill or any other bill, every time we do our friends try to cease the debate and distort what has happened, we are prepared, as the gentleman from Washington knows, we in the Democratic Party, our leadership is prepared to bring up yet another comprehensive energy bill that does include all of the above.

The fact is, on our side we have passed all of the above time and time again, against the opposition of our friends on the other side, and then it has run into a brick wall in the other body or the steadfast opposition of the President of the United States. But the gentleman from Washington is aware that the leadership is prepared to bring up yet another bill to give us another opportunity to do the right thing.

Let me say this: I actually think it would be great to work together with the other side. I come from a State where we shift majorities back and forth. Sometimes the Democrats were in control, sometimes the Republican were in control. I was the senate president and I was the minority leader. I learned that in order for us ever to get anything done, we had to ultimately work together. I also came to understand that neither side had an absolute claim that they were the only people who had a good point of view, who had an iron grip on truth.

I believe that it would be best for all of us if there was some willingness to try to work on the substance, rather than just use this as a political football, and my observation is that for whatever reason, it is tough to get to that point here in the House of Representatives in Washington.

Mr. HASTINGS of Washington. Will the gentleman yield on that point?

Mr. WELCH of Vermont. I wouldn't yield, my friend, because I will be bringing this to a close.

I want to take the opportunity, as I must, when the assertions are made, falsely in my view, that the Democratic leadership is standing in the way of energy policy change, that is just flat-out wrong. The energy for energy reform has come from the leadership on the Democratic side. Frankly, it has come from the American people, who are tired of a Congress that passed off as an energy policy giving more money to the oil companies.

We have to make a fundamental decision in this hyper-political atmosphere of a presidential election whether we want to continue politics as usual, which in my view is a dead end, or we want to work together to achieve what we know is important for the American people, that is, short-term relief for prices at the pump, and it is a long-term energy policy that frees us from the dependence on oil from foreign countries.

So, Mr. Speaker, having said that, let me just close by coming back to this very important bill. It is a study. It is not necessarily important for many other parts of the country. But one of the things that makes this Congress and this country great is mutual respect. When there is a disaster in the Gulf Coast, all States pull together to help out. When there is flooding in the Midwest, all States pull together. When there is an opportunity for a small State like Vermont to take a step with Wild and Scenic River study that will help us and help our citizens enjoy the beauty of our land, I seek the help of my colleagues to let us accomplish that goal.

It is my request and my urging that all Members vote ''yes'' on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1419 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 4. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6566) to bring down energy prices by increasing safe, domestic production, encouraging the development of alternative and renewable energy, and promoting conservation. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the majority and minority leader, and (2) an amendment in the nature of a substitute if offered by the majority leader or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. Mr. Speaker, my understanding is it is my opportunity now to yield back the balance of my time and move the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES RELATING TO HOUSE RESOLUTION 1420 ON LEGISLATIVE DAY OF THURSDAY, SEPTEMBER 11, 2008

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain motions to suspend the rules relating to House Resolution 1420 on the legislative day of Thursday, September 11, 2008.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order: ordering the previous question on H. Res. 1419, by the yeas and nays; adoption of H. Res. 1419, if ordered; motions to suspend the rules on H.R. 1527 and Senate bill 2617, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 3667, MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on H. Res. 1419, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 224, nays 189, not voting 20, as follows:

[Roll No. 576]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hinchey
Hirono
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson

Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Baird
Burgess
Cannon
Cazayoux
Davis, Tom
Ferguson
Gordon
Hinojosa
Hodes
Hulshof
Kennedy
Lee
Levin
McNulty
Peterson (MN)
Pitts
Ramstad
Scott (VA)
Sensenbrenner
Thornberry

□ 1325

Messrs. KINGSTON, WITTMAN of Virginia, HALL of Texas, and EHLERS changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 190, not voting 20, as follows:

[Roll No. 577]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Baird
Burgess
Cannon
Cazayoux
Gordon
Hinojosa
Hodes
Hulshof
Hunter
Kennedy
Lee
Levin
McNulty
Peterson (MN)
Peterson (PA)
Pitts
Ramstad
Scott (VA)
Sensenbrenner
Thornberry

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1335

Mr. WELLER of Illinois changed his vote from ''yea'' to ''nay.''

Mr. KIRK changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall Nos. 577 and 576, had I been present, I would have voted ''yea'' on 577 and ''yea'' on 576.

RURAL VETERANS ACCESS TO CARE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1527, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1527, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 16, as follows:

[Roll No. 578]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Baird
Blackburn
Cannon
Cazayoux
Emerson
Hodes
Hulshof
Hunter
Lee
Levin
McNulty
Peterson (MN)
Pitts
Scott (VA)
Sensenbrenner
Thornberry

□ 1343

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to conduct a pilot program to permit certain highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department.''.

A motion to reconsider was laid on the table.

Stated for:

Mrs. EMERSON. Mr. Speaker, on rollcall No. 578, I was unavoidably detained. Had I been present, I would have voted "yea."

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008

The SPEAKER pro tempore (Mr. ALTMIRE). The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2617, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the Senate bill, S. 2617.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 579]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan

Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Baird
Cannon
Cazayoux
Hodes
Hulshof
Lee
Levin
McNulty
Melancon
Peterson (MN)
Pitts
Scott (VA)
Sensenbrenner
Thornberry
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1352

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5977

Mr. DEFAZIO. Mr. Speaker, DUNCAN HUNTER was mistakenly added to the list of cosponsors on H.R. 5977. I ask unanimous consent to have his name removed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material regarding H.R. 3667.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3667.

□ 1354

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3667) to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System, with Mr. SALAZAR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, I yield myself as much time as I may consume.

H.R. 3667, the Missisquoi and Trout Rivers Wild and Scenic River Study Act, was introduced by our colleague from Vermont, Representative WELCH. This bill would amend the Wild and Scenic Rivers Act to authorize the National Park Service to study specific sections of the Missisquoi and Trout Rivers in Vermont for their potential inclusion into the National Wild and Scenic Rivers System.

I want to thank our colleague from Vermont, Congressman WELCH, for his hard work on this measure. This is a good piece of legislation, which will help showcase the natural heritage of Vermont.

We are coming upon the 40th anniversary of the Wild and Scenic Rivers Act in October. It's important to celebrate the legacy of this act, the preservation of some of our wildest rivers and the safeguarding of our scenic waterways for generations to come, and to acknowledge the essential role that stewardship and a conservation ethic play in the management of our Nation's rivers and streams.

The Missisquoi is a tributary of Lake Champlain, located in northern Vermont. The Trout is a tributary of the Missisquoi. With its headwaters in Lowell, Vermont, the Missisquoi extends almost 100 miles, flowing north into Quebec, then returning to Vermont to flow west before finally ending its journey at Lake Champlain.

As it runs its course through open pastoral fields, scenic gorges and native hardwood forests, the river is a remarkable example of a northeastern ecosystem. It is bordered by the largest and perhaps highest quality silver maple floodplain forest remaining in the State of Vermont. American elm, white ash, white oak, and red maple are found along its banks.

The river is home to diverse fish and wildlife, including native rainbow and brown trout, rare freshwater mussels, spiny soft-shell turtles and river otter. While on the river's banks, bobcat, white-tailed deer, and moose can sometimes be spotted, and the surrounding marshes host large flocks of migratory birds.

In addition to these natural qualities, there are numerous Abenaki Indian archeological sites along the floodplain.

And the river is well-known for its outstanding recreational opportunities as well. It is part of the Northern Forest Canoe Trail—a historic 740-mile water trail through New York, Vermont, Quebec, New Hampshire, and Maine—and outfitters consider the northern part of the river to be the preeminent flat-water paddling spot in Vermont.

It is also renowned for its waterfalls, and the Great Falls on the upper river is recognized as Vermont's largest undammed waterfall.

Simply put, this river is a superb illustration of Vermont's postcard perfect national scenery.

During a hearing on this bill, the administration testified in support of the bill, but recommended that changes be made to clearly specify which segments should be included in the study,

as not all of the sections of the river in the original bill were appropriate for consideration. They recommended other technical changes as well.

The Natural Resources Committee amended the bill to respond to those recommendations and clarified which sections of the river would be studied for the wild and scenic attributes.

Mr. Chairman, H.R. 3667 simply authorizes a study of this river. It is a preliminary step, not a final designation.

Its enactment would simply trigger a process which will allow the National Park Service the opportunity to gather information from, listen to, and coordinate with State officials and local communities; with farmers, business owners, and river outfitters; and with hunters, anglers, birders, paddlers, and hikers—all those who value this river. Only then, after careful consideration and with input from all the stakeholders, will the National Park Service provide recommendations to Congress about the potential of this river.

That is all the legislation does. It is that simple. Let's not lose sight of what this bill is about.

I urge my colleagues to support H.R. 3667.

I reserve the balance of my time.

□ 1400

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume, and it will be quite awhile.

Well, Mr. Chairman, here we are in a 15-day session. We're now one-fifth of the way through our final session before we end. The Democrat leaders, who have set the agenda and run this floor for almost 2 years now, have had 5 weeks in preparation for this day. So the first issue of significance, the only issue we may have this week that has a rule, the most significant piece of legislation we're talking about today is a study that, if passed, may perhaps someday, if conditions allow and the elements are conducive, possibly create a compromise that would might possibly pass an additional 70 miles being added to the inventory of the national government, and only costing the taxpayers $300,000 to do it. That's what we're doing today.

I would like to make a couple of points about this particular bill, not necessarily in opposition to it. But one point that is significant; we talk a great deal in government about transparency. It's important to government to be transparent. It's good to be transparent—until it deals with how we treat people.

One of the things that the Republican Party has tried to do on almost every bill that has come either to committee or to the floor that deals with a trail, a heritage area, an historic area or a scenic river is to ensure that the people who will be involved in that area are informed up front about what may or may not happen to them. Because once we go to the next step and actually create this wild and scenic river, the Federal Government is given—not in this bill, but is given in the existing powers they have—the right of condemnation of any of that land that will be in that area. They have almost unlimited rights of easement. They always have the ability of dealing with local officials to create zoning ordinances that have a huge impact on the people in those areas.

Almost always these studies are done with small groups. And then citizens will come back to us afterwards and say we were unaware of what was actually happening at this time. The dairy farmers along this river—who may or may not need protection and may or may not be happy and satisfied with what will result to them—may or may not have any idea what will happen as they go through this study.

The first year I was here in Congress I passed a wilderness bill. I made sure that I went to every single property owner in that area that would be impacted by that wilderness bill, even the guy who was dead and had no heirs, which was a neat trick. But we went to every one of them to make sure they were well aware in advance of what was to take place. And yet when we tried to add an amendment, both in committee and once again before the Rules Committee, to make sure that everyone who may be impacted by this new designation and this study was made aware and they had to respond affirmatively that they wished to be part of the study, it was again rejected.

Why do we not treat Americans with respect? We will pass these types of provisions to empower government, but we will not ask the citizens who will be impacted by our decisions to be part of this particular process. It's something that used to be standard language that we would add to these types of provisions, and it should be added again. That's a flaw.

For 2 years Speaker PELOSI has been the one who was to set the agenda for our discussions here on the floor. One of those issues that I think people would like us to talk about is obviously energy. We have been talking about that for a long time. When this new leadership took over the House, on day one, when the energy prices started to climb and it was $2.22, the topic of discussion we had on this floor was congratulating the University of California-Santa Barbara soccer team. When energy reached $4 at the pump, I was here to spend a rollicking hour and a half talking about monkey bites. And today, after our 5-week adjournment, after people have been talking to us, after our constituents have said what is affecting them, after 5 weeks of preparation, what we are proposing to talk about today as the significant issue on the agenda is to study two rivers in Vermont. The only bill we will have with a rule, to study two rivers in Vermont.

And I hate to say this; I'm not opposed to it. There's no reason to be. It's fine. The bill is a nice bill. It can be improved significantly, but there's nothing wrong with it. The question is, why are we here talking about that after 5 weeks of getting prepared to talk about significant issues?

I had a couple of my constituents come to me. They said what they wanted to see Congress do is something in a bipartisan way; that we should come back here and show that we can work together. Indeed, the Senators have already told us that there is only a bipartisan energy plan of theirs, that's the only thing that can be passed, therefore, we should come together and support what they are trying to do in the spirit of bipartisanship, not only between two political parties, but between two branches of Congress. I am sure maybe someday this week we might even have another energy bill proposed for discussion on this floor, and I'm sure somebody will say this is the only thing we can pass; let us now embrace this in a spirit of bipartisanship so that we can show that we can work together.

Sometimes I have the feeling that we on this floor believe that if we toast one another or we slap one another on the back or we have congratulatory comity, that that, indeed, is the end of the discussion; that is the goal, not the means to reach some kind of discussion; when the end should be, have we solved the problem?

We have now had eight votes over 3 days on this floor, each of them getting around 400 plus votes. That is bipartisanship, that is comity, that is coming together. But have we solved what the needs of the American people are? Those eight votes, we've named three post offices, we said we're against hunger and we're for the Red Cross. That's good. But that does not solve the problems plaguing Americans.

If I was to go to a hospital and I was on the gurney being rushed into the surgery room, is it logical that I would look up at the assembled doctors and nurses and say, ''Look, when you open me up, I don't really care what you do inside just as long as you do it together in harmony, in a bipartisan way''? Or would it be much more logical for me to say, ''Ladies and gentlemen, when you open me up, solve the problem''? And that is, indeed, what the American people are looking at us to do here today is not necessarily find out how many bills we can pass on suspension, how much comity we can have, but how we can solve the problem.

To simply pass a political statement does not make a difference to individuals. We are supposed to be here to try and solve the problem. And it is very clear that the problem has to be some

way in which we have an overarching, comprehensive energy proposal. That is the problem that we're facing. We need to come to this floor and actually encourage people to conserve, not by mandating conservation efforts, but by rewarding Americans for conservation efforts and they will take it from there.

We must come to the floor and finally realize that our problem is supply and demand, and that we have to increase production of that supply, that we do not have a logical pattern of funding alternative energy sources. But if we could actually increase the amount of oil and coal and oil shale and natural gas, that we could use the royalties this government would then create to actually fund a comprehensive energy program for alternative energies—for solar, for wind power, for anything else that happens to be there—if we simply decided to use an ''all of the above'' approach. We can solve our problem in the emergency, for the beginning, for the present time, as well as coming up with a long-term strategy for the future that actually would be funded.

We could finally realize that this country does not have an infrastructure that will allow energy to be moved from one part of the country to the other. There are good friends in New England who will face high costs of heating their homes this fall. We have a good pipeline that goes, but it stops before it ever gets to their part of the country.

We need to solve those problems. We need to make sure we have more refineries. We need to make sure we do something on the electric grid. And we are not. That is the solution to the problem for the American people.

We need to finally realize that the future of this country is not going to be solved by bringing experts into Washington to sit around a room and come up with an idea, but the ability of America to solve its problem rests with the people out there. Because within the American people, without their soul and heart, is the ability and the creativity to come up with real solutions if we just empower them to find those solutions and then reward them for the creativity that they can expound.

We need to realize that the solution to our problem is that the next time we lose 84,000 jobs it is not exacerbated by the lack of energy; that the next time an airline doesn't have enough energy to run 100 planes, they don't have to fire 1,100 people because of it; that the cab driver in Washington, D.C. who now drives 2 hours extra every day because he needs that to provide enough funds for the new energy he has to provide could actually be back at home meeting his kids after school the way he used to; or that we provide enough energy in here so the father in Virginia can finally go with his son to a father and son outing; or the family in Maryland can finally have enough energy so they can re-enroll their daughters in dance and gymnastics; so that school kids in the middle of this country can finally make it to field trips this year; or the teachers in our districts throughout this country will not find their salaries to be depressed or in some cases slashed because of unusual and unexpected energy costs in their districts; so that home heating oil will not drive people out of existence; so the farmer in the field will have enough energy to put in diesel in his tractors to produce the food so that truckers will have enough energy to drive them to market so that the prices of food that we have to pick up at those markets will not be spiraling this winter and this next year. And all of those is what we should be talking about.

The river is nice; it's okay. The study is okay. But it is not where we should be at this particular time because it doesn't solve the problem.

There are a lot of rich people in this body. For them, this energy crisis is an annoyance. But for those people on fixed incomes, those people at the bottom of the scale, those people in the middle class, we're not talking to them about energy policy. We're talking about the way they cook their food, the way they heat their homes, whether they have a job or not.

Three days into the last 15 days of this session, and the most significant issue is a study bill on two rivers in Vermont. This country is aching for legislation that will nourish the body politic, and yet we continue to put up, day after day on this body, pieces of legislation that are as nutritional as cotton candy. We need to do it differently.

But, on the plus side, we will probably do this bill in a bipartisan way. Doesn't it make you feel proud?

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I'm encouraged by the newfound populism of my good friend from Utah. And I agree that a comprehensive approach to energy has to be something that this Congress accomplishes within the week. This does not negate what I believe to be a good piece of legislation that is before us.

And it is considerable work. We have to unravel 8 years of failed energy policies. We have to unravel the relationship between Big Oil and the administration so that the consumer, the average Joe out there, will get the kind of break and attention that he needs and she needs with regard to energy costs and the rising cost all around us.

Having said that, let me now turn to the sponsor of this good piece of legislation, the gentleman from Vermont, Congressman WELCH, for as much time as he may consume.

Mr. WELCH of Vermont. Thank you, Mr. Chairman. I very much appreciate the excellent work you did and your eloquent description of a beautiful river. If I have any say about it, we're going to make you an honorary Vermonter and bring you down that river and make you paddle your way from one end to the other and have you see for yourself how beautiful what you described really is. Thank you.

I want to respond to some of the comments.

Mr. Chairman, my opinion is that one of the greatest Presidents of the United States was Theodore Roosevelt. He came to the Presidency when his predecessor was assassinated. It was a time of great turmoil, social and labor unrest, a need for corporate reform, trust busting. President Roosevelt had his hands full taking on those economic challenges.

He was a war President. The skirmish in Cuba and the Philippines were still very much alive, and he had to deal with that as President. Very serious issues with the Supreme Court. And in the midst of all of that he still found time to be a peacemaker and was the winner of the Nobel Prize for the work that he did in bringing together the Soviet and Japanese conflict and helping those folks resolve the end of that war.

But Theodore Roosevelt was also a person who respected and did more, perhaps, than anyone else to protect our environment. And amidst his responsibilities, where he had to simultaneously deal with enormous economic anxiety in this country, when he had to deal with foreign affairs that involved making America a strong country and bringing together peace in other countries, he would never, ever, busy as he was, urgent as his demands were, belittle the work of the House of Representatives when they were taking up what is now being characterized as a ''waste-of-time bill'' because it involves two rivers in the State of Vermont. He wouldn't do it. He's a bigger man than that.

He reflects the leadership that we can provide to the American people where we simultaneously take on the challenges, as President Roosevelt did, but also pay attention to the posterity that is our responsibility to leave behind.

I just want to say as a Vermonter, I want to say as a Member of the House of Representatives that if we can't find time to do those things that are going to allow us in Utah, in Arkansas, in Arizona and in Vermont to save our rivers and to do what is going to preserve our country and leave behind legacies like President Teddy Roosevelt did with the National Park Service that we revere and enjoy, then we don't deserve the vote of confidence that we get from the folks who send us here. We can do both.

Now my friend from Utah has essentially made an argument that there is more important business to be done, as if that suggests we don't have time to do other important business about protecting and preserving our environment and having mutual respect for the particular concerns, in this case, of Vermont.

□ 1415

But it's that same comity that has allowed us to come forward and step up as Vermonters and Arizonans to help the folks in the Midwest from their flood and to respond to the gulf coast with the damage that they sustained. It's political. That's what we know.

The reality is our friends on the other side had 12 years in control here and their energy policy was one thing: give tax breaks to oil companies. You can't make that up. Oil companies are doing well. I don't begrudge them their profits. But why do you reach into the taxpayers' pocket and ask taxpayers to give the most profitable corporations in the world, running a mature industry, doing well, why do we ask the taxpayers to give them $13 billion? When you reveal that fact, they don't even know how to respond because you can't make that kind of stuff up.

So this House of Representatives, under the leadership that now is being castigated for a failure of leadership, has repeatedly passed legislation against the objections, almost unanimous, of our friends on the other side, to stop filling up the Strategic Petroleum Reserve, to squeeze out the speculative premium in the price of a gallon of gas at the pump. That can provide some short-term relief. We did that. We passed comprehensive energy reform, again, against the objections of our friends on the other side. We took away the tax breaks from the oil companies, not because oil companies are a target. They're doing important work. They know how to do their work and they know how to do it well. But why in the world would our friends on the other side want to give $13 billion in tax breaks to a mature and profitable industry when that money comes directly out of the pockets of American consumers who need that money in their pocket to pay the price at the pump? They've resisted that. They opposed it.

Our friends on the other side are also aware that even though we have passed legislation against their objection, it has gotten stalled in the other body, threatened with veto by the President, we're ready to do it again. Our motto is try again, try again, and keep going because, bottom line, we want to address that problem. And we have actually been doing things in our 2 years on the watch despite their resistance when they had 12 years to get the job done and essentially caved into the interests of the oil companies.

So, Mr. Chairman, as a Vermonter and the sponsor of this bill, I want to object to what is really a rhetorical and political device, and that is ridiculing the importance of these two rivers to the people of my State for a partisan political argument. Energy is incredibly important and we have delivered. We've put substantive proposals on the floor. They have been debated and they have been passed. They've been stalled in the Senate or threatened with veto by the President. We're prepared to do it again. We're also prepared to reach out to the other side because we all know that in the end if we are going to be successful, we do have to work together, particularly where we have divided government. But it takes two sides, two bodies, and a President to be willing to do that, and it has not been forthcoming.

So I want to go back to a very simple fact. This legislation is about allowing Vermonters to have a study for scenic status on two rivers that are very precious to us, places where moms and dads have taken they are kids, taught them how to hunt, taught them how to fish, taught them how to be families, taught them responsibility. And there is a place for us and a time for us to do that as well as face these large issues like energy, like the war in Iraq, like redefining our foreign policy. So this is a very important piece of legislation to us, and I, as one Member of Congress, object to having it be held hostage to what is essentially a political game that's been going on far too long.

And I want to thank the chairman for the tremendous work that he's done. And, Vermonters, thank you as well.

Mr. BISHOP of Utah. Mr. Chairman, I appreciate the discussion especially about Teddy Roosevelt, a famous President. But I would remind my friend that William Howard Taft, who came after him, created more national parks, created more land in the national forests, and busted more trusts in 4 years than Roosevelt did in 8. The difference was he didn't use public relations.

Our issue is still the same. Talk about these issues after we have had a debate on real issues for a real solution on the real problem of energy that affects real Americans here on the floor. That should be our priority.

With that, Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, I thank my colleague from Utah for yielding, and I stand with him on these issues.

Mr. Chairman, this is a matter of setting priorities. I just got back Monday evening for votes. I left my home State of Louisiana, my district of southwest Louisiana, that was just hit by Hurricane Gustav. Folks are suffering. Seniors are suffering back home. Seniors are suffering all over the country. Seniors in Vermont are suffering and they're going to suffer with high prices of heating oil this coming winter. Farmers, I have got farmers that lost their crops just last week, and they're faced with high diesel costs and high gasoline costs and high fertilizer costs because this country doesn't have an energy policy. What are our priorities? This is the most important bill we have done so far this week, and it's a study and it's a study based on what the subcommittee found there to be no risk involved. So I have to question what are the priorities of this Democratically led Congress.

We in Louisiana have been bearing the burden of providing energy in this country for quite a long time, and we have seen our coasts, our precious wetlands devastated, and now we are trying to rebuild those wetlands. Is that a priority? It's certainly a priority to me. But clearly getting an energy policy has to be one of the top priorities for this country. We should all recognize that. And I think my colleagues across the aisle, after spending August back home hearing from folks in their districts, would understand that.

We in Louisiana know that energy policy and environmental policy and economic policy all march together. That's good policy. We're also talking about jobs. Mr. Chairman, every time I fly home on the little stretch between Houston and Lafayette, Louisiana, I run into folks from Louisiana who are coming back or going to countries all over the globe, Equatorial Guinea, Angola, Thailand, Vietnam, countries throughout the Middle East, Louisianians with oil and gas expertise who wish they could be back in this country closer to their families. No, they're having to travel all over the globe and be away from their families for months on end to make a living in the energy industry. These are jobs that were lost to this country. These were manufacturing jobs that were lost to this country in the 1980s when a Democratically controlled Congress imposed a windfall profits tax on the oil and gas industry. And what's their answer today? Well, let's get rid of the manufacturing tax credit on oil and gas companies. Let's single out the oil and gas companies. Well, on one hand you say you want good jobs and good manufacturing jobs, but then you propose policies that drive these jobs out of this country. I don't get it. I just don't get it, and the folks back home in Louisiana don't get it.

I talked about the environment. Down in my district we've got a beautiful stretch of wetlands and marsh. It's a bird habitat for ducks, a breeding ground for ducks. White Lake, a beautiful lake, a pristine lake, is down there in Vermilion Parish. That land is managed by BP Amoco, and they have done an outstanding job with the environment. Just yet another example of

good environmental policy working hand in hand with energy policy because what does it mean? Jobs, good American jobs.

Explain that to the folks in Michigan. Explain that to the folks in Ohio who are struggling right now. If you want good American jobs, you get a good energy policy, an all-of-the-above energy policy. An energy policy that looks at oil exploration in the Outer Continental Shelf and Alaska, shale oil, nuclear energy, looks at building refining capacity, and also invests in renewables and alternatives. That's what we're advocating over here. We want to work in a bipartisan fashion.

But, no, the other side, our friends across the aisle are finding ways to avoid the issue. That's not what the American public wants today. Everybody knows what the polls are showing. Seven out of ten Americans want a comprehensive energy policy. How can you go home and explain to the seniors, an elderly woman back in your district who can't afford gasoline for her car to go to the grocery store to pick up a few essential items, so then she has to carpool with three others and now they can't afford it?

I'm all for conservation. I believe conservation is a critical part of our energy policy, but yet conservation is not enough. We need a real energy policy, an all-of-the-above approach.

Our friends across the aisle are proposing all kinds of things that we're hearing about. They're proposing a policy that permanently locks up 80 percent, 80 percent of American energy on the Outer Continental Shelf. Our friends are proposing permanently locking up 1 trillion barrels of oil from oil shale in the inner-mountain west. How can you explain that to the American public? What's your explanation? How can you say we want to permanently lock up more than 10 billion barrels of oil on Alaska's remote North Slope? And how do you explain no to nuclear power when countries like France rely on nuclear power for 80 percent of their electricity? People around this country are struggling with high utility bills.

We ought to be looking at ways to diversify our sources of energy and putting this country on a sound footing, putting America first. How can our friends across the aisle do nothing about constructing clean coal and looking at that type of new technology? This is critical. And yet again they propose additional tax increases on the energy companies that are trying to provide energy for this country. I just don't get it. I don't get it.

Mr. Chairman, I think everybody in this Chamber ought to look at that plaque up there. Look at that plaque. It quotes from Daniel Webster, who says, ''Let us develop the resources of our land.'' The resources of our land. We shouldn't be holding back. This is the only country holding back on this. Let us develop the resources of our land. Let us call forth its power and build its institutions. That's what this Congress should be doing. Not wasting time. I have got to go back home and explain why I spent a week up here while folks back in Louisiana are struggling after another hurricane and I have got to explain to those folks that I came up here and we didn't do anything substantively in this Congress and we didn't do anything that they care most about: getting an energy policy.

Read that plaque again: ''Let us develop the resources of our land.''

Mr. GRIJALVA. Mr. Chairman, I realize the political statements that are being made by my friends on the other side of the aisle. I understand them. I think relative to this bill I don't appreciate them, but I really believe that there has to be an understanding that our leadership and the Democrats on this side of the aisle can actually walk and chew gum at the same time, that we can deal with an issue that we are dealing with here today that affects the State of Vermont and deal with the very pertinent issue which is the energy policy for this country.

With that, Mr. Chairman, let me yield to the gentlewoman from New Hampshire (Ms. SHEA-PORTER) for such time as she may consume.

Ms. SHEA-PORTER. Mr. Chairman, first let me say that I support the bill in front of us, for these two rivers in Vermont. And I think that it's unfortunate that we can't seem to work on the particular bills in front of us because of the issue that the friends on the other side of the aisle keep bringing up.

What I find particularly disturbing is that for 8 years we have had two oilmen in the White House with no energy policy and my colleagues on the other side have sat silent for 2 long years, nothing since I have been here talking about it, 8 years since President Bush has come into office, and suddenly in the waning hours of this session, they are now talking about an energy policy.

I certainly welcome them to this. I think we do need an energy policy. I wish they had started talking about an energy policy 8 long years ago. What they allowed to happen in the past 8 years is for us to lose ground on an Apollo-type project to bring a real energy policy to the United States. They have allowed the oil companies to reap the greatest profits in history while they have allowed the American taxpayer to suffer while they subsidize these oil companies. That's just outrageous that they are now at this point 8 long years into it and getting near an election and they're suddenly talking about the lack of an energy policy.

□ 1430

Thank you, gentlemen, for bringing this to our attention. We have been speaking about this lack of an energy policy for a long time.

I would like to say that their idea of drill, just drill, drill, drill, and we heard it at their convention, drill, baby drill. That is a Fred Flintstone policy. Drill, baby drill, I heard a reporter say, is like people standing there at the edge of the technology revolution yelling, Electric typewriters, electric typewriters.

We are now right at the edge of this wonderful, wonderful future for our country. If you decide to join us and invest in an Apollo-type program, a program for energy independence, a program that would allow us to be independent of these nations, to have an economic base here in this country, to create jobs in a green technology, and to have renewables.

One of your own party, T. Boone Pickens, who has talked often about, and has run ads, by the way, about the fact that we can't drill our way out of this, that we only hold 2 to 3 percent of the oil and that we are consuming 25 percent. Yet I haven't heard the word ''conserve'' over there until just now. I heard one mention it.

We've ignored conservation, we've ignored wind, we've ignored solar, we've ignored all kinds of renewables. And when we have the drill, baby drill plan and drill baby, drill only. Well, you know what? We have simply got to face these issues. We should have faced them 8 long years ago, and we should have faced them when I got here in this 110th Congress. But I certainly welcome you to the debate now.

So why don't we do this? Why don't we first take away the subsidies from the oil company and invest in renewables? I think that would be a good start to show Americans that we hear them. Why don't we take the speculators out of the market, since we are all very concerned about the price of energy. I am particularly concerned about what is happening in New Hampshire, where the oil is so high and the winter is coming on us. I am concerned that the President of the United States put in his budget a cut in the Low Income Heating Energy Assistance Program.

So why don't we do this? Why don't we take the speculators out of the market? Why don't we say Drill now, drill, to the oil companies who had 68 million acres and they would not drill on. That would be helpful.

There's a number of things that we could have done, and I agree with you that we are at the last moments here, and it's outrageous. But we have the future of America in our hands. We have the ability, as T. Boone Pickens said, to take the wind from—he named Sweetwater, Texas to Hastings, Nebraska—we have great wind capacity, and to take solar from Sweetwater, Texas to California, and catch that. And biomass. And, yes, drilling. Drilling on land and leases that we have.

Why didn't you agree to take the leases away if the oil companies wouldn't drill? Why not? Why not do something except stand there with the same, tired drill, baby drill.

We are on the eve of this wonderful technology. We have so many people and businesses ready to invest in it. Oil companies certainly have their role. And we are dependent on oil. We are more dependent on oil than we were when George Bush came into office. That's true. But where have you been for 8 long years?

I welcome you to this discussion. But I think we should have the discussion in the appropriate place and not block every piece of legislation that is coming through right now, and let's have a comprehensive energy plan. And the first thing the other side could do to show their good faith in this would be to vote against the tax subsidies for the oil companies. If we really want to protect the American taxpayer, why don't we stop forcing them to subsidize oil companies? That would be my first question. Thank you.

Mr. BISHOP of Utah. In my 6 long years of being here on this floor, and I welcome my freshman colleague from New Hampshire, we have been involved in many issues that deal with energy, and I found that what was not stopped by filibuster in the Senate, was stopped by litigation in the court, and that is part of the overall reform we are talking about, which is why we desperately need a real vote on a real solution, the American Energy Act.

May I just inquire how much time we have remaining.

The Acting CHAIRMAN (Mr. ROSS). The gentleman from Utah has 10½ minutes remaining.

Mr. BISHOP of Utah. With that, I yield such time as he may consume to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank my friend from Utah for giving me this opportunity to come and to speak. As I was listening to the gentlelady from New Hampshire speak, she must not have read the American Energy Act. My colleagues and I, at least about 135 of my Republican colleagues and I, have been coming back to this floor ever since August 1, when Speaker PELOSI decided to adjourn this Congress and go on a 5-week vacation rather than address the energy crisis that we have in this country.

Mr. Chairman, it's awfully strange that all of the debate, most all of the debate that I have heard on the floor today, has dealt with energy. Yet we refuse to bring an energy bill to the floor under regular order.

I think what also needs to be said, Mr. Chairman, and I hope the American people are picking up on this, is that the Democrats have been in control of this Congress for the last 20 months. The Democrats have been the majority, the controlling party in this Congress for the last 20 months. In the House, they have 236 Members, I believe. Close to it. I think the Republicans have 199. It only takes 218 to pass any legislation in this body. In fact, you can have a good idea, you can have a great idea, you can have a life-saving, wonderful, world-changing idea, but if you don't have 218 votes, you don't have anything except an idea. If you have the worst bill in the world, or something that really hurts the American people and hurts our economy and our future and future generations, if you have 218 votes, you can pass that.

So I guess my question to the majority is that rather than continually laying the blame on the executive branch of our government, and most all Americans know that we do have three branches of government. We have got the executive branch, we have got the judicial branch, and we have got the legislative branch. The legislative branch, who the Democrats are in control of, have the responsibility for passing laws. So we can't help it. It's not our fault. If the unemployment was 4.2 percent, Mr. Chairman, when your party took the majority, and now it's 6.1, we can't help that. This comes from the legislation that you had 218 votes for to pass.

Now we can't help it because gas was $2.06 a gallon when you took over, and that it's over $4, or close to $4 a gallon now. It's been as high as $4.50. We can't help that. You were in control. You had the 218 votes to do anything you wanted to do.

But what has happened? The Democratic majority decided that rather than have a bill that would go through regular order and have subcommittee hearings and committee hearings and be brought to the floor under a rule that would be an open rule that would allow input for all 435 Members and the seven delegates from U.S. territories to be able to have amendments on the floor to speak to what their constituents had felt and what they had been told at home, they have been brought under a suspension rule.

Mr. Chairman, a suspension does not have to go through committee. It does not have a rule. There's 20 minutes of debate for each side. And then you have to have two-thirds of the vote. Well, these have been snake oil or shams or, I guess, covers to hide under, maybe, that you could go home and say that you had voted for an energy bill.

I say let's bring it under regular order. If you bring it under regular order, let's give us an opportunity to have a motion to recommit, or an alternative. But the best thing to do, the thing that I think the American people want to happen, is an open rule come to the floor, where we can all—this is a House where we are supposed to come and debate and share ideas. Let this House work its will. Let's vote on every amendment that comes to the floor. Limit it to one amendment per person.

If we have to stay here over the weekend, let's hear all the good ideas that will come out of this place. There's not just a certain number of people in this body that have good ideas, there's a lot of good ideas that come from a lot of people, and there's a lot of people here who have good ideas that never get to share them.

With that, Mr. Chairman, I encourage, I encourage the majority to bring out of mothballs that commonsense energy plan that in April of 2006 Minority Leader NANCY PELOSI said that she had. I hope that she will bring it out soon because not just my constituents in the Third District of Georgia, but constituents, people, citizens all over this country are hurting. So, hopefully, we will get to see this commonsense plan at some point in the near future.

Mr. GRIJALVA. I yield 3 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I thank the gentleman from Arizona for allotting me this time. I just want to bring us back to basics, for one thing. Whether it's the Kiwanis or the Cub Scouts or the PTA, ordinarily you talk about the issue that is at hand. And the issue that is at hand, ladies and gentlemen, and to my friends on the other side of the aisle, is we are talking about the Missisquoi and the Trout Rivers, the Wild and Scenic Rivers.

I want to thank my friend, Mr. WELCH, for bringing this matter before the House of Representatives as to trying to maintain wild and scenic streams in Vermont. That is what is being debated. That is the bill on the floor, although our friends would like to completely change the subject.

Whether it's the Kiwanis or the PTA or the boardroom or the Cub Scouts, you try to have a relevant conversation. But they decided that is not the issue. They must love this bill. They would rather talk about something else. So let's talk about the something else, which is energy.

Now my friends on the other side of the aisle, the GOP, the Republicans, in 2005 passed what they said was a landmark energy bill. I want to quote the former Speaker of the House, Dennis Hastert, on July 28, 2005:

''Americans need this (GOP energy) legislation to lower their energy costs, to drive economic growth and job creation, and to promote greater energy independence.''

The minority whip, Mr. BLUNT, said on that same day:

''This (GOP energy) plan relies on simple economics. If we create a larger market for a greater amount of gasoline, we'll help drive prices down. This proposal moves the country one step closer to lowering the sky-high price of gas for consumers.''

The President, a few days later, said, ''I am confident that one day Americans will look back on this (GOP energy) plan as a vital step toward a more secure and more prosperous Nation that is less dependent on foreign sources of energy.''

Well, ladies and gentlemen, that energy plan that was promoted by the Republicans and supported by the President back in 2005 I think now turns out to be a really bad joke on the American people. We have had our prices of oil and gas going up by almost double, sometimes during this summer they almost tripled after that plan was implemented by a Republican Congress and a Republican President.

But that shouldn't surprise us. With two oilmen in the White House, what did you expect? This is exactly what we have gotten. Skyrocketing energy prices.

Now what we have got to do, and I can't believe that my friend from Utah, when he says that what we need to be doing is drilling here, and drilling now, really wants to drill in the middle of Salt Lake City or in any of the glorious places in Utah. This is something where it has got to be sensible energy policy. It's a comprehensive energy policy, which includes oil and gas.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. GRIJALVA. I yield the gentleman 30 additional seconds.

Mr. PERLMUTTER. It includes oil and gas, it includes coal, it includes nuclear, it includes renewable energy, and it includes overall energy efficiency, because a barrel of oil saved is a barrel of oil earned. A Btu saved is a Btu earned.

We need a comprehensive plan. And to pull a bad joke on the American public of drilling here, drilling now, drill, baby drill, is simply a sham, and we cannot go forward with that alone. We need a comprehensive energy plan, and that is what the Democrats are going to provide.

Mr. BISHOP of Utah. Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Let me yield 3 minutes to my colleague from Ohio, Congresswoman MARCY KAPTUR.

Ms. KAPTUR. I thank the gentleman for yielding, and also rise in support of the National Wild and Scenic Rivers measure related to including Vermont's Missisquoi and Trout Rivers for further assessment.

Let me also say I think it's really sad that our GOP colleagues here are trying to divert attention from this bill and trying to change the subject to something that they have a pretty dismal record on.

□ 1445

In fact, since the Bush administration took office, our country is now importing over 1 billion more barrels of oil a year, the price of gasoline has doubled, as every American knows, and oil company profits are through the roof. Exxon alone, Exxon alone last year, made $40.6 billion in profits, one company; BP, $20 billion; Shell, $31 billion in profits; Conoco, $15.5 billion; Chevron, $17.1 billion. That is a total, just of those companies, of $125.3 billion.

They are loving every minute of this, friends. And the question for America is, do we want our people to be dependent on a diminishing global resource that becomes more precious every day, where blood for oil is now shed around the world? That is the real question. Are we going to grow up and live in the 21st century? It is a real choice.

One of the fellows over there on the other side of the aisle said, well, we got enough votes in the House. We sure do. We passed a couple of bills and sent them over to the Senate, where they sit unpassed. For example, our bills for extension of our renewable energy credits for solar and for wind, they are sitting over in the Senate. Do you know why? There isn't a majority of Democratic votes over there. The Senate is divided. It is 49D–49R. Our Senators are sitting on their hands over there, half of them. I would say to the gentleman who says we have got enough votes here, go get your friends over there to put their blood on the line over on the other side for the American people. They are wasting an awful lot of time.

I want to say too that the President has to sign these bills. Look what he did to the agriculture bill, one of the most important bills we have brought to this floor to try to create a new biofuels industry for this country, which rural America wanted and wants and is leading into an energy independent future for this country. What did the President of the United States do? He vetoed it. We had to override the veto here and in the other body. That is the kind of mess we have got here in Washington.

Boy, do we ever need a working majority in the Senate. And we need a bigger working majority here in the House to do what the American people sent us here to do, and that is to help our children have a better future, to have an independent energy future for this country, and not to try to say that ''business as usual'' is the course of the hour. Oh, no. Our people expect us to play the piano on all keys.

Where have you been for the last 8 years and where has the President of the United States been for the last 8 years?

The Acting CHAIRMAN. The time of the gentlewoman has expired.

Mr. GRIJALVA. I yield the gentlewoman an additional 30 seconds.

The Acting CHAIRMAN. The gentlewoman from Ohio is recognized for 30 seconds.

Ms. KAPTUR. I thank you very much for yielding.

Let me just say that I represent one of the solar centers of this country, one of the three top places that are inventing the future for our people. We need the help of the President of the United States. We don't need him to hold up renewable energy credits in this body or over in the Senate. Our people have seen the future, and they are building it. We don't need to have this administration produce an energy plan back in their first year that didn't even include agriculture, not even a mention of it, and renewables, and then defunded renewables for most of the years that they sat over there on Pennsylvania Avenue.

We do need new leadership. We need a working majority in the Senate. And we need a greater working majority here and a President who will stand at the side of the American people.

Mr. BISHOP of Utah. Mr. Chairman, I was about to be critical of the remarks of the gentlewoman from Ohio, but once she said the Senate is a problem that should be working, how can I reject that?

I would, though, remind you, if you really want to help Exxon, don't do anything. Sixty-eight percent of all the oil and 87 percent of all the natural gas is being drilled by small entrepreneurial companies. If you want competition, allow those to be successful.

Mr. Chairman, I yield 4 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, I thank my colleague from Utah for his great comments.

You know, I like Congressman PETER WELCH. We are on opposite ends of the aisle philosophically, but he is a nice guy. But I will tell you, I would like to be able to support this issue of the Wild and Scenic Rivers Act. However, what the American people want are lower gas prices, so they will have a chance to go and visit wild and scenic rivers. Right now, the Democrats have let the gas prices get so high, nobody can go on vacation, nobody can visit these rivers, nobody can do the kinds of things they want to do.

But the good news is during the month of August, when Republicans stayed here working while the Democrats went on vacation, we alerted the American people to the fact that we are here trying to bring down prices and that the Democrats are in charge of this Congress. It is not the President of the United States who can take action. He has already taken action. He lifted the moratorium on Outer Continental Shelf drilling.

Let me tell you, my colleague just before my colleague from Ohio was giving quotes, but let me give you a quote. Here is the best one, and the one that we are going to come back to over and over and over again. Speaker PELOSI, when she was asking for the majority in this House: ''Democrats have a plan

to lower gas prices. Join Democrats, who are working to lower gas prices now.''

What happened? Gas prices have doubled under the Democrats. They can do their best to blame this on the Republicans. But they are in charge, and we are going to continue to inform the American people that Democrats are in charge of the Congress, that they have the ability to do something.

Republicans believe in alternatives. Certainly we want solar, wind, hydro, all the alternatives. We believe in conservation. Republicans are the original conservationists. But we cannot get to those places immediately, and we can bring down the price of gasoline by providing additional supply.

Democrats think they can ignore and maybe even repeal the basic law of economics, supply and demand. We have to have more supply. They are preventing that. They do not want us to bring down the price of gasoline. Why, is difficult to understand.

But I say it is a simple choice for the American people this fall: Are you going to believe the people who are pro-American energy, or are you going to believe the people who are anti-American energy? The Democrats want us to remain dependent on foreign oil. They are not interested in creating additional American energy. And you can see that.

Let's talk some more about quotes. Here is another one: ''This leadership team will create the most honest, most open, most ethical Congress in history.'' Speaker-elect NANCY PELOSI.

What have we had? Closed rules. The appropriations committees aren't even meeting, because they are scared to death that we will bring up bills that they will have to vote on that they know will pass because their Members are feeling the heat in their districts. Their constituents are hurting too.

This is not a Republican issue. It is not a Democratic issue. It is an American issue. We begged our Democratic colleagues to come and join us, vote with us, speak to the American people about this. She knows they will vote for additional American energy. There is no bill on the floor this week. Why? Because her caucus is so divided. The pro-American energy Democrats want to vote on increasing supply. They are not being allowed to do that.

Let me speak about the farm bill just a little bit. Ethanol is creating a major problem for us in this country. We are not allowing ethanol to come in here from other countries. We could get it in here cheaper than we are producing it in this country. They will not allow that. That was part of that farm bill that the President vetoed.

Mr. GRIJALVA. Mr. Chairman, I yield 3 minutes to the chairman of our full Resources Committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I want to express my appreciation to the distinguished subcommittee chairman, Mr. GRIJALVA, for bringing this bill forward, and the ranking member, Mr. BISHOP. Also I want to thank Mr. PETER WELCH for the tremendous leadership he has provided.

Certainly I am in support of the legislation. I recognize that much of the debate that has occurred thus far has not really been on the legislation itself, but rather has surrounded the energy issue. As all of my colleagues on both sides of the aisle know, we are working toward bringing an energy bill to the floor of the House of Representatives in the very near future.

I have heard a lot of finger pointing. We all have been doing that, are guilty of that, for the last several months on this issue. Each side is trying to blame the other for the high price of gas today, ignoring the fact that the price of gas when President Bush took office was $1.47, both houses of Congress were in Republican hands, and the price of gas is where it is today.

But that is the past. We must look forward. Now we are all talking about using all of our domestic sources of energy in order to free ourselves from that dangerous reliance upon foreign oil. And certainly I am one of those in the category, if not 99.9 percent of my colleagues, that want to see all of our domestic sources of energy used. I dare say that in the not-too-distant future, when we do address the energy bill, if not in the next several days on the floor of this body, that we will see the most broad-ranging, most comprehensive energy bill come to this floor that we have had in several years. It will be an all-of-the-above. It will be a start toward progressive, comprehensive energy legislation.

In that, it will be a pro-drilling bill as well, although it will not be all-drilling. It will not be all my-way-or-the-highway, as some on the other side continually preach, but rather it will be a bill that will show the sacrifices that will be necessary, the compromises that are always necessary in the legislative process if we are going to address the common good of this country. So that is what we are going to see.

One important factor of that bill that we have not seen in previous energy bills is accountability and transparency. After all, these are the American people's resources, our public resources we are talking about on the OCS or with Federal leasing on onshore Federal lands. That means the American people have the right to receive a fair dispensation for the use of their resources, as well as an accountability of royalties and fees collected thereupon.

One of the areas in which we will seek to provide much-needed reform and more oversight is in the area of royalty collection and the royalty-in-kind program specifically.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. GRIJALVA. Mr. Chairman, I yield an additional 30 seconds.

Mr. RAHALL. Thank you. And I say we will provide that additional oversight, because the Interior Department's own Inspector General, Mr. Devaney, is today coming out with a report of his investigation of the royalty-in-kind program in which he says we have also discovered a culture of substance abuse and promiscuity in the RIK program, both within the program, including the supervisor, who engaged in illegal drug use, had sexual relations with subordinates, and is in consort with industry. Internally, several staff admitted to illegal drug use as well as elicit sexual encounters, and it goes on and on about what has been happening with this oversight program. We will strengthen this program and make the reforms necessary.

Mr. BISHOP of Utah. Mr. Chairman, I certainly hope when my chairman rolls me into the surgery room and opens me up, he will solve the problem.

May I inquire of the other side if they have additional speakers left up and how much time remains.

Mr. GRIJALVA. We have no additional speakers.

The Acting CHAIRMAN. Each side has 30 seconds remaining.

Mr. BISHOP of Utah. With that, Mr. Chairman, I will yield back my last 30 seconds.

Mr. GRIJALVA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in conclusion let me say I associate myself with the comments that our chairman, Mr. RAHALL, made about transparency and about the deeply needed reform in that agency, given the disclosure and the investigation by the Inspector General. This is a good piece of legislation. I urge its approval.

Mr. WELCH of Vermont. Mr. Chairman, the Missisquoi and Trout Rivers are located in my home State of Vermont. The Missisquoi begins in Western Orleans County just north of the beautiful mountain town of Eden and heads up through the Green Mountains. From Eden, the river leaves the U.S. and winds through southern Quebec before returning to the small Vermont town of Richford.

If you paddle south along the Missisquoi from Richford you can find pristine clay deposits along the banks. Outside of the town of East Berkshire the Trout River feeds in from the East and slightly cools the temperature of the water. From here, the two rivers run as one all the way to Lake Champlain.

From Eden to Lake Champlain the rivers run through scenic northern mountains, rolling farm hills dotted with dairy cows, and small Vermont towns. Both rivers are highly valued by the surrounding towns and communities for swimming, fishing, and boating. Parents who grew up swimming in these rivers take their children back to the same places to teach

them how to swim. In the summer you can find these swimming holes filled with families, enjoying the water and taking in the sunshine along their banks.

These rivers are bordered by the largest and perhaps the highest quality silver maple floodplain forest remaining in the State. They are also home to diverse animal life including brook trout, rare freshwater mussels and spiny soft-shell turtles. The surrounding marshes host migratory birds such as the great blue heron and black terns.

This bill will provide for a study of these two rivers and represents the first step toward protecting Abenaki Indian archeological sites along the floodplains, scenic waterfalls and gorges, and a way of life in the communities surrounding these two rivers.

I urge support for this bill.

Mr. GRIJALVA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill pursuant to part 2 of House Report 110–668 shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008''.

SEC. 2. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

''(____) MISSISQUOI AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy; the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls; and approximately 20 miles of the Trout River from its headwaters to its confluence with the Missisquoi River.''.

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

''(19) MISSISQUOI AND TROUT RIVERS, VERMONT.—Not later than 3 years after funds are made available to carry out this paragraph, the Secretary of the Interior shall—

''(A) analyze the potential impact of the designation on private lands within the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(____) or adjacent to that area;

''(B) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(____); and

''(C) submit a report describing the results of that study to the appropriate committees of Congress.''.

The Acting CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 110–834. Each amendment shall be considered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; and shall be not subject to amendment; and shall not be subject to a demand for division of the question.

□ 1500

AMENDMENT NO. 1 OFFERED BY MR. GRIJALVA

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–834.

Mr. GRIJALVA. Mr. Chairman, I rise to offer the amendment as the designee for Mr. RAHALL.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GRIJALVA:

Before subparagraph (A) in the quoted material adding a new paragraph (19) to section 5(b) of the Wild and Scenic Rivers Act, insert the following and redesignate the subsequent provisions accordingly:

''(A) analyze any potential impacts on the possession or use of a weapon, trap, or net, including a concealed weapon, on the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(____) or on lands adjacent to that area;''.

The Acting CHAIRMAN. Pursuant to House Resolution 1419, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, this amendment would require that the study authorized by H.R. 3667 analyze any potential impacts a wild and scenic river designation for this river might have on the possession or use of a weapon, trap or net, including a concealed weapon.

As with many of the amendments offered today, I do not believe this amendment is necessary. The underlying legislation already is more than sufficient in what it directs the Secretary to study when considering a wild and scenic river designation. Further, the Wild and Scenic Rivers Act already makes perfectly clear that these river designations are not intended to infringe upon existing State authority to manage hunting or fishing.

Nevertheless, Chairman RAHALL has filed this amendment in an overabundance of caution, and as a good-faith effort to dispel any rumors that this bill will impact existing policies on hunting and fishing. I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, though not in opposition, I claim the time in opposition on this amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BISHOP of Utah. Mr. Chairman, we find ourselves in a unique situation on this particular amendment. The gentleman who proposed it thinks it is unnecessary. I think this is a wonderful amendment. It was great when somebody first wrote it, and now that you have incorporated it into the general discussion on these bills, I am equally as enthralled with that amendment.

Mr. Chairman, at this time I wish to yield such time as he may consume to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman from Utah for yielding.

I, too, want to rise in support of the amendment of Mr. GRIJALVA and Mr. BISHOP in regard to this amendment. But, Mr. Chairman, I want to state rather emphatically that I rise to express concern that this committee, the Resources Committee, which has jurisdiction over the Arctic National Wildlife Refuge, has jurisdiction over the miles and miles and hundreds if not thousands of miles of Outer Continental Shelf on both coasts of this country and also the Gulf of Mexico, this committee, the Natural Resources Committee chaired by Mr. RAHALL, has jurisdiction, and yet here we are, Mr. Chairman, taking up the time of this body to delay the work that we clearly need to do in regard to a sound energy policy. And to think that we have 2 more weeks left before the majority leadership has decided that we are going to leave this place and not come back until the 111th Congress, ladies and gentlemen, that is next January. So starting from August 1 until the end of the year, that means we will have worked, what, 13 days in 5 months. That makes this congressional job, Mr. Chairman, a part-time job. If I had known that, I would go back home and deliver babies for 6 months out of the year.

We ought to be doing an energy bill right now, this week. There is no excuse for it. And there was really no excuse, Mr. Chairman, for us adjourning and going home to our districts for whatever reason for 5 weeks. We could have stayed here and in 3 days, 5 days at the most, done exactly what Mr. RAHALL just a few minutes ago on the floor of this Chamber said that you were going to do; you, the majority, were going to introduce a comprehensive bill allowing 99 percent of all United States energy resources to be utilized.

What I have seen, Mr. Chairman, of this proposal, if it looks anything like what has been suggested on the Senate side, doesn't even come close to that. This is certainly not an all-of-the-above energy bill; it is almost none of the above. And, quite honestly, the acronym for that is the NOT-A bill, none-of-the-above act. It is a NOT-A energy act.

But if the chairman is right in what he said, Mr. Chairman, that we are

going to see an all-of-the-above energy bill, let's get with it. Let's get with it. There is no reason why the Committee on Energy and Commerce, with Chairman DINGELL and Ranking Member BARTON who work very well together, very respected members on both sides of the aisle in this Chamber, we could not in a regular order go through the regular process, have an open rule, and give and take on both sides.

Put the politics aside, and let's do what we should have done 6 weeks ago to bring relief to the American people in regard to these high gasoline prices.

Mr. GRIJALVA. Mr. Chairman, just as a friendly correction for the gentleman from Georgia, nada is spelled N-A-D-A. So none of the above doesn't quite fit the acronym, so there might need to be a search for an appropriate balance.

The other thing, and he mentioned a good point. Under the jurisdiction of the Natural Resources Committee are 68 million acres under lease and not in production under the public lands of this country. So under that jurisdiction, I think the committee has made that effort to try to extend the public lands as a source for energy.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I wish to defend my good friend from Georgia. Actually he said NOT-A, which is N-O-T-A. It is just that Georgian accent, it's hard to get the letters straight there. That's something we don't face in Arizona or Utah, I realize that.

Mr. Chairman, in all sincerity, we support this particular amendment.

I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–834.

Mr. BISHOP of Utah. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BISHOP of Utah:

After the new paragraph (19)(A) added to section 5(b) of the Wild and Scenic Rivers Act, insert the following (and redesignate the subsequent subparagraphs accordingly):

''(B) include in the study completed under this paragraph an assessment of any effect a wild and scenic designation in the study area is likely to have on energy production, transmission, or conveyance;''.

The Acting CHAIRMAN. Pursuant to House Resolution 1419, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, I appreciate the opportunity of talking about a bill that asks us to review energy issues with this particular piece of legislation.

When the Wild and Scenic Rivers Act was originally established, it was designed specifically to inhibit, if not stop, the production of dams across rivers where electricity could be the result. It is fitting and proper to see what kind of impact this wild and scenic river would have in that area, as well as the fact that this river, the Missisquoi River, translated means the great grassy meadow. It could possibly be the ''great gassy meadow'' if we find some kind of minerals down there, which, once again, a review of that I think would be appropriate.

Mr. Chairman, I wish to yield the remainder of my time to the gentleman from Illinois (Mr. SHIMKUS).

The Acting CHAIRMAN. The gentleman from Illinois is recognized for up to 4 minutes.

Mr. SHIMKUS. Mr. Chairman, it is great to have a chance to be on the floor to talk about energy and the lack of movement from my colleagues on the other side. It's not the first time I've been down here, it's not going to be the last, and I seriously doubt that the provision that will be brought to the floor will be an all-of-the-above, comprehensive plan.

It will be a smoke screen, it will try to have some cover for votes for November, but it will not be the all-the-above strategy that we are demanding on the floor of the House.

There will not be a provision on coal in this bill. Coal is our most valuable resource we have in this country. There will not be a provision on oil shale. More energy than any other country in oil shale. We will not deal with opening up the entire Outer Continental Shelf. We will not use the revenues to fully expand the grid or go into all the renewables.

We would like regular order. We would like the chance to move a bill through the committee. I serve on the Energy and Air Quality subcommittee; I serve on the Energy and Commerce full committee. The 2005 energy bill that you all had attacked went through regular order. It went through your committee, it went through my committee, it went through the Science Committee. It went through all the committees; it was cobbled together on the floor; we had amendments on the floor, and we voted.

Democrats attacked us for the majority of the majority rule of the floor of the House. Well, we're going to turn that around, because now it's just a majority of one: It's whatever Speaker PELOSI decides, that will be the bill on the floor. And she is dissing you all. She's not allowing you all to have any input into the legislative process. It's whatever she says goes. And you just can't deny that fact, because it is not going through any regular order.

So when you attacked the 2005 energy bill that went through the subcommittee, went through the full committee as being written behind closed doors, there is no more closed doors than what you are doing and proposing to do in this bill, and it is a shame and it is an insult on the legislative process.

Let's see if we address coal-to-liquid. There are two provisions you all could put in the bill right now to make us more energy independent.

You could put long-term contracting Department of Defense, who are asking for coal-to-liquid applications for jet fuel, long-term contracting, and we would have coal-to-liquid refineries being built with American jobs today.

You could take a Democrat bill, the Boucher coal-to-liquid bill. You could put RICK BOUCHER's bill in this, quote/unquote, comprehensive energy bill, and we would have coal-to-liquid refineries being built in this country within a year.

But it won't be comprehensive because you're going to not address coal, the greatest resource. We have more coal reserves than any country on this planet. So you can't really say you are going to have a comprehensive energy plan when you don't address coal.

The other thing that you will not do is open up the Outer Continental Shelf. You may open up 5 percent more. This whole red area, you have seen it numerous times, off-limits.

We're going to call your bluff. We're going to shut down this government on the CR because we're going to defeat the moratorium. So you can pass all these energy bills you want. You know you can't conference it with the Senate. You know it's not going to go to the President's desk. It's a fig leaf. It's a farce. You ought to be ashamed of yourselves.

What we're going to do is we're going to wait till the spending bill comes to fund government, and then we're going to call your bluff. Are you willing to shut the government down and keep off-limits billions of barrels of oil, trillions of cubic feet of natural gas? And if you're willing to do that, fine. We'll do that before the election. We'll go back and we'll hold you accountable at the polls.

Do you know why you can't bring a comprehensive bill that comes through regular order? Because NANCY PELOSI loses, and it's her bill.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. GRIJALVA. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, I just want a point of clarification, that we didn't attack the 2005 Republican energy bill because it was done behind closed doors. I think the point on the attack is relative to the fact that it was shortsighted, Big Oil driven, and an utter failure.

Mr. SHIMKUS. Will the gentleman yield?

The Acting CHAIRMAN. The gentleman from Arizona controls the time.

Mr. GRIJALVA. I thank the Chairman.

With regard to the Bishop amendment, we have no opposition after reviewing it, and we would accept this amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

□ 1515

AMENDMENT NO. 3 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–834.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. FLAKE:

At the end of the bill, add the following:

SEC. 4. FUNDING.

Nothing in this Act or the amendments made by this Act shall be construed as authorizing appropriations to designate or otherwise create a new component of the national wild and scenic rivers system.

The Acting CHAIRMAN. Pursuant to House Resolution 1419, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, we'll actually hear about this bill for just a minute at least before I talk about energy. But, no, I do have a serious amendment here that simply clarifies that nothing in this bill is meant to authorize appropriations for the new unit of the Wild and Scenic Rivers System.

The bill before us today authorizes a study to determine if the Missisquoi and Trout Rivers in Vermont are eligible to be designated wild and scenic rivers. Now, rivers designated as wild and scenic are managed by a number of Department of the Interior agencies, including the National Park Service, Forest Service, Bureau of Land Management and the Fish and Wildlife Service.

However, if you ask CRS about this, these four agencies have a combined maintenance backlog of between 14 and $22 billion. That is between 14 and $22 billion. And so we are going to be doing a study of another river, a study that often precedes designation. I think that is the purpose of this study, that will then put this river under the Park Service's jurisdiction or the Interior Department, and these agencies will have to manage it. We're adding to a backlog of between 14 and $22 billion. We shouldn't continue to do this. We can't continue to do this. We have parks in my State and everywhere else that have maintenance needs, that have staffing needs, that have needs that are going unmet, and we're going about just adding more to it, without seeking a funding source or anything else. We're simply adding more obligations to the Park Service, and we can't do that.

This amendment simply says that nothing in this authorization implies this appropriation will follow. Again, if an appropriation does follow, we are taking from the existing wild and scenic rivers or other designations that our Interior Department has to manage.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise to claim time in opposition to the Flake amendment.

The Acting CHAIRMAN. The gentleman from Arizona (Mr. GRIJALVA) is recognized for 5 minutes.

Mr. GRIJALVA. Upon review of the amendment of my good friend from Arizona (Mr. FLAKE), we are prepared to accept it and will not oppose the amendment.

I reserve.

Mr. FLAKE. I thank the gentleman for accepting the amendment, and I thank the Chair.

Now, let me say a few words about energy, since everybody else has. I didn't plan to when I came down here, but I have to say that Republicans will charge, with some justification, that the Democrats have been in charge for the last 2 years and have failed to pass significant substantial energy legislation. Democrats will charge, with some justification, that the Republicans have been in charge for a number of years and failed to do so.

We blamed the Senate. We didn't have 60 votes in the Senate. The Democrats can do the same at this point.

But here we are today, and we can't continue to look back and say we should have done something before, because we are here today and people are asking, why aren't you passing something? With justification, I might add.

Now, one of the speakers mentioned that what the Republicans were proposing was more like a Fred Flintstone bill of some type. And I would have to ask that same speaker how she plans to get home tonight. Unless she has a Flintstone mobile, she's probably riding in something that is powered by gas, maybe a hybrid, unlikely that it's electricity. In fact, less than 1 percent of our current energy needs in this country are produced by solar, which she talked about. Less than 1 percent is produced by wind.

Now, in our plan it has plans for increased solar and wind. But if you doubled, if you tripled, if you quadrupled, quintupled, do whatever you want, to solar and wind for a number of years, we are going to rely on our traditional energy sources. And so it makes sense that, while we are searching for the next big thing, while we wait for a hydrogen economy, or while we wait for wind and solar to really come on-line, or something else that we may not even know of, we have to use the resources that we have.

So nobody on this side is really saying drill and drill only. We're saying it has to be part of the mix and it has to be all of the above.

So there's plenty of blame to go around. I myself have not voted for one energy bill since I've been here in the past 8 years because I thought that some of them were too subsidy-laden. I didn't think that they really, really allowed us, in a free market way, to go out and use our resources.

But going forward, this is what we've got to look at; what are we going to do going forward. It doesn't do anybody any good to say well, the Democrats didn't do anything, or the Republicans didn't. We're here today, and it's time to do something on this.

Again, I thank the chairman of the subcommittee and appreciate him accepting this amendment.

I yield back the balance of my time.

Mr. GRIJALVA. I yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

Mr. GRIJALVA. Mr. Chairman, I move that the committee do now rise.

The Acting CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 193, not voting 24, as follows:

[Roll No. 580]

AYES—221

Ackerman	Baca	Becerra
Allen	Baird	Berkley
Altmire	Baldwin	Berman
Andrews	Barrow	Berry
Arcuri	Bean	Bishop (GA)

Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Pomeroy
Price (NC)
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—193

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jackson-Lee (TX)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (VA)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Bilbray
Boustany
Cannon
Cazayoux
Christensen
Edwards (TX)
English (PA)
Fortuño
Gonzalez
Hodes
Hulshof
Lee
Levin
Moran (KS)
Norton
Paul
Payne
Peterson (MN)
Pitts
Reynolds
Rush
Udall (CO)
Udall (NM)
Weldon (FL)

□ 1552

Messrs. WELLER of Illinois, BRADY of Texas and BURTON of Indiana changed their vote from ''aye'' to ''no.''

Mr. SMITH of Washington, Ms. ZOE LOFGREN of California, Messrs. WEINER, SNYDER, COOPER, KLEIN of Florida, CHANDLER, LYNCH, Ms. KILPATRICK, Messrs. FARR, McDERMOTT, ENGEL, ETHERIDGE, BOYD of Florida, ACKERMAN, HINOJOSA, BLUMENAUER, WELCH of Vermont, BISHOP of Georgia, COSTELLO, and LAMPSON changed their vote from ''no'' to ''aye.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3667) to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 53 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1727

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 5 o'clock and 27 minutes p.m.

MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3667.

□ 1728

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3667) to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System, with Mr. DOYLE (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN (Mr. POMEROY). When the committee of the whole rose earlier today, amendment No. 3 printed in House report 110–834, offered by the gentleman from Arizona (Mr. FLAKE), had been disposed of.

AMENDMENT NO. 1 OFFERED BY MR. GRIJALVA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 20, as follows:

[Roll No. 581]

AYES—418

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin

Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Abercrombie
Baca
Cardoza
Cazayoux
Christensen
Culberson
Feeney
Fortuño
Harman
Hinojosa
Hodes
Hulshof
Keller
Lee
Levin
Olver
Ortiz
Peterson (MN)
Peterson (PA)
Pitts

□ 1753

Mr. MACK changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3667) to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System, pursuant to House Resolution 1419, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. SALI. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SALI. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sali of Idaho moves to recommit the bill H.R. 3667 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At the end add a new title designated and entitled **"Title II—American Energy Act"**, comprised of the text of H.R. 6566, 110th Congress, as introduced in the House of Representatives (and conform the title designation, section numbers, and any references to such sections, accordingly).

Mr. GRIJALVA. Madam Speaker, I reserve a point of order on the motion.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Idaho is recognized for 5 minutes.

Mr. SALI. Madam Speaker, today, millions of Americans will go to work, and the overwhelming majority of them will drive. No matter what type of car they use, tens of millions of Americans will use privately owned passenger automobiles to get to and from work and school, the stores where they shop, and the soccer fields where their kids practice. That's reality. That's here and now.

We have to think about how to help the people that we represent today, the great majority of our fellow citizens for whom the past few months have been an energy nightmare.

We are here today because my colleagues and I on this side of the aisle believe in what our distinguished leader has called the All-of-the-Above Energy Agenda. Many of us, including me, came here during the August recess to call on our friends in the majority to come back and work with us on an energy policy that would enable us to access America's incredible natural resources in an environmentally responsible way quickly and effectively.

That's why I'm offering this motion to recommit so that the House may vote on the American Energy Act now. Madam Speaker, this is a question of stewardship. We all look forward to a future where fossil fuels are less prevalent. We're all working toward that future. We need to pursue solar and wind

power, advance hydrogen fuel cell technology, and encourage nuclear energy so we can cut through the red tape and construct plants as soon as possible.

All of these are components of the American Energy Act, and I rise to call for a vote on that act today. But the American Energy Act also calls for drilling right now.

□ 1800

We need to drill—drill offshore, drill in ANWR, drill in the National Petroleum Reserve in Alaska, drill in the new fields of North Dakota—aggressively develop oil sands and oil shale; we need to drill wherever there is a realistic promise of obtaining fuel for America's families.

Let me give you some examples of why. According to an assessment conducted by the Minerals Management Service of technically recoverable oil and natural gas, the OCS contains 86 billion barrels of oil and 420 trillion cubic feet of natural gas. Both could be obtained safely and in an environmentally sound way.

In addition, there are an estimated 18 billion barrels of oil and 76 trillion cubic feet of natural gas, or approximately 20 percent of the undiscovered technically recoverable resources in the OCS that are completely off-limits today, but the extreme lobby that seems to have a grip on the majority's energy policies won't allow us to go get it, and people suffer as a result.

My motion to recommit promotes and offers effective incentives for energy conservation and more efficient use of our energy resources. It promotes all manner of alternative energy sources, and even establishes a renewable energy trust fund using revenues generated by exploration in the deep ocean and on the Arctic coastal plain.

We fuel our cars and trucks and heat our homes and businesses because hardworking men and women take risks, drill for oil, refine it, store it, ship it and then sell it to individual customers. We need more of it—a lot more—now.

We are all mindful that drilling won't make our energy problems disappear, but it will start us in the right direction. In the next few years, the oil that new drilling provides would start flowing into our fuel pumps. And in the interim, the fact that America is finally shattering our long-term dependence on foreign oil will send an unmistakable signal to friend and foe alike that America will use more of her own resources and thereby regain a degree of economic independence that we have lost for far too long.

We have heard talk that there will be another new comprehensive energy bill from the Democrats. We also just took a break for more than an hour because there is not agreement across the aisle on what that bill will look like. Apparently, there are real questions whether the Democrat Members even support the proposal of Speaker PELOSI of a day ago. But I submit that now is the time to stop politicking, to do the right thing and vote on this motion to recommit right now. Everything the American public is asking us to do is included in this motion. America wants this all-of-the-above kind of legislation.

Now a point of order has been reserved. That means that those across the aisle will try to beat this motion on a technicality. If we ask Americans, do you care more for an amendment to this river study bill that is totally free of technicalities or for Congress to finally vote to conserve, produce alternative energy and drill here and drill now, we all know they wouldn't care one whit about technicalities. They want energy.

Earlier, Chairman RAHALL said Republicans and Democrats have been too busy trying to blame each other for high gas prices. Well, I say America is blaming all of Congress for high gas and diesel prices. And I submit on my side of the aisle, by offering this amendment—that America wants—we're doing our part to make things right with the American people.

I invite my colleagues across the aisle, don't sidestep this opportunity to do the right thing because of a technicality. Do the right thing. Vote for this motion to recommit so we can finally get the job done that the American public is demanding.

POINT OF ORDER

Mr. GRIJALVA. Madam Speaker, I make a point of order that the motion to recommit contains nongermane instructions in violation of clause 7 of rule XVI.

Let me add, Madam Speaker, the Office of the Inspector General just released an investigation that they conducted on the office responsible for protecting the taxpayers in the royalty collections on our public lands. Let me just give a couple of quotes from the summary of the report.

''A culture of ethical failure. The single most serious problem our investigations revealed is a pervasive culture of exclusivity, exempt from the rules that govern all other employees of the Federal Government. In other cases, the results of our investigation revealed a program taxed with implementing a business model program, such as royalty-in-kind marketers, donned a private sector approach to essentially everything they did. This included effectively opting themselves out of the Ethics in Government Act, both in practice, and at one point even explored doing so by policy or regulation. We also discovered a culture of substance abuse and promiscuity in the RIK program, both within the program, including supervisors who engaged in illegal drug use and had sexual relations and consort with industry in the oil business.''

I mention those because the gravity of this particular problem, this pathological behavior, should be noted and looked into by this Congress. When we get our new energy policy on the floor—soon—I hope that the other side will join with me in ensuring that ethical reform of the agency responsible for the protection of the taxpayers' investment are part and parcel of any comprehensive energy reform.

With that, I insist on the point of order, Madam Speaker.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Arizona makes a point of order that the instructions in the motion to recommit are not germane. The bill, H.R. 3667, as amended, is confined to the study of two rivers under the Wild and Scenic Rivers Act and closely related issues.

The instructions in the motion to recommit address H.R. 6566, a bill containing subjects unrelated to the pending bill and containing provisions outside the jurisdiction of the Committee on Natural Resources. As such, the Chair finds that the motion to recommit is not germane. The point of order is sustained.

Mr. SALI. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. GRIJALVA

Mr. GRIJALVA. Madam Speaker, I move to table the appeal of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SALI. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on the passage of the bill, if arising without further proceedings in recommittal, and the motion to suspend the rules with regard to H.R. 4081.

The vote was taken by electronic device, and there were—yeas 228, nays 187, not voting 18, as follows:

[Roll No. 582]

YEAS—228

Abercrombie	Bishop (GA)	Carnahan
Ackerman	Bishop (NY)	Carney
Allen	Blumenauer	Carson
Altmire	Boren	Castor
Andrews	Boswell	Chandler
Arcuri	Boucher	Clarke
Baird	Boyd (FL)	Clay
Baldwin	Boyda (KS)	Cleaver
Barrow	Brady (PA)	Clyburn
Bean	Braley (IA)	Cohen
Becerra	Brown, Corrine	Conyers
Berkley	Butterfield	Cooper
Berman	Capps	Costa
Berry	Capuano	Costello

Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Baca
Cardoza
Cazayoux
Davis (AL)
Feeney
Fossella
Harman
Hinojosa
Hodes
Hulshof
Lee
Levin
McCrery
Neal (MA)
Ortiz
Pearce
Peterson (MN)
Pitts

□ 1825

Mrs. MCMORRIS RODGERS changed her vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RECOMMIT

Mr. BOEHNER. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOEHNER. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr Boehner moves to recommit the bill H.R. 3667 to the Committee on Natural Resources with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

After the new paragraph (19)(A) added to section 5(b) of the Wild and Scenic Rivers Act, insert the following (and redesignate the subsequent subparagraphs accordingly):

''(B) include in the study completed under this paragraph an assessment of any effect a wild and scenic designation in the study area is likely to have on jobs, including agricultural employment;''.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. BOEHNER. Madam Speaker and my colleagues, on behalf of all my Republican colleagues, I want to welcome my Democrat colleagues back to the House.

Five weeks ago, after the protest of the minority, you adjourned the House without a vote on the American Energy Act, H.R. 6566. You and your fellow Democrats left town for five weeks, but Republicans refused to leave. And we were here each and every day during the August recess talking to thousands of Americans that were coming through the Capitol, and we stood here every day asking for a vote on our bill that does all of the above, the American Energy Act; a bill that the American people want us to vote on. And that's all we're asking for is a vote.

And today, instead of allowing a vote on our all-of-the-above plan, there are rumors that there is going to be a bill coming to the floor quickly that no one has ever seen, that does some of the above, maybe a little of the above, but clearly not what the American people want, which is ''all of the above,'' some bill that's being written in the back room in the dark of night that no one has yet seen.

Now, listen, the American people don't want a sham. They don't want a hoax. They have suffered all summer long in the face of high gas prices and high energy prices, and they are demanding a vote here in this Congress on a plan that does all of the above, not some of the bill, not a little bit of the above, but all of the above.

Madam Speaker, you promised that this would be the most open and accountable Congress in history. And in that light, I respectfully ask you now give the American people a vote on the American Energy Act, H.R. 6566. Will it be on the floor this week? Will you commit to giving the American people a straight up-or-down vote on a plan they want, the all-of-the-above plan, the American Energy Act?

Madam Speaker, this is the U.S. House of Representatives. As all of my colleagues have known, we all refer to this as the people's House because none of us got here without being elected by all of the people in our districts. Why not let the House work its will? Why not allow the Congress to decide the future of our energy security here in America? And I don't think the American people are going to rest until Congress takes action on energy that does all of the above.

So, Madam Speaker, I ask unanimous consent to amend my motion to recommit to include the text of H.R. 6566, the American Energy Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GRIJALVA. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. BOEHNER. Madam Speaker, this is a sham. I withdraw my motion.

The SPEAKER pro tempore. Without objection, the motion is withdrawn.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GRIJALVA. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on the motion to suspend the rules with regard to H.R. 4081.

The vote was taken by electronic device, and there were—ayes 299, noes 118, not voting 16, as follows:

[Roll No. 583]

AYES—299

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Camp (MI)
Cannon
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—118

Aderholt
Akin
Bachmann
Bachus
Barton (TX)
Bilbray
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Flake
Forbes
Foxx
Franks (AZ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Pickering
Poe
Price (GA)
Putnam
Radanovich
Regula
Reynolds
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)

NOT VOTING—16

Baca
Berman
Cardoza
Cazayoux
Feeney
Harman
Hinojosa
Hodes
Hulshof
Lee
Levin
McCrery
Ortiz
Peterson (MN)
Pitts
Velázquez

□ 1849

Messrs. FORBES and WITTMAN of Virginia changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title:

H.R. 6532. An act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

QUESTION OF PERSONAL PRIVILEGE

Mr. RANGEL. Madam Speaker, I rise on a question of personal privilege under rule IX.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentleman's point of personal privilege.

The gentleman from New York is recognized for 1 hour.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Not to worry, my friend and colleagues. I have no intentions of keeping you for 1 hour, especially at this time of the day. But a couple of weeks ago the leadership of the minority had asked that I be thrown out of the House and censured based on a newspaper story, and I just want to thank those people who were thoughtful enough to think that even Members of Congress at some times should not rely on newspaper stories, but rather the Ethics Committee, which is bipartisan. More recently, however, my dear friend JOHN BOEHNER has asked the Speaker to ask me to step aside as the chairman of the Ways and Means Committee.

Now I say ''my dear friend John Boehner,'' not as this word is tossed around in the House and Senate casually. I say it because JOHN BOEHNER has, for many, many years, been my friend. We have worked so closely together in bipartisan areas that just a couple of weeks ago he allowed me to strengthen my relationship with JIM MCCRERY on the Ways and Means Committee to get unemployment compensation passed, and lauded our efforts, as I lauded his.

I look around and I see GEORGE MILLER, who more than once said what a straight shooter he has been on Education. STENY HOYER has reminded me that, you know, he may disagree with JOHN BOEHNER, but one thing is clear, that when you speak to him, that he says what he means and he means what he says.

Well, I don't really think he means that I am incompetent and should step down. I don't think he really means or thinks that the Speaker is going to remove me from the House of Representatives. I don't think that he thinks I am a threat to this honorable House, which I am so proud to be a Member of. And for those people who say hey, let

the Ethics Committee make the decision, I thank you for myself, for my name, for my friends and for my supporters.

But believe it or not, I want to do this for the House of Representatives. I don't want any Member, Republican or Democrat, that is less politically secure than me to go through what I have had to go through for the last several weeks, because for them they never could survive. They would lose the election. And it won't be of anything that the voters knew. It would be what this Congress has done to each other.

You know, the Ways and Means Committee, we made a special effort to be civil, even when we disagreed. We are so proud, with the support of Speaker PELOSI, of STENY HOYER, and, yes, JOHN BOEHNER, working with us and trying to see what we can get done.

At the end of this election, this Congress is going to have serious things to take care of. And we won't have Democratic solutions to taxes and health and Social Security and the variety of things with peace and war. We are going to have to resolve these issues as a United States Congress in a bipartisan way. There is not going to be any Democratic way to do it.

And we are going to have to work together, not because we like each other, but we have a special responsibility to the people of the United States to make certain that our reputations may be low in terms of production, but if someone doesn't get health care, doesn't get that Social Security check, or for any reason finds himself without a house, they are not going to say the Democrats did it or the Republicans did it. They are going to say that this Congress let them down. It is going to be difficult, no matter who is the President or who is in the leadership.

But it does not help to polarize this body and take wild shots at each other, whether they are chairmen or whether they are freshmen, knowing that at the end of the day you are not going to accomplish anything substantive, but you are going to make it more difficult for us to get a law.

Do I say that JOHN BOEHNER knows this? I tell you this: To show you the depth of my friendship, I am embarrassed that he feels he has to do this. There is no way in the world, based on his knowledge of my love for this House, that he would believe that I would do anything to dishonor it. And there is no question in my mind that at the end of the day, when the dust settles, that this issue is going to be moot. But I just don't know what the relationship between people is going to be. So I don't know the next move, but I would suggest that this is not the way to go.

JOHN BOEHNER, JOHN BOEHNER, JOHN BOEHNER. On the Tim Russert show, what they did to my friend there in saying that he was passing out illegal checks on the floor. A mistake? We all make them, and we all have to say we are sorry. But we all don't have to attack each other, because at the end of the day, that is all we may have to do to each other and get nothing done.

I am suggesting to you this: Mistakes may have been made by me, and I briefly want to let you know the issues that are before the Ethics Committee as relates to three subjects. And I will be brief.

Some 20 years ago, I was in the Dominican Republic. I got a call from a long and dear friend of mine to visit this place called Punta Cana, Dominican Republic, where he had some dream of making this a resort. I didn't want to go. My wife said friendship dictated it.

I got there and he was telling me about the dream. And I was impressed with his dream, but I said, what the heck has that got to do with me?

Well, he says, they want to start, they want to build some beach houses here, and there is the sand and there is the beach, and I think it's a good deal.

I said, it may be a good deal for you, but I really don't need a beach house and I can't afford it. And, besides, there is no house here.

He says, no, we haven't built them yet.

So I said, look, Ted, I don't have the time.

By the time they showed me the renderings, and they told me that it would cost $82,000, I said I wish I had the $82,000. Good-bye.

He says, no, if you have got $28,000, then all they have to do is take the rentals from it and reduce the mortgages, and you can only use it for 9 months, but ultimately it would be yours.

I said, we can talk.

I refinanced my house. We had no savings, no nothing, and, quite frankly, I relied on the reputation, as I did then and will now, of a guy whose reputation is untouched.

Gradually the mortgage was coming down. I had received no financial statement. I could not break the culture in terms of Dominican and Spanish. I received no money, no check. Never did. But let's face it, I should have known. And after this hit the fan, I had my lawyer to go. He broke the balance and found out the fact that they didn't give out statements. Some years there was no statement. There was a half a dozen statements that we have accumulated. And then we took the balance, added to the mortgage of about $50,000, another $20,000 for another room.

All of the reports would indicate that RANGEL had a cash cow. RANGEL got some money. No. What happened was anybody who had a villa, whatever money they got, the hotel first would take their cut. Then they would take out taxes, they would take out renovations, they would take out hurricane expenses, they would take out interest, they would take out everything. At the end of the thing, whether your place was used or not used, they would equally distribute the money. Some years it was $5,000. Some years it was nothing.

How many times did I use it in the nine weeks? I wish I had used it for nine weeks. I never spent nine days down there. I have never spent more than four days in any one year, and in several years I never was able to get there at all.

What has this got to do with the charges and the allegations? The charges and the allegation is how did he get rid of the mortgage? And the mortgage is that if I had done what I was supposed to have done, I would have found some way to find our how the allocation was there. Because legally and theoretically, the reduction of the mortgage meant income was coming somewhere, even if I didn't receive it.

□ 1900

And I should have found that out because, at the end of the day, my accountant tells me after 20 years of research there would be no tax liability because of the deduction of the foreign tax, which was higher, because I was an American and because of depreciation. They changed it and said that because I sold the house that I was raised in that it did not allow me to take full credit that I could have done for that year. It means, at the end of the day, my accountant believes that I would be liable for $5,000. Do I take that lightly? No.

As a Member of Congress, as a public servant, I should have a higher standard than most people. Whether I owed $5,000 or $5 million, it was wrong, but it certainly doesn't mean that I should be kicked out of the House and say that I caused disservice to this august body. I just hope none of you have ever made mistakes on your income taxes, because what I have done is I've gone back 20 years and I've waived all statutes, and I'm prepared to pay whatever price there is, and I hope that at the end of the day that will take care of that. That's the roughest one.

The second thing is that one would have you to believe that I received some type of a gift in housing, because the headline is that RANGEL had four subsidized apartments in New York. The fact that there is no law in having four subsidized apartments in New York, of course, is no account to anybody. I don't have four apartments.

Briefly, what happened is that, 20 years ago, the kids were grown. We got tired of paying the bills on our house and getting into oil and doing all those things. My wife said let's move to an apartment. I'd spent all of my life on 32nd Street and Lenox Avenue. She finds a place on 35th and Lenox Avenue. I refused to leave Harlem then as

I do now, and there was a place called Lenox Terrace, where we now live, that had so many vacancies.

At that time 20 years ago, there weren't a whole lot of people who could afford not to live in Harlem, who were rushing to get into Harlem. Crime was really high. There were a lot of vacancies there, but they did have a doorman, and I felt since I was away from home so much that it might provide some security to my wife. In that house, people knowing that Alma would want to leave, there was a popular reverend, a pastor, and he, too, was leaving Harlem and was leaving an apartment that he had. I did not know and did not care that the apartment that he managed to get for us actually had been two apartments. He had it as one apartment. I got a lease for one apartment. I paid rent for one apartment. There's no way in the world I can imagine what it looked like when it was two apartments, and I don't care what the architect says. Under the law, that is one apartment.

Ten years after I was in the apartment, my wife was notified by the landlord—incidentally, he was the one who was supposed to give me the gift. I wouldn't know what he looks like. I've never met him in my life or his agent, but he was saying that there was a studio apartment next to mine, and did I have any interest in it. They were really pushing apartments then. My wife says she didn't see any need for it.

I said, ''Well, let's talk about this, Alma. You don't want my political friends to come here and talk in the living room. You get so tired of me doing my work, you know, while you're doing something else. You don't want any smoke in here. I can't have a card game here. Let's take a look at this one room apartment.''

I took it, and I can tell you that it saved my marriage. There's not a day when I'm home that I don't spend some time just sitting there. Sometimes it's reading. Sometimes it's studying. Sometimes the gang comes. Sometimes we raise a lot of devil. I pay the maximum rent for what cannot be described physically as any more than two apartments, but we can get two—the so-called fourth and third apartments.

It's hard for me to admit to those of you who have a lot of political problems that, for most all of my political life in Congress, I've never picked up the phone to ask anybody to give me any money because I'd never really had any problems. I did have a guy in Washington that would give a fundraiser—one in Washington and one in New York—but it's kind of hard, when you're not challenged, to ask for money, but I guess it was my personality or my seniority on the Ways and Means Committee, one or the other. Somehow funds were coming in, so I hired somebody. We worked down at the political club. The money was coming in. He said he needed a little help. He thought that I should open up a headquarters. Well, I don't agree in spending a lot of money, but he said he'd heard that the Lenox Terrace, where I lived, had people living in apartments that were converted but that were not commercial for running McDonald's and other business.

I said, ''Do what you want. We can afford to do it.''

They got this apartment. A staff of two became a staff of three, four and five, and I guess the Republican campaign committee can tell you how successful I've been.

It reached the point where they said, ''Look, Congressman. We've got too many people. There's no air conditioning here. We need more space. Things are going well. You're sending out a lot of checks. We will not renew the lease.'' This is before what happened in the paper.

I said, ''Do what you have to do.''

They spoke with the landlord and negotiated: an apartment with him for a larger staff, office accommodations in a place that was double the rent, much larger, right there in the Lenox Terrace, which means that everyone knew what they were doing and what other people were doing. We decided it would be best just to leave the Lenox Terrace in lieu of what happened because it was just too awkward.

That ends, once and for all, the whole idea of a gift. I paid the maximum rent. If I'd decided that because I wanted to please somebody that I should look for a marketplace rent, I would not know where to go, but I sure am not going to give the landlord what I think is a higher rent because I want to please somebody as to what is market rent, but if I'd left the apartment because of some foolish, stupid reason, the landlord would've come in, slapped some paint on it and doubled the rent. So, therefore, it would not be of any assistance to somebody of a lesser income.

Whatever doubts you may have, which I don't see how—I told somebody show me the gift, and I'll walk away. Leave it to the bipartisan Ethics Committee to decide. It's not only the right and fair thing do. It's the only thing to do.

The last point gives me a little more difficulty. They are saying that I may have used my stationery to solicit funds for the City College of New York for an institution that the board of trustees has named the Charles Rangel Public School for Public Service.

I have to let you know that, on November 30, 1950, I was shot and left for dead in Korea, and I came home in '52. I had more medals, more self-esteem than any guy 22 years old should have. The only time it was shattered is when I went for a job and found out that nobody wanted heroes, that nobody wanted infantry men and that nobody wanted the expertise that I enjoyed in directing fire on the enemy to 18 155-millimeter Howitzers at 75 shell bombs on the enemy. So, it was clear that I not only was unemployed but that I was unemployable. It was clear in one day when I had my truck full of stuff on the street in the Garment Center that I joined the Army to avoid. The rain came; the boxes were scattered all over, and the policeman was cursing me out for blocking traffic. Sergeant RANGEL was being cursed out on a public street.

I dropped everything. I went to the VA, and I said, ''I need some help.'' They told me that because I had to go back to high school that I couldn't go to college. I raised so much hell. Finally, because of the GI Bill—I was a high school dropout—I got the training to become a Member of Congress, a member of the Ways and Means Committee and become its chairman.

Am I overzealous about education? You bet your life. Do I go everywhere and tell businesspeople that you owe it to this country to assist us in making certain that Americans can produce, that we shouldn't be embarrassed of having to import people here who have knowledge in science and all of that? I want America to be as strong as it can be, and I'm going to do everything legally, morally and ethically possible to make certain that we support our young people and expose them to education.

This CCNY, this City College of New York, has excelled. Colin Powell and so many people had dreams and have succeeded. All I was saying is that we have thousands of Barack Obamas in the Black community. We have so few who are willing to get involved in public service. They go to Wall Street. They make their money and they're bright. What I want to do is to encourage minorities and be able to say, ''Hey, you don't have to run for public office, but please understand the importance of public service.'' They said, ''There should be a school for you to do that.'' I said, ''Well, let's get a school. Let's do it.'' They said, ''Let's do it.''

Two, three days ago, I heard Secretary Rice talking to some group, and she was saying that she goes to so many countries and that she doesn't see people in the Foreign Service who look like her. Those who look like the gorgeous mosaic of America is not abroad. But she said, ''Thanks to Congressman RANGEL, we have worked out a program where we go to the historically Black colleges where we train these people there. When they graduate, they not only have degrees, but they are members of the Foreign Service, and they learn to understand the great contribution they can make to this country.'' That was what I wanted to do.

I made certain that, in this letter, I did not ask for any public funds or for

any kind of funds at all, but they said, because they knew that the reason I wanted these not-for-profit people, these private people, to take a look and see whether they could support this not-for-profit public college, there may have been some stretch in the line because it was on stationery. Had I not had the seal that had the Capitol, it would have been all right.

I'm glad this happened because I'm going to find some way to do what I do, and I'm going to do it the way the Ethics Committee says to do it, but I hope I can get some of you to encourage the private sector to do what our government is not doing. Education is too important to leave to the local and State schools. Corporations have an obligations to help us to educate our people. Condoleezza Rice said it, and I truly know that you believe a failure to educate our young people is a threat to our national security. If for whatever reason the Federal Government is not doing it, everyone ought to do their bit. So, whatever the Ethics Committee says to do, we have to do.

Finally, I've changed my mind in bringing to your attention how they beat up on Mr. BOEHNER on the Tim Russert show: where he's been, how he got there and what he violated. At the end of the day, I think I'm trying to make certain that my presentation ends up on as positive a note as I can because of my longtime respect for my friend. Mr. BOEHNER said it was a big mistake and I regret it. I shouldn't have done it. It was an old practice in the House that had gone on for a long time. Well, I think he knows what I'm talking about.

If you made a mistake, I may have made a mistake.

I'll tell you one thing. The judgment of our mistakes should not be to attack each other. It should not be to defame us in front of our family and friends. Whatever difference that we had with each other, that's why we have the Ethics Committee. So, at the end of the day, that's how it's going to be resolved. We don't have that many issues that we've got to work with, perhaps, in a bipartisan way. Whatever we have to do because of the election we have to do, and I don't expect this short talk is going to change anything, but I do hope there is one thing that we keep in mind: that for those of us who are going to be here next year with a new administration, the last thing we have to do is to threaten each other politically and destroy the friendships and the camaraderie that we have worked so hard to try to restore.

I conclude by letting you know that some of you old-timers may know a guy named Guy Vander Jagt. Guy Vander Jagt was chairperson of the Republican Campaign Committee. Could he speak? Could he raise money? Was he partisan? Guy Vander Jagt was my friend. Guy Vander Jagt would come to my fund-raisers. I would stop over to his. His wife and my wife are the best of friends. Even though Guy Vander Jagt is gone, they asked me to speak in the Congress to say how he was loved by both sides. Was he a good Republican? Was he fierce? Was he eloquent? Was he liked? Yes.

I don't think I'll live long enough to see the days when we'll have that type of relationship. The little we do have let's not destroy. We have a big responsibility to our Nation and to this Congress. I know in my heart that my friend JOHN BOEHNER does not mean truly what he has said, and whoever has put him in the position where he felt that he had to say it, hey, it's campaign time. I understand it. It has to stop somewhere before we leave here. I hope it can stop now.

I yield back the balance of my time.

□ 1915

Mr. BOEHNER. Madam Speaker, I demand a point of personal privilege under the rules.

The SPEAKER pro tempore. The Chair has not been made aware of the basis for the point of personal privilege. Does the gentleman seek recognition under unanimous consent?

Mr. BOEHNER. Madam Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. I appreciate all my colleagues and their endurance in this. And you all should know that CHARLIE RANGEL and I are friends. We've had fierce debates. We've worked together on many bills, and he's someone who I talk to virtually every day in this House. And it pains me, it pains me to do what I had to do on behalf of my colleagues.

We all live under a system of laws; not only all of us, but all of the American people. Those of us that work in this Chamber, we work under a set of laws and a set of rules. And when the rules are violated, the court system doesn't take into effect whether you were aware of the rules or you were aware of the laws. You either violated the laws or you didn't.

And I say to my friend from New York that, considering the stories that occurred over the summer about the rent-controlled apartments, the fact that one of them was a campaign office, you could conjure up the fact that because it was rent-subsidized that it was, in fact, a campaign gift. And this latest round of stories——

Mr. RANGEL. Will you yield just on that one point?

Mr. BOEHNER. I will be happy to yield.

Mr. RANGEL. Rent-subsidized. If you lived a million years you could not tell where one subsidy came from. Stabilization and subsidies are entirely two different things. There is no subsidy involved. It's a cap.

Mr. BOEHNER. Reclaiming my time. And then this latest round of stories that the gentleman from New York was kind enough to share with all of us raise serious questions, serious questions.

And I just—the point of the letter that was sent yesterday was to ask the gentleman if he would step aside until the Ethics Committee had time to investigate this.

I believe that the Ethics Committee needs to do its job, not just in this case, but in all cases. And I've been concerned for some time that the Ethics Committee has not been a functioning committee of the House. I understand the current circumstances. We all understand the current circumstances.

But I don't want to condemn the gentleman. I've never convicted the gentleman, nor would I, because he is my friend. But just because he's my friend doesn't mean that I can excuse him from the rules of the House or the law of our land.

And so I ask my colleagues to work with us. I believe, like CHARLIE does, that we, as a Congress, have to find a way to get beyond what's gone on around here over the last 7 or 8 years, that we have to find a way to work together.

If you look at the issues that CHARLIE and I have worked on, GEORGE MILLER and I have worked on, and a lot of other Members that I've worked on on both sides of the aisle, the big issues of our country will not get done by one side or the other. They will only be addressed in a bipartisan way if we're going to be successful. And we know we have big issues facing this country that are being ignored because we're too busy clawing at each other.

My intent here is not to claw at my friend from New York. My intent here is to have justice and to have all of us live by the rules of the House.

I'm sorry that I had to do it, but I have a job to do on behalf of my colleagues in this Chamber. I believe all of us are being held accountable and should be held accountable.

Yes, I've made mistakes, and I've paid for them. I just think that the sooner we get this cleaned up, the better.

But, in the meantime, in fairness to the Members of the House, that stepping aside would, in fact, be the right thing to do.

PREVENT ALL CIGARETTE TRAFFICKING ACT OF 2008

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the

bill, H.R. 4081, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 4081, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 12, not voting 42, as follows:

[Roll No. 584]

YEAS—379

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—12

Barton (TX)
Broun (GA)
Campbell (CA)
Coble
Ellsworth
Flake
Kingston
McHenry
Oberstar
Paul
Sullivan
Young (AK)

NOT VOTING—42

Baca
Becerra
Bilbray
Blackburn
Buyer
Cardoza
Cazayoux
Cramer
Dicks
Feeney
Gonzalez
Grijalva
Gutierrez
Harman
Hinojosa
Hodes
Hulshof
Johnson, Sam
Lee
Levin
Linder
Lofgren, Zoe
McCrery
Murtha
Napolitano
Ortiz
Pastor
Pence
Peterson (MN)
Pitts
Rangel
Renzi
Reyes
Roybal-Allard
Rush
Salazar
Saxton
Serrano
Solis
Velázquez
Wasserman Schultz
Westmoreland

□ 1941

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. LEE. Madam Speaker, due to personal matters, today I missed rollcall vote No. 576 on ordering the previous questions to provide for consideration of H.R. 3667, rollcall vote No. 577 on passage of H. Res. 1419 to provide for consideration of H.R. 3667, rollcall vote No. 578 on final passage of H.R. 1527, rollcall vote No. 579 on final passage of S. 2617. Had I been present, I would have voted "yea." On rollcall No. 580, on the motion that the Committee rise, rollcall vote No. 581, on agreeing to the Grijalva amendment to H.R. 3667, and rollcall vote No. 583, on final passage of H.R. 3667, I would have voted "aye." On rollcall vote No. 581, on agreeing to the Grijalva Amendment to H.R. 3667, and rollcall vote No. 584, on final passage of H.R. 4081, I would have voted "yea".

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES RELATING TO H.R. 6532 ON LEGISLATIVE DAY OF THURSDAY, SEPTEMBER 11, 2008

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain motions to suspend the rules relating to H.R. 6532 on the legislative day of Thursday, September 11, 2008.

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

Mr. SCOTT of Virginia. Mr. Speaker, I was in my district this morning and was unable to return until after votes were called on rollcall 576, 577, 578, and 579. I would have voted ''yea'' on all of those bills.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3667, MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3667, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

BURN THE BOOKS PART II

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, our country takes pride in the first amendment right of free speech and free press, but it seems that philosophy is no longer

applicable when it comes to criticizing certain religions.

Random House Publishing has decided not to print the novel ''The Jewel of Medina'' because Islamic radicals are a bit upset. Apparently, American author Sherry Jones hurt some feelings by writing a fiction book about Muhammad's child bride Aisha. Now Random House has been intimidated into not publishing the book because a small radical group of Islamic individuals object. Random House has given in to the threats of the religious speech and press police.

Author Salman Rushdie, who was threatened by these same type of individuals years ago because of his book, ''The Satanic Verses,'' said that, ''This is censorship by fear.''

These Islamic radicals go throughout the world and denounce free speech and free press if the content is critical of Islam. Further, they demand censorship of the offensive material. Radicals cannot control and suppress the first amendment because they don't agree with what people say or print. Too bad book publishers have given up their right to a free press because now a novel offends some religious group.

And that's just the way it is.

GIVE US A GOOD ENERGY BILL

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, during the August recess, I think a lot of my colleagues got the message from their constituents that they want an energy bill, they want energy independence, and they want us to start working on that right now.

I talked to some of my Democrat colleagues today, and I had an indication from them that we might have an energy bill next week. All I wanted to say to the leadership on the Democrat side is, Give us an energy bill that we can really support. Please don't give us a facade. Don't give us the frosting on the cake without the cake. We want an energy bill that will move us toward energy independence that will allow us to work and get energy from a whole host of sources, as well as the alternative sources that we're talking about in the new technologies.

Give us a good energy bill. Don't give us a piece of junk that we can't vote for.

□ 1945

NOW IS THE TIME TO ACT ON AN ENERGY POLICY

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute.)

Mr. BRADY of Texas. Mr. Speaker, I hoped to comment on the Democrat energy bill tonight, but it is still under construction in the back rooms.

What I don't understand is why this Congress, this Democrat Congress, stands in the way of the American people and does not allow a straight up-or-down vote on exploring for more energy here in America.

Our Republican plan is simple: use less energy, find more sources here in America, conserve more, bring the renewables online, but let's explore more for oil and gas in our deep ocean waters and arctic reserve. That's the only way we can have an affordable bridge to the future. We can reduce our dependence on foreign oil, and again, give some help to the families and small businesses and school districts across this country who are suffering because of high gas prices.

Now is the time to act. Now is the time. We need a straight up-or-down vote.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WE SHOULDN'T USE FORCE AGAINST IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the sounds we are hearing and the signals we are seeing from the administration remind me of the months leading up to the invasion of Iraq. For all those supporters of the President who claimed 6 years ago that military intervention in Iraq would be the U.S.'s last option, we now know the war was the first, preordained and only option of the administration. They just had to cook the books to make the American people believe otherwise.

America has paid a very steep price: America has lost lives; Iraqis have lost lives; $1 trillion lost; American moral leadership in the world lost. And we cannot afford to let this administration do it again with a military strike against Iran before the President and Vice President leave office in January.

The news of late is deeply troubling, and we have a responsibility to remind the Americans of the administration's penchant to conduct diplomacy with bullets and bombs.

I believe the people have the right to know and the right to demand this administration, and the Republican ticket for the Presidency, declare there be no military strike against Iran by U.S. forces or on our behalf by a U.S. ally like Israel unless the Congress votes for it.

My concerns come directly out of the reporting by credible, mainstream international news organizations that have built their reputation on credibility.

I enter into the RECORD a September 1 story from the Jerusalem Post. The headline is: ''Dutch intel: U.S. to strike Iran in coming weeks.''

[From the Jerusalem Post, Sept. 1, 2008]

DUTCH INTEL: U.S. TO STRIKE IRAN IN COMING WEEKS

(By JPost.com Staff)

The Dutch intelligence service, the AIVD, has called off an operation aimed at infiltrating and sabotaging Iran's weapons industry due to an assessment that a U.S. attack on the Islamic Republic's nuclear program is imminent, according to a report in the country's De Telegraaf newspaper on Friday.

The report claimed that the Dutch operation had been ''extremely successful,'' and had been stopped because the U.S. military was planning to hit targets that were ''connected with the Dutch espionage action.''

The impending air-strike on Iran was to be carried out by unmanned aircraft ''within weeks,'' the report claimed, quoting ''well placed'' sources.

The Jerusalem Post could not confirm the De Telegraaf report.

According to the report, information gleaned from the AIVD's operation in Iran has provided several of the targets that are to be attacked in the strike, including ''parts for missiles and launching equipment.''

''Information from the AIVD operation has been shared in recent years with the CIA,'' the report said.

On Saturday, Iran's Deputy Chief of Staff General Masoud Jazayeri warned that should the United States or Israel attack Iran, it would be the start of another World War.

On Friday, Ma'ariv reported that Israel had made a strategic decision to deny Iran military nuclear capability and would not hesitate ''to take whatever means necessary'' to prevent Teheran from achieving its nuclear goals.

According to the report, whether the United States and Western countries succeed in thwarting the Islamic Republic's nuclear ambitions diplomatically, through sanctions, or whether a U.S. strike on Iran is eventually decided upon, Jerusalem has begun preparing for a separate, independent military strike.

I also enter into the RECORD the August 29 Jerusalem Post story entitled, ''Israel reaches strategic decision not to let Iran go nuclear.''

[From the Jerusalem Post, online edition, Aug. 29, 2008]

ISRAEL REACHES STRATEGIC DECISION NOT TO LET IRAN GO NUCLEAR

(By JPost.com Staff)

Israel will not agree to allow Iran to achieve nuclear weapons and if the grains start running out in the proverbial egg timer, Jerusalem will not hesitate to take whatever means necessary to prevent Iran from achieving its nuclear goals, the government has recently decided in a special discussion.

According to the Israeli daily Ma'ariv, whether the United States and Western countries will succeed in toppling the ayatollah regime diplomatically, through sanctions, or whether an American strike on Iran will eventually be decided upon, Jerusalem has put preparations for a separate, independent military strike by Israel in high gear.

So far, Israel has not received American authorization to use U.S.-controlled Iraqi airspace, nor has the defense establishment been successful in securing the purchase of advanced U.S.-made warplanes which could facilitate an Israeli strike.

The Americans have offered Israel permission to use a global early warning radar system, implying that the U.S. is pushing Israel to settle for defensive measures only.

Because of Israel's lack of strategic depth, Jerusalem has consistently warned over the pat years it will not settle for a 'wait and see' approach and retaliate in case of attack, but rather use preemption to prevent any risk of being hit in the first place.

Ephraim Sneh a veteran Labor MK which has left the party recently, has sent a document to both U.S. presidential candidates, John McCain and Barack Obama. The eight-point document states that ''there is no government in Jerusalem that would ever reconcile itself to a nuclear Iran. When it is clear Iran is on the verge of acquiring nuclear weapons, an Israeli military strike to prevent this will be seriously considered.''

According to Ma'ariv, Sneh offered the two candidates the ''sane, cheap and the only option that does not necessitate bloodshed.'' To prevent Iran's nuclear aspirations, Sneh wrote, ''real'' sanctions applied in concert by the U.S. and Europe is necessary. A total embargo in spare parts for the oil industry and a total boycott of Iranian banks will topple, within a short time, the regime which is already pressured by a sloping economy and would be toppled by the Iranian people if they would have outside assistance.

The window of opportunity Sneh suggests is a year and a half to two years, until 2010.

Sneh also visited Switzerland and Austria last week in an attempt to lobby those two states. Both countries have announced massive long-term investments in Iranian gas and oil fields for the next decade.

''Talk of the Jewish Holocaust and Israel's security doesn't impress these guys,'' Sneh said wryly.

Hearing his hosts speak of their future investments, Sneh replied quietly ''it's a shame, because Ido will light all this up.'' He was referring to Maj. Gen. Ido Nehushtan, the recently appointed commander of the Israeli Air Force and the man most likely to be the one to orchestrate Israel's attack on Iran's nuclear facilities, should this become the necessity.

''Investing in Iran in 2008,'' Sneh told his Austrian hosts, ''is like investing in Krups Steelworks in 1938, it's a high risk investment.'' The Austrians, according to Sneh, turned pale.

In related news, Israel Radio reported that Iran has finished installing an additional 4,000 centrifuges in the Natanz uranium enrichment facility. The Islamic Republic also announced it will install an additional 3,000 centrifuges in coming months.

The pan-Arabic Al Kuds al Arabi reported Friday that Iran has equipped Hizbullah with longer range missiles than those it had before the Second Lebanon War and also improved the terror group's targeting capabilities.

According to the report, which The Jerusalem Post could not verify independently, Hizbullah would begin a massive rocket onslaught on targets reaching deep into Israel's civilian underbelly in case the Jewish State would launch an attack on Iran.

These and other news stories should remind us that this administration remains in office for several months but years ago forfeited their trust with the American people over the Iraq War.

What is especially worrisome to me is that the administration has shifted the Iraq war to the air in an effort to make it an antiseptic war that might be more acceptable to the American people. We're grateful that U.S. casualties in Iraq are down significantly, but when a war should never have been started, every single casualty is a price too high.

And today, the U.S. is an unwelcome occupier, and the administration is ignoring the wishes of the elected Iraqi Government to set a date to leave. Instead, the White House is trying to run their country and continue this war.

Bombs falling from 30,000 feet have the same devastating impact on innocent Iraq civilians as bullets and bombs at street level. We just don't hear about it much in the American news media. But I hear about it from people in the Middle East who wonder if we will ever leave Iraq and worry that an antiseptic aerial war will be used against Iran.

Where once we stood tall on the moral high ground, now decent people the world over question our motives, our resolve, and our moral leadership. They fear, and so do I, that this administration will make the calculation that as long as we drop bombs from 30,000 feet, or fire cruise missiles from 300 miles offshore, the American people can be misled into another war. We must not let that happen.

The current leadership in Iran has few, if any, friends in this House today, and I am not one of them. But we cannot solve every challenge that confronts us with military confrontation. And we cannot meet other challenges when our moral high ground has turned into the shifting sands during this administration.

When Russia invades Georgia, who in the world is going to listen to the rhetoric of a U.S. President who invaded Iraq?

When Iraq says set a timetable to leave and this President says no, who in the world is going to listen to a President who says Iraq is a sovereign Nation?

And when this administration says they aren't planning a military strike against Iran, why would anyone in the world believe it when the fine print says all the options are still on the table?

Instead of occupying Iraq, the U.S. should be occupying the moral high ground, and we can start by stopping any effort to use force against Iran. Let's do it today before it's too late. We need, Mr. Speaker, a vote before we do anything against Iran.

WE NEED TO PROTECT OUR BORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, recently this country has been very concerned about something that's taking place in lands far, far away. It seems as though that the Russians have decided to invade the Republic of Georgia. Many Americans didn't even know where the Republic of Georgia was. Now, most of us know where it is and where it's located.

In fact, the government has been doing much lately, talking about this invasion of another country and very concerned about the people of South Ossetia that have now occupied or have their country or territory occupied by the Russians. In fact, the country is so upset about this, our country, we have sent $1 billion to Georgia to help Georgia, supposedly for humanitarian aid.

But we seem to be somewhat concerned—and our rhetoric as a Nation is that one sovereign country has invaded the sovereign country of another, concerned about the borders of the Republic of Georgia.

It's interesting to me that we are concerned about the sanctity and sovereignty of other Nations and their borders, but yet back here at home we seem not to care about the sovereignty and sanctity of our own borders. We protect the borders of other Nations throughout the world. We're concerned about the border of Georgia, but yet this country still has no policy about being concerned and enforcing border security of our own Nation.

Yes, Mr. Speaker, I'm talking about the southern border with Mexico, and I'm talking about the northern border of Canada. Yet every day we still have hundreds of people crossing into the United States illegally. It's an invasion into our country. Without permission people are coming into this country, and they're here for all purposes. Sure we hear about those who are over here trying to look for jobs, that supposedly Americans won't take.

But there are also other people coming over here. We get the good, the bad and the ugly because we don't secure our borders, and right now we're getting a lot of bad and ugly. Mr. Speaker, if you don't believe me, I will take you down to the Texas-Mexico border and show you how the violence has gotten worse and worse because this Nation refuses to protect its own border from people coming in without permission. That's very unfortunate.

We are in a Presidential campaign. We hear a lot of talk about all kinds of issues, but yet I have not heard from either Presidential candidate about a plan to secure our borders. They're talking about everything else. I'd be glad to take either one or both of them down to the Texas-Mexico border and show them what it's like, the porous border, because we don't protect the sovereignty of our own Nation.

But yet we're concerned about the Republic of Georgia halfway around

the world and their border. Doesn't make much sense to me. We should be just as concerned about our own borders as we are about borders of other people and give the money to our own people on our own border to secure it.

We send $1 billion quickly to the Republic of Georgia. What could our border patrol agents do with $1 billion on the Texas-Mexico border? They could do a whole lot more. And they're not getting it. They're not getting the support that they need. They're doing the best job they can. The sheriffs all along the border, from San Diego all the way to Brownsville, they're doing the best they can.

But let me tell you something, Mr. Speaker, the drug cartels have more money, they outgun our border security officials, and they're more tenacious and they're doing everything they can to come into the United States illegally. Yes, we're getting all of them, we're getting everybody because we refuse to secure our border.

And we don't need to do a whole lot except enforce the laws we already have. It's already illegal to come into the United States without permission. Why don't we enforce that law? We are trying to enforce the border security of Georgia. Let's enforce the border security of our own Nation. That's the public duty our government has.

We can work out the issues of what to do with people that are here illegally down the road. America will do the right thing, but we can never deal with that issue until we secure the border.

One of the things we ought to do is enforce the rule of law, and if businesses choose to hire folks that are illegally in the country and they know they're illegal, those business owners need to be prosecuted under current law. We see a few of those CEOs be carted off to jail in handcuffs, maybe they'll quit hiring folks that are illegally in the country. That's just one answer, but it's already the law.

So I encourage our government: enforce the law, protect our borders, secure our Nation first. That is the duty, obligation, and moral duty of our government.

And that's just the way it is.

UNJUST PROSECUTION OF FORMER U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, yesterday, I met with Monica Ramos, the wife of imprisoned U.S. border patrol agent Ignacio Ramos. I also met with her father, Mr. Joe Loya.

As the Members of this House are aware, in February of 2006, Agents Ramos and Compean were convicted of shooting and wounding a Mexican drug smuggler who brought $1 million worth of marijuana across our border into Texas. The two agents were sentenced to 11 and 12 years in prison respectively. They have been in Federal prison, in solitary confinement, for 595 days.

Mr. Speaker, I continue to be distressed by the actions of U.S. Attorney Johnny Sutton and the prosecutors in this case.

Like thousands of Americans across the country, I was extremely disappointed by the ruling announced on July 28, 2008, by the Fifth Circuit Court of Appeals. The Court affirmed all convictions except those for tampering with an official proceeding, but this case is not closed.

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A conviction secured on the testimony of a known drug smuggler should not stand. The same drug smuggler who told the Ramos and Compean jury that he did not carry a gun the day of the shooting also told the jury he was just a one-time offender who needed money for his sick mother. Since the agents' conviction, however, the Mexican drug smuggler was convicted for additional smuggling offenses. His testimony against the agents has been proven completely unreliable.

Those of us who have urged a pardon for Ramos and Compean will continue to support them in their future legal appeals, and we will work tirelessly to ensure that the miscarriage of justice is corrected. The details of this case deserve an unbiased review by the U.S. Department of Justice. I have also asked JOHN CONYERS, chairman of the House Judiciary Committee, to hold hearings to examine the prosecution of these agents who were doing their job to protect our border.

Questions surrounding the prosecution of this case deserve to be answered. For example, why was not the jury allowed to hear crucial evidence that the smuggler was a repeated offender? And why did the prosecutor charge the agents under a statute that was intended for violent criminals carrying guns, not for law enforcement officers acting in the line of duty?

Mr. Speaker, nothing can erase the suffering these agents have undergone and the months they have spent in prison in solitary confinement away from their families, but I want the families of Ramos and Compean to know that my colleagues on both sides of the political aisle and I will continue to do all we can to see this miscarriage of justice corrected. It is my hope and prayer that one day soon these two heros will be home with their families.

Mr. Speaker, I close by asking God to continue to bless our men and women in uniform and their families. And I ask God to please continue to bless the families of agents Ramos and Compean. And I ask God to continue to bless America.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is September 10, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,015 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Mr. Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that

we can never express; and that 13,015 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Mr. Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is September 10, 2008, 13,015 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

STEM CELL RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, this summer has been a breath-taking one for stem cell researchers around the world, but not because of embryonic stem cells or cloning. Building on important work published last year showing that it is possible to reprogram an adult cell back to its primitive embryonic-like state, researchers led by Doug Melton at Harvard University have done what was thought impossible only a few short years ago. Melton and his team used mice to show that it is possible to directly reprogram support cells or exocrine cells of the pancreas into insulin-producing beta cells without ever removing any cells from the pancreas. Amazingly, it appears that one adult cell type has been directly and specifically transformed into another adult cell type. In other words, a simple injection of three critical reprogramming factors successfully produced insulin-producing beta cells and gave patients with diabetes and their families new reason to hope in the power of regenerative medicine.

Melton and his colleagues have brought us one step closer to what many have called the ''holy grail'' of regenerative medicine. He has shown that, in principle, it is possible to induce the body to heal itself by reprogramming one cell type into another. Imagine that; your beta cells can no longer make insulin and you are diabetic, perhaps because of immune destruction of your insulin-producing cells like in Type I diabetes, or perhaps because, like in Type II diabetes, your insulin-producing cells have just given up.

If the work Melton describes can be reproduced in human patients, diabetes patients would have to receive a simple injection, maybe two or three times, and with that, their pancreas could resume producing insulin and they would be cured of their diabetes, no longer requiring insulin injections, no longer requiring painful pinpricks.

Of course, Melton's work is a long way from the clinic. Mice are not people, and some of the details must be modified to ensure that the injection is safe and won't cause tumors. But this work represents an enormous step forward and should be pursued with all of the resources NIH can provide.

This exciting news comes on the heels of another announcement also this summer, that researchers from Harvard and Columbia have used the reprogramming protocol to create 21 disease-specific stem cell lines that will enable researchers to intimately study diseases such as Lou Gehrig's disease, Type I diabetes, Parkinson's and muscular dystrophy. And it is important to note that this technique also does not require the creation, destruction or even the presence of human embryos. These cells may not be ready to transplant into humans in the near term, but they will be available for research today and for use in screening for drugs.

So in a few short months, the promise of regenerative medicine comes closer to reality. Just last year, scientists and cloning advocates told us that we had to do human cloning—or at least to create cloned human embryos—so that we could accomplish these two goals that were deemed essential for moving regenerative medicine forward; creating disease-specific cell lines, and regenerating stem cells that could be a perfect match for patients affected by these diseases.

Both of these goals have been accomplished with the reprogramming protocol; no cloning, no human embryo stem cells required. To say it another way, there is no medical reason to proceed with research into cloning human embryos for their stem cells because that science is obsolete, it is more cumbersome, it is more expensive. We have a better, quicker, easier way to do it.

Now, I will note that these researchers who were involved with these breath-taking breakthroughs have done the politically correct thing and have said we still have to move forward with embryo stem cell research for compelling reasons. What those compelling reasons are I do not know. And I disagree with them. It cannot be denied that research is moving forward at a breakneck speed, and the Bush policy is still fully in place.

This work also lends more support for all the adult stem cell work that we have been talking about in this body for years. For years, embryonic stem cell research advocates have claimed that only embryonic stem cells can be transformed this way. Now we have direct evidence that it is not necessary. Science is moving beyond the debate. Science is taking us in a direction of ethically responsible research.

UNFAIR TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

Mr. KAGEN. Mr. Speaker, I rise this evening to present some of the stories from northeast Wisconsin, a region in the country known as ''Paper Valley.''

We have, for over 150 years in Wisconsin, been the leaders in the paper industry, not just paper manufacturing, but paper research, designing new ways and new methods of manufacturing and using paper products all throughout the world. We have led the way because we've invested our educational system, our time and energy in developing the industry. And now, across the country, all the paper industry is imperilled because of unfair, unbalanced trade deals, and a trading partner that breaks the rules, and that is Communist China.

Recently, in November, the International Trade Commission ruled that there was illegal paper coming into the United States, but there was no damage, no damages to the paper industry here in these United States. Well, shortly thereafter, New Page Corporation closed the Niagara Paper Mill in Niagara, Wisconsin, displacing hundreds of workers who had been there for generations.

More recently, several days ago, in Kimberly, Wisconsin, the Kimberly Mill—and you've heard of Kimberly Clark, you've heard of Kleenex, you've heard of other paper products and Huggies and diapers—listen, Kimberly, the only mill that they've had, has been closed and shut down, shut down because of the illegal competition from Asian governments like both South Korea and China.

The decision by the International Trade Commission was that there were no damages. Well, I beg to differ. In my office, I have a scroll signed by nearly 5,000 people from Kimberly and the surrounding villages who have been damaged. They are real people with real damages. One of the families, the Van Zeelands, are here with me in picture form. Bruce and his wife Nancy have three children, Alicia, Scott and Courtney. And here is his statement which I read on the floor this morning,

''It turned our life upside down. Working at one company for 28 years and having no other skills to compete in this horrible job market. My wife is struggling to find a full-time job now. We cannot help out our three kids with college. We worry about losing our home.'' And he's not alone. There are hundreds of other workers and other families with real damages that the International Trade Commission may not have considered.

What about the family of Tom Sternhagen, who had worked for 29 years at the Kimberly mill? His wife Maureen, his son Ben and daughter Lexi, and here's what he has to say. ''Can't pay the mortgage. Can't pay the property taxes. Our son can't go to college. We have no more health insurance. Can't make car payments. This is nothing but corporate greed with no regard for human life.'' That is Tom Sternhagen.

These are the views of normal, hardworking people in northeast Wisconsin who are suffering because of unfair trade deals and an administration that will not allow the rule of law to take place.

The International Trade Commission got it wrong: There are real damages throughout Paper Valley and throughout northeast Wisconsin.

Now, what's it going to take? What's it going to take to wake up America? We've been bleeding our jobs overseas when instead we should be shipping our values overseas, not our jobs. As Niagara, Wisconsin goes, so goes our Nation. And as Kimberly goes, so goes our Nation as well.

It's time for us here in the House of Representatives to work together across party lines and make certain that we design balanced trade deals such that when a ship comes over from China with $50 million worth of goods and materials, they take back $50 million worth of goods and materials made by our hardworking Americans.

Look, given a level playing field, we can out-compete and out-work anybody. We are the most productive people ever on Earth. We have had a successful middle class only because of our work ethic and the fact that we've had fair trade deals, free trade. The CAFTA and NAFTA style trade deals are nothing more than a free giveaway of American jobs.

It's time for America to wake up. Yes, let's wake up together, let's roll up our sleeves, let's work together in this House and in this next election. Let's elect a President who can think things all the way through, someone who is on the side of the Van Zeeland family, someone who is on our side for a change.

ENERGY CRISES AFFECTING AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATTA) is recognized for 5 minutes.

Mr. LATTA. Mr. Speaker, I represent one of the largest, if not the largest, ag districts in the State of Ohio. Also, according to the National Manufacturers Association, I represent one of the top 10 manufacturing districts in the country. And over this August break that we had, I was across my district—north, south, east and west—having a lot of meetings with farmers and a lot of meetings with our manufacturers. And the word wasn't all that good. Farmers were telling me that on many a day they're burning between $800 and $1,000 a day for diesel. They're paying much higher costs for fertilizer and chemicals—and in some cases these are up 3 to 3.5 times as much as they were 2 to 3 years ago.

Manufacturers: Not only the cost of shipping being up, but also the cost of the product that they had to produce with. They took me into the warehouses at the factories and they said, you know, a year ago, if you would have been here, this entire warehouse would have been full of the product that we needed to produce what we need to make our goods with. And today, it is only a quarter full. But that's the same price that we paid last year for this year, only a quarter. And it was an oil-based product. They've got a problem, because as that price keeps going up, they have to make tough decisions on manufacturing what they're going to do in Ohio.

You know, we were talking about it just not affecting the farmers and manufacturers out there, but it also affects everyone. For the man and woman on the street, when it comes to thinking about their retirement and their future and putting their kids through college, they have to think, well, are we going to put that in the gas tank, in the oil tank for fuel this winter and not buy that new car or that new washing machine that might be produced in the northern part of Ohio?

I was fortunate enough earlier this summer to go to ANWR with 10 other Members. And we went up there, we saw Prudhoe Bay and what was being done there, and also looking at what was right across from the line of the river of ANWR. And ANWR, if you don't know, is the size of South Carolina, about 19 million acres. We're looking at an area that was set aside in 1980 of what they call section 1002 of about 1.5 million acres of that. And when you get right down to it, all we're talking about in this whole debate, when we're talking about ANWR, is an area of about 2,000 acres. And that translates to about 3.5 square miles in size. But we've got to do it. Because what's happening right now is, when the Alaskan pipeline was at its height, it was carrying about 2.1 million barrels of oil a day.

□ 2015

Today it's carrying 700,000. We are losing about 15 percent capacity every year in that pipeline. When it gets down to 3,000 barrels a day, it will no longer be able to flow and bring that oil south. That's a real concern because right now we're importing 70 percent of the oil used in this country, 70 percent.

So what we need to do is be able to take that oil that's over in ANWR, about 10.3 billion barrels, and we can put that 1 million barrels a day into that pipeline and bring it south.

And why is that important? Well, it's important that we do things here in this country because right now we're talking about having potentially about 86 billion barrels offshore, we have about 2.1 trillion barrels of oil shale, we're looking at around 420 trillion cubic feet of natural gas that's all off-limits right now. We also have 24 percent of the world's coal reserves. We have that technology, and some of that was invented in my own district, to have clean coal technology. Because we don't have these surprises that we wake up to like we did today that the OPEC countries have decided to cut back on production by about 520,000 barrels of oil over the next 40 days. Immediately the price of crude went up. Immediately we saw that, after watching the price go up and up and up to about $147 a barrel, it was back under $100 a barrel just briefly. And it's time that this country take control of its own destiny when it comes to energy, and that's why we need the all-of-the-above strategy. That's nuclear, that's clean coal technology, that's making sure that we use hydroelectric, that we are producing, that we are making sure that we have oil and natural gas because we are going to need that oil, we're going to need that natural gas for the next 20 to 25 years.

We also have to look at the alternatives because when we went to ANWR, we stopped in Colorado and saw what they were doing out there in the National Renewable Laboratory dealing with solar, wind, hydrogen, ethanol, and biodiesel, and that's interesting to me because it's all happening in my district, the Fifth Congressional District of Ohio.

Mr. Speaker, it's time for us to act.

SKYROCKETING GAS PRICES

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER of Florida. Mr. Speaker, I rise today to discuss the problem of skyrocketing gas prices. When a single mom in Orlando, Florida, is paying $80 to fill up her minivan, that's a crisis. The American people deserve some straight talk, and here it is: The main component of a price of gasoline at the

pump is crude oil. Crude oil is a commodity governed by the law of supply and demand. Therefore, we must increase our supply and reduce our demand. To increase our supply, where is the single largest source of untapped crude oil in the United States? It's in Alaska in an area called ANWR, specifically in a section called 1002.

I recently went to Alaska and toured the entire northern slope, including the 1002 section of ANWR. I will tell you why I did. The critics of Alaska oil drilling say three things about ANWR:

They say, first, don't drill there because there's only a trivial amount of oil. Then they tell us that it would ruin the pristine wilderness. And, finally, they say don't do it because it will hurt the wildlife there, particularly the caribou and the polar bear. Let me address all three issues head-on as someone who has personally been there.

First, is there a trivial amount of oil there? There's 10.4 billion barrels of oil there, according to the United States Department of Interior. And 10.4 billion barrels of oil is enough to provide all of my home State of Florida's energy needs for 29 years; 10.4 billion barrels of oil is enough to pump 1 million barrels of oil a day every single day for the next 30 years. Does that sound like a trivial amount of oil to you?

The next thing we heard is that it's a pristine wilderness. You can't possibly drill there. Well, I went there. I went to the town of Kaktovik, the only village of ANWR, and I looked out and was a little surprised by what I saw, and I'll tell you what I saw. It was a flat, barren tundra. It looked like the surface of the moon, not some rain forest-style wilderness. There was not a tree within 100 miles. And as I stood there with the leader of Kaktovik, Mr. Felton Rexford, the leader of the local Eskimo tribe, I said, ''Where are all the trees? Where's the wilderness?

He said, ''Congressman, there is no wilderness here. There are no trees. The closest tree is over 100 miles away.''

When you look at the size of ANWR, 19 million acres, the size of South Carolina, you have to realize that the drilling that we're proposing is in a limited 2,000-acre section of 1002. That means literally 99.99 percent of ANWR is off-limits and the tiny area that we would drill is a flat, frozen, barren tundra. To put that in perspective, it would be the size of a stamp on a football field.

The next issue: This would hurt the wildlife, particularly caribou and polar bear. Well, there are 800,000 caribou in Alaska, 5,000 polar bear. I saw them both on my trip. I can tell you the numbers for both are up over the last 30 years, each and every year, according to the U.S. Fish and Wildlife Service. In fact, next door to ANWR is Prudhoe Bay, which is an existing oil field that's owned by the State, and we had caribou there in the mid 1970s to the tune of 3,000. They have increased since then tenfold up to 30,000.

So if those reasons aren't valid, what are the real reasons we are not drilling in ANWR? Well, here is a quote from the head of the Sierra Club, Mr. Carl Pope, and he says, ''We are better off without cheap gas.'' Better off without cheap gas. Tell the single mom paying $80 to fill up her minivan that she's better off without cheap gas. Tell the airline employees who all just lost their jobs that they're better off without cheap gas. Tell the small business employees who were just laid off that their families are better off without cheap gas. Tell the public school superintendent that had to switch to a 4-day week because he can't afford the money for the buses that our children are better off without cheap gas.

Mr. Speaker, the American people are hurting. We want you to put the ordinary Americans above the radical fringe environmental groups. We want you to give us an up-or-down vote on the American Energy Act. We want you to do it this September before taking another vacation and take care of business.

ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, there are a number of points I want to talk about tonight on energy. But first I want to say that sometimes people get the feeling that we Republicans refer to alternative energy as something that's kind of window dressing because all we want to do is drill.

I have been working with alternative energy issues for over a decade here in Congress. In my district we now have the largest integrated soy diesel plant in the world that Dreyfus has put near Claypool just outside of Warsaw, Indiana. I recently gave an award that I have, a Johnny Appleseed award, who's actually a real person buried in Ft. Wayne, to a local company, Sweetwater Music, which is the greatest online music company in the United States and in the world because it looks like they are going to be certified as the first gold business building in the State of Indiana, at full green standards, first gold higher than platinum. And they're doing it and they did it in a way and the reason I wanted to highlight them is they can pay for the cost of their building with what they've saved in energy. I mean it pays for itself. A green building does not have to be a drawback.

At the same time, Merry Lea Environmental Learning Center done by Goshen College also has a platinum standard building. I believe that the wind power is a real alternative. Parker-Hannifin in New Haven, Indiana, I have an earmark set aside to help them with their project. They do coolant systems, and they believe they can get 20 to 40 percent more energy out of each wind turbine by changing the coolant standards. I have worked with solar energy in my district. Water Furnace, a company just highlighted in the New York Times in the last week, by recycling water for heating and cooling, can save an untold number of power plants in the United States if we do that. Nevertheless, representing the number one manufacturing district in the United States.

Let me just say this: We need coal, nuclear, and drilling as well as all these alternative energies. I have the largest pickup plant in the world that does the Silverado and the Sierra. You aren't going to power this if we don't have enough oil and gas. I have two huge SDI steel plants that take more energy to make the steel than cities of probably 75,000 to 100,000, possibly even double that, to 200,000, and everything in those cities to power those steel plants. Five new core facilities. Valbruna Steel. We aren't going to do this with a windmill standing up. Those are supplemental power systems.

But if we're not going to have every company moving to China, we have to have more energy in this country. The motor homes are not going to be powered by a little solar panel. And they're getting hammered right now, and 58 percent are in my district. The international trucks are not going to be powered by alternative energy. We need basic energy.

And I want to talk specifically tonight about one. We hear about shale oil. This is what it looks like: layers of rock, and then there is a layer that has hydrocarbons that are packed in much like other oil that are in a solid piece like this. This basically is the equivalent of a gold nugget in the gold area because you can see here it is a piece of basically oil that by heating technology, this turns into high grade oil. We have 800 billion barrels of this. We pump right now in the United States 20 million. We have 800 billion in just the west Colorado, southwest Wyoming, and Utah basin. This is not the Rocky Mountains. It's not by the Grand Tetons. It's not by the Rocky Mountain National Park. It's in the big basin in between the mountains because that's where you have the foliage and things that are packed together to do this.

Now, you can do it in open-pit mining like tar sands, and that's what you see a lot in the news. But the Mahogany Research Project that Shell Oil has, and you can find it on the Internet because they have now gone public for a reason I will mention in a minute, and Chevron have ways to do this in the ground so you don't have open-pit mining. They've already extracted enough in their pilot projects that we

were able to use it in our planes. We don't need oil at $120. Obviously at $40 it isn't profitable. But in between there we have a lot of room to work to get this out of the ground.

The reason they have gone public, because they were nearing the point of a larger scale project, the House of Representatives and the Senate banned shale oil drilling. The project has stopped cold. They have laid off the engineers. Chevron and Shell have had to stop. One project has gone ahead on the open-pit mining. But the new stories in Colorado—this is a huge debate right now. Just about a month ago I went out. They have now opened it so Members of Congress can see it because they were trying to keep this technology from each other and the different companies, but basically Shell and Chevron have gone public with this technology because they were about to make it public. But we banned it, 800 billion barrels in the United States that does not have open-pit mining, that in the one experimental that they did already, they have already done the recovery of. It's intense when they do it, but down in the ground, they basically freeze the area around it, as you can see in the Mahogany Project, and get it out.

If we're going to keep industry in America, we have to come up with American energy strategies. Do everything, including shale oil.

□ 2030

THE DEFICIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 60 minutes as the designee of the majority leader.

Ms. SUTTON. I am happy to be here today. We are here with some of the other Members of the freshman class, the class of 2006, and I have heard some folks on the other side of the aisle in recent moments talk about the fact that the American people deserve some straight talk. We could not agree more. And that is why we are here today, to talk about some of the things that aren't being talked about quite as loudly on the other side of the aisle.

Recently, earlier this week, the administration released its final mid-session review of the budget. The new budget document showed a record deficit for 2009, confirming that in 8 years this administration will have turned the largest surpluses in history into the largest deficits in history.

The dismal fiscal record is, unfortunately, just one aspect of this administration's failed economic record. But is that what the administration says to the American people?

Now I just want us to take a moment and look at some of the comments that have been coming out, not only from the administration, but from the other side of the aisle in this body.

In November of 2007, President George W. Bush, the administration, said, ''Sure, there's some challenges facing us, but the underpinnings of our economy are strong, and we are a resilient economy.'' And then, in December of 2007, he said, ''This economy is pretty good. There's definitely some storm clouds and concerns, but the underpinning is good.'' And that was complemented by the leader of the Republicans here in the House, who said in July of this year, July 21 of 2008, ''While the economy is slow, we are still seeing growth, and frankly, I have got to tell you, I am shocked.'' And then he said way back in October of 2006, Minority Leader BOEHNER, said as follows, ''Today's announcement by President Bush confirms that the pro-growth economic policies put in place by Republicans are working as planned to spur economic growth and reduce the deficit.'' That was JOHN BOEHNER, October 11, 2006, Looking forward, trying to suggest that the policies that have been pursued by this administration have benefited the American people.

Well, I am really glad that we have this opportunity to have the American people join us this evening to talk about the real facts. And they are not pleasant because it's a sad fact about some of the things that are happening out there.

You know, these two, the administration, the President, and Minority Leader BOEHNER, they are not the only people out there telling the American people that the economy is good. Not so long ago, in the not the distant past, we heard a top economic advisor to Senator MCCAIN tell us that our problems, our economic problems, they are all in our head. In essence, he said that we are suffering from a mental recession.

You know, he called our country a Nation of whiners. Well, I have to tell you guys that as a Congresswoman from Ohio in the 13th District, that the people I represent, they are not whiners. They have, unfortunately, too many of them, felt the painful consequences of the failures of the last 8 years of this administration.

So I am grateful that you're here tonight to help us describe, and frankly, the important thing is hold accountable this administration for the failures that it is trying to disown.

The current administration, you all will know, is going to leave this Nation with the largest deficit in history. I'm sure my colleagues here with me tonight are going to talk about that. And the debt has ballooned as well. The economic growth has been, to give a complimentary spin, has been anemic, and thousands, thousands of jobs have been lost, household incomes have fallen, and the President's fiscal policies have imposed an amazingly heavy debt burden on America's families.

You know, I'd like to yield at this time to the distinguished gentleman here tonight, Representative PETER WELCH from Vermont, who has been a tremendous agent of change in this body, and I look forward to seeing what this gentleman is going to be able to do, because it's going to be a lot when we have more to work with in the next administration.

Mr. WELCH of Vermont. I thank my friend, Representative SUTTON. This evening gives us an opportunity to take account, to look at the record, and reveal it to the American people. We are in a season close to an election, where the American people are going to have to make a decision, and it's going to be an extraordinarily consequential decision. In the fog of a campaign, there's an awful lot of rhetoric back and forth, where those who have not done much try to conceal it with claims that they did, and try to shoot down the progress that has been made.

Now we all know that when we get going, and we are going to solve our problems, it's going to have to be working together. We have been doing our best to do that. But what we have to do tonight is lay out what the record has been.

What I want to talk about briefly are two areas; one is deficit, to continue what my friend, Representative SUTTON was talking about, and the other is on Iraq. The reason I want to talk about them specifically is because it is important for the American people to know what they can expect from our friends on the other side who have a clear record, and it is one that they are accountable for, but it has to be one that Americans are aware of.

On deficits, taking up on what you said, let me just read some quotes from members of the administration to remind the American people of what was promised, and then lay out some facts about what actually was done.

''Our budget will run a deficit that will be small and short term.'' George Bush, in January of 2003. ''We can proceed with tax relief without fear of budget deficits even if the economy softens. Projections for the surplus in my budget are cautious and conservative.'' George Bush, March 27, 2001.

''We are holding down government spending and reforming government, and the good news is the deficit is coming down.'' OMB Director Jim Nussle, June 22, 2006. ''I don't like deficits, I don't want deficits, and I won't pretend deficits don't matter.'' OMB Director Jim Nussle, March 12, 2003.

''Today's announcement by President Bush confirms that the pro-growth economic policies put in place by Republicans are working as planned to spur

economic growth and reduce the deficit. Republicans are meeting our commitments to the American taxpayers by exercising fiscal restraint in promoting economic policies this create jobs, all efforts which have produced a strong economy that is working to drive down and eventually eliminate our deficit.'' JOHN BOEHNER, October 11, 2006.

What are the facts? That is the rhetoric. What are the facts? President Bush and congressional Republicans, his allies, have turned a projected 10-year, 10-year surplus of $5.6 trillion into a projected 10-year deficit of $3.4 trillion. That is a swing of $9 trillion in one Presidency. When President Bush took office, there was a projected surplus of $710 billion for fiscal year 2009.

President Bush's budget will create a $407 billion deficit for fiscal year 2009. That is a swing of over $1 trillion.

Under the Bush administration, Republicans created the five largest—one, two, three, four, five—five largest budget deficits in American history, $378 billion, $413 billion, $318 billion, $407 billion, and $438 billion now projected.

The first 42 Presidents, the first 42 American President's, borrowed a total of $1 trillion. That was during wars, by the way; World War I, World War II, the Korean conflict, Vietnam, combined. That is the total amount borrowed from foreign governments and financial institutions.

In the 7½ years of the Bush Presidency, President Bush has borrowed more than $1.6 trillion. He borrowed more in 7½ years than 42 Presidents did in over 100 years of our history.

When President Bush took office, we had a national debt that was $5.7 trillion. During his administration, that has nearly doubled, and will reach $10.3 trillion by the end of fiscal year 2009.

This administration has presided over a fiscal train wreck, and it is creating obviously a deep hole that we have to climb out of, the American people have to climb out of, and it's a record of rhetoric of rosy fiscal scenarios with reckless policies that have caused, in a short time, 7½ years, the greatest explosion in the debt of the United States government, which belongs to you and me and the generations that will come after us, that we are going to have to repay, and it will take generations to do.

I will yield back my time to the gentlelady from Ohio.

Ms. SUTTON. That is an amazing record; not a good one, but it's an amazing record. It's important that we do share this with the American people because we need to know where we stand. What we also know that this isn't the end of the story. We know it doesn't have to be this way. We can make a change. We must make a change.

I know that our next speaker, and we have been joined by Dr. STEVEN KAGEN, the Congressman from Wisconsin. I'd like to throw it over to you. I know you have got some valuable insight to add.

Mr. KAGEN. Thank you very much for yielding. I must say that Mr. WELCH has explained it quite clearly. If I could put it in just different words that I understand. Back home in Wisconsin, we speak a little different that you all do in Vermont.

We would say it this way. President Bush has done all by himself, all by himself, what the Germans and Japanese could not do in World War II. He has destroyed this country and everything, everything that he said he was, he is not. He is the opposite. He is not conservative, he wasn't compassionate. You cannot call it compassionate when the President and the Washington, DC, Republicans produce collateral damage like the family picture I show you here.

Now this could be Kimberly, Wisconsin, it could be West Palm Beach, Florida, it could be Denver, Colorado, it could be anywhere in Ohio, where a family has been dispossessed of their job and their hopes and their dreams. This is a hardworking family. This is the Wendel family. Don and his wife Ann. He worked at a paper mill for 30 years. And because of our trade deals that remain unenforced, unbalanced, and unfair, the Chinese paper that came into our domestic marketplace cut off the business opportunity for the Kimberly mill. I am talking about Kimberly-Clark, where it came from, in Kimberly, Wisconsin.

He lost his job. He lost his hope and his future. And he has to ask this essential question, as do every single voter this fall, every American right now has to ask themselves this question: Whose side are we on?

We are on the side of the Wendel family, whose been dispossessed. This is a picture of the middle class. And this is what I would call collateral damage. We are in an economic battle, an economic war. We have to get our act together, not just here in the House, but in the Senate and in the White House. We have to work together and have judgment, good judgment lead the way. It was poor judgment, after all, that took us into war, based on lies and deceptions, and it was poor economic decisions by this administration that led to the policy of borrow and spend and borrow and spend. I don't have to remind any of my colleagues what the first two letters are of borrow and spend.

We have got to this point in time. It may be dark. The lights aren't out yet. We have some ideas, we have got the energy, and we are on your side. We are here to help lead us to a brighter future.

I yield back my time.

Ms. SUTTON. I thank the gentleman for his very poignant remarks. There's a question that has to be answered also, and that question is: How many more families? How many more families have to fall out of the middle class, lose their jobs, their hopes, their dreams before we change direction. But the good news is the opportunity for change is on the horizon.

At this point, I'd like to shift it over to my good friend from Florida, a very distinguished Member of this body, a new Member who came in charging, has already started to deliver change, and I know is raring to deliver more in the next administration, Congressman RON KLEIN.

Mr. KLEIN of Florida. I'd like to thank the gentlewoman from Ohio and all my colleague here tonight. I'm going to carry this conversation a little further about fiscal discipline because all of us elected last year, Democrats and, interestingly enough, Republicans, have supported fiscal discipline, but got way off track over the last 10 years. It's now the Democrats, many of us, who are sort of leading the fight. We are the fiscal hawks. We are the ones saying this is totally unacceptable for all the reasons you heard tonight.

I think the gentleman from Vermont already mentioned this, but it's worth restating. The Bush administration is responsible for the five biggest deficits, and that total is a staggering amount. But I want to just take that one step further because this is the kind of change that we are going to deliver.

Given the opportunities over the next couple of years, hopefully in a bipartisan way, that is the way we get things done here, but looking at this figure here, this is a chart that says: Taxpayer spending on Iraq war versus Federal spending on other priorities. This is for last year, fiscal year. It has the cost of the Iraq war, $150 billion.

□ 2045

The cost of NIH funding, that is all the research that government does, all the research on cancer and heart disease and Alzheimer's, all the things that afflict our families and our communities, it is a substantial amount of money. But that figure, plus all the college tuition assistance, everything we do to try to make sure that kids get into school and get a college education, which we know is so important in the world economy, plus the cost of all the children's health care we provide in the United States, and all the cost of all the bridge repairs and road building and all the things that go on in every single one of our communities, sewers, roads, bridges, all those kinds of things, if you take the cost of roads and bridges, the cost of research, the cost of all the college tuition and the cost of all the health care, that total sum is less than what we spent on the Iraq war.

Now, we debated at length whether the Iraq war is a good war or not or has

accomplished a lot. I personally believe, and I serve on the Foreign Affairs Committee, that, unfortunately, the real threat against our national security is in Afghanistan. And it still boggles my mind and most Americans that Osama bin Laden, who committed the worst crime against Americans in our history in the United States, is still free somewhere in the world perpetrating additional threats against the United States through al Qaeda.

The problem, of course, is that he and others most likely are in Afghanistan and Pakistan, the mountain areas there. Unfortunately, we took our eye off the ball. But let's put that issue aside. Hopefully we will be able to deal with that in the near future with the next President.

Let's just talk about, we have spent $650 billion. I want everybody to remember this number, that is $339 million we are spending each day on the war in Iraq, $339 million per day. Let's think about what we could do with that money. I mean, we could have a debate at length here, and I am sure everybody listening tonight on the floor and throughout our country would have lots of good ideas that are legitimate priorities for our country. Yet we are spending that amount of money.

Now, is there an answer that the Democrats have put forward? You bet there is. What was this war sold to us on in terms of how it was going to be paid for? Oil revenues. Iraq sits on the third largest oil revenues and reserves of oil in the world; $80 billion, it is reported, in banks, some of which is in New York. Eighty billion dollars. That money was supposed to pay for the cost of reconstruction of Iraq, the cost of our military fuel and the cost also of the retraining of the military in Iraq, our military training their military. All legitimate things. Yet what has happened? President Bush has refused, the Republicans have refused to do that.

Now, I introduced a bill, H.R. 1111. H.R. 1111. I said it is number one, put Americans first. I think most Americans would agree with that. Let's take the money that Iraq has, it is $80 billion, and let them pay for the cost of their reconstruction, the cost of our men and women training their military, and our fuel costs. That is common sense. That is what we were told in the beginning. They have got the money.

Let's get on with it. That is how we can start putting Americans first and all the priorities that are so important to fixing our economy, getting jobs created, getting an educational system, getting health care put back together, Social Security, Medicare, all the priorities that make America strong on the inside first.

So I think that is a very important point, and we finally got a little bit of discussion on this. But the reality is this is the kind of leadership we are offering and we are providing.

Mr. PERLMUTTER. If the gentleman would yield, I thank my friend from Florida for yielding, because as to the very point you just raised, until March 27, 2003, former Deputy Defense Secretary Paul Wolfowitz said this. You were talking about Iraq paying for its own reconstruction and the costs attendant to this war, which is running us anywhere between $2.5 and $3 billion a week, which we could use in any myriad of ways.

He said back on that date, ''There is a lot of money to pay for this that doesn't have to be U.S. taxpayer money, and it starts with the assets of the Iraqi people. We are dealing with a country that can really finance its own reconstruction, and relatively soon.'' And Don Rumsfeld said that ''relatively soon'' could be 6 days, 6 weeks, he doubted 6 months.

Well, we have been there now more than 5 years, longer than it took for us to win World War II. And what we have, and I would like to point out the chart that is next to me, is we have a problem that has been created by the Bush administration, and Senator MCCAIN would like to perpetuate.

So we have the Bush-McCain policies, the Bush-McCain policies being let's stay in Iraq. They don't have to pay for anything. Senator MCCAIN said it might have to be 100 years. And at the same time, cutting our revenues to this government, so we run up the highest deficits on record. Under Ronald Reagan, under the first George Bush, we had big deficits, a surplus under Bill Clinton and the fiscal policies of the Democrats, and then a gigantic deficit under George Bush II.

What we need, ladies and gentlemen, what I say to my friends, both the Democrats and to the Republicans, is we have to have a change. We cannot have these same old, tired policies. If we have the same old, tired policies with respect to our foreign affairs, such as we are not going to charge the Iraqis for their reconstruction or we are never going to let them take their own destiny into their hands, we are going to have these same old costs and same old losses of life to Americans who have been in Iraq now for more than 5 years.

If we have the same old economic policies, which is what Senator MCCAIN would like to have, it is just more Bush-McCain policies. We are going to run the deficit to levels we have never seen before, which then have resulted in foreclosures and a whole variety of things, foreclosures, job losses, et cetera.

We have to have a change. That change will come in this election on November 4th. We started this change in 2006 with the election of a Democratic Congress. We have been able to provide minimum wage increases to people. We have changed, for instance, the cost of student loans, so that more people can take advantage of our higher education system. Democrats took on the pharmaceuticals, so that more people can have lower priced pharmaceuticals. We have increased veterans benefits more in the last year than at any other time in the 70-plus year history of the Veterans Administration. This has happened under Democrats.

It is not the same old, failed policies that the Bush administration has had for the last 8 years or that the McCain campaign wants to perpetuate. We need a change, and that change will come with the election of a new President, and that President is going to be Senator BARACK OBAMA, and it is going to continue by the Democrats maintaining a majority in this House. We cannot have more of the same.

There is real opportunity out there for this country. And we heard a little bit today from the Republicans about drill here, drill now. They want to go with the same old, tired energy policy, which just is only oil and gas and just drilling here and drilling now. I don't know exactly what they mean by drill here and drill now.

We had a very interesting story about an ethics scandal within the Interior Department, where some members of the Bush administration's Interior Department, who are supposed to be the watchdogs over the oil and gas companies who are supposed to pay royalties to this country for all of the minerals that they extract from the country. It said, ''Investigators from the Interior Department's Inspector General's Office,'' this is in the Washington Post today, it said, ''More than a dozen employees, including the former director of the Oil Royalty Program, accepted gifts, including ski trips, sports tickets and golf outings.'' The report alleges that the former director netted more than $30,000.

There was also the fact, they said, ''the government officials accepted lavish gifts, steered contracts to favored firms, and engaged in illicit sex with employees of the oil companies, Federal investigators reported today.''

So that is the same old thing. We are so hooked on just one commodity, which is oil, which obviously is going to be part of our energy package no matter what. We are going to drill. We are drilling. We are trying to extract this. But we have to have a comprehensive energy plan, which is what the Democrats are proposing and we will propose within the next couple of weeks, which includes renewable energy, it includes coal, it includes energy efficiency.

Those are the kinds of things that will provide thousands and thousands and thousands of jobs in Colorado and in the manufacturing areas of Ohio. That is the kind of forward looking, innovative approach that we have to

take. That is what BARACK OBAMA is going to do. We are not going to have the same old, tired policies exemplified by the Bush administration that JOHN MCCAIN wants to keep going.

Mr. MURPHY of Connecticut. If the gentleman would yield?

Mr. PERLMUTTER. The gentleman would certainly yield to my friend from Connecticut.

Mr. MURPHY of Connecticut. Thank you very much, my friend from Colorado. I am glad you brought up this issue that has come up today. Really you couldn't write this. You couldn't make a movie that was more salacious than the details that are being unveiled today in an article you referenced from the Washington Post regarding not only, it appears, monetary favors, gifts, meals, trips, but sex and drugs. This is a Hollywood blockbuster that is being unveiled here, and it is all on our dime.

What you are saying here is certainly relevant to the question of how we are running our energy policy in this country, that we have an administration that is so cozy to the energy industry that it is not just leases that are being negotiated, but apparently it is drugs and sexual favors being negotiated.

But what we are dealing with really here, Mr. PERLMUTTER, is a government run amuck. This is, I think, symptomatic of a much larger problem. We are talking here about the economic disaster that this administration has wrought, and you can calculate that in so many different ways: wages flat while GDP goes up; deficits running into the trillions of dollars.

But what we also have seen is an administration that just can't run government any longer. They are wasting our taxpayer dollars. Now, they also happen to be wasting all of the money that they are borrowing from foreign banks, but we are wasting a lot of our money too.

It is incredibly relevant that we are here trying to expose the economic disaster that the Bush administration has left us with that we are going to change with the new administration. It is relevant that we are also talking about this new revelation.

You have mentioned some of the details, but what we found in the Interior Department is what investigators call a ''culture of substance abuse and promiscuity.'' Nineteen oil marketers and other employers in the office are accused of having personal and sometimes sexual relationships with representatives of a group of favorite oil and gas companies from 2002 to 2006. Mr. Speaker, this is from the Washington Post story today.

This is what this government has left us with, an economy that is suffering, deficits that are rising, and a government that just doesn't work any longer, whether it is the misuse of our funds in Iraq. We discovered in the Government Oversight Committee that Mr. WELCH and I serve on that $9 billion was wasted, unaccounted for at the beginning of the war, sometimes thrown out of pickup trucks in duffel bags and never, ever seen again. Or whether it is our response to Katrina and Rita, in which we left thousands, tens of thousands of residents helpless and hopeless. And now today we find that we have unbelievably inappropriate relationships between the government and the oil and gas companies seeking to lease our lands.

This is an economy that is in trouble because of the policies of this administration. This is a government which has simply fallen apart at the seams because of mismanagement. And it all speaks to the change we so desperately need. No more of the same.

JOHN MCCAIN's campaign, as we know, is run by the same crowd of lobbyists who have run the Bush administration for the last 8 years. We need a real change. This Congress with Democrats in charge has started it, but it comes to a completion this November. All of it stops, the mismanagement of this war, the disastrous response to natural disasters and these new revelations about the corruption still endemic in our government.

Ms. SUTTON, it can all change this November.

Ms. SUTTON. I thank the gentleman for his remarks and for his forward looking hopefulness. And I think that you are exactly right. Both of the gentlemen have done a great job in laying out sort of where we are, where we have been and where we can go.

To that end, we do want the American people to take heart. We look at this chart, and this is an important chart to me because it talks about obviously the job growth that occurred under President Bill Clinton, and it also talks about the disastrous job losses that, unfortunately, we have suffered through this administration.

As the gentleman from Connecticut pointed out, we need a government that works. We need a government that works in economic policy and foreign policy and energy policy. We need a government that understands and is responsive to the cries of the people.

□ 2100

We have people who are suffering. We have working families who no longer can put food on the table. We're filling up the food pantry lines. We're having to put more money into our food banks because we need to feed more hungry people. The good news is we're feeding more hungry people. The bad news is there are more hungry people and people in poverty in this country. The good news, though, about this chart is that it can change. It can change. We saw the job growth explode under the former administration, the Clinton administration. So there is hope for the future.

Part of that, though, is going to revolve around getting a President who understands that the economic policies that we've been operating under need to change. The gentleman from Colorado put it very well when he said we need to get away from the same old, tired policies, the same old, tired path. We have trade policies that are shipping jobs overseas.

We heard the gentleman from Wisconsin talking about the beautiful family that is now in dire straits because of the paper company that has closed, the paper mill. Well, do you know what? The paper mills are starting to close, and they're closing in the wake of the steel mills that have closed, and the steel mills have closed because there were unfair tactics being used by the Chinese, for the most part, in dumping steel into this country, and we couldn't compete because you can't always compete with people who are willing to cheat. It wasn't through any fault of our own or through that of the workers who worked so hard and productively in this country, but it worked so well for those who benefited from it in foreign countries with steel that now they do it with paper. It probably won't end with paper, so we need somebody who understands the need to reform, to make the government work, to make sure that when we have trade policies that they don't work against us. They can work with us and with our workers and with our country and with our industries and with our businesses here.

The good news is there is hope, but it is important that people know where we begin because change is so necessary. The same old, tired policies, they won't take us where we want to go. They'll take us further down the path where we find ourselves today.

Mr. WELCH, do you have anything to add at this point?

Mr. WELCH of Vermont. Well, I do have something to add. I just want to go back to the question of Foreign Affairs and the war in Iraq, and I want to do what I did the last time when I was talking about the debt, which is to lay out some of the explicit statements and promises that the administration made about this war and then lay out what the specific results have been. It's important. It's vitally important that the people of this country compare promises to results. This war, in my view, has been a catastrophe, but here is what top officials in the Bush administration said:

''It is unknowable how long that conflict [the war in Iraq] will last. It could last 6 days, 6 weeks, I doubt 6 months,'' Donald Rumsfeld, February 2003, a month before the war.

''There's a lot of money to pay for this that doesn't have to be U.S. taxpayer money, and it starts with the assets of the Iraqi people. We're dealing with a country that can really finance

its own reconstruction and relatively soon,'' Paul Wolfowitz, former Deputy Defense Secretary, March of 2003.

Of course, our friend from Florida has outlined the truth that the Iraqi money is in U.S. banks. Treasury money is going over to Iraq to finance things.

''My belief is we will, in fact, be greeted as liberators,'' Vice President DICK CHENEY. How bright he was, yes. March 16, 2003.

''It's hard to conceive that it would take more forces to provide stability in post-Saddam Iraq than it would to take to conduct the war, itself, and to secure the surrender of Saddam's security forces and his army. Hard to imagine,'' Deputy Defense Secretary Paul Wolfowitz.

''I don't know where bin Laden is. I have no idea and really don't care. It's not that important. It's not our priority,'' President George Bush, Commander in Chief, March 2002.

''If we're an arrogant Nation, they'll resent us. If we're a humble Nation but strong, they'll welcome us [in Iraq],'' George Bush.

We know the facts. The war in Iraq has now lasted longer than the U.S. involvement in World War II. Four thousand one hundred fifty-five Americans have been killed in Iraq, and more than 30,000 troops have been wounded as of September 7 of this year. No weapons of mass destruction were ever found. That was the whole pretext that George Bush used to justify this war.

More than $600 billion has been spent, none of it on the books incidentally, all on the credit card. Some projections estimate that the war, when all of the expenses are paid, including what we have to pay to provide health care to our seriously injured soldiers, will exceed $3 trillion.

The Iraqi Government has now forced the Bush administration to accept something that many of us have been arguing for four years, a timetable. It took the President of Iraq to force the President of the United States to get real and to understand that what we can expect of the American taxpayer and what we can expect of the American soldier has its limits and that it's time to start asking the Iraqis to step up and to take on the burden of their own future.

America's military is stretched thin. There is just no dispute about this. It weakens our ability to respond to other threats. The chairman of the Joint Chiefs of Staff, Michael Mullen, has stressed that the need for more troops in Afghanistan is great, but due to the war in Iraq, they're not available. The Bush administration has grossly neglected Afghanistan and has failed to acknowledge that that is a major threat.

These are promises, the cavalier disregard for the hidden consequences, the consequences beyond your control when you embark on a war, on a thoughtless war, and disregard the need to build up alliances like George Bush's father did in the first Gulf war, and you cavalierly go off with promises, reckless promises, irresponsible promises by people in positions of great trust. The greatest trust that they have is that they have a duty to use due deliberation in the protection of the lives of the American people and of the American soldiers. They have to use due deliberation, careful thought, responsible analysis in committing American power abroad and in committing the lives of our soldiers abroad. They cavalierly made predictions. Vice President CHENEY will go down in history as just having been totally out of touch.

Mr. PERLMUTTER. Would the gentleman from Vermont just yield for 30 seconds?

Mr. WELCH of Vermont. I will yield, yes.

Mr. PERLMUTTER. In your litany of things where they made promises, made promises, made promises, none of them turned out to be accurate or true.

One of them that just still boggles my mind is, just a few weeks after the invasion into Iraq, George Bush was on that aircraft carrier, saying, ''Mission accomplished.'' JOHN MCCAIN was saying, ''Mission accomplished.'' All of these guys were saying, ''Mission accomplished.'' We are now 5-years plus since that time.

Now, our men and our women have been doing an unbelievable job. Initially, their equipment was not proper. Their vehicles weren't built in a way that was safe. We've changed that. We've helped them because they've done a job that has been above and beyond the call of duty, but it's the Commander in Chief and the judgment of the Commander in Chief who is in place today that we have to question, his judgment and the judgment of whom we want to be Commander in Chief.

Who has the right judgment? Who can really take our reputation from what's now down in the gutter internationally and raise it back up? Who has the judgment to get this country working again? Who has the judgment and the energy and the ability to renew the strength of this country, to call on all of us to make the sacrifices and to meet the challenges that we've got ahead of us that we know will lead us back to the great Nation that we are and to the great people that we are?

It's not the same old administration. It's not the same old people. It's not the Karl Roves of the world. We're going to have to finish this change because we can do much better than we've done.

So, with that, I'll yield to my friend from Wisconsin.

Mr. KAGEN. Thank you, Mr. PERLMUTTER. I couldn't agree with you more. It really begs the question about not just whose side we're on, but what are the lessons that we've been learning.

I have not been in politics. I was in student council in 1966, and now I'm in Congress. I was a physician. Still am. I had a nice medical practice, but I got involved in this line of work because we were headed in that wrong direction we've been describing. We have taken since 2007 in January a positive change. We've been making incremental, small, little changes. It is so frustrating having come from the world of business to the world of government where changes are so slow, but it's so necessary. One would think that the President took office to prove what government could not do, and it's really incumbent upon us to prove that good government could really make a positive difference in everybody's lives.

The two lessons I've learned since getting into this world of politics is that people will believe a lie if it's presented with great skill on television. People will believe a lie if it's presented over and over with great skill. The other lie is that—well, it's not really a lie. It's a lesson. Politicians will determine who lives and who dies. It's politicians here in this Chamber. It's politicians in the White House who will determine who has access to health care and who does not, who will determine who gets a great education and who does not, who will determine whether or not we truly become an energy independent Nation or if we do not or who will determine if we ever go to war again based on lies and deceptions.

That is why I emphasize the fact that we need in the White House today people with good judgment, people who can think things all the way through, someone who will sign a bill to guarantee access to 11 million children who are in need, someone who will sign that bill, not veto that bill. I'm referring to the change, to the positive change, that we really need.

When you talk, Mr. WELCH, about the war in Iraq, does anyone question that that war was a war of choice, not of necessity? Does anyone believe that it had not something to do with oil? Has the price of oil gone down since we've occupied and have invaded Iraq? Not at all. Quite the contrary.

So what we have to do in this Chamber is to begin to find a way forward to become fiscally responsible and to stay true to our beliefs that we are also progressive-minded and that we really do care about the middle class. We need to resuscitate that middle class as soon as possible. In the next several days, that is why we are going to take up an energy independence bill, a comprehensive national strategy to become energy independent once again. That's what this Chamber has the responsibility of doing in a bipartisan way, and I look forward to doing that in the next several days.

Thank you, Mr. WELCH, for bringing up the subject of war.

Again, as Mr. PERLMUTTER pointed out, it is our soldiers, the men and women who have volunteered to serve in our Armed Services, who are paying the price for our continued and seemingly endless occupation in Iraq. Those are the soldiers who have covered our backs in battle, and we owe it to them to cover their backs when they return.

I yield to Mr. KLEIN from Florida.

Mr. KLEIN of Florida. Thank you to the gentleman from Wisconsin.

Just to pick up on your point on our men and women serving and our veterans, I'm from Florida. Every one of us in our districts has a huge number of veterans—some from World War II, some from the Korean war, some from Vietnam. Many of our Vietnam veterans today are hurting. Whether it's Agent Orange or just age, itself, it has really begun to impact them. Now we're creating a new generation of an upwards of 2 million new veterans. We don't want to create that next generation of homeless. We know there are huge post-traumatic stress issues associated with it, but I'm particularly proud in working with our local veterans' organizations and national veterans' organizations which gave our leaders the recommendations of what they need in order to eliminate the backlog, to make sure that the care was in place for evaluations of post-traumatic stress or to recognize that, of the many men and women coming home today, back in the Vietnam war, they wouldn't have lived with their damage and with their injuries. That's right. Today, they're coming home, and we have a responsibility. I say this and people understand. Americans understand. We stand up for our men and women who put the uniform on. That's something we feel very strongly about, but we have to recognize that we will have to provide for them for the rest of their lives and that we will have to support their families as well. That new GI Bill is key. It was the right thing to do. For many of the people who don't even know this, it even allows the balance of those benefits to go to the spouse and to the children. Isn't that the right thing to do for the families?

Mr. KAGEN. Yes.

Mr. KLEIN of Florida. I mean that's the ''thank you'' that Americans want to give the men and women who serve us, but when we are asked to serve in our military, we need to make sure it is the right place and the right time and for our national security interests, which is, unfortunately, what went wrong.

The gentlewoman from Ohio, you have led the fight in this Congress on jobs. I'm from Ohio originally. You and I talk about that. I grew up in Cleveland. Now, as a Floridian, I know we have a different set of economic issues in Florida, but they're very similar in terms of jobs being lost overseas. I want to point this board out real fast here because it talks about jobs created through August in President Clinton's years.

There were 1.47 million jobs created under President Clinton. In President Bush's 8 years——

Mr. KAGEN. In 8 months.

Mr. KLEIN of Florida. Excuse me. In 8 months. Thank you. In these last 8 months, 605,000 jobs were lost under this administration. You'll hear in the Presidential election on the Republican side the same thing again and again and again, the same economic plan. It's an old plan. It's not getting us anywhere.

I just want to point this out because we can do better. It's one of those areas again. This Congress has already done a number of things, I think, that are very positive. We've passed the biggest increase in the Pell Grants in years. For those who aren't familiar with Pell Grants, it's those scholarships for great students to get into college. The kids in our communities want to get those great college educations. There are Pell Grants and other types of financial incentives for kids to get into schools.

We recognize foreclosures are a big problem in many of our communities. My district in Fort Lauderdale has a huge number of foreclosures. It's not just the individual person who is foreclosed on; it's the neighbors who are impacted, and it's the depression on the value of homes, and it's the communities that are impacted and all of the things that go with it.

□ 2115

And we passed something that the Congresses in the past should have done in the last few years to prevent this from ever happening in the first place. We actually did some things now to help get people back on their feet and fix that.

But look what happened last week again. Fannie Mae and Freddie Mac, another multi billion dollar bailout. And why are they doing this? Well, they have to do it is what we're told.

But the bottom line is again, a legacy of very, very bad economic planning, very bad policies that this administration and previous Congresses were not able to do anything or had no will to do anything about.

The bottom line is, though, we are a resilient people as Americans. We have a resilient economy, and we will get beyond there.

So I'm all for the education part; I'm all for the job training part, our community colleges, our universities, our scholarships, the job training, the skill sets to get everybody back to work and the recognition that if we are going to do some economic stimulus thing, let's get our infrastructure, let's go out there in the community.

Mr. KAGEN. Would the gentleman yield? Thank you for yielding.

On that front, the single greatest fiscal economic challenge we are going to be facing is a health care crisis. It is the number one fiscal challenge for our budget in the Federal Government. It's also the major challenge of every business, be it small or large business. It also challenges city governments, whether it's a town or a county government and every family across America. And that is why I believe we have to begin to have a discussion about making a marriage between our Constitution and health care.

Now, if you read the Constitution, as I have, it doesn't say anywhere in here that we have a constitutional right to health care. But we do have a right that protects us against discrimination. We have to apply that right that guarantees us protection from discrimination to health care, to the health care industry, so that all insurance companies will lose their opportunity to discriminate against you on the basis of a pre-existing condition. If we don't stand up for our rights, we're going to lose them, every single one of them, every single one of them.

So I look forward in this session and the next, working with a President who understands that discrimination is taking place today in the health care industry. We must end discrimination and put it where it belongs, into our past.

Mr. PERLMUTTER.

Mr. PERLMUTTER. I thank my friend from Wisconsin. I'm going to take a step back from the health care, talk about the GSEs, the Government Sponsored Entities, the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, which were, in effect, taken over, placed into conservatorship.

And sometimes I charge my friends on the Republican side of the aisle with not doing what needed to be done. But in this instance they did, back in 2005, pass legislation that would have prevented, or at least somehow dealt with these GSE problems, this takeover that we had to have in the last few days.

And it was Mr. Oxley who was the chairman of the committee at the time. There was a piece of legislation passed. He was an Ohio Republican who headed the House Financial Services, this is from the Financial Times of yesterday, until his retirement at the mid term elections last year. Blames the mess, meaning the takeover of Fannie Mae and Freddie Mac, on ideologues within the White House, as well as Alan Greenspan, former chairman of the Federal Reserve. He says, he fumes about the criticism of his House colleagues. All the hand wringing and bed wetting is going on without remembering how the House stepped up on this. He continues, ''What did we get from the White House? We got a one-finger salute.''

He finishes, ''We missed a golden opportunity, we, being the United States of America missed a golden opportunity that would have avoided a lot of problems we're facing now if we hadn't had such a firm ideological position at the White House and the Treasury and the FED.''

We now have had to take over these entities that have supplied money to help us all buy houses for decades and decades and decades, and it's as a result of a White House that didn't believe in any kind of regulation. We talked about it just a few minutes ago, with these guys over at the Minerals Management Service and the frat house that they ran where they were getting gifts and they were getting sexual favors and all of that kind of stuff.

This administration could have cared less about regulation, and this country has been damaged because of it. We can't have these same old policies anymore, ladies and gentlemen. We can't afford it. This country can't afford it. We're too great a Nation. We're too great a people. Our neighbors, our friends, our families sacrifice too much to have this kind of approach by people, whether it's not regulating big government entities or sleeping with the people you're supposed to regulate. We can't have that anymore. We can't have more of the same.

We need a change. We need a new direction. That new direction is going to be BARACK OBAMA, it's going to be the Democrats. We've got to finish the change that was begun in 2006 with the election of a new White House with new policies that are going to renew this Nation. And we can do that. And I know that, by all of us working together, there really is hope for this Nation, and we're going to take the action that brings about jobs and health care and, really, a return to what we know is great about this Nation.

Mr. KAGEN. Together we will.

Mr. PERLMUTTER. And so I'd like to turn it back to the President of our class, the Honorable BETTY SUTTON from Ohio.

Ms. SUTTON. I thank the gentleman from Colorado, and you put it so well. You put it so well. Our country deserves better, and we need to deliver better with a new president. And BARACK OBAMA has the potential to make that happen, and we are ready, and we want to work in a bipartisan way to help him get us where we need to go, where we know we can go on all of these issues with the economy, with health care.

Health care has been a tragedy. The President, the Bush administration started out, the President saying America's children must also have a healthy start in life. And a new term will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for government health insurance programs. He said that in September of 2004.

But nearly 1 in 9 children does not have health insurance. And the President vetoed the expansion of SCHIP that he called for in 2004. And House Republicans voted to sustain that veto, leaving millions of children without health insurance.

We also know that health premiums have increased 78 percent since the administration took office. And the number of Americans covered by private employer-provided insurance has decreased 7 years in a row. It is a competitiveness issue as well for our businesses. Our employers cannot bear this burden and compete effectively. This is a national emergency.

But again, the good news is that if we deviate away from the path that has been trod by this administration, the Bush and McCain policies of the past, we can do right by our Nation's children for health care. We can do right by the people out there who are fighting for jobs, who are fighting for access to that which they need for their families, who are just fighting to keep a roof over their heads. And these people are doing things right. They're doing everything right. And yet, this is a country, when you do things right, you ought to be able to make it. And we can do that again. And we can, working with BARACK OBAMA in the White House, it will make all the difference in the world.

Mr. KLEIN, would you like to share with us your thoughts and perhaps wrap up here a little bit?

Mr. KLEIN of Florida. Well, I think it's really been an honor and privilege to be with my colleagues tonight. It's been an honor and privilege to serve as the freshman class, as Democrats and serving with our Republican colleagues as well. This is a great institution. Our country is a great country.

We've pointed out, as you said from the very beginning, where we're starting from. That's the reality. I mean, as decisionmakers, if you're in business or you run your household, you always have to know where you start from in order to make good decisions going forward.

And unfortunately, our next President and this next Congress and our country is going to be saddled for a little while with debt. And that's something we can start to dig our way out. And one thing that we did in this Congress, Democrats leading the charge here on our fiscal conservative policies is PAYGO. And that's a principle that everybody operates. You may not know what that means. PAYGO, pay as you go. It's the most simple principle. If you have a checkbook, you can't spend more money than what's in your checkbook. Or if you have a credit card, you can't spend more money than you can afford to pay back every month.

Well, why should Congress, in the last 6 years under the administration, operate under this principle of because we can print money, they just keep printing?

Well, fortunately last year a new principle is involved here. And now, when we pass a bill, unless it's an emergency, we have to make sure the money is in the budget. No, based on speculation that in the next number of months we're going to have all this new revenue in here. Things have slowed down a little bit, so we have to be realistic. That's exactly what the American people expect, and that's the kind of leadership we're delivering.

So I am pretty excited about the fiscal policies under this Congress, and we're beginning to get them where they should be. A new president with new policies, not tied to the old policies as we've been talking tonight will deliver on that on our health care, on Social Security, on Medicare, veterans' benefits will continue to be the highest priority and understanding that comes first.

Getting our foreign policy, which I serve on the committee, and many of you do, getting that re-established in a way that we earn the respect and work well with our partners around the world to really make sure that our national security is protected. And most importantly, get our economy, our American families in Ohio, in West Virginia and Wisconsin and Florida, in Seattle, everywhere, all over the country, that we will get them back in shape and give those Americans the opportunities that they've always had. And every generation, that principle of every generation having it a little better than the last generation. It's what my parents fought for. It's what my grandparents fought for and it's what we fight for our children.

So I thank our President, Madam BETTY SUTTON from Ohio, PETER WELCH from Vermont, Mr. PERLMUTTER from the great State of Colorado, Dr. KAGEN from Wisconsin, Mr. MURPHY from Connecticut. It's just a small representation of a great group of people that really are working very hard to do the right thing by Americans and get our country back on track.

Thank you very much, Madam Speaker.

Ms. SUTTON. I think that was a great wrap up. I'd like to just, if I could, point it back over to Representative KAGEN from Wisconsin, because I think, again, what we're talking about here are the faces in that picture and the opportunity and the potential that we know that this country is full of and we have to help unleash so it works for the people in that photograph and people all across this country, and certainly the people in Ohio's 13 District.

Dr. KAGEN.

Mr. KAGEN. You're looking at the face of America, from the middle part of the country in Northeast Wisconsin,

and they may have lost their job, but they will not give up their hope.

We're all working hard here to bring about the changes, we need like knocking down the price for energy and gas and heating fuel, like bringing on the higher-wage jobs that we need just to put a roof over our head and guarantee that our children have an opportunity to get the great education that they require.

And most importantly to me, as a physician and a legislator, we're going to provide access to affordable care for every citizen everywhere in these United States. The face of America, keep hope high. We're here to help you.

Ms. SUTTON. I yield back.

THE TRUTH SQUAD

The SPEAKER pro tempore (Mr. MCNERNEY). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the minority leader.

Ms. FOXX. Mr. Speaker, there's so much that needs to be said tonight and 1 hour's just not enough time to do it. I think I want to recommend that people read, again, if you haven't read, the book, 1984, because what you've seen exhibited here tonight is a living example of that book, where people distort the facts, they distort the past, and certainly distort the facts.

I do have to say a couple of things. We're here tonight to talk about energy and the failed energy policies of the Democratically controlled Congress. The Democrats are in control of the Congress, and they have been since January 2007. And I think it's very, very important that we continue to remind the American people of that.

For one thing, my colleagues talked about the 605,000 jobs lost in the last 8 months. Well, I'm here to say that's because the Democrats are in charge of Congress. They want to blame it on the President. The President can't make anything happen about those jobs that are lost. Congress can. And the American people have to hold the Democrats in charge of the Congress accountable.

□ 2130

I do want to get on to energy, but I have to make, again, a couple of comments about what was said here tonight.

We had a ''Truth Squad'' that used to meet on a regular basis here to correct the misstatements made by our colleagues almost every night, not every night. But I want to bring this Truth Squad back in the form of just me tonight by talking about some of the things, again, that they have said.

I really was a little surprised that they focused so much on the war. I think it's really emblematic, again, of their running away from the issue that's most important to the American people, and that is the high price of gasoline and the high price of fuel oil. And they made lots of promises tonight, just like the Democrats did in 2006 when they were running for election and asked the American people to give them the majority. Well, the American people did give them the majority, and every promise they made has been broken. They promised to bring down the price of gasoline. They promised to make this the most open Congress ever, the most bipartisan Congress. Every one of those promises was broken.

What we need to be focusing on, and what Republicans have been focusing on for the 20 months that the Democrats have been in control of the Congress, has been the high price of energy and how that price has been going steadily up. And again, I was a little bit amazed tonight that the focus of the group just before me was on the war and on the economy and blaming all of that on somebody else.

They talked about how jobs had increased under the Clinton administration. Let me remind the American people that President Clinton had a Democratic Congress for the first 2 years of his administration, and those 2 years were not good for this economy. In fact, they were pretty rotten, 1992 and 1993. The Republicans took control of the House in 1994, in the fall of 1994, and came into office in 1995. Certainly we had a good economy under President Clinton, but it was because the Republicans were in charge of the Congress.

The Democrats conveniently leave that little fact out. They give all the credit to President Clinton. It wasn't President Clinton's policies that gave us a great economy. It was the Republican Congress.

They talk about the problems with Fannie Mae and Freddie Mac and the failed administration. I think we will see more and more coming out that the problems with Fannie Mae and Freddie Mac are because of the liberal policies of the Democrats forcing banks, mortgage companies, loan companies to make loans to people who should never have gotten loans. I'm sure there's some greed out there, and I'm sure that there are some characters that we wouldn't like being in the business. But most of it was because of the liberal policies that they put into effect years ago.

I do want to say that I appreciate what we have done for our veterans in this session of Congress, but the folks who spoke before us said they thanked the men and women who served us, and I do, too. We're going to be celebrating 9/11 tomorrow, 2001. We'll not celebrate but commemorate what happened that day. And I want to say I'm so grateful to the men and women who are currently serving in our military because they are all volunteers.

These folks say they think they've been serving in the wrong places, they've been put in the wrong places. Well, I thank the good Lord many times every day that we have men and women who are willing to serve this country no matter where it is they have to serve because they believe in this country and they will go wherever it is necessary for them to serve.

Now again, I want to talk more about energy now because that is what I think has created so many of the problems that we're facing.

My colleagues and I were here all during the month of August while the Democrats went on vacation. They took a 5-week vacation. And in fact, they're still on vacation because this week, we're doing practically nothing here in the Congress. We have passed bills like commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folk Life Festival, really important things to be doing while we should be voting on the American Energy Act, the bill that would create all-of-the-above alternatives for us.

And I want to recognize now my colleague from Michigan (Mr. HOEKSTRA) who has served his State and this country so well as a member of the Intelligence Committee, Ranking Member of the Intelligence Committee and formally chairman of the Intelligence Committee, to allow him to offer some comments on the energy issue and to bring his perspective to this.

Mr. HOEKSTRA. I thank my colleague for yielding. And as we go through the next period of time, we may have the opportunity to have more of a dialogue to talk a little bit about the energy issue and the challenges that we are facing as a Nation.

Of course you and I remember that early in August when Congress recessed, we were on this floor that Friday where a number of us had signed up for the opportunity to address our colleagues but most importantly to address the American people on the issue of energy. And we can sign up for 5 minutes, but our colleagues on the other side of the aisle said, ''No, we're going home,'' and they shut down debate.

We came to the floor. We continued talking on the floor as they turned down the lights, as they turned off C–SPAN as they attempted to lock the press from covering the issues as to exactly what was happening here on the floor of the House.

We continued that process for the next 5 weeks until Congress belatedly came back into session this past Monday. And as my colleague has indicated, we came back into session, and we've done no meaningful legislation. We haven't dealt with the issue of the threats of radical jihadists. We haven't dealt with health care, we haven't dealt with energy. Prices back in my district have again spiked up this week

even though the price of oil has come down about 30 percent of its high of $147. You know, prices at the pump spiked back up this week

And for some people, the issue of energy is an inconvenience. Paying a little bit more or paying a lot more at the pump is an inconvenience to some people. But I can tell you in July, I spent a part of a morning at the gas station pumping gas. People would come in; I would help fill up their cars. They would fill out a survey for me. I would spend some time talking to them. And for a number of these people, filling up their tank is now a hardship.

And I think you and I would agree that we wish they had a proposal on the other side of the aisle. We wish that they would bring energy to the floor of the House for us to debate because this problem is only going to get worse.

I live in a northern State. Today my constituents are challenged with the price of filling up their gas tank, because I went through the district during August. I found people who drove as much as 40, 50, 60 miles one way to work. So they're putting on 80 to 100, 120 miles a day. Filling up their gas tank is a hardship.

In those same areas, when we get to November, December, January, they're also going to get hit with home heating costs. A double whammy. They're going to fill up their pump or their car at the pump, and then they are going to have to go home and pay the heating bills for their house. And these folks are unwilling to build a plan to address that right here on the floor of the House.

Now, they went into a caucus today, and we see how they're writing their legislation. It's kind of like we're going to get a plan that can get 218 Democratic votes. They're not going to introduce a bill. They're not doing to take it to a subcommittee, have hearings on it, have people come in and say, you know, here is what we really like about your bill and what we think really works, and we think this may be a weakness. People proposing amendments, they vote on amendments, the bill gets better, it goes to full committee, you go through the same process, and it comes to the floor of the House where again, people like you and I who might not be on a committee of jurisdiction, if we've got a good idea or something that we think is a good idea, we have the opportunity to present it to our colleagues and have it voted on to see if it can be part of this final package. That's not the process they're going to use.

They're writing a bill in secret, and we have no idea what it is. And I would guess, you know, we thought maybe it would come out Friday. They're not going to hit that deadline. They're maybe coming out with a bill Monday or Tuesday. It will probably be a thousand pages, and they will say, Congresswoman, here it is. Here is our energy plan. Congressman, here it is. We will say, What is it? They will say, Read it. And it's like, whoa.

And we already know what it's going to be. We're for all-of-the-above: Exploration, drilling for American oil, natural gas, we're for conservation, we're for higher fuel efficiency standards and automobiles and those types of things. We're for alternative technology and investing in wind, solar, geothermal, and all of those types of things recognizing that to fix the problem on energy, we need an all-of-the-above solution because nuclear alone won't fix it, drilling alone won't fix it. T. Boone Pickens is right. We can't drill our way out of this problem. But we can help.

Right now one final comment, and then we can talk about this.

Sitting on the Intelligence Committee we know where we're getting the oil from. We get a lot from Canada, a lot from Mexico. These are two reliable allies, although there is some instability from Mexico. After that, the neighborhood gets to be pretty ugly.

Nigeria. Nigeria is a great country, but it has a tremendous amount of instability and corruption.

You then go to the Middle East. A lot of these folks are not our friends.

You then go to Russia. Ask the Georgians. Is Russia a reliable ally? Ask the people in Ukraine. Is Russia a reliable ally? Russia has started this. Russia, a couple of years ago, was the country that said, or through their policies, indicated that they were willing to use energy as a political tool by threatening to cut off natural gas to places like the Ukraine. And in many ways we're funding our enemies.

Bottom line on this. This year we will run about a $600 to $700 billion trade deficit. If we became energy independent, our trade deficit would approach zero. Trade deficit isn't manufacturing. It's none of these things. It's energy. And if we invest in that, we could move forward.

Ms. FOXX. Would the gentleman yield?

Mr. HOEKSTRA. I will yield.

We're joined by a few of our friends, and I think we can have a spirited discussion about the future of America rather than focusing on the past. So thank you for yielding.

Ms. FOXX. I agree with you.

Do you remember some of the promises that were made by the then minority?

Mr. HOEKSTRA. If the gentlelady will yield, I think the big promise was—I have Speaker PELOSI saying, I have a secret plan.

I'm not sure that she said ''secret.''

Ms. FOXX. I think she said, ''I have a commonsense plan.''

Mr. HOEKSTRA. ''I have a commonsense plan to lower the price of gasoline.'' Whoa.

You know, I hope that she let's America know soon what it is because for the last 20 months under Speaker PELOSI, her commonsense plan has only meant pain and hardship for my constituents.

Ms. FOXX. And I think that what we need to do is take some of the promises that were spewed out here tonight by these folks who had the hour before us and put them next to all of those promises that were made by Speaker PELOSI and majority leader HOYER in 2006 and say, well, if they delivered on these promises in 2006, then maybe we could believe they will deliver on these promises in the next election.

Mr. HOEKSTRA. If the gentlelady will yield for a minute.

I thought it was pretty interesting on the floor when the minority leader on the floor, Mr. BOEHNER from Ohio, was talking about a procedural vote here on the floor and said, ''Will you allow a vote on the American Energy Independence Bill?'' And the answer after he asked that question three or four times, the folks on that side of the aisle started saying, ''No, no, no,'' meaning they don't want to have a full and complete debate on energy.

What really makes me concerned is that they're going to throw up—we know what they're going to—we're for all-of-the-above. They're going to come out with a plan later on, who knows. I wouldn't even call it a plan. They will come out with a piece of paper, and as we dissect it, it will be none-of-the-above. They're not for nuclear, they're not for drilling offshore, they're not for drilling in Alaska.

□ 2145

Ms. FOXX. They're not for nuclear.

Mr. SHIMKUS. So you go through all of this and say it's not even some of the above. They'll put in, especially when it comes to drilling, and they'll say well you can drill in these specific areas.

But as one of my colleagues, Congressman SHADEGG, has pointed out, I think in Alaska and some other areas, where 487 leases were issued, every single one of those leases has been challenged multiple times through the process by radical environmental groups to make sure that no drilling takes place. Those folks know that we can open this up, but because we've created these environmental standards, the radical environmental standard, no drilling will ever take place.

Ms. FOXX. I think that, even though we haven't seen the bill, I feel certain that I will be able to give that bill the Emperor's New Clothes Award because it will pretend to do something but it will do nothing. So I can just about bet that it's going to do nothing and will deserve the Emperor's New Clothes Award. I have the Emperor's New Clothes Award here. You can see it on the podium here, and so I'm going to

give it the Emperor's New Clothes Award. I know that's what it's going to deserve.

Mr. SHIMKUS. I think as we talk about this, and I hope our colleagues join in. I come from the great State of Michigan and we're struggling. Last month, we were at 8.5 percent unemployment. My expectation is that now with what's happened at the national level that unemployment rate is going to go up.

But as we struggle with these energy costs, it has absolutely hammered jobs. It has absolutely hammered the automotive industry and these types of things, and the refusal of our colleagues to deal with this issue means increased unemployment and increased hardship for a State like Michigan.

And you know, our Governor came out recently and said I can't believe that Michigan may be in play in this election, and it's kind of like, excuse me, Republicans are going to do very well in the State of Michigan because Democrats in Washington have refused to deal with the issue of energy. And if people want to take a look at what America might look like under a Democrat administration all the way through, take a look at Michigan.

Michigan, our Governor came up with a brilliant strategy of saying, you know, we've got the highest unemployment rate in the country. You know what we ought to do? To attract more business, to attract more investment to the State of Michigan, let's raise taxes and let's make sure people don't understand exactly how much or where those taxes are going to be raised because we think that will get people to come to our State and get them to invest and create jobs.

Now, we live on a peninsula. People don't come to Michigan naturally. If they want to do and invest in Michigan, they've got to be going down the expressway in Indiana, and depending on whether they're going east or west, they've got to make a left turn or a right turn. And I'll tell you, they're not turning into Michigan anymore because they're looking at Ohio, Illinois, Indiana and all of these States, and they're saying these are pretty good States to do business in. And if we take a left turn and go up into Michigan, we're going to be paying more in taxes. We will just kind of stay on the interstate and do business here.

But that's what, you know, we're facing with a Democrat leadership that not only won't deal with the energy issue, but will raise taxes because they believe the best way for America to be competitive on a global basis is not to grow American industries but to tax American industries and to tax the American citizen so that we can feed this beast in Washington.

Ms. FOXX. Thank you. I appreciate my colleague from Michigan explaining the Michigan situation. I want to make just one comment, and I'm going to ask some of my other colleagues to speak.

When the Democrats took over the Congress in 2007, January 2007, we had had 54 straight months of job growth under a Republican-led Congress and a Republican administration. What they refuse to admit is, as soon as they took over the Congress, the price of gasoline started going up, and as the price of gasoline started going up, so did the unemployment rate. There is no denying these facts. They caused this problem. We've been pointing this out week after week. We're finally, we think, getting through that the Democrats are in charge of the Congress, and it is their policies that have created these problems.

I want to recognize now my colleague from Pennsylvania I think who has some comments to make about this situation, and we've been suddenly joined by several people. And so I do hope that we'll have a great dialogue here, but with my classmate, my colleague from Pennsylvania, I yield to you.

Mr. DENT. I'd like to thank the gentlelady from North Carolina for her leadership on this very important issue.

Mr. Speaker, I feel it's very important that as with Members of Congress we lead, and there are a lot of things that the Congress would like to do, need to do, but there's one thing that we must do, and that is fund the Federal Government. I think it is a dereliction of duty on the part of this Speaker of the House and this Congress that this Congress has failed, has failed to deal with the various spending bills, the appropriations bills to fund the government.

The reason why this Congress is not dealing with these appropriations bills is because there is fear, fear that some Member of the House, some impertinent Member, maybe a Republican Member, maybe a Democratic Member, will stand up on this floor and offer an amendment to provide for additional American energy production from traditional sources.

So we're not dealing with the most important business of Congress, which is to fund the government because there is fear to deal with the energy issue, and I think it is unrealistic and unfair that there are people in this House who, for whatever reasons, oppose traditional sources of energy. Everybody here supports alternative renewable fuels, but we also know we need to deal with the here and the now.

I come from a State, Pennsylvania, where we are rich in coal resources, where oil was discovered in Titusville, Pennsylvania, by Colonel Drake some time ago. We have tremendous natural gas reserves. My State has been part of the energy solution for this Nation for a very long time and will continue to be.

Ms. FOXX. I heard that the United States is the Saudi Arabia of coal and that we have three times the coal reserves that Saudi Arabia has in oil reserves. Have you heard the same thing?

Mr. DENT. I've heard the same thing, and I believe that reference is to some of the vast oil shale reserves out in the Rocky Mountain West. But I know in terms of coal, it's estimated that we have about 250 years' worth of coal supply, assuming we're consuming at the current levels.

What I did want to say, though, is coal is responsible for 50 percent of the electricity generated in the United States. Nuclear energy is responsible for about 20 percent. Natural gas for another 20 percent. I'm up to 90 percent. There's a little bit of other. Petroleum, hydroelectric takes a fair amount. Solar and wind I think account for about 1 percent.

But unfortunately, while I strongly support solar, wind, geothermal and other renewables, I also know there are too many people in this Congress that, though renewables account for 1 percent of our source, it accounts for 100 percent of their talking points.

The truth is we know we're going to need coal. We need to clean it up. Clean coal technology, there's a lot of interesting, carbon capture, storage sequestration going on out there. We need to develop that technology. I think we all understand, too, that if we want to lower carbon emissions in America we're going to need to expand nuclear energy.

But again, many people in this building are opposed to coal technology. They're opposed to nuclear. They're opposed to drilling for gas and oil where those resources may actually be. So that really limits our options as a Nation.

We have to get to work. Everybody knows it. And this is not a Republican issue or a Democratic issue. This is an American issue. The American people are pragmatic. They want us to solve the problem.

I'll be the first to tell you, you know, our critics, the critics of the Republican Party will say that Republicans are too focused on production and supply. Critics of the Democrats will say that they're too focused on conservation and efficiency. The truth is we must do both, and I'll be the first to tell you that we can't drill our way out of this problem, but drilling is most assuredly part of the solution, just as conservation is part of the solution, and neither can you conserve your way out of the problem.

So we need people to be pragmatic, come down here and support something reasonable. The American Energy Act about which we've been speaking tonight is a good piece of legislation. It deals with all of the above, the alternatives, renewables, transitions to the future, as well as traditional sources of energy, conservation, efficiency.

There's another bill out there, the Peterson-Abercrombie bill, which is a genuine bipartisan bill that there's a lot in there I like and there's some things I'm not particularly crazy about, but I would support that bill. I'm a cosponsor of it. In the name of compromise, I'm willing to support legislation that will advance this discussion and actually, more importantly, advance America's energy security.

At the end of the day, the American people want us to become less dependent on unstable parts of the world for fossil fuel. I think you and I agree to that, but it's going to require leaders to say, yes, take an affirmative approach to energy. But as you know, too many people here are not willing to do that, and I have to lay the blame at the doorstep of the Speaker of the House.

I thank Ms. FOXX, my classmate, for allowing me to speak on this important issue.

Ms. FOXX. I want to thank my classmate, Congressman DENT from Pennsylvania, for illuminating this issue from his perspective in Pennsylvania.

Now I want to turn it over to a new Member of Congress this year who's been, I think, one of the really bright lights in the Congress, who's one of the most articulate people that we have in the Congress, Congresswoman MICHELLE BACHMANN from the Minneapolis/St. Paul area, which just hosted many of us who were at the Republican National Convention.

And I want to say that it was certainly ''Minnesota Nice.'' The folks in Minnesota were fabulous. They treated us very well, very friendly, just like the people in North Carolina. I was extremely pleased to be there, and I want to ask you if you will share some of your perspectives on this issue of energy.

Mrs. BACHMANN. Thank you, Ms. FOXX. I appreciate that.

Minneapolis/St. Paul is a very nice area. Minnesota is the ''Land of Minnesota Nice,'' and we really do love people. So y'all come back, if we can borrow that from you. Y'all come back.

My name is MICHELLE BACHMANN. I do represent Minnesota's Sixth Congressional District, and I tell you what I am so pleased about is the fact that the United States, we have the answer to our energy problem.

We have, as Representative DENT of Pennsylvania said, we have an abundance of coal. We're the leader in the world. Twenty-seven percent of the world's supply of coal lies here in the United States of America.

We're the Saudi Arabia of oil in three States alone: Utah, Colorado, Wisconsin. We have more oil than all of Saudi Arabia contained in shale oil.

We have an abundance of natural gas. We have over 420 trillion cubic square feet of natural gas, and that's just in the Gulf of Mexico.

We have so much oil and we haven't even begun to tap what we have in terms of nuclear power, what we can do with wind, what we can do with solar, with all of the inventions that are yet to come out of brilliant young entrepreneurs. All we need to do is unleash it.

But right now, you're looking, Mr. Speaker, at the problem for this, for the energy crisis. It isn't lack of resources. It certainly isn't lack of technology. What it is is lack of will on the part of the United States Congress. Mr. Speaker, the Democrat-controlled United States Congress is the problem for America's energy crisis. Look no further. The Democrat-controlled Congress, under their leadership, their auspicious leadership, has led to an increase of 76 percent in the price of gasoline at the pump.

□ 2200

Seventy-six percent increase. I've only been here 20 months, and we've seen gas prices go up 76 percent under Democrat-controlled leadership.

Minority leader JOHN BOEHNER made a decision late in the month of July. He decided to lead 10 Republicans to go up to Alaska to visit the ANWR region that has been so vilified, that we've been told that we absolutely cannot drill up in ANWR, that somehow the world will come to an end if we drill in ANWR. Well, JOHN BOEHNER, with his leadership, took 10 Republicans—and I was blessed enough to be one of those Republicans to go not only to Colorado to visit the National Renewable Energy Laboratory, but also up to Alaska to ANWR.

And there is one little story that I want to tell the American people before I hand this over to my colleagues to continue, and it's this: While we were up in Alaska visiting our oil-rich region where we were able to go to the North Slope—here is the North Slope of Alaska. Thirty-one years ago, the North Slope of Alaska was the largest producing oil field in the United States. Sadly, 31 years later, this is still the largest producing oil region. Why? Because we have a Prohibition-era mentality when it comes to production of American energy legislation. Because this Congress has made a decision: No more energy production here; if we're going to have energy, we've got to buy it offshore. Well, that is ridiculous; it's why we're in the situation we're in.

But here in the North Slope 31 years ago, when we began building this energy lifeline which is our North Slope Trans-Alaska Pipeline which extends 800 miles from Prudhoe Bay down to Valdez, when we built that 31 years ago we were producing 2.1 million barrels of oil a day. Do you know where we're at now? Seven hundred thousand barrels a day. Within 10 years we will be down to $300,000 barrels a day. You know what happens, Mr. Speaker, when we get down to 300,000 barrels a day? When we get to that point, this energy lifeline that feeds the lower 48, it's going to shut down. And, I mean, when it shuts down, you can't add another oil field and bring it back up into production. And do you know, Mr. Speaker, what it costs us to replace this energy lifeline? Fifteen billion dollars. And it isn't just the $15 billion, it would take several years to rebuild this because this pipeline is made out of stainless steel, and stainless steel doesn't come cheap anymore.

We are in trouble. Because if, as the Democrat nominee, BARACK OBAMA, has said, he doesn't plan to do any more drilling, and Speaker PELOSI, NANCY PELOSI, the Democrat-controlled House, has said she really doesn't plan any more drilling, or as HARRY REID has told us, he really doesn't believe in more drilling, if the Democrats have their way, there won't be more drilling. And so we will have this energy pipeline that has served our interests for over 31 years, it's going to shut down within 10 years time. Shut down. So if we thought $4 a gallon was a lot to pay for energy, we're going to think that's a cheap date because it's going to be $6, $8, $10 a gallon because the Democrat-controlled Congress has said, no how, no way, not on their watch are we ever going to start drilling. It's not going to happen. And it's not going to happen under BARACK OBAMA.

There is a very real choice that the voters have to make come this November, and it's this: Do you want to pay $2 a gallon for gas under a President MCCAIN and a Vice President Palin—who will drill, by the way, for new energy—or do you want to pay $6, $8 or $10 a gallon for gasoline very soon under a BARACK OBAMA and a Democrat-controlled Congress who said no way, no how, never under their watch will they begin the drilling process? It's that simple: $2 a gallon, or $6, $8 or $10 a gallon? That's what the American people will be asking themselves.

And I'll tell you one thing, under a Republican-controlled Congress, if we can get there this fall, this November, there will be a change. There will be drilling in ANWR. There will be drilling in the oil shale region. There will be drilling in the Outer Continental Shelf. There will be expansion of clean coal technology. There will be building of 45 new nuclear power plants. Instead of being the world's greatest dependent on foreign energy importation, we will become the world's leading exporter of energy.

Can you imagine? Millions of jobs, high-paying jobs. And I will end with this. As a matter of fact, up in Alaska, what I was told is that entry-level jobs on the North Slope pay over $100,000 a year plus benefits. There's a lot of people from the great State of Minnesota that would go up to take those jobs.

We have the answer. We have got the ticket. We don't have to be mired

under $4 a gallon gas or $6 or $8 or $10. Under a Republican-controlled Congress, Mr. Speaker, the American people will get back to paying $2 a gallon or less. This is real, and it can happen very quickly. And that's why I'm so grateful to the gentlelady from North Carolina for bringing this important discussion and reminding the American people that under a Democrat-controlled Congress we've seen gasoline prices increase 76 percent. And that can take a nosedive if we see real change at the ballot box this November.

Ms. FOXX. Well, I thank my colleague, Congresswoman BACHMANN from Minnesota. And I want to say she has boiled it down to a very simple fact. And I say that people in this Congress are either pro American energy or anti American energy. And I think we know the difference in the two groups of folks.

The people who don't want us to produce energy in this country are anti American energy. They don't want us to be independent of these foreign countries. It is a difficult thing for me to understand, it's a difficult thing for my constituents to understand.

And as our colleague, Mr. DENT from Pennsylvania, said, we want all those alternatives, but they only produce a small part of what we're going to need. Perhaps eventually we will have the technology to produce more of it. But we have to increase our supply of gas and oil and other fossil fuels to get us through this situation that we're in now until we get to those alternatives. And certainly we want them, but they're a small part right now of what we can produce.

Other people who have joined us tonight include my great colleague who is on the Constitution Caucus with me and is often here speaking on the Constitution, a former teacher from the State of Utah. Now, former teachers like Congressman BISHOP and I often have tendencies to speak for 50 minutes at a time, but since there are other folks here tonight, I'm hoping he is not going to speak for 50 minutes. But he is going to be very eloquent in what he shares with us.

I yield to my colleague, Mr. BISHOP from Utah.

Mr. BISHOP of Utah. I thank you for that kind introduction. And it won't be 50 minutes unless I go into Mr. KING's time in some particular way.

I'm excited to be here to join you and to join the others, especially the gentlelady from Minnesota, who painted such a marvelous vision of what we could, indeed, be doing in the future if we just come together on this particular issue.

There are many people who have said, you know, where have we been all these years on this particular issue? I haven't been here forever, but I do know, from my years here as well as in the State legislature in Utah, that we have been arguing this issue for years.

One of the freshman Members today came to the floor and criticized us for why we haven't done any of these issues earlier. And the bottom line is: We did. I have not been here forever, but there have been countless votes I have made in favor of drilling in ANWR and I would do so again. I have made countless votes in this body on expanding our offshore drilling leases and permits in areas and would do so again.

From the very first day I came here, JOHN PETERSON has been extolling the problems this economy will face if we don't face up to the fact we have a dwindling supply of natural gas here in the United States. We have been talking about this forever. Even before Speaker PELOSI changed my mindset and told me that natural gas is not a fossil fuel and you don't actually have to drill to get it, despite that fact there is something that is different now. And like most issues that come to their prime, there is a catalyst that changes and a catalyst that drives the issue forward. We have seen that this year.

I come from the West, which is the energy-producing section. Some of my friends in the areas that I call the ''energy consuming'' sections have been very happy over the years to try and lock up areas of the West and areas off the coast which produce energy, and they can do it with impunity because it has no impact on their lives. But all of a sudden, when you start paying 4 bucks a gallon of gas, then something is different.

The massive spike in gasoline prices at the pump over the last 2 years is the catalyst that is taking the arguments—and the arguments that we have said over and over and over again year after year—and have finally driven it to the point where everyone realizes mistakes we have made in our energy policy and our land policy for the past 30 years have brought us to the situation where we are today. And the cost we are paying at the pump is because of misguided decisions we have made for over 30 years. And now is the time where Americans are ready to stand up all over this country and say now is the time we need to take a new direction with real solutions so that we can solve where we have been brought by past decisions.

And as has been stated before, we're not just talking about drilling. It's one of the common arguments they say, all Republicans want to do is drill. Yeah, we want to drill, but we have always said it's not drilling alone. When we say we need an all-of-the-above solution, it means we need an all-of-the-above solution.

The common fossil fuels are as important to solve our energy problem now as expanding alternative energy sources will be to solve our problem in the future. But one of the issues we have never faced in this country—once again, another decision we've made improperly years ago—is an adequate way of funding our investment and expansion of alternative resources.

Now, one of the things we could do if we actually do increase our production of oil and natural gas and oil shale and coal is to use the expanded royalties this Federal Government would receive and funnel those royalties into building and developing our alternative resources for the future. And that's what the all-of-the-above American Energy Act wants to do. It is both of those.

I have found, to my utter amazement, there is no source of energy that does not have its critics. How can one be opposed to solar power? Although when we tried to build a solar plant in New Mexico, people were opposed to it because it would take up too much of the desert. How can you be opposed to wind power? Although I was reading an article in a local paper of a farmer in Wyoming who was opposed to wind power plants simply because the wushing of the blades makes too much noise, or it chops up too many birds that are part of the Migratory Bird Treaty.

Every source of energy has somebody who is opposed to it, which is why, if we're really going to reach a consensus of everybody, the only solution is to say nothing is off the table, we develop everything. It is the only real solution, it is the only fair solution, and that's what we are after. If we care about consumers in the future, we develop everything.

Conservation is essential, but we all know conservation alone does not solve our problem. But the American Energy Act is the only bill that actually has real incentives for Americans to conserve and rewarding them for efforts to conserve. We realize we do not have the infrastructure to move energy from one part of this country to the other. And the American Energy Act is the only one that realizes we must put extra money and effort into building our infrastructure or everything else is useless. We are the only ones that realize it has legal impediments. As was mentioned before, as soon as you open up an area, it is immediately open to open-ended standing so that anybody can sue, and that is, indeed, what happened. And in the Americans for American Energy Act, that is the only area that actually talks about reforming that process so that once a decision has been made, we can move forward.

The American Energy Act is the only one that recognizes solutions are made by people out there, because within the soul of American people is the creativity we need to solve our problems. And what we should be doing as a government is not trying to dictate solutions from here in these hallowed halls, but allowing Americans to find their solutions by themselves and then rewarding them for it.

When England became a superpower on the oceans, they did not have a way of mapping the oceans, so they established a prize of 20,000 pounds to the first person who could figure out how to do it. And the British clock maker from London who invented latitude and longitude, we are still using his invention. When Napoleon started marching with his troops, he realized he did not have a way of feeding them, so he gave a 14,000 frank prize to the first person to solve the problem. The vacuum-packed concept of food is the same thing he invented for 14,000 franks and we still use today. When Lindbergh flew across the ocean he was after a prize from a newspaper. And the aeronautics industry has developed from it.

All we need to do is say we will reward Americans for coming up and producing a solution and reward them well for it, and they will solve the problem without our expert attention driving that way.

Now, we've heard a lot of blame about the problem. We've heard Big Oil blame because they're gouging people, therefore let's tax them—which is what we tried 30 years ago when the development dried up; or we have said that they have leases out there they're not using it, so use it or lose it—even though that's exactly what the status quo is, indeed, doing. We've had all sorts of other ideas that Big Oil is the problem here. As Newt Gingrich said, if you really want to help Exxon, do nothing. They already have their oil. Sixty-eight percent of all the oil that is being drilled in this country and 87 percent of all the natural gas being drilled in this country today are being done by small entrepreneurial companies, 200 employees or less, names of which no one in this body has ever heard.

If we really want to expand our economy and add competition, which will lower price, expand the efforts of people to become involved in this process. What we need is not another political scheme, we have had 30 years of them; we need real solutions. And that is what we want, a vote on a real solution, not some faux solution, a real one that actually addresses real issues for real Americans and solves their real problems.

□ 2215

Groucho Marx once said that ''politics is the act of looking for the trouble, finding it everywhere, diagnosing it incorrectly, and applying the wrong remedies.'' If we're not careful, that's exactly what we could do in these next 2 weeks. We can't just go for the cheap fix political deal. We have to go for a real solution that helps real people. And that's the vote that we demand.

Ms. FOXX. I thank my colleague from Utah. He never disappoints. We got not only a very concise discussion of the problem but some wonderful history lessons in the process.

I want to now recognize another distinguished and very eloquent person in our Congress, a member of the Republican leadership and chairman of the Republican Policy Committee, THADDEUS MCCOTTER from Michigan. He's our second person from Michigan tonight, but THADDEUS is the kind of person who, when he speaks, everybody listens because we have to listen very closely to make sure we don't miss all of that wit and innuendo that he'll share with us.

I now yield to the gentleman from Michigan.

Mr. MCCOTTER. I thank the gentlewoman for yielding.

I have great empathy for the gentleman from Utah who hoped for a big ending. I would prefer just a passable beginning; so bear with me.

I come from the State of Michigan, as my colleague who spoke earlier, PETER HOEKSTRA, so well earlier discussed. We are a State that is suffering. We are a manufacturing State that has seen job losses for several years in a row. And what we have also seen because of the high price of energy is a drop-off in our tourism trade both from Michigan residents inside the State who could not afford to take a family vacation and for people who come to our wonderful Great Lakes State to recreate. This is a twofold problem which has done something to the State of Michigan which has happened to no other of the 49 States. Last year Michigan became the only State in the Union to have a rise in poverty and a decrease in median income.

The cost of energy is exacerbating this suffering greatly. Now, because my State wants to work under difficult economic times, I want to express the absolute disgust that many of us have for the way people who have been elected by the sovereign citizens of the United States to serve in this Congress have worked on their jobs. We have seen over the month of August in America 84,000 American jobs lost in large part due to energy costs. In response, the Democratic-controlled Congress took a 5-week paid vacation.

On our part as Republicans, we came to this floor every day this Congress should have been in session and had a speak-in with the American people about what we hoped to do on their behalf if given the chance by the Democratic majority to actually come here and earn the salaries that we were being paid. We got no response from the Democratic Party. But we did get a response from the American people. And the response that we got from the American people was loud and clear: It was we would like to have a fair up-or-down vote on the bipartisan all-of-the-above American energy strategy.

What is in this? As the speaker from Utah stressed, it is not simply a drill-only bill. It has three key components as we move towards an important goal. The first is maximum American energy production. The second is common-sense conservation. The third is free market green innovations.

Now, why do we need all three? So we can have a responsible transition to American energy security and independence. If we do not recognize that this problem is one of supply and demand, if we do nothing to increase the supply, you can do one of two things: You can let the cost continue to escalate or you can focus on the demand. If you focus solely on the demand, what you are doing to the American people is saying what some people have said about American gas prices: ''We are better off without cheap gas.'' This is a cold turkey policy which for ideological reasons will accomplish nothing but pain and suffering unnecessarily on the American people's family budgets and on their pursuit of the American Dream, which I point out is not necessarily to be mandated that it has to occur on foot. We want a responsible transition to American energy security and independence, one that makes the American people full participants in this transformational undertaking and does not continue the state of affairs that is occurring now here in their own country.

Who are the best friends of Big Oil? My friend from Utah touched upon it. The best friends of Big Oil are the people who do nothing. And for 5 weeks we saw who was doing nothing and we saw who was trying to do something. If you want to be a friend to Big Oil, continue the government-mandated rationing of American energy. Stop Americans from extracting their own natural resources to increase supply as we transition to American energy security and independence because if you do not allow that supply to increase here at home, American oil from American soil, you're going to continue to see prices rise. You're going to continue to see the Big Oil companies that you claim not to like reap even greater harvest at the gas pump, and meanwhile you will know that you were complicit in this, and we will make sure that the rest of the country does too.

In the final analysis, if we do not have a fair up-or-down vote, the suffering is going to continue and no amount of political chicanery is going to mask the fact to the American people that you refused to act and when you were compelled to act, you refused to do anything substantive that was going to help them because all they have to do is drive. All they have to do is need any form of energy, be it gasoline, be it home heating oil, and check the price and see what did or did not occur on your behalf and who did or did not act.

When we came back into session, what did we find? We found trout waiting for us. We decided we were going to do something about trout and perhaps

that would spawn an energy bill that perhaps could help Americans. This is yet to prove the case because what we have seen is a continuation of the 5-week paid Democrat vacation that has stumbled into week 6 with nothing substantive being done about energy prices, an internal debate amongst their own caucus as to what to do if to do anything. And we stand here with not a bluff but a bill. We have stood here with the American Energy Act and asked for one thing: an up-or-down vote. They have refused.

I have no doubt that as we proceed in this process, the American people are not only going to be outraged by the fact that we have done nothing on energy to help them, they are going to look at a calendar as put forward by the Democratic majority in this Congress that has something that you who work for a living could never do. Between August 1 and January 1, this Democratic Congress cares so much about working Americans and energy that they will meet for 15 working days out of 5 months for full pay. You try doing that at your job, if you're lucky enough to have one, thanks to this Democratic Congress.

Ms. FOXX. Again, I promised you eloquence and you received eloquence.

I want to share with you some of the bills that the Democrat Congress has been presenting to us to vote on while they have been ignoring the need to vote on the American Energy Act.

How about this one: recognizing the American Highway User Alliance on its 75th anniversary. Now, that was a really important bill for us to be voting on.

Or how about what we did this week: condemning the use of television programming by Hamas to indoctrinate hatred, violence, and anti-Semitism toward Israel in young Palestinian children. I am one of the biggest supporters of Israel that you will find, but I don't think that our passing this bill had one wit of difference on Hamas.

Another really significant bill: supporting the goals and ideals of National Passport Month. When we should have been dealing with American energy, we were passing that bill.

We also passed a bill recognizing the 100th anniversary of the declaration of the Muir Woods National Monument by President Teddy Roosevelt. All of us Republicans are very glad to see Teddy Roosevelt honored because he's the original conservationist. He set the tone for Republicans, and we all know that. But I'm sure Teddy Roosevelt would have rather we had been dealing with the American energy situation and not commemorating something he had done because it was the right thing to do.

Two hundred and eighty-two laws have passed in the 110th Congress. Thirty-seven percent of them have named buildings or lands. Thirty-seven percent of them passed unanimously. Another fifteen percent extended the law or made technical corrections to an existing law. This Congress has done nothing while the American people have suffered.

The Democrats' answer to the needs of the American people for lower gas prices is ''drive small cars and wait for the wind.'' Ladies and gentlemen, that should not be the response of this Congress to the needs of the American people. When gasoline prices are $4 a gallon, we need to do something. And as my colleagues have so eloquently expressed here tonight, we can do something. We have it within our power to create all of the energy that we need in this country at very affordable prices. However, this Congress, led by Democrats, controlled by Democrats, having Democrats in charge, have done nothing to act on the needs of the American people. I think one of the most important things we were able to accomplish in August when many of us were here every day talking to the American people on this floor because, as people have said before, the lights were out, C–SPAN was off, the microphones were off—in fact, many of us have had trouble speaking with microphones again because we were on the floor speaking so many times without microphones. We brought the issue to the American people. We let the American people know who was in charge, who is in charge of this Congress. The American people have said we want something done.

The Speaker is saying they're going to bring a bill, but as my colleagues have said, we have been here all week. They had the whole month of August. They had 5 weeks to come up with something, in addition this week. No bill yet to vote on. And I will make one little correction to my colleague from Michigan who said we will be working for 15 days from August 1 until January 1. We are not going to be here on Friday; so it's only going to be 14 days. We're being paid to do that. The Democrats are in charge. It is their responsibility.

My constituents find it hard to understand how one person can be totally in control of what bills come for a vote in the House, but that is the case. Speaker PELOSI, a San Francisco Democrat, is the person who controls whether we vote on bills on the House floor. And you need to let your interests be known to her and to your Democratic Congressman if that's who you have representing you.

Mr. Speaker, I thank the leadership for giving us this hour.

□ 2230

ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALL) is recognized for 5 minutes.

Mr. HALL of New York. I must comment on the gentlelady's remarks that just preceded me and describe them as fiction. I'm sorry to have to say this because many things have happened in this body on a bipartisan basis, especially on the Veterans' Committee that I serve on, where we are in almost unanimous agreement on all issues. But on the issue of energy, our colleagues across the aisle keep going on dishonest tirades about our national energy crisis in order to distract from their record of oil company capitulation and failure to protect consumers.

I guess they're operating under their party philosophy that if you repeat something often enough, you can make people forget that it's not true. I actually have more faith in the American people than that.

They know that for most of this decade energy policy has been written in the White House by Big Oil and led to record dependence on imports and skyrocketing prices. They know that Republicans in this Congress have been pursuing a none-of-the-above strategy, blocking every attempt to move forward at real energy solutions. At every step, they have said no.

They said no to responsible drilling in Alaska and making oil companies drill on the 68 million acres that are already open. They said no to increasing oil supply through the SPR, releasing oil from our Strategic Petroleum Reserve, which is the only way to immediately bring down prices. They, our Republican colleagues, said no to reigning in market speculation to keep prices from skyrocketing. They said no to protecting the American driver from price gouging and oil company exploitation. And while they stood in the way, the American economy suffered and family budgets braced for high home heating costs.

I think it's time to share the views of most of Americans when I say enough is enough. We need more energy and we need to enter a new era of energy technology instead of staying stuck in this ''drill first, ask questions later'' mindset that will not lower prices. According to our own Energy Information Agency, at the most, it's 1.8 cents lower after 8 to 10 years, or possibly longer. It will not make us more energy secure, and it will not allow America to prosper, which is why I have joined with the rest of the majority to support drilling responsibly for more American oil. And that means, by the way, making sure that the American taxpayer and the Treasury get the money from our oil. Oil under Federal lands and offshore leases belongs to the American public, to our children and our grandchildren, and those royalties were given away by the previous Congress, which for 6 years had control of all branches of government, the White House, both Houses of Congress, and the court system. For 6 years they did

nothing but give away our resources, our children's and our grandchildren's resources without asking for fair royalty payments by the oil companies.

We have provided key tax incentives for renewables, like wind and solar and high efficiency. And I beg to differ with the gentlelady that spoke before me. These things are available today.

West Point, in my district, is putting in wind energy on their hundreds of acres of campus. They are putting in a 5,000-gallon E85 tank, which is actually a breakthrough, considering the fact that thousands of flex fuel vehicles have been sold in my State of New York, and there is hardly any place you can even buy flex fuel or E85.

We are seeing students at high schools like Arlington High School in Dutchess County, New York, come to me and to the New York State Energy Research and Development Authority and ask for money for solar panels so that their high schools can be powered today by solar power.

We have voted to break the chains of our dependence on Middle Eastern oil by using American innovation to create hundreds of thousands of green jobs that cannot be outsourced.

When I was in Denver a couple of weeks ago, I learned that one of the biggest new solar photovoltaic installations in Colorado was being built, fortunately, with American jobs doing the installation but, unfortunately, with solar panels that are being built in China.

We should not go from buying oil overseas to buying solar panels from overseas or buying wind turbines from overseas or buying geothermal systems from overseas. The country that put man on the Moon should lead the way in this technological innovation and develop this energy at home that's a broad, real energy policy. And it's time to pass that kind of complete really all-of-the-above plan now. It's time for action now.

ENERGY SOLUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. I appreciate the honor to be recognized to address you here on the floor of the House of the United States Representatives. I have a series of subjects that I am interested in moving forward on.

Before I broach those subjects that might be illustrated on my left, I yield so much time as he may consume to the gentleman from east Texas, Mr. LOUIE GOHMERT.

Mr. GOHMERT. I thank my friend from Iowa for yielding. Of course, we have had a good bit of discussion on energy. One of the things that has gotten a lot of attention is this moratorium on drilling in the Outer Continental Shelf.

It was interesting to talk to RALPH REGULA, a Congressman here, who said he was here in 1981 when the first moratorium got put in place. If you go back to President Jimmy Carter, he signed a declaration stating that the Outer Continental Shelf was such an asset for this Nation that it should be developed expeditiously. Those were the two words: Developed expeditiously.

So what happened to that? Jimmy Carter saying, Wow, we have got this fantastic resource for oil and natural gas that would help the American people and solve so much of our energy problems. What happened? Well, RALPH explained he was on the committee when there was some wealthy beach front owners, landowners in California, and of course there had been an oil spill around Santa Barbara in California, a bad spill. Amazingly, people complained about the drilling platforms when actually it's the tankers that spilled the stuff bringing it from other places.

But, anyway, wealthy, just the rich, who had beach front property, said they didn't want to look out there and have to see a rig, no matter that it might bring cheaper gasoline or cheaper natural gas prices, which could mean cheaper fertilizer, cheaper foreign products, cheaper plastics, cheaper all kind of things. Never mind about that. The wealthy didn't see that as a problem.

They didn't want to see the rigs out there so they begged and pleaded Congress to give a moratorium so there would be no drilling off the California coast. Well, they were apparently persuasive. They had plenty of resources with which to persuade the Congress. As I understood, it was back in 1981. They persuaded Congress to give them a moratorium.

Well, the recitation was such that then Florida said, Wait a minute. Those of us that are wealthy in Florida that have beach front property, we don't want drilling that might put a rig out there where we could see it off our coast. So never mind that it might provide cheaper gasoline, cheaper products, cheaper heating oil, cheaper things like that. Never mind that. We just don't want to look out from our expensive piece of property and even risk seeing a rig out there. So let's get a moratorium too. California got one. RALPH had warned that if you give California this moratorium, you will rue the day you did it.

Well, the wealthy there were able to persuade no drilling off the Florida coast. They got a moratorium. Before you know it, State after State was able to use and parlay California's and Florida's moratorium into not having drilling off their coast, until we get to the present day, where there's still these moratoriums off most of our coastline that could help our Nation become completely energy independent and say adios to this tremendous transfer of wealth that has been going over to some people that just flat don't like us and some of whom have supported terrorism. So it's important to know your history. In order to know where you're going, know your history.

So when we talk about this moratorium, that is what we are talking about, wealthy folks in the country that didn't want to have to risk seeing a rig, never mind that the rigs could have been required to be far enough off the coast that they could not be seen from the coastline.

In Texas, we didn't have the moratorium. Louisiana didn't. So you can go down, and we did hear the stories that if you put a platform off the coast, then it's going to destroy all the fishing in the Gulf of Mexico. How terrible that would be. Well, they put the platforms out there and, lo and behold, the fish look at it as artificial reefs. Now, if you want to go fishing, a great place to go out is to the artificial reefs, which the fish look at them as, and they are actually just the platform that are producing.

So Carter wanted it developed expeditiously. I had tremendous problems with some of the things he did, like creating the problem in Iran when he cut the legs out from under the Shah and hailed the Ayatollah as a man of peace coming in, and we have been paying the price ever since then.

But here we have a majority that talks about being concerned about what they say is the little guy in America, what I would say are the hardest working people here. I have had union jobs lost in the last few years because natural gas prices were too high. It isn't helpful to keep putting our natural gas off limits. We are losing jobs that good, hardworking union workers should not have to lose to some country where they have got cheaper natural gas.

Also, ANWR, the Arctic National Wildlife Refuge. It is ridiculous not to drill that small area, compared to the millions of acres that would not be touched, that area where there's no wildlife, the area where there is nothing that would be disturbed, and produce that to bring a million, million and a half barrels on line. And it would not take 10 to 15 years. We have got a pipeline 74 miles away. That oil could be in the pipeline and coming this way in 2 or 3 years.

All of that said, we can then use the revenue, the royalties. People talk about subsidies and this kind of this. Make them pay royalties. The bills that we were pushing in the last Congress for 2 years had significant royalties that would go and be split between the States and the Federal Government. Tremendous revenue enhancers.

You have could used that for the renewable energy, you could use that to shore up the hurting infrastructure of this country without raising taxes, and it would be producing new jobs.

One estimate says that if we allow the drilling in ANWR, it would immediately start producing 250,000 jobs, and we'd have 750,000 jobs by the time it was actually completed and the oil started flowing this way. I think solar, I know Boone Pickens is visionary on the idea of wind. That can help us out. But I think ultimately if we get the capacitors to ever store electricity, solar could provide all our power, and this would provide the revenue to get on the way to do that, and we could say goodbye forever to this tremendous gross transfer of wealth to countries, so many of whom don't care for us.

So I appreciate my friend from Iowa yielding. I felt like as a follow-up on this discussion about energy it was very important for people to know the moratorium that will go out of existence come the end of this month, unless something is passed. And I know there are many wealthy people in the Senate, I know that there are millionaires here in the House who are really not bothered by the high gasoline prices. I hope that the Senators that are wealthy will feel and understand the pain of the hardworking Americans and not cut the legs out from under this program that could strengthen America for the next 200 years.

I hope they won't cave in because the hardworking Americans in this country need the help. This is one place we can provide the help.

May God bless this country. One way it can be is if we are allowed to utilize the resources with which we have already been blessed. But thank you to my friend from Iowa for yielding, and I yield back to him.

Mr. KING of Iowa. I thank the gentleman from Texas, reclaiming my time, and I thank him for this transfer of wealth of knowledge to us, which we know in the brief time we have is a small component of the big picture but it adds a piece to the puzzle of the energy picture that we have been painting here every day in this 110th Congress for months and months and months, including every day, Mr. Speaker, that the House was designed to be adjourned for the August recess, as it's called. Republicans were here on this floor. Those cameras shut off, these microphones shut off, the lights shut down. We stayed here every single working day to carry the case to thousands of the American people who we brought down here on the floor of the House of Representatives to experience what a real debate was like, a real discussion was like.

□ 2245

I spent six to seven days here myself, Mr. Speaker. And although I saw a couple of Democrats lead a tour of people down here on the floor, I saw not one single one engage in this debate. The floor is always open for legitimate debate, and when it happens, I hope it is facts and not anecdotes.

A person who delivers this thing from a factual and occasional anecdotal but always a solid philosophical perspective is the gentleman from Michigan, the chairman of the Policy Committee, duly elected by his peers, and that is the gentleman from Michigan, Mr. THADDEUS MCCOTTER, to whom I will yield.

Mr. MCCOTTER. I thank the gentleman from Iowa, and I rise to address some of the issues that were raised by our colleague from New York, whose sincere earnestness was not matched by his argument's accuracy.

Let us look at this situation squarely in the face. You can either increase America's supply of its own domestic natural resources in oil and gas, or you won't. Now, if you want to support it and increase the supply of American oil and natural gas, which we have to understand is that every time you play politics, for whatever ideological reason, to have government imposed rationing over America's production of their own domestic natural resources, you are going to increase the cost to the American consumers, because the more you hold back, the less supply is added, and this at the very time that global demand increasing.

What you are going to want to do is increase the supply as best you can, as fast as you can, so you can help Americans who are suffering. What we have seen out of this Democratic party is quite simply a fig leaf plan to do nothing.

First, do-nothing bills that come to this Congress that are purported to be energy bills are in fact lethargy bills that are designed in fact to have a supermajority required to pass them. Why are they designed so have a supermajority to pass them? Why make it harder to do something that will actually help Americans at the pump? Because they are designed to fail, and they are not allowed to be amended by the Members on this floor. So this is part of a cynical strategy to put forward a do-nothing bill, get nothing done, and refuse to accept your accountability as the Democratic majority.

All we are asking the Democratic majority is to either agree with us to have a bipartisan vote on the all-of-the-above energy plan or to be honest with the American people. We have heard that somehow the Republican Party is engaged in a myth. Well, if it is a myth, then let us put it to the test on the floor with a vote. Let us see how many Democrats believe it is a myth.

The Republican Party can pass nothing in this House without Democratic support. We believe we have it, and if we don't, we will accept the defeat, move forward and try to find a way to work with the Democratic Party's leadership, which seems to believe that the United States does not need to increase its own domestic energy supplies, but rather needs to go cold turkey into an oil-free future, which I continue to stress is going to callously inflict pain upon Americans' pocketbooks and their quality of life.

This is an ideological battle, but it is not an ideological battle amongst the majority of Members of Congress. Again, I could be wrong, but give us an up-or-down vote.

In fact, as you know, through the Chair to the gentleman from Iowa, as you know, we have seen this Democratic Congress take a 5 week paid vacation while 84,000 Americans were put out of work. The Speaker of this House had time to write a book, but not a bill on energy. We still do not have a bill on energy. We still have nothing in front of us, except what? A bill that has already been introduced called the American Energy Act. And whether it is fact or fiction, or good or bad public policy, we can debate that, if you let us. We can debate that and have a vote, if you let us.

If you allow this representative institution, this beckon of democracy to all the world to actually function as it is intended under the Constitution of the United States and as it has been entrusted to us by our constituents, put it up for a vote. Let our voices be heard on behalf of our constituents, and let the majority, if not a party prevail, but the people prevail. That is all we ask.

But let us be clear about what the stakes are and the positions are. We support an all-of-the-above strategy. We want maximum domestic energy production as a part of it. We do not want minimum energy production as part of an ideologically zealous pursuit of some unobtainable future in the near term which is going to devastate Americans' lives now.

I yield back.

Mr. KING of Iowa. I thank the gentleman from Michigan. And it occurs to me as I listen that not only is there no energy bill on the floor, there has been only one appropriations bill come through the House of Representatives, where all appropriations have to begin, Mr. Speaker, and that appropriations bill, of course, hasn't gone anywhere in the Senate. And this is the longest period of time in the history of the United States of America that this Congress has failed to do its duty and responsibly pass appropriation bills, that have to begin here by Constitution, do go over to the Senate, are to come back here in a conference report, generally speaking, unless the Senate agrees, and go to the President for his signature.

We are here knew on the eve of the seventh anniversary of September 11th.

Tomorrow is the day, the seventh anniversary. And yet a few days later, at midnight, September 30th, if this Congress doesn't act, if the responsible assignments that should come from the Speaker of the House aren't brought forward, Mr. Speaker, this government shuts down. That means it shuts off all money going to the various departments of government.

I do not think that will be allowed to happen, because that would be too obvious to the American people as to what is going on here. But there is no energy bill. There are no appropriation bills.

But what we have seen in this 110th Congress is 40 resolutions, 4–0, 40 resolutions have been brought to the floor of the House of Representatives designed to unfund, underfund, or undermine our troops. We took votes on them and debated them intensively. And none of them went anywhere, Mr. Speaker, except they made their political statement, which encouraged our enemies, discouraged our allies, discouraged our troops, and said to them that this Congress wasn't behind them.

I heard Member after Member say, ''I support the troops, but I oppose the mission.'' I would submit that that is philosophically inconsistent. You simply can't take a position that says I want our troops to know that I am behind them, but I am not behind them if they have to go out and put themselves in harm's way in an operation that I disagree with.

This Congress voted to authorize the President to use military force in the places and locations that we are. And once that vote goes up, we are to stand together, not divided, and we are not to be going to foreign countries to negotiate with terrorists, tyrants, dictators, or any parts of any evil empire, carrying on foreign policy out of this Congress. That is the President's responsibility, by Constitution the commander-in-chief, and he conducts our foreign policy, Mr. Speaker.

I am fairly fresh back from a trip over to some of those parts of the world that have given us a significant amount of grief since September 11th, and among those places in the world, three stops that I will speak of tonight are Iraq, Afghanistan and the sovereign state of Georgia, all in that order.

My report, Mr. Speaker, back from Iraq, is the easiest one and it is the most optimistic one of the three to deliver. It was my sixth trip into Iraq over the time that I have been in Congress since the beginning of Operation Iraqi Freedom.

Over that course of time, I have made it a point to get around the country so that I can be in the different corners to see what is going on in places like Kurdistan, in Mosul, up in Irbil, down in Basra, certainly Baghdad, up to Ramadi and over to Fallujah, a couple of times to Fallujah, Taji comes to mind, Balad comes to mind, Baja comes to mind, at some of the places that I have had the privilege to go to get a sense and a feel for the things going on in that country.

Always briefed by our top officers, always had an opportunity to sit down the State Department, usually the U.S. Ambassador, usually also the corps commander of our military there on the ground. I met General Petraeus for the first time in Mosul when he commanded the 101st Airborne, that was in October of 2003. And as this situation unfolded, I met with General Sanchez, General Casey, and now back to General Petraeus again as the commander of our troops in Iraq. He is posed now to be raised up to be the commander of CENTCOM, and we will see General Odierno step in as the commander of our military in Iraq, entirely capable, and I think an excellent and wonderful choice, and someone whom I have met over there as well over the course of the travels.

One of the things I do as well is I go into a mess hall and I meet with Iowans. It is something unique about meeting with troops from your home State. The troops from the home State just know that you know somebody that they know if in case we don't know each other, and they will always give me the straight line because they know that we have got a reference point and they know that they can talk to me in confidence and I am not going to blow their cover, so-to-speak, and they won't get into a problem with their commanding officer out of anything that I carry on from that conversation.

So I am able to cross-reference what our troops on the ground know, our frontline troops, all the way up through our officer corps at all ranks, and on to our ambassador corps as well. And I find our military gives us straight answers, and they have been doing a selfless job, and they believe in their duty, and they believe in their mission, and they believe in this country, and they are there because they want to take this fight off of their children and grandchildren, and also, Mr. Speaker, your children and yours and mine grandchildren as well.

I agree with them and I honor and salute them for it, and I stand with them, I support them, and I support their mission, because supporting our troops and their mission is integral. It cannot be divided. You can't separate the two. They have to go together, Mr. Speaker.

Here is what I see in Iraq. The casualty rates, the civilian casualty rates have dropped off more than 80 percent. I know that a year-and-a-half or so ago they were picking up about 50 bodies every morning out of the river in Baghdad. The sectarian violence was that bad and the power struggle that was going on was that bad.

The enemies that we were fighting in Iraq a year-and-a-half ago came down to these definitions. We were fighting, of course, al Qaeda in Iraq was our number one enemy. We were fighting al Quds, the Iranian influence of their training of terrorists and their arming of terrorists. They foment terror with whomever they can. But the Iranian influence was there.

We were fighting Muqtada al-Sadr, his al Mahdi military, his militia. That was three. We were fighting also the Badr Brigades, a couple of different divisions, a couple of different separations or identities of them. Organized crime was another component. The pure power struggle going on within the communities was another component of fight going on a year-and-a-half ago.

But I would have to say that al Qaeda in Iraq was number one, probably al Quds, the Iranian influence was number two, Muqtada al-Sadr was number three. Former Ba'athists, I didn't mention them, was another enemy we had. Then organized crime, then the Badr Brigades and another Shia group that was in there.

So it comes to five, six or seven different enemies that were cluttering up the battlefield and causing a lot of casualties and making it difficult to know which way to turn because it was an asymmetric war.

Fifty bodies roughly a day being picked up out of the river in Baghdad I mentioned. The situation was grim. Al Anbar province was so dangerous that a Member of Congress could not go in there just a little more than a year-and-a-half ago.

So I reviewed that, and went and visited those areas that I could at that time. This was Thanksgiving, a year ago last Thanksgiving. And I went back about seven months later, probably eight months later, at the end of July last year. Things had gotten better. When I couldn't go to al Anbar province during Thanksgiving of 2006, I could go in there in July of 2007, and I did. And I went to Ramadi and in fact received a briefing there from the Marine general that was commanding that region, all of al Anbar province, and saw the change that had taken place.

That is the famous Sunni awakening, the Sunni awakening that was triggered by the surge, the surge which made a commitment to the military operations in Iraq, that said to the Iraqis, we are here, we are with you, and we are not leaving.

When that happened, it triggered the Sunni awakening, and they decided they would throw their lot in with the side that was going to be the winner. They were tired of the tyranny and the brutality of al Qaeda, and they understood who it was and what kind of people they allowed in their midst. They turned the other way and decided to join with us and provide the intel and also lead a good number of the military missions to go in and purge al Qaeda

from al Anbar province. That was happening while I was there a year ago last July, Mr. Speaker.

And as I looked at the map that showed the mosques and what they were preaching in their services in the mosques, there was a time when it was about a 90 percent anti-coalition message. By then, by a little over a year ago, it was a 60 percent neutral message, 40 percent pro-coalition message. No mosque that they had for record was preaching an anti-coalition, anti-American message. It was a significant sea change that was taking place there. When the Iraqis, the Sunni Iraqis came around on our side, they began to purge al Qaeda from their midst.

A little more than a year later, I went back, 13 months later to be more accurate, Mr. Speaker, and went into some of the same regions and met with the Marine unit that was there, a different commanding general there this time, this time General Kelly. What I saw was something that was even safer yet, and much improved, al Anbar province.

□ 2300

In those trips, I went shopping in downtown Ramadi. I went back to Fallujah. There was a time I couldn't do that. Yet I'd been in Fallujah in June 2004. I wasn't able to go to Fallujah in 2006. It was too dangerous because al Qaeda owned al Anbar province, and they do not any longer. There are some traces of al Qaeda in the province, but they barely exist. They're in little camps out in the desert, and they're being mopped up by the Iraqi defense forces and by our defense forces as well, Mr. Speaker.

Now, 11 of 18 provinces in Iraq have been turned over to the Iraqis for primary security, and that 11th one just happened here this past week with al Anbar province being that large area. It's about a third the area of Iraq and the population only about 5 or 6 percent of it, but it was turned over to the Iraqis, 11 of 18 provinces. If you look at the map of those 11 of 18 provinces, there are those that are not yet turned over to the Iraqis for security. As to this incremental, one province at a time, if the security allows for that, those that are still under U.S. primary security responsibility are the provinces that are most likely to still have some al Qaeda in Iraq in them. They are being mopped up systematically. At the progress rate they were going, it looks to me like a year from now it's going to be hard to find ''al Qaeda in Iraq'' in Iraq. It looks like the progress that's being made is very, very positive. So there has been significant progress made there.

Civilian casualties are off more than 80 percent. Sectarian violence is measured this way by sectarian death. In Baghdad since mid-April, statistically, we don't have a single sectarian death on our charts. If you look at sectarian deaths in Iraq as a whole, in Iraq proper, there have been about a handful of sectarian deaths since mid-April till today. So, if you look at the line on the charts, that number was going on someplace over 2,000 in a matter of a limited period of time—and I believe it was a week—and I hesitate to say so specifically, Mr. Speaker, but that number on the chart goes up over 2,000, and now it goes down to zero on sectarian violence.

You see that measure. You look at American casualties in Iraq. There was a period of time for 7 weeks, from the 1st of July until into August—I think that date would be about August 18—where the combat deaths in Iraq were exactly the same as accidental deaths in Iraq for American troops. There were 15 accidental deaths and 15 hostile deaths that took place in Iraq on American troops. That's the measure that, I think, is the one that provides the most optimism for me when the relative risk to being, let's just say, in a Humvee wreck is equivalent to being shot by a sniper or from having an IED detonated in a fatal fashion. Those measures tell me that security is going up and that violence is going down dramatically. If you look at the charts on the attacks that are taking place, whether they be on Iraqi forces or on U.S. coalition forces, all of those numbers are down. They're down to historically low levels, down to the levels where they were right after the liberation of Iraq that took place in March and in early April of 2003. That should give us great hope, Mr. Speaker.

The situation in Iraq today is not yet what we can call a victory, but it is, I believe, what we'll be able to look at to say we know what victory will look like from here if we can sustain these low levels of violence and if we can drive them down even further.

We have to remember that Iraq is a more violent country than we are here in the United States of America as a whole. So, traditionally, they've had more violence. They have more violence that comes from people settling scores, from having more grudge matches. They don't have the long tradition of the rule of law like we have in the United States.

I just came from a reception where I joined with Judge Juhi, who was one of the judges who sat in judgment of Saddam. Many of you will remember him—a youthful judge who was the first one to retort back to Saddam when Saddam asked him ''Who appointed you?'' Judge Juhi said, ''You appointed me and I'm doing my job.'' This man is now in the United States, and I'm proud to have him here. I'm proud to welcome him here to the American soil. I met with him in Iraq. He showed courage. He stood up for the rule of law at great risk. I recall at least one judge who was killed in this. Judge Juhi did survive this and has come through it all, and that's the kind of courage that we're seeing in the Iraqi people as they step up to defend their own freedom, Mr. Speaker.

Some of these measures are this: The level of security in Iraq probably never gets down to the level of security in the United States. They're a different kind of people than we are. There are more violent countries in the world than Iraq as well, and I could name you a few of them. One of them is Colombia. Their numbers have gone down, but about 3 years ago, when I committed some of their violent numbers in the world to memory, they had about 63 violent deaths per 100,000. The most violent country in the world is Swaziland. There are 88 violent deaths per 100,000 in Swaziland. That sounds horrible to think of that, that 88 out of 100,000 would be killed in a year in a country like that. Well, in Iraq, their violent death rate is down around 23 per 100,000 today. It was 27.51 back in 2005. Today, it's 23 per 100,000, and that includes the violent deaths across the country.

I have been accused, Mr. Speaker, of laying out, roughly, 3 years ago statistics and that this was a false quote. It was not something that I'd said, but I was accused of saying that it was more dangerous for my wife to live in Washington, DC—this is in 2005—than it was to live in Baghdad. In 2005, Mr. Speaker, we didn't have legitimate numbers on Baghdad's violent death rates, and so I didn't quote such a thing, but I can say today, Mr. Speaker, that now we do have legitimate statistics on Baghdad's violent death rates.

Mr. Speaker, I can tell you without hesitation that it is today more dangerous to live in Detroit than it is to live in Baghdad. It's safer to be in Baghdad than it is to be in Detroit. Do you know it's safer to be in Detroit than it is to be in Washington, DC, and it's safer to be in Washington, DC than it is to be in New Orleans, and it's more dangerous to be in New Orleans than it is to be in Swaziland? That puts it in perspective, Mr. Speaker.

The violent death rates go like this: 88 per 100,000 for Swaziland, 23 per 100,000 for Iraq, 41 per 100,000 for Detroit. I've got to guess at this number now because Washington, DC's numbers have gone down. They've gone down from, I think, about 46 per 100,000. That number is a little bit lower than that, but it's still above Detroit's at 41 per 100,000. New Orleans used to have a number of about 53 per 100,000. Post-Katrina, it has posted violent death rates of up to 90 violent deaths per 100,000. It's more dangerous in New Orleans than it is in Swaziland. It's more dangerous in Detroit than it is in Baghdad. It's more dangerous in Washington, DC than it is in Baghdad. That puts this all into perspective for us. As for the safety in the entire country of

Iraq, aside from Baghdad averaged into that, it is still safer to live in Iraq than it is to live in Oakland, California, and it actually has been for some time. That's a sign of success. We see the film on the violence that comes constantly out of that part of the world, Mr. Speaker, but we ought to also pick up on some optimism because our troops have done their job.

The Iraqi Government is stepping up. They're sitting on a $79 billion fund. I want to call it a surplus, but it really is not. They're having difficulty allocating those funds and in getting them out to the local political subdivisions and in getting them out to the Iraqi people. They don't have a tradition of anything except central command, and people are reluctant to make decisions for fear they will be accused of fraud or corruption. So, if you don't make a decision, you cannot be accused of doing very much, and that delay that's part of a culture of not having a delivery system is starting to cause some problems in Iraq, but it's the right kind of problem to have: $79 billion and not being able to figure out quite how to spend it.

They need to develop their oil industry, Mr. Speaker. They had, I believe it was, five oil companies and six contracts that they had signed to ask these oil companies to bring their technical expertise into Iraq and to evaluate inventory—the wells inventory, the supply of untapped energy that they have and the inventory of the pipelines, the delivery system, the processing, the entire network of oil. These companies were negotiated contracts. I understood they were no bid contracts. They would now be working on developing those oil fields in Iraq. Instead, Senator SCHUMER from New York, Senator MCCASKILL and, I believe, Senator KERRY from Massachusetts all lined up and signed a letter, criticizing the no bid contracts that Iraq had entered into.

The result of that was they pulled those contracts down, and Iraq has been set back another year on developing their oil. They're doing that at a time of record high oil prices. So the delay on this won't just be they don't get to sell that number of barrels of oil next year or the year after or the year after, but the profit that comes from high oil prices needed to be capitalized on. They're set back at least a year, Mr. Speaker, because of interference on the part of the United States Senate in the sovereign business of Iraq. We said we didn't go there for their oil. Why are we sticking our nose in that business? They wanted to award contracts to U.S. companies on a legitimate basis. Because they needed to move, they didn't have time to do bid contracts on this. They wanted to agree. They had the money. They could be working today, and they're not because of interference on the part of the United States Senate.

But Iraq is still moving forward, and they're producing more oil than ever before. They're producing more electricity than ever before. The oil is being refined in Baji, and it's going up the pipeline to the north and out to Turkey. It's also going down to Baghdad and on down to Basra, and it's being exported off of the two platforms that Iraq has out in the ocean. Their navy is patrolling those platforms and is providing security there. Progress is being made. There's a lot to be done in the country, but they do have an infrastructure, and they do have a tradition of education. They do sit on a lot of oil, and I believe they will for a long time be a moderate, Arab, prosperous ally to freedom in the Middle East. I'm hopeful that they will provide an inspiration for the Iranians to reach out and to grasp their own freedom in a fashion that the Iraqis have today.

That's Iraq, Mr. Speaker, and I'm encouraged by it, and I hope to be able to look back on this time and this date, perhaps, and see that the progress continues to be made and that the Iraqi people step up.

If there is anything that I'm concerned about there—and there are a number of things—it is that I'm concerned that the Iraqis are a little overconfident on their current military capability. I believe they undervalue American communications and American air cover and our backup firepower that we have and the logistics that support their operations, and so that's one of the concerns that I have about the Iraqis.

Another one would be, if Muqtada al-Sadr and the Iranians decided to light it up again in Iraq, this could go south pretty fast. I don't think that al Qaeda can mount a tactical military approach again in Iraq under the situation they're in. They can do some terrorist attacks, but they can't do coordinated terrorist attacks of the magnitude they have done in the past. That's why the attacks and the violence have dropped off substantially, but you can see what victory can look like from where we are today in Iraq.

On the other hand, Mr. Speaker, Afghanistan is a bit of a different story. I went back to Afghanistan also a little over a week ago, and I traveled to the central and eastern and a little bit of the southern parts of the country in some regions that I hadn't been before—Kandahar. I traveled to the central and western parts of Afghanistan, to areas I hadn't been before. I had been to the east into the mountainous regions, to the northeast where the mountains go up pretty sheer, pretty vertically. It's sheer stone and rock, and there's not much going on with the exception of a little bit of civilization in the valleys. There are very narrow, little, green valleys with some vegetation.

I traveled west in Afghanistan, over to Kandahar, and then on down to a camp called Camp Bastion. The flight over that way is a different topography. It's mountainous, yes, but the mountains are simply dust all the way to the top with little valleys in between that are the narrowest slivers of green areas where there is some population that lives, Mr. Speaker. Then there are the high plains that lay out in a high plains desert. If you describe it in one word, Mr. Speaker, the prevailing situation in that part of Afghanistan—and it's a vast part of Afghanistan—is dust. There's dust everywhere. There's dust all the time. There's dust in the air. There's dust settling on everything. Actually, this is from Kabul all the way to the west as far as I've gone.

When you go through the market, you'll see the watermelons and tomatoes at this time of the year covered with dust that hovers in the air. The visibility is limited. There is meat hanging in open markets, some of it with the wrapping on it and some of it hanging out in the open, collecting dust from the air. Many times, our planes are grounded because the visibility is so low that they can't fly on or off the runway. There's dust everywhere.

□ 2315

And so dust is a prevailing piece. The roads, we built a ring highway around Iraq, and that is paved and that let's traffic get around the—excuse me—the ring highway around Afghanistan. And that's paved. It lets traffic go around that current in the ring highway, but the balance of the highways, with few exceptions, are dust, dirt, not gravel and not asphalt, not paving. They're dirt.

So in the summertime, this time of the year when the temperatures got to 125, it cooled off to 115 when we were there. Then the vehicles and any traffic, any animal traffic fills the air with dust. The wind blows and it fills the air with dust. Our troops get stuck in the dust. Their equipment will get stuck in the dust. It's that deep and that soft on some occasions.

And as the weather changes and we go into the winter time and the rainy season, then that dust turns to mud. And of course the equipment will be stuck in the mud instead of the dust. But the dusty covered mountains and the dust covered high plains going to the West from Kandahar on over, and looking across that countryside, and I asked the question of the veterans who were there that served for a long time in Afghanistan, do these mountains ever turn green? Do these high plains ever turn green? Is there vegetation that grows during a time of the season when it rains? And the answer is no. They just stay dust. And it's all dustier, except down in the narrow parts of the valleys where civilization goes up and down the valley. And

that's of course where the Taliban travel, up and down the valley. And Helman Province is one of the places where we were.

Afghanistan produces 90 percent of the world's poppies for opium and heroin. And 90 percent of that, 80 percent of Afghanistan's poppies are raised in Helman Province. And so we were there.

It wasn't the poppy season. But the Taliban come up and they will front a crop and they'll say, here, I'll give you some money, half of what your crop is worth. Raise some poppies this year and I'll be back at harvest time to pick up the crop and I'll pay you the balance of what I owe you. We've got Taliban brokering, it's kind of like a farm bill or a banker; here's the front money, put your crop in, and we'll come back and collect the harvest of the opium crop that you have. We'll pay you the balance that we owe you and then they go back to Pakistan.

Taliban and al Qaeda will penetrate as far as they can go until they run into American troops, whether it's Marines in that area or Army troops in other areas. And there is far too much ranging of the enemy across that countryside. They've got too much freedom of movement. And yes, we're doing, I believe, as much as we can with the resources that we have there. But I look across at Pakistan, and up until a few days ago the leadership there was a jump ball. Yet, Pakistan is a sovereign sanctuary that neighbors Afghanistan.

I continually ask this question of our military historians, Mr. Speaker. Give me an example of an insurgency that was defeated by a foreign power, an insurgency that had a sovereign sanctuary to retreat and be resupplied and retrained and rearmed from. I've yet to get an answer to that question from any of our military historians as to when a foreign power has defeated an insurgency, when those insurgents could retreat to another country that was a sanctuary. I don't believe it's ever happened in history.

So the situation that we're in today, Mr. Speaker, is, we either have to rewrite history, excuse me. We have to write new history. We have to write a new precedent for how to defeat a sovereign sanctuary that had, how to defeat an insurgency that has a sanctuary in a sovereign country. We either set new precedents for history, or we are slowly learning a bitter lesson of history. And today, Mr. Speaker, I don't know the answer to that question. It will be determined by history.

But at this point, I don't believe that we have a lot of options for September and October or November, except to maintain and limit the movement of our enemies there. There are at least nine different identifiable enemies there. I went through the list of enemies we had in Iraq a year and a half ago. The list of enemies is down now to where they barely exist there today.

But over in Afghanistan they list nine enemies for me and they call them the syndicate of enemies. I can't list them all from memory, but they include the Taliban and al Qaeda, seven other groups that are, most of them are camping in the mountains and training there and mounting their attacks from those locations where they believe that they are safe from American attacks. They aren't always. Sometimes we find an opportunity to strike a target in that region as well.

But with the unrest in Pakistan, with the new leadership that's just taken place there, with a presidential election coming up in this country, with resources that I believe need to be refurbished and reinforced in Afghanistan, this is the time that we begin to move on the political and the economic fronts until we can set the stage to eradicate that habitat that breeds terror in Pakistan.

It is a very tough nut to crack. It will be very difficult. I have said for years that we would be in Afghanistan longer than we'll be in Iraq. I said that because Afghanistan is closer to the stone age. They don't have the oil wealth that Iraq has. They don't have the prosperity. They have a Gross Domestic Product of $7.5 billion, Mr. Speaker, and $4 billion of that Gross Domestic Product is the poppies.

So I would submit that we should just simply remind Afghanistan, Afghan farmers, it's against the law to raise poppies, and we're going to enforce the law and it'll be Americans that do it if we need to. And as I had that discussion with some of the powers that be in that country, they said to me that the poppy crop in Afghanistan was the equivalent to, it was either one or two football fields wide all the way around the world. It would be impossible to go in and spray all those poppies.

And I brought up the fact that we've sprayed almost, we've sprayed most of the acres of corn and soybeans in Iowa. And we did so in 6 weeks. And we have enough spray planes parked in the hangars in Iowa that that's the off season to go over there. I think that we could take care of the poppies in Afghanistan without breaking a sweat. Might get shot at a few times, but we would end that trade in opium that is funding our enemies.

This is a strange, strange war, Mr. Speaker, when we're paying an exorbitant price for oil, and that money goes into the pockets of people that don't like us very much. And some of it gets into the pockets of our enemy, called the Taliban and al Qaeda and a number of other enemies.

At the same time, the American demand for illegal drugs is funding the poppy trade in Afghanistan, along with the European demand for illegal drugs as well. They're tapping into that, and it's another place where we're funding our enemy. So we're paying for both sides of the war.

We're watching our economy atrophy because the cost of energy is going up and up and up while we're marching through this long hard slog.

As much optimism as I have for Iraq, as much caution as I lay out here for Afghanistan, I relate to that concern, Mr. Speaker, concern for Georgia. That was the last strategic stop on the trip, unless you count St. Paul, at the convention. And what I see in Georgia is this: I believe that——

Well, first, to take it to the Georgia situation, Mr. Speaker, I actually went in and Googled the exact quote so I could get right. Here's my recollection, and then I'll take it to the exact quote.

Back in the year I believe it was 1984 was the year, if I remember correctly, that Ambassador Jean Kirkpatrick stepped down as Ambassador to the United Nations. She was appointed by Ronald Reagan. She served there and served honorably and served well, and she left a legacy, but she decided it was time for her to leave that post. And so as she stepped down as Ambassador to the United Nations, I remember seeing an article, tiny little article on page 3 or 4 of the newspaper that I was reading at the time where it quoted her as saying that was going on in the Cold War was the equivalent of playing chess and Monopoly on the same board. The contest between the super power of the United States, super power of the Soviet Union, playing chess and Monopoly on the same board. And the question was, would we bankrupt the Soviet Union economically before they checkmate us militarily. Now that statement, and she sadly passed away a couple of years ago, Jean Kirkpatrick. But that statement was made by my recollection, 24 years ago. And it has often framed the viewpoint with which I look at this super power contest that's going on. And it really framed it when I watched the Berlin Wall begin to come down on November 9 of 1989, and it framed it more when the Soviet Union imploded, and I'll pick the date December 31, 1991. We might call that the end of the Cold War, Mr. Speaker, but it was not to be.

Jean Kirkpatrick's exact quote, this is the way it shows up when you check it, as opposed to checking my 24-year-old memory, reads this. 1984. ''Russia is playing chess while we are playing Monopoly. The only question is whether they will checkmate us before we bankrupt them.'' That was the statement that Ambassador Jean Kirkpatrick made in 1984. That's the statement I think illustrates what was going on then during the Cold War, and I think it's the statement that illustrates what's going on now in places like Georgia.

Putin has expressed that the most tragic thing that's happened in his lifetime was the collapse of the Soviet

Union. And I would say, no, that marked the end of the Cold War. It was one of the best things that happened in my lifetime, perhaps the best thing that's happened globally in my lifetime. We see that differently.

He saw the Soviet Union as a power that perhaps needs to be reconstructed. And so when Putin came to power, we saw him consolidate his power and make his moves to negate legitimate elections, set himself so that he could be the power broker in Russia and really the true power in Russia.

We know that President Bush has said that when he looked in Putin's eyes he sees a friend. I understand the reasons for him saying that. But when JOHN MCCAIN said, when I look in his eyes I see KGB, and I think JOHN MCCAIN sees it clearly.

Putin is a KGB chess player, Mr. Speaker. And he saw what happened when the wall came down in 1989 and when the Soviet Union collapsed in the end of 1991. He saw that the Soviet Union had been bankrupted economically before they could checkmate the United States militarily. He saw that Jean Kirkpatrick's analysis was correct, and he saw it play out because we were better Monopoly players with our free market economy than the Soviet Union was chess players. We got there first because our economy was stronger. We upped the ante.

And by the way, we played chess on the board too. We had a military escalation. We built up our military, built up our troops. Ronald Reagan called for it. And he walked out of the nuclear missile negotiations in Reykjavik, Iceland he walked away from it, to the gasps of his own staff. And he went into Berlin and he said, Mr. Gorbachev, open this gate. Mr. Gorbachev, tear down this wall; and down it came. And down came the iron curtain, crashing with it. And the end of the Cold War on the last day of 1991 marked the end of the Soviet Union.

But Vladimir Putin has been putting this back together again. Humpty Dumpty fell off the wall and had a great fall. But Humpty Dumpty is being put back together again by Vladimir Putin.

And here's where this—now he's learned. Now, Mr. Speaker, he's learned this; that you can play chess or you can play Monopoly, but if you're going to be a master at this global hegemony that he is playing today, if you're looking for dominance and if you're looking to be a super power, then you have to play Monopoly and chess on the same board, and you have to do it master fully.

So the Soviet Unions's economy wasn't that strong. It's never been that dynamic. It's been focused on central planning, Mr. Speaker. But what has come along for them as a windfall because they happen to sit on a massive amount of the world's energy and the world's oil, and with high oil prices that went up to $140 a barrel and perhaps more than that, Putin saw the cash come rolling in, so he didn't have to do a lot of smart things economically. All he had to do was keep producing oil, keep selling oil. And if he's doing that, then Russia is building up wealth and we're watching the West, the free world, we are energy consumers and we have energy deficits.

Europe, eastern and western Europe imports a lot of their own energy, natural gas and oil, and they import a lot of it from Russia. In fact, Europe imports 25 percent of their oil from Russia, and they import 40 percent of their natural gas from Russia.

So if Vladimir Putin can shut down the oil valve going into Europe, a huge oil pipeline coming into a free country means cheap energy. Energy is a component of every part of our economy. Everything that we buy and sell and trade, it takes energy to produce it, energy to deliver it, it takes energy to receive the delivery of it. It takes energy to heat our homes and our factories and air condition them and light them and get from place to place and manufacture and produce food, clothing, fiber, you name it. It all takes energy. And a nation that has an abundance of real cheap energy has a real big advantage over NATIONS that have only a little bit of energy. The high priced energy. And nations with costly energy cannot compete with other nations that have cheap energy, all other things being equal.

□ 2330

And so Putin knows that sitting there looking at this global chessboard, this global Monopoly board, simultaneously sitting on top of this oil, that if he can decide whether oil goes east or west, he can determine whether going to the east, whether China's economy prospers, or maybe the same oil going to the West, whether Eastern or Western Europe's economy prospers.

He built a Trans-Siberian pipeline to go to China to take Russian oil to China. And in Kazakhstan, they built an oil pipeline to take some of the massive amounts of oil they have in Kazakhstan into China. But from the same locations, Kazakhstan and that region—and here I have in this chart, Mr. Speaker, I think I have got some of these countries, here is Kazakhstan—there's a significant amount of oil in this region here. Uzbekistan less oil, Turkmenistan even less. But this amount of oil in this region needs to come through.

There's a pipeline across the Caspian Sea, and then it comes from here into Georgia. This little country here, 4.6 million people, is Georgia. Tbilisi is where I was about a week ago, the capital of Georgia. This square right here is the square through which the pipelines across the Caspian Sea, the central Asian energy, oil and gas, if it's going to go to the west to get out through the Straits there at Istanbul and out into the Mediterranean and out into western Europe, it has to come through Georgia. Putin knows that.

He sits up here and in control of the Russian region looking at this oil that he has next door watching how it can be controlled, and it must come through Georgia. When I met with the Georgians, they said to me, ''We always knew he was going to do this. We always knew the Russians would come in and occupy our country,'' because this square, Georgia, is the square on the chessboard where he can control whether this oil in this region comes into Europe or whether it goes on to the east on over to China, just off the chart here.

A pipeline exists to go from Kazakhstan to China. There's a pipeline that exists from Russia that goes on into Europe, several of them actually, and a pipeline from Russia that goes down into China, Mr. Speaker.

This is where the valve is right here. That's where he can turn it on and he can turn it off, and he can decide if it goes east or if it goes west. If it goes to the east to China, their economy prospers; if it shuts off the oil going to the West, these economies in Europe atrophy.

If he can team up down here with Ahmadinejad and the Straits of Hormuz, and they can threaten to—or close the Straits of Hormuz, they can also decide whether oil goes to the West, the free world, the Western Hemisphere, or whether it is stuck up in here in the Middle Eastern region. That is a powerful position to be in.

If he continues to build this triumvirate—which is, I believe, Putin, Ahmadinejad, and Hugo Chavez—Chavez's oil, he can shut that off as well. He can decide whether to sell it or not and who's going to get it.

So if you put those three guys at the same table, Putin, Ahmadinejad and Hugo Chavez, they would have control—presuming the Straits of Hormuz could be shut down by the Iranians or with Russian help—they would have control of more than 50 percent of the world's export oil supply. They could decide oil prices for the world: running them up, allowing them to go down and/or they could decide whether that oil actually goes to those economies. They could decide whether the free world's economy would atrophy or whether it would prosper.

If you're in a position like that and you've had the lesson that Putin has had, he lost the Monopoly game and he checkmated his chess game, because their economy collapsed. He's learned the lesson. Now he's playing Monopoly and he's playing chess, and he's sitting on this square in Georgia. He's sitting on a massive amount of oil. He has a

diabolical plan, and we're Americans sitting here naively arguing that well, we don't want to develop any American energy.

Mr. Speaker, we must open up all American energy now. Every form. It's imperative. Whether we're going to be a superpower 10 or 20 years from now depends on the decisions we make in this Congress today. All energy all the time. Drill ANWR, drill the Outer Continental Shelf, develop the oil from the oil shale areas in the West, open up all of our natural gas. Let's do coal, let's do nuclear, let's do ethanol, let's do biodiesel, let's do wind, let's do solar, all forms of American energy.

Let's save our freedom, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SENSENBRENNER (at the request of Mr. BOEHNER) for today until 2:30 p.m. on account of his primary election.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. LATTA, for 5 minutes, today.

Mr. POE, for 5 minutes, September 17.

Mr. JONES, for 5 minutes, September 17.

Mr. KELLER of Florida, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. WOLF, for 5 minutes, September 11 and 12.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. HALL of New York, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 11, 2008, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8183. A letter from the Captain, U.S. Navy Deputy Chief of Legislative Affairs, Department of Defense, transmitting notice of the completion of a public-private competition for administrative support services, pursuant to 10 U.S.C. 2462(a); to the Committee on Armed Services.

8184. A letter from the Principal Deputy, Department of Defense, transmitting authorization of Daryl W. Burke, Scott M. Hanson and Jeffrey G. Lofgren to wear the authorized insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

8185. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a report concerning an amendment to Part 121 of the International Traffic in Arms Regulations (ITAR), promulgated pursuant to the Arms Export Control Act, 22 U.S.C. 2778 et seq.; to the Committee on Foreign Affairs.

8186. A letter from the Under Secretary of Defense, Department of Defense, transmitting the Department's Year 2007 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1997, Pub. L. 105-270; to the Committee on Oversight and Government Reform.

8187. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's report entitled, ''Federal Appointment Authorities: Cutting through the Confusion,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

8188. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the 2006 Annual Report of the National Institute of Justice (NIJ), pursuant to 42 U.S.C. 3766(c) and 3789e; to the Committee on the Judiciary.

8189. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties as required by section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. 110-53, 121 Stat. 266, 360; to the Committee on the Judiciary.

8190. A letter from the Program Analyst, Department of Agriculture, transmitting the Department's final rule — Airworthiness Standards; Engine Bird Ingestion [Docket No.: FAA-2006-25375; Amendment No. 33-23] (RIN: 2120-AI73) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8191. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Maine; Sector Northern New England August Swim Events. [Docket No. USCG-2008-0695] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8192. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, 2008 Personal Watercraft Challenge, Atlantic Ocean, Fort Lauderdale, FL [Docket No. USCG-2008-0433] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8193. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area and Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No. USCG-2008-0470] (RIN: 1625-AA11) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8194. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Carly's Crossing, Lake Erie, Buffalo, NY [Docket No. USCG-2008-0739] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8195. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Seafair Fireworks, Lake Washington, Washington [Docket No. USCG-2008-0732] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8196. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: Astoria Regatta Assoc. Display, Astoria, Oregon. [Docket No. USCG-2008-0726] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8197. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: Red Bull Flugtag, Portland, Oregon. [Docket No. USCG-2008-0725] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8198. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patapsco River, Inner Harbor, Baltimore, MD [Docket No. USCG-2008-0392] (RIN: 1625-AA08) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8199. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Cape Fear Dragon Boat Festival; Wilmington, NC [Docket No. USCG-2008-0789] (RIN: 1625-AA08) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8200. A letter from the Attorney Advisor Regulations and Administrative Law United

States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Chris Craft Silver Cup Regatta, St. Clair River, Algonac, MI [Docket No. USCG-2008-0763] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8201. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks, Beverly, MA [Docket No. USCG-2008-0349] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8202. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Annual Events Requiring Safety Zones in the Captain of the Port Detroit Zone [USCG-2008-0218] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8203. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: LST-1166 Safety Zone, Southeastern Tip of Lord Island, Columbia River, Rainier, Oregon. [Docket No. USCG-2008-0755] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8204. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; American Music Festival; Chesapeake Bay, Virginia Beach, VA [USCG-2008-0759] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8205. A letter from the Administrator, Bureau of Transportation Statistics, Department of Transportation, transmitting the Transportation Statistics Annual Report 2007, pursuant to 49 U.S.C. 111(1); to the Committee on Transportation and Infrastructure.

8206. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas S.A. (CASA), Model C-212 Airplanes [Docket No. FAA-2007-0372; Directorate Identifier 2007-NM-164-AD; Amendment 39-15425; AD 2008-06-13] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8207. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11, MD-11F, DC-10-30 and DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, and MD-10-30F Airplanes [Docket No. FAA-2007-28351; Directorate Identifier 2007-NM-074-AD; Amendment 39-15192; AD 2007-19-02] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8208. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109C, A109E, and A109K2 Helicopters [Docket No. FAA-2008-0524; Directorate Identifier 2007-SW-77-AD; Amendment 39-15519; AD 2007-26-52] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8209. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727-200 Series Airplanes Equipped with an Auxiliary Fuel Tank System Installed in Accordance with Supplemental Type Certificate SA1350NM [Docket No. FAA-2008-0013; Directorate Identifier 2007-NM-230-AD; Amendment 39-15448; AD 2008-07-07] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8210. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No. FAA-2008-0412; Directorate Identifier 2007-NM-290-AD; Amendment 39-15327; AD 90-25-05 R1] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8211. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes Equipped with Rolls Royce RB211-535E Engines [Docket No. FAA-2007-0225; Directorate Identifier 2007-NM-210-AD; Amendment 39-15583; AD 2008-13-20] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8212. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400f Series Airplanes [Docket No. FAA-2006-26110; Directorate Identifier 2006-NM-112-AD; Amendment 39-15585; AD 2008-13-22] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8213. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42-200, -300, -320, -500 Airplanes; and Model ATR72-101, -201, -102, -202, -211, -212, and -212A Airplanes [Docket No. FAA-2008-0293; Directorate Identifier 2007-NM-287-AD; Amendment 39-15582; AD 2008-13-19] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8214. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. ()HC-()(2,3)Y(K,R)-2 Two-and Three-Bladed Compact Series Propellers [Docket No. FAA-2008-0254; Directorate Identifier 2008-NE-06-AD; Amendment 39-15591; AD 2008-13-28] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8215. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Airplanes [Docket No. FAA-2007-0347; Directorate Identifier 2007-NM-253-AD; Amendment 39-15437; AD 2008-06-25] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8216. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -200LR, -300, and -300ER Series Airplanes Approved for Extended-Range Twin-Engine Operational Performance Standards (ETOPS) [Docket No. FAA-2008-0673; Directorate Identifier 2008-NM-117-AD; Amendment 39-15606; AD 2008-14-11] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8217. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes and Model A340-200 and -300 Series Airplanes [Docket No. FAA-2007-0266; Directorate Identifier 2007-NM-170-AD; Amendment 39-15576; AD 2008-13-13] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8218. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 900 and Falcon 900EX Airplanes [Docket No. FAA-2008-0365; Directorate Identifier 2007-NM-274-AD; Amendment 39-15563; AD 2008-12-19] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8219. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcom 20-C5, 20-D5, and 20-E5 Airplanes [Docket No. FAA-2008-0296; Directorate Identifier 2007-NM-307-AD; Amendment 39-15567; AD 2008-13-04] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8220. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lindstrand Balloons Ltd. Models 42A, 56A, 60A, 69A, 77A, 90A, 105A, 120A, 150A, 180A, 210A, 240A, 260A, and 310A Balloons [Docket No. FAA-2008-0446; Directorate Identifier 2008-CE-021-AD; Amendment 39-15568; AD 2008-13-05] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8221. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. FAA-2008-0275; Directorate Identifier 2007-NM-335-AD; Amendment 39-15565; AD 2008-13-02] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8222. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes [Docket No. FAA-2008-0273; Directorate Identifier 2007-NM-369-AD; Amendment 39-15566; AD 2008-13-03] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8223. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 7X Airplanes [Docket No. FAA-2008-0641; Directorate Identifier 2008-NM-105-AD; Amendment 39-15573; AD 2008-13-10] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8224. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. (P&WC) Models PW305A and PW305B Turbofan Engines [Docket No. FAA-2008-0664; Directorate Identifier 2008-NE-04-AD; Amendment 39-15579; AD 2008-13-16] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8225. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model EMB-135ER, -135KE, -135KL, and -135LR Airplanes, and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2008-0182; Directorate Identifier 2007-NM-262-AD; Amendment 39-15577; AD 2008-13-14] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8226. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes [Docket No. FAA-2008-0194; Directorate Identifier 2007-NM-263-AD; Amendment 39-15578; AD 2008-13-15] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8227. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2008-0360; Directorate Identifier 2007-NM-368-AD; Amendment 39-15570; AD 2008-13-07] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8228. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificates No. 3A15, No. 3A16, No. A23CE, and No. A30CE previously held by Raytheon Aircraft Company) F33 Series and Models G33, V35B, A36, A36TC, B36TC, 95-B55, D55, E55, A56TC, 58, 58P, 58TC, G58, and 77 Airplanes [Docket No. FAA-2007-28434; Directorate Identifier 2007-CE-053-AD; Amendment 39-15580; AD 2008-13-17] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8229. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Airplanes [Docket No. FAA-2008-0297; Directorate Identifier 2007-NM-330-AD; Amendment 39-15586; AD 2008-13-23] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8230. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2008-0178; Directorate Identifier 2007-NM-366-AD; Amendment 39-15571; AD 2008-13-08] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8231. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -400ER Series Airplanes [Docket No. FAA-2008-0012; Directorate Identifier 2007-NM-204-AD; Amendment 39-15584; AD 2008-13-21] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8232. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Safety Zone; Bollotta & Associates USS Midway Fireworks Display; San Diego Harbor, San Diego, California [Docket No. USCG-2008-0720] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8233. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30615; Amdt. No. 475] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8234. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30616; Amdt. No 3276] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8235. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Route (T-Route); Southwest Oregon [Docket No. FAA-2008-0038; Airspace Docket No. 07-ANM-16] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8236. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewisburg, PA [Docket No. FAA-2007-0276; Airspace Docket No. 07-AEA-16] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8237. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lady Lake, FL [Docket No. FAA-2008-0072; Airspace Docket No. 08-ASO-03] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8238. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Cranberry Township, PA. [Docket No. FAA-2007-0278; Airspace Docket No. 07-AEA-18] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8239. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Brunswick, ME [Docket No. FAA-2008-0203; Airspace Docket No. 08-ANE-99] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8240. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marienville, PA. [Docket No. FAA-2007-0162; Airspace Docket No. 07-AEA-13] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8241. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Sunbury, PA [Docket No. FAA-2008-0162; Airspace Docket No. 08-AEA-15] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8242. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Susquehanna, PA [Docket No. FAA-2008-0161; Airspace Docket No. 08-AEA-14] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8243. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Danville, KY [Docket No. FAA-2007-0246; Airspace Docket No. 07-ASO-26] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8244. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Transportation, transmitting the Department's final rule — Safety Zone; 70th Anniversary Celebration for the Thousand Island International Bridge, St. Lawrence River, Alexandria Bay, NY. [Docket No. USCG-2008-0742] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8245. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30582; Amdt. No. 471] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8246. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30618; Amdt. No 3278] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8247. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30614; Amdt. No. 3275] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8248. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30592; Amdt. No. 3255] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8249. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30581; Amdt. No. 3246] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8250. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30584; Amdt. No. 3248] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8251. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Damage Tolerance Data for Repairs and Alterations [Docket No. FAA-2005-21693; Amendment Nos. 26-1, 121-337, 129-44] (RIN: 2120-AI32) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8252. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Change in Extinguishing Agent Container Requirements [Docket No.: FAA-2007-26969; Amendment Nos. 121-331 and 135-109] (RIN: 2120-AI99) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8253. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30617; Amdt. No. 3277] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8254. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30613; Amdt. No. 3274] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8255. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hinton, OK [Docket No. FAA-2008-0328; Airspace Docket No. 08-ASW-4] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8256. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30619 ; Amdt. No.3279] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LEWIS of Georgia (for himself and Mr. RAMSTAD):

H.R. 6854. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements from gross income; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. CONYERS, Mr. BERMAN, and Mr. COBLE):

H.R. 6855. A bill to extend the authority for the United States Supreme Court Police to protect court officials off the Supreme Court grounds, and for other purposes; to the Committee on the Judiciary.

By Mr. YARMUTH (for himself and Mr. LAHOOD):

H.R. 6856. A bill to amend the Elementary and Secondary Education Act of 1965 and the Workforce Investment Act of 1998 to award grants to prepare individuals for the 21st century workplace and to increase America's global competitiveness, and for other purposes; to the Committee on Education and Labor.

By Mr. CANNON:

H.R. 6857. A bill to amend section 203(a) of the Clean Air Act to permit the conversion of a motor vehicle for the use of natural gas fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CANNON (for himself, Mr. SMITH of Texas, Mr. CONYERS, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 6858. A bill to amend title 5, United States Code, to make amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Georgia (for himself, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, Mr. DEAL of Georgia, Mr. LEWIS of Georgia, Mr. BROUN of Georgia, Mr. SCOTT of Georgia, Mr. LINDER, Mr. BARROW, Mr. GINGREY, Mr. MARSHALL, Mr. PRICE of Georgia, and Mr. KINGSTON):

H.R. 6859. A bill to designate the facility of the United States Postal Service located at 1501 South Slappey Boulevard in Albany, Georgia, as the ''Dr. Walter Carl Gordon, Jr. Post Office Building''; to the Committee on Oversight and Government Reform.

By Mrs. BLACKBURN:

H.R. 6860. A bill to exempt exploration, development, and production of oil and natural gas under leases on Federal lands from State environmental and pollution control laws, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 6861. A bill to amend the Fair Labor Standards Act of 1938 to increase the penalty for certain child labor violations; to the Committee on Education and Labor.

By Mr. BROWN of South Carolina:

H.R. 6862. A bill to reauthorize the Marine Turtle Conservation Act of 2004; to the Committee on Natural Resources.

By Mr. HENSARLING:

H.R. 6863. A bill to prevent Government shutdowns; to the Committee on Appropriations.

By Mr. KING of Iowa (for himself, Mr. WALBERG, Mr. FORTENBERRY, Mr. AKIN, Ms. FOXX, Mr. GARRETT of New Jersey, and Mr. BACHUS):

H.R. 6864. A bill to prohibit golden parachute payments for former executives and directors of Fannie Mae and Freddie Mac; to the Committee on Financial Services.

By Mr. KIRK:

H.R. 6865. A bill to award a congressional gold medal to Joseph Barnett Kirsner, M.D., Ph.D., in recognition of his many outstanding contributions to the Nation; to the Committee on Financial Services.

By Mr. KUHL of New York:

H.R. 6866. A bill to direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Newtown Battlefield located in Chemung County, New York, and the suitability and feasibility of its inclusion in the National Parks System, and for other purposes; to the Committee on Natural Resources.

By Mr. MCDERMOTT (for himself and Mr. RANGEL):

H.R. 6867. A bill to provide for additional emergency unemployment compensation; to the Committee on Ways and Means.

By Mr. ROSKAM:

H.R. 6868. A bill to provide for the development of advanced and alternative energy and increased domestic energy production to achieve American energy independence in 15 years; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Natural Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CORRINE BROWN of Florida (for herself and Mr. BRADY of Pennsylvania):

H. Res. 1423. A resolution congratulating Master Wan Ko Yee, a permanent resident of the United States, on the publication of his teachings and accomplishments in the book titled, ''H.H. Dorje Chang Buddha III: A Treasury of True Buddha-Dharma''; to the Committee on Foreign Affairs.

By Mr. ELLISON (for himself and Ms. JACKSON-LEE of Texas):

H. Res. 1424. A resolution supporting humanitarian assistance, the protection of civilians, and accountability for abuses in Somalia, and urging concrete progress in line with the Transitional Federal Charter of Somalia toward the establishment of a viable government of national unity; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII,

366. The SPEAKER presented a memorial of the 29th Legislature of Guam, relative to support for Resolution 172 I Mina'Bente Nuebi Na Liheslaturan Guahan for the Agent Orange Equity Act; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mrs. BACHMANN.
H.R. 211: Mr. BILBRAY.
H.R. 219: Mr. ROSKAM and Mr. TERRY.
H.R. 471: Mr. SCALISE.
H.R. 503: Mr. DENT.
H.R. 697: Mr. MARCHANT.
H.R. 715: Mr. MCGOVERN, Mr. FARR, and Mr. MICHAUD.
H.R. 946: Mr. ALLEN and Mr. HARE.

H.R. 992: Mr. MCGOVERN.
H.R. 1014: Mr. UPTON.
H.R. 1524: Mr. CHILDERS.
H.R. 1576: Mr. ROTHMAN.
H.R. 1621: Mr. KIND.
H.R. 1820: Mr. NADLER, Mr. SCOTT of Virginia, Mr. LANGEVIN, Mr. ALLEN, Ms. DELAURO, Mr. GRIJALVA, Mr. INSLEE, Ms. CASTOR, Mr. DEFAZIO, Mr. WALZ of Minnesota, and Mr. SMITH of Washington.
H.R. 1843: Mr. SAXTON.
H.R. 2015: Ms. SPEIER.
H.R. 2020: Mr. FEENEY, Mr. DENT, and Mr. ALTMIRE.
H.R. 2032: Mr. ALTMIRE.
H.R. 2066: Ms. DELAURO.
H.R. 2116: Mr. MORAN of Kansas.
H.R. 2232: Mr. INSLEE.
H.R. 2266: Mr. WALZ of Minnesota.
H.R. 2279: Mr. HOEKSTRA and Mr. GOODE.
H.R. 2668: Mr. MCINTYRE.
H.R. 2842: Mr. MILLER of North Carolina.
H.R. 2864: Mr. SHAYS.
H.R. 2993: Ms. KAPTUR.
H.R. 3041: Mr. MOORE of Kansas.
H.R. 3232: Mr. LAMBORN, Ms. MATSUI, Mr. LAMPSON, Ms. HERSETH SANDLIN, and Ms. ESHOO.
H.R. 3257: Mr. BLUMENAUER.
H.R. 3319: Mr. MCGOVERN and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3326: Ms. DELAURO, Ms. CASTOR, Mr. KLEIN of Florida, and Mr. DEFAZIO.
H.R. 3334: Mr. TIM MURPHY of Pennsylvania, Ms. WOOLSEY, and Mr. MCINTYRE.
H.R. 3544: Mrs. EMERSON.
H.R. 3622: Mr. BARRETT of South Carolina.
H.R. 3689: Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. ALTMIRE, and Ms. SHEA-PORTER.
H.R. 3737: Mr. REYES.
H.R. 3749: Mr. BLUMENAUER.
H.R. 3820: Mr. JONES of North Carolina.
H.R. 3865: Ms. DELAURO.
H.R. 3929: Ms. BERKLEY, Mr. HOLT, Mrs. BIGGERT, and Mr. PLATTS.
H.R. 4052: Mr. MCINTYRE.
H.R. 4102: Ms. LEE.
H.R. 4105: Mr. CHILDERS and Mr. RUSH.
H.R. 4107: Mr. SHAYS.
H.R. 4296: Mr. MILLER of North Carolina.
H.R. 4464: Mr. GARY G. MILLER of California.
H.R. 4544: Ms. WATSON, Ms. KAPTUR, Mr. HIGGINS, Mrs. TAUSCHER, Mr. CUMMINGS, Mr. COSTELLO, Mr. CARSON, Mr. COHEN, Mr. CRENSHAW, Mr. DOGGETT, Ms. LINDA T. SÁNCHEZ of California, Mr. STARK, Mr. KELLER, Mr. ELLISON, Mr. MORAN of Kansas, Mr. SIRES, Mr. OLVER, Mr. BUTTERFIELD, Mr. SESSIONS, Mr. BRALEY of Iowa, Mr. MCNULTY, Mr. HODES, Mr. COURTNEY, Mr. GEORGE MILLER of California, Ms. HOOLEY, Mr. CLEAVER, Mr. MEEK of Florida, Mr. SALAZAR, Mr. WOLF, Mr. MAHONEY of Florida, Mr. RUPPERSBERGER, Mr. WILSON of South Carolina, Mr. RYAN of Wisconsin, Mr. WAMP, Mr. CALVERT, Mr. PATRICK MURPHY of Pennsylvania, Ms. TSONGAS, Mrs. BACHMANN, Mr. KLINE of Minnesota, Mr. ROTHMAN, Mr. FERGUSON, Mr. HELLER, and Mr. NUNES.
H.R. 5180: Mr. GRAVES.
H.R. 5268: Ms. HARMAN.
H.R. 5626: Mr. BLUMENAUER.
H.R. 5673: Mr. ALEXANDER.
H.R. 5686: Mr. HARE.
H.R. 5714: Mrs. LOWEY, Mr. BARRETT of South Carolina, Mrs. MILLER of Michigan, Mr. SPRATT, Mr. MAHONEY of Florida, Mr. BROWN of South Carolina, Mr. PLATTS, Mr. LARSEN of Washington, Mr. BOUCHER, Mr. PAYNE, Mr. MANZULLO, Mr. WU, Mr. ENGEL, Mr. STUPAK, and Mr. RUPPERSBERGER.
H.R. 5793: Mr. MACK, Mr. LAMBORN, Mr. CULBERSON, Mr. BOUSTANY, and Mr. WITTMAN of Virginia.
H.R. 5854: Mr. MCGOVERN, Mr. KLEIN of FLORIDA, Mr. MICHAUD, Mr. YOUNG of Florida, and Mr. FILNER.
H.R. 5905: Mr. CULBERSON.
H.R. 5950: Ms. ROS-LEHTINEN.
H.R. 5951: Mr. LIPINSKI.
H.R. 6020: Mr. BACA.
H.R. 6029: Ms. LEE.
H.R. 6045: Ms. HIRONO and Mr. MEEKS of New York.
H.R. 6066: Mr. ACKERMAN, Mrs. MALONEY of New York, and Mr. GRIJALVA.
H.R. 6072: Mr. LANGEVIN.
H.R. 6126: Mr. BERMAN and Mr. STARK.
H.R. 6139: Mr. HELLER.
H.R. 6151: Ms. MCCOLLUM of Minnesota, and Mr. LIPINSKI.
H.R. 6172: Mr. BERRY and Mr. DEFAZIO.
H.R. 6259: Mr. NADLER.
H.R. 6287: Mr. MAHONEY of Florida.
H.R. 6288: Mr. FEENEY.
H.R. 6368: Mr. FEENEY.
H.R. 6373: Mr. LATTA.
H.R. 6375: Ms. WOOLSEY.
H.R. 6379: Mr. ROHRABACHER.
H.R. 6407: Ms. WOOLSEY.
H.R. 6444: Ms. MCCOLLUM of Minnesota.
H.R. 6453: Mrs. CUBIN.
H.R. 6462: Mr. POE.
H.R. 6491: Mr. KLINE of Minnesota.
H.R. 6520: Ms. BORDALLO and Mr. ISRAEL.
H.R. 6559: Mr. LIPINSKI.
H.R. 6562: Mr. FRANK of Massachusetts, Mr. ORTIZ, and Mr. ROGERS of Alabama.
H.R. 6566: Ms. GINNY BROWN-WAITE of Florida and Mr. LEWIS of California.
H.R. 6567: Mr. BISHOP of Utah.
H.R. 6568: Mr. PRICE of North Carolina.
H.R. 6577: Mr. TIBERI.
H.R. 6581: Mr. ROSS and Ms. CORRINE BROWN of Florida.
H.R. 6591: Mr. SALAZAR, Mrs. MUSGRAVE, Mr. TANCREDO, and Mr. LAMBORN.
H.R. 6598: Mr. RANGEL, Mr. ISRAEL, Mr. JOHNSON of Georgia, Ms. MCCOLLUM of Minnesota, Mr. SHERMAN, Mr. WU, Ms. MOORE of Wisconsin, Mr. RUPPERSBERGER, Mr. LIPINSKI, Mr. LEWIS of Georgia, Mr. MOORE of Kansas, Mr. GERLACH, Mr. BISHOP of New York, Ms. HIRONO, and Mr. RYAN of Ohio.
H.R. 6611; Mr. MAHONEY of Florida.
H.R. 6613; Mr. PAYNE.
H.R. 6617: Mr. Fortuño, Mr. SIRES, Ms. LEE, Mr. FRANK of Massachusetts, Mr. FILNER, and Mr. BACA.
H.R. 6625: Ms. SOLIS, Mr. LEVIN, Ms. WOOLSEY, Mr. LARSEN of Washington, Ms. BEAN, Mrs. LOWEY, Mr. MARSHALL, Mr. WALZ of Minnesota, Mr. PASTOR, Mr. AL GREEN of Texas, Mr. SMITH of Washington, Ms. SCHAKOWSKY, Mr. JOHNSON of Georgia, Mr. WAXMAN, Mr. BLUMENAUER, Mr. DOGGETT, Mr. ELLISON, and Mr. YARMUTH.
H.R. 6636: Ms. WOOLSEY.
H.R. 6662: Mr. HINCHEY, Ms. WOOLSEY, Mr. BISHOP of New York, and Mr. MCDERMOTT.
H.R. 6680: Mr. RANGEL and Mr. FRANK of Massachusetts.
H.R. 6686: Mr. MCGOVERN and Mrs. LOWEY.
H.R. 6691: Mr. PUTNAM, Mrs. MUSGRAVE, Mr. TANCREDO, Mr. PLATTS, Mr. MILLER of Florida, Mr. BISHOP of Utah, Mr. LEWIS of California, Mr. BOOZMAN, Mrs. MILLER of Michigan, Ms. GINNY BROWN-WAITE of Florida, Mr. SIMPSON, Ms. FOXX, Mr. WELDON of Florida, and Mr. FEENEY.
H.R. 6696: Mr. BARTON of Texas, Mr. SULLIVAN, Mrs. SCHMIDT, Mrs. CUBIN, Mr. GOODE, Mrs. MYRICK, Mr. SHADEGG, Mr. CANTOR, Mr. PENCE, Mr. KLINE of Minnesota, Mr. WALBERG, Mr. LUCAS, Mr. DOOLITTLE, Mr. CHABOT, Ms. FALLIN, Mr. LAMBORN, Mr. WELDON of Florida, Mr. GINGREY, Mr. BONNER, Mr. PRICE of Georgia, Mr. BROWN of South Carolina, Mrs. MUSGRAVE, Mr. BRADY of Texas, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. MCHENRY, Mrs. BACHMANN, and Mr. SCALISE.
H.R. 6709: Mr. JEFFERSON, Mr. PETRI, Mr. HARE, and Mr. MITCHELL.
H.R. 6747: Mr. POE.
H.R. 6783: Mr. WELDON of Florida.
H.R. 6788: Mr. WITTMAN of Virginia and Mr. BROWN of South Carolina.
H.R. 6798: Mr. MCINTYRE.
H.R. 6817: Mr. KAGEN and Mrs. BOYDA of Kansas.
H.R. 6846: Mr. DAVIS of Illinois and Mrs. MCCARTHY of New York.
H.J. Res. 12: Mr. KUHL of New York.
H.J. Res. 36: Ms. JACKSON-LEE of Texas and Mr. CLEAVER.
H. Con. Res. 22: Mr. KUCINICH.
H. Con. Res. 40: Mr. BARTLETT of Maryland and Mr. TERRY.
H. Con. Res. 81: Mr. CUMMINGS and Mrs. EMERSON.
H. Con. Res. 341: Mr. HASTINGS of Washington, Mr. PERLMUTTER, Mr. PASCRELL, and Mr. COURTNEY.
H. Con. Res. 378: Mrs. DRAKE, Mr. BROWN of South Carolina, Ms. ROS-LEHTINEN, Mr. BOUSTANY, Mr. WHITFIELD of Kentucky, Mrs. CAPPS, Mr. RUPPERSBERGER, Mr. ISSA, Ms. FALLIN, Mr. GRIJALVA, Mr. SHIMKUS, Mrs. SCHMIDT, Mr. SHADEGG, Mr. CANTOR, Mr. PENCE, Mr. LUCAS, Mr. DOOLITTLE, Mrs. MUSGRAVE, Mr. SULLIVAN, Mr. GOODE, Mr. MARCHANT, Mr. WELDON of Florida, Mr. GINGREY, Mr. BONNER, Mr. BRADY of Texas, Mrs. BACHMANN, Mr. BARTON of Texas, Mr. NEUGEBAUER, Mr. RADANOVICH, and Mr. WALDEN of Oregon.
H. Con. Res. 405: Mrs. EMERSON and Mr. ABERCROMBIE.
H. Con. Res. 409: Mr. MCCOTTER.
H. Res. 598: Mr. MCINTYRE.
H. Res. 757: Mr. HOLT.
H. Res. 1064: Mr. PAYNE, Mr. CARSON, Mr. DENT, and Mr. GERLACH.
H. Res. 1200: Mr. CONAWAY, Mr. BISHOP of New York, Mr. LYNCH, Mr. BERRY, and Ms. GINNY BROWN-WAITE of Florida.
H. Res. 1217: Mr. GRIJALVA, Mr. KENNEDY, and Mr. MCDERMOTT.
H. Res. 1232: Mr. MCHUGH.
H. Res. 1272: Mr. SMITH of New Jersey, Mrs. CUBIN, Ms. BORDALLO, and Ms. KAPTUR.
H. Res. 1303: Mrs. MUSGRAVE.
H. Res. 1310: Mr. TOWNS.
H. Res. 1333: Ms. CLARKE, Mr. CARNAHAN, Mr. CLAY, Mrs. NAPOLITANO, Mr. SHULER, Mr. TANNER, Mr. BOYD of Florida, Mr. WALZ of Minnesota, Ms. SCHWARTZ, Mr. LEWIS of Georgia, Mr. MICHAUD, Mr. MITCHELL, Mr. CHILDERS, Mr. BOSWELL, Mr. POMEROY, Mr. HOLDEN, Mr. BARROW, Mr. SHIMKUS, Mr. EMANUEL, Mr. STUPAK, Mr. WEXLER, Mrs. MCCARTHY of New York, Ms. BORDALLO, Mr. FILNER, Ms. TSONGAS, Mr. BERMAN, and Ms. VELÁZQUEZ.
H. Res. 1364: Mr. ABERCROMBIE, Mr. BOUSTANY, Mrs. BOYDA of Kansas, Mr. ROGERS of Kentucky, Mr. BRADY of Pennsylvania, Mr. TURNER, Mr. CONAWAY, Mr. COOPER, Mr. GINGREY, Mr. KLINE of Minnesota, Mr. LEWIS of Kentucky, Mr. BISHOP of Georgia, Mr. SAXTON, and Mr. LATHAM.
H. Res. 1377: Mr. HONDA and Mr. GILCHREST.
H. Res. 1397: Mr. MICHAUD and Mr. HOLDEN.
H. Res. 1401: Mr. SIRES.
H. Res. 1414: Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY of New York, and Mr. MORAN of Virginia.
H. Res. 1416: Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CUBIN, Mr. BROWN of South Carolina, Mr. BRADY of Texas, and Mr. ALEXANDER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative JEFF FLAKE or a designee to H.R. 3667 the Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5977: Mr. HUNTER.

EXTENSIONS OF REMARKS

TRIBUTE TO THE TOWN OF BELLE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mrs. CAPITO. Madam Speaker, I rise today to honor the town of Belle, WV as it celebrates its 50th year of incorporation.

Located in Kanawha County along the Kanawha River, Belle was incorporated on December 13th of 1958 by the Kanawha County Circuit Court.

For half a century now, Belle has been the home to many hardworking men and women with great values and a strong sense of community. Past and present mayors, councilpersons, employees, and community leaders have all played an integral role in shaping the town. Their hard work has provided jobs and opportunities to many people.

Even before incorporation, Belle was home to DuPont. Breaking ground in 1925, it has maintained a strong presence in the area for over 80 years. DuPont Belle has special significance in the history of the chemical industry. The plant's central location provides overnight delivery to two-thirds of the U.S. population and one-third of the Canadian population. It is the nation's first commercial ammonia synthesis site. At Belle, DuPont developed the technology to manufacture nylon. The town of Belle and state of West Virginia have experienced labor with industry-specific skills which allows them to offer an unmatched advantage in the chemical business.

It is an honor to pay tribute to Belle, a town that represents the best of America's small towns. I wish congratulations to Belle as it celebrates half a century of incorporation in the Mountain State.

CONGRATULATING THE STOCKDALE HIGH SCHOOL MUSTANGS VARSITY BASEBALL TEAM

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. McCARTHY of California. Madam Speaker, I rise today to honor the student athletes and coaches of the Stockdale High School Mustangs varsity baseball team. The Mustangs won the 2008 Central Section Division I Baseball Championship, also known as the Valley Baseball Championship, on May 22, 2008. In addition, the Stockdale Mustangs baseball team was ranked 2nd in the entire state of California (Division I) and 20th in the nation. Its achievements make the Mustangs the highest ranking team in Kern County history.

On May 22, 2008, the Stockdale Mustangs defeated Clovis High School 7–6 in its final game of the season to win, for the first time in Mustang history, the Valley Baseball Championship. This was a truly outstanding achievement to cap a remarkable season, a season where the Mustangs finished with a record of 31–1. The game was an amazing come-from-behind victory, where the Mustangs scored three runs to tie the score in the bottom of the sixth, and pulled ahead two innings later with a game-winning single to right field. With the Mustangs' optimism, athleticism, skill and hard work, the Stockdale High School fans, students and community members were treated to an exciting and memorable championship game.

I would like to extend my congratulations to the Stockdale High School Mustangs student athletes for their impressive championship win and strong 2008 season. The 2008 roster included Ryan Lay, Jeff Dolinar, Jonathan Broida, Kyle Desimone, Ryan Drown, Greg Osteen, J.D. Reed, Philip Valos, Dominic Chavez, Justin Williamson, Brock Allen, Jared Schweitzer, Travis Boos, Ren Floyd, Ryan Atherly, Travis Maytubby, Imaad Nuriddin, Scott Denesha, Eric Matthews, K.C. Hobson, Tyler Boren, Aaron Hartman, Steven Eyherabide, Ryan Espinoza, and team manager Jack Robson.

I also want to congratulate the coaching staff who helped lead the team to its championship season. The Mustangs head coach is Dan Lemon and his coaching staff includes assistant coaches Greg Showers, Travis Debondt, Butch Hobson, and Lance Stevens.

Participation in extracurricular activities is a wonderful component of a high school education because it provides opportunities for leadership, teamwork and competition. These essential characteristics for a well-rounded education are especially distinct in the Stockdale High School's exemplary athletic programs. The months of physical and mental training and the dedication to teamwork that was required to win this Valley Championship, as well as all their unprecedented achievements, will benefit these young men in their years to come.

On behalf of the residents of the 22nd Congressional District, I once again commend the Stockdale High School Mustangs on winning the 2008 Central Section Division I Baseball Championship, and I know the parents, teachers, neighbors and fans of our community will remember this season for many years to come.

CONGRATULATING GRAYHAWK ELEMENTARY SCHOOL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. MITCHELL. Madam Speaker, I rise today in recognition of the Grayhawk Elementary School for being named by Project Tomorrow as a Speak Up Top 200 school. This honor is in recognition of the school's incorporation of the views of students, parents, and educators in their educational decision making, with an emphasis on the implementation of new technologies.

Grayhawk Elementary School has done an exemplary job of putting communication channels in place in order for the needs of the students to be recognized and for the concerns of the parents to be taken into account. With this information available, teachers are better able to engage and inspire their students.

As a former teacher and a member of the Science and Technology Committee, I am especially proud of the achievements of this school. It takes a great deal of time and effort from both parents and educators to spark students' creativity; a feat I believe can only be achieved through open communication. Also with the great strides that have been made recently in the technology industry, it is paramount that our students, teachers, and parents are up to date with our constantly changing technological landscape.

Grayhawk Elementary was chosen by as a Top 200 school out of a pool of over 10,000 schools nationwide. The school signifies the progressive approach necessary in order for our children to receive the best education possible. It is for these reasons and many more that I congratulate Grayhawk Elementary School for its achievement and urge its educators, parents, and students to continue to strive for excellence in the future.

HONORING LIEUTENANT GENERAL JOHN A. BRADLEY ON THE OCCASION OF HIS RETIREMENT

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. COOPER. Madam Speaker, I rise today to salute a man who has touched the lives of so many Tennesseans, as well as many the world, through his long and distinguished military career, culminating as Chief of the Air Force Reserve and commander for the Air Force Reserve Command.

General John A. Bradley was commissioned in 1967 after completing the Air Force ROTC program as a distinguished graduate at the University of Tennessee at Knoxville.

As a fighter pilot, General Bradley flew 337 combat missions in Vietnam. He commanded a fighter training squadron, fighter group and wing and Reserve numbered air force. General Bradley also served as the Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters. He has over 7,000 flying hours in the T–38, A–37, A–10, F–4 and F–16.

General Bradley's noteworthy service has been recognized for his service with numerous devices on medals for the Distinguished Service Medal, Defense Superior Service Medal, Legion of Merit, Distinguished Flying Cross, Combat Readiness Medal, Vietnam Service Medal, Southwest Asia Service Medal, Global War on Terrorism Service Medal, Republic of Vietnam Gallantry Cross, Republic of Vietnam Campaign Medal, and Kuwait Liberation Medal, Government of Kuwait.

General Bradley's superior leadership propelled the Air Force Reserve Command to meet or exceed every mission requirement while effectively managing limited resources in an ever-changing, post-September-11 environment. His "One Air Force, Same Fight . . . an Unrivaled Wingman" Vision provided a roadmap for the Air Force Reserve Command to execute over 39 Total Force Integration and Base Realignment and Closure changes affecting 75 percent of its units.

He supported the Combatant Commands with over 27,000 volunteer and mobilized reservists. He proactively led the Command's steadfast support of Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom as well as the rapid response to the 2005 hurricane strikes. As the Air Force lead for the Air Force Smart Operations 21 Caring for People process, he made recommendations to improve programs essential to the health and welfare of Airmen.

General Bradley has retired home to Nashville, TN. On behalf of a grateful Nation, I thank General Bradley, his wife Jan and their daughter Leigh Ann for their commitment and sacrifices made throughout this distinguished military career. Congratulations on completing an outstanding and successful career.

IN MEMEORIAL OF OFFICER ISABEL NAZARIO

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Ms. SCHWARTZ. Madam Speaker, on Friday September 5, 2008, Officer Isabel Nazario, an 18-year veteran of the Philadelphia Police Department and a constituent of the 13th Congressional District was killed in a crash while assisting fellow officers in the pursuit of a stolen vehicle. The crash also injured her partner, 12-year veteran Terry Tull.

Officer Nazario, 40, left behind a 15-year-old daughter, Jazmin, and a fiancée, Carlos Buitrago. She was remembered by her friends and colleagues as a "beautiful mother" and "a great officer."

Police Commissioner Charles Ramsey called her, "a very, very good officer in a very high-profile unit with highly motivated officers."

Philadelphia Mayor Michael Nutter said she "was a dedicated public servant who spent her life protecting others."

Fraternal Order of Police Lodge No. 5 President John McNesby said, "She had a great work ethic and a great reputation on the street. She was always willing to do what needed to be done."

Officer Nazario joined the Department because she was called to make her community a better place. A graduate of Olney High School in Northeast Philadelphia, Nazario was promoted to the Narcotics Strike Force division 12 years ago. She was part of a police family, her sister Maritza Mohamad and her fiancée were also Philadelphia Police Officers.

Jazmin Nazario said the thing that she admired most about her mother was her strength—the type of strength that enabled a single mother to walk the beat through city streets and put away criminals.

Madam Speaker, in the 4 years I have represented the people of the 13th Congressional District, 4 police officers from my district have been killed in the line of duty. The loss to families, communities and the force is acute. It is our duty to recognize the sacrifice of our law enforcement officers who put themselves in harm's way to protect the people of our great city.

I ask that the House of Representatives extend its condolences to Jazmin Nazario, her family, and the Philadelphia Police Department for their significant loss.

CHEMUNG CANAL TRUST COMPANY

HON. JOHN R. "RANDY" KUHL, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. KUHL of New York. Madam Speaker, in fan the fall of 1833, the Chemung Canal Trust Company opened its doors to the public and has continued to serve the Chemung community through banking, loans, and investment opportunities.

Over the last 175 years Chemung Canal Trust Company has continued to grow and now includes three of the counties that I represent in 29th district of New York including Chemung, Schuyler, and Steuben counties.

From providing the funds for a family to purchase their dream home to allocating loans so a student can pursue a higher education degree, Chemung Canal Trust has made a difference in New York for 175 years. And through the last 175 years, they have not lost their commitment and dedication to this community.

I want to congratulate all of the employers, patrons, and everyone associated with Chemung Canal Trust Company for this amazing accomplishment. I know that this company will flourish for another 175 years and will continue to be a strong contributor to the people of my district and to businesses in New York.

TRIBUTE TO CHIEF RICHARD GONZALES

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the city of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Corona Police Chief Richard Gonzales is one of these individuals. On September 12, 2008, Richard Gonzales will retire as the Corona Chief of Police.

A native Californian, born in Los Angeles, Richard makes his home in Corona with his wife Terry. Richard was sworn in as Corona's Police Chief on February 17, 1998. Previously, he spent 26 years the Los Angeles Police Department, beginning in 1972 as a patrol officer and retiring in 1998 as Captain III overseeing a staff of 170 at Hollenbeck Division. Prior to this he was the commanding officer of the 77th Street area.

Chief Gonzales holds a Master of Arts Degree in Public Administration and a Bachelor of Science Degree in Criminal Justice, both from Cal State Long Beach. He is a graduate of the FBI National Academy in Quantico, Virginia and in 2001 he attended the FBINA LEEDS Training. He has attained an "Executive" POST Certificate. He previously taught a POST supervisory course at the Ben Clark Training Center in Riverside for the Sheriff's Department and a POST supervisory LDSP course at Golden West College.

During his tenure as Chief of Police for the city of Corona, Gonzales oversaw the growth of the department from 114 officers to 189 officers. In addition, he advocated for the acquisition of a mobile command post, computers for patrol cars and an indoor shooting range that is 25 lanes wide. Chief Gonzales has been an excellent public servant who has consistently provided for the safety and well-being of the community of Corona.

Chief Gonzales is also actively involved in community youth activities as a board member of UNITY. His hobbies include golf and jogging and he is a member of his department's Baker-to-Vegas running team. Chief Gonzales has actively instituted partnerships with the local school district, ministerial groups and other service organizations to keep our community safe and raise the quality of life we share here in Corona. In 1999, Chief Gonzales was honored by the Inland Empire Hispanic Image Awards as "Public Safety Person of the Year" and in 2001 received the Ira Calvert Distinguished Citizen of the Year award. In July, 2003, he received the "Law Administrator of the Year" award from the California School Resource Officers' Association.

Richard's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. I am proud to call Richard a fellow community member, American, and friend. I know that many community members are grateful for his service and salute him as he retires.

IN RECOGNITION OF NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. ANDREWS. Madam Speaker, whereas, 22.2 million people in the United States have faced a substance use disorder in the past year, and all deserve to experience the many benefits of recovery; and

Whereas, treatment reduces reported job problems, including incomplete work and absenteeism, by an average of 75 percent; and

Whereas, treatment is cost effective, with some measurements showing a benefit-to-cost ratio of up to 7:1, with substance use disorder treatment costing $1,583 per person on average and having a monetary benefit to society of nearly $11,487 for each person treated; and

Whereas, we must recognize the financial savings associated with treatment services, and ensure that such services are readily available to those who need assistance; and

Whereas, cost and insurance barriers present obstacles to those who need access to treatment facilities and want to re-establish their place in the community; and

Whereas, it is critical that we educate our community members and local businesses that substance use disorders are a treatable, yet serious health care problem, and by taking steps to address it, as well as provide support for the families and children of those with these disorders, we can save both lives and dollars; and

Whereas, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and The South Jersey Coalition invite all residents of 1st Congressional District of New Jersey to participate in National Alcohol and Drug Addiction Recovery Month (Recovery Month); and now, therefore,

I, Congressman ROB ANDREWS, do hereby proclaim the month of September 2008 as National Alcohol and Drug Addiction Recovery Month in the 1st Congressional District and call upon the people of the 1st Congressional District to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, ''Join the Voices for Recovery: Saving Lives, Saving Dollars.''

INTRODUCING LEGISLATION TO AWARD DR. JOSEPH B. KIRSNER THE CONGRESSIONAL GOLD MEDAL

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. KIRK. Madam Speaker, I am proud to introduce this bill to award Dr. Joseph B. Kirsner the Congressional Gold Medal for his outstanding work in the medical field of gastroenterology.

The son of Russian immigrants, Kirsner overcame adversity as a young man and graduated from Tufts University School of Medicine at the top of his class. He went on to earn his medical degree at the University of Chicago. While training in Chicago, he became an expert in gastroenterology and helped to make the University of Chicago the premier center for research and therapy of inflammatory bowel disease. His leadership and research led to unprecedented medical advances in the field of gastroenterology, enhancing the lives of people across the world.

Despite his devotion to his research, Kirsner was compelled to join the Armed Forces in World War II, earning a third battle star in the battle of the Philippines before serving under General Douglas MacArthur in Japan. Following the war, Kirsner became a full professor of medicine at the University of Chicago. During his time as a professor, he published over 700 papers and 15 books, and gave over 25 named lectureships. He has served as a leader on a number of boards and foundations, such as the National Institutes of Health, the American Gastroenterological Association and the Chicago Medical Society. Despite all of his world-renowned successes, he continues to provide personal care to patients from across the country.

Dr. Kirsner, a World War II veteran and devoted civil servant to the field of medicine, has lived his life in service to others, deserving of national recognition for his honorable contribution to our country.

A TRIBUTE TO SUSAN PRATHER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GEORGE MILLER of California. Madam Speaker, I rise today along with my colleague, Congresswoman ELLEN O. TAUSCHER, to commemorate and celebrate the life and accomplishments of life-long Contra Costa County resident and untiring social service advocate, Ms. Susan Prather. For over 30 years, Susan Prather successfully battled the establishment at all levels of government on behalf of our most vulnerable citizens—our homeless. Sadly, on July 29th, she lost her own battle with cancer, and we all lost a true treasure in our community.

Susan's commitment to the needs of the homeless began in 1976, when she was working at a senior meals program and was confronted with the struggles of the homeless and poor of Contra Costa County. Using her own financial resources, she began by single-handedly providing what help she could. She held down multiple jobs to support herself during the day; after hours she traveled the streets of Richmond, Concord, and Berkeley helping the homeless one client at a time. Her commitment to her clients of all ages often took her to their encampments with city and county officials and even Members of Congress in tow. She is well known for the tremendous pressure she put on public officials to make the concerns of the poor and homeless a top priority and increase both funding and services nationwide. She wanted to make sure that those in positions of power could put a face to the problem of homelessness.

In 1999, the City of Walnut Creek hired Susan to initiate the outreach program now known as Fresh Start. Under Susan's direction the program proved highly successful. When the funding ran out a short 2 years later, Susan transitioned Fresh Start into a private non-profit organization and it flourished under her leadership, In her role as Founder and Executive Director of Fresh Start, Susan provided her clients with clothing, meals, showers, counseling and other critical social services. She has helped countless residents find jobs and establish homes for themselves and their families.

Over her years of service, Susan Prather has been recognized by a long list of government agencies and private organizations for her outstanding community work. In 1994, the California State Assembly recognized her efforts in a formal resolution. In 2002 she received the ''Women Working for Justice'' award from the Contra Costa County Commission for Women. In 2004, she was Honorably Mentioned at the Contra Costa County Humanitarian of the Year Awards Ceremony. Also in 2004, the Walnut Creek Journal named Ms. Prather one of the ''Six People Who Made Our Lives Better in 2003''. Susan certainly made life better for the countless poor and homeless residents of Contra Costa County and in doing so, she raised the quality of life for us all.

To Susan's family and friends, we extend our heartfelt condolences. Your loss is shared not only by those who knew Susan personally, but also by all who have been touched by the work she has done. We will be forever grateful for the courage, compassion, integrity, and tenacity with which she sought to make our community a better place for everyone. Susan Prather will be deeply missed and in her memory, we must vow to continue the work she started.

HONORING STATE SENATOR LEWIS H. ENTZ

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. SALAZAR. Madam Speaker, I rise today to honor a great Coloradan and a great American former State Senator Lewis H. Entz.

Senator Entz is a native of Colorado's San Luis Valley and has been a tireless champion for rural veterans in Colorado. A potato farmer from Hooper, he served our Nation as a United States Marine during the Korean war.

He served as a State representative from 1983 to 1998, and then was appointed in 2001 to serve as State senator. In 2006, Senator Entz returned to private life.

During his tenure at the State level, Senator Entz routinely showed his commitment to Colorado's rural veterans. He carried the legislation which created the Homelake Veterans Nursing Home in Homelake, Colorado. He consistently fought for State capital dollars to ensure Homelake's ongoing service to Colorado's elderly veterans.

Today, he serves on the Colorado Board of Commissioners of State and Veterans Nursing Homes. He is also an active member of the Homelake Foundation Board where he continues to work tirelessly to preserve and rehabilitate one of Colorado's most prized and historic veteran's care facilities.

Most recently, Senator Entz completed a 6-year process of acquiring and installing an A7–D Corsair to be displayed at Homelake in honor of our Air Force's contributions to tactical, close air ground support for our troops during the Vietnam war.

A life long member of the Veterans of Foreign Wars and American Legion, Senator Entz remains one of the strongest advocates for rural veterans in Colorado.

Senator Entz is also a brave survivor of colon and prostate cancer.

A twin and 1 of 11 children, Senator Entz his wife, Lorie, have four children: Cindy, Mike, Sandy, and Cathy.

His efforts to improve the quality of life of elderly veterans at Homelake makes him one of my heroes.

CONGRATULATING DR. RENU KHATOR AS THE NEW PRESIDENT AND CHANCELLOR OF THE UNIVERSITY OF HOUSTON SYSTEM

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to congratulate Dr. Renu Khator as the new President and Chancellor of the University of Houston System.

Dr. Renu Khator has been a long-time advocate of higher education. She dedicated 22 years of her career to the University of South Florida and, at the helm of it, was awarded the position of provost and senior vice president. Her tenure at South Florida is highlighted by leading the expansion of its sponsored research and overseeing an annual $1.6 billion budget for the university.

Her accomplishments lend experience that will positively shape the future of the University of Houston System. She has already shown exceptional enthusiasm and dedication toward students enrolled in the System. Within the first 100 days of her appointment, she gained feedback from over 12,000 students on issues that most concern them. Based on this feedback, it has become one of her top priorities to build a reputation for the University of Houston as a nationally recognized research institution. I have complete confidence that Dr. Khator, the UH faculty, staff and students will achieve this goal and as an institution and community continue to serve as an example of excellence to public universities throughout our country.

Madam Speaker, it is my pleasure to recognize and congratulate Dr. Renu Khator as the new president and chancellor of my alma mater, the University of Houston.

IN HONOR OF STORK MEDICAL

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Stork Medical, a company that fulfills a great need in the medical community.

Hope is a powerful emotion. It can turn despair into jubilation; futility into purpose, fear into comfort; and isolation into community. Because Stork Medical and Community Blood Services are helping to provide hope to our military, it is my privilege to honor these patriotic companies with this resolution. Their forward thinking and generous program makes umbilical cord blood storage affordable to all who have ever served in our military, and are thus transforming this abstract word into a tangible commodity.

With the help of Stork Medical and Community Blood Services, the depressed soldier lying in bed, recovering from war injuries, will now have the hope that stored cord blood may one day repair his or her spinal cord injury, brain trauma, or even restore an amputated limb. Hope enables a smile to appear, a laugh to become audible, and allows healing to truly begin. To be sure, hope is potent medicine.

Families of our soldiers bravely live in a perpetual state of anxiety, constantly praying for the safe return of their beloved. These families, who reluctantly send their loved ones into battle, now have the hope that if a major injury occurs, it may one day be reversible through the use of this "liquid gold." With stem cells already being used to build new fingers, bladders, noses, heart valves, and cartilage, it is more than just a "wish."

Madam Speaker, it is indeed "hope." With their proven ability to treat many leukemias and cancers, these cells, which are harvested without any injury to the baby or mother, offer protection for soldiers exposed to chemical warfare and other toxic battlefield substances. Since these cells can be used for any close family member, they also offer added protection against many of the unspoken fears that young parents harbor.

This gift is a spectacular example of patriotism in its finest form. This program is offered by private enterprise without asking for a single tax dollar. It demonstrates that everyone can play a part in defending our freedom and liberty. As our military and their families sacrifice to defend all that we hold dear, Stork Medical and Community Blood Services have put hope into action.

IN RECOGNITION OF GERALD W. FOGELSON ON HIS 75TH BIRTHDAY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. EMANUEL. Madam Speaker, I rise today to wish Gerald W. Fogelson a very happy 75th birthday today.

Mr. Fogelson is the founder and CEO of the Fogelson Group and has been involved in real estate since 1955. In 2003, he was inducted into the Chicago Association of Realtors Hall of Fame for his leadership in the industry and in the community.

Mr. Fogelson's long career has been filled with many accomplishments, including being an early pioneer of planned unit development in the United States, as well as other mixed-use developments. Furthermore, Mr. Fogelson's portfolio encompasses large, diverse, and high quality ventures in several states.

Throughout his career, Mr. Fogelson worked with municipal governments for more than just real estate interests; he was committed to working to improve his community. Mr. Fogelson is an active member of numerous charitable and philanthropic organizations, and was a cofounder of the renowned Chicago School of Real Estate at Roosevelt University.

Madam Speaker, Gerald Fogelson has been a leader in real estate and a great Chicagoan. I am proud to recognize Mr. Fogelson for his accomplishments and wish him a very happy 75th birthday with many more to come.

HONORING ADA BUDRICK CHILD CARE AND LEARNING CENTER

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor Ada Budrick Child Care and Learning Center, a pre-school in Boonton, New Jersey, an exceptional organization I am proud to represent! On August 28, 2008 Ada Budrick celebrated 40 years of educating young children from low-income families.

Ada Budrick is a non-profit early childhood education center, accredited by the National Association for Education of Young Children.

Ada Budrick provides an opportunity for children of low-income families to enter school on an equal footing with their peers. Its primary goals are to provide a secure, stimulating and loving atmosphere for self-discovery, and to develop feelings of self-worth and accomplishment by stressing cooperation and involvement through interactive learning.

Ada Budrick Child Care and Learning Center was founded in 1968 in the Town of Boonton by Ada Budrick, a local welfare leader. The program primarily serves low-income and single parent families of multi-cultural and multi-lingual backgrounds in Morris County, New Jersey. It has grown and changed over the years to meet the needs of this community.

Madam Speaker, I urge you and my colleagues to join me in congratulating the dedicated and talented trustees and staff of Ada Budrick Child Care and Learning Center on the celebration of 40 years of providing critical educational services to the Boonton community.

CONGRATULATING DR. SUSAN COLE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. PASCRELL. Madam Speaker, I rise today to congratulate Dr. Susan Cole for her 10th year of service as president of Montclair State University. Throughout her distinguished career, as an educator, advisor, and director, Dr. Susan Cole has been a tireless advocate for all New Jersey's residents.

Dr. Cole has a long and accomplished record of service in the field of higher education, having served as the vice president for university administration and personnel at Rutgers, the State University of New Jersey from 1980 to 1991. Later, Dr. Cole became president of Metropolitan State University in Minneapolis/St. Paul, Minnesota serving from 1993 until 1998. Dr. Cole has also served as a visiting senior fellow at the City University of New York and an associate university dean Antioch College. Governor McGreevey appointed Dr. Susan Cole his co-chair of higher education transition team and she also held this post within his cabinet. Never failing to answer the call of service, Dr. Cole has also served within the cabinets of Governor DiFrancesco and Governor Whitman. Today, as the eighth president in the history of Montclair State University, Dr. Susan Cole oversees New Jersey's fastest growing university with the utmost commitment to its continued expansion.

When Dr. Cole finds time in between her 17,000 students at Montclair State University, she continues to devote her time to serving New Jersey residents. Realizing that education doesn't end outside of the classroom, Dr. Cole serves on the board of directors for the New Jersey Performing Arts Center, Liberty Science Center, and the American Council on Education. While her already mentioned accomplishments speak for themselves, Dr. Cole has also served on the boards of the New Jersey Chamber of Commerce, Mountainside Hospital, and the Property Tax Convention Task Force.

Not only serving New Jersey, Dr. Cole has also served the State of Minnesota. Notably, Dr. Cole has served on the boards of Twin Cities Public Television, the Saint Paul Foundation, Western Bank, and as chair of the Saint Paul Riverfront Corporation.

I would like to personally thank Dr. Susan Cole for her contributions to the State of New Jersey, and to the educational welfare for thousands of students. Again, I would like to congratulate her on her 10th year of exceptional service at Montclair State University.

INTRODUCTION OF H.R. 6834, TO DESIGNATE THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 4 SOUTH MAIN STREET IN WALLINGFORD, CONNECTICUT, AS THE ''CWO RICHARD R. LEE POST OFFICE BUILDING''

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Ms. DELAURO. Madam Speaker, I am pleased to join my colleagues from Connecticut to introduce a bill to designate the facility of the United States Postal Service located at 4 South Main Street in Wallingford, Connecticut, as the ''CWO Richard R. Lee Post Office Building.''

Chief Warrant Officer Richard R. Lee was born July 28, 1954, and grew up in Wallingford, Connecticut, attending local elementary schools in the Yalesville section of town. In his younger years, Rich loved to fish with his friends and his father, Earl. One of his favorite places was the Black Pond in Meriden. Rich attended Lyman Hall High School until 1971 when the growing town built a new high school. Sheehan High opened and his fondness for the water led him to join the swim team. Rich won the Regional Championship for Diving at Sheehan. He played soccer as well and helped Sheehan High to many victories before graduating with the class of 1972.

Rich also had a love for fast cars and flying, which sent him in the direction of the military. In 1973, he enlisted in the Army, and he eventually achieved the rank ''Chief Warrant Officer''. Rich learned to fly a helicopter in the Army, became ''Civilian Rated''-Instrument Rated and planned to continue flying when he retired.

Sadly, Rich's dream was not to be realized. He was deployed to the Middle East to fight in Operation Desert Storm and paid the ultimate sacrifice for our country on February 7, 1991. His high school classmates, Robert J. Devaney and Debra Frost Markiewicz, first approached me about naming the Wallingford Post Office in Mr. Lee's honor. This tribute to our fallen hero is supported by many public servants in Wallingford including Mayor William Dickinson, Senator Len Fasano, Councilman Robert Parisi, Postmaster Michael Schrader, and Leigh Piscitelli of the Postal Service. The post office lies in Wallingford's parade ground directly across from the town hall and veterans' monuments. To date, there is no monument in Wallingford to remember Richard Lee's sacrifice. His parents, Earl and Helen Lee, who currently reside in North Carolina, would like nothing more than to see this tribute to their son. I hope you will join me and my colleagues from the State of Connecticut in enacting this tribute to Chief Warrant Officer Richard R. Lee.

PERSONAL EXPLANATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. SMITH of Texas. Madam Speaker, I would like the record to show that on rollcall vote 575, H.R. 6630, I inadvertently voted "yea" when I intended to vote "nay."

HONORING YVONNE LEANDER

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mrs. BLACKBURN. Madam Speaker, It is a privilege for me to rise today and honor Mrs. Yvonne Leander as she retires from the Department of Housing and Urban Development.

As a young graduate from the University of Georgia with a degree in economics in hand, Yvonne Leander began her career in public service after accepting a position as an economist in HUD's Atlanta office. After taking that first position, Yvonne would quickly rise within the agency and take on wide ranging managerial positions that include Chief of the Management Branch in HUD's Atlanta Property Disposition Center, Community Builder in HUD's Nashville office and Field Office Director of HUD's Memphis Office.

A dedicated public servant, Yvonne has touched countless lives as she has helped many proud Americans experience the joys of becoming a homeowner for the first time. With a reputation for being an innovative leader in the community, Yvonne coordinated a national award-winning project that successfully relocated 186 very low-income families from Lane Garden Apartments in Nashville with the help of business and community partners. Throughout her time with HUD, Yvonne has consistently provided wisdom, encouragement, and counsel to many families that have found themselves experiencing difficult times.

Madam, Speaker, I urge all of my colleagues to join me today in thanking Yvonne Leander for her 38 years of Government service and wishing her the best in her well-deserved retirement.

INTRODUCTION OF THE FAIR COPYRIGHT IN RESEARCH WORKS ACT OF 2008

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. CONYERS. Madam Speaker, today I am introducing the Fair Copyright in Research Works Act of 2008, legislation that would preserve the intellectual property rights of our Nation's researchers and scientists. Specifically, the bill would prevent the Federal Government from requiring the transfer of intellectual property rights from researchers expressly in cases where there are non-federal financial or other

contributions made toward the advancement or dissemination of science. Representatives DARRELL ISSA, ROBERT WEXLER and TOM FEENEY join me in this important effort to preserve intellectual property rights while furthering the national goal of advancing science and innovation.

This legislation is necessary to respond to a dramatic policy change which was instituted in April of this year at the National Institutes of Health, without adequate Congressional consideration of the impacts of those changes on the intellectual property system, innovation, the peer review system, or our international obligations.

In fact, this change in policy—from voluntary to mandatory submission of copyrighted materials—could severely impact important negotiations with our international trading partners. Already we are hearing reports, in conversations at the World Health Organization and in other international forums, the new National Institutes of Health policy to limit the exercise of copyright by authors and owners is being taken as a sign that the United States is shifting its position away from being a strong proponent of intellectual property rights and enforcement. Interest groups are using this example not only to promote a relaxation of copyright protections, but also to advocate for international diminution in strong patent policy.

The legislation that we have introduced today would restore intellectual property protections for scientists, researchers, and publishers until a more thorough analysis of the access issues and a determination of an appropriate policy can be performed by the Register of Copyrights in consultation with economic experts.

Our intent is that no harm should be done to the peer review system—a system that has been in place for over a hundred years and is the gatekeeper winnowing out great science from careless science or even fraudulent ''research'' results. We intend to ensure that the intellectual property protections currently in place, which provide important incentives for the private sector to make significant I investments in research, are carefully considered before any policy change is enforced or proliferates in this area.

This legislative effort is supported by scientific societies, large and small publishers, and for profit and non-profit entities. It is an inportant and necessary step in the fight to maintain our competitive edge in a global marketplace. Copyright protections provide the incentive to ensure that publishers invest in the peer review process, thus ensuring that science is adequately vetted prior to being distributed to the public.

IN RECOGNITION OF THE 30TH ANNIVERSARY OF THE CALIFORNIA CONSERVATION CORPS' BACKCOUNTRY TRAILS PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to pay special tribute to the California Conservation Corps' Backcountry Trails Program on the occasion of their 30th anniversary.

The Backcountry Trails Program, created in 1979 by the CCC's current director, David Muraki, is a special program within the CCC and dedicated to preserving our remaining wilderness areas, making them safer and more accessible.

Each spring, the Backcountry Trails Program assembles six widely diverse crews of men and women, hired from all around California and across the United States, who leave behind the conveniences and luxuries of modem life and venture into the mountains to spend five exhausting months doing some of the most challenging and ultimately rewarding work of their lives. The 17 members who comprise each of these crews learn through experience the skills of trail maintenance, construction, and the process of building healthy productive communities. It is extremely hard work and one of our best examples of truly beneficial public service.

Over the past 30 years, the CCC has assembled 145 Backcountry Crews, whose combined efforts have repaired 8,560 miles of trail during 2 million hours of service. That's enough trail to stretch from Sacramento, California to the recent Beijing Olympics, or from Sacramento, California to Washington DC, returning to Sacramento, and then back to Washington DC.

After this year's corps-members complete the program, they will bring the total number of Backcountry Trails Program graduates to 1,954.

Many corps-members discover that a single season working trails in the Backcountry is not enough. Close to 600 Backcountry graduates have been hired by various Federal and State land management agencies to use the skills they've acquired in the program to continue efforts to repair wilderness trails. The CCC's Backcountry Trails Program has become the premier trails apprenticeship program in the Nation. The graduates have been hired by every major national park in America.

In addition to clearing trails, the crews have built 121,440 square feet of walls and over 21.5 miles of raised causeway. They have installed nearly 10,000 water bars, 25,883 rock steps, and built over 4.3 miles of stone rip rap, carefully selecting and placing each rock into an exact fit in order to sustain the weight of mules and the ravages of time.

In recognition of the CCC Backcountry Program's significance, the California State Commission has deemed this program an integral part of California's Ameri-Corps portfolio since 1995.

Today, I am extremely proud to commend the California Conservation Corps' Backcountry Trails Program for their 30-year history of improving our wilderness and providing valuable training for so many of our young adults.

CONGRATULATING MICHAEL M. CROW, RECIPIENT OF THE 2008 JERRY J. WISOTSKY TORCH OF LIBERTY AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Michael Crow, recipient of the 2008 Jerry J. Wisotsky Torch of Liberty Award from the Anti-Defamation League. As President of Arizona State University, Dr. Crow has actively shown his commitment to the social, cultural, and environmental welfare of our community. Dr. Crow recognizes the important role that these factors play in strengthening and enhancing our quality of life.

Throughout his time as President, Dr. Crow has led Arizona State University to set a new ''Gold Standard'' in education and research through the objectives of excellence, inclusion, and impact. Under the direction of Dr. Crow, ASU has helped address major concerns in Arizona, including environmental, health, social service, and immigration issues.

Dr. Crow has served as President of ASU since July 2002, during which time he has pioneered the development of numerous major research initiatives and more than a dozen new interdisciplinary schools at Arizona State University. Through its more than 1,030 community outreach programs, ASU under Michael Crow is considered a leader in philanthropic efforts.

I commend the Anti-Defamation League for selecting such a worthy recipient of this prestigious award to exemplify its mission of fighting social injustice. Based on his commitment to improving standards in higher education, Dr. Crow is more than deserving of this award from one of the nation's leading humanitarian organizations.

Madam Speaker, please join me in recognizing Dr. Michael Crow's continued service to Arizona State University and our community.

LANCE CORPORAL JONATHAN R. GOODMAN, USMC

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Lance Corporal Jonathan R. Goodman, USMC, of Trenton, Missouri. Lance Corporal Goodman has recently returned from Operation Iraqi Freedom 8.1, deployed to Camp Habbaniyah, Iraq with the 2d Battalion, 24th Marines. As a marine, he has served his Country honorably and well.

I, his friends, and family are extremely proud of his service to our Country and welcome him home at a special meet and greet celebration on September 13, 2008 at the local VFW Hall #919 in Trenton, Missouri.

Madam Speaker, I proudly ask you to join me in recognizing Lance Corporal Jonathan R. Goodman, USMC, who is a true inspiration for all that know him. It is truly an honor to serve

Lance Corporal Goodman in the United States Congress.

A PROCLAMATION HONORING PAUL AND LINDA MADER ON RECEIVING THE HALL OF FARM AWARD

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. SPACE. Madam Speaker:

Whereas, Paul and Linda Mader are appreciated for their dedication and contributions to the Harrison County Farm Bureau; and

Whereas, the couple has had a positive impact on agriculture in Harrison County; and

Whereas, they have served their community as members and/or officers of the Harrison County Farm Bureau, Grange, Landmark, and their church, the United Methodist Church of the Cross; and

Whereas, Paul and Linda Mader have served the organization and the community selflessly and tirelessly; now, therefore, be it

Resolved that along with their friends, family, and the residents of the 18th Congressional District, I commend Paul and Linda Mader on their contributions to Harrison County's agriculture industry. Congratulations to Paul and Linda Mader on receiving the Hall of Farm Award.

HONORING JAMES DANIEL RICHARDSON'S LIFETIME OF SERVICE TO TENNESSEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GORDON of Tennessee. Madam Speaker, I rise today to remember Congressman James D. Richardson, upon the occasion of the raising of a Tennessee Historical Marker on the site of Richardson's family home in Murfreesboro, Tennessee.

During the Civil War, Richardson served Tennessee with honor and distinction, volunteering at the age of 18 as a private in the Tennessee Infantry and rising to the rank of major by war's end. After the war, Richardson studied the law and was admitted to the bar in 1866. He practiced in Murfreesboro for over 12 years and served as director of both the Stones River National Bank and the Safe Deposit, Trust, and Banking Company of Nashville. Known simply as ''Major'' to his friends and associates, Richardson also led the Rutherford County Fair Association, served as commissioner of the Evergreen Cemetery, was an active Freemason, and raised five children with his wife, Alabama.

He was elected to the Tennessee State Legislature in 1870, where his colleagues named him speaker of the House at the age of 28. Richardson quickly came to prominence within the Democratic Party, serving as a delegate to the National Convention of 1876 and earning a reputation as a captivating orator.

In 1884, Richardson was elected to the United States Congress. This was only the beginning of a 20-year career in which he led the Tennessee Congressional Delegation, served as interim Democratic Whip in 1894, and was called upon by his colleagues to compile The Messages and Papers of the Presidents, a vital history of American governance. He also oversaw the compilation of The Messages and Papers of the Confederacy, which documents the public and private communications of Confederate leaders.

James Daniel Richardson was a true son of Tennessee and an exemplary American leader. I congratulate the Tennessee Historical Society for its decision to raise this Historical Marker to the man known as the ''Tall Cedar of Rutherford.''

HONORING TADEUSZ NITKIEWICZ OF TOLEDO, OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Ms. KAPTUR. Madam Speaker. Today, I stand to recognize an outstanding American, soldier and gentleman Tadeusz (''Ted'') Nitkiewicz of Toledo, Ohio. In honoring Ted, though, please let us honor so many Polish soldiers and citizens who cherished the idea of freedom and valiantly fought for it during World War II. Polish citizens who eventually settled in America valued democratic principles, as when they assisted our nation in its Revolution and determinedly sought during their years of occupation to cast off the cloak of oppression.

In recognizing Ted Nitkiewicz, we also recall all those young men and women from nations like Poland and Ukraine whose lives were changed forever as they found themselves caught between the grips of the Nazi and Soviet regimes. Poland became one of the fiercest battlegrounds of the deadliest and most gruesome fighting in World War II. In fact, Poland became a pawn in war between two tyrannical regimes, joined in a war friendship by the Ribbentrop-Molotov Pact. Poland, Ukraine, Belarus and other eastern European countries would be invaded with their destiny switching from the East, then the West, then the East again. Ted, like so many of his Polish compatriots, first served in the Polish Army resisting the Soviet invasion. Eventually, the Soviets joined the Allied powers, at which point Ted then fought valiantly and earnestly, hopeful to secure a homeland for his Polish people that was not to come until a half century later. His life would be transformed forever by political conflicts beyond his control.

Tadeusz Nitkiewicz was born in Wizna Province, Warszawa, Poland on January 6, 1919, to parents Franociszek and Anna. He studied hard to become a pharmacist. He loved this occupation. However, the peaceful and free existence he enjoyed came to abrupt halt when Adolf Hitler's Nazi Germany invaded Poland from the West on September 1, 1939. Two weeks later, Joseph Stalin's Soviet Union invaded Poland from the East. Ted was taken prisoner and sent to a forced labor camp in Russia. He was one of 1.7 million Polish citizens that were forcibly deported by cattle wagon. They worked at back-breaking jobs in quarries, on collective farms, and in tree-felling forests. They toiled during cold winters with little food. Their only shelter was what they built themselves in the forests by cutting down trees. They had minimal medical care and little food. Constantly, the Soviet guards taunted the Polish slave laborers that this was their life forever and reminded them that Poland ceased to exist as a state. Out of the deported 1.7 million, less then one third or 500,000 people were known to survive.

Ted recalls successfully escaping these inhumane conditions as a prisoner from the labor camps. The first time, the Russian civilians he encountered were afraid of retribution for taking in a prisoner of war (POW). At his second attempt, he and a fellow POW were taken in by a Cossack family, until they could no longer provide enough food for the escapees and their own family.

After Germany invaded the Soviet Union, Winston Churchill persuaded Stalin to release the Polish prisoners to organize and fight against the Nazis. In March and August of 1942, 115,000 soldiers and civilians were evacuated from the Soviet Union to the Middle East, crossing the Caspian Sea. Because they were already in poor health because of the inhumane conditions as POWs, many died in Persia. The remaining soldiers established the Polish Army, 2nd Corps with two infantry divisions: ''Kresowa'' and ''Karpacka''. One was an armored brigade. The other army artillery group was organized in Iraq and Palestine. Under General W. Anders' command, these 47,000 soldiers became the largest Polish army formation on foreign territory during the Second World War. Warmly received by the British and American armies, they fought for their country under British command.

Ted joined the Polish forces, in the USSR, on May 28, 1942. After crossing the Russo-Persian border with his unit, he came under the British command in the Middle East on August 15, 1942.

The Polish Army was motivated by the promise and hope of fighting with the Allies to take back their country. The 2nd Corps was attached to the British Army and for a short time provided security in Iraq to guard the oil fields from attack by the Germans. They eventually were sent to Italy in 1944 engaged in an Allied Offensive against German forces commanded by Marshall Kesselring. They fought with the famous British 8th Army and the USA 5th. Ted took part in the Italian campaign January 18, 1944 until May 2, 1945. While he was in Italy, Ted married his wife Mary, who he met in the labor camps in Russia. She also served in the Army, in transportation, as a truck driver.

The mountainous country on the Allied road of advance was extremely difficult, perfect for the German defense. The Polish Army under the command of General W. Anders made the final assault in front of the strong German fortified line, called the Gustav Line with its key point—Monte Cassino. In the battle of Monte Cassino, the Allied forces suffered heavy casualties. They continued fighting in Italy along the Adriatic Coast liberating many cities until the end of the war in 1945. Ted was awarded

the Bronze Cross of Merit with Swords, Army Medal, and Cross of Monte Cassino from Poland for his bravery, valor and service. Britain also recognized his courageous acts by awarding him the 1939–45 Star, Italy Star and Defense Medal. Ted served with the Polish Resettlement Corps in England until February 16, 1949.

For Ted Nitkiewicz and the other Polish soldiers, victory was bittersweet. First, during the sixteen month campaign in Italy, the 2nd Polish Corps lost 809 officers. Another 10,570 of other ranks were killed or wounded in action. Second, because the Allies gave control of most of Poland to Stalin's Soviet Union, officially confirmed at Yalta, Poland, the country they remembered, did not exist. In effect, these Polish survivors became homeless. As a result, they scattered across the world, mostly settling in the USA and Britain.

Early in 1950, Ted Nitkiewicz immigrated to the United States and moved in with an uncle in Toledo, Ohio. There was little work available at that time, but he eventually landed a job in Textile Leather factory. He made enough money to pay his rent, buy some food and still had a little left over. For all of these opportunities, he felt grateful. He became a U.S. Citizen in the 1950s.

When asked how he was able to survive the terrible ordeal, Ted responded, "someone was praying for me and God answered their prayer."

Originally, this story was recorded in part for the Library of Congress Veteran's History project. Because Ted was not a U.S. veteran, but a veteran of the Allies, his story cannot be accepted by the Library of Congress, as yet. However, Joseph Walter, the local Toledo archivist for the project and the University of Toledo, has graciously accepted his story as part of our local history. The valiant accomplishment of Ted Nitkiewicz and his compatriots should not be lost but should be recorded as freedom's legacy. Three million Polish Christians died in the death camps alone should never be forgotten. The Poles suffered greatly at the hands of the Nazi and Soviet oppressors. We commemorate their noble struggle. We honor those who made the final sacrifice, in hopes that those who followed could live in a peaceful, democratic world.

On September 1, 2008, we mark the 69th anniversary of the invasion by Nazi Germany of an independent Poland that commences the Second World War. Let us not forget our brave Allied soldiers and citizens who made our Western world safe from the tyranny of Fascism and Communism to inspire our nation to its highest ideals. May their eternal memory shine down onto our world and inspire us to work toward an everlasting peace and freedom.

IN HONOR OF WILLIAM STERLING JOHNSON

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GALLEGLY. Madam Speaker, I rise in honor of Simi Valley Police Department Lieutenant William Sterling Johnson, who retired in July after 27 years of dedicated and exceptional service to the department and the city it serves.

Simi Valley, California, has been my home for more than 40 years. I served as City Councilman before being the city first elected Mayor. From my days as a city official to today, I have periodically accompanied officers on their rounds to keep myself familiarized with the challenges they face. It is a professional department, and Sterling Johnson epitomizes that professionalism.

As an officer, Sterling Johnson served as a field training officer and a member of the SWAT team, in addition to working three dogs as a K–9 handler. In addition, Sterling is a licensed paramedic and created the department's SWAT paramedic program.

Sterling and his first canine partner, Atlas, twice won the World Police & Fire Games, Police Service Dog Competition, in 1989 and 1991. In recognition of his professionalism and dedication, in 1994 his fellow officers selected him Officer of the Year.

As a sergeant, Sterling served as a patrol supervisor and SWAT team leader. Upon his promotion to lieutenant in 2003, Sterling worked as a patrol watch commander and was assigned to the Auxiliary Services Unit.

In addition to his law enforcement duties, Sterling has worked part time for American Medical Response, the city's 911 responder; taught advanced cardiac support and pediatric advanced life support at the UCLA Medical Center; and has been the CPR/First Aid instructor for the city and police department for more than 12 years. Sterling also served on the State of California Commission for Emergency Services from 1997–2006.

In short, Lieutenant William Sterling Johnson has left a positive mark on the police department he served for nearly three decades.

Madam Speaker, I know my colleagues join me in thanking Sterling Johnson for his dedication and professionalism with the Simi Valley Police Department and in wishing him well in a long and fruitful retirement.

COMMEMORATING THE THIRD ANNUAL NATION'S TRIATHLON

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. YARMUTH. Madam Speaker, I rise today to honor the third annual Nation's Triathlon, which will take place this Sunday in Washington, DC. As with any triathlon, this competition will be a rigorous personal test of endurance, dedication, strength, and skill in biking, running, and swimming. In this case however, the competitors demonstrate a devotion to a greater cause than personal accomplishment. By partnering with the Leukemia and Lymphoma Society, they are working to defeat blood cancer.

I am proud to say that three Louisvillians—Katie Anderson, Amanda Moore, and Chad Queen—and three more Kentuckians—Ruth Adams, Jennifer Watson, and James Pelfrey—will be competing in the triathlon this weekend, and three more—Shelley Gast, Anthony Miller, and Scott Clark—are training and coaching the athletes in this worthy event.

With more than a million and a half individuals annually diagnosed with cancer, and more than half a million Americans dying from the disease each year, virtually everyone of us has been touched by cancer in some way. The good news is, here in the United States, some of the world's most brilliant and innovative scientists are hard at work developing new treatments and uncovering the mysteries that will someday lead us to a cure. In fact, researchers at the University of Louisville, in my district, recently developed a vaccine that will prevent cervical cancer and potentially save the lives of thousands of women each year.

But to achieve their objectives, researchers need resources and attention. And that's just what the Nation's Triathlon will do by using the incredible talents of the participating athletes to raise awareness and funds.

I urge my colleagues to join me in celebrating these athletes who, this weekend, will strive to complete a grueling personal challenge and also defeat our common foe. Together, we will work to create a future that has no room for cancer.

RECOGNIZING THE 350TH ANNIVERSARY OF THE FOUNDING OF CHARLES COUNTY, MARYLAND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. HOYER. Madam Speaker, this year marks the 350th anniversary of the founding of Charles County, Maryland, one of the five counties I have the privilege of representing in the United States Congress. I rise today to congratulate the county on this milestone and to pay tribute to its citizens—individuals who have made it such an inviting place to live, work, and visit.

One of Maryland's oldest counties, Charles County was chartered in 1658 and named in honor of Charles Calvert, the 3rd Lord of Baltimore and a royal proprietor of the Colony of Maryland. Since its establishment, the county and its residents have played an important role in shaping the development of our State and the history of our Nation.

From its earliest days, Charles County served as a center of commerce for the region. Port Tobacco, one of the oldest English settlements in North America, was the home of Maryland's second largest port and seat of the Charles County government prior to its move to La Plata.

Charles County was the birthplace of several of our Nation's Founding Fathers. Thomas Stone, a member of the Continental Congress and one of Maryland's four signers of the Declaration of Independence, was born in Charles County. His home, Habre de Venture, still stands and is a unit of the National Park Service. His uncle, Daniel of St. Thomas Jenifer, was a Delegate to the Constitutional Convention. John Hanson, a long serving member of the Maryland assembly and the first President of the United States in Congress Assembled

under a fully ratified Articles of Confederation, was born at Port Tobacco.

Residents of Charles County witnessed the landing of British troops in Benedict during the War of 1812. During the Civil War, Camp Stanton was established in Benedict for the purpose of recruiting and training African-American men for the Union Army. Following the war, John Wilkes Booth, assassin of President Lincoln, traveled through Charles County stopping at the home of Dr. Samuel Mudd to have his broken leg set—on his escape from Washington, DC.

Charles County was also the birthplace of Josiah Henson who was born a slave, escaped to Canada and later wrote his autobiography which is believed to have inspired Harriet Beecher Stowe's ''Uncle Tom's Cabin.'' Matthew Henson, who accompanied Admiral Robert Peary on several Arctic expeditions, including the discovery of the North Pole, was also a native of Charles County. Henson, who was likely the first man to reach the spot, planted the American flag at the North Pole.

Today, Charles County continues to make history. It is home to important Federal agencies, including the Naval Surface Warfare Center, Indian Head Division which was established in 1890 and is the international leader in energetic research and development. Recently, scientists and researchers at Indian Head developed, in short order, the thermobaric ''cave busting'' bomb to combat terrorists abroad.

Charles County offers its residents scenic rural areas, wildlife habitats, and waterfront views with convenient access to the Washington metropolitan area and the Federal Government which helps it live up to its motto of ''Where Eagles Fly.'' With a vibrant and robust business climate, coupled with its hardworking and dedicated residents, Charles County has strong appeal and has become one of the most diverse communities in Maryland and one of the wealthiest for its size in the Nation.

I am proud to represent Charles County in the U.S. Congress and congratulate its current County Commissioners—Commissioner Wayne Cooper, President; Commissioner Edith Patterson, Vice President; Commissioner Rueben Collins, Commissioner Gary Hodge, and Commissioner Samuel Graves as they celebrate this great milestone. Congratulations Charles County on your 350th anniversary and may your citizens have continued prosperity for years to come.

HONORING JACK HUNTER O'DELL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Ms. LEE. Madam Speaker, I rise today to acknowledge the life and contributions to the United States of Jack Hunter O'Dell, and to acknowledge his 85th birthday, August 11, 2008. Jack Hunter O'Dell was born August 11, 1923 in Detroit, MI. Like other Americans who worked hard during the Great Depression, Jack devoted much time and energy to selling newspapers as a youngster and playing a strong role in his extended family. At an early age Jack developed an intense curiosity toward the world and a love of reading.

At the onset of World War II Jack joined the Merchant Marine, one of the most risky and important forces in the U.S. war effort. The Merchant Marine hauled supplies for U.S. troops in unarmed ships, often being attacked by Nazi submarines. Jack joined the National Maritime Union and advocated for the rights of workers on the ships and docks. During this time Jack developed an understanding of the struggles of peoples of other nations, an understanding that helped form his consciousness and dedication to creating peace and strengthening democracy.

After the war, Jack organized tenants in the Southern States and later in New York City. He worked with Dr. Martin L. King, Jr. as an organizer in New York and throughout the South as the Director of Voter Education for the Southern Christian Leadership Conference. He wrote and became an editor for the dynamic and unifying magazine, Freedom Ways. He taught at Antioch College and has lectured and taught throughout the United States. He is truly the common person's intellectual, holding forth the proposition that intellectual activity, creativity and wisdom stem from all the people.

Jack has consulted on two U.S. presidential campaigns. He has served Operation PUSH and the National Rainbow Coalition as the Director of International Affairs. In that capacity he assisted in developing ties of understanding, friendship and solidarity with many peoples around the world. His international work helped free political prisoners, it helped bring unification to warring factions in various nations and helped leaders from all walks of life in the United States understand the world and America's role in providing, by example, a true commitment to fair play and magnanimity.

Mr. O'Dell has been a bold yet humble servant to the interests of the American people. He recognized the necessity for working people to have access to reliable and first-rate media. He became Board Chair of one of the most popular, independent radio networks and news services. His commitment to peace and a more safe and secure world expressed itself in years of service to peace efforts, including serving on the board of SANE FREEZE.

Jack has traveled around the globe representing the best in what it means to be an American citizen. He has represented the United States as a worker, as a representative of organizations advocating equality and justice, and as a brother to all in struggle. His experiences, intense study, love of country and his warmth and humor have provided tens of thousands with a deeper sense of joy and optimism for the future of humanity. Jack understands a better world is possible. His life, his writings and his example provide a bright light to all of us attempting to bring a better world into being.

Thank you, Jack Hunter O'Dell, for your selfless service to our Nation. It is an honor to know you and to have benefited by your talents and dedication. Best of luck to you as you continue your noble work helping to inspire all Americans to take the high road toward peace, community, and a stronger democracy.

SALUTING BORINQUEN PLAZA SENIOR CENTER AS IT CELEBRATES 31 YEARS OF SERVICE

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Ms. VELÁZQUEZ. Madam Speaker, I would like to take this moment to offer my congratulations to the Borinquen Plaza Senior Center on its 31st anniversary. New York's 12th Congressional District is enriched by this institution serving our seniors during their golden years.

Located within the Borinquen Plaza Public Houses in Williamsburg, Brooklyn, this senior center was founded on July 22, 1977, by Los Pioneros Puertorriqueños, an organization focused on social and economic justice. Since its inception, the center has served as a safe haven from everyday struggles for countless senior citizens. Thanks to the leadership of its sponsor, board members, executive director, and staff, senior residents of Borinquen Plaza Public Houses and the surrounding community benefit from a facility dedicated to meeting their needs. The center works to promote nutritional, emotional, and physical wellness. On a daily basis, more than 230 congregate meals are provided, as well as approximately 200 meals-on-wheels to homebound seniors. Further enhancing residents' lives, daily recreational activities are planned, special events and holiday festivities. It is through these programs and the unwavering commitment of the Borinquen Plaza Senior Center that our elderly neighbors have experienced meaningful benefits.

In closing, I ask my colleagues to join me in congratulating the Borinquen Plaza Senior Center for its dedication to the seniors of Williamsburg, Brooklyn. The residents of our community and I look forward to many years of continued service.

HONORING LOUISE BRADY

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mrs. CHRISTENSEN. Madam Speaker and colleagues, I rise today to honor the legacy of an outstanding educator, Mrs. Louise Brady. I am proud to join the entire Virgin Islands community in extending best wishes to Mrs. Brady, as she retires after 56 years of exemplary service to Virgin Islands children and families, as a teacher and principal at the All Saints Cathedral School. In that capacity, she demonstrated the highest degree of integrity and humanity. Mrs. Brady has inspired and instilled in our young people fairness, honesty, respect, tenacity, and a firm commitment to achieving one's aspirations.

Mrs. Brady migrated to St. Thomas in 1952 and started work as a teacher at All Saints Cathedral School. In 1975, the Cathedral Church of All Saints, through its rector, The Very Rev. Thomas W. Gibbs III and vestry member Mrs. Reubina Gomez, invited her to accept the post of principal of the school.

As principal, Mrs. Brady worked feverishly to shape the school into the Virgin Island's premier institution of education for students from pre-school through grade 12. Over the years, the school has produced persons who have gone on to serve the Virgin Islands, the United States, and other parts of the world in various capacities. Mrs. Brady is not just an icon of All Saints, but of the community of the Virgin Islands as a whole.

During her years at the Cathedral School, she married, and with her husband, raised four children; all of whom are accomplished in their sphere of work. Her children, Alonzo, Stephen, Beverly, and Deborah, were educated at All Saints Cathedral School.

Mrs. Brady has also been a faithful Anglican/Episcopalian, who has a strong belief in payer which she also instilled in the students. Every activity at All Saints, to this day, begins with prayer.

With her love and eagerness to see all students achieve their full potential, Mrs. Brady ensured that the students participate in both academic and extra curricula activities. The numerous trophies, plaques, and commendations that are prominently displayed on the office walls are a testimony to the numerous successful competitions in which the school participated. Activities such as the Christmas concert, Black history fair, music and art festival, science and social studies exhibition, maypole are some of the initiatives that the school has introduced to enrich the lives of the students and make them well-rounded individuals.

Mrs. Brady has always embraced, encouraged, and welcomed children of all nationalities, creeds, and races; therefore, making all Saints a true rainbow of an integrated society.

Mrs. Louise Brady has directly or indirectly impacted the lives of just about every family in the British and U.S. Virgin Islands, mine included as my brother Adam and sister Rebecca were among those who benefited from her tutelage.

Madam Speaker, I am proud to pay tribute to this phenomenal woman. The Virgin Islands are truly blessed to count her among our most treasured jewels.

REMEMBERING 1ST LT. CARWILE

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. CHILDERS. Madam Speaker, I stand now to remember 1st LT. Lieutenant Donald C. Carwile. First Lieutenant Carwile served as a platoon leader in the United States Army and was actively serving in Operation Enduring Freedom in Afghanistan. Throughout Carwile's service to his country he received many awards IncludIng: The Bronze Star, the Purple Heart, the Army Commendation Medal, two Army Achievement Medals, the Army Good Conduct Medal, the Global War on Terrorism Service Medal, and other Service Ribbons. First Lieutenant Carwile was Airborne and Air Assault qualified, and was also awarded the Combat Infantryman Badge.

First Lieutenant Carwile fell in battle on August 15, 2008 during an ambush that involved enemy combatants, and an improvised explosive device. Carwile was a servant of the people. When he wasn't protecting our freedoms abroad, he was protecting them in Mississippi, where he served both the Batesville and Oxford Police Departments. First Lieutenant Carwile is survived by his wife, Jennifer Gail Carwile, and two daughters, Elizabeth Reese Carwile and Avery Claire Carwile all of Ft. Campbell, Kentucky.

Please join me today in saluting one of America's heroes for his life of service and sacrifice.

JOEY HAGERTY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. UDALL of New Mexico. Madam Speaker, for Joey Hagerty, one of my constituents from the City of Rio Rancho, this year has been the best of times, and it has been the worst of times.

In March, Joey's dad was in a terrible car accident.

Like any other son in a similar situation, Joey found himself traveling back and forth between his work and his family's home, where his father was slowly recuperating. Unlike most of America's sons, however, Joey's work was at the U.S. Olympic Training Center. While his father was healing, Joey was training to be an Olympian.

Joey kept up his training even as he helped comfort his father. In June, Mike Hagerty got to watch his son qualify for the Beijing Olympics. Last month, he saw something he never thought he would see. Mike watched his son help propel the U.S. Olympic gymnastics team to a bronze medal.

Joey showed a commitment—to family and to excellence—that should inspire all of us. He represents the true spirit of the Olympics.

I rise today to honor Joey Hagerty, the first Olympian from Rio Rancho, a talented athlete and a devoted son.

IN HONOR OF GORDON WEEKS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GALLEGLY. Madam Speaker, I rise in honor of Simi Valley Police Department Lieutenant Gordon Weeks, who retires today after 31½ years of dedicated and exceptional service to the department and the city it serves.

Simi Valley, California, has been my home for more than 40 years. When I was first elected to the City Council, Simi Valley's public safety was entrusted to the Simi Valley Community Safety Agency. Officers rode in white cars and wore light blue uniform shirts. It was an intentionally low-key and, some might say, casual approach to law enforcement.

Not long after my election to the council, I became the city's first elected mayor. A young officer approached me with his concerns about the image and functions of the Community Safety Agency and his ideas for professionalizing it. Our discussions, some of which occurred as I rode the streets of the city with officer Weeks in his patrol car, led to action. Soon the Simi Valley Community Safety Agency became the Simi Valley Police Department. White patrol cars were transformed into traditional black and whites. Community safety officers became trained and professional police officers and dressed the part.

Gordon Weeks was a pivotal force in bringing about those changes. He acted on his sense of professionalism and thereby helped to modernize Simi Valley's police force.

Gordon's influence over the maturity of the department did not end there. He remained at the forefront of building a professional police department. He was a founding member of the department's SWAT team and, after he was promoted to lieutenant in 1997, Gordon served 4 years as the SWAT commander.

Gordon also trained new recruits as a field training officer and later oversaw that program and the firearms training program for 3½ years.

As a Driving Under the Influence Team member for less than 2 years, Gordon arrested approximately 400 drunken drivers. For 2½ years he solved property and violent crimes as a detective. He was a patrol sergeant for 8 years. He worked as a background investigator. He served as a patrol watch commander and patrol administrative lieutenant.

Always, Gordon Weeks served as a professional. And the Police Department Lieutenant Weeks leaves behind today has his mark on it, for the better. Our collaboration and my respect for his dedication and professionalism has led to a long and lasting friendship.

Madam Speaker, I know my colleagues join me in thanking Lieutenant Gordon Weeks for more than three decades of dedication and professionalism to the Simi Valley Police Department and in wishing him well in a long and fruitful retirement. Godspeed, Gordy.

EMPLOYEES' LETTER ON R&D TAX CREDIT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. NEAL of Massachusetts. Madam Speaker, I rise today in support of the Research and Development tax credit, a credit which has been championed here in the House by my friend and colleague, Representative SANDER LEVIN. He has authored legislation to extend this important credit and I have joined him in this effort.

Today, I want to highlight a letter sent to all Members of Congress signed by 3,400 American workers, representing 43 States and well over 100 U.S. companies, ranging from small to large. In this letter, these workers in the research industry urge us to extend and strengthen the R&D tax credit, which expired on December 31, 2007.

Already, the House has passed legislation to extend the R&D tax credit. But our Senate colleagues have been unable to do the same.

As many of my colleagues already realize, this tax credit is like no other. Without this credit, much of this innovative research would likely migrate to other countries, many which offer their own incentives.

Congress needs to enact a seamless and retroactive extension of this credit to ensure that these highpaying technology jobs stay in America.

As the 3,400 workers in the R&D industry aptly stated in their letter to Congress:

We write to you—from companies across the country both large and small—to address an issue that we believe will affect the likelihood that high-skilled jobs such as ours are located in our communities and in our country.

Simply put, we are dismayed that Congress has allowed the R&D tax credit to expire. We know that most of you have lauded the benefits of the credit, and we appreciate this support. We urge you to act now to enact into law an extension of a strengthened credit because research-dependent jobs are at stake.

I ask that this letter be included in the RECORD immediately following my comments.

Madam Speaker, I urge my colleagues to contact their counterparts in the Senate to demand immediate action on tax extenders. American workers are waiting and these jobs are simply too good to lose.

SEPTEMBER 10, 2008.

Hon. Harry Reid,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR MAJORITY LEADER REID: Our country has always been a hospitable place for invention. It is a reflection of our values and ingenuity. Government policies such as the R&D tax credit are expressions of our desire to innovate and create.

We write to you—from companies across the country both large and small—to address an issue that we believe will affect the likelihood that high-skilled jobs such as ours are located in our communities and in our country.

Simply put, we are dismayed that Congress has allowed the R&D tax credit to expire. We know that most of you have lauded the benefits of the credit, and we appreciate this support. We urge you to act now to enact into law an extension of a strengthened credit because research-dependent jobs are at stake.

The signatures you see on this letter represent just some of the tens of thousands of real people who have benefited positively from the effects of the credit over the past 26 years. You can read studies and surveys, but we are living proof that the vast majority of R&D credit dollars go directly to pay the wages of highly skilled American workers.

Between high gas prices and falling home values, it is a difficult time for all Americans. As you work to boost U.S. economic activity, please act quickly to reinstate and strengthen a program with a track record of more than two decades of success. We thank you for your commitment to our country and to U.S. workers.

Sincerely,

Signed by 3,400 workers in the R&D industry.

AMERICAN HISTORY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mrs. MYRICK. Madam Speaker, when the first rays of daylight broke on the Lexington Green on April 19, 1775, ''the shot heard round the world'' was fired as British soldiers and American patriots clashed and sparked the war for American independence. A month later, on May 20, 1775, delegates of the citizens of Mecklenburg County, North Carolina, adopted their declaration of independence that ''Resolved, That we the citizens of Mecklenburg County, do hereby dissolve the political bands which have connected us to the Mother Country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract, or association, with that Nation, who have wantonly trampled on our rights and liberties and inhumanly shed the innocent blood of American patriots at Lexington.''

Delegates to the Second Continental Congress declared American independence on July 4, 1776, by stating that ''these colonies are, and of Right ought to be Free and Independent States'' and in support of that declaration mutually pledged to each other their lives, their fortunes, and their sacred honor. General George Washington led an army of American patriots through the American Revolution. This army lacked everything but courage, shouldered every burden and adversity, and persevered for 8 long years to secure blessings of liberty for themselves and their posterity.

The liberty of our Nation was supported by the largesse of France's King Louis XVI and Spain's King Carlos III and secured by the daring of Europe's elite military officers, including La Fayette, Rochambeau, von Steuben, Pulaski, Galvez, and others.

The surrender of British forces under the command of General Lord John Cornwallis at the Battle of Yorktown on October 19, 1781, to the allied forces under the command of General George Washington and General Comte de Rochambeau set the stage for peace initiatives abroad. As such, Congress appointed Benjamin Franklin, John Adams, and John Jay to represent the United States and David Hartley was appointed by Great Britain's King George III to negotiate terms for peace.

On September 3, 1783, the peace commissioners of the United States and Great Britain signed a Treaty of Peace in Paris which recognized American independence and boundaries and declared the intention of both parties to ''forget all past misunderstandings and differences'' and ''secure to both perpetual peace and harmony.'' Great Britain also signed treaties of peace in Paris on September 3, 1783, with France and Spain and provisionally with the Netherlands to bring a cessation of hostilities between the nations.

Therefore, I call upon Congress and the American public to recognize the 225th Anniversary of the Treaty of Paris that took place on September 3, 2008. We should remember and honor the men that served in the revolution; American, French, and Spanish. And we should recognize the enduring friendship between the United States and its first allies—France and Spain.

We should also recognize that it is the 225th anniversary of relations between the United States and Great Britain. While we fought many battles against each other in America's early years, we have fought side by side in far greater battles since those times. The Treaty of Paris 225th anniversary should therefore reaffirm the value of the deep friendship that has developed between America and Great Britain since that time.

History teaches us to hope. So let us recognize this date and hope that in the next 225 years America is stronger and more prosperous than it is now, and that its friendships with Spain, France, and Great Britain are as strong as they are today.

COMMEMORATING HONOR FLIGHT BLUEGRASS CHAPTER

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. YARMUTH. Madam Speaker, I rise today in recognition of Honor Flight Bluegrass Chapter. Today, Honor Flight is making its latest trip to Washington to bring Kentucky's World War II veterans to visit the memorials that honor their courage and heroism and those that celebrate the heroic military personnel who served before them and those who followed in their footsteps.

Today, the United States of America has, without question, the most powerful military in the world. But in 1941, when an unprovoked attack on Pearl Harbor awakened a sleeping giant, America's military might was anything but certain. Though we did not have the larges or richest in the world, the United States' military was made up of warriors with unflagging courage and limitless dedication that followed in a tradition dating back to the Revolutionary War and continues to this day.

They are called the greatest generation and with good reason. By war's end, it was not only our military that went unquestioned. Following their efforts, the United States of America emerged from battle as a beacon of freedom and liberty.

Today, 63 years after their victory over Nazism, fascism, and imperialism, some of those heroes join us in the Nation's Capitol for the first time. As ever, we remain a Nation grateful for their sacrifice and indebted for their success.

Today's trip brings to Washington the following 38 Kentucky World War II veterans: Harold Ausmus, Ruben Avila, Fredrick Balke, John Beye, Hubert Wessel, Cynthia Phelps, Arthur Decker, Barbara Abbott, John Bruggensmith, Leslie Cohen, Clarence Crawford, James ''Art'' Cutliff, Wayne Tabor, Herman Sasse, Charles Dever, John Cook, Robert Kottcamp, Neal Puckett, Bernard Ohare, John Okeefe, Blond Puckett, Leslie ''Dan'' Stickler, Charles Tribble, Ernest Spencer, Harold Phillips, Joseph Riney, Kathryn Mattingly, Edward Peterson, Bill Brundage, Therese Comstock, Henry ''Don'' Donaldson,

Matthew Flanagan, Robert Carrico, Robert Hall, Edward Jackey, Clyde Logsdon, Leonard O'Dell, and Edward Oechsli.

I urge my colleagues to join me in welcoming them to Washington, recognizing their contribution to America's success, and thanking Honor Flight for their commitment to our World War II heroes.

A PROCLAMATION HONORING THE 75TH ANNIVERSARY OF THE OHIO STATE HIGHWAY PATROL

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. SPACE. Madam Speaker:

Whereas, the dedicated members of the Ohio State Highway Patrol have served the residents of the state of Ohio with distinction and honor for 75 years; and

Whereas, the members of the Ohio State Highway Patrol serve their communities and the state of Ohio with honor and dignity, often putting themselves in harm's way to protect, defend, and serve the residents of this state and for this they should be commended; and

Whereas, when the Patrol was first instituted in 1933 there were 60 trained officers with six cars and 54 motorcycles. Today, the patrol has 1,500 sworn officers trained at the Patrol's Academy in Columbus and more than 1,000 professional and non-sworn staff; and

Whereas, they prepare to commemorate the milestone of 75 years with a celebration recognizing the Patrol's past accomplishments and years of dedicated service; now, therefore, be it

Resolved that along with friends, family, and the residents of the 18th Congressional District, I commend the Ohio State Highway Patrol for 75 years of unwavering commitment, and great dedication to the residents of the state of Ohio. With great appreciation and respect, we recognize the tremendous impact the past and present officers have had in the community and the state.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 11, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 16

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine recent regulatory actions regarding Fannie Mae and Freddie Mac.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine reasons that broadband internet access matters.

SR–253

Energy and Natural Resources

To hold hearings to examine the current state of vehicles powered by the electric grid and the prospects for wider deployment in the near future.

SD–366

Environment and Public Works

To hold oversight hearings to examine the children's health protection efforts of the Environmental Protection Agency (EPA).

SD–406

Finance

To hold hearings to examine aligning incentives, focusing on the case for delivery system reform.

SD–215

10:15 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine restoring the rule of law.

SH–216

2:30 p.m.

Energy and Natural Resources

Energy Subcommittee

To hold hearings to examine recent analyses of the role of speculative investment in energy markets.

SD–366

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine the Visa Waiver Program, focusing on mitigating the program risks to ensure the safety of all Americans.

SH–216

Commission on Security and Cooperation in Europe

To hold hearings to examine the state of democracy and human rights in Belarus and how the Belarusian authorities are complying with their OSCE election commitments in advance of the September 28 parliamentary elections.

B318, Rayburn Building

SEPTEMBER 17

9:30 a.m.

Judiciary

To hold oversight hearings to examine the Federal Bureau of Investigation.

SH–216

Veterans' Affairs

To hold hearings to examine the nomination of Patrick W. Dunne, of New York, to be Under Secretary for Benefits of the Department of Veterans Affairs.

SR–418

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine protected marine areas, focusing on federal and state efforts to conserve, manage, and restore marine resources.

SR–253

Foreign Relations

To hold hearings to examine Russia's aggression against Georgia, focusing on the consequences and responses.

SD–419

Health, Education, Labor, and Pensions

To hold hearings to examine 401 (k) plan fee disclosure, focusing on helping workers save for retirement.

SD–430

10:30 a.m.

Aging

To hold hearings to examine direct-to-consumer medical device advertising, focusing on marketing and medicine.

SD–562

SEPTEMBER 18

2:30 p.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold an oversight hearing to examine bus safety.

SR–253

SEPTEMBER 24

9:30 a.m.

Veterans' Affairs

To hold oversight hearings to examine cooperation and collaboration by the Departments of Veterans Affairs and Defense on information technology efforts.

SR–418

10 a.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine the imbalance in United States-Korea automobile trade.

SR–253

Joint Economic Committee

To hold hearings to examine the current economic outlook.

SD–106

HOUSE OF REPRESENTATIVES—*Thursday, September 11, 2008*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 11, 2008.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

On this, the seventh anniversary of the historic tragedy inflicted on this Nation known as 9/11, we, Your people, turn to You, the Lord of consolation, healing, and redemption. We remember both innocent citizens and heroic first responders. We continue to mourn their loss, and pray Your peace descend upon their families and their colleagues.

It is said that day changed the world. Lord, help us to embrace the reality of what has changed. Our perception of ourselves as a Nation? Our relationship to other Nations around the world? Confusion or clarity in our understanding of human nature? Have any of our notions of violence changed?

It seems, Lord, the urgent question of our time is whether we can make change our friend and not our enemy.

When and however You will, almighty God, help us to change what needs to be changed, and humbly admit what we cannot change. Cast Your light upon us so we may look deep down within and see what we are unwilling to change.

Because our world is spinning so fast, we still cannot grasp Your dynamic stillness and peace or imagine everlasting and unconditional love. So, Lord, have mercy on us, pardon us, and uphold us now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

SEPTEMBER 10, 2008.

Hon. NANCY PELOSI,
Speaker, The Capitol, U.S. House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 10, 2008, at 8:23 p.m. and said to contain a message from the President whereby he transmits the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

PROPOSED AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF INDIA CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–146)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to section 123 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153) (AEA), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written determination concerning the Agreement, including my approval of the Agreement and my authorization to execute the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the AEA, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the AEA and other applicable law. In my judgment, it meets all applicable statutory requirements except for section 123 a. (2) of the AEA, from which I have exempted it as described below.

The proposed Agreement provides a comprehensive framework for U.S. peaceful nuclear cooperation with India. It permits the transfer of information, non-nuclear material, nuclear material, equipment (including reactors) and components for nuclear research and nuclear power production.

It does not permit transfers of any restricted data. Sensitive nuclear technology, heavy-water production technology and production facilities, sensitive nuclear facilities, and major critical components of such facilities may not be transferred under the Agreement unless the Agreement is amended. The Agreement permits the enrichment of uranium subject to it up to 20 percent in the isotope 235. It permits reprocessing and other alterations in form or content of nuclear material subject to it; however, in the case of such activities in India, these rights will not come into effect until India establishes a new national reprocessing facility dedicated to reprocessing under IAEA safeguards and both parties agree on arrangements and procedures under which the reprocessing or other alteration in form or content will take place.

In Article 5(6) the Agreement records certain political commitments concerning reliable supply of nuclear fuel given to India by the United States in March 2006. The text of the Agreement does not, however, transform these political commitments into legally binding commitments because the Agreement, like other U.S. agreements of its type, is intended as a framework agreement.

The Agreement will remain in force for a period of 40 years and will continue in force thereafter for additional periods of 10 years each unless either party gives notice to terminate it 6 months before the end of a period. Moreover, either party has the right to terminate the Agreement prior to its expiration on 1 year's written notice to the other party. A party seeking early termination of the Agreement has the right immediately to cease cooperation under the Agreement, prior to termination, if it determines that a mutually acceptable resolution of outstanding issues cannot be achieved through consultations. In any case the Agreement, as noted, is a framework or enabling agreement that does not compel any specific nuclear cooperative activity. In the event of termination of the Agreement, key nonproliferation conditions and controls would continue with respect to material and equipment subject to the Agreement.

An extensive discussion of India's civil nuclear program, military nuclear program, and nuclear nonproliferation policies and practices is provided in the Nuclear Proliferation Assessment Statement (NPAS) and in a classified annex to the NPAS submitted to the Congress separately.

The AEA establishes the requirements for agreements for nuclear cooperation, some of which apply only to non-nuclear-weapon states (see AEA, section 123 a.). The AEA incorporates the definition of ''nuclear-weapon state'' from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which defines it to mean a state that has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967. Therefore India is a non-nuclear-weapon state for NPT and AEA purposes, even though it possesses nuclear weapons. The Agreement satisfies all requirements set forth in section 123 a. of the AEA except the requirement of section 123 a. (2) that, as a condition of continued U.S. nuclear supply under the Agreement, IAEA safeguards be maintained in India with respect to all nuclear materials in all peaceful nuclear activities within its territory, under its jurisdiction, or carried out under its control anywhere (i.e., ''full-scope'' or ''comprehensive'' safeguards).

The Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (the ''Hyde Act'') established authority to exempt the Agreement from the full-scope safeguards requirement of section 123 a. (2) of the AEA, as well as certain other provisions of the AEA relating to supply under such an agreement, provided that the President makes certain determinations and transmits them to the Congress together with a report detailing the basis for the determinations. I have made those determinations, and I am submitting them together with the required report as an enclosure to this transmittal.

Approval of the Agreement, followed by its signature and entry into force, will permit the United States and India to move forward on the U.S.-India Civil Nuclear Cooperation Initiative, which Indian Prime Minister Manmohan Singh and I announced on July 18, 2005, and reaffirmed on March 2, 2006. Civil nuclear cooperation between the United States and India pursuant to the Agreement will offer major strategic and economic benefits to both countries, including enhanced energy security, an ability to rely more extensively on an environmentally friendly energy source, greater economic opportunities, and more robust nonproliferation efforts.

The Agreement will reinforce the growing bilateral relationship between two vibrant democracies. The United States is committed to a strategic partnership with India, the Agreement promises to be a major milestone in achieving and sustaining that goal.

In reviewing the proposed Agreement I have considered the views and recommendations of interested agencies. I have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved it and I urge that the Congress also approve it this year.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 10, 2008*.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

REPUBLICAN FAILURES ON THE ECONOMY—WE CANNOT AFFORD MORE OF THE SAME

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, as we acknowledge the anniversary of 9/11, we ask God to bless America. And when we go home to our congressional districts this weekend, we should all ask our constituents one question: Are you better off today than you were 8 years ago when President Bush came to Washington?

An overwhelming majority of Americans believe they are worse off today than back in 2000. And no wonder. Let's consider the record of overseeing our Nation's economy.

Over the last 8 years, the median household income has fallen by $1,000; 3.4 million more Americans are unemployed; 5.7 million more Americans are living in poverty; and, foreclosure rates are at a record high, with 2.5 million homes projected to enter foreclosure this year.

Madam Speaker, the Republican policies led to this economic condition that Americans face today. And rather than being sympathetic, the Republican Presidential candidate is accusing Americans of being whiners. How can we expect any help if this man is elected to the White House?

THE OLD GUARD—AND SEPTEMBER 11, 2001

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, on that bright sunny day in September 2001, when America was attacked, there were many heroic responses.

Next to the Pentagon is Arlington National Cemetery, where America buries its war dead. In sight of the Pentagon is the Tomb of the Unknown.

This tribute to our warriors has been guarded continuously, 24 hours a day since 1930, by the oldest active duty infantry unit in the Army, the 3rd U.S. Infantry, known as the Old Guard.

These soldiers that guarded the tomb on 9/11 already knew about the suicide attacks against America in New York. And when that third plane roared low and fast near Arlington Cemetery and crashed into the Pentagon killing 189 people, these remarkable soldiers did not seek cover or safety before or after

the assault on the Pentagon. They continued to do their duty, and stayed on vigilant guard at their post, not forsaking their dedication to the Tomb of the Unknown or to America. In fact, after the news of the New York attack, the Old Guard brought in reinforcements to protect and guard the tomb.

Amazing soldiers, these people of the Old Guard that never leave their post.

And that's just the way it is.

DIRECTION OF OUR COUNTRY

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Madam Speaker, on this date, September 11, 2001, we were attacked. But that was not the end of the American story. The American story is still unfolding, as it has in my home area in Kimberly, Wisconsin, with the closing of the Kimberly Paper Mill.

One of the workers there is Randy Gossens. With his wife, Vicky, he has worked at that mill for 32 years, and he says, ''With the closing of the Kimberly mill, we will not be able to help out with our daughter's education the way we did with our son. My wife and I are very proud of the fact that our son graduated from college and that we were able to help him financially with his chosen career. With the mill closing and our future income so unsure, we will not be able to do the same with our daughter.''

What kind of Nation are we when we turn our back on our own American workers, when we have trade deals that are unfair and unbalanced? On this very special day, we need to look back and think back, but at the same time we have to take a positive step forward and change the direction of this country and the direction of our trade deals as well.

HONORING THOSE WHO PROTECT US

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, today we remember the 3,000 Americans murdered 7 years ago. While we pause and reflect, we are reminded of the incredible heroism of that day, the selfless commitment of so many, helping their neighbor, coworkers, or a complete stranger. We have seen that character, courage, and commitment every day since in those who have stood to protect our Nation at home and abroad. We remember Todd Beamer. Six major plots have been stopped in New York City alone.

To our soldiers, sailors, airmen, and marines, and all our military families, we owe you a debt of gratitude. To our first responders and intelligence officials, your service reminds us that there are many roles to play in protecting American families, and defeating terrorists overseas.

I am grateful to know that so many Americans are willing to stand on the front lines in defense of liberty. We must never forget their sacrifice and never fail to honor them.

In conclusion, God bless our troops, and we will never forget September 11th.

COMMEMORATING SEPTEMBER 11, 2001

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Madam Speaker, 7 years ago, our country was attacked by those who sought to terrorize our way of life through violence and through fear. The tragedy and loss caused by these hateful acts will haunt our generation, yet the resilience of the American people will inspire many more to come.

Today, America stands strong and our democracy undeterred. This republic remains one Nation, united by democratic ideals and tolerance.

New York, home to many South Floridians where I am from, remains in the hearts and minds of all Americans. Florida, like New York, is a mosaic of traditions and cultures. Such communities can only exist when respect and understanding champion over bigotry and hate.

America is founded upon the principles of freedom, we are sustained by the rule of law, and we are defended by brave men and women at home and abroad who serve our country and protect our democracy. In remembering September 11, 2001, we must never forget the sacrifices made by Americans that came before us, and always honor those that continue to do so today.

HUMANITARIAN CRISIS IN CUBA

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Madam Speaker, as we commemorate the seventh anniversary of 9/11; we should know that there is a humanitarian disaster unfolding in the Caribbean, in particular, in the country of Cuba hit twice now, one by Gustav and then by Ike. The island is in dire straits, and the people there need our help. The problem is, currently the restrictions on travel and sending gift parcels are so extreme that Americans and family members of people in Cuba cannot help them.

I will be introducing legislation today to lift temporarily the restriction on gift parcels. Currently, gift parcels sent by family members to other family members in Cuba cannot even contain clothing, hygiene kits, or medical supplies, and that is simply wrong. We shouldn't have that restriction. It should be lifted, if not completely, at least temporarily.

Also, certain humanitarian licenses can be obtained now, but it takes a long time generally for that to happen. I would call on the Bush administration to expedite licensing of humanitarian groups, churches, and others who want to help the good people of Cuba.

□ 1115

REMEMBERING SEPTEMBER 11

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, quite a few speakers today have spoken about 9/11, and we'll have services at the Pentagon and the Capitol memorializing that day. It is the Pearl Harbor, the December 7, of our generation; and it's a day when partisan politics shouldn't take place and, hopefully, won't today in this Chamber or anywhere else.

We're all Americans. We're not red Americans or blue Americans, Democrats or Republicans, but Americans. And I think we need to think about the victims. We need to think about the first responders, the police people and the fire people who gave their lives and rushed into those buildings, the emergency personnel and the sheriffs' deputies who protect us every day. And we need to think about the first counterterrorists, the passengers on Flight 93, that took control of that flight that was otherwise destined for either this great historic United States Capitol or the White House and would have caused death or injuries to people such as you and me, Madam Speaker, who are in this House today and would have been here in 2001. We need to thank the counterterrorists on Flight 93. Never forget them, and never forget the victims of 9/11.

God bless America.

MEDIA FAIRNESS INITIATIVE: NETWORKS ENGAGE IN LABELING BIAS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, sometimes the worst examples of unfair news coverage are what reporters choose not to say. For example, while the media often label Governor Sarah Palin ''conservative,'' they seldom call Senator BARACK OBAMA or Senator JOE BIDEN ''liberal,'' despite the fact that the National Journal ranks Senator OBAMA as the most liberal member of the Senate, and Senator BIDEN as the third most liberal member of the Senate.

A comparison of television network news programs immediately after each vice presidential selection shows that newscasters continually referred to Governor Sarah Palin as ''conservative,'' but did not one time, not a single time, label Senator JOE BIDEN as ''liberal.''

The American people should encourage the media to apply the same rules to both Presidential tickets. Only then can we restore Americans' faith in news reporting.

REPUBLICAN ENERGY POLICY

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, Republicans say they favor an all-of-the-above solution to our Nation's energy crisis. Yet their record from the past 8 years tells us something different.

Republicans have consistently voted against critical solutions that should be a part of a comprehensive energy package. For instance, they voted against important tax provisions needed for renewable energy and energy efficiency industries. They voted against responsible drilling. They voted against efforts to protect consumers from speculators who manipulate our markets. They voted against measures to bring down oil prices. And lastly, they voted against American workers by not supporting green collar jobs.

These votes and others show the true Grand Oil Party whose primary goal is to protect the record profits of big oil companies. If my colleagues are really serious about supporting an all-of-the-above energy proposal, then they should join Democrats and support a sensible and comprehensive energy package.

RECOGNIZING MOSAIC

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Madam Speaker, I rise today to recognize all the good people at Mosaic who have come to Washington, D.C. to take part in the ANCOR 2008 Governmental Activities Seminar. Throughout this week, people from Mosaic, along with all of the attendees from ANCOR events, are meeting with their congressional offices to raise awareness about the need for an adequately paid, trained and dedicated workforce.

Low wages have been a prime obstacle in maintaining a qualified work force. Unlike the other sectors of the private market, the formal long-term support system is almost entirely dependent upon public financing, particularly Medicaid funding.

Madam Speaker, there is no better way to recognize this workforce's contribution to the Nation than to ensure that these folks who are dedicated direct support professionals are fairly compensated. I urge my colleagues to join with me and Lois Capps in cosponsoring the bipartisan Direct Support Professionals Fairness and Security Act, H.R. 1279.

HONORING SISTER EILEEN MCNERNEY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to honor Sister Eileen McNerney, executive director of Taller San Jose in Santa Ana, California on the occasion of her retirement at the end of this month.

Sister McNerney first arrived to the great city of Santa Ana in 1992, and she has made a significant contribution to bettering the lives of the Santa Ana youth through the workshop that she founded over 12 years ago, a workshop called Taller San Jose.

Students at Taller San Jose learn to leave behind the violence of gangs, the harm of drugs and alcohol and the trauma of becoming a teen parent by training for a career in construction, computers and yes, even medicine.

Taller San Jose, or Workshop San Jose, is a highly respected and recognized trade school within the city of Santa Ana, and it has received many domestic and international grants, awards and recognition.

Sister McNerney's dedication to the youth of Santa Ana continues in her retirement, as she is encouraging Taller San Jose to find someone new, new leadership to infuse that leadership into that group.

She is an extraordinary example of community leadership. She is a friend, and I thank her for her years of service to our community.

COMMENDING FAYETTEVILLE'S FIRST CHRISTIAN CHURCH FOR 160 YEARS OF SERVICE

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, I rise today to recognize and commend Fayetteville's First Christian Church on its 160th anniversary. This great country was founded on religious principles and the ideals of our Founders and can be seen in the works and service that is carried out every day by this church.

First Christian welcomes people from all walks of life with open arms, and its commitment to not only teaching but showing the love of God is something that we can all be very proud of.

I honor First Christian Church and its members for the dedication and commitment of their faith and their strength in service to the kingdom of God. The church is truly doing the work of the Lord and is reaching out to help people in need. It is an integral part of the community, and its members have played an important role in shaping northwest Arkansas.

I'm grateful for the efforts of all church members who serve as stewards of Jesus Christ. It is through their commitment to God that the legacy of First Christian Church lives on.

REMEMBERING SEPTEMBER 11

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, 7 years ago our Nation was struck. And as we reflect on that infamous day, as a representative of North Jersey, many of the victims came from our State. We responded with our firefighters and first responders who immediately went over to New York through the tunnel, by boat, to assist our brothers and sisters there.

I want to say a special word about one of my constituents, Wanda Green, who was a flight attendant on Flight 93 that left my district, my town of Newark, New Jersey and, as you know, was on its way to the Capitol and was brought down by heroic persons on board that plane.

Wanda Green was a flight attendant who switched with another attendant who asked her to take her flight because she had to do something, and Wanda said, all right.

I visited her two college-age children at that time, and we talked about how courageous she was and that they had to live on and move on in her spirit.

And so we are here to express and reflect on that day. To all the families who were impacted, you have our deep condolences.

ALL-OF-THE-ABOVE ENERGY STRATEGY

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, I'm pretty happy today. The rumors coming out of the majority bring hope that we'll have an opening up of the Outer Continental Shelf, not just in this energy bill that should come to the floor next week, but also in stopping the prohibition on the continuing resolution. That will bring the opportunity of more supply of oil and gas to our country, a much-needed benefit.

I know we all focus on crude oil a lot, but an all-of-the-above energy strategy would also address coal. There's two

provisions, Congressmen Boucher/Shimkus coal-to-liquid bill, which would help incentivize coal being turned into liquid fuel. That would help decrease our reliance on imported crude oil, make our country safer.

The Department of Defense wants long-term contracting so that we can incentivize coal-to-liquid refineries. That would also help. An all-of-the-above strategy would not forget coal.

OUR NATIONAL SECURITY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, this is a day to remember those who died in the attacks on American soil 7 years ago. Since that day, this Nation's security has been the highest priority on both sides of the aisle. We may not all agree, we may not often agree, but we do love this country, and we want to do everything we can to ensure its security.

I stand today because this occasion is a necessary time to think about the ways we get our energy. Energy is a huge part of our national security. Having domestic energy sources will help secure this Nation.

It's safe to say that no one in this Chamber thinks that relying on foreign oil is a good long-term strategy for this Nation. It's not good for our economy, and it's not good for our security.

I also think both sides generally agree that using alternative sources of energy are essential to our Nation's future. What we seem to disagree on is a matter of logistics. How quickly can we develop reliable cars that use other forms of energy besides oil? How can we make solar and wind power more available to power individual homes? The truth of the matter is, such solutions are not immediately available.

In the meantime, Americans still need to drive to work. They still need to buy groceries. They still need to heat their homes. We need to respond to the reality of our situation. While we continue to develop alternative energies, we need to increase our supply of the energy this Nation relies on. We have the resources. We have the technology to get them in an environmentally friendly way. Let's help out the American people who are looking to us for solutions.

DEVELOPING A COMPREHENSIVE ENERGY BILL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, almost 6 weeks ago this House adjourned for a 5-week paid vacation. A year and a half had passed, and the Democrat leadership remained, up to that moment, steadfast on one issue and one issue only—there would never be a vote on the House floor that gave the American people more access to American oil through domestic drilling.

House Republicans refused to go quietly. We held this floor for 5 weeks, demanding that, in the wake of this 21st-century energy crisis, Congress come together in a bipartisan way and develop a comprehensive energy bill that said yes to conservation, yes to alternative sources of energy, and yes to more domestic drilling. And now, although we don't have the language yet, there is word that there is a Democrat bill coming to the floor that includes more domestic drilling.

I rise to commend my Republican colleagues who fought for the right of the American people to debate, having access to their own resources, and I say to my colleagues, bring your bill to the floor. We'll bring our bill to the floor. Make it an open debate. Let us cast the votes, and let us lay forward a blueprint for energy independence in the 21st century as the bipartisan accomplishment of this Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 29 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1333

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 1 o'clock and 33 minutes p.m.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. ACKERMAN. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1426

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Mr. SCOTT of Virginia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. HOYER. Madam Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Tuesday, September 9, 2008: House Resolution 1207, H.R. 6169, and H.R. 6513.

The SPEAKER pro tempore. Is there objection to the request from the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Without objection, sundry motions to reconsider are laid on the table.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. HOYER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1420) expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1420

Whereas on the morning of September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City and a third into the Pentagon outside Washington, DC;

Whereas the passengers and crew aboard United Flight 93 acted heroically to prevent the terrorist hijackers from taking additional American lives, by crashing the plane in Shanksville, Pennsylvania and sacrificing their own lives instead;

Whereas thousands of innocent men, women, and children were brutally murdered in the attacks of September 11, 2001;

Whereas 7 years later, the United States still mourns their loss and honors their memory;

Whereas by targeting symbols of American strength and prosperity, the attacks were intended to assail the principles and values of the American people, to intimidate the Nation and its allies, and to weaken the national resolve;

Whereas the United States remains steadfast in its determination to defeat, disrupt, and destroy terrorist organizations and seeks to harness all elements of national power, including its military, economic, and diplomatic resources, to do so;

Whereas Congress passed and the President signed numerous laws to assist victims of terrorism, protect our Nation, combat terrorism at home and abroad, and support, in the field and upon return, the members of the Armed Forces who courageously defend the United States;

Whereas the terrorist attacks that have occurred around the world since September 11, 2001, remind us all of the hateful inhumanity of terrorism and the ongoing threat it poses to freedom, justice, and the rule of law;

Whereas the United States has worked cooperatively with the nations of the free world to capture and punish terrorists and remains committed to building strong and effective counterterrorism alliances;

Whereas immediately following September 11, 2001, the United States Armed Forces moved swiftly against al-Qaeda and the Taliban, which the President and Congress had identified as enemies of the United States;

Whereas in doing so, brave servicemen and women left loved ones in order to defend the Nation; and

Whereas 7 years later, many servicemen and women remain abroad, defending the Nation from further terrorist attacks and continuing to battle al-Qaeda and the Taliban: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes September 11 as a day of solemn commemoration;

(2) extends its deepest condolences again to the friends, families, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked and often sacrificed their own lives;

(4) expresses gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the attacks;

(5) asserts in the strongest possible terms that the war on terrorists and terrorism is not a war on any nation, any people, or any faith;

(6) recognizes the heroic service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, and their families, who have sacrificed much, including their lives and health, in defense of their country against terrorists and their supporters;

(7) vows that it will continue to take whatever actions are appropriate to identify, intercept, and defeat terrorists, including providing the United States Armed Forces, the United States intelligence agencies, and the United States diplomatic service with the resources and support to effectively and safely accomplish this mission; and

(8) reaffirms that the American people will never forget the sacrifices made on and since September 11, 2001, and will defeat those who attacked our Nation through our shared determination, spirit, and embrace of democratic values.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. HOYER) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. Madam Speaker, I ask unanimous consent that the 20 minutes accorded to me be managed by Mr. ACKERMAN of New York.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

GENERAL LEAVE

Mr. ACKERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Madam Speaker, I am happy to yield to the majority leader, Mr. HOYER, 1 minute.

Mr. HOYER. I thank the gentleman from New York, and I thank Ms. ROS-LEHTINEN, for bringing this to the floor.

Madam Speaker, I rise to speak on this resolution not as a Democrat but as an American.

September 11 is seared into my memory just as December 7 was for an earlier generation. Indeed, I know it is seared in the memory of every American.

It was a day of horror and of heroism, and each year it will be a day for us to renew our devotion to the ideals that make our Nation what it is, ideals of liberty, tolerance, equality, and the rule of law.

On this seventh anniversary, this resolution introduced by myself and the Republican leader, Mr. BOEHNER, recognizes September 11 as a day of remembrance and resolve. We mourn nearly 3,000 men, women, and children murdered. We pledge to keep their names alive and their memories fresh, and we pledge ourselves, once again, to those who loved and lost them.

And we recall the heroism of this day, the light of courage that shines brightest in the darkest hours. We remember the service and sacrifice of our first responders, firemen, policemen, medical personnel, average citizens; 343 firefighters, 37 Port Authority officers, 23 police officers. They served us unto death and they died in service.

We remember the heroic passengers of United Flight 93, ordinary Americans who found in themselves unthinkable reserves of heroism and saved the building in which we stand at the cost of their lives.

The Capitol's dome rises on this hill as a symbol of freedom and liberty and democracy. Surely that was the target of those terrorists, and they would have succeeded save for the extraordinary courage of the passengers of that flight.

We send our thoughts far away as well from this Chamber where our servicemen and women are serving and fighting in harm's way as we speak.

Inspired by each and every one of those sacrifices, let us renew our resolve. We commit ourselves to defending our people against any and all future threats. We remain steadfast in our commitment to disrupt, dismantle, defeat, and destroy terrorist networks that endanger all that we hold dear. We will devote to that cause all of our military might, all of our diplomatic skill, and all our moral force.

Americans have worked tirelessly to make our Nation safer. This Congress has passed, and the President signed, numerous laws to assist victims, combat terrorism, protect our homeland, and to support the members of our Armed Forces who defend our interests at home and around the world.

Most importantly of all, we adopted last year all of the recommendations of the 9/11 Commission. And now we must implement them.

We must keep working to keep America secure. We can always do more. And, as the chairman of the 9/11 Commission pointed out, we are not yet strong enough. Today is a reminder that in this uncertain century, even the most powerful Nation on Earth is vulnerable.

So let us add humility and watchfulness to our mourning because we are defending something greater and more powerful than our own lives. We are defending the same ideals to which our founders pledged more than two centuries ago, their lives, their fortunes, and their sacred honor.

We are defending the American ideals that stretch through our history and animate our spirit even today. And no attack, no attack, can break them.

Madam Speaker, I urge all of my colleagues to join with Mr. BOEHNER and me in unanimously supporting this resolution of remembrance and resolve.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

It has been 7 years since the unimaginable happened, unimaginable, but nevertheless all too real.

It is difficult to believe that the months and the years have passed so quickly for some, so slowly for others. But although the passage of time cannot erase the scars, it often shows mercy by soothing the raw wounds of experience and transforming them into memory. And that is our purpose here today, Madam Speaker, to remember, to remember the victims and to remind ourselves of the hatred that fuels the enemies of freedom and their desire to destroy us, to destroy our homeland, to destroy everything that we represent.

Every American and millions around the globe remember that day, remember where they were and what they were doing when they heard the news and turned on their televisions. They remember the numbing shock and the

horror of that day. All wanted to do something to help, and yet there seemed at that time to be so little that could be done to relieve the suffering and the fear.

Thank God that there were men and women in a position to help and who did so at great risk and at great cost to themselves. We honor those individuals for their bravery, none of whom sought fame, many of whom lost their lives so that others might live.

But while it is appropriate that we remember the events of that day, that we mourn those whom we lost and celebrate the many heroes, our attention should not be fixed entirely on the past for the attack on us was not a single blow but the declaration of a war.

We suddenly learned that this war had already been fought against us for many years and in many places, but we had not recognized it for what it was. We had the taking of our embassy and Americans hostages in Iran in 1979, the bombing of our embassy compound and the Marine attacks in Beirut in the early 1980s, the first World Trade Center bombing by Islamic terrorists in 1993, and the attack on the Khobar Towers in Saudi Arabia, the USS *Cole*, and our embassies in Kenya and Tanzania, also in the 1990s.

The goal of our self-proclaimed enemies is not to defeat us but to destroy us. For they must destroy us if they are to destroy the civilization we represent which they have defined as their ultimate aim. Their fantasies cannot be made true as long as we exist to stop them.

This is a new type of war, Madam Speaker, which presents unfamiliar challenges, and it will test us in ways for which the methods of the past have only a limited use.

Securing victory will task our mental and material resources and will require innovative approaches and unconventional solutions. But our courage, our steadfastness, our determination will be as greatly challenged.

In the 7 years since we were attacked, we have come to know our enemies, we have come to know their plans and their methods of operation.

□ 1345

As we see them more clearly, we are increasingly able to uncover their networks and locate their hiding places. But we should not expect an easy success. Our enemies have many allies and have sunk deep roots that will not easily be torn out.

Even as I speak, our warriors are fighting for us and for our country far away from their homes. I am proud that my stepson and my daughter-in-law are two of those warriors who served in Iraq and Lindsey in Afghanistan as well.

We pray for the success of all of our personnel in harm's way, knowing that victory will not be achieved in one decisive battle but in many small ones and fought in many ways and in many places around the globe.

Let us remember this as we prepare our defenses and make our plans to seek out and destroy those who would destroy us.

We must not deceive ourselves with the hope that this threat will just go away, that our enemies will tire of the battle, that they will experience a change of heart, and that they will renounce the evil that they have committed, and instead, we know that they will eagerly plan to do so again.

We must remember that we cannot hide, that we must not fall prey to the easy belief that there are easy solutions because, in fact, there are none.

But there is no room for despair, Madam Speaker. For more than two centuries, our country has risen to meet the challenges that at the time seemed impossible, when the odds against us seemed to be too great, and the path to victory seemed difficult to see. But we have always prevailed.

So on this day of remembrance, Madam Speaker, let us reflect upon all those whom we have lost, on all those who guard us still today, and on the task remaining for all of us, and pledge to do our duty as have all the generations that have preceded us.

God bless the United States of America, now and always.

With that, Madam Speaker, I reserve the balance of our time.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

Madam Speaker, this resolution pays homage to the lives lost on the 11th of September in 2001 and recognizes this anniversary as a time of solemn commemoration. It extends deepest condolences to the friends, families and loved ones of the innocent victims of the terrorist attacks; it expresses gratitude to the leaders and citizens of other countries who assisted, supported, and stood by the United States in the aftermath of the attacks; and it honors the Nation's first responders, Armed Forces and others whose valiant efforts are a credit to their country and who continue to keep us safe.

Each of us remembers exactly where we were on 9/11 when we heard the tragic news. We remember the days of unity that followed when we acted together to protect this country from those determined to harm us and undermine our way of life.

Last year, we took a major step in furtherance of that goal by enacting, with bipartisan support, legislation to implement the recommendations of the 9/11 Commission, in both its domestic and foreign policy dimensions. By doing so, we addressed major security vulnerabilities and improved our homeland security across the board. I call on the President to continue his work to fully implement that act.

Al Qaeda remains a serious threat to the United States. In particular, the al Qaeda leadership that was responsible for ordering the attacks on September 11 has been reconstituted in the tribal areas of Pakistan. From that safe haven, they continue to pose danger to the world and increasingly threaten American troops in Afghanistan.

And this is more than just a military campaign. In the battle against extremists, ideas matter as much as ammunition, and this Nation must employ its soft power—its moral, economic, financial, diplomatic and cultural resources—to the very fullest.

The global realities of the 21st century require us to use the full range of nonmilitary tools as a fundamental pillar of our national security. We in Congress must support full funding for our international affairs programs. They bolster our national security by allowing us to work with foreign partners to track down terrorists overseas, to secure dangerous weapons wherever they are found, and to help stabilize fragile states.

Madam Speaker, this country is in the midst of a competitive election campaign. The stakes could not be higher. But today we set aside all of that to remember what unites us is greater than that which divides us. We all love our country and seek to keep it safe in these perilous times.

Madam Speaker, none of us will forget what happened 7 years ago today. We will always remember the victims of 9/11 and the loved ones who survived them. We still have unfinished work. Congress still needs to act, and hopefully soon, to provide the care to the people who rushed to Ground Zero to help others, as well as the thousands who worked on the ''pile'' in the aftermath to rebuild the site.

We owe those heroes of 9/11 the care and compensation they deserve. We will always honor the first responders who lost their lives that day—and those in uniform who risk their lives today and every day to defend America.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Virginia, the ranking member on the Committee on Oversight and Government Reform, Mr. DAVIS, who lost many friends and constituents at the Pentagon on that fateful day 7 years ago.

Mr. DAVIS of Virginia. I thank my friend for yielding.

The passage of time should bring perspective, a clarity of thought and vision only possible from a distance. Seven years after this Nation was savagely attacked by terrorists, we have to ask: What should we discern today looking back at those events, and what lessons are the silenced voices of the dead still urging us to heed?

But grief numbs the painful past, and complacency can obscure our view of future perils. We pause to mourn, to remember, to pay homage to those lost, not out of ritual obligation, but in solemn self-interest. We invoke the cherished memories of the victims of September 11, 2001, to rekindle the timeless flame of vigilance in the living. If we forget those lost, more will perish.

Today, the Pentagon memorial to 9/11's heroes is being dedicated. A permanent shrine to the 184 people who gave their lives there 7 years ago, it stands as a serene reminder of their sacrifice. It should inspire us, in their memory, to honor all those who fight to defend America and advance freedom every day.

Our remembrance of the past should also light the path through present challenges. Seven years ago, the price of a barrel of oil was $20. Today, it's over $100. Dependence on foreign energy sources adds to the vulnerabilities exploited seven Septembers ago and constrains our options in trying to make America and the world more secure. Honoring the sacrifices of 9/11 today calls us all to put aside personal convenience and political bias in the struggle against global carbon addiction.

Our attention span can be short. In the age of the 24/7 cable news cycle, 7 years is an eternity. But to those who attacked us, it's just seven grains of sand in the arid desert of their malevolent thousand-year campaign of horror. Each September 11 should remind us of the brevity of our time here, the preciousness of each life, and the urgency of the challenges we still face.

A great American author said, ''There is a sacredness in tears. They are not the mark of weakness, but of power. They speak more eloquently than 10,000 tongues. They are messengers of overwhelming grief and unspeakable love.'' Today's tears convey messages of grief and love to those lost 7 years ago in New York City, Shanksville, Pennsylvania, and at the Pentagon.

I urge passage of this resolution.

Mr. ACKERMAN. Madam Speaker, I am pleased to recognize now for 3 minutes the chairman of the Foreign Affairs Subcommittee on the Western Hemisphere, the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I rise in strong support of this resolution, and I thank my friend from New York (Mr. ACKERMAN) for yielding to me.

I speak obviously as an American, but I also speak as a New Yorker. And, Madam Speaker, there isn't a New Yorker alive, as there isn't an American alive, whose life was not changed as a result of what happened 7 years ago today on September 11, 2001. I lost many constituents in the attack on the World Trade Center, lost many friends, and even today, every week when I fly back into New York and I look at the landscape of New York City, I always imagine where the Twin Towers would be and know that the landscape has changed forever.

But even more importantly than the landscape, it's what was done to all of us as Americans on that day. I think we lost our innocence that day. I think the feeling that somehow or other we could never be attacked because we had the Atlantic and the Pacific Oceans protecting us went out the window, and we realized that we were as vulnerable as anyone else.

The evil people who forced the planes to fly into the World Trade Center have many friends who are still around and would still do us harm, and we as a Nation have to be resolved, to be prepared to fight against terrorism, yes, conduct the war on terror. I know some don't like that phrase, but there is a war on terror, and we have to make sure that we do everything possible to win that war on terror.

As was mentioned before, we all remember where we were that day when we first heard the news. We all remember how we felt, and I remember a day or two after the carnage going down there, looking around, and standing in disbelief and saying I can't believe that this is New York, I can't believe that what I'm seeing isn't just a dream, I can't believe that I'm not going to pinch myself and wake up.

Let me say that we still have a fight on our hands. It's also a fight to honor our first responders, to say thank you continuously to those who protect us, and to remind ourselves that there are literally thousands upon thousands of New Yorkers and people in other States who came down in the aftermath of the World Trade Center catastrophe and helped people. And those people, as a result, have difficulty and health problems today, and we as a Nation must continue to make sure that these people are protected and taken care of and not turn the other way and look the other way.

Right now, the New York delegation is fighting to make sure that the first responders and others who helped people and who became sick as a result are not turned way and that we are taking care of them, and let us resolve to continue to do that and more in the aftermath of September 11.

Madam Speaker, I rise in strong support of this resolution, and I think that the Congress unanimously should speak with one voice and say, Never Again.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), the ranking member of the Subcommittee on Africa and Global Health of our Foreign Affairs Committee, who knows the personal suffering of 9/11 as he represents family members of the victims and lost over 50 fellow citizens from his congressional district when the World Trade Center towers were hit.

□ 1400

Mr. SMITH of New Jersey. I thank my good friend, the distinguished ranking member, ILEANA ROS-LEHTINEN, for yielding. And Madam Speaker, I rise in strong support of the resolution.

Despite the passage of 7 years, Madam Speaker, the scars from the attack on our country on September 11, 2001 remain. They remain from the loss of the lives of nearly 3,000 innocent men, women and children, including over 50 men and women from my own district, the 4th District of New Jersey.

Over the course of these several years—as a matter of fact, almost right away—I got to know several of the widows and the loved ones and was so moved and so impressed by their love for the victims. Their loss was—is—excruciatingly painful. But the families also had a great sense that we needed to do more to ensure that this never happens again. And whether it be the ''Jersey Girls'' who walked the halls of this Congress, strongly advocating for the establishment of the 9/11 Commission, or the others—I even actually hired one of the individuals who lost a loved one in my office to do case work. And her sensitivity and her sense of concern for those who suffered irreparable loss that day has been inspiring to me as it has been to members of our delegation in New Jersey and so many others as well.

The scars remain, obviously, Madam Speaker, in the painful void in the lives of the families who sought in vain to make some sense of their horrific and tragic loss. And the scars remain embedded in the fabric of our society, which has had to learn to cope with the reality of a world where indiscriminate large-scale attacks on human life are a constant threat.

Madam Speaker, while recognizing the extraordinary efforts and courage of America's first responders—the firefighters, police officers, emergency response personnel, the heroes—it was also apparent from the terrorist attacks that our Nation had much to learn. We had to craft policies to better protect our people.

I was one of those, among so many others, who advocated early and consistently for a commission to chronicle the facts, missteps and opportunities lost leading up to the tragedy and to develop a well-informed, thoughtful strategy to reduce the future risk of an attack. The 9/11 Commission—that was chaired so ably by Governor Tom Kean, the former Governor of New Jersey, and former chairman of the Foreign Affairs Committee, Lee Hamilton—issued an historic, incisive report, a comprehensive report which, together with subsequent legislation, was not only thoroughly examined by House and

Senate committees, but virtually all of the recommendations were enacted into law. The whole thrust, post 9/11, Madam Speaker, is to mitigate and, God willing, prevent such a tragedy from ever occurring again.

Madam Speaker, we must be diligent in searching for and implementing new means for responding to developing threats. Our enemies are constantly searching for our vulnerabilities, and our ability to remain ahead of them is critical to our very survival.

I want to thank Mr. HOYER for introducing this piece of legislation which gives us the opportunity to have an official solemn expression. It extends our deepest condolences to all who suffered the loss of a loved one as a result of the attacks here in Washington and in New York and in Pennsylvania. To honor those who courageously risked and even sacrificed their lives, some firefighters bravely went up those stairs at the World Trade Center knowing that it was fraught with unbelievable danger to their own lives. The legislation recognizes the service and sacrifice of our military personnel and their families who continue to strive to protect our country both here and abroad, and to continue to take all appropriate actions, and to do so, I would submit, in a bipartisan way to defend and protect our Nation.

This is a very good resolution and a very solemn day for America.

Mr. ACKERMAN. Madam Speaker, it is now my pleasure to yield 3 minutes to the chairman of the Committee on Armed Services, the distinguished gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank the gentleman.

I thank Majority Leader HOYER and Minority Leader BOEHNER for crafting this elegant, bipartisan resolution today, solemnly marking the tremendous tragedy of 9/11 and honoring the thousands of Americans who have worked since to recover and stop a similar event from happening again.

And although the aftermath of the 9/11 attacks will resonate for generations, the terrorists' cold-blooded violence will never break the American spirit, alter our values, or shake our resolve.

The job of protecting the American people is a perpetual responsibility. We are blessed with dedicated men and women in uniform and civilian roles who serve our Nation with honor here at home as well as abroad.

As we remember the fallen today, all of us must renew our commitment to do all that is necessary to protect our families, our communities, and our Nation.

I cannot say enough in recognition of the incredible sacrifices being made by military families around the world. Time and again, we grow concerned that the burden for them will be too great, and yet they've continued to amaze us with their dedication to country and devotion to service, not to mention their unsurpassed skill.

I still worry that we have asked too much of these few Americans and too little of the rest of us. But I cannot be prouder of those in uniform and their families.

Seven years ago, al Qaeda terrorists intent on destroying symbols of American power ruthlessly killed thousands of innocent people. The genesis of the 9/11 attacks emerged from al Qaeda bases in Afghanistan. I remain deeply concerned that the United States has not given the war in Afghanistan the priority it deserves. That concern was only reinforced yesterday by the testimony of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff before the House Armed Services Committee. Admiral Mullen testified that the United States is not yet winning in Afghanistan. This is unacceptable, particularly when military and intelligence officials predict that this volatile region is the most likely source of a future attack against our country.

On this day of memory for loss and sacrifice, my resolve to do my part in performing Congress' unique and necessary role in preventing a recurrence of such attack only grows stronger.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 4 minutes to the gentleman from Connecticut (Mr. SHAYS), the ranking member of the Oversight Subcommittee on National Security and Foreign Affairs, as well as a member of the Intelligence Subcommittee on the Homeland Security Committee. He also has experienced the dramatic impact of the 9/11 attacks as he lost so many constituents and continues to this day to comfort and assist the over 80 families impacted by that attack.

Mr. SHAYS. Madam Speaker, 9/11 was a wake-up call from hell. We all know how we reacted to it, but the weeks that followed for those of us in the greater New York area had special meaning. It was a very poignant time.

I think of the family of Joe Coppo, whose son Joseph, at the time a college student, said goodbye to him at a service in New Canaan. He talked about his dad and said, ''Dad, you wanted me to become an adult. You taught me so many things.'' This is a young man who is now a marine and served in Iraq. He told us of all the things that his dad wanted him to learn. And then he said, ''Dad, I have learned from you. Don't worry, I'm an adult now.'' And then looking at his mom he said, ''I'll be there to take care of mom.''

The next week in the same church, Frank Fetchet, in talking about his son Brad and all the things he wanted him to learn, said, ''Son, I learned far more from you than I learned from me.''

I think of a service in Easton, at a small New England church that was built hundreds of years ago and was so small that most people couldn't fit in. It was a beautiful sunny day, and most of the congregation was outside. They were talking about a young father, a young mother, and a precious 3-year-old child who were on the plane that brought down the second Twin Towers.

They talk about Peter Hanson, his wife Sue Kim, and their daughter Christine. They talked about the father and the mother, and then they had the nursery school teachers where their 3-year-old child attended school, speak about precious Christine. They ended by asking us to hold hands and sing Christine's favorite song, ''The Barney Song.''

When I left, Peter's parents wanted to see me and said, ''This can't be about anger and hate.'' They were sweetly telling me about what it couldn't be, and I was thinking I needed to comfort them.

On this day, September 11th, I think of a family, Neal and Jean Coleman, and with their only remaining son, who the next day were saying goodbye to their two sons who perished, Scott and Keith. It was a candlelight vigil, and they were talking about their beautiful young sons who had so much to live for. When the service was over, the parents insisted on seeing me. They said to me the same thing, the exact same thing, the Hansons had said ''This can't be about anger and hate.''

I think about Beverly Eckert, who met her husband years ago in junior high school, Sean Rooney. She called him on the phone because she thought he might be in one of the Twin Towers, and he was. He told her, ''Honey, I can't get out of the building.'' And she said, ''Go upstairs. Go to the top and you get to the observation floor and be rescued.'' So she spoke to him as he went to the top floor but the door was locked. She spoke to her husband for more than a half an hour knowing it was the last time they would ever speak, and said goodbye to him as the building collapsed.

Well, we know it can't be about anger and hate, but it is a wake-up call. There is more than one inconvenient truth that confronts us. The one the 9/11 Commission talks about, Islamic terrorists, who would do us harm at home and abroad.

We are confronting Islamic terrorists in Iraq and in Afghanistan, in Europe, in Asia, in North and South America. We are confronting them not out of anger and hate, but with the steely resolve that Americans are known for.

God bless the 9/11 families. God bless those who tried to save them. God bless all who live in this great country. We will prevail!

Mr. ACKERMAN. I am pleased to yield 2 minutes to a member of the Committee on Financial Services, the gentleman from Indiana (Mr. CARSON).

Mr. CARSON of Indiana. Madam Speaker, I come to the floor today with

a heavy heart as we remember and pay our respects to those brave Americans we lost in the September 11 terrorist attacks.

But Madam Speaker, I also come to the floor today with a feeling of resilience and determination, a resilience and determination that says we must remain vigilant in dismantling those terrorist networks intent on doing us harm; a resilience and determination that mandates that we give our intelligence agencies the resources they need to neutralize these rogue organizations that target our citizens and threaten the security of our homeland.

Having served as a police officer and a supervising watch officer with the Intelligence Fusion Center at the Indiana Department of Homeland Security, I know firsthand about the security threats facing our Nation. And in order to successfully combat these threats, it is going to take a sustained and concerted effort from all of us. Therefore, it is my hope that we use this anniversary, Madam Speaker, as an opportunity to remember our fallen brethren, but also to reaffirm our commitment to protecting our citizens and our homeland.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), ranking member of the Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, because over 700 people from New Jersey lost their lives on this day 7 years ago.

Mr. FRELINGHUYSEN. Madam Speaker, even after the remarkably emotional ceremonies on the House steps and at the Pentagon this morning, it is still hard to believe that 7 years have passed since tragedy struck in lower Manhattan and in the fields of Pennsylvania and at the Pentagon. It seems like only yesterday. In that time, we have mourned the loss of so many innocent people, learned many lessons, and have become stronger as a Nation.

The events of that day demonstrated the truest form of evil our Nation has encountered, but in the face of that evil, good arose. Firefighters, police and EMS personnel rushed to the scene in lower Manhattan and at the other sites. They saw a danger in front of them, but were determined to help those inside the Towers. Strangers helped each other out of the buildings knowing the risks they faced; neighbors and friends consoled one another; and we saw Americans from all walks of life stand united side by side, waiving the stars and stripes and lighting candles to honor those loved ones missing or lost.

Others gave in other ways, giving blood, donating to charity, or volunteering across our country. The best America has to offer was brought out by those terrible events of that fateful day. And we made a promise that morning that we would never forget, and we won't.

We are here this afternoon honoring those lost and remembering the sacrifices of those who serve us. We have not forgotten, and we never will. Seven years later, we remember and we gather. We remember those lost on September 11, 2001; 3,000 Americans, 700 from my home State, and people from more than 80 other countries around the world.

□ 1415

That morning too many of our friends and neighbors left for work, never to return home again. There is no doubt about it: The character and resolve of America is still strong. Let us take this time to honor and remember those whom we lost that day.

God bless you, those we lost, and God bless the United States of America.

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent to extend debate time by an additional 20 minutes, equally divided.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. ACKERMAN. Madam Speaker, it is now my pleasure to recognize for 2 minutes a very distinguished Member from Long Island, a member of the Committee on Appropriations (Mr. ISRAEL).

Mr. ISRAEL. I thank my good friend and colleague and neighbor, Mr. ACKERMAN.

Madam Speaker, 7 years ago, they say, changed everything. There were more funerals than we thought were imaginable, more tears, more despair, more a sense of loss. But there were also more flags in this country than ever, more pride and more unity.

I remember how the people of my congressional district responded. I remember the vigil at Heckscher Park in Huntington, the elementary students at the Idle Hour School in Oakdale planting a garden, the thousands of people who converged on Cow Harbor Park in Northport, the candlelight vigils in Commack including one that will be held this evening. I remember attending a recovery workers conference several months after the attacks on 9/11 and speaking to a gentleman who in very painful breaths and labored breathing said to me, ''Congressman, I'm not sure I am going to survive what I did. Will you take care of my family?'' I remember the Viggianos and the Downeys and the Murphys and over a hundred other families who lost somebody on that day.

It is important to remember these things, but it's also important to act. They need not only our commemoration, they need our health care. They need our continued moral support. They need our continued support in every sense of the word.

We remember these things, and we also remember those who did us great harm that day. Those who continue to live in caves in Pakistan and Afghanistan. We will not forget them either, and we support the courage and the bravery of those in the military who continue to pursue them.

Madam Speaker, I would make one other point, and that is this: Earlier today we assembled as Republicans and Democrats on the steps of the Capitol and sang ''God Bless America.'' We did the same thing on 9/11 hours after the attack. I hope that we will remember the unity that we displayed on that dreadful day and the unity that we displayed several hours ago and continue to work together to move our country forward, not just in the memory of those who perished and those who suffered on 9/11, but to make this country a better place for them.

God bless them. God bless America.

Ms. ROS-LEHTINEN. Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from New York (Mr. FOSSELLA), a member of the Committee on Energy and Commerce.

Mr. FOSSELLA. I thank the gentlewoman for yielding.

Madam Speaker, it's been suggested that September 11 was a tragic day. Indeed it was. But the reality is there were thousands of individual tragedies that occurred.

Time has given us the perspective to look back and understand what really happened. It has given us the ability to look back and see how individual families have dealt with their loss. Staten Island and Brooklyn alone lost more than 300 people. If you go drive around the streets of Staten Island today, you will see street names with the names of those lost on September 11 as a constant reminder of the extent of the carnage and the damage.

I have been to memorial runs. I've seen scholarships offered in the names of the deceased. I've seen families try to tell their young children, who are probably too young at the time to understand, what it meant when Daddy wasn't coming home anymore, when Mom wasn't coming home. These children are at an age now that they can begin to appreciate that they'll never have a dad again. There were hundreds of them on Staten Island alone and thousands across the country of young children who lost their fathers and lost their mothers.

The role we have here is very simple, I think. That is to protect the American people and to ensure an attack like that never happens again. The most powerful way we can memorialize September 11, and as our own private thoughts and prayers and to offer to extend a helping hand to those in need, but as Members of Congress I think we have a solemn responsibility and duty to stand up against the evil, against our true enemies who want not to just

destroy this country but our way of life, and forever may we remember those who paid so dearly with their lives on September 11, 2001.

Mr. ACKERMAN. Madam Speaker, I am very pleased now to yield 2 minutes to the distinguished chairwoman of the Subcommittee on State and Foreign Operations, the distinguished NITA LOWEY.

Mrs. LOWEY. Madam Speaker, today is a solemn day for New Yorkers and all Americans as we remember the men, women, children who lost their lives 7 years ago on September 11, 2001. For many of us the wounds of that terrible day are still raw, as are the reminders that are now woven into our daily lives. The pain associated with the loss of loved ones, the still incomplete skyline of Manhattan, the terror alerts, the checkpoints, the baggage searches and the war.

The attacks of September 11 were intended to strike at the heart of our country, our values, and our way of life. In spite of this incredible act of hatred and violence, however, Americans remain united not only in our resolve to defeat those who want to do us harm but in our unwavering support for our Armed Forces, first responders, and the intelligence community who have answered the call to protect us at home and abroad. It is in this spirit that we remain committed to honoring the memories of all who lost their lives on that horrible day and commending those who continue to risk their lives since then to bolster our homeland security, protect our ideals and values, keep our communities safe, and ensure that America never again experiences such an evil act of violence on our soil.

Thank you, Mr. ACKERMAN, for sponsoring this resolution, and God bless America.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT), an esteemed member of our Committee on Foreign Affairs.

Mr. BARRETT of South Carolina. Madam Speaker, today we remember all those lost on September 11, 2001, a day that changed America forever. No American will ever forget where they were on that fateful morning as the images began to flash across the television screens. September 11, 2001 shook us to our core. And while our hearts broke, our spirits did not. In fact, Madam Speaker, they grew stronger. My thoughts and prayers are with the families and friends of those innocent individuals who died on that fateful morning. Seven years later lessons have been learned. Our security, intelligence capabilities, and our intergovernmental communications have all improved, but we must always remain vigilant.

On this day also, Madam Speaker, I would like to pay tribute to our Armed Forces who have answered the call of service after 9/11. Their dedication and sacrifice cannot be overlooked. Every day we live in peace and freedom we owe to them. The passage of time will heal the scars from September 11, but we will never forget.

Mr. ACKERMAN. Madam Speaker, I am pleased to yield 2 minutes to the member of the Committee on Appropriations, the distinguished gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the distinguished chairman for yielding and congratulate Congressman ACKERMAN on this resolution.

Madam Speaker, I rise in support today on the anniversary of 9/11, 2001, and to pay tribute to the over 3,000 Americans who lost their lives in New York, at the Pentagon, and in Pennsylvania.

Let me remember that day through the life of one man, a retired air traffic controller, Mr. John Werth, a constituent who was on duty that day at the Major Air Control Center located in Oberlin, Ohio, in our Ninth Congressional District of Ohio. His professionalism and attention to duty that terrible day saved hundreds, literally thousands of lives, though in the end he was not able to prevent the crash of United flight 93, which went down over Shanksville, Pennsylvania, and in which 40 of the lives lost that day remain forever in our memory.

In today's issue of USA Today, which I shall include in the RECORD, Mr. Werth's photo and story appear on the front page. It is appropriate that after all these years some of the heroic stories of that day become more fully available to the public. Mr. Werth's clearheaded efforts, under great pressure and amid great national confusion, diverted aircraft away from the highjacked plane, saving lives. As professional air traffic controllers in the employ of the Government of the United States, he and his colleagues worked hand in hand with our military to do the best they could under the most trying of circumstances. His three decades of experience served America well and cannot be overstated. He, and I know his colleagues across our Nation, acted with courage and dispatch. And we all respect them deeply. They carry with them in their memories of that day the transmissions from those cockpits. There is no question he and his colleagues literally saved thousands of lives by safely landing thousands of flights across this country. They avoided midair collisions and, for their grace under pressure, deserve every recognition and medal of honor the American people can bestow. They hold our admiration, they hold our gratitude, and they hold our respect for their patriotism and attention to duty. We are forever indebted to them.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ACKERMAN. I yield the gentlewoman an additional 15 seconds.

Ms. KAPTUR. I thank the gentleman very much.

On behalf of the American people and certainly the citizens of Ohio who remain extremely proud of John Werth and his colleagues and his air controller associates across our country, please let the record show we extend our abiding thanks on this historic day. We extend our deep remembrances to the families and communities still affected. And we ask God to bless America and help us lead the world to a more peaceful day.

[From USA Today, Sept. 11, 2008]

7 YEARS LATER, THE TERROR IS STILL VIVID

(By Alan Levin)

OBERLIN, OHIO—He spent most of his life controlling airplanes. But on this day seven years ago, United Flight 93 was beyond control.

Cleveland Center air-traffic controller John Werth had never heard anything like it—the sounds of an animalistic struggle crackling over his radio. He heard screaming, hollering and two guttural groans coming from the cockpit.

The horror of one of the four 9/11 suicide hijackings was playing out, Werth tells USA Today in his first public recounting of the day that forever changed America.

''I lost 40 people that day,'' Werth says of the desperate efforts he and his colleagues made to communicate with Flight 93 and keep other planes away from it until the jet crashed in a rural Pennsylvania field.

Today, the story of that flight is well known—in books, movies and tales of heroism about the passengers who tried to retake the jet from four al-Qaeda terrorists, and probably prevented an attack on the White House or U.S. Capitol. For Werth, it's been a vivid—if largely private—reality. He was there. He heard it all.

Werth's account provides new details about what happened as the hijacking unfolded and how the chaos in the skies caused alarm and confusion for controllers and national security forces.

For seven years, Werth, 61, hasn't told his story publicly, initially because he was not allowed to because of a government subpoena related to the prosecution of al-Qaeda operative Zacarias Moussaoui, and later because Werth didn't want the attention. Now, Werth's ready to discuss it and set the record straight.

It was Werth who heard the transmission from Flight 93 that suggested a bomb was aboard. The transmission, in a thick accent and broken English, likely was from hijacker pilot Ziad Jarrah, the 9/11 Commission determined later.

The bomb was apparently a bluff, a threat the hijackers used to try to control the passengers.

At the time, Werth says, it created a new level of alarm among the controllers clearing other planes out of the wayward path of Flight 93, which had departed from Newark, N.J., that morning and flown into Ohio before making a U-turn toward Washington.

What if, Werth wondered, the hijackers had a bomb—maybe even a nuclear device? How far would Werth have to keep other jets from a nuclear bomb's shock wave? Twenty miles? Thirty?

Every time Werth turned other planes away from Flight 93, the hijacked jet seemed to surge toward them, he recalls, raising questions about what the hijackers were trying to do. At the time, he knew that some

passenger jets were missing and that one had hit a World Trade Center tower in New York.

''I'm saying, 'What is he doing?' '' Werth recalls. '' 'Is this about a midair collision.' '' an attempt to ram another passenger jet with Flight 93?

All the while, uncertainty gripped the nation—and Cleveland Center, which oversees a wide swath of the nation's skies between Chicago and New York.

''SOMETHING WAS REALLY OFF''

That morning began routinely for Werth as he sat in front of his radar screen and radio, surrounded by maps and computers. Soon, the news began trickling down to him.

Two jets were ''lost'' over New York. Someone said a small plane (actually a jet, it turned out) had hit the World Trade Center in New York. A supervisor told him to try to contact American Airlines Flight 77, which had gone missing over Kentucky.

''That's when I knew something was really off,'' he says.

He was also told to keep an eye on Delta Air Lines Flight 1989, which had taken off from Boston. Amid the confusion, controllers in Boston worried it was connected to the jets missing in New York. Those jets, American Airlines Flight 11 and United 175, also had departed from Boston.

Finally came word that a second plane, a large jet, had hit New York's twin towers.

The pilots of Flight 93, headed west to San Francisco from Newark, arrived at 9:24 a.m. in Werth's control sector, a roughly 100-by-100-mile patch in the Cleveland area that handles only high-altitude traffic. The Boeing 757 carried seven crewmembers and 37 passengers, including the four hijackers. Within four minutes of arriving in Werth's sector, according to the 9/11 Commission Report and other government documents, the hijackers had launched a violent takeover of the jet.

During the struggle, one of the pilots tried to make a distress call or inadvertently switched on the radio's microphone, allowing Werth and other planes in the area to overhear what was happening aboard Flight 93.

Werth says most of the sounds of the struggle were unintelligible. There were screams and groans. Werth recalls turning to another controller. ''I looked at him and said, 'Dave, did that sound the same to you as it did to me?' He just kind of looked at me wide-eyed and nodded.''

He knew another flight was probably under attach, but which one? ''Somebody call Cleveland?'' he radioed. No one replied.

Thirty-three seconds later came a second broadcast from the cockpit. It also had the sounds of a struggle, but this time Werth made out a few words: ''Get out of here. Get out of here.''

About that time, Flight 93 descended about 700 feet. By then, Werth was pretty sure the flight had been hijacked. What were the hijackers up to? Why do they want to be over Cleveland? Why are they this far west? I thought at first, well, you've got the Sears Tower (in Chicago) straight west,'' he says.

There were no procedures or training exercises for such an emergency, Werth says, so he made it up as he went along. He asked other crews whether they had heard the scuffle over the radio. When they replied, he knew they were still OK.

The hijacked jet became erratic. It sped up and started gaining on another United flight. Werth commanded the second jet to turn right. Seconds later, Fight 93 turned to the right, too.

Minutes later, as Flight 93 climbed from 35,000 to 41,000 feet, Werth told Delta Flight 1989 to turn right to clear it away from the hijacked jet. Then Flight 93 made a 180-degree turn back toward the east, forcing Werth to move the Delta flight back out of the way. ''Delta 89, we're gonna go the other way,'' he radioed.

As Flight 93 passed over Akron, headed by that time in the direction of Washington, Werth heard a supervisor call out that a jet had just struck the Pentagon.

''IT'S THE DELTA!''

Before United 93 had even checked in with Werth, a supervisor had asked him to watch Delta 1989, a westbound flight from Boston to Los Angeles. It was 60 miles east of his sector, flying behind the United jet.

Werth has never been sure who called the facility to warn about the flight or why, and other accounts have been murky. The flight was a Boeing 767 like two other hijacked flights out of Boston. It would have been logical to suspect that it, too, might have been a target.

As Werth struggled to keep other jets away from United 93, he had to turn the Delta flight several times. The pilots responded normally. He couldn't be sure of anything that day, but it seemed a safe bet that the Delta flight hadn't been hijacked.

However, someone in the military seemed to have mixed up the Delta flight with the hijacked jet. A supervisor rushed up to Werth and said, ''It's the Delta, it's the Delta!'' Werth recalls. She told him that a military liaison on the phone had confirmed that the Delta jet was hijacked.

Werth told her he was pretty sure United 93 had been hijacked, not the Delta one. A few moments later, she came back.

''He's fine—at least for now,'' Werth told her.

After consulting again on the phone, she returned again. ''They said it's a confirmed hijack and a bomb threat,'' she told him. It was United 93 that had made the bomb threats, Werth thought. That convinced him they had to be confusing the two flights.

''Tell them they're full of it!'' Werth says he replied. ''I thought, 'God, don't (have military jets that were being scrambled) go after the wrong plane.' ''

At 9:44 a.m., the Delta pilots requested a change of course from Werth. The same concerns about their safety had been passed on to the company, and dispatchers had ordered it to land as soon as possible in Cleveland.

As it turned out, the military was in no position to shoot down Delta 1989, but Werth didn't know that. He followed the flight on radar until it landed safely.

Fight 93 didn't make another radio transmission after 9:39 a.m.Werth watched on radar as the jet crashed near Shanksville, Pa., at 10:03.

A BOND WITH FLIGHT 93

Werth retired in 2003 without ever having made an air-traffic error during his 32-year tenure, according to the Federal Aviation Administration, a remarkable record in an era when computers automatically track when planes get too close together.

He says he has focused his life on his wife, Mary Kay, and his passion, golf. He says he has watched with occasional outrage as he has been portrayed in movies and books about 9/11 by people who had never spoken to him.

Today, he will attend a memorial service in Shanksville for the crew and passengers of Flight 93.He's not sentimental or emotional about that day, but he feels a bond with the victims.

''It's hard, when you're a controller, to lose an aircraft,'' he says. ''When there is absolutely nothing you can do and you're not in control, it's doubly hard.''

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. JORDAN), a member of the Judiciary Committee.

Mr. JORDAN of Ohio. Madam Speaker, I rise today to join my colleagues in strong support of this important resolution. Today we pause to remember nearly 3,000 who were killed, and thousands more who were injured, on that fateful morning 7 years ago. We remember the unspeakable evil we saw that morning, the terror that confronted us on our own shores. But we also remember the heroism of countless ordinary Americans who did extraordinary things that tragic day and in the weeks and months that followed.

Like the firefighters, paramedics, police officers, and other first responders who rushed into crumbling burning buildings, risking and giving their lives to do their duty and to save others, and, of course, the millions of Americans who gathered in church to pray, in communities centers and schools to organize relief for victims, and lined up around the corners to give blood. When evil confronted America that day, we did not flinch, we did not back down, and we did not surrender.

In the 7 years that have passed since that day, our Nation has remained on offense against the threat of radical Islamic extremism. It is a struggle that will define our generation and shape the next American century. We did not choose this battle, but we will meet it, as Americans always have, and we must be victorious.

I would again like to express my gratitude to the United States Armed Forces. Hundreds of thousands of soldiers, sailors, airmen, and marines have answered the call of their country in her hour of need. They and their families have made countless sacrifices. Over 4,500 have given what President Lincoln called the fullest measure of devotion to their country. As long as this threat exists and Americans troops are deployed in harm's way, they must have the full support of this Congress. On this day when we look back and remember, let us gain strength from the examples of bravery and courage we have seen over the last 7 years. We must honor the legacy of the fallen and stand united against the continued threats to our country.

I ask my colleagues to join me in renewing our commitment to these principles that have made us the home of the brave and will continue to keep us the home of the free.

Mr. ACKERMAN. Madam Speaker, I am pleased to yield 2 minutes to the chairman of the Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs, the distinguished gentleman from New York's 19th Congressional District.

□ 1430

Mr. HALL of New York. While the terrorists were able to destroy the World Trade Towers in New York City, and damage the Pentagon on September 11, 2001, they did not take into account the indomitable American spirit.

My most lasting image of that day is not planes flying into buildings or towers collapsing. I remember the people—firefighters, police officers, EMTs, ordinary men and women—doing everything in their power to help. I think of all the people who rushed downtown, without regard to their own safety, determined to do what they could do for others. They clearly demonstrated to our enemies that our spirit cannot be broken and that we are determined to confront any threat to our national security.

The United States will never give in to terrorism and we will never shirk from our duty to defend our country and the principles for which it stands.

I urge all Americans to honor those who lost their lives on September 11, and to commit ourselves to whatever sacrifices it may take to prevent such an attack from taking place again.

Also, I'd like to especially recognize a constituent and friend, named Jay Winuk, the founder of MyGoodDeed.org, an organization he created to further honor the victims, families, and survivors of September 11, by encouraging the government to recognize that day as a national day of community service, and to encourage people to perform good deeds to mark the date.

Jay's brother, Glenn Winuk, was a volunteer firefighter and attorney working at a Manhattan law firm on 9/11. He lost his life at the World Trade Center after helping to evacuate everyone from his office, and then rushing back into the South Tower, looking for others to save. When he was last seen alive, Glenn was helping people escape the tower and reach safety.

Many rescue and recovery workers volunteered their time and efforts in the hours and days following the attack. Jay has found a unique and touching way of honoring all their efforts and ensuring that the heroes of that day are not forgotten. Through the work of citizens like Glenn and Jay Winuk, this country remains as great and as powerful as it is, and we should all recognize and remember them, and all those who lost their lives, or whose lives were forever changed on that day.

Ms. ROS-LEHTINEN. I'm pleased to yield 2 minutes to a member of the Committee on Homeland Security and the ranking member of its Subcommittee on Transportation Security and Infrastructure Protection, the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentlelady for yielding.

Madam Speaker, 7 years ago, September 11, 2001, a day that will live in infamy, we suffered as a Nation the greatest attack on our shores since a similar day some six decades previous. That dastardly attack resulted in a unification of this country such as we had not seen before. Similarly, the attack some 7 years ago brought a unity to this Nation that we have been lacking for some period of time. In the ensuing days and years, we have seen remarkable selfless dedication to serve by men and women in uniform in our Armed Forces, and those who are serving us, even to this point, as our first responders.

So we have to ask, much as Lincoln asked at his famous address at Gettysburg, recognizing that we cannot consecrate the grounds that were attacked more than they have been consecrated by the sacrifices of our fellow citizens, what can we do to fulfill our obligation?

I would just say this. The best way we can maintain our commitment to those who sacrificed and those who have suffered, and still suffer, is to recognize the continuation of the threat against us, the urgency of the matter before us, and the fact that we cannot in any way lag in our responsibility to respond to that threat.

There's a great temptation because we have not been so attacked in the last 7 years to believe it just has happened. But we have been able to forestall attacks because of tremendous sacrifice by many men and women serving on behalf of this Nation, who continue to serve.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. ROS-LEHTINEN. I'm pleased to yield the gentleman such additional time as he may consume.

Mr. DANIEL E. LUNGREN of California. It would be the height of tragedy, Madam Speaker, if we were to fail to back up the commitment by those who have sacrificed thus far by accepting their sacrifice as something which is a matter-of-fact circumstance. No. The only way we can honor their lives and their sacrifice is by ensuring that we maintain vigilance daily.

We take an oath to uphold the Constitution, but we take an oath beyond that. We take an oath to uphold the greatness of our fellow citizens. I would hope that we would dedicate ourselves to understand, with all the other things we have to do as Members of Congress, that our first and foremost responsibility is to create the security within which American citizens can exercise their freedoms.

And so my plea and my prayer today is that we don't accept the successes of the last 7 years as inevitable, but we understand that they have been hard fought, and that we need to continue that fight.

I thank you for the time.

Ms. ROS-LEHTINEN. Madam Speaker, we have no further requests for time. I yield back the balance of our time.

Mr. ACKERMAN. I'm pleased to yield 3 minutes to the distinguished gentleman from West Virginia, chairman of the Committee on Natural Resources, representing the Third Congressional District of that State, Chairman RAHALL.

Mr. RAHALL. I thank the distinguished gentleman from New York for yielding me this time.

Madam Speaker, I rise with all Americans, and indeed with most of the civilized world, in marking the seventh anniversary of the 9/11 attacks, and in doing so, remember the thousands of innocent Americans who lost their lives that day, and extend the Nation's highest prayers to their families, friends, and loved ones. I thank God for the freedom which Americans enjoy, a freedom for which American lives were lost.

Like so many of my colleagues, I attended a dedication ceremony this morning of the 9/11 Memorial at the Pentagon, where I joined Huntington, West Virginia, residents Dr. Ken and Sharon Ambrose, whose son, Dr. Paul Ambrose, was one of the 184 lives lost in the Pentagon on that American Airlines Flight 77 during that fateful day of September 11, 2001.

Indeed, Dr. Paul Ambrose was the first name called this morning when the bells were rung for each of the victims at the Pentagon. The viewing of his memorial, so beautifully etched in the grounds of the Pentagon, will truly bless his memory eternally.

This ceremony and countless others around the Nation today continue to remind us that freedom does not come free. Thousands of Americans—first responders, military service, and Guard members, law enforcement personnel, medical personnel, volunteers—continue this very day to devote themselves day in and day out to protecting the innocent in times of disaster and tragedy, risking their own lives to do so.

Over the last 7 years, thousands of Americans, both in and out of government, have worked tirelessly to improve the security of our Nation. Much progress has been made, but more work remains to be done. Our number one duties as Members of Congress, of course, are to protect the people of this country and to ensure that such a terrible tragedy never happens again. As we move forward, we all will work hard to continue to keep our homeland secure and to seek out and defeat terrorist organizations around the world.

I thank the gentleman again for yielding.

Mr. ACKERMAN. Madam Speaker, it is now my pleasure to yield 1 minute to the Speaker of the House.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 minute.

Ms. PELOSI. Thank you, Madam Speaker. I thank the gentleman for yielding. I thank him for his leadership in giving us this opportunity today, on September 11, to express our gratitude to our first responders, our sympathy to the families of 9/11, and our concern for the safety of the American people. I acknowledge his leadership role in this from his committee standpoint, but as a New Yorker who knows firsthand the horror of 9/11. So, thank you, Mr. ACKERMAN, for your leadership and for your commitment on this issue. I also thank Congresswoman ROS-LEHTINEN for her leadership in bringing this to the floor as well.

When Abraham Lincoln was a very young man, not 30 years old, he made a speech in 1838, and in it he was talking about the history of our country and important events and how sometimes they are lost in the public memory. He referred to the ''silent artillery of time,'' sometimes referenced as ''harsh artillery of time,'' but nonetheless, the artillery of time to dull the memory of important events.

Certainly, that is a gift if the artillery of time dulls the pain of a terrible loss. But there's no artillery powerful enough to dull the memory of 9/11, what it did to our country, what it attempted to do to our country.

The courage of the families of 9/11, who turned their grief into strength, and arguing for better policy in terms of the 9/11 Commission and the enactment of its recommendations to make America safer, their grief through strength to action, has made America safer. We have more to do.

The silent artillery of time will never diminish the appreciation or the memory of the courage of our first responders, our police, our firemen, our emergency services people, the construction workers, who went in right away, risking their lives, so that they could save other lives. Some of them lost their lives.

The silent artillery of time will never, never dull the act of cowardice on the part of these terrorists. They don't care about life or buildings. They do care about instilling fear. That is their goal, the terrorists, to instill terror.

But they did not succeed in that regard, because New York rallied. This morning, we were at the Pentagon to see the families there, and their spirit, as the Pentagon Memorial was dedicated, and referencing what happened in Pennsylvania. The indomitable spirit of the American people is too strong a force for the terrorists to succeed with.

So, again, the silent artillery of time will never, ever have us forget what happened to our country on that day, and the hatred and cowardice that inspired it.

So, here we are today, 7 years later, saying once again to the families how sorry we are, thanking them for their courage, hoping for the best for them for their children and the future. Here we are today, 7 years later, saying to the first responders, Thank you very much.

But, as some others have said here, words are not enough. There are ways that we can put into action our appreciation, and that is to recognize the health needs of those who responded on that day and whose health problems linger to this day, and some that we won't even know about into the future.

We will never forget, no matter what, what they did to minimize the toll, the death toll that might have been. We always remember because we have constant reminders of it, as well the courage of these people on a day-to-day basis still across America keeping us safe.

On this day, it drives home what we always know, that our first responsibility as elected officials is to protect the American people, make them safe in their homes, neighborhoods, towns, and communities, and ensure their national security. That is something that we must do, working together, so that we can meet any threat to our security, wherever it may occur.

In that spirit, I want to acknowledge also the courage, patriotism, and sacrifice of our men and women in uniform and their sacrifices that they are making, and that their families are making, to keep America safe.

So with all the respect in the world for President Lincoln when he was a young man, talking about the silent artillery of time, his message reminds us that, again, time may lessen pain, but it will never diminish our memory of what happened on 9/11, the courage that followed, and the responsibility we have to keep the American people safe.

God bless those families. They have done so much for our country, fresh off their tragedy. God bless those families. With their courage, God truly blessed America.

□ 1445

Mr. ACKERMAN. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 7¼ minutes.

Mr. ACKERMAN. Madam Speaker, a very thoughtful general once observed that the loss of 1,000 lives is a statistic, but the loss of one life was a tragedy. There were thousands of tragedies that occurred 7 years ago today. I want to talk about one of them.

It was a very long week here in Washington, that week of 9/11. It took three or four times the usual time for me to get back to New York. It was late at night. I was able to get a cab in New York to take me down to the World Trade Center, to the pier where they had set up all of the emergency work. I went there at that hour to find my wife, who was a mental health worker, one of those people who were asked to come down and volunteer.

As I waited for her to do the things that she and so many other people were doing, I walked around. There was a long, huge wall with pictures on 8½ by 11, on napkins, on flyers that were drawn up, people who had pictures of their loved ones, their husbands, their wives, their children, if anybody saw them.

There were firemen walking around trying to console women who did not know yet if they were widows.

There were little dolls alongside the wall on the floor stretching for two blocks along this pier. They all had notes on them. They were from children who suffered the loss of parents in the Murrah Building disaster. And these notes all said things like, ''When I was in trouble and frightened, someone gave me this doll to make me feel better. I send it to you and hope that you feel better.''

A fire chief came over to me and asked me if I would go over and just stand by this gentleman who was all alone at the wall. It was probably midnight. And this fellow in unique garb, he was a Hassidic Jew, dressed in the traditional big brim black hat, looking very much like the Amish do with the long black coat, he stood in front of one flyer without blinking. The only thing he did was move back and forth, back and forth, staring at this picture.

I just stood next to him. And after a minute he spoke to me, without even looking at me, just staring at the picture on this flyer that looked like a younger version of himself, and he said, ''That was my brother.'' He, I was told, was there every night doing this. ''He was my brother. He called me to say good-bye.''

''I told him,'' he said, ''that he had to get out of that building. He had to get out right away.'' And he said to me, ''I'm sitting holding hands with the young man who works in the cubicle next to mine, a young Puerto Rican kid who lives in a wheelchair, and there is no way for him to get out of this building. I told him he would not die alone, and I am just calling to say good-bye.''

There is nothing anyone could say, nothing I could say. I just stood there.

There are thousands of stories, there are thousands of lives, there are tens of thousands of people who were immediately impacted by relatives who died that day, who are heroes as well, some of whom knowingly, some of whom unknowingly went to their deaths, in addition to all of those who rushed into the building to save those that they could.

As we remember the first responders, as we remember the people who dug in that pile for so many days and weeks and months, risking their own lives, putting their health at risk and danger, as we know today, an issue that

still has to be addressed, we remember also those who caused all of that anguish and pain, all of those thousands of tragedies, who changed history in that one incident, and rededicate ourselves to not being only strong, but smart, as we confront those threats and honor the memory of all those who were lost and all those who tried to help on that day.

Mr. SOUDER. Madam Speaker, it has been 7 years since the terrorist attacks that took the lives of over 3,000 men, women, and children. I join with my colleagues to offer sincere condolences to the families of the victims. We must never forget these tragic events; they have left a wound that will never heal.

I also rise to remember and honor the first responders who acted with bravery and heroism on that day and during the recovery period. During one of the worst tragedies our Nation has faced, we witnessed the most remarkable acts of self-sacrifice, courage, and compassion. It is a testament to the American spirit.

Since 9/11, we have taken steps to help anticipate and deter future attacks and prepare for a quick and effective response following an emergency. One benchmark of the progress made is the absence of further acts of terrorism on U.S. soil during the past 7 years. This has not been an accident.

The men and women serving in our Nation's Armed Forces are pursuing terrorists overseas and warrant our utmost respect and appreciation for their faithful service. Additionally, the 216,000 employees of the Department of Homeland Security deserve our gratitude for their efforts 24 hours a day, 7 days a week, to gather and analyze intelligence, coordinate with State and local law enforcement, harden our borders, secure our transportation systems, and enforce the laws.

We all recognize that our foes are extremely determined and patient; even now they are looking to exploit our open and free society to carry out additional attacks. Our resolve must be even stronger to detect, deter, and respond. There is much more work to do to bolster our security and counter changing threats.

Today is a day to renew our commitment to improve our intelligence capabilities, secure our borders, support our first responders in communities large and small, and intensify our vigilance.

While the attacks occurred in New York, Washington, DC, and Pennsylvania, the Nation felt the reverberations and stood together in unprecedented unity. I urge my colleagues to put aside partisan differences and make the security of our Nation and the well-being of our military personnel fighting the war on terrorism top priorities.

Mr. HOLT. Madam Speaker, this is the day we pause and remember those who lost their lives on that terrible day 7 years ago. We also remember the heroism of the first responders, and of those who fought back against terrorists—people like the late Todd Beamer, a resident of central New Jersey. But even as we look back in sorrow and remembrance, we must also look to the future and remember our obligation to prevent other American families from enduring a similar horror in the future.

We have made progress in making our country more secure since September 11, 2001. A critical piece of legislation was enacted in August 2007 to better protect Americans from terrorism and improve our security. The legislation (H.R. 1) completed the enactment of the recommendations of the bipartisan, independent 9/11 Commission into law. This law requires 100 percent screening of cargo on passenger aircraft within 3 years and 100 percent scanning of seaborne cargo before it gets to U.S. ports within 5 years, ensures that first responders can communicate with each other in an emergency, and improves rail and mass transit security. It is disgraceful that the administration has failed to implement the law, and I will certainly do my part to keep the pressure up until they fully comply.

On the issue of meeting post–9/11 threats, I'm pleased that this Congress has taken steps to secure our rail and transit systems. As we saw with the attacks on rail and mass transit systems in Europe and India over the last few years, transit systems are prime targets. I was pleased to lead the effort last year that secured $400 million in funding for rail and transit security grant programs—$225 million more than President Bush requested in his budget. We still have a long way to go before our rail and transit systems are as safe as they should be, but we are finally moving in the right direction.

Madam Speaker, I support this bill and I urge my colleagues to join me in voting for it.

Mr. KUCINICH. Madam Speaker, we suffer in our remembrance of 9/11, because of the terrible loss of innocent lives on that grim day. We also suffer because 9/11 was seized as an opportunity to run a political agenda, which has set America on a course of the destruction of another nation and the destruction of our own Constitution. And we have become less secure as a result of the warped practice of pursuing peace through the exercise of preemptive military strength.

It is not simply 9/11 that needs to be remembered. We also need to remember the politicization of 9/11 and the polarizing narrative which followed, locking us into endless conflict, a war on terror which has wrought further terror worldwide and which has severely damaged our standing worldwide as an honorable, compassionate nation. As we were all victims of 9/11, so we have become victims of the interpretation of 9/11.

Our Government's external response to 9/11 was to attack a nation which did not attack us. Indeed on the first anniversary of 9/11, the Bush administration issued a well-publicized stern warning to Iraq which was part of a campaign to induce people to believe Iraq had something to do with 9/11.

The deliberate, systematic connection of Iraq with 9/11 has led America into a philosophical and moral cul-de-sac as over 1 million Iraqis and over 4,155 U.S. soldiers have died in a war which will cost over $3 trillion. Additionally, soldiers from 23 other countries have died in the Iraq war.

Last year, I voted against a similar resolution to the one before us today because it ignored the reality of the administration's use of 9/11 as a false justification for war. This year, I will vote for the resolution because I have renewed hope that the day will come when September 11 will no longer symbolize the false justification for an unjustified and unprovoked war.

Over two dozen nations, facing peril within and without, deeply divided by politics and war, have traveled down a path of restoring civil society through a formal process of reconciliation. At some point within each of those countries it was understood that the way forward is shown through the light of truth. This process is not without pain because it requires a willingness to study evidence to which eyes had been averted and ears had been closed. But in the process of truth and reconciliation, nations found new strength, new resolve, new commitment.

The South African Truth and Reconciliation enabled that nation to come to grips with its past through a public confessional, bringing forward those who committed crimes and having the power to grant amnesty for full disclosure of crimes against the people. Of course, our path may necessarily be different: High U.S. government officials stand accused in impeachment petitions of violating national and international law. Our continued existence as a democracy may depend upon how thoroughly we seek the truth. I will call upon the American people to join me in supporting this effort.

The truth can move us forward, as a unified whole, so that we can one day become a re-United States. 9/11 is the day the world changed. It is the day America embraced a metaphor of war. If we are open to truth and reconciliation, we may one day be able, once again, to embrace peace.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, 7 years ago this week I sat in my Tallahassee office feeling scared, angry and sad. Those were some of the first emotions that went through my mind after the terrorist attacks of September 11, 2001.

Like most Americans that day I was struck by the utter hatred toward America that consumed the men flying the planes that crashed into our revered national landmarks. What kind of person is filled with so much hate that they would kill themselves and thousands of innocent people at the same time?

Even today I still struggle to comprehend what drives these people to commit mass murder and try to destroy the political and religious freedoms that millions enjoy around the world.

Since 9/11 the attacks on America and her allies by extremist Islamic jihadists have continued. While you and I don't believe that mass murder achieves anything, there are thousands of young Islamic terrorists who believe in jihad and the reestablishment of the Muslim caliphate.

Thankfully, due to the vigilance of our troops abroad and the changes to our Nation's security back home, America has been spared further devastation.

Other nations have not been so lucky. British subway commuters were attacked by bomb-wielding terrorists. Spanish trains were bombed by radical Islamic terrorists, killing dozens. A nightclub in Bali was attacked, killing several hundred. Muslim extremists attacked a school in Russia, murdering more than 300, many of them little children. The list goes on and on, in virtually every region of the world.

The fact is that the United States is engaged in a battle with an enemy that is difficult to track and hard to defeat. Unlike World War II or Korea, where we knew what country we were fighting and could identify the enemy by the color of their uniforms, today's battles are a fundamentally different challenge.

It is no longer the nation state declaring war on the United States that we must fear. Instead it is the lone fundamental terrorist with the tools, weapons and willpower to sacrifice his life so that Americans will be killed. All it takes is one dirty nuclear suitcase bomb to destroy an American city like Orlando or Tampa.

That is why it is so important to remember what happened on that fateful September morning 7 years ago. The deaths of 3,000 Americans should never be forgotten. As the years pass, however, some have gotten complacent about our Nation's security and the threat of Islamic terrorists.

Sadly, we must remain ever vigilant, because there are new threats to the United States and her allies unearthed every day. There is no doubt about it, Al-Qaeda and other like-minded terrorist organizations are still plotting to kill Americans and destroy our freedoms and liberties.

September 11, 2001, is a solemn day in our collective memories. While it is a time for remembrance and prayer, it should also remind Americans of the challenges we face to protect our democratic rights and freedoms.

With thousands of American soldiers stationed around the world, this anniversary is a perfect time to say a prayer for their safety and to thank them for defending the memories of those who lost their lives in the terrorist attacks of September 11, 2001.

I hope that you take this opportunity to remember the victims of 9/11 and never forget the sacrifices of those who fight for our freedoms.

Mr. MORAN of Kansas. Madam Speaker, today we mark an event so important to our Nation that it can be identified, simply, by two numbers. The phrase "9/11" bears all of the emotions of that fateful day in 2001. Feelings of shock, helplessness and sorrow are still present 7 years later as our Nation engages its enemies abroad. As Americans, we stand to honor those who lost their lives that day, as well as the brave men and women of the armed services who sacrifice so much to protect us from further attack.

On September 11, 2001, we learned that heroes still exist. Just as those who serve our country are willing to forego life for the benefit of others, the firefighters, police and emergency personnel and those passengers who fought back provided the reassurance that Americans still will give their lives for others and preserve the future of our Nation. The heroes of 9/11 reaffirm that those who served in past battles did not serve in vain. Their examples allowed us a new generation of role models.

As we honor those who lost their lives at the World Trade Center and the Pentagon, we must take this opportunity to recognize them as genuine heroes. The significance of their sacrifice is an incredible reminder of the great responsibility we have as Americans. There is not a U.S. citizen who is not affected by the events of that day. To honor their memory is to honor the sacrifice made by everyone who has laid down their life in defense of freedom.

9/11 marked a coming of age for the world. International terrorism had shown up at our front door and surprised a sleeping world. Though the events of that day will be remembered for the physical devastation that ensued, hope and renewed sense of patriotism will be September 11th's legacy. Our innocence shattered, we made renewed efforts to keep our homeland safe and our world more secure.

Shortly after the attacks of September 11, I joined a half a dozen members of Congress in visiting New York City and the remains of the World Trade Center. I wanted to express on behalf of all Kansans our support and concern for the victims and their families and to express our condolences.

Just a few feet away from Ground Zero, New Yorkers created a makeshift memorial to those who died in the rubble of the Twin Towers. There, thousands of ordinary people brought cards and flowers as a tribute to those who died. While there, I happened to pick up a white piece of notebook paper, blue lines, jagged edge, torn from a spiral notebook. On that piece of paper was the writing of a child: "Dear Daddy, How much I miss you. How I hope heaven is a wonderful place and I hope I can live a life good enough to join you there someday. Signed, Amanda, Age 12".

Amanda, who I will not meet nor ever know, must never be forgotten. Her note to her Dad is a reminder that each generation is called on to preserve our way of life and that the cause is noble. That I, as a member of Congress and we, as American citizens, have a responsibility—there must be no more Amandas.

Thank you for the opportunity to express my gratitude for the heroes we are honoring today. Most importantly, I want to express my gratitude to the people who have made our freedoms a reality. Thank you, and may God bless you.

Mrs. MILLER of Michigan. Madam Speaker, it is difficult to believe that it has been 7 years since that horrific day of September 11, 2001. It is important that today every American take time to pause and reflect upon those who we lost on that day and those whose heroism and bravery vividly showed the indomitable American spirit.

For the last 7 years our Nation has been at war against an enemy that hides in the shadows and preys upon the innocent. An enemy that does not value life or freedom. But that enemy has found that the will of the American people is impossible to defeat. That the vigilance and dedication of those in law enforcement who protect our communities is unending. That the bravery and commitment to the cause of freedom of the American Armed Forces is unmatched in the world.

So on this solemn day it is appropriate to mourn those who were lost. To say a prayer for their memory and for their families. And to give thanks to those who so bravely continue to protect our freedom. May God continue to bless this great Nation.

Mr. BLUMENAUER. Madam Speaker, on the seventh anniversary of the 9/11 terrorist attacks, I join every American in honoring the innocent men, women, and children who lost their lives to those attacks. I pay tribute to their memory, and extend my deepest sympathies to the loved ones they left behind.

I also honor the brave first responders—the firefighters, policemen, and ordinary citizens—who so courageously risked and, in many cases, gave their lives for others.

Over the past seven years, Americans have worked tirelessly to prevent further attacks and protect the American people. The 110th Congress joined them by focusing on keeping our country safe and has wisely implemented the recommendations of the 9/11 Commission. We now have vastly improved security on our rail and public transit systems, more robust screening of aircraft and seaborne cargo, and strengthened law enforcement capabilities.

Those who perpetrated the attacks of September 11, 2001 must be brought to justice. I am determined to see the next administration rectify the grave mismanagement that has allowed many of these terrorists to go unpunished.

We must also acknowledge that today's threats—terrorism, global economic upheaval, worldwide epidemics, and environmental devastation—are nuanced and interconnected and cannot be addressed by military force alone. Protecting our security demands that we cooperate with our neighbors and promote wise governance. We must address global poverty, promote wise stewardship of natural resources, and provide aid to developing and devastated peoples.

It is the first-order duty of Congress to keep Americans safe. As we commemorate the seventh anniversary of 9/11, I join Americans across our Nation in grieving for loved ones lost, and in honoring the heroes among us. I resolve to do all in my power to prevent a tragedy like this from happening again.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Res. 1420, a resolution recognizing September 11 as a day of remembrance, extending sympathies to those who lost their lives on September 11, 2001, and their families, honoring the heroic actions of our Nation's first responders and armed forces, and reaffirming the commitment to the defense of the people of the United States against any and all future challenges.

I support this resolution because although seven years have passed since that fateful day, the pain, agony, and sense of loss still endures in the hearts and minds of the American people. As we reflect on the tragic events of 9/11, we can never forget the courage and heroism of the men and women who selflessly reacted to help those that were incapacitated and remember the nearly 3,000 innocent lives that were sacrificed without warning.

This tragedy has left an indelible scar on the Nation's history and has awakened a newfound sense of patriotism and nationalism. This day of remembrance is important and necessary because it reminds us that we must continue to support those that fight abroad to keep our homeland safe.

America must now look forward and do all that it can to ensure the integrity of freedom upon which this country has been founded. We must learn from the aftermath of this catastrophe to respond and react to such disastrous events without inhibiting the civil liberties and freedom of the very people we serve.

Madam Speaker, on September 11, 2001, the Nation watched in horror as the unthinkable occurred. On that faithful day, a ruthless attack had been orchestrated, transforming the World Trade Center Towers and the Pentagon into human infernos that claimed thousands of innocent lives. The tragic events of 9/11 were examples of despicable acts of faceless cowards who have no regard for human life.

Across the United States and around the world, people of all ages and walks of life collectively united during a time of tremendous sorrow and despair. It was an unforgettable day that transformed the lives of many and united Americans in a way this Nation had not seen since World War II.

As I stand here today, my heart remains torn from the gruesome events of that day as I can only imagine what the passengers on flights United Airlines 93, American Airlines 77, American Airlines 11, and United Airlines 175 were thinking of when they found out that they had only moments to live. I must commend the brave souls that did everything to help prevent more lives from being lost. The actions taken by the passengers of flight 93, firefighters, policemen, and first responders can never be forgotten and their service is worthy of great recognition.

I stand here today simply to offer my deepest condolences to the families of the fallen victims and the servicemen and women who sacrificed their own lives to save others. On behalf the 18th Congressional District of Texas, I express my sorrow for the tragic losses in New York, Washington, DC, and Shanksville, Pennsylvania. However, we must also not forget the good that has come about in the midst of a country that harbored many differences.

After the tragic events of 9/11, there was a realization that in those moments of humanity, Americans were able to unite and share the same sense of sorrow and empathy. The people of the United States came together and strengthened its resolve to defend and protect the basic fundamentals of the country. This is what makes our country so great. As the late Dr. Martin Luther King has said, ''Injustice anywhere is a threat to justice everywhere.'' I must also bring to light the overwhelming support of our global community in this time of tragedy.

As we reflect back upon this unfortunate event, we need to also consider the measures we have taken to make America safer. As a member of the Homeland Security Committee and the Committee on Foreign Affairs, it is my duty to bring to the attention of the American people many homeland security initiatives that we have undertaken that have not been successful.

Osama bin Laden has eluded our forces for nearly eight years and the nation's infrastructures and borders are still vulnerable to attacks. Immigration has been an important concern that has resulted from these attacks and the terrorist watch list that the Transportation Security Administration has implemented is apparently inefficient.

Madam Speaker, there are many issues that still need to be addressed in order to secure our nation. It is my sincere hope that we as Democrats, Republicans, and Independents alike will come together to expeditiously resolve these issues and help place the path of this great nation onto a noble path. I have great faith and confidence that we will be able to achieve this soon one day and our differences will be accommodated.

As we move forward, 9/11 is a day that will remain in remembrance. We have understood the meaning of sacrifice through the country's history of rebuilding and positive reform. The United States is the forefront of innovation and has the ability to reflect and learn from past mistakes. I pray for the lives lost on 9/11 and also for the protection of innocent lives from senseless conflicts and war.

I urge all members to join me in supporting H. Res. 1420. This tragic moment can never be forgotten and we need to do all we can in our power to prevent such a travesty from occurring again. We must remember September 11, 2001 to propel this nation and its policies to prevent and prepare itself from future disasters.

Mr. ORTIZ. Madam Speaker, today we mark the seventh anniversary of the 9/11 terrorist attacks, and remember the thousands of innocent men, women and children who lost their lives on that day, and we extend our sympathies to their families, friends, and loved ones.

We also honor the heroic service, actions, and sacrifices of those first responders, law enforcement personnel, volunteers, and others who aided the innocent victims, in many cases sacrificed their own lives.

My personal experiences that day are vivid: going to a press conference in the Capitol at 9:30, moving fast to get out of the building when we saw the reports of smoke at the Pentagon. I went to the Pentagon two days later to thank the emergency workers and was touched by their resolve and strength to rescue their fellow citizens.

Over the last seven years, our Nation worked tirelessly to improve our Nation's security and to protect our people. We thank our men and women who serve in the military and put their lives on the line every day to ensure that we never have to relive those tragic events ever again.

Mr. TIAHRT. Madam Speaker, today is the 7th anniversary of one of the most horrific days in our Nation's history. On September 11, 2001 terrorists attacked the United States and slaughtered our fellow citizens in New York, Pennsylvania and Virginia. Fox News is calling this the ''day that changed America'' but I disagree. America didn't change, instead the evil attacks brought out the best in America.

As terrible events have a tendency to do, the terrorist attacks brought this Nation together. We have mourned together, been angry together, prayed together, indeed come together as Americans not as Southerners or Northerners, Midwesterners or East Coasters. It's an outlook that extends beyond national pride; we acknowledge that we as Americans are all in this together. None of us who were here on that terrible day will forget the spontaneous gathering of Congress on the steps of this great building that survived thanks to the brave men and women of Flight 93. Politics was truly brushed aside as we joined hand in hand, mourning the dead, celebrating the spirit of this great Nation, and vowing to do all we can to protect this Nation and her citizens.

The events of September 11, 2001 did have had a drastic effect on our Nation and the world at large. The focus of the country changed. Today, our Nation's ideas and her people still face a continuing threat from terrorists. Nearly every single day, the intelligence community records another threat or two against America or our interests. Hardly a week goes by that some terrorists somewhere don't reiterate their interest in attacking this great Nation. But our military, first responders and intelligence officers as well as alert citizens have remained vigilant and prevented further attacks.

Today as we remember those who lost their lives on September 11, 2001 and their loved ones, we also take time to honor and thank the thousands of first responders, the myriad aviation personnel from air traffic controllers to pilots and flight attendants who safely grounded planes across the country, and of course the men and women in our military and intelligence communities who have been engaged in a global war on the terrorists for the past seven years. God bless them all and may God continue to bless America.

Mr. KING of New York. Madam Speaker, I rise today to honor the victims and heroes on the seventh anniversary of the terrorist attacks of September 11, 2001. As someone who lost more than 150 friends, neighbors, and constituents on September 11, my heart goes out to the families who lost loved ones. September 11th will forever remain a day of great tragedy for the United States, but it is also one of great triumph, as Americans came together and demonstrated extraordinary heroism, courage, and unity.

We commend the first responders who served on that tragic day and during the many difficult days thereafter. And, we honor those who gave their lives in responding so heroically.

September 11 served as a wake up call for our Nation. In the seven years that have followed, Congress and the Administration have worked with, and on behalf of, law enforcement, first responders, and the Intelligence Community to better secure the United States. Passage of the Homeland Security Act of 2002, the PATRIOT Act, the SAFE Port Act, the Secure Fence Act, the Intelligence Reform and Terrorism Prevention Act, and the Implementing Recommendations of the 9/11 Commission Act of 2007 provided the Department of Homeland Security and the Intelligence Community with the tools they need to secure our Nation.

It is no accident that we have not been attacked since September 11. This is due to a number of reasons, including the dedicated efforts of the employees of the Department of Homeland Security, many of whom serve in the New York metropolitan area.

Make no mistake; we are more secure than we were on September 11, but more needs to be done. We will never forget the lessons of September 11th, and we will continue to work to secure the United States against radical Islamic terrorists who want to do us harm.

Mr. SIRES. Madam Speaker, I rise today in support of H. Res. 1420 recognizing September 11 as a day of remembrance, remembering those who lost their lives on September 11, 2001, and honoring the heroic actions of

our Nation's first responders and the Armed Forces.

On that tragic day, I was the Mayor of Jest New York, New Jersey and a member of the State Assembly. My district sits directly across from lower Manhattan and ever since the smoke cleared on 9/11, there has been a visible reminder to me and my constituents of the loss we suffered on that day. Everyday I am at home in West New York, I see the absence in the skyline. It is a constant reminder to me of the great loss our nation suffered on September 11. Hundreds of husbands, wives, parents, friends and neighbors did not return home that night. Many others did return home but still have to bear the burden of their losses everyday.

Madam Speaker, today I want to honor the memories of those we lost seven years ago today and those who lost loved ones. I'd also like to honor our troops that, since September 11, 2001, have been fighting so bravely abroad to protect this great cquntry. We appreciate their sacrifice.

Mr. VAN HOLLEN. Madam Speaker, today we commemorate the seventh anniversary of the most terrible terrorist attack ever on American soil. We remember those who suffered injury and mourn with the families who lost loved ones.

But we also remember the indomitable spirit of America that lit that dark day and the days that followed. The courage of the first responders and ordinary citizens who risked, and in some cases sacrificed, their lives to save others. The men and women of our armed forces who have worked honorably to defend our Nation from future harm. The millions of Americans who volunteered and supported efforts to rebuild New York and Washington and care for those who were injured there.

These individual acts of bravery and sacrifice remind us that even in times of fear and pain, the flame of liberty does not falter. In the face of grave threats, the world can stand together. And with the power of our ideals and the strength of our resolve, we can build a more peaceful world.

Mr. HENSARLING. Madam Speaker, today I rise to recognize the individuals who sacrificed their lives on September 11, 2001 to protect the safety of our citizens and preserve our great Nation's freedom.

The world was forever changed 7 years ago on the morning of September 11. Nearly 3,000 innocent people were murdered at the World Trade Center, the Pentagon, and on a quiet field in Pennsylvania.

While we think back to the massive destruction of that day and mourn the lives lost, we will also never forget the shared spirit of togetherness that followed our sorrow. The countless acts of heroism and bravery on 9/11 gave birth to a dawn of unity and camaraderie.

We must thank our first responders who go to work each day willing to make the ultimate sacrifice to save a complete stranger. We must thank the men and women of our armed forces who defend our freedom and Nation. Because of their sacrifices, our Nation stands tall on the great progress that has been achieved by these brave men and women.

Since September 11, 2001, we have reshaped our homeland's defense and significantly improved our readiness to deal with terrorist attacks. The war on terror is a struggle for freedom unlike any other that our Nation has faced. We must always be as united behind our cause as they are behind theirs.

When America unites to defend the same ideals and virtues that our fathers, grandfathers and generations prior have defended, we know that she will remain a beacon of liberty around the world.

Madam Speaker, on behalf of the Fifth District of Texas, I would like to express my eternal gratitude to the men and women that defended our Nation 7 years ago and to the individuals who continue to protect us at home and abroad.

Mr. MURTHA. Madam Speaker, I rise today to pay tribute to the heroes who died seven years ago today in the World Trade Center, the Pentagon, and in the Congressional district that I represented, Shanksville, Pennsylvania.

On September 11, 2001, I was in the U.S. Capitol, where the subcommittee I now chair was marking up the annual Defense Appropriations Bill. After the order was given to evacuate, I headed back to Pennsylvania. The next day, September 12, 2001, I visited the crash site of United Flight 93 in Shanksville, only 30 miles south of my home. We all owe a deep debt of gratitude to those heroic passengers who foiled the terrorists' plan and saved the lives of countless Americans working and visiting in the U.S. Capitol.

In our darkest hour, Americans everywhere joined together in acts of bravery, compassion and hope. Our first responders worked round-the-clock to help those in need, and millions of us gave our time and resources to relief organizations like the American Red Cross. In the months following September 11th we found comfort and pride in each other. We were all Americans, and we were determined to move our great Nation forward.

Madam Speaker, our number one duty is to ensure the safety and security of the American people. Our brave men and women in uniform are fighting around the globe so that our children can grow up in a world absent of war and terrorism. We pay tribute to their bravery and to their sacrifice on this anniversary of September 11th, 2001.

Mr. ETHERIDGE. Madam Speaker, I rise in support of House Resolution 1420, expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001. Many of us were here in Washington on that fateful day and knew that our lives had changed forever.

House Resolution 1420 recognizes September 11 as a day of solemn commemoration. This resolution extends our deepest condolences again to the friends, families, and loved ones of the victims of the September 11, 2001 terrorist attacks. H. Res. 420 also honors the heroic service, actions and sacrifices of the first responders, officials and volunteers who came to the aid of the victims of these attacks. On this day, we remember the selfless valor that so many Americans displayed. This resolution also expresses our gratitude to the foreign leaders and citizens of all nations who have joined with the United States in fighting terrorism. H. Res. 1420 recognizes the service and sacrifices of the United States Armed Forces and their families who remain in the front lines of this fight.

Although we pause on September 11th to reflect and say thanks, on this day we should also remember that the forces that divide us from one another can never overcome the transcendent unity we have as Americans. As H. Res. 1420 states, this unspeakable act of terrorism "was designed to intimidate the Nation and its allies, and to weaken the national resolve." However, seven years ago in the face of this tragedy, Members of Congress stood united, shoulder to shoulder on the steps on this Capitol and pledged to work together to remember this day and honor the sacrifice of the fallen. Today we remember that pledge.

In appreciation of that spirit, in memory of the valor of the heroes and the fallen of that day, I urge colleagues to join me in voting for House Resolution 1420.

Mr. WOLF. Madam Speaker, I rise today to join my House colleagues in support of this resolution recognizing September 11 as a day of remembrance; extending sympathies to those who lost their lives on September 11, 2001, and their families; honoring the heroic actions of our Nation's first responders and armed forces, and reaffirming the commitment to defending the people of the United States against any and all future challenges.

We all will always remember where we were on that fateful morning of September 11, 2001, a beautiful, sunny and clear early autumn day in the Nation's capital when terrorists launched their attacks on America. It is etched forever in our memories.

We will never forget—those who died; those who survived and live with the scars; the firemen who ran up the stairs of the World Trade Center to save lives and gave theirs; the heroes on the plane in Pennsylvania; the families left behind whose lives will always have a void; the neighbors, the friends, the countless strangers who performed selfless acts of kindness we will never even know about.

On this solemn anniversary I always think back to the sermon the pastor of my church gave the Sunday after September 11 when he said: "Life is fragile. Evil is real. God is sure."

Life is fragile. It can end in an instant. The families of those who died in the attacks on the World Trade Center, the Pentagon and in a field in Pennsylvania never thought that would be their last day to see their loved ones.

A woman in New York said, "We parted with a kiss on the Union Square Subway platform at around half past eight that morning. Jason was heading to his new job at Cantor Fitzgerald in the World Trade Center; I was heading to my office in SoHo. He must have made it to his desk moments before the plane struck the building."

Evil is real. We saw on September 11 that evil men did evil deeds to innocent people. Thirty people from Virginia's 10th congressional district died on 9/11. I went to the Pentagon that day and saw with my own eyes the destruction. I returned to the Pentagon this morning to join the dedication of the beautiful and moving memorial to hose who died there seven years ago.

I went to Ground Zero in New York City two months after 9/11 and saw the devastation. I

saw the notes written on the wooden railing of the viewing platform from family members. One said, "I love you Daddy" in a childish scrawl. Another said, "We miss you Dad. When you look down we hope we will always make you proud."

Evil is real, but God is sure. Psalm 46 says: "God is our refuge and strength, an ever-present help in trouble. Therefore we will not fear, though the earth give way, and the mountains fall into the heart of the sea, though its waters roar and foam and the mountains quake with their surging. Nations are in uproar, kingdoms fall; he lifts his voice, the earth melts. The Lord Almighty is with us; the God of Jacob is our fortress."

Our lives changed on September 11, and in many ways are still changing and will continue to change. Clearly, we are much more aware of the threat we now face.

We had heroes on 9/11—those who lost their lives and those who tried to save them—and we continue to have heroes today. They are the brave men and women who are fighting in Afghanistan and Iraq showing the terrorists that we will take the fight to them. They are the thousands of civilian employees at numerous Federal agencies supporting those efforts.

Some of those heroes, like those on 9/11, have given their lives to protect our way of life. To them and to their families, we will be forever grateful.

I am reminded of a quote from President Ronald Reagan, who was such an optimist. He believed in America and for what she stands. He once said in describing America, "We will always remember. We will always be proud. We will always be prepared, so we can always be free."

Indeed, we will always remember. And we will always be grateful that we live in the United States of America where, it has been said, unlike almost any other nation on earth, our identity is rooted not in blood, religion or birthplace, but in the idea of freedom.

Freedom has never been with a price. We owe our lives to each and everyone who has paid that ultimate price so that we can continue to live in freedom. And so today, we remember 9/11 and those souls who perished, and we also honor those who responded to the horrific events of that day, and resolve to continue the fight against terrorism and those who would seek to destroy freedom.

Ms. MATSUI. Madam Speaker, today we are solemnly commemorating the seventh anniversary of the September 11th terrorist attacks. September 11th changed all of our lives. It is important that we take this opportunity to remember those who lost their lives, and those brave men and women who came to the aid of the victims. We will always be indebted to the first responders, nurses, doctors, counselors and volunteers who have tended to the wounds inflicted by Al Qaeda terrorists just 7 years ago.

As our hearts and national character continue to absorb the pain of that tragic day, we understand that our greatest healings have come from unity. We gain strength through the compatriotism of our fellow citizens, and extend our hands of help as others do the same for us.

Following September 11, 2001, our country saw a meteoric rise in volunteerism, community service and national service program enrollment. When our Nation was at its darkest, the light of unity gave us direction towards a brighter future. Men and women from every walk of life answered the call of history to become active and serve their country in any way they could.

I commend those who have committed their day to giving back. Today, dozens of organizations and thousands of individuals are turning their grief, respect, and remembrance into action and service to their community. This national day of service is patriotism manifested. Service confronts the cynicism and hopelessness of terrorism, and exemplifies our national foundation of justice, equality, and fellowship. The work being done today throughout the country renews the spirit of unity that followed tragedy. A national day of service gives our country a new tradition that I hope will grow for generations to come.

Once again, I want to thank those who have dedicated their efforts to ensuring that our country is protected against and prepared for any future terrorist attack. I also wish to remember those lives lost during the brutal attacks on September 11, 2001. As we pass the Resolution today, we are honoring the heroic service, actions, and sacrifices of Americans who so bravely came together after 9/11.

Mr. MARKEY. Madam Speaker, Last week, our Nation commemorated the seventh anniversary of the most devastating attack on our country since Pearl Harbor. We remembered the victims and their families, and we also honored the heroism of the fire fighters, police officers, emergency workers and everyday Americans who rushed to help those caught in the almost unimaginable violence on that day.

The attack has left an indelible mark on our Nation. The two planes that were crashed into the World Trade Center towers took off from Boston's Logan Airport on that clear Tuesday morning.

Last week at Logan Airport, a new memorial was dedicated to the 147 men, women and children who perished on American Airlines Flight 11 and United Airlines Flight 175. I ask unanimous consent to insert in the RECORD a statement from Massachusetts Port Authority Chairman Dr. John Quelch on the occasion of the dedication of the 9/11 memorial at Logan Airport.

We will never forget the heroism of the Americans affected by the September 11th attacks.

REMARKS OF DR. JOHN A. QUELCH

For the past 7 years, there have already been two memorials at Logan Airport, dedicated to the 147 men, women and children who perished the morning of September 11, 2001 on American Airlines Flight 11 and United Airlines Flight 175.

One stands outside Gate 32 in American Airline's Terminal B. The other stands outside Gate 19 in United's Terminal C. Both memorials appeared spontaneously, raised by airport and airline employees without fanfare or ceremony. These two memorials are one and the same. And there is no grander memorial. That memorial is the flag of the United States of America.

The flags fly proudly to this day, and will likely fly forever. They symbolize the determination of this airport, this Nation, and the community assembled here to recover from that grievous wound.

Today, we dedicate a third memorial as a remembrance of that day and its impact on all of us. This memorial is accessible to all who come to this airport. And this memorial acknowledges each lost soul by name.

It is a simple tribute. A quiet place of reflection. Hopefully, a place for healing. And, with the passage of time, a place for learning and education, as well.

This memorial is first and foremost for you, the family members and friends of those who perished that sunny September morning. They never asked to make history, yet they did so in the saddest possible way.

The weight of September 11 also bore heavily on the entire Logan airport community who were devastated to learn that two of our flights—our flight 11, our flight 175—were instruments in the tragedy that unfolded. We at Massport and the entire Logan family hope that you—and we—will find comfort in this place. And in the years to come, we hope that many thousands of visitors—perhaps millions—will also come here to reflect, to heal and to learn.

Changing our own lives will be the greatest gift we can give to the departed. They surely expect more from us than to merely memorialize their names. They surely want us to do more, work harder, be better, to be inspired by remembering them.

So, for the sacrifice of those we honor here today, may this memorial therefore make us better fathers and mothers, sons and daughters.

For their sacrifice, may we be better custodians of the public trust, ever vigilant for the public safety.

For their sacrifice may we be better citizens and neighbors.

And in the morning, with the rising of the sun, and with the sounds of freedom in the sky, we shall remember them.

Mr. MURPHY of Connecticut. Madam Speaker, I rise to support of H. Res. 1420 which honors the 7th anniversary of the terrorist attacks on the World Trade Cener, the Pentagon, and United Airliines Flight 93. On September 11, 2001, nearly 3,000 people died and thousands of others were injured, scarring families and communities across the Nation. The tragic events of that day also challenged our long-held sense of national security and forever-changed our Nation.

In the time following September 11, we also saw the best of the human spirit in the face of unimaginable tragedy. Americans from all over the country banded together and responded to the barbaric attacks with an outpouring of support and commitment to the families of 9/11 and to each other. Everyday heroes from all 50 States, including at least 308 from Connecticut and 64 from the Fifth District alone, put their lives and health on the line and traveled to New York to assist in the rescue and recovery efforts at Ground Zero. Families who lost loved ones on that fateful day dedicated their lives to honoring those killed and making sure that, as a Nation, we never forget. The Fetchets, from New Canaan, Connecticut, are just one example—they lost their son Brad during the attacks on the World Trade Center towers, and rather than resigning to mourning, they channeled their grief into resolve, founding VOICES of September 11th, an organization dedicated to advocating for those affected by the events of September 11, 2001.

Seven years later, with energy and the economy on the forefront of everyone's minds, the lessons of 9/11 seem less immediate; but

in reality, we should draw upon the strength and cooperation our Nation showed during that time to solve the economic and national security problems we face today, and to ensure that the needs of 9/11 families and workers are met. I am proud to say that in 2007 we worked together to pass legislation that requires the enactment of the recommendations of the bipartisan 9/11 Commission, making our Nation safer and more secure. As we work to ensure that the new law is fully implemented, we must also not forget the thousands of people who still struggle every single day as a result of the attacks. As we all know, the collapse of the World Trade Center towers released a dangerous cocktail of toxins, putting hundreds of area workers, residents, rescue and recovery workers, and others in the area around Ground Zero at risk. Numerous studies have documented that many of those exposed to the toxins have developed lower and upper respiratory, gastrointestinal, and mental health conditions. With staggering medical bills and the inability to work due to illness, many of the heroes of 9/11 are now in severe financial distress. The Federal Government has a moral obligation to provide them with the care they desperately need and deserve.

I offer my condolences to the families and loved ones of those who died during the attacks as well as my sympathy and commitment to those who are sick as a result. We must remain vigilant in the face of terrorism, and, Madam Speaker, we must always remember the events that occurred on that tragic day 7 years ago.

Mr. ACKERMAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. HOYER) that the House suspend the rules and agree to the resolution, H. Res. 1420.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ACKERMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ADJOURNMENT TO MONDAY, SEPTEMBER 15, 2008

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated with respect to the motions to suspend the rules and pass H.R. 6608 and H.R. 6832, respectively, to the end that the motions be considered as adopted in the form considered by the House on Tuesday, September 9, 2008.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Without objection, respective motions to reconsider are laid on the table.

There was no objection.

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that the motion to suspend the rules relating to H.R. 6475 be considered as adopted in the form considered by the House on Tuesday, September 9, 2008.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Without objection, the motion to reconsider is laid on the table.

There was no objection.

HIGHWAY TRUST FUND RESTORATION ACT

Mr. LEWIS of Georgia. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6532) to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 3, line 2, strike ''September 30, 2008'' and insert ''the date of the enactment of this Act''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent to give Members 5 legislative days to revise and extend their remarks on the bill, H.R. 6532.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill passed the House on July 23, 2008, with bipartisan support by a vote of 387 yeas to 37 nays. The Department of Transportation has asked that this legislation be effective immediately. The Senate amended the House-passed bill to change the effective date and respond to the administration's request.

The trust fund is broke, out of money. Our State and local governments, drivers, construction workers and many others will suffer when highway projects are delayed. We took $8 billion out of the trust fund in 1998, and now is the time to put that $8 billion back.

I urge all of my colleagues again to support this important bill.

Madam Speaker, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to H.R. 6532.

Today, just 7 weeks after the House first considered this bill transferring $8 billion from the general fund to the highway trust fund, here we are, back again. I was one of 37 Members to vote against the bill when it was previously considered in the House. The bill simply kicks the can down the road just a little bit more until the highway trust fund is again broke.

Delay and bailout. Delay and bailout. This Congress is elected to run the country, yet we delay action, wring our hands, lament that there are few good options available to address the Nation's problems, then bail out programs gone broke. Our delay only makes the problem worse. Our delay only leaves us with fewer options once we are forced to act.

The bill before us today puts another temporary patch on a highway system that needs funding. Even with this $8 billion infusion of cash, the trust fund is going to go broke again before the next Congress acts to address the underlying problem.

When the House initially passed this bill on July 23, the balance of the trust fund stood at $4.2 billion. Now we learn from the Department of Transportation that in the span of just these few weeks, that balance has fallen all the way to $1.4 billion as of the beginning of this month. So today the administration has called upon the Congress to approve this $8 billion transfer and to make it effective immediately, rather than on September 30th, because the trust fund is likely to go broke sooner.

The highway funding system is based on fuel taxes that are declining at a time when the price of fuel is rising. Fewer people are driving because the cost of gas is skyrocketing.

The majority will not let us debate an energy bill. The majority Democrats will not let America work toward domestic oil and gas. Americans want, need and deserve a clear energy policy that uses American energy sources like oil and gas from offshore. Americans want, need and deserve an energy policy that develops new technologies and brings them to the market. Yet this Congress delays action and prevents debate.

If the highway bills that this Congress has passed were not larded up with thousands of earmarks, then spending from the trust fund could be better regulated to match taxes with spending. A little bit of self-control would solve this problem.

Unfortunately, the bill that will pass the House today shows no self-control. It is just another bailout.

Madam Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), a member of the Ways and Means Committee.

Mr. PASCRELL. Madam Speaker, I rise to speak on an issue on which our Nation is united, an issue that has had an impact on millions of Americans, and that is the issue of restoring the highway trust fund.

I stand today as a proud cosponsor of H.R. 6532, and I wish to thank my distinguished colleagues, Chairman RANGEL, Chairman OBERSTAR, and Ranking Member MICA for bringing it to the floor for our consideration.

H.R. 6532 put $8 billion into the highway account for the highway trust fund. It is critical to address the projected shortfall in the highway trust fund that would endanger nearly 380,000 jobs. The solvency of the trust fund is necessary to preserve highway investment and provide predictable, long-term Federal funding on which highway projects and State transportation budgets depend.

□ 1500

This funding enables States to continue to finance highway projects that improve safety, ensure mobility, accessibility, increase the movement of people and goods, and promote a sound economy. Our Federal-State highway partnership is essential to the success of our Nation's surface transportation system, and those States must be assured the transportation funding pledged to them under Federal law, we hope, that will be available.

Coming from the State of New Jersey, which has the highest per capita population in the Nation and is dealing with an aging infrastructure, I know that this projected shortfall would have been devastating not only for the transportation projects but especially for job creation at this difficult time. In New Jersey alone, we have seen the loss of over $305 million in Federal highway funds, which would have been compounded by the loss of over 10,000 jobs. That is why it is so imperative that we come together in a bipartisan fashion, to ensure that this shortfall is addressed properly.

I am glad to see that the Bush administration finally acknowledged the crisis with the highway trust fund, despite the President's earlier veto threat.

Looking ahead, we know that families are using less gasoline, hybrid cars are increasing mileage rates, and car pooling is taking more cars off the roads.

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. LEWIS of Georgia. I yield the gentleman an additional 1 minute.

Mr. PASCRELL. I thank the gentleman.

Our Nation is facing a difficult economic environment. Commuters are flocking to increased bus and rail options due to fuel costs. We hope that those options are available. Just when we need more investment in highways and transit, the resources and the sources are dwindling.

This administration has consistently ignored the tough issues, such as advancing a real plan for renewal and expansion of the highway trust fund. In the immediate term, I urge all my colleagues on both sides to vote ''yes'' on the Highway Trust Fund Restoration Act.

Mr. SAM JOHNSON of Texas. Madam Speaker, I recognize Mr. JOHN MICA from Florida, the ranking member on the Transportation Committee, for 3 minutes.

Mr. MICA. I thank the gentleman for yielding and for his leadership, and I also thank Mr. JOHNSON for his comments.

When you don't have an energy policy and when you don't have a comprehensive plan to deal with the escalating costs of fuel, you create a crisis. We have created a crisis in the pocketbook and in the checkbook of most Americans. We have also created a crisis here in Congress and in the United States Department of Transportation, because the highway trust fund has gone bust. It is broke. There is no money in it. In fact, tomorrow they will be issuing, if we do not act, notices of termination of Federal participation.

That has consequences. That means not a few jobs will be lost, but there will be 380,000 jobs potentially lost across the country. There will be projects across the United States that are put on hold. So there are consequences to our inaction of adopting a sound energy policy and resolving this issue. And we can solve the energy issue, but we do need a comprehensive approach to do that.

People responded by driving less, so there is less money going into the fund. We have a more efficient fleet of cars on the roads, so we have less money coming also into the fund. And we have alternative fuels that are starting to be used, like plug-in electric and hybrids, that we don't collect the gas tax on. So the trust fund is broke.

Now the House did act responsibly. I partnered with Mr. OBERSTAR, the Chair of our Transportation Committee, with Mr. RANGEL, and Mr. MCCRERY. We did act, and this House passed on July 23 a fix for what is wrong. Mr. JOHNSON is right, this is a Band-Aid on a major problem that we have in funding transportation, and we are just kicking the can down further down. But we have got to sit down immediately as a Congress and resolve these funding issues in our highway trust fund, or we will be back here taking money out of our children's future and out of our general treasury to fund transportation. That is not the way to do it. It's not the right way to go.

We must begin immediately, because the bill we are working under expires next September 30, and we have in place no mechanism to replace and replenish those funds. So this is a Band-Aid, it is a temporary fix. It is not the way I like to do business, but we need to get down to business, solve the energy problem, and have a long-term fix for the highway trust fund that is broken today.

Mr. LEWIS of Georgia. Madam Speaker, I am pleased to yield 1 minute to the gentlewoman from Kansas, Congresswoman BOYDA.

Mrs. BOYDA of Kansas. Madam Speaker, I thank the chairman.

Well, we are here. We are back again. It was about 6 weeks ago that this body passed the very bill that we are talking about today, with the looming shortfall in the highway trust fund. With no Senate action until yesterday, the shortfall is now here and now, and we have to deal with it.

Just last week, our Department of Transportation Secretary, Deb Miller, in Kansas, announced that KDOT would have to cut funds, cut programs and projects while the delay of the payment of funds was slated from the highway trust fund took shape.

Madam Speaker, we can no longer wait to act. The American people are so frustrated right now with Congress, and this is just one more of those things. It is about as crazy as I thought it would be getting here in Congress and watching what Congress can't do, with the opportunity today to do a two-for: We can fix this fund. We can fix this shortfall in the highway trust fund, and we can show the American people that in fact we can come together; in a bipartisan manner, we can work together. With that, I strongly support this bill.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I recognize Mr. FLAKE from Arizona for 5 minutes.

Mr. FLAKE. I thank the gentleman for yielding.

We didn't have to be here today. We could have acted more responsibly in 2005, when we reauthorized the highway bill. At that time, I heard a number of people, appropriators and others, stand up and say: We are authorizing more than we will have money for. We knew it at the time. Anybody who really

looked at this knew that we were authorizing more than the highway trust fund contained for projects.

To make matters worse, and part of the reason we had far more than we could fund is we had over 6,300 earmarks in the highway bill. That is why this thing was so big. That accounted for about $24 billion of the highway bill.

Now, some of those projects, I grant you, would have been funded anyway in the highway bill. There were projects that a Member wanted that would have been funded out of that State's formula anyway. But there are a lot of projects that would not.

We all know about the infamous Bridge to Nowhere. That was part of this bill. But some of the lesser known things that are in this bill that have far too little to do with transportation, I would submit:

$16 million for the Bremerton Pedestrian Transportation Center in Washington State; $3 million for a parking garage in suburban Chicago; $3.5 million for pedestrian walkways and streetscaping in the village of Western Springs, Illinois; $3.5 million to improve the Pennsylvania Executive Mansion exhibit; $1.5 for the American Tobacco Trail in North Carolina; $800,000 for a transportation and heritage museum in Tennessee; $4 million for bike trails and park space in California; $1 million for the Please Touch Me Museum in Philadelphia; $1 million for the Blue Ridge Mountain Center in Virginia.

These are earmarks that are funded in this bill, part of the reason we are having to steal money from the general fund and fund back the highway trust fund, because we just went hog wild back in 2005.

Just a few examples of some others:

$2.75 million for renovations to the National Packard Museum in Ohio; $2.4 for the National Infantry Museum. Might be a good museum; probably shouldn't be funded out of the highway trust fund.

Yet, instead of going in and saying we are going to rescind these earmarks if they haven't been funded yet, some have, some haven't, we are saying we are going to take from the general fund. When you start doing that, you set a horrible precedent in this place, because we know the amount of logrolling that goes on in a highway bill. And if you don't have the natural ceiling that exists with the highway trust fund, where you say we can spend that much and no more; if you can say, well, when we run out, we will just go out and take from the general fund, then ''Katie bar the door,'' this place is going to be out of money sooner than you think. Because when you have this amount of money and you pass around the projects and you have so much buy-in, then very few will vote against that bill because their own projects are in it, and soon we are taking more and more money from the general fund.

We cannot start that process with this bill, and that is what this bill is doing. That is what this amendment is doing today. We have got to act more fiscally responsible.

Let me just go through a few more.

$1.2 million for the Henry Ford Museum in Michigan. Now, might be a good museum, probably shouldn't be funded with your highway dollars. $500,000 for the Railroad Museum in Georgia; $200,000 for the Brooklyn Children's Museum.

If you are catching a theme here, there are a lot of museums funded in this bill, again, money that is coming out of the highway trust fund that we overburdened the highway trust fund with that we now have to get money from the general fund for.

One of the previous speakers said that there is a national consensus or that the Nation is united on this topic that we need to take from the general fund. I would say, where the Nation is united is that we have got to stop this earmarking process. And if we get to it next week, hopefully we will, the appropriation bill for the Department of Defense, you will see more of it, because that bill contains 1,200 earmarks. The bill that has been marked up in the subcommittee of appropriations for defense, 1,200 earmarks.

I took a look at it just to see. It is very difficult to see where the money is and where it is going, but one thing we could see is what we see in every bill that contains a lot of earmarks: A disproportionate number of the earmarks are going to those who chair committees, those in leadership positions, or those who are on the Appropriations Committee.

In fact, 1,200 earmarks, as I mentioned. Of these 1,200, more than 560 are associated with appropriators and members of leadership. That is a staggering 45 percent of the earmarks included in the committee print. That is not uncommon; that is what called the spoil system, and that is why it is unlikely that we will be able to stop this amendment today.

Please, let's be fiscally responsible.

Mr. LEWIS of Georgia. Madam Speaker, I yield such time as he needs to the gentleman from Minnesota (Congressman OBERSTAR), the Chair of the Transportation and Infrastructure Committee.

Mr. OBERSTAR. I thank the gentleman for yielding.

We are very pleased to have the Senate action on the conference report. We can restore to the highway trust fund money that was siphoned off 10 years ago.

The discussion of earmarks we have had a dozen times on the House Floor need not be repeated here; it is irrelevant to the issue at hand. We will deal with those matters next year in a subsequent authorization.

But the reality of why this legislation is needed is rooted in the Transportation Equity Act for the 21st Century in 1998, when in this Chamber our then chairman, Bud Shuster, and I, as ranking member, negotiated with the Republican leadership of the House, the Speaker, the Chair of the Appropriations Committee, the Chair of the Budget Committee, the Chair of the Ways and Means Committee, and with the Clinton administration, the President directly with their Office of Management and Budget, and Treasury, to put firewalls around the highway trust fund to assure that surpluses couldn't be built up as had been done every year since 1968 when it began under Lyndon Johnson, President of the United States, to hold money in reserve and make deficits of that and subsequent Presidencies look less than they actually were.

Until 1998, we had a $29 billion surplus in the highway trust fund, taxes paid at the pump by drivers all across the United States but not getting the benefit from it because those monies were held back to make deficits look smaller. So our resolve was to create firewalls around the trust so that couldn't happen in the future.

In order to reach that goal held by every private sector entity in the country, by State transportation authorities, and by Members on both sides of the aisle, we came to an agreement in which we had to yield that $29 billion surplus. $8 billion of it went for current account deficit reduction, and the other $21 billion went for long-term debt reduction. That happened on June 26, when President Clinton signed the TEA–21 act into law. I am sure everybody in this Chamber felt a great burden of debt lifted off their shoulders. But none of that money went for highway projects, for bridge projects, or for highway safety or transit needs of this country.

□ 1515

It went for long-term and short-term debt and deficit reduction. We knew then, and it was predicted by the Department of Transportation, by OMB, by the Congressional Budget Office that, in time, this would lead to a shortfall in the highway trust fund, and that shortfall will occur this fall, or with a little bit of luck, next spring.

The fix is necessary today to repatriate to the highway trust fund those revenues that were taken from it for general revenue purpose use for short-term deficit reduction. That was the folly. That was the gun at the head of the bipartisan leadership of the committee and of the Congress, that we had to make that step, take that step of shifting funds out of the highway trust, in addition to which, we had to agree that the Treasury would not have to pay interest on revenues paid into the trust fund. That resulted in

further reduction in revenues in the highway trust fund.

So we are, today, repatriating funds back to the highway trust fund that were taken by force majeure of this governance from the trust fund to general revenue purposes, and bringing it back to keep faith with the drivers of this country. That's what's at stake here, and I want everybody to understand. I'm not stretching the truth. I'm just saying, these are the facts of budget life that we are dealing with. And Congress can keep faith with the traveling public by passing this conference report and restoring the trust to the highway trust fund.

Mr. SAM JOHNSON of Texas. Could I ask how much time is remaining on our side?

The SPEAKER pro tempore. The gentleman from Texas has 9 minutes remaining. The gentleman from Georgia has 10½ minutes remaining.

Mr. SAM JOHNSON of Texas. At this time I would like to yield 3 minutes to Mr. HENSARLING from Texas, the chairman of the Republican Study Committee.

Mr. HENSARLING. I thank the gentleman and my dear friend from Texas for yielding.

Madam Speaker, the fiscal mismanagement of the Democrats continues. In just 19 months, our friends on the other side of the aisle have managed to double the Federal deficit. They have given us the single largest 1-year increase in the Federal debt, an extra $600 billion. They've given us the largest unfunded obligation ever of the Nation, $57.3 trillion, that's trillion with a T, Madam Speaker, roughly $400,000 of debt per American family under this Democrat leadership. They've given us the largest Federal budget ever. They've given us the largest tax increase ever. They've given a blank check to Fannie and Freddie drawn on the checking accounts of working men and women all over the Nation.

And today, today, to the best of my knowledge, for the first time in America's history, they are raiding a bankrupt Treasury in order to give money to the highway trust fund.

Now, Madam Speaker, how did we get here? I submit to you it's two reasons.

Our friends on the other side of the aisle love earmarks, but, unfortunately, they don't love American made energy.

In the last highway bill, as my friend, the gentleman from Arizona, pointed out, 6,300 different earmarks, $24 billion worth. We wouldn't be here, Madam Speaker, if it wasn't for this ''earmarkaholism.''

Now, not all these earmarks are bad. But, Madam Speaker, something called the highway trust fund, why do we have Democrat earmarks for landscaping? Why do we have Democrat earmarks for hiking trails in Tennessee? Why do we have Democrat earmarks, a quarter million dollars for boardwalks?

Madam Speaker, why did we end up with $600,000 for horse riding trails in the Jefferson National Forest in Virginia?

Madam Speaker, why did the Democrats bring us earmarks, $8 million for a parking facility in Harlem? And the list goes on and on.

Now, I'll admit, Madam Speaker, there's been a number of earmarks on our side of the aisle. But this side of the aisle woke up. They understand the American people, and the American people want a moratorium, and it's Republicans that have called for a moratorium.

But more importantly, right now, Madam Speaker, one of the reasons there's no money in the trust fund is people can't afford to drive because Democrats view our oil and gas reserves in our Nation as toxic waste sites, and Republicans view them as natural resources to relieve pain at the pump.

And that's why, Madam Speaker, if we would simply enact the American Energy Act, the All-of-the-Above Act, Americans could drive again and we could fill up these coffers, and we wouldn't be here today.

And, finally, to be here today without any offsets is an absolute tragedy for this Nation. And this bill should be rejected.

Mr. LEWIS of Georgia. Madam Speaker, I yield 4 minutes to the gentleman from Oregon, Congressman BLUMENAUER, a member of the Ways and Means Committee.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and I appreciate this coming forward.

It's somewhat ironic to listen to our friends on the other side of the aisle dust off the old canard about earmarks. It's a bit awkward for them, as we're finding out that Governor Palin was not just for them but aggressively lobbying for them before she was against them. And all the earmarks the gentleman talks about were under the Republican watch. They controlled the last transportation bill.

But I am pleased that the administration has had a change of heart. It's withdrawing its veto threat to ensure the fulfillment of the highway trust fund.

This is serious business, and I hope it would be one of the areas where we Republicans and Democrats could come together. Making sure that we don't lose the over $14 billion of highway, bridge and other transportation funding and hundreds of thousands of construction, engineering and design jobs that are at risk right now is absolutely essential.

I'm pleased that Congress is taking this step to make sure that we do not move in the wrong direction because communities, large and small, urban and rural, are suffering from failing infrastructure. I spent last week with my friend, MIKE SIMPSON, in Idaho, dealing with those issues in his State, and it's nothing partisan or ideological about it. It's time for us to come forward and make this initiative.

It's so bad that the American Society of Civil Engineers has given our Nation's infrastructure overall a grade of D minus. Today the Federal Government is investing less than we have as a percent of our Gross Domestic Product than we have for 50 years. And we're falling behind our competitors around the world.

I'm hopeful that we can move forward today with this as a first step towards a comprehensive approach to deal with rebuilding and renewing America dealing with its energy needs, its water, transportation and infrastructure, so that we can make sure that all our communities are livable and our families safer, healthier and more economically secure.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I would like to recognize Mr. DON YOUNG from Alaska for 4 minutes.

Mr. YOUNG of Alaska. Madam Speaker, first, let me say I'm very supportive of this legislation. And I understand the fiscal responsibility. I understand that those that say we're taking $8 billion and we're not having an offset. Remember we, this body, borrowed the money. And I want to compliment Mr. OBERSTAR on the history of what occurred in 1998 and where we are today. So we're really paying back what we borrowed. And that's part of the principle about, I call it an obligation, a man's word, or a woman's word, to someone else.

We borrowed that money from the taxpayers that paid at the pump, and very frankly, we spent it for other purposes, be it put the debt down, et cetera, that's not why we paid that 18.2 cents per gallon. We paid it for an infrastructure system.

Having said that, we have another problem. Our infrastructure is falling apart. When I was chairman of the Transportation Committee, I asked for a five-cent increased tax on gasoline. And very frankly, my side of the aisle and my President said, no, and we're further behind today than we were when I first suggested that. We ended up with $286 billion instead of $216 billion, but not nearly enough.

There's no one in this Nation today that can tell me that our transportation is keeping up. It is falling further behind each day, each day; and when we do that, we add to the debt of this Nation because our economy is based upon the ability to move product and people. If we can't do that, we have no economy.

The thing that hurts me the most, my good friends, in this energy crisis

we have today and the high cost of energy, we're spending more money and more gallons of fuel sitting still than moving because we have congestion. That is not the economy this country needs.

I will say this to my new chairman, Mr. OBERSTAR. He has a huge responsibility, and I hope this Congress will listen. And whoever the next President is, we must address this issue of raising the dollars to improve the transportation system within this Nation.

Mr. BLUMENAUER said to the effect that no one's talking about transportation in this Presidential election. And I'm not being partisan here. Neither party's talking about transportation. If we do not do that, with the increase of the population we cannot have an economic base.

Lastly, let me suggest one thing. One of the reasons the money is not there and why we should pass this bill today is because we are spending less on gasoline because of the high price. And for those who do not want to drill, those who do not want to reduce domestic prices, think of what you're doing to the transportation system in this country. My chairman is going to have to come up with a way of funding. Maybe it's other than the gas tax. I don't know.

But we do have the automobiles. I don't care whether they're hybrids. I don't care what they are in saving fuels. We do have a transportation necessity in this country, and this body has not had the courage to go forth and have the vision of improving the transportation of the Nation for the future generations. We must do that.

This bill is a short step. It's needed. It's important, and it is returning what we borrowed; we, being the body of Congress, from the taxpayers at the pump. I have come from the old school that if you borrow it you pay it back, and that's what we're doing today to keep the largest driving force in this country going, the construction of our infrastructure, the improvement upon and then the repair. If we don't do that today, I'm sure we will, we'll make a great mistake.

But let's go to the future, the next highway bill. And those that are talking about we shouldn't spend it here, we shouldn't spend it there, there's no better way to spend the dollars of the American taxpayer than in an infrastructure for the future generations. It creates employment today, it creates employment in the future, and it takes and makes our economy strong forever.

Mr. LEWIS of Georgia. I reserve the balance of my time, Madam Speaker.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I would like to recognize Mr. JERRY MORAN from Kansas for 1 minute.

Mr. MORAN of Kansas. I thank the gentleman from Texas. And I rise today in support of H.R. 6532.

I come from a State in which transportation matters. Long distances between communities, agricultural and commodity goods to be hauled to market. And in the absence of this restoration of $8 billion to the highway trust fund, our State would lose nearly $118.5 million dollars, creating a critical shortfall and the inability to complete projects underway.

So I'm pleased today to be back here in support of legislation that this body passed several weeks ago; pleased to see the Senate follow suit last night, and pleased to know that the President will sign this legislation upon its passage today.

I commend my colleagues in Ways and Means, and appreciate my colleagues from the House Transportation and Infrastructure Committee who have arisen to the occasion to make certain that transportation is supported and the jobs and industry that it pertains to, by this legislation.

□ 1530

Mr. LEWIS of Georgia. Madam Speaker, I continue to reserve my time.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this point I would like to recognize Mr. SCOTT GARRETT from New Jersey for 1 minute.

Mr. GARRETT of New Jersey. I thank the gentleman.

I rise to oppose this legislation which is really unfair and unjust to the people of the State of New Jersey. I say so because it perpetuates an unfair system to our State, our State made up of commuters, because it does not change a system where in fact we do not get back a dollar on a dollar. Our commuters only get back pennies, 87 cents on a dollar in the current system, and this perpetuates that system.

See, New Jersey is a commuter State. Whether you work or play, you have to rely on your car or truck to get around, and you're being attacked both from our State capital and in Washington, D.C.

You're being attacked by our State capital by perpetual toll increases from High Point to Cape May, from Alpha to LBI, there are always threats of higher taxes there. And in D.C., we're under attack as well for the failure of this Congress and this Democrat leadership of passing an energy package.

With gasoline at $3.50 a gallon and diesel at $4 a gallon, where it costs over $1,000 to fill up your truck to get to work or to get to school or elsewhere, New Jersey commuters are consistently being attacked by a system out of control in our State capital and our national capital as well, and that is why I stand here opposed to this legislation until we change the existing system of funding for tax administration.

Mr. LEWIS of Georgia. Madam Speaker, may I inquire of Mr. JOHNSON whether he has any more speakers?

The SPEAKER pro tempore. The time of the gentleman from Texas has expired. The gentleman from Georgia has 8 minutes remaining.

Mr. LEWIS of Georgia. Madam Speaker, I fully support H.R. 6532, as amended. We must act and we must act responsibly and return $8 billion to the highway trust fund.

I urge all of my colleagues on both sides of the aisle to vote ''yes'' for this important and needed bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of the Senate Amendment to H.R. 6532, a bill to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

As an original cosponsor of H.R. 6532 I am delighted our colleagues from the other body finally decided to act on this vital piece of legislation. Moreover, I was delighted to learn that the White House has now reversed its position on vetoing this important bill.

Our Nation's highway trust fund serves as the lifeblood for funding our Nation's transportation infrastructure.

Regrettably, the fund is facing an imminent shortfall due to decreased revenue into the fund. This shortfall comes at a most inopportune time as many States across the country are struggling to provide funding just for adequate highway maintenance—let alone new construction.

I feel it is important that while many observers have attempted to frame discussions of the highway trust fund in terms of a ''bail out'' by the general fund, H.R. 6532 is not a bail out. The measure essentially restores $8 billion that was transferred out of the account in a 1998 budget reduction arrangement.

Ensuring the solvency of the Highway Trust Fund is important to my home State, as Texas has one of the most extensive surface transportation networks in the world.

Texas has more than 10,000 miles of rail track; more than 300,000 miles of roadway and more than 50,000 bridges—more than any other State in the Nation. Our transportation network is bursting at the seams, and failure to enact this bill will render a significant blow to transportation construction and maintenance jobs across my State.

We simply cannot allow this to happen. In the absence of passage of H.R. 6532, the State of Texas stands to lose $859 million in funding and a projected loss of 30,000 good-paying jobs.

The State has identified a funding gap of $86 billion between available resources and what is needed to achieve an acceptable level of mobility by 2030. By the year 2030, TXDOT predicts the State's population is expected to increase by 64 percent. My State cannot afford a lapse in receiving its share of federal highway funding made available by SAFETEA–LU.

In the absence of bold and decisive action by this body in the next highway bill authorization, stagnant transportation policy and inadequate funding will cripple our country. It is past time for government at all levels to make investment in transportation infrastructure an urgent priority.

Madam Speaker, I urge my colleagues to vote yes on this important piece of legislation.

Mr. LEWIS of Georgia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6532.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEWIS of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: approval of the Journal, de novo; motion to suspend the rules on H. Res. 1420, by the yeas and nays; motion to suspend the rules on H.R. 6532, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SAM JOHNSON of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 215, noes 190, answered ''present'' 1, not voting 27, as follows:

[Roll No. 585]

AYES—215

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—190

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shays
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—27

Brady (TX)
Culberson
Feeney
Gohmert
Green, Gene
Hastings (WA)
Hulshof
Jackson-Lee (TX)
Kennedy
LaHood
Lampson
Lee
Levin
Murphy, Tim
Nadler
Ortiz
Paul
Perlmutter
Peterson (MN)
Peterson (PA)
Pitts
Poe
Radanovich
Rush
Schmidt
Shimkus
Stark

□ 1600

Messrs. THOMPSON of California, GILCHREST, DOOLITTLE and HUNTER changed their vote from ''aye'' to ''no.''

Messrs. COOPER and ALTMIRE and Ms. WOOLSEY changed their vote from ''no'' to ''aye.''

So the Journal was approved.

The result of the vote was announced as above recorded.

MOMENT OF SILENCE COMMEMORATING THE 9/11 ATTACKS

The SPEAKER. The House will now observe a moment of silence in memory of the victims of the terrorist attacks on September 11, 2001.

Will all present please rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

The SPEAKER pro tempore (Mrs. TAUSCHER). The unfinished business is

the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1420, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. HOYER) that the House suspend the rules and agree to the resolution, H. Res. 1420.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 31, as follows:

[Roll No. 586]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—31

Brady (TX)
Culberson
Feeney
Gohmert
Green, Gene
Hastings (WA)
Hulshof
Hunter
Jackson-Lee (TX)
LaHood
Lampson
Lee
Levin
Marchant
Murphy, Tim
Nadler
Ortiz
Paul
Perlmutter
Peterson (MN)
Peterson (PA)
Pitts
Poe
Radanovich
Rush
Schmidt
Shimkus
Stark
Sullivan
Wasserman Schultz
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1608

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. DANIEL E. LUNGREN of California. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I am informed that on our side of the aisle we have already signed up for the customary leadership hour a Member, and two individual Members for one-hour Special Orders, as well as a number of Members who intend to request 5-minute Special Orders, the subject of which will be the important issue facing the Nation today, energy.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. DANIEL E. LUNGREN of California. My parliamentary inquiry is this: If the motion to adjourn, which is the second vote next in order, is adopted, is it my understanding that all business of the House will have to be curtailed, including the customarily accepted Special Orders, including that at the direction of the minority leadership?

The SPEAKER pro tempore. If a motion to adjourn were adopted, the House would stand adjourned.

Mr. DANIEL E. LUNGREN of California. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANIEL E. LUNGREN of California. If, then, the motion to adjourn is adopted, does that mean then, again, the lights of this House will be dimmed and the microphones will be shut off?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

HIGHWAY TRUST FUND RESTORATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 6532, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6532.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 29, not voting 28, as follows:

[Roll No. 587]

YEAS—376

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—29

Broun (GA)
Campbell (CA)
Cannon
Chabot
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Hensarling
Hobson
Inglis (SC)
Johnson, Sam
Jordan
Kingston
Lamborn
Linder
Manzullo
McCrery
McHenry
Neugebauer
Pence
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Stearns
Tancredo
Thornberry
Young (FL)

NOT VOTING—28

Brady (TX)
Culberson
Feeney
Green, Gene
Hastings (WA)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
LaHood
Lampson
Lee
Levin
Murphy, Tim
Nadler
Ortiz
Paul
Perlmutter
Peterson (MN)
Peterson (PA)
Pitts
Poe
Pryce (OH)
Radanovich
Rush
Schmidt
Shimkus
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1618

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5683. An act to make certain reforms with respect to the Government Accountability Office, and for other purposes.

H.R. 6456. An act to provide for extensions of certain authorities of the Department of State, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''.

ADJOURNMENT

Mr. HOYER. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOYER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 208, nays 190, not voting 35, as follows:

[Roll No. 588]

YEAS—208

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff

Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—190

Aderholt
Akin
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carney
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Platts
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—35

Alexander
Barton (TX)
Brady (TX)
Campbell (CA)
Capito
Culberson
DeFazio
Feeney
Gordon
Green, Gene
Gutierrez
Hall (TX)
Hastings (WA)
Hulshof
Jackson-Lee (TX)
King (NY)
LaHood
Lampson
Lee
Levin
Murphy, Tim
Nadler
Ortiz
Paul
Perlmutter
Peterson (MN)
Peterson (PA)
Pitts
Poe
Pryce (OH)
Radanovich
Rush
Schmidt
Shimkus
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining on this vote.

□ 1634

Mr. FOSTER changed his vote ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly, (at 4 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, September 15, 2008, at 12:30 p.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8257. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA; Decreased Assessment Rate [Docket No. AMS-FV-08-0056; FV08-987-1 IFR] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8258. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Amendment of General Regulations for Fruit, Vegetable and Nut Marketing Agreements and Marketing Orders; Addition of Supplemental Rules of Practice for Amendatory Formal Rulemaking Proceedings [Docket No. AMS-FV-08-0061; FV08-900-1 FR] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8259. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions from Nonroad Spark-Ignition Engines and Equipment [EPA-HQ-OAR-2004-0008; FRL-8712-8] (RIN: 2060-AM34) received September 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8260. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report on progress made in licensing and constructing the Alaska Natural Gas Pipeline, pursuant to Section 1810 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

8261. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule — Cutoff Dates for Recognition of Boundary Changes for the 2010 Census [Docket Number 080703821-8824-01] (RIN: 0607-AA47) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8262. A letter from the White House Liaison, Department of Education, Office of Legislation and Congressional Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8263. A letter from the White House Liaison, Department of Education, Office of Management, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8264. A letter from the Acting Administrator, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8265. A letter from the Assistant Secretary — Fish, Wildlife & Parks, Department of the Interior, transmitting the Department's final rule — 2008-2009 Refuge-Specific Hunting and Sport Fishing Regulations (Additions) [[FWS-R9-WSR-2008-0017] [93250-1261-0000-4A]] (RIN: 1018-AV20) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8266. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Acanthomintha ilicifolia (San Diego thornmint) [[FWS-R8-ES-2007-0007] [92210-1117-0000-B4]] (RIN: 1018-AU86) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8267. A letter from the Chief, FWS Endangered Species Listing Branch, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Bay Checkerspot Butterfly ([Euphydryas editha bayensis) [FWS-R8-ES-2008-0034; 92210-1117-0000-B4] (RIN: 1018-AV24) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8268. A letter from the Under Secretary and Director, Department of Commerce, transmitting the Department's final rule — Changes to Representation of Others Before The United States Patent and Trademark Office [Docket No.: PTO-C-2005-0013] (RIN: 0651-AB55) received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8269. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a legislative proposal to implement international agreements concerning nuclear terrorism and nuclear materials; to the Committee on the Judiciary.

8270. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a legislative proposal to enhance the Federal government's ability to prosecute individuals who seek and receive military-type training from terrorist organizations or who receive military-type training with the purpose of engaging in terrorist acts; to the Committee on the Judiciary.

8271. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30606; Amdt. No. 474] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8272. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30604; Amdt. No 3266] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8273. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Special Federal Aviation Regulation No. 108-Mitsubishi

MU-2B Series Airplane Special Training, Experience, and Operating Requirements; Notice of OMB Aproval for Information Collection [Docket No. FAA-2006-24981; Amendment Nos. 61-119, 91-301, and 135-114] (RIN: 2120-AI82) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8274. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Robinson R-22/R-44 Special Training and Experience Requirements [Docket No. FAA-2002-13744; Amendment No. 61-120] (RIN: 2120-AJ25) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8275. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30601; Amdt. No. 3263] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8276. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; New Braunfels, Texas [Docket No. FAA-2007-29372; Airspace Docket No. 07-ASW-9] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8277. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Scottsboro, AL [Docket No. FAA-2007-28591; Airspace Docket No. 07-ASO-16] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8278. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Tarkio, MO [Docket No. FAA-2007-28869; Airspace Docket No. 07-ACE-11] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8279. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Prairie Du Sac, WI [Docket No. FAA-2007-28778; Airspace Docket No. 07-AGL-6] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8280. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Oil City, PA. [Docket No. FAA-2007-0104; Airspace Docket No. 07-AEA-10] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8281. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A, CL-601-3R, & CL-604 (Including CL-605 Marketing Variant)) Airplanes, and Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2008-0408; Directorate Identifier 2008-NM-068-AD; Amendment 39-15458; AD 2008-08-06] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8282. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. ATF3-6 and ATF3-6A Series Turbofan Engines [Docket No. FAA-2007-29092; Directorate Identifier 2007-NE-30-AD; Amendment 39-15431; AD 2008-06-19] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8283. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Series Airplanes, Model A300-600 Series Airplanes, and Model A310 Series Airplanes [Docket No. FAA-2007-27982; Directorate Identifier 2007-NM-009-AD; Amendment 39-15288; AD 2007-25-06] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8284. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200C and -200F Series Airplanes [Docket No. FAA-2007-28924; Directorate Identifier 2007-NM-051-AD; Amendment 39-15305; AD 2007-26-03] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8285. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80C2B1 Turbofan Engine [Docket No. FAA-2007-0193; Directorate Identifier 2007-NE-43-AD; Amendment 39-15273; AD 2007-24-07] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8286. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes [Docket No. FAA-2007-0115; Directorate Identifier 2007-CE-080-AD; Amendment 39-15310; AD 2007-26-08] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8287. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piaggio Aero Industries S.p.A. Model P-180 Airplanes [Docket No. FAA-2007-27532 Directorate Identifier 2007-CE-021-AD; Amendment 39-15281; AD 2007-24-15] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8288. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2007-29259; Directorate Identifier 2007-NM-195-AD; Amendment 39-15274; AD 2007-24-08] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8289. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2007-0047; Directorate Identifier 2007-NM-197-AD; Amendment 39-15329; AD 2008-01-04] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8290. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2007-27740; Directorate Identifier 2006-NM-290-AD; Amendment 39-15256; AD 2007-23-10] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8291. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-53, DC-8-55, DC-8F-54, and DC-8F-55 Airplanes; and Model DC-8-60, DC-8-60F, DC-8-70, and DC-8-70F Series Airplanes [Docket No. FAA-2007-27777; Directorate Identifier 2006-NM-265-AD; Amendment 39-15236; AD 2007-21-18] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8292. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. FAA-2007-28115 Directorate Identifier 2007-CE-045-AD; Amendment 39-15235; AD 2007-21-17] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8293. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12, PC-12/45, and PC-12/47 Airplanes [Docket No. FAA-2007-29217; Directorate Identifier 2007-CE-075-AD; Amendment 39-15229; AD 2007-21-11] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8294. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model S10-VT Gliders [Docket No. FAA-2007-28958; Directorate Identifier 2007-CE-070-AD; Amendment 39-15227; AD 2007-21-09] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8295. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines (IAE) V2500 Series Turbofan Engines [Docket No. FAA-2005-23500; Directorate Identifier 2005-NE-46-AD; Amendment 39-15223; AD 2007-21-05] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8296. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Staunton, VA [Docket No. FAA-2008-0170; Airspace Docket No. 08-AEA-16] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8297. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Proposed Establishment of Class E5 Airspace; Indianapolis, IN [Docket No. FAA-2008-026; Airspace Docket No. 08-AGL-2] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8298. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Deadhorse, AK [Docket No. FAA-2008-0171; Airspace Docket No. 08-AAL-5] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8299. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Vinalhaven, ME. [Docket No. FAA-2008-0061; Airspace Docket No. 08-ANE-92] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8300. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, ''2007 Findings on the Worst Forms of Child Labor,'' pursuant to 19 U.S.C. 2464; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 6357. A bill to amend the Public Health Service Act to promote the adoption of health information technology, and for other purposes; with an amendment (Rept. 110–837, Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 6177. A bill to amend the Wild and Scenic Rivers Act to modify the boundary of the Rio Grande Wild and Scenic River; with an amendment (Rept. 110–838). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5853. A bill to expand the boundary of the Minute Man National Historical Park in the Commonwealth of Massachusetts to include Barrett's Farm, and for other purposes (Rept. 110–839). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5335. A bill to amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historical Trail, and for other purposes; with an amendment (Rept. 110–840). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1847. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; with an amendment (Rept. 110–841). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 6627. A bill to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes (Rept. 110–842, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Science and Technology discharged from further consideration. H.R. 6357 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 6357. Referral to the Committee on Ways and Means extended for a period ending not later than September 19, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. LORETTA SANCHEZ of California (for herself and Mr. THOMPSON of Mississippi):

H.R. 6869. A bill to require the Secretary of Homeland Security to issue a rule with respect to border security searches of electronic devices, and for other purposes; to the Committee on Homeland Security.

By Mr. FRANK of Massachusetts (for himself and Mr. KING of New York):

H.R. 6870. A bill to ensure that implementation of proposed regulations under subchapter IV of chapter 53 of title 31, United States Code, does not cause harm to the payments system, and for other purposes; to the Committee on Financial Services.

By Mrs. MALONEY of New York (for herself and Mr. FRANK of Massachusetts):

H.R. 6871. A bill to amend the Expedited Funds Availability Act to provide a 1-time adjustment in certain dollar amounts to account for inflation over the 21 years since the enactment of such Act, to provide for future adjustments of such amounts on a regular basis, and for other purposes; to the Committee on Financial Services.

By Mr. GOODLATTE (for himself and Mr. TOM DAVIS of Virginia):

H.R. 6872. A bill to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence; to the Committee on Oversight and Government Reform.

By Mr. VAN HOLLEN (for himself, Mr. RAMSTAD, and Mr. HINCHEY):

H.R. 6873. A bill to delay any application of the phase out of the Medicare hospice budget neutrality adjustment factor during fiscal year 2009; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself, Mr. MARKEY, Mr. CAPUANO, Mr. OLVER, Mr. LANGEVIN, Mr. LYNCH, Ms. TSONGAS, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. DELAHUNT, and Mr. NEAL of Massachusetts):

H.R. 6874. A bill to designate the facility of the United States Postal Service located at 156 Taunton Avenue in Seekonk, Massachusetts, as the ''Lance Corporal Eric Paul Valdepenas Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. KUCINICH (for himself, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. FATTAH, Mr. KENNEDY, Ms. KILPATRICK, Ms. MCCOLLUM of Minnesota, Ms. NORTON, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. STARK, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 6875. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KAGEN:

H.R. 6876. A bill to amend the Internal Revenue Code of 1986 to increase the credit amount for new qualified fuel cell motor vehicles with gross vehicle weight ratings of more than 26,000 pounds; to the Committee on Ways and Means.

By Ms. BALDWIN (for herself, Mr. INSLEE, and Mr. HOLT):

H.R. 6877. A bill to provide for the creation of a Federal greenhouse gas registry, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself and Mr. DAVIS of Alabama):

H.R. 6878. A bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for prosthetic devices and orthotics and prosthetics, to apply accreditation and licensure requirements to such devices and items for purposes of payment under the Medicare program, and to modify the payment methodology for such devices and items under such program to account for practitioner qualifications and complexity of care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY:

H.R. 6879. A bill to amend Public Law 100-573 to extend the authorization of the Delaware Water Gap National Recreation Area Citizen Advisory Commission; to the Committee on Natural Resources.

By Mr. CAZAYOUX:

H.R. 6880. A bill to amend the Internal Revenue Code of 1986 to allow an individual a credit against income tax for uncompensated losses from damage to such individual's principal residence by reason of Hurricane Gustav to the extent such losses are uncompensated by reason of the deductible on the individual's homeowner's insurance; to the Committee on Ways and Means.

By Mr. FORTENBERRY:

H.R. 6881. A bill to provide for audits of programs, projects, and activities funded through earmarks; to the Committee on Oversight and Government Reform.

By Mr. GOHMERT:

H.R. 6882. A bill to authorize the National Science Foundation to award a monetary prize for achievement in electricity storage; to the Committee on Science and Technology.

By Mr. HINCHEY (for himself, Mr. BISHOP of New York, Mr. RANGEL, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mrs. MALONEY of New York, Mr. NADLER, and Mr. MCGOVERN):

H.R. 6883. A bill to establish a commission to study the establishment of the National Museum of the American People in Washington, DC, and for other purposes; to the Committee on Natural Resources.

By Ms. MATSUI (for herself, Mr. VAN HOLLEN, Mr. BISHOP of Georgia, Mr. DOOLITTLE, Mr. ETHERIDGE, Mr. RAMSTAD, Mr. STARK, Mrs. EMERSON, Mr. ALTMIRE, Mr. WAXMAN, Mr. KING of New York, Ms. SCHAKOWSKY, Ms. BORDALLO, Ms. DEGETTE, Mr. MCGOVERN, and Mr. MCDERMOTT):

H.R. 6884. A bill to amend the Public Health Service Act to provide for the establishment of a National Acquired Bone Marrow Failure Disease Registry, to authorize research on acquired bone marrow failure diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCHUGH (for himself, Mr. KUHL of New York, Mr. REYNOLDS, Mr. WALSH of New York, and Mr. NUNES):

H.R. 6885. A bill to amend the Immigration and Nationality Act to provide a special rule for the period of admission of H-2A nonimmigrants employed as dairy workers and sheepherders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 6886. A bill to deny certain Federal funds to any institution of higher education that admits as students aliens who are unlawfully present in the United States; to the Committee on Education and Labor.

By Mr. SHADEGG:

H.R. 6887. A bill to authorize the President or a designee of the President to waive any legal requirement under any provision of Federal law otherwise applicable to a covered energy project as the President or such designee determines necessary to ensure expeditious conduct of such project, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself, Mr. CONYERS, Mr. SMITH of Texas, and Mr. SCOTT of Virginia):

H. Con. Res. 410. Concurrent resolution recognizing the FBI on their 100th anniversary; to the Committee on the Judiciary.

By Mr. REICHERT (for himself, Ms. BORDALLO, Mr. RAMSTAD, Mr. DOYLE, Mr. HOLDEN, Mr. SMITH of New Jersey, Mr. EHLERS, Ms. PRYCE of Ohio, Mr. POE, Mr. PETRI, Mr. GERLACH, Mrs. MCMORRIS RODGERS, Mr. BRADY of Pennsylvania, Mr. KAGEN, Mr. KIRK, and Mr. SHAYS):

H. Con. Res. 411. Concurrent resolution raising the awareness of the need for crime prevention in communities across the country and expressing support for designation of the week of October 2, 2008, through October 4, 2008, as ''Celebrate Safe Communities'' Week; to the Committee on the Judiciary.

By Mr. TIBERI:

H. Con. Res. 412. Concurrent resolution honoring and recognizing the life and accomplishments of Jack Hanna; to the Committee on Oversight and Government Reform.

By Mrs. BLACKBURN (for herself, Mr. CONYERS, Mr. COHEN, Mr. COBLE, Mr. RANGEL, Mr. ISSA, Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, Mr. PICKERING, Mr. CHILDERS, Mr. TOWNS, Mr. GRIJALVA, Mrs. MALONEY of New York, Ms. LEE, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. ROGERS of Michigan, Mrs. CHRISTENSEN, Mr. PAYNE, and Mr. FATTAH):

H. Res. 1425. A resolution honoring the life and music of the late Isaac Hayes, a passionate humanitarian, whose music laid the foundation for many musical styles, including R&B, disco, and rap; to the Committee on the Judiciary.

By Mr. MCCOTTER (for himself, Mr. BOUSTANY, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. FORTUÑO, Mr. KING of New York, Mr. LAMBORN, and Mr. LINDER):

H. Res. 1427. A resolution congratulating General David Howell Petraeus on being appointed Commander of the United States Central Command, and for other purposes; to the Committee on Armed Services.

By Mr. BOSWELL (for himself, Mr. SAM JOHNSON of Texas, Mr. LATHAM, Mr. LOEBSACK, Mr. KING of Iowa, Mrs. MALONEY of New York, Mr. BACA, Mr. HARE, Mr. TERRY, Ms. MCCOLLUM of Minnesota, Ms. BORDALLO, Mr. WALZ of Minnesota, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, and Mr. BRALEY of Iowa):

H. Res. 1428. A resolution congratulating Nastia Liukin, Shawn Johnson, Chellsie Memmel, Samantha Peszek, Alicia Sacramone, and Bridget Sloan of the United States Women's Gymnastics team for their outstanding performances and representation of the United States during the 2008 Olympics in Beijing, China; to the Committee on Oversight and Government Reform.

By Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, Mr. CARNEY, Mr. LANGEVIN, Ms. HARMAN, Ms. JACKSON-LEE of Texas, Mr. KING of New York, Mr. REICHERT, Mr. DENT, Mrs. MILLER of Michigan, and Ms. LORETTA SANCHEZ of California):

H. Res. 1429. A resolution expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism; to the Committee on Homeland Security.

By Mr. LOEBSACK (for himself and Mr. PLATTS):

H. Res. 1430. A resolution expressing support for the goals of the National Step Up For Kids Day by promoting national awareness of the needs of the children, youth, and families of the United States, celebrating children, and expressing the need to make their future and well-being a national priority; to the Committee on Education and Labor.

By Mr. STEARNS:

H. Res. 1431. A resolution expressing the sense of the House of Representatives that the Department of Defense and the Department of State should withhold funds for any new reconstruction projects in Iraq until the Iraqi Government reimburses the United States for previous reconstruction projects, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PASTOR introduced a bill (H.R. 6888) for the relief of Alfredo Ramirez Vasquez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. CUMMINGS and Mr. SARBANES.
H.R. 87: Mr. SHAYS.
H.R. 736: Mrs. CUBIN.
H.R. 992: Mr. FILNER.
H.R. 1117: Mr. MEEKS of New York.
H.R. 1178: Mr. COURTNEY.
H.R. 1246: Mr. SCOTT of Virginia.
H.R. 1283: Mr. PETRI.
H.R. 1303: Mr. HOEKSTRA.
H.R. 1363: Ms. BORDALLO.
H.R. 1419: Mr. ROSS.
H.R. 1552: Mr. ROHRABACHER and Mr. MCCAUL of Texas.
H.R. 1621: Mr. LATHAM.
H.R. 1665: Mr. SCHIFF and Mr. CROWLEY.
H.R. 1738: Mr. BOUSTANY and Mr. NADLER.
H.R. 1776: Mr. BARROW.
H.R. 1801: Mr. MOORE of Kansas, Ms. LINDA T. SÁNCHEZ of California, Ms. SUTTON, Mr. ANDREWS, and Mr. HARE.
H.R. 1820: Ms. SOLIS, Mrs. BONO MACK, Mr. HARE, Mr. MORAN of Virginia, Ms. SPEIER, and Ms. TSONGAS.
H.R. 1866: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1919: Mr. LARSEN of Washington.
H.R. 1927: Mr. SHULER.
H.R. 2169: Mr. LARSON of Connecticut.
H.R. 2210: Mr. CLEAVER.
H.R. 2221: Mr. EMANUEL, Mr. SCOTT of Virginia, Ms. DELAURO, and Mr. HARE.
H.R. 2231: Mr. MILLER of North Carolina.
H.R. 2472: Mr. BRALEY of Iowa.
H.R. 2840: Mr. MCGOVERN.
H.R. 3174: Mr. WEXLER.
H.R. 3283: Mr. CHANDLER, Mr. BOUCHER, and Ms. BERKLEY.
H.R. 3326: Mr. KUCINICH, Mr. SMITH of Washington, Ms. SPEIER, Mr. HARE, Mr. VAN HOLLEN and Ms. TSONGAS.
H.R. 3334: Mr. PRICE of North Carolina.
H.R. 3407: Mr. LIPINSKI.
H.R. 3895: Mr. HASTINGS of Florida.
H.R. 4048: Mr. CARSON.
H.R. 4133: Mr. BURGESS and Mr. TERRY.
H.R. 4218: Ms. SCHAKOWSKY, Mr. MOORE of Kansas, and Mr. BISHOP of New York.
H.R. 4651: Mr. BISHOP of New York.
H.R. 4836: Mr. ALLEN.
H.R. 5463: Mr. BARRETT of South Carolina.
H.R. 5469: Ms. TSONGAS.
H.R. 5510: Mr. PERLMUTTER.
H.R. 5585: Mr. UPTON, Mr. FRANK of Massachusetts, and Mr. BISHOP of Georgia.
H.R. 5591: Mr. MARIO DIAZ-BALART of Florida.
H.R. 5734: Mr. LATOURETTE, Ms. WATERS, Mr. MORAN of Virginia, Ms. BERKLEY, and Mr. BRALEY of Iowa.
H.R. 5793: Mr. BARRETT of South Carolina, Mr. RAHALL, Mr. CLAY, and Mrs. WILSON of New Mexico.
H.R. 5901: Ms. WATERS, Ms. BORDALLO, and Mr. DAVIS of Illinois.
H.R. 5923: Mr. BARRETT of South Carolina.
H.R. 5935: Mr. MCGOVERN.
H.R. 5942: Mr. MILLER of North Carolina.
H.R. 5946: Mr. BERMAN.
H.R. 5950: Mr. HONDA.
H.R. 5951: Mr. LOEBSACK.
H.R. 5954: Ms. ROS-LEHTINEN.
H.R. 5979: Mr. BOREN.
H.R. 6056: Ms. SCHAKOWSKY, Mr. MORAN of Virginia, and Mr. WILSON of Ohio.
H.R. 6066: Mrs. MCCARTHY of New York, Mr. HONDA, and Ms. WOOLSEY.
H.R. 6104: Mr. HINCHEY, Mr. CHANDLER, Mr. WILSON of Ohio, Mr. STARK, and Mr. PRICE of North Carolina.

H.R. 6110: Mrs. BLACKBURN and Mr. BURGESS.
H.R. 6256: Ms. GIFFORDS.
H.R. 6268: Mr. FILNER and Mr. STARK.
H.R. 6280: Mr. FEENEY.
H.R. 6293: Mr. HINOJOSA.
H.R. 6297: Mr. BLUMENAUER.
H.R. 6375: Mr. BERMAN.
H.R. 6408: Mr. FARR and Mrs. CAPPS.
H.R. 6461: Mr. MURTHA and Mrs. MCCARTHY of New York.
H.R. 6473: Mr. LARSON of Connecticut.
H.R. 6485: Mr. COSTELLO, Mr. RUPPERSBERGER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOLT, Mr. SNYDER, Mr. MCINTYRE, Mr. ALTMIRE, and Mr. SPACE.
H.R. 6527: Mr. LATTA.
H.R. 6553: Mr. SALAZAR and Ms. DEGETTE.
H.R. 6566: Mr. LATHAM, Mr. LAHOOD, and Mr. GALLEGLY.
H.R. 6567: Mr. BLUMENAUER.
H.R. 6570: Mr. WEXLER, Mr. KIND, and Mr. LOEBSACK.
H.R. 6581: Ms. ROS-LEHTINEN.
H.R. 6587: Mr. LAHOOD.
H.R. 6594: Ms. WOOLSEY, Ms. HARMAN, Mr. HIGGINS, Mr. MILLER of North Carolina, Mr. SHULER, and Mr. ETHERIDGE.
H.R. 6645: Ms. JACKSON-LEE of Texas.
H.R. 6646: Mr. LAMBORN and Mr. ANDREWS.
H.R. 6654: Mr. MARKEY and Ms. SHEA-PORTER.
H.R. 6676: Mr. MCGOVERN.
H.R. 6691: Mr. MICA, Mr. GERLACH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, and Mrs. WILSON of New Mexico.
H.R. 6696: Mr. COHEN.
H.R. 6725: Mr. MCNULTY, Mr. PORTER, Mrs. TAUSCHER, and Mr. WITTMAN of Virginia.
H.R. 6728: Mr. MEEK of Florida, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MICA.
H.R. 6734: Mr. DELAHUNT.
H.R. 6749: Ms. LEE and Mr. MOORE of Kansas.
H.R. 6763: Mr. SKELTON and Mr. ALTMIRE.
H.R. 6780: Mr. PAYNE.
H.R. 6783: Mr. BILBRAY.
H.R. 6786: Mr. BOREN, Mr. COLE of Oklahoma, Ms. FALLIN, and Mr. LUCAS.
H.R. 6789: Mr. BURTON of Indiana.
H.R. 6809: Mr. PORTER, Mr. WALZ of Minnesota, and Mrs. GILLIBRAND.
H.R. 6844: Mr. ENGLISH of Pennsylvania.
H.R. 6849: Mr. HOLDEN, Mr. HAYES, Mr. SHULER, Mr. BISHOP of Georgia, Mrs. GILLIBRAND, Mr. MCINTYRE, Mr. BUTTERFIELD, Mr. CHILDERS, Mr. JOHNSON of Illinois, Mr. WALZ of Minnesota, Mr. MAHONEY of Florida, Mr. BOSWELL, Mrs. BOYDA of Kansas, Mr. KUHL of New York, Mr. KAGEN, and Mr. BARROW.
H.R. 6864: Mr. LOBIONDO, Mr. SAM JOHNSON of Texas, Mr. BUCHANAN, Mr. GALLEGLY, Mr. BROUN of Georgia, Mr. SOUDER, Mrs. DRAKE, Mr. WALDEN of Oregon, Mr. STEARNS, and Mrs. MUSGRAVE.
H.J. Res. 79: Ms. JACKSON-LEE of Texas.
H. Con. Res. 342: Mr. MARCHANT.
H. Con. Res. 362: Mr. LATTA.
H. Con. Res. 378: Mr. HELLER, Mr. MCGOVERN, Mrs. BLACKBURN, Mr. SCOTT of Virginia, Mr. DEAL of Georgia, Mrs. BOYDA of Kansas, and Ms. ESHOO.
H. Con. Res. 388: Mr. HOYER and Mr. MARSHALL.
H. Con. Res. 393: Mr. BARTON of Texas and Mr. ALLEN.
H. Con. Res. 405: Mr. PRICE of North Carolina.
H. Res. 101: Mr. PASTOR.
H. Res. 671: Mr. FARR, Ms. SUTTON, and Mr. HIGGINS.
H. Res. 758: Mr. BOOZMAN.
H. Res. 985: Mr. FEENEY.
H. Res. 988: Mr. PICKERING, Mr. MCGOVERN, Ms. SUTTON, Mr. NADLER, Ms. BEAN, Mrs. BONO MACK, Mr. COHEN, Ms. BERKLEY, and Ms. BORDALLO.
H. Res. 1042: Mr. COURTNEY, Mr. PORTER, Mr. MACK, Ms. DELAURO, and Mr. GORDON.
H. Res. 1064: Mr. DELAHUNT.
H. Res. 1328: Ms. SUTTON and Mr. BISHOP of New York.
H. Res. 1333: Mr. CAPUANO, Mr. DELAHUNT, Mr. NEAL of Massachusetts, Mr. COHEN, Mr. LOEBSACK, Mr. JOHNSON of Georgia, Mr. YARMUTH, Ms. WASSERMAN SCHULTZ, Mr. LEVIN, Mr. KAGEN, Ms. DELAURO, and Ms. RICHARDSON.
H. Res. 1335: Mr. HALL of New York, Ms. MOORE of Wisconsin, and Mr. FILNER.
H. Res. 1338: Mr. FILNER, Ms. JACKSON-LEE of Texas, and Mr. HINCHEY.
H. Res. 1352: Mr. MEEKS of New York and Mrs. MCCARTHY of New York.
H. Res. 1375: Ms. BORDALLO.
H. Res. 1377: Mr. FILNER.
H. Res. 1386: Mr. MARCHANT and Mr. WOLF.
H. Res. 1392: Mrs. BACHMANN, Ms. PRYCE of Ohio, Ms. GINNY BROWN-WAITE of Florida, Ms. BORDALLO, and Mr. ALLEN.
H. Res. 1397: Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mrs. BOYDA of Kansas, and Mr. MCGOVERN.
H. Res. 1411: Ms. BORDALLO, Mr. MCGOVERN, Ms. MATSUI, and Mr. STEARNS.
H. Res. 1414: Mr. GALLEGLY, Mr. SMITH of New Jersey, Mr. BOUSTANY, Mr. HINCHEY, Mr. KIRK, and Mr. KAGEN.
H. Res. 1420: Mr. BOEHNER.
H. Res. 1421: Mr. WATT, Mr. COBLE, Mr. ETHERIDGE, Mrs. MYRICK, Mr. HAYES, Mr. PRICE of North Carolina, Ms. FOXX, Mr. MCINTYRE, Ms. BORDALLO, Mr. CONAWAY, Mr. GOODE, Mr. BAIRD, Mr. GILCHREST, Mr. UDALL of Colorado, Mr. PENCE, Mr. LOEBSACK, Mr. HUNTER, Mrs. MCMORRIS RODGERS, Mr. SNYDER, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. TAYLOR, Mr. MILLER of Florida, Mr. TIAHRT, and Mr. WITTMAN of Virginia.

PETITIONS, ETC.

Under clause 3 of rule XII,

307. The SPEAKER presented a petition of Mr. DENNIS J. KUCINICH, Member of Congress, relative to the impeachment of the President, pursuant to the Constitution of the United States; which was referred to the Committee on the Judiciary.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 17, September 11, 2008, by Mr. CHRIS CANNON on the bill (H.R. 6211), was signed by the following Members: Chris Cannon, Rob Bishop, David Dreier, Paul C. Broun, Nathan Deal, Jack Kingston, Phil English, Elton Gallegly, Joe Wilson, Judy Biggert, Mary Fallin, Ron Lewis, Bill Sali, Henry E. Brown, Jr., K. Michael Conaway, Louie Gohmert, Michael T. McCaul.

Petition 18, September 11, 2008, by Mr. STEVAN PEARCE on the bill (H.R. 5868), was signed by the following Members: Stevan Pearce, Duncan Hunter.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6 by Mr. BOUSTANY on House Resolution 1025: Marilyn N. Musgrave.

Petition 12 by Mr. ROSKAM on the bill (H.R. 2208): Ginny Brown-Waite.

Petition 15 by Mrs. BACHMANN on the bill (H.R. 6107): Ginny Brown-Waite.

Petition 16 by Mr. PORTER on the bill (H.R. 6108): Ginny Brown-Waite.

SENATE—*Thursday, September 11, 2008*

The Senate met at 10:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Father Daniel Coughlin, Chaplain of the U.S. House of Representatives.

The guest Chaplain offered the following prayer:

Let us pray.

Lord God, Creator of all and Savior of those who put their trust in You, in this era of post-9/11, we pray that the children of this generation and their children's children may never experience another day like the one that is commemorated in various ceremonies across the Nation today. Protect and guide this Nation to a new security built upon human integrity and communal solidarity and the love of human freedom and human dignity. Empower the Senate of the United States and governments around the world to establish just laws and seek the common good that will lead to ways of equity and peace. Let our children dream dreams, equip themselves with the best education possible, and become the creative leaders of tomorrow, because they are attuned to Your holy will and give You glory now and forever.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 11, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting Democratic leader is recognized.

SCHEDULE

Mr. BROWN. Mr. President, following leader remarks, there will be a period of morning business with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes, and the majority controlling the next 30 minutes. Following morning business, the Senate will resume consideration of S. 3001, the Department of Defense Authorization Act.

Today, there are a number of events to commemorate the seventh anniversary of the attacks of September 11, 2001. There will be a bipartisan, bicameral congressional ceremony at 11:45 on the west front steps of the U.S. Capitol and there will be a moment of silence at 12:30 p.m. in the Senate Chamber.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SEVENTH ANNIVERSARY OF SEPTEMBER 11, 2001, TERRORIST ATTACKS

Mr. MCCONNELL. Mr. President, the horror of September 11, 2001, is still very fresh in our minds. This day will always be a sad one for Americans.

It also has become a day of solemn pride as we remember the tremendous heroism and self-sacrifice of so many in New York, at the Pentagon, and on a plane over Shanksville, PA.

Later this morning, the Senate will take time to remember, and it is fitting that we do so. It is fitting that we should pause as a body and as a nation to remember the victims and their families, as well as the heroes, and to remind ourselves of the dangers we still face.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, and with the Republicans controlling the first half of the time and the majority the second half.

The Senator from Missouri is recognized.

Mr. BOND. I ask unanimous consent that I be recognized for 15 minutes and that I be advised when 13 minutes of that time has expired.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. BOND pertaining to the submission of S. Res. 655 are located in today's RECORD under ''Submitted Resolutions.'')

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

COMMEMORATING SEPTEMBER 11, 2001

Mr. SESSIONS. Mr. President, it is important that we commemorate today, the seventh anniversary of the terrorist attacks on September 11, 2001. This Nation and the world should also remember that the first battle of the war against terror started in the skies over this country, and it was started not by the military but by an average group of American citizens who, by fate, found themselves on Flight 93, which had taken off from New Jersey, headed to San Francisco, CA. When they, as a group, figured out their plane had been taken over by terrorists who planned to use that plane and the passengers in it as a weapon of mass destruction against the Capitol of the United States, they did an extraordinary thing: This group of average citizens made a battle plan and executed that plan against America's enemies. This exceptional group of Americans knew they were risking and sacrificing their lives to stop an attack on America, which, in fact, was on the White House or this very building we are in today—this very building, the U.S. Capitol. The passengers of Flight 93 faced their enemies without hesitation and brought that plane to the ground in Shanksville, PA. That action was the opening battle in the war against terror.

Today, people are gathering in New York City at Ground Zero, where the World Trade Towers once stood so proudly. People will gather here in the Nation's Capital. This morning, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

President observed a moment of silence on the White House lawn and then joined those gathering at the Pentagon, at the site where Flight 77 crashed, to dedicate a memorial to those who died in that building—a building that symbolizes the American military, the greatest fighting force in the world.

This remembrance is not just taking place in New York and in our Nation's Capital, it is taking place all across our Nation. Certainly, we are not alone in mourning the 2,975 people—citizens from more than 90 nations—who died in the terrorist attacks. So our allies and friends mourn with us.

These attacks carried out on September 11 changed the way we view our world. Many Americans, for the first time, felt vulnerable. While it was not the first terrorist attack on America, it was the largest on our soil since Pearl Harbor. So it is critically important to note that this attack wasn't an isolated incident but a carefully planned operation that was part of al-Qaida's war on America. Bin Laden had already declared war on America publicly. It was, at its foundation, an attack based on a belief that America was corrupt, decadent, and lacked the courage or the will to vigorously defend its very existence.

They were wrong. The attacks that led up to that day—I will just make a note of them—the attacks that led up to that event were:

In 1983, there was an attack on the Marine barracks in Beirut, Lebanon, that killed 241 American servicemen.

In 1985, the cruise ship *Achille Lauro* was hijacked by terrorists, and a 70-year-old American passenger was murdered and thrown overboard in his wheelchair.

In 1985, TWA Flight 847 was hijacked at Athens, and a U.S. Navy diver trying to rescue fellow passengers was murdered.

In 1988, Pan Am Flight 103 was bombed, leaving 270 dead.

In 1993, al-Qaida operatives attacked the World Trade Center and bombed it, killing 6 people and injuring 1,042. In June of 1996, 19 American servicemembers were killed, with 372 wounded, in the Khobar Towers barracks attack in Saudi Arabia.

In 1998, the U.S. Embassies in Kenya and Tanzania were bombed, killing 223 and wounding thousands.

On October 12, 2000, while a warship of the United States of America, the USS *Cole*, was harbored in the Yemeni port of Aden for a routine fuel stop, a small craft approached and detonated their payload, putting a 40-by-60-foot gash in the ship's port side, killing 17 American sailors.

All of that occurred before the hijacking of those four planes on September 11, 2001. Since that day, while there have been attacks on England, Spain, and around the world, there have been no further successful attacks on the United States.

Even though we are in an election campaign, it is important for us not to forget that the failure of al-Qaida to launch another attack on us is not due to the terrorist organization's relinquishing their objective, renouncing their goal of killing Americans and disrupting our lives and economy, but it is a testament to the vigilance of our law enforcement and military officials and President Bush's bold decision to stop sitting back, stop being on the defensive, and to treat these attacks for what they were—part of a war against the United States. He firmly declared that we should go after these terrorists and any who harbor them and utilize deadly force where necessary. This strategy has worked. No successful attacks have occurred since that time on our homeland. I don't think any of us would have felt that was likely the case, or would be the case, on September 11, 2001, even though I think all of us, as a nation, agreed it was time to move on the offensive. That is the best way to defend our great country.

Since September 11, 2001, 19 attacks have been thwarted in various stages of preparation. This chart is difficult to read, but the red lines across it indicate some of the successful interventions and defeats of terrorist plans. I will just mention those.

In December 2001, Richard Reid attempted to blow up an airplane headed to Miami from Paris, using explosives in his shoe.

In May 2002, Jose Padilla, who was charged with conspiring with Islamic terrorist groups, planned to set off a dirty bomb in the United States.

In September 2002, the Lackawanna Six from Buffalo, NY, were arrested and charged with conspiring with terrorist groups.

In May 2003, Lyman Faris, a naturalized U.S. citizen from Kashmir living in Columbus, OH, was arrested for plotting the collapse of the Brooklyn Bridge.

In June 2003, a Virginia jihad network, involving 11 men from Alexandria, was arrested for conspiring to support terrorists.

In August 2004, members of a terrorist cell were arrested for plotting to attack financial institutions in the United States and other sites in England.

In August 2004, two men were arrested for plotting to bomb a subway station near Madison Square Garden in New York.

In August 2004, two leaders of an Albany, NY, mosque were charged with plotting to purchase a shoulder-fired grenade launcher to assassinate a Pakistani diplomat in New York.

In June 2005, a California father-son terrorist team was charged with supporting terrorism.

In August 2005, four men in Los Angeles were accused of conspiring to attack National Guard facilities in Los Angeles and other targets in the area.

In December 2005, Michael C. Reynolds was arrested by the FBI and charged with being involved in a plot to blow up a Wyoming natural gas refinery.

In February 2006, three men from Toledo, OH, were arrested and charged with providing material support to a terrorist organization.

In April of 2006, Atlanta natives were accused of conspiring with terrorist organizations to attack targets in Washington, DC.

In June of 2006, seven men were arrested in Miami and Atlanta and charged with plotting to blow up the Sears Tower in Chicago, as well as FBI offices and other buildings.

In July 2006, 10 people were arrested after the FBI discovered a plot to attack underground transit tunnels in New York.

In August of 2006, British authorities stopped a plot to load 10 commercial airliners with liquid explosives and attack sites in New York, Washington, and California. Fifteen men were charged.

In March 2007, a senior operative for Osama bin Laden already in custody confesses to have planned September 11 attacks and said he also planned attacks on Los Angeles, Chicago, New York, and other sites.

In May of 2007, six men were arrested and charged with plotting to attack soldiers at Fort Dix, NJ.

In June of 2007, four men were charged with plotting to blow up jet fuel in a residential neighborhood near JFK Airport in New York.

It is quite clear that it is imperative this Nation continue to be vigilant and keep these terrorist groups off balance, to keep our homeland and our allies secure.

I believe as the years go by, history will view the efforts of the U.S. Government favorably in keeping its citizens safe after the attacks on September 11, 2001.

President Bush made a bold decision. He took decisive action. A reorganized intelligence community that Senator BOND talked about was put in high gear and has dramatically improved our intelligence concerning terrorist groups. We were not where we should have been. We are still not, but we are dramatically improved. The FBI has dramatically changed its mode of operation from mere investigation after an attack to preventing further attacks. Unprecedented cooperation with and assistance from State and local law enforcement has raised our defensive capabilities and our intelligence-gathering networks manyfold. It is tremendous the improved relations we have with State and local law enforcement, and there are many more of those officers than there are Federal officers.

For 7 years, we may thank the Lord and the hard work of so many that this

Nation has remained free from terrorist attack. Will it continue? We may all pray that it will, but we know we remain at risk. We know for decades to come there will be some in this world who are willing to even give their lives to attack free nations around the world.

We must remain vigilant. We must not forget what we have done wrong in the past, how we refused to recognize the reality of the threat, as the 9/11 Commission so clearly reported. But we must also not forget how going on the offensive, destroying the bases of operation of the radical Islamic networks, of attacking their military infrastructure, of attacking their soldiers, of capturing thousands and killing thousands of their operatives has made us safe and have put the terrorists on the defensive.

Despite what some say, these efforts have gained worldwide support. The terrorists are losing support throughout the world. Al-Qaida made Iraq the central front against the United States and poured people into that country. But they made a bad decision to challenge the magnificent, courageous, and lethal U.S. military.

Recent reports have declared that al-Qaida in Iraq has been decimated. There may still be some left, but the power of that network that 2 or 3 years ago existed has been decimated today, most experts say.

So let's remember what we have done right. Also, we must keep these efforts up because it may well take decades before we will be victorious in this effort. If we remain firm, if this Nation continues to be smart, determined, and dedicated, their doom is sure. This group cannot defeat us. They may succeed with an attack here, they may succeed with an attack there, but if we have the will, if we have the courage, if we have the maturity, if we have the determination to remember those heroic people who started this war defending this very Capitol Building, who gave their lives in Pennsylvania for us—and we will honor their memory and honor the memory of those in New York City and honor the memory of those in the Pentagon and on the ship, the USS *Cole*—we will honor them by being firm, being faithful. We will be successful.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

SEVENTH ANNIVERSARY OF THE 9/11 ATTACKS ON AMERICA

Mr. BROWN. Mr. President, 7 years ago today 19 people conspired to kill nearly 3,000 people in our country. It was by far, as we know, the most deadly civilian attack ever carried out on American soil. The images and sounds from that fateful morning continue to haunt us. As we continue to mourn those lost that day, today flags fly at half-staff in their honor. They were men, they were women, they were children, they were people of various nationalities and faiths. They were firefighters and police officers and emergency medical services personnel. They were investment bankers and convenience store clerks. They were attendants and pilots.

Four of the victims were Ohioans: Wendy Faulkner from Mason; William David Moskal from Brecksville; Christina Ryook from Cleveland; LTC David Scales from Cleveland.

We should remember these names represent lives cut needlessly short. We should remember the families who will forever miss them. We should remember the EMS personnel, the police officers and firefighters who responded to the attack when these names represented perfect strangers—perfect strangers whose circumstances met the simple criteria first responders use to determine when to take action: Someone needs help.

Hundreds of first responders risked and, in many cases, sacrificed their own lives to save others. So many of them died, so many of them were injured, so many of them have suffered illnesses as a result of their actions.

First responders in Ohio and all across this country continue to stand at the ready every day, ready to protect our families, ready to protect our communities at a moment's notice, and every day in this country they are there when buildings burn, when accident victims need treatment, when expectant mothers go into labor unexpectedly, when citizens need rescue. When other civilians are running away, they are running in.

It is nearly impossible to see today's date and not think back on the attacks of 7 years ago. But let's be sure to do more than to recount the images, the sounds, and the conversations that define our own personal experience of September 11.

Let's also remember and honor the heroic first responders, the innocent victims, and the victims' families left behind. Let's never, Mr. President, forget.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, this morning 7 years to the minute since the terrorist attacks on the Nation, I attended the inauguration and dedication of the Pentagon Memorial. There have been countless personal memorials over the years. The Pentagon Memorial is America's first national memorial to those who died on that heartbreaking day. It is a beautiful, peaceful patch of land on the very spot where American Airlines flight 77 smashed into the west wall of the Pentagon. In that quiet place, there are 184 stainless steel benches, one bench for each of the 184 innocent victims who died at the Pentagon and on that plane that struck it 7 years ago today.

Thousands of people were at that ceremony this morning marking the dedication and opening of the Pentagon Memorial. They, of course, included the President and Vice President, the Cabinet, leaders in Congress, top military leaders, scores of Members of Congress, along with the survivors of the Pentagon attack and rescue workers who were the true heroes of the day. Most poignantly, we were joined by hundreds of husbands, wives, brothers, sisters, sons, daughters, friends of the loved ones who perished at the Pentagon.

While 9/11 comes once a year, for 9/11 families, every day brings painful reminders of what and whom they have lost. Their pain is still heartbreaking.

It was the families of the Pentagon victims who spearheaded the effort to create the Pentagon Memorial. We all hope they can find some measure of peace and comfort in their fine work in the creation of this memorial.

Yesterday afternoon I had a chance to visit in my office with a man with a small company near Chicago, IL, who worked for over a year to finish and polish the 184 stainless steel benches that make up the Pentagon Memorial. He lives and works in Elk Grove Village in Arlington Heights, and his name is Abe Yousif.

Abe came to America 29 years ago from Iraq. Abe's beautiful wife Angela moved to America 27 years ago, also from Iraq. The 23 employees of their little company, many of them are immigrants, too, from Mexico, Bosnia, and many other countries.

For more than a year, they have worked for this day when there would be an official opening of this Pentagon Memorial. Their job was to take these raw metal benches, 184 of these benches, and polish them as smooth as glass. Abe calculated for me the amount of time he and his employees put into this work. They worked nearly 17,000 hours grinding and polishing these stainless steel benches, transforming them into perfectly uniform, flawlessly smooth memorials.

Abe and his workers hoped that by making each bench perfect, they might be able to give something back to a country that has given them so much. They hope that the calm, clear lines of their work might bring a sense of healing to a wounded nation and bring some beauty to a place scarred by tragedy.

Many people will look across this memorial. They will see these finely polished stainless steel benches and assume somewhere there was a machine that just churned them out. No, it was the hard work and sweat of Abe Yousif and his employees who took this on not just as another project but as a project of love.

When I think of 9/11, I recall, as every American does, what I was doing. I was just a few steps away from here in the Capitol Building in a meeting of the Democratic leadership with Senator Tom Daschle. The meeting had just started when we heard about the planes crashing into the World Trade Center in New York.

As the meeting continued, Tom was handed a note that we were going to have to evacuate the Capitol. We looked down The Mall toward the Washington Monument and saw black, billowing smoke coming from across the river. We didn't know what happened. We thought perhaps a bomb had been detonated. In fact, it was American Airlines flight 77 that crashed into the Pentagon causing so many deaths of so many innocent people.

We evacuated and raced to the yard outside the Capitol, people milling around not knowing where to turn. We heard the sonic booms from jets that were being scrambled and wondered if there were detonation of bombs or something worse. We just didn't know.

One of the staffers I had at that time was Pat Sargent. Pat is an officer in the U.S. Army. Occasionally, the Army will detail some of its professionals to work on Capitol Hill for a short time. Pat was terrific, one of our best employees. But he had a special interest in the Pentagon that day because his wife Sherry, also in the U.S. Army, was working there.

When Pat heard about the smoke and damage at the Pentagon, he raced out to catch the last commuter bus that runs between Capitol Hill and the Pentagon, the last one to make it across the bridge. He was desperate to find his wife.

He went there, and there was a sea of humanity, of people who evacuated the Pentagon lined up on the hills around it. He searched and searched until he finally found her, and she was safe. That was the good news of the day, along with the tragedy that so many of her fellow workers had died.

Sherry had been in the room near the spot where that plane crashed. She lingered for a moment to watch the scenes of New York on television while some of her fellow workers went back to their desks. Those workers perished when the plane crashed into the Pentagon. She was spared.

Of course, they appreciate the heroism of those who responded, and all the memorials that were given to this country, but I want to give a special tribute to Pat and Sherry and their daughter Samantha for their dedication to this country. You see, when Pat left my office, he continued to serve in the U.S. Army. He is in Iraq today in a command position with major responsibilities for the medical care of our troops and the people of Iraq. He is a true American hero, as is his wife. They have given so much to this country.

I thank the Lord that they were spared that day; that they were able to continue in their service to the country, along with so many others, but I do remember those who worked right alongside her who were not so fortunate. That is what our gathering was about today. Every year on September 11 we remember the horror and shock of that day and the grief that followed. But we remember something else. We remember the tremendous sense of unity that enveloped our Nation.

Buck O'Neill was a man who was legendary in the Negro League as a baseball player. Of course, in those days, a Black man couldn't make it to the majors. He became a scout for the Chicago Cubs and signed, among other people, Hall of Famers Ernie Banks and Lou Brock. In 1962, he became the first African-American coach in Major League Baseball history. He wrote a newspaper column. He has passed away now, but he wrote a newspaper column about a year after the 9/11 attacks, and he said:

> One thing about it is, the attacks brought us together. For a little while there after September 11, it didn't matter if you were Democrat or a Republican. It didn't matter if you were white or black. Yeah. We were Americans. We gave blood. We gave money. We cried. We all cried. That's the America we can be. This is a wonderful country.

He remembered from his youth some hateful things that were done to him because of his race. He said:

> When I was a young man, I used to see the way hate ripped this country apart. A man would hate me just for the color of my skin. I didn't feel angry. I felt sorry for that man. I wanted to say to him ''Don't you know how great America would be if we could all just get along?'' That's what I saw after September 11. We all got along. I wish we could hold on to that feeling.

There were strong emotions today at the Pentagon, I am sure in New York, in Pennsylvania, and across the Nation as we remembered the seventh anniversary of 9/11. But let us remember 9/12. Let's remember this Nation when it did come together with its allies around the world, the strength that we felt here at home, and the projected strength we felt around the world. Those days can return, and they should return. It is up to each and every one of us, whether we are elected officials or people going to work every day to raise a family, to do our best to make that spirit of coming together after 9/11 return.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise today to commemorate those whom we lost on September 11 of 2001, to remember how our Nation responded to the pain we felt that day with a towering display of heroism, and to urge us to rededicate ourselves to making sure we never have to experience terror on our soil again.

That day, the families and friends of nearly 3,000 Americans got the worst news imaginable, and almost 700 of them were from my home State of New Jersey. They were from all walks of life. We lost mothers, fathers, and children. Brothers lost their sisters, neighbors lost their friends. Today in New Jersey, you can go from town to town—from Englewood to West Windsor, Toms River, Mantua, and Hoboken—and you can see a ceremony in each one. Families in those towns are laying flowers on the gravestones and monuments and holding tightly one more time onto the pictures of the ones they lost.

So many communities were affected in so many ways, not the least of which was the American community. It felt as if it was a day when there were no borders between us. Terrorists tried to engulf us in the smoke of fear and hatred. For a moment, we felt like the whole world went dark. But the light of heroism burst through. Individuals rushed into burning buildings risking their lives to save others, strangers opened their homes to help people they didn't even know, and men and women all over the country rushed to give whatever they could to help those in need.

It was a day when we learned the meaning of Oscar Wilde's words when he said: ''Where there is sorrow, there is holy ground.'' It was a day when it didn't matter what part of the country you came from, what your family background was, or anything else. It was a day when we all stood together as Americans. People from all over the world said: We are Americans today.

There was a time when the events of September 11, 2001, gripped us so strongly that our minds couldn't focus on anything else. Yet 7 years later, we have to talk about the dangers of forgetting. We have to talk about the dangers of forgetting, because 7 years later our obligations have not gone away.

Our obligations have not gone away to those whom we lost, and to their families and those who survived the attacks but came away injured. For them, it has been a long and heroic struggle to get by and find some sense of normalcy. People who ran out of burning buildings, the firefighters, EMTs, and other rescue workers who ran in, all breathed thick air as they were saving lives. Today, they are reminded of what they have to face with literally every breath they take. We think about them very deeply today, but those heroes triumph every day. Their supply of courage has never run out, and we can never walk out on them.

So not forgetting means caring for those whom we lost, and their families, and remembering them. But it also means caring for those who were made ill because of the attacks. Not forgetting means supporting all the heroes,

paid and volunteer, who risked their lives to save others. Not forgetting means securing our ports, chemical and nuclear plants, so we don't have to experience another horrendous tragedy in the future, getting Federal grant money to our communities based on the risks they face, getting firefighters the funding they need for new equipment and increased personnel, and making sure our first responders can talk to each other during an emergency. And let's be very clear: Not forgetting means destroying the terrorist network that planned the attacks and bringing those responsible to justice.

Today, September 11 of 2008, we remember what has been lost, and we find strength in what we still have. No amount of time can ultimately heal what has been seared into our hearts and minds since September 11, 2001. But those wounds continue to drive us to make sure that no New Jersyan, no American ever has to experience them again. If we come together now, as we did on one of the darkest days of our history, then I believe our future can be filled with security, prosperity, and hope. On this day in which we remember that darkest day, we can see the light and our brightest days are yet to come.

Once again, my thoughts and prayers go out to the 700 New Jersyans who were lost on that fateful day, for their families who live with this for the rest of their lives and for which this day has an incredible resonance in their lives far beyond what anyone can imagine. But for votes here in the Senate, I would be in New Jersey today, and I wanted to take to the floor to let them know that we are one with them on this most sacred day.

CONCLUSION OF MORNING BUSINESS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that all time for morning business be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid amendment No. 5290, to change the enactment date.

Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.

Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 5293 (to the instructions of the motion to recommit the bill), of a perfecting nature.

Reid amendment No. 5294 (to amendment No. 5293), of a perfecting nature.

Mr. NELSON of Nebraska. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the previous order with respect to the prohibition on a motion to proceed remain in effect during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we had an announcement yesterday by the Secretary of Defense on the procurement question for the tanker for the U.S. Air Force that is very disturbing and disappointing to me. Basically, the history of that was that the Secretary and the U.S. Air Force had evaluated the two competing bids and had selected the Northrop team's bid as the best aircraft and best buy for the country.

The GAO, Government Accountability Office, reviewed that and said the Air Force had made errors. I did not think great errors, but they said there were errors and they ought to review the process. The Secretary of Defense said he, in effect, was disappointed those errors had occurred and he personally would take the process under the Department of Defense's jurisdiction and he would direct individuals to evaluate the two bids and to make a decision on what the best aircraft would be and the best buy for the American warfighter.

Remember that the Air Force had declared that replacing the 50-, 60-year-old tanker fleet was their No. 1 priority in the entire U.S. Air Force. For those of us who know about the Air Force and know how much they like fighters and those kinds of aircraft, for them to say that was a significant thing. So we were proceeding along that path. Secretary Gates said he was going to do it fairly and objectively, and he would do his best to complete the process by the end of the year. So his announcement yesterday that they could not complete it at the end of the year, that there has been controversy about this, and that he would, therefore, put it off and cancel the bid process and let the next Congress and next President deal with it was a bad mistake. It was contrary to what he had said in the country needed to be done a few months ago.

I think this is a matter he made a mistake on. I respect Secretary Gates. I was pleased when he stood up and said: We need this tanker. We need to get this done. We are going to get it done. I am personally going to be responsible to ensure it is done right and fair. Then, to walk away from that, and to leave the impression the reason that occurred was because of a political brouhaha going on, and Members of Congress fussing here and there and making comments was doubly disturbing.

My view has always been the Department of Defense ought to pick the best aircraft, and I thought they had when they chose the plane they did. I will note the aircraft Northrop Grumman/EADS had offered was 16 years newer than the aircraft Boeing had submitted, it would have much more capabilities, and was a better aircraft. That is what it was, and that is how it was selected. The Northrop team submitted a very frugal bid, and even though it was an aircraft that had more capabilities, it was very competitive or lower on price. So I thought we were heading in the right direction.

I will note for the record I was involved in this early on. When Senator MCCAIN questioned a lease agreement that was entered into with the Boeing company, he felt something was not healthy there and he objected. It was going to release 60 of these aircraft. They had not been bid. It was a sole-source contract. It did not go through the Armed Services Committee. But it was actually done through the Appropriations Committee without the Armed Services Committee studying the issue or looking at it. After all that happened—and it is unfortunate people went to jail over it in the Air Force, and others—we ordered, the Congress did, that a bid process take place. There were two bidders. Only two entities could supply this kind of aircraft. The Air Force selected the one they thought was best.

Some people did not like that, and we had a big fuss, and now we are at a position where we could literally be looking at a delay of 2 or 3 more years. It has already been delayed about 7 years. This is very disturbing and very concerning to me ultimately because the

Air Force is going to be further delayed, substantially, in a new aircraft being chosen and put into the fleet. It can save money in the long run because it will be newer, require less upkeep and maintenance, carry more fuel, and it has more capability. It can do the work of three airplanes at once.

I know Senator WARNER and others on our committee, when this issue arose—Senator LEVIN and Senator MCCAIN—felt that a bid was the right thing to do. We ordered that we pass legislation to do that. I am sorry the Defense Department seems to have given up and punted it. Many are estimating this could result in a delay of 3 years before the matter comes to a conclusion now.

Mr. WARNER. Mr. President, if the Senator will yield, actually it was a series of appropriations. The committee approved it in the House and the Senate—the House Armed Services Committee. When it came to our committee—at that time I was the chairman—we decided this contract was not right, and a lot of work subsequent to that has been done to try to correct it. The Deputy Secretary of Defense contacted me yesterday. I look upon this latest development with some concern because this airplane is needed for the U.S. inventory.

But I thank the Senator for his support through the years. It was our committee that stopped that contract which we felt was faulty at that time, and the rest is history.

Mr. SESSIONS. I could not agree more, I say to Senator WARNER. I thank the Senator for his leadership at that time. Basically, it did point out, did it not, I ask Senator WARNER, that the authorizing committee is a valuable committee and that those kinds of major programs should be taken through the committee of authorization? Would the Senator agree to that as a matter of historical perspective here in the Senate?

Mr. WARNER. Mr. President, I share the views of my distinguished good friend.

Mr. President, I have been informed—and I will await the leadership to make the formal announcements—but I do believe we are going to move to some votes, hopefully, this afternoon on our bill.

Mr. SESSIONS. Very good.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask that at the hour of 12:30, the Chair declare a moment of silence.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOMENT OF SILENCE FOR THE VICTIMS AND FAMILIES OF THE SEPTEMBER 11, 2001, TERRORIST ATTACKS

The PRESIDING OFFICER. Under the previous order, the Senate will observe a moment of silence in memory of the victims of the September 11 attacks.

(Moment of silence.)

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I ask unanimous consent to be recognized and speak for a moment on this day, 9/11.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, we just commemorated a moment of silence for those who were lost on 9/11. Of course, for the husbands and wives, sons and daughters, fathers and mothers and friends, that moment of silence, in a sense, lasts every day, every moment.

In New York, of course, we lost close to 3,000 people. Some people I knew—a person I played basketball with in high school; a firefighter I was close to and worked with to encourage people to donate blood; a business man who helped me on the way up; the range of people who were lost in every walk of life, every ethnic group, every profession, in every way of thinking. The enormity still, 7 years later, is hard to have it sink in. Furthermore, when one thinks of just the uselessness of this tragedy, it is even more confounding.

There are many things to say in the advent of 9/11 that would be relevant on this floor, but today is not the day for that. Today we just think and remember and try to do everything we can to give solace to those we know who mourn and will mourn for the rest of their lives the senselessness of this tragedy that took loved ones from them.

So I just wish to say to those who do walk around with holes in their hearts as a result of 9/11: We will never forget.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, if I may just for a moment echo the comments of the Senator from New York, this morning I watched on television the ceremony at the Pentagon. As I watched the calling of the names, a photo flashed on the screen of each individual. What you saw were young military men, you saw a lieutenant colonel, you saw the faces of whole families wiped out, young people, older people, you saw every race. In a sense, when you looked at the benches and the water flowing under the benches and the maples that will grow around them, as you listened to the sad song of the pipers, you realized what a great country this is and how we respect every single human life and how important that is; also, how important it is that the message remain true, that the message remain full of heart but also full of vigilance that this must never happen again in our homeland.

So I wish to join Senator SCHUMER and send our best wishes, our sympathy, our sorrow to these families 7 years later, and our thanks to those who gave their lives in the Pentagon.

I had a chance to sit down with the family of a captain of the United Airlines plane that flew into the Pentagon. It was very revealing because at the time they were convinced it was the heroic gesture of this captain in turning the plane away from the U.S. Capitol that played a role. I want them to know that I was thinking of them both during the Pentagon ceremony and the ceremony in front of the Capitol.

So all those victims remain in our hearts and in our minds, and we consecrate ourselves to work on their behalf.

Thank you very much, Mr. President.

Mr. DOMENICI. Mr. President, I rise today to pay tribute to the innocent Americans who were killed in the terrorist attacks of September 11, 2001. I ask that we commemorate the emergency responders who provided relief in the aftermath of the attacks. I also ask that we salute our brave men and women in uniform who have volunteered to serve their country in this time of need. Not to be forgotten are the families who support our troops and the families who lost loved ones on this tragic day; to them we must also pay tribute.

We should continue to remember the family of Al Marchand from Alamogordo, NM, a flight attendant on United Airlines flight 175 and one of the first casualties on that horrific day. He and his family remain in my thoughts and those of my fellow New Mexicans. Since that day, many New Mexicans have volunteered to serve their country by entering the ranks of our Armed Forces. Some of these brave men and women today live with the injuries and scars they received in this fight. Sadly, some lost their lives in this war to protect our way of life. I pay tribute to Army SSG Kevin C. Roberts of Farmington, NM, and Army SGT Gary D. Willett of Alamogordo, NM, the two most recent casualties from New Mexico in the ongoing global war on terror.

Seven years have passed since al-Qaida terrorists struck our homeland. Yet even after 7 years, threats against our country still exist. We must continue on with vigilance and remain dedicated to the protection and security of our great Nation. Even now, the images and shock of that day are still with me. And while I am, years later, still saddened by our losses, I am also heartened by all the heroic acts of our citizens in what was the most shocking attack on our homeland. In the months following the attacks, our brave men and women in uniform toppled the regime in Afghanistan that provided a base of operations for the terrorists who carried out the 2001 attacks. We helped that country establish a democratic government and are working with allies in NATO to bring peace and stability to a country that has spent much of its recent history in the mire of civil war. It is a dangerous mission that continues today.

One of the important lessons that political and military leaders learned from the 2001 terrorist attacks was that America cannot stand by idly as threats to its security develop far from our shores. This required our intelligence and law enforcement agencies to work with friends and allies around the world and with each other to gather actionable intelligence that would help us disrupt terrorist plots at home and abroad. To help consolidate our domestic defense system, the Congress created the Department of Homeland Security. The Department of Homeland Security was organized to prevent attacks within the United States, reduce America's vulnerability to terrorism, and to minimize the damage and assist in the recovery from terrorists' attacks in America. The Congress also followed the recommendations of the National Commission on Terrorist Attacks Upon the United States—the 9/11 Commission—and passed historic legislation that reformed the agencies that make up our intelligence community. While these reforms were important and necessary, the disruption of a recent plot to hijack planes flying from London to the United States, shows us that our enemies are still bent on bringing terror into our cities.

Many of my fellow citizens from the State of New Mexico have contributed to strengthening our defenses in the global war on terror. An urban rescue team traveled from New Mexico to Virginia to help recover survivors from the ruins at the Pentagon. Sandia and Los Alamos National Laboratories helped identify the strains of anthrax that were found in government and office buildings shortly after the terrorist attacks. They helped develop a biological threat detection system that was deployed at the 2002 Winter Olympics, the 2004 Summer Olympics, and in locations around our Nation's Capital. The National Labs have also been at the forefront in developing tools to detect and dispose of materials that can be made used as a ''dirty bomb'' or other weapon of mass destruction. Finally, the National Infrastructure and Analysis Center, NISAC, is being used to develop response strategies for government officials and first responders for large and complex crises.

Over the past 7 years, we have learned a good deal more about how the attack was planned and executed, and we have spent countless man hours and resources to make our Nation safer. We can be proud of the fact that we have worked to implement most of the 9/11 Commission recommendations. We are more prepared as a nation for these types of dangers than we were prior to September 11, 2001, but this is a struggle that will not end with the same clarity and decisiveness of battles past. Therefore, even as we continue to adjust to a post-9/11 world, we must remain vigilant in our efforts to prevent such a tragedy from occurring on American soil again. I hope all Americans take time to reflect on the events of September 11, 2001, honor those that have fallen, and rededicate themselves for the struggle ahead.

Mr. MARTINEZ. Mr. President, 7 years ago, nearly 3,000 Americans perished in the worst terrorist attack on our soil. Today, let us remember the innocent lives lost in New York, Washington, and Pennsylvania and continue to pray for healing for their families.

The stories of their heroism, compassion, and last words spoken to a loved one all serve to inspire and remind us of the pain of that tragic day.

This anniversary is a somber reminder of the serious threats we face. Generations of Americans have fought for our country's freedom, and on this day, we can take solace in knowing our nation remains committed to preserving that blessing.

Since 9/11, the United States has led a global campaign against terrorism. Our Nation is safer because of the sacrifices of those serving in the cause of freedom, including the men and women of our Armed Forces, our National Guard, and our intelligence communities.

Our effort has been enhanced by the cooperation of allied nations that share our desire to see a world dominated by peace, freedom, and the rule of law.

On this day, let us remember those Americans who lost their lives in the attacks of 9/11, those who have made the ultimate sacrifice in defense of our country, and those who continue to defend our Nation today. God bless these individuals and their families, and may God bless America.

Mr. FEINGOLD. Mr. President, today, like any other day, Americans will be busy getting to work, getting the kids off to school, and getting dinner on the table. Despite all those demands, however, today Americans will also pause to remember, with deep sadness, the terrible events that occurred on September 11, 2001. We are united by that sadness, just as we are united by our conviction that we must do everything in our power to prevent another such tragedy.

Our common purpose today is to honor the memory of those who lost their lives on September 11, 2001; to remember a day that began like any other, but quickly descended into chaos, with fire and smoke that engulfed the World Trade Towers, billowed out of the Pentagon, and rose from an empty field near Shanksville, PA. But 7 years later, we not only remember what was lost, but what rose from the ashes, because since that day we have all learned a great deal about the strength of the American people. September ll reminds us how resilient we are as a nation, and in a time when our Nation faces so many challenges at home and abroad, that reservoir of strength is invaluable.

It is with great pride in the American people, and deep gratitude to people around the world who stood with us on that day, that I remember that day, and its aftermath. I have so often thought, then and now, how senseless those attacks were, and how people from all over the world perished alongside so many Americans. It is our great diversity of every kind—of our people, our culture, our geography—that makes us such a strong and vibrant country. No act, however terrible, has ever changed that, or ever will.

This is a difficult day for all of us, but especially for those who lost loved ones on that day. We share in their sorrow, even though we cannot imagine their pain. In a day that may otherwise seem ordinary, we are all jolted back to the tragic events of that day in September which began with such calm, blue skies. It was a day unlike any we have ever known and unlike any we hope to see ever again. Seven years later, however, it is heartening to see how we have moved forward from that tragedy. More than ever, we are committed to our communities, to each other, and to this great Nation and its highest ideals. That is where our resilience lies, and, on this day of all days, that is what makes us stronger as a nation and as a people.

Mr. SALAZAR. Mr. President, on this day of commemoration, 7 years after the attack here on American soil, I think it is very important and proper for all of us here in the Senate and all across America to stop and reflect on the great peace and security we have in America; the fact that there are so many policemen and first responders and others who make sure America remains safe.

And to be sure, today it is important for us to remember those who gave their lives on 9/11—those who died in the field in Pennsylvania, and those

who died at the Pentagon and in New York City.

It is also important, as we reflect on 9/11 and the events of, now, 7 years ago, to recognize the more than half a million men and women who wear the uniform of a firefighter or a law enforcement officer in our Nation. These men and women who are out there on the front lines of law enforcement really are the ones who keep America safe day and night, 24 hours a day, 7 days a week. We are able to live in the security of our homes, our communities, and counties in large part because we have more than half a million men and women who are out there every day making sure the laws of the Nation are upheld.

So today, as we commemorate that horrific tragedy of 7 years ago, it is important that we commemorate the lives of those who gave their lives that day and the lives of the families of those who died and were hurt that day. It also is important for us to recognize the great sacrifice and contribution of the men and women of law enforcement of America as well as the firefighters and first responders of our great country.

Mr. LAUTENBERG. Mr. President, today is a time for reflection and review of a particular moment in American history that is not yet fully established in the manner I believe it should be. America changed more on this day 7 years ago than perhaps at any other time in our history, save those moments we were at war. But the effects that linger on are far greater than those when we were engaged in wars or experienced natural disasters.

Our world has changed so much since that day, September 11, 2001, because we are reminded every day at some point in time, sometimes several points in time, about what changed. Our freedoms were substantially chipped away. One can't go anyplace—and this affects all ages, including our young friends who are pages this year—without having an ID card, without waiting in long lines, such as with transportation at an airport, without seeing uniformed personnel all over, keeping an eye out for terrorists, unable to move with the same freedom we knew before 9/11.

Though it is 7 years ago that this terrible catastrophe happened, the fact is, on this day, as with any other day, I stopped to have my car examined. I had the dogs sniffing around to see if we were carrying anything that might represent a threat in our vehicles. Much of it started with 9/11.

Today we mark the seventh year since America experienced the worst terrorist attacks in our history. We as a nation honor the memories of the Americans who died on that tragic day. We mourn with 3,000 families, including 700 families from New Jersey who lost loved ones. Over the past 7 years, wives, sisters, husbands, and sons have worked to rebuild their lives, their families, and their futures. They came from every walk of life, from every economic background. They have forged ahead despite the uncertainty of what tomorrow would hold.

As one 30-year-old widow from Middletown, NJ, put it: There is no guidebook for how a mother of a toddler whose husband was killed by terrorists is supposed to carry on with her life.

There is no instruction that is satisfactory. There is no help that is fully accommodated. But these folks have carried on. Many have done it by joining together and giving each other hope. They came together to trade stories about their lives, about the men and women they lost, to drive each other to support groups, to pick up each other's kids from schools, to celebrate birthdays, and to fight for a shared cause. Remember, it was the families of the victims who regularly piled into the minivans, came to Washington, pushed lawmakers to create the 9/11 Commission. Despite the shock they experienced and the sadness they still felt, they were committed to the future, to try to make sure that a tragedy such as this would never happen again to anyone.

That commitment led to crucial policy recommendations, such as improvements in port security and sending Federal funds to cities and towns based on the most vulnerable to terrorist attack. We had debate on the Senate floor about whether port security funds would be distributed on the basis of risk, as recommended by the 9/11 Commission, or distributed based on politics. We fought and made sure in the last couple of years to direct those funds to areas of most vulnerability.

I was once, before I came to the Senate, commissioner of the Port Authority of New York and New Jersey. I worked in the World Trade Center. I remember vividly traveling to my office on the 67th floor of the Twin Towers and looking out at the views from those towers, thinking about how invincible those buildings were, built with steel, concrete, a great design, a hundred stories high. Nothing, you believed, could ever happen there that would provide some insecurity for those who were working in the building. I remind everybody that we had a terrorist attack on the World Trade Center some years before 9/11, when people drove a truck loaded with explosives into the garage of the building, and it was detonated with great damage. But the building stood firm. Nothing could shake the well-being of that structure. But then we saw something different.

I got to know many port authority employees who perished when those massive towers collapsed. The port authority lost 84 of its own that day, including 37 members of the police department who died as they tried to rescue others, people who ventured into the dust and the heat and the destruction of the building trying to help others. They gave their lives, knowing very well that the position they were taking was one of great vulnerability, but they did it in any event.

Among the people lost was a very close friend of my daughter. Both of them worked downtown in a financial firm. My daughter left to go to law school, and her friend went to work for a company called Cantor Fitzgerald. She had three children. Her husband searched far and wide, from hospitals to clinics, every information source available, because he couldn't believe his wife was gone, that the mother of his children would no longer be there. After 3 weeks, after visiting all of the facilities searching for every bit of information he could find, he and his three young children were forced to accept her death.

There was a young man I knew, very energetic young man. He tried life as a golf professional. He learned computer skills. His name was Nicholas Lassman. He was still in his twenties. He described his enthusiasm to me one day about how he was looking forward to a new job that he had at the Trade Center. He perished that day.

We will always remember those who died, the firefighters, computer programmers. The firm, Cantor Fitzgerald, lost 700 of its employees that day. It is a firm I know very well. The President and CEO of that company, a very charitable, wonderful, still young fellow, whose lateness saved his life because he had to take his daughter to school, lost 700 others—700—including his brother and a lot of friends. This was a fellow who believed in loyalty as a trait above all for people in his organization. So he hired a lot of his friends from the place he grew up. I believe it was Brooklyn. Thusly, not only did his brother die, but lots of his friends perished during those same tragic moments.

The people who died left a loss that binds our Nation, and today, in New Jersey and across this country, we are honoring them in many ways.

There are events in New Jersey, events we saw this morning at Ground Zero. We had our moment of silence and our gathering together outside to hear some prayers and to listen to some music that reminds us of the greatness of our country.

In the city of Bayonne, we remember them at a monument called the Tear of Grief because Bayonne is one of those cities along the Hudson River from which lots of people commuted to the World Trade Center. The World Trade Center each day would see more than 50,000 people come there. It was like whole cities across our country. That is how big those buildings were. People would come—a lot by train, a lot by

subway, by all kinds of means—who would come from all around the area to go to work or to have meetings there. So these are communities that are along the river, such as Bayonne.

Hoboken I was there at the dedication of a little park along the waterside that is called the Pier ''A'' Park. In Leonia—another town along the way—we remember them with two granite towers that stand there as a reminder. In Jersey City there was a memorial put there called the Grove of Remembrance in Liberty State Park, just under the shadow of the Statue of Liberty—historic places.

But the best monument to those who died that day is to learn from the experience and to bring those perpetrators to justice and make our country safe. After that group of madmen destroyed the World Trade Center and damaged the Pentagon, we vowed to search for those who orchestrated these terrible acts and to make them pay for their atrocious deeds. But we know they are still out there. In fact, 2,558 days since 9/11, terrorism is on the rise, more threatening, perhaps more obvious than at any time, more obvious than at any time predating 9/11.

Terrorism is there challenging us in places around the world, especially in our own country here. Al-Qaida is on the move. Osama bin Laden is still on the loose. What has happened? We have to continue the pursuit of these perpetrators so we can say to the people who are innocently living their lives that they need not be worried about a terrorist attack. But we have not done that yet. We still have to continue our obligation.

We have a ruthless enemy out there, one whose front line is our homefront. The stretch from Port Newark, NJ, our harbor, to Newark Liberty International Airport is defined by the FBI as the most dangerous 2-mile stretch in the country that invites a terrorist attack. I say, again, we had to fight to get funding to protect to the fullest extent we could that area, that target that, if attacked, would injure or kill as many as several million people. It is a highly populated area, with a big chemical manufacturer there. We had to have assistance from the Federal Government to make sure we mounted as much protection as we could.

On the anniversary of 9/11, we commemorate the memory of those who perished 7 years ago, and we stand with their families whose future is our cause. It is critical for their future, for their families, our families, that we continue to protect the country the victims died for, the loved ones they left behind, and the freedoms they hold dear.

I yield the floor with a thought as to the pictures I saw of what the reaction was from people around the world when they saw the attack on America that day. One picture was taken in Israel, a very dear, vital friend to America. In that little country, that tiny country, people were weeping for America, crying giant tears—this small country for the giant—to put things into perspective to understand how this attack menaced everybody in the world no matter what their distance was from us, that they cried for America. We must not permit such an act of terrorism to happen again.

Mr. SMITH. Mr. President, on an otherwise beautiful September morning 7 years ago today, our Nation experienced the greatest of tragedies. The United States was brutally and deliberately attacked. Terrorists took innocent American lives on sovereign American soil.

This tragedy was brought to our shores by those who seek to destroy the American dream. The perpetrators declared war on the clearest symbols of our way of life: The Twin Towers in Manhattan, the center of American capitalism and prosperity; the Pentagon in Arlington, VA, a building that represents the strongest guarantor of freedom in history. A third target, either the White House or the U.S. Capitol, was spared only because of the brave and selfless passengers aboard United Airlines Flight 93, which crashed near Shanksville, PA.

The Civil War once tested the survivability of a nation founded on the concept that every citizen is endowed with fundamental freedoms. In the 7 years since September 11, we have tested America's devotion to these founding principles, bringing to this body a debate over where to draw the line between protecting liberties and preventing another attack. As a nation, I believe we have found a balanced solution to this challenge. And when we remember and defend the truths our founding fathers knew to be self-evident, we strengthen them for the next generation. We have done this all the while defending this great nation from another attack. And that is an accomplishment worth noting.

I know that in this hyper political season, we sometimes fail to see beyond daily politics and rhetoric. But it is my hope that as we continue to examine our freedoms in the context of fighting terrorism, we will not lose sight of what they mean for us here at home. This morning, President Bush dedicated the Pentagon Memorial in remembrance of 184 innocent Americans taken from us that morning. We do not identify the fallen as old or young, man or woman, black or white, Jewish or Protestant. We identify them as fellow Americans, all deserving of the same inalienable rights.

I thank and pray for our troops overseas, fighting to keep us safe here at home. I thank and pray for the survivors and families of those who have fallen in the defense of this great Nation. And I thank and pray for all those who remind us why this nation is worth defending. The United States will indeed persevere and will continue to serve as the finest example of a nation founded and dedicated to Liberty and justice for all.

Ms. SNOWE. Mr. President, on this solemn occasion in our national life, we pause with deep-seated reverence to remember and honor those who perished in the terrorist attacks on September 11, 2001, and we do so profoundly mindful of those families and loved ones whose lives have been forever altered by the heinous events of 7 years ago.

At this time, we share in the grievous anguish that will always exact an unbearable toll on those convening to pay homage to family and loved ones lost at Ground Zero in lower Manhattan, in Shanksville, PA, and in the Pentagon, where today there will be a ceremony, marking the official dedication of the Pentagon Memorial which will pay tribute to the 184 lives lost in the Pentagon and on American Airlines flight 77. Amid the arduous trial and pain that this date in our history evokes, we find mutual solace in the revelation that none of us grieves alone that, on this day, those whom we will never know are kept in our thoughts and prayers and that there are no strangers among us only Americans.

While we will never escape the unspeakable horror and inconsolable devastation that this anniversary represents to each and every one of us, at the same time, we cannot help but recall the countless remembrances of the indomitable spirit of the American people, who have, time and again, demonstrated a collective resilience and resolve to battle back despite inexpressible sorrow, and who have displayed a courageous summoning of purpose to move forward in the face of wrenching desolation. And so this year, as in times past, we face the indescribable inhumanity of those dark morning hours, but we are renewed and buoyed by the unfolding story from 2001 to the present of a resurgent nation that will overcome any adversity, no matter how perilous or daunting.

And nowhere is that inspiration, heart, and character more prevalent than in our recollection of the heroic sacrifice and noble devotion of firefighters, police officers, and rescue workers. The fearless and selfless example of seemingly ordinary Americans performing extraordinary deeds in the service of others will serve through time immemorial as an enduring and powerful testament that good will triumph over evil and that those benevolent forces that would seek to uplift humankind will ultimately prevail over those treacherous elements that would conspire to bring it down.

Time can never diminish the cavalcade of emotions we experience as we strive to comprehend how such vicious

savagery could exist in the world and could be perpetrated so ruthlessly against innocent people. And those feelings only intensify when we put faces with names, and they become especially personal when we reflect upon Mainers whom we have lost—Anna Allison, Carol Flyzik, Robert Jalbert, Jacqueline Norton, Robert Norton, James Roux, Robert Schlegel, and Stephen Ward. Their lives were tragically cut short, but their memory is eternally etched upon our hearts.

As we confront once again these unforgivably grave and wicked injustices, we are also gratefully sustained by the supreme service and unfailing contribution of our exceptional men and women in uniform who protect and defend our way of life. Whether on shores or soil here at home or around the globe, their steadfast sense of duty and bravery are an inspiration to us all, their commitment steels our determination, and their valor and professionalism steady our hand in an uncertain world.

Like every American, I vividly remember every detail of the morning of September 11, 2001, and how the day began with such beautiful blue skies, only to end with a nation grief-stricken and stunned in utter disbelief. In Washington, DC, I watched the images along with the rest of the world. Later, as the Sun set over the National Mall still capped by smoke billowing from the wound in the side of the Pentagon I joined my colleagues in the House and Senate on the Capitol steps in singing, ''God Bless America.''

We sang to send a message to the country and to the world that we would never be deterred that freedom is forged by something far more resolute than any act of terror a conviction that has only strengthened with each anniversary. While we extol those whom we have lost, we hold fast to the belief that the greatest memorial is to embrace all that we have retained as a nation from our inception and that the principles of liberty and justice and the primacy of self-government cannot be extinguished that we as a people will endure as long as we persevere shoulder-to-shoulder as Americans.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, we have had two ceremonies today: one at the Pentagon and one on the west steps remembering what happened 7 years ago. I think everyone remembers what they were doing at that time 7 years ago. It happens that was the time I had the State chamber of commerce from my State of Oklahoma in. I was speaking with them. I remember so well being on the ninth floor of the Hart Building where we had a panoramic view. They were looking at me, and I saw all this smoke going up, not having any idea what it was. I actually witnessed what happened at the Pentagon.

Today as we think back, most of us know someone or have a friend who was killed on that fateful day in the greatest, most significant raid on our land in our country's history. Seven years later, we continue to fight for the oppressed and, more importantly, help the oppressed to fight for themselves. With our coalition of partners and allies, we continue to take the fight to the enemy of our place of choosing, keeping them there instead of here.

I had the privilege—and it really has been a privilege—to be in the area where the terrorists were, I think, more than any other Member. I have made some 18 trips, maybe more than that, to Africa, the Horn of Africa, Iraq, Afghanistan, and that area. We have taken away al-Qaida's base of operations, freedom of movement, forcing them into the no-man's land between Pakistan and Afghanistan. We have trained the Afghan National Army as they have grown to 65,000 troops. I am proud of this accomplishment. It was Oklahoma's 45th in charge of training the Afghan Army. I was over there, and I saw the pride in the faces of the Afghans as they were learning to defend themselves, learning to fight, learning to fight with dignity. We have trained the Afghan National Army as they have grown to 65,000 troops, and they are on track to meet their mandated strength of 82,000 by 2009.

We have defeated the Taliban in every encounter and have killed or captured over 60 of their senior leaders. We helped Afghanistan rebuild its infrastructure with over 1,000 bridges and 10,000 kilometers of roads. There are now more Afghan children in school than at any other time in history.

That is something we seem to forget, turning to Iraq, what is happening right now and the impact this is having in the Middle East where for the first time in the history of that country there are women going to school. They have been liberated from a tyrannical leader.

I was honored back in 1991 to be on what was called the first freedom flight. It was Democrats and Republicans. Tony Coelho was there and several others. But also the Ambassador from Kuwait to the United States was there. This was in 1991 at the end of the first gulf war. It was so close to the end of it that Iraq did not know it was over yet. They were still burning the fields off.

The Ambassador and his daughter—he had a 7- or 8-year-old daughter—wanted to see what their mansion on the Persian Gulf looked like because they had not seen it during the war. When we got there, we found it was used by Saddam Hussein for one of his headquarters. The little girl wanted to go to her bedroom and see her little animals. Saddam Hussein had used that bedroom for a torture chamber. There were body parts there.

During that period after 1991, many of us had the opportunity to look into the open graves, to see what a tyrannical person this was, hear the stories from firsthand observers who said people were begging to be dropped into the vats of acid head first or into the grinders.

Weapons of mass destruction were used on the Kurds up north, and hundreds of thousands of people were killed. The way he killed them with the type of gas, it was like burning yourself up from the inside. People described what the people went through.

Some on this floor and a lot of people on the campaign trail say no terrorists were in Iraq prior to the liberation. Evidence has shown the contrary. I say this because, first of all, if there had never been even a discussion of weapons of mass destruction, just the things that this guy had done to the hundreds of thousands of people was enough justification for going in. We, as a free nation, cannot allow that type of thing to happen.

Now we find, yes, there were terrorist training camps there. Sargat was an international training camp in northeastern Iraq near the Iranian border. It was run by Ansar al-Islam, a known terrorist organization. Based on information from the U.S. Army Special Forces, operators who led the attack on Sargat said it is more than plausible that al-Qaida members trained in that particular area. The Green Berets discovered among the dead in Sargat foreign ID cards, airline ticket receipts, visas, and passports from Yemen, Sudan, Saudi Arabia, Qatar, Morocco, and many other places.

Salman Pak was the name of another city there. That is where we found the fuselage of a 707. That is where they were training people—all the evidence was there—to hijack airlines. That was a terrorist training camp. That is in Iraq.

I don't think we will ever know whether the perpetrators of the tragedy 7 years ago today were trained in Salman Pak. I don't think there is any way of ever knowing that. Certainly, that is what they were doing at that time.

So in the aftermath of September 11 we have worked together to do things to preclude this kind of attack from happening—the PATRIOT Act, we created the Department of Homeland Security, the position of Director of National Intelligence to try to coordinate.

One of the things I remember when I came to the Senate from the House in 1994 is my predecessor was David Boren who happened to have been the chairman of the Senate Intelligence Committee. He said: I am hoping you may be able to do something I have never been able to do, and that is to get all these competing intelligence agencies—such as DIA and others—to work together. That wasn't happening until 9/11. That shock treatment is what it took to get people to work together. In doing so, we know many potential attacks on our country have been prevented.

When we look at what we are commemorating today and the people we know, the loved ones we lost, we recognize we have done some things we should have done before probably. Those of us who have traveled to Israel know they live from day to day not knowing if, when they are sitting in a coffee shop, it is going to blow up or when getting on a bus there are going to be bombs going off. They have learned to live with it. We now have learned the lesson of 7 years ago. We have taken precautions. We have prevented attacks from happening. We have evidence of all kinds of things—water systems that were going to be contaminated—and we think of the tragedy of 7 years ago today.

If we look at the potential tragedy of an incoming missile hitting a major city in America, we would be looking at maybe 300,000 people. That is what it is all about now: making sure nothing of this dimension or anything else will happen again.

This is a very special day, and it is one that is very meaningful to most of us—I think to all Americans. One thing we can do is remember, remember that terrorists are still out there. I was asked on a radio show this morning: There are so many people out there saying, why don't you just forget this thing? That was 7 years ago. Why keep bringing it up? Why keep stirring it up? Why can't we get beyond that?

My response was we cannot do that because of what happened to so many people. But more importantly than that is this is a constant reminder. Every year we need to be reminded that there are terrorists still out there. They hate everybody who is in this building, and they hate this building. You think about what could have happened 7 years ago if those very brave people in Pennsylvania hadn't stopped what was happening. This dome, most likely, would not be here. It was an easy target. That is the reminder.

The terrorists are still out there. They still want to kill us. They are still cowards. They still have no country and they have no cause, except to destroy us. So this reminder is here today, and I just, at this time, want to pay homage once again to the families of all those who lost their loved ones in the tragedy that took place.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—Continued

Mr. AKAKA. Mr. President, I rise today to speak about the growing rate of suicide among Iraq and Afghanistan-era veterans. For all that is being done in this country to support our troops in battle, we must remember this truth: For many veterans, their battles do not end when they return from the war. Instead, war returns home with them and within them. That is a truth. Instead, they face an enemy that is hard to understand and harder to defeat. Their wounds and their enemy are unseen, but the reality and sometimes the deadly consequences of these invisible wounds cannot be ignored.

I am deeply troubled by the latest information we have received from VA. The number of veterans lost to the enemy of suicide is rising. Suicide among Iraq and Afghanistan-era veterans is at an alltime high. The most recently recorded year—2006—saw 113 Iraq and Afghanistan-era veterans lost to suicide, almost as many as we lost in the years 2002 to 2005 combined. This is disturbing.

Iraq and Afghanistan veterans are not the only ones suffering from service-related mental health injuries. Indeed, the number of veterans found to have service-connected PTSD is not just rising, it is rising several times faster than service-connected disabilities overall. Nor are suicide and mental health only a matter of concern among discharged veterans. Recent news reports show that suicides among Active-Duty soldiers are positioned to reach an alltime high, exceeding last year's record number.

Much is being done to protect and heal veterans with mental health issues. VA has expanded mental health outreach. The Vet Centers, run largely for vets and by vets, offer a safe haven and readjustment counseling. For those in desperate need, VA now operates a 24-hour suicide hotline. In the 1 year it has been operating, they have received tens of thousands of calls and performed over a thousand rescues of veterans about to take their own lives.

Unfortunately, these efforts are not enough. Veterans are committing suicide at a higher rate than their civilian counterparts. A recent RAND study found that nearly three out of four veterans in need of mental health care receive inadequate care or no care at all. This cannot be acceptable to a nation intent on protecting those who wear its uniform. More must be done in the days ahead, and not just by VA.

This Congress took an important step by passing the Joshua Omvig Suicide Prevention Act. But in the final weeks of this session, comprehensive veterans mental health legislation is still waiting for a vote in the House. Through S. 2162, the Veterans' Mental Health Care Improvement Act, which passed the Senate with unanimous support, Congress can do more to prevent veteran suicide. Congress can strengthen veterans' mental health care, outreach, support the homeless, services for families, and leverage community resources. I hope this critical legislation will become law before this Congress ends.

PTSD and other service-related invisible wounds are real injuries. They are also an enemy to veterans, to the families who support them, and to all Americans. It is not enough to bring our troops home; we must support them when the battle follows them home. It is unacceptable that veterans who come home safely later lose their lives to the enemy of suicide. We must do more to support those who have served us.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5413

Mr. THUNE. Mr. President, I rise today to speak to amendment No. 5413. I hope at some point to be able to call up that amendment and perhaps have it either included as part of the managers' package or have it debated and voted upon. Let me explain a little bit about the history of this and why I think this is so important to our Nation's military.

The Defense Department authorization bill we have before us is a critical piece of legislation that we need as a Congress to deal with before Congress adjourns. We have done that for the past 42 years. It sets the policy and the framework and funding for matters that are important to our men and women in uniform and important to making America safe and secure as we head into the future. I believe this amendment fits right in with that overall objective. The amendment to which I speak today will advance innovative Air Force programs that are already positively affecting the critically important and complex issue of energy policy. As I said, that is a national security issue as well.

Furthermore, this amendment will expand these valuable programs to other Department of Defense services.

As we all know, the issue of fuel prices has significant implications not only for our economic security, but also for our military. In fact, the Department of Defense is the largest single consumer of fuel in the United States.

Consider this: In the last 4 years, the Air Force fuel bill has tripled. Furthermore, the Air Force spent over $6 billion buying energy last year, even though they used 10 percent less than the year before. This is a substantial sum, and I can almost guarantee it will cost the Air Force more next year to buy the same amount of energy. As the lead paragraph in an article headlined ''Worries of Rising Fuel Costs Extend to DoD's Budget'' published in Defense News on May 19, 2008, noted:

> The skyrocketing cost of fuel isn't just hitting U.S. drivers in the pocketbook—it's blowing a bit of a hole in the Pentagon's budget as well.

I ask unanimous consent that the entirety of this Defense News article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THUNE. We are at a moment in our history when we must move toward more secure, domestic energy sources. One need look no further than the embargos of the 1970s or the recent oil price spikes or the Russian-Georgian conflict to see the negative implications of relying on foreign sources for the preponderance of our energy needs. Additionally, continuing to fund unfriendly foreign regimes grows increasingly untenable by the day, and we should look to produce lower cost domestic alternatives that stop this capital flight.

It is well past time that we further the development of these lower cost domestic alternatives through responsible public policy.

Given this context, I am proud to report that the U.S. Air Force has already become a model for Government leadership in these areas. We should now expand these Air Force programs to the other Department of Defense services, as these valuable programs will undoubtedly pave the way for increased public-private cooperation.

One example of Air Force leadership in this area is evident in existing programs to find alternatives to increasingly expensive aviation fuel. Not only has the Air Force already flight tested the B–52, B–1, C–17, KC–135, F–15, and F–22s on a 50 percent synthetic fuel blend, it has plans to certify its entire inventory on this synthetic fuel blend by 2011. Moreover, the Air Force is dedicated to procuring at least half of its fuel needs from environmentally friendly, domesticaly produced, synthetic fuel blends by 2016.

We should now call for the other services to do the same. We should seek to understand how the Department of the Army and the Department of the Navy can also use these fuels and how the buying power of the entire Department of Defense can achieve efficiencies and decreased costs due to large economies of scale.

Because they are the largest user of fuel in the Department of Defense, this amendment specifies that the Air Force continue to be on the leading edge in finding lower cost, domestically produced alternatives to conventional aviation fuels. The amendment dictates that the Air Force continue to certify its entire fleet on a synthetic fuel blend and to press forward in its efforts to acquire half of its domestic fuel requirement by 2016 from a domestically sourced alternative fuel blend.

To protect the American taxpayer, it is important to note this acquisition would only occur if the price is less than or equal to the market prices for petroleum based fuels.

To protect the environment, the amendment specifies the fuel is ''greener'' than conventional petroleum based fuels. On this second point, it is important to note there has been recent uncertainty over section 526 of the Energy Independence and Security Act of 2007. The intent of this amendment is that the lifecycle emissions of these fuels will be lower than pending Department of Energy and Environmental Protection Agency baselines for conventional petroleum fuels.

A binding authorization for the Air Force to acquire this fuel will have a dramatic effect on the domestic aviation and fuels industries. With the Air Force and the other services of the Department of Defense leading the way, it is likely commercial airlines and fuel producers will see the increasing viability of these fuels and wish to build on these efforts. To further civil-military cooperation, the amendment also encourages the services to partner with the commercial aviation industry to engage in further research and development.

To encourage feedstock diversity, the language in the amendment is not specific regarding fuel source, and producers could use anything from cellulosic ethanol to biodiesel.

Ultimately, this amendment positively impacts energy policies in this country at no additional cost to the American taxpayer. Simply put, if the alternative fuels cost more than conventional fuels, the Department of Defense doesn't have to buy them. In actuality, it is likely to actually lower the cost of these fuels by inducing market based competition among synthetic fuel producers.

Some may argue this amendment is a Government giveaway program or that it is specially tailored to benefit a specific industry. This is simply not true. This amendment does not specify a specific feedstock from which to make fuels, nor does it offer loan guarantees or tax incentives to any specific industry.

We are at the beginning of a long energy crisis which is already one of the defining issues of our time. If Government agencies are going to be part of the solution, we need sound, responsible public policy that allows them to partner with industry and solve these important problems. This amendment is exactly this type of policy.

I hope my colleagues will support it. I hope, before we complete action on the Defense authorization bill, that we will have an opportunity to call up some of these amendments, to have them debated, have them voted on or, at a minimum, to have them accepted as part of a managers' package. But, in one way or another, I hope this very important issue of energy security can be addressed in the Defense authorization bill through the acquisition of fuels our services use to supply their energy needs and addressed in a way that not only helps America's energy security with regard to lessening this addiction we have to foreign sources of energy, but I also believe it will make our country safer because I think this is a national security issue that forces us to rely upon countries around the world that are hostile to our interests.

I believe that becoming energy independent means we have to lead by example. Our Air Force has stepped up to that challenge. I hope the other services will follow.

As I said before, this amendment does not require any particular feedstock. It is neutral with regard to the whole issue of whether that comes from cellulosic or whether that comes from biodiesel or whether that comes from coal to liquids.

At the end of the day, we need to adopt this amendment. It will be a savings to our military services and a savings to the taxpayer. As I said before, there is a requirement in this amendment that, whatever that source is, it be greener than petroleum-based fuels used today.

It has already been tested on a number of aircraft. The Air Force intends to move in the year 2016 to 50 percent, and I hope the other services will follow. This amendment will see that happens. I hope my colleagues will adopt it.

EXHIBIT 1

[From Defense News, May 19, 2008]

WORRIES OF RISING FUEL COSTS EXTEND TO DOD'S BUDGET

(By William H. McMichael and Rick Maze)

The skyrocketing cost of fuel isn't just hitting U.S. drivers in the pocketbook—it's blowing a bit of a hole in the Pentagon's budget as well.

DoD officials have asked Congress to appropriate another $3.69 billion for all fuels—an increase of $2.2 billion from their initial

request—according to a revised request for supplemental war funding for fiscal 2009, submitted May 2.

That, of course, looks far ahead and could still prove to be inadequate. According to Pentagon budget documents, the request would support a crude oil price of $97.19 per barrel—and also assumes the military's overall fuel costs will drop by 4.8 percent.

The current world price, however, has climbed to and is hovering around $120 per barrel, and many analysts think rising global demand and other factors will keep prices high.

And 2009 isn't the only concern; the Pentagon needs more money for fuel to cover the remaining five months of this fiscal year.

This would come by way of the $108 billion war supplemental appropriation request, which has yet to be approved.

The Pentagon has asked for a total of $1.9 billion for fuel, an increase of $281.4 million over its original supplemental request.

All told, that's an additional $2.48 billion on top of the amounts included in the Pentagon's 2008 and 2009 base budgets—and Defense officials already acknowledge the 2009 supplemental request won't cover that entire fiscal year.

That would buy the Air Force another 19 F–22 fighters, or the Marine Corps 36 MV–22 Ospreys.

In the seven months ending in March, the Pentagon's average monthly cost for its most-used jet fuel, JP–8, rose 34 percent, from $2.34 to $3.13 per gallon, according to the Defense Logistics Agency (DLA).

The cost of JP–5, used primarily by Navy jets operating from the sea, increased from $2.22 to $2.94 per gallon.

Regular gasoline jumped from $2 to $2.79 per gallon, or 40 percent, over the same period. Only diesel fuel's rise was negligible, increasing just 5 cents per gallon.

The Pentagon's prices normally do not fluctuate much because DLA's Defense Energy Support Center (DESC) buys in bulk and sells fuel to the individual services at a ''standard price'' based on market projections for the ensuing year, according to DLA spokesman Jack Hooper.

In September 2007, for example, DESC set the standard price of JP–8 at $2.31 per gallon.

In a less volatile market, that price might have been good for the next 12 months. But the market forced a change and in December, DESC raised its price for JP–8 to $3.04 per gallon.

The House Armed Services subcommittee on readiness approved legislation May 8 to require the secretary of Defense ''to consider the full burdened cost of fuel and energy efficiency in the requirements development and acquisition process,'' said Rep. Randy Forbes of Virginia, the panel's ranking Republican.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from North Carolina is recognized.

HONORING FALLEN SALISBURY, NORTH CAROLINA FIREFIGHTERS

Mrs. DOLE. Mr. President, it is with a heavy heart that I rise today, on this solemn anniversary, to pay my respects to all of the dedicated emergency responders who have made the ultimate sacrifice to protect our citizens. We all remember with great sadness the horrendous loss of life at the Twin Towers and the Pentagon on that fateful morning, including the tragic loss of so many firefighters, police officers, and other first responders who heroically rushed into danger, risking their own lives to save the lives of others.

Nationwide, the men and women of our emergency response forces, like the comrades in arms of those New York and Washington first responders, share a common sense of purpose and dedication to defending their communities in times of peril.

Today, I would also like to honor the memories of two brave firefighters from my hometown of Salisbury, NC who died in the line of duty this year.

In March, the Salisbury Fire Department lost two of its finest, Justin Monroe and Victor Isler, while they were battling a blaze that may have been the worst in our town's history. Both men left behind many heartbroken family members and friends—and a grieving community.

Our thoughts have also been with several other Salisbury firefighters who suffered burns and other injuries while trying to rescue their comrades and contain the fire. As they continue to heal from that tragic day, I hope they know that our thoughts and prayers are continuously with them.

As a young boy, Justin Monroe dreamed of fighting fires. While in high school, he enrolled in the Millers Ferry Volunteer Fire Department's junior firefighter program, and in June of 2007, he accepted his dream job at the Salisbury Fire Department. Justin was proud of his work and looked forward to each and every day at the department. He was even studying for his fire technology degree at a local community college.

Justin's mother Lisa was working at Salisbury's Rowan Regional Medical Center when she learned that at least one firefighter had perished and that several others had been injured fighting the fire at Salisbury Millwork, a manufacturer of custom woodwork. Her greatest fear as a parent was realized when the body of her 19-year-old son, who had been living with her at home, was brought into the hospital. One of Lisa's colleagues summed up the emotion by saying, ''It's devastating when one of your coworkers loses a family member, but losing a child at such a young age is really heartbreaking. Children are not supposed to die before their parents.''

Justin's fallen comrade, Victor Isler, joined the Salisbury Fire Department a few days after Justin came on board. Victor moved to North Carolina from New York, where he served as a medic with the New York City Fire Department and helped save countless lives when our Nation was attacked on September 11. At age 40, Victor decided to head south and join the Salisbury department. A devoted husband to his wife Tracy and the proud parent of two teenagers, he quickly became a father figure to many of the department's younger firefighters.

Victor's childhood best friend, Chris Damato, also served in the Salisbury department. On the day after Victor gave his life, Chris' wife gave birth to a little boy, named Nicholas Victor as a tribute to their dear friend.

Our firefighters are always there in times of need. Very sadly, our communities sometimes lose some of their finest public servants like Justin Monroe and Victor Isler. Their sacrifice serves as a somber reminder of the dangers these men and women face each and every day. We owe all of our courageous firefighters and first responders a tremendous debt of gratitude for their selfless commitment to keeping us safe.

As we join together as a Nation to remember September 11, and the courage and sacrifice demonstrated by countless Americans on that day, my thoughts and prayers are also with Justin and Victor's loved ones and everyone who has been affected by these tragedies. I join with my neighbors and the entire Salisbury community in mourning their loss, and pray that they find solace in the knowledge that these men are remembered as heroes of the highest order, an inspiration to us all.

Mr. LIEBERMAN. Mr. President, in the fiscal year 2009 Defense Authorization Act, S. 3001 is section 256, Assessment of Standards for Mission Critical Semiconductors Procured by the Department of Defense.

The objective of this provision is to provide the DOD with assurance of dependable, continuous, long-term access to trusted, mission critical semiconductors from both foreign and domestic sources. In order to assure trust, the provision recommends the use of verification tools and techniques on commercially procured semiconductors.

The manufacture of semiconductors has continued to migrate to off-shore foundries, particularly to foundries in China. The few high end semiconductor manufacturers in the U.S. are driven by commercial interests and cannot be depended upon to supply the needs of the Deptartment of Defense for the long term. The U.S. military now comprises only 1 percent of the overall market and therefore no longer drives that market.

The DOD is currently depending on a single company, IBM, for high end semiconductors through the DOD Trusted Foundry Program. This program was put in place in 2004 as a stopgap measure. The February 2005 report by the Defense Science Board Task Force on High Performance Microchip Supply stated that the Trusted Foundry Program is an interim source of high performance ICs and a good start in addressing the immediate needs for trusted sources of IC supply. The Trusted Foundry Program does not address critical design software and design systems which are also subject to

tampering. It is strongly recommended that the Trusted Foundry Program continue to be a key part of the overall strategy and the volume of parts that go through it increased. However, since that report was written, the trend of migration of semiconductor manufacturing overseas has continued, and it is now urgent to augment the Trusted Foundry by a more comprehensive approach for the procurement of trusted parts that includes acquisition of parts from ''nontrusted'' sources.

There are several issues which need to be addressed and they are the drivers for this legislative provision. First, the DOD must have assurance of dependable, continuous, long-term access to mission critical semiconductors from both foreign and domestic sources for its potentially vulnerable defense systems. Such access needs to be independent of the commercially driven decisions made by individual companies and foundries. DOD needs for integrated circuits include high end semiconductors, custom application specific integrated circuits, ASICs, and field programmable gate arrays, FPGAs. Second, there must be assurance of trust of the semiconductors installed on systems procured through Defense contractors and subcontractors from ''nontrusted'' sources. Assurance of trust means assurance that the semiconductor has not been tampered with or modified in any way, and performs the functions required—and no other functions. It also requires assurance that the design and design systems, fabrication, packaging, final assembly, and test of semiconductors are free from tampering. The legislative provision addresses each of the concerns stated above. It is recommended that the Department of Defense inventory and implement the best methods currently available for assuring trust. It needs to put in place an overall policy and direction, as well as a plan for the procurement of semiconductors that assures continuous access and trust as described above. It also needs to assure that there is sufficient oversight in implementation of the plan for the acquisition of critical semiconductors, employing new or improved techniques and approaches as they become available through technological advances. Deliverables from the DARPA trusted circuits project, supplemented by procedures to assure trust in design, packaging and assembly need to be employed. It should also be recognized that a comprehensive strategy needs to include acquisition of mass-produced commercial parts which have low risk of sabotage.

The Under Secretary of Defense for Acquisition, Technology, and Logistics is requested to be available to brief Congress on its assessment of methods and standards no later than December 31, 2009. These need to be done in consultation with the intelligence community, private industry, and academia.

Mr. CORNYN. Mr. President, the right to vote is one of the most cherished civil rights, enshrined in the 15th, 17th, and 19th amendments of the Constitution. It is the cornerstone of democratic government, and it is what makes us a government ''of the people, by the people, and for the people.''

Throughout our history, whenever we have seen people deprived of this right, whether by law or by practice, brave Americans have stood up to fight for their right to vote. Today there is a significant portion of our population that has been disenfranchised.

Today, the very men and women who have joined the military to defend our right to vote have been effectively cut out of the democratic process. Make no mistake; this is one of the most important civil rights issues we face today, and we cannot afford to delay action to address it.

The Secretary of Defense has delegated the responsibility for safeguarding the voting rights of our troops to an office called the Federal Voting Assistance Program. Unfortunately, as our troops serve on far-away bases overseas and fight in foreign theaters of conflict, the Department of Defense's Federal Voting Assistance Program has failed to protect their most basic right as American citizens. This failure is twofold.

First, the DOD's voting office has failed to adequately educate our men and women in uniform about how to vote. Second, it has failed to take adequate steps to put in place a system that provides our troops a reasonable opportunity to vote—one which ensures their votes are counted.

Already, the DOD is required by law to provide troops with voting assistance, and information on how to get ballots, and how to cast their votes. But, its efforts have fallen woefully short. A recent survey found that less than 60 percent of troops knew where to obtain voting information on base.

Of our overseas troops who did ask for mail-in ballots, less than half of their completed ballots actually arrived at the local election office. What is worse, many of those arrived late, resulting in them being rejected and thus not counted at all.

It is absolutely shameful that so many of our troops and their families have been cut out of the democratic process through bureaucratic inefficiency.

In order to prevent this disenfranchisement from happening again, I introduced the Military Voting Protection Act, or MVP Act, to require the DOD to collect our overseas troops' completed ballots and expedite their delivery through express shipping. Electronic tracking would be required as well, so our troops would have the peace of mind of knowing their ballots actually arrived at the election office. The MVP Act would markedly improve the current system and help protect our troops' right to vote.

But yesterday, when I asked to bring this important, time-critical legislation forward as an amendment to the DOD authorization bill, the majority objected, saying they needed to hear from the Rules Committee first. My legislation would apply only to military servicemembers. We are working on the DOD authorization bill, so I am not sure why members of the Armed Services Committee need to wait and see what the Rules Committee thinks of an amendment this important. I am left scratching my head.

Rather than even considering this legislation, and debating how best to fix our broken military voting system, Democrats cited weak excuses for blocking this amendment. With a national election looming, and a disgraceful track record over the past two election cycles of our widespread troop disenfranchisement, I am dumbfounded as to why my colleagues would put off this civil rights issue and effectively cheat our troops out of a better, more reliable system for voting from overseas.

Last night, the Rules Committee offered me a counterproposal, which seeks to make the implementation of these important improvements to our troops' voting system optional. In essence, by making the implementation of this program optional, the Democrats are saying to our troops that their civil rights are not guaranteed but an option. That is an outrage.

I am afraid this is going to be just another item on a long list of critical issues the majority has put off, despite calls for action from the American people. Another notable example is gas prices—we have been waiting for over 2 years to address gas prices, but still no meaningful action from the majority leadership. Democrats have stonewalled and delayed qualified judicial nominees and have yet to pass a single appropriations bill for the fiscal year that starts in less than 3 weeks.

The rights of our troops to vote cannot fall victim to politics. Our military men and women stand vigilant in the defense of freedom and help safeguard the personal liberties of their fellow Americans. Now, we must be every bit as vigilant in defense of their personal liberties and civil rights. They willingly step into harm's way to ensure the safety of their fellow Americans at home, and they deserve better than a broken voting system and a refusal by their elected leaders to fix it.

Mr. President, I subject the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

ADA AMENDMENTS ACT OF 2008

Mr. HARKIN. Madam President, I ask unanimous consent that the Senate now proceed to Calendar No. 927, S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate; that upon passage, Senator HATCH and I be recognized to speak for a period not to exceed 40 minutes total.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3406) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''ADA Amendments Act of 2008''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act ''provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities'' and provide broad coverage;

(2) in enacting the ADA, Congress recognized that physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(3) while Congress expected that the definition of disability under the ADA would be interpreted consistently with how courts had applied the definition of a handicapped individual under the Rehabilitation Act of 1973, that expectation has not been fulfilled;

(4) the holdings of the Supreme Court in Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999) and its companion cases have narrowed the broad scope of protection intended to be afforded by the ADA, thus eliminating protection for many individuals whom Congress intended to protect;

(5) the holding of the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002) further narrowed the broad scope of protection intended to be afforded by the ADA;

(6) as a result of these Supreme Court cases, lower courts have incorrectly found in individual cases that people with a range of substantially limiting impairments are not people with disabilities;

(7) in particular, the Supreme Court, in the case of Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), interpreted the term ''substantially limits'' to require a greater degree of limitation than was intended by Congress; and

(8) Congress finds that the current Equal Employment Opportunity Commission ADA regulations defining the term ''substantially limits'' as ''significantly restricted'' are inconsistent with congressional intent, by expressing too high a standard.

(b) PURPOSES.—The purposes of this Act are—

(1) to carry out the ADA's objectives of providing ''a clear and comprehensive national mandate for the elimination of discrimination'' and ''clear, strong, consistent, enforceable standards addressing discrimination'' by reinstating a broad scope of protection to be available under the ADA;

(2) to reject the requirement enunciated by the Supreme Court in Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999) and its companion cases that whether an impairment substantially limits a major life activity is to be determined with reference to the ameliorative effects of mitigating measures;

(3) to reject the Supreme Court's reasoning in Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999) with regard to coverage under the third prong of the definition of disability and to reinstate the reasoning of the Supreme Court in School Board of Nassau County v. Arline, 480 U.S. 273 (1987) which set forth a broad view of the third prong of the definition of handicap under the Rehabilitation Act of 1973;

(4) to reject the standards enunciated by the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that the terms ''substantially'' and ''major'' in the definition of disability under the ADA ''need to be interpreted strictly to create a demanding standard for qualifying as disabled,'' and that to be substantially limited in performing a major life activity under the ADA ''an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives'';

(5) to convey congressional intent that the standard created by the Supreme Court in the case of Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002) for ''substantially limits'', and applied by lower courts in numerous decisions, has created an inappropriately high level of limitation necessary to obtain coverage under the ADA, to convey that it is the intent of Congress that the primary object of attention in cases brought under the ADA should be whether entities covered under the ADA have complied with their obligations, and to convey that the question of whether an individual's impairment is a disability under the ADA should not demand extensive analysis; and

(6) to express Congress' expectation that the Equal Employment Opportunity Commission will revise that portion of its current regulations that defines the term ''substantially limits'' as ''significantly restricted'' to be consistent with this Act, including the amendments made by this Act.

SEC. 3. CODIFIED FINDINGS.

Section 2(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;'';

(2) by striking paragraph (7); and

(3) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

SEC. 4. DISABILITY DEFINED AND RULES OF CONSTRUCTION.

(a) DEFINITION OF DISABILITY.—Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended to read as follows:

''SEC. 3. DEFINITION OF DISABILITY.

''As used in this Act:

''(1) DISABILITY.—The term 'disability' means, with respect to an individual—

''(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

''(B) a record of such an impairment; or

''(C) being regarded as having such an impairment (as described in paragraph (3)).

''(2) MAJOR LIFE ACTIVITIES.—

''(A) IN GENERAL.—For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

''(B) MAJOR BODILY FUNCTIONS.—For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

''(3) REGARDED AS HAVING SUCH AN IMPAIRMENT.—For purposes of paragraph (1)(C):

''(A) An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

''(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

''(4) RULES OF CONSTRUCTION REGARDING THE DEFINITION OF DISABILITY.—The definition of 'disability' in paragraph (1) shall be construed in accordance with the following:

''(A) The definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.

''(B) The term 'substantially limits' shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

''(C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

''(D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

''(E)(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—

''(I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

''(II) use of assistive technology;

''(III) reasonable accommodations or auxiliary aids or services; or

''(IV) learned behavioral or adaptive neurological modifications.

''(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

''(iii) As used in this subparagraph—

''(I) the term 'ordinary eyeglasses or contact lenses' means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

''(II) the term 'low-vision devices' means devices that magnify, enhance, or otherwise augment a visual image.''.

(b) CONFORMING AMENDMENT.—The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) is further amended by adding after section 3 the following:

''SEC. 4. ADDITIONAL DEFINITIONS.

''As used in this Act:

''(1) AUXILIARY AIDS AND SERVICES.—The term 'auxiliary aids and services' includes—

''(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

''(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

''(C) acquisition or modification of equipment or devices; and

''(D) other similar services and actions.

''(2) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.''.

(c) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents contained in section 1(b) of the Americans with Disabilities Act of 1990 is amended by striking the item relating to section 3 and inserting the following items:

''Sec. 3. Definition of disability.
''Sec. 4. Additional definitions.''.

SEC. 5. DISCRIMINATION ON THE BASIS OF DISABILITY.

(a) ON THE BASIS OF DISABILITY.—Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(1) in subsection (a), by striking ''with a disability because of the disability of such individual'' and inserting ''on the basis of disability''; and

(2) in subsection (b) in the matter preceding paragraph (1), by striking ''discriminate'' and inserting ''discriminate against a qualified individual on the basis of disability''.

(b) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Section 103 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting after subsection (b) the following new subsection:

''(c) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Notwithstanding section 3(4)(E)(ii), a covered entity shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)) is amended—

(A) in the paragraph heading, by striking ''WITH A DISABILITY''; and

(B) by striking ''with a disability'' after ''individual'' both places it appears.

(2) Section 104(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12114(a)) is amended by striking ''the term 'qualified individual with a disability' shall'' and inserting ''a qualified individual with a disability shall''.

SEC. 6. RULES OF CONSTRUCTION.

(a) Title V of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201 et seq.) is amended—

(1) by adding at the end of section 501 the following:

''(e) BENEFITS UNDER STATE WORKER'S COMPENSATION LAWS.—Nothing in this Act alters the standards for determining eligibility for benefits under State worker's compensation laws or under State and Federal disability benefit programs.

''(f) FUNDAMENTAL ALTERATION.—Nothing in this Act alters the provision of section 302(b)(2)(A)(ii), specifying that reasonable modifications in policies, practices, or procedures shall be required, unless an entity can demonstrate that making such modifications in policies, practices, or procedures, including academic requirements in postsecondary education, would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations involved.

''(g) CLAIMS OF NO DISABILITY.—Nothing in this Act shall provide the basis for a claim by an individual without a disability that the individual was subject to discrimination because of the individual's lack of disability.

''(h) REASONABLE ACCOMMODATIONS AND MODIFICATIONS.—A covered entity under title I, a public entity under title II, and any person who owns, leases (or leases to), or operates a place of public accommodation under title III, need not provide a reasonable accommodation or a reasonable modification to policies, practices, or procedures to an individual who meets the definition of disability in section 3(1) solely under subparagraph (C) of such section.'';

(2) by redesignating section 506 through 514 as sections 507 through 515, respectively, and adding after section 505 the following:

''SEC. 506. RULE OF CONSTRUCTION REGARDING REGULATORY AUTHORITY.

''The authority to issue regulations granted to the Equal Employment Opportunity Commission, the Attorney General, and the Secretary of Transportation under this Act includes the authority to issue regulations implementing the definitions of disability in section 3 (including rules of construction) and the definitions in section 4, consistent with the ADA Amendments Act of 2008.''; and

(3) in section 511 (as redesignated by paragraph (2)) (42 U.S.C. 12211), in subsection (c), by striking ''511(b)(3)'' and inserting ''512(b)(3)''.

(b) The table of contents contained in section 1(b) of the Americans with Disabilities Act of 1990 is amended by redesignating the items relating to sections 506 through 514 as the items relating to sections 507 through 515, respectively, and by inserting after the item relating to section 505 the following new item:

''Sec. 506. Rule of construction regarding regulatory authority.''.

SEC. 7. CONFORMING AMENDMENTS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in paragraph (9)(B), by striking ''a physical'' and all that follows through ''major life activities'', and inserting ''the meaning given it in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)''; and

(2) in paragraph (20)(B), by striking ''any person who'' and all that follows through the period at the end, and inserting ''any person who has a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).''.

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on January 1, 2009.

Mr. HARKIN. Madam President, I ask unanimous consent that the Statement of Managers to Accompany S. 3406, the Americans With Disabilities Act Amendments Act of 2008, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MANAGERS TO ACCOMPANY S. 3406, THE AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008

Contents:

I. Purpose and Summary of the Legislation
II. Background and Need for Legislation
III. Legislative History and Committee Action
IV. Explanation of the Bill and Committee Views
V. Application of the Law to the Legislative Branch
VI. Regulatory Impact Statement
VII. Section-by-Section Analysis

I. PURPOSE AND SUMMARY OF THE LEGISLATION

The purpose of S. 3406, the ''ADA Amendments Act of 2008'' is to clarify the intention and enhance the protections of the Americans with Disabilities Act of 1990, landmark civil rights legislation that provided ''a clear and comprehensive national mandate for the elimination of discrimination on the basis of disability.''[1] In particular, the ADA Amendments Act amends the definition of disability by providing clarification and instruction about the terminology used in the definition, by expanding the definition, and by rejecting several opinions of the United States Supreme Court that have had the effect of restricting the meaning and application of the definition of disability.

S. 3406 is the product of an extensive bipartisan effort that included many hours of meetings and negotiation by legislative staff as well as by stakeholders including the disability, business, and education communities. In addition, two hearings were held in the Senate Health, Education, Labor, and Pensions Committee to explore the issues addressed in this legislation. The goal has been to achieve the ADA's legislative objectives in a way that maximizes bipartisan consensus and minimizes unintended consequences.

This legislation amends the Americans with Disabilities Act of 1990 by making the changes identified below.

Aligning the construction of the Americans with Disabilities Act with Title VII of the Civil Rights Act of 1964, The bill amends Title I of the ADA to provide that no covered entity shall discriminate against a qualified individual ''on the basis of disability.''

The bill maintains the ADA's inherently functional definition of disability as a physical or mental impairment that substantially limits one or more life activities; a record of such impairment; or being regarded as having such an impairment. It clarifies and expands the definition's meaning and application in the following ways.

First, the bill deletes two findings in the ADA which led the Supreme Court to unduly restrict the meaning and application of the definition of disability. These findings are that there are ''some 43,000,000 Americans have one or more physical or mental disabilities'' and that ''individuals with disabilities are a discrete and insular minority.'' The Court treated these findings as limitations on how it construed other provisions of the ADA. This conclusion had the effect of interfering with previous judicial precedents holding that, like other civil rights statutes, the ADA must be construed broadly to effectuate its remedial purpose. Deleting these findings removes this barrier to construing and applying the definition of disability more generously.

Second, the bill affirmatively provides that the definition of disability ''shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.''[2] It retains the term ''substantially limits'' from the original ADA definition but makes it clear that this is intended to be a less demanding standard than that enunciated by the U.S. Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams.[3] With this rule of construction and relevant purpose language, the bill rejects the Supreme Court's holding in Toyota v. Williams that the terms ''substantially'' and ''major'' in the definition of disability must be ''be interpreted strictly to create a demanding standard for qualifying as disabled,''[4] as well as the Court's interpretation that ''substantially limits'' means ''prevents or severely restricts.''[5]

Third, the bill prohibits consideration of mitigating measures such as medication, assistive technology, accommodations, or modifications when determining whether an impairment constitutes a disability. This provision and relevant purpose language rejects the Supreme Court's holdings in Sutton v. United Air Lines[6] and its companion cases[7] that mitigating measures must be considered.[8] The bill also provides that impairments that are episodic or in remission are to be assessed in an active state.

Fourth, the bill provides new instruction on what may constitute ''major life activities.'' It provides a non-exhaustive list of major life activities within the meaning of the ADA. In addition, the bill expands the category of major life activities to include the operation of major bodily functions.

Fifth, the bill removes from the third ''regarded as'' prong of the disability definition the requirement that an individual demonstrate that he or she has, or is perceived to have, an impairment that substantially limits a major life activity. Under the bill, therefore, an individual can establish coverage under the law by showing that he or she has been subjected to an action prohibited under the Act because of an actual or perceived physical or mental impairment. Because the bill thus broadens application of this third prong of the disability definition, entities covered by the ADA will not be required to provide accommodations or to modify policies and procedures for individuals who fall solely under the third prong. Such entities will, however, still be subject to discrimination claims.

Finally, the bill clarifies that the agencies that currently issue regulations under the ADA have regulatory authority related to the definitions contained in Section 3. Conforming amendments to Section 7 of the Rehabilitation Act of 1973 are intended to ensure harmony between federal civil rights laws.

II. Background and Need for Legislation

When Congress passed the ADA in 1990, it adopted the functional definition of disability from the Section 504 of the Rehabilitation Act of 1973,[9] in part, because after 17 years of development through case law the requirements of the definition were well understood. Within this framework, with its generous and inclusive definition of disability, courts treated the determination of disability as a threshold issue but focused primarily on whether unlawful discrimination had occurred.

More recent Supreme Court decisions imposing a stricter standard for determining disability had the effect of upsetting this balance. After the Court's decisions in Sutton that impairments must be considered in their mitigated state and in Toyota that there must be a demanding standard for qualifying as disabled, lower courts more often found that an individual's impairment did not constitute a disability. As a result, in too many cases, courts would never reach the question whether discrimination had occurred.

Thus, some 18 years later we are faced with a situation in which physical or mental impairments that would previously have been found to constitute disabilities are not considered disabilities under the Supreme Court's narrower standard. These can include individuals with impairments such as amputation, intellectual disabilities, epilepsy, multiple sclerosis, diabetes, muscular dystrophy, and cancer. The resulting court decisions contribute to a legal environment in which individuals must demonstrate an inappropriately high degree of functional limitation in order to be protected from discrimination under the ADA.

The ADA Amendments Act rejects the high burden required in these cases and reiterates that Congress intends that the scope of the Americans with Disabilities Act be broad and inclusive. It is the intent of the legislation to establish a degree of functional limitation required for an impairment to constitute a disability that is consistent with what Congress originally intended, a degree that is lower than what the courts have construed it to be. In addition, the bill provides for application of this standard to a wider range of cases by expanding the category of major life activities. These steps, resulting from extensive bipartisan negotiation and discussion among legislators and stakeholders, are intended to provide for more generous coverage and application of the ADA's prohibition on discrimination through a framework that is more predictable, consistent, and workable for all entities subject to responsibilities under the ADA.

III. Explanation of the Bill and Manager's Views

Overview

The Americans with Disabilities Act of 1990 (''the ADA'') is a landmark statute that has fundamentally changed the lives of many millions of Americans with disabilities. The managers of this legislation were proud to be leaders in that effort that was accomplished in a deliberative careful manner that allowed for the development of a strong bipartisan coalition in both Houses of Congress and the Administration of President George H. W. Bush and led to Senate passage with a definitive vote of 91–6.

However, as discussed in more detail below, a series of Court decisions have restricted the coverage and diminished the civil rights protections of the ADA, especially in the workplace, by narrowing its definition of disability. As a result, lower court cases have too often turned solely on the question of whether the plaintiff is an individual with a disability rather than the merits of discrimination claims, such as whether adverse decisions were impermissibly made by the employer on the basis of disability, reasonable accommodations were denied inappropriately, or qualification standards were unlawfully discriminatory.

The managers have introduced the ADA Amendments Act of 2008 to restore the proper balance and application of the ADA by clarifying and broadening the definition of disability, and to increase eligibility for the protections of the ADA. It is our expectation that because this bill makes the definition of disability more generous, some people who were not covered before will now be covered. The strong bipartisan support for this legislation once again demonstrates the continuing bipartisan commitment to protecting the civil rights of individuals with disabilities among members of the Senate Committee on Health Education Labor and Pensions and the Senate as a whole.

The ADA Amendments Act renews our commitment to ensuring that all Americans with disabilities, including a new generation of disabled veterans who are just beginning to grapple with the challenge of living to their full potential despite the limitations imposed by their disabilities, are able to participate to the fullest possible extent in all facets of society, including the workplace. We acknowledge and applaud the substantial improvements in medical science and the courageous efforts of individuals with disabilities to overcome the impact of those disabilities, but in no way wish to exclude them thereby from protection under the ADA.

By retaining the essential elements of the definition of disability including the key term ''substantially limits'' we reaffirm that not every individual with a physical or mental impairment is covered by the first prong of the definition of disability in the ADA. An impairment that does not substantially limit a major life activity is not a disability under this prong. That will not change after enactment of the ADA Amendments Act, nor will the necessity of making this determination on an individual basis. What will change is the standard required for making this determination. This bill lowers the standard for determining whether an impairment constitute a disability and reaffirms the intent of Congress that the definition of disability in the ADA is to be interpreted broadly and inclusively.[10]

Findings and Purposes

Given the importance the Court has placed upon findings and purposes particularly in civil rights statutes like the ADA, the ADA Amendments Act contains a detailed Findings and Purposes section that the managers believe gives clear guidance to the courts and that they intend to be applied appropriately and consistently. As described above, the legislation deletes two findings in the ADA that have been interpreted by the Supreme Court to require a narrow definition of disability. We continue to believe that individuals with disabilities ''have been faced with restrictions and limitations, subjected to a history of purposeful unequal

treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society.''[11]

In addition to deleting the findings forming the basis of the Sutton and Toyota decisions, the bill states explicitly its purpose to reject the holdings in those cases (and their progeny), and to ensure broad coverage under the ADA. To be clear, the purposes section conveys our intent to clarify not only that ''substantially limits'' should be measured by a lower standard than that used in Toyota,[12] but also that the definition of disability should not be unduly used as a tool for excluding individuals from the ADA's protections.

The bill expresses the clear intent of Congress that the EEOC will revise its regulations that similarly improperly define the term ''substantially limits'' as ''significantly restricted''; again, this sets too high a standard.

The bill's purposes also reject the Supreme Court's holding that mitigating measures must be considered when determining whether an impairment constitutes a disability. With the exception of ordinary eyeglasses and contact lenses, impairments must be examined in their unmitigated state.

These purposes are specifically incorporated into the statute by the rule of construction providing that the term ''substantially limits'' shall be construed consistently with the findings and purposes of the ADA Amendments Act of 2008. This rule of construction, together with the rule of construction providing that the definition of disability shall be construed in favor of broad coverage of individuals sends a clear signal of our intent that the courts must interpret the definition of disability broadly rather than stringently.

DEFINITION OF DISABILITY

In the ADA of 1990, Congress sought to protect anyone who experiences discrimination because of a current, past, or perceived disability. Under the ADA, there are three prongs of the definition of disability, with respect to an individual:

(1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(2) a record of such an impairment; or

(3) being regarded as having such an impairment.

This definition is of critical importance because as a threshold issue it determines whether an individual is covered by the ADA. The ADA Amendments Act retains the definition of disability but further defines and clarifies three critical terms within the existing definition (''substantially limits,'' ''major life activities,'' ''regarded as having such impairment'') and, under the rules of construction for the definition, adds several standards that must be applied when considering the definition of disability.

Physical or mental impairment

The bill does not provide a definition for the terms ''physical impairment'' or ''mental impairment.'' The managers expect that the current regulatory definition of these terms, as promulgated by agencies such as the U.S. Equal Employment Opportunity Commission (EEOC), the Department of Justice (DOJ) and the Department of Education Office of Civil Rights (DOE OCR) will not change.[13]

Substantially limits

We do not believe that the courts have correctly instituted the level of coverage we intended to establish with the term ''substantially limits'' in the ADA. In particular, we believe that the level of limitation, and the intensity of focus, applied by the Supreme Court in Toyota goes beyond what we believe is the appropriate standard to create coverage under this law.

We have extensively deliberated with regard to whether a new term, other than the term ''substantially limits'' should be used in this Act. For example, in its ADA Amendments Act, H.R.3195, the House of Representatives attempted to accomplish this goal by stating that the key phrase ''substantially limits'' means ''materially restricts'' in order to convey that Congress intended to depart from the strict and demanding standard applied by the Supreme Court in Sutton and Toyota.[14]

We have concluded that adopting a new, undefined term that is subject to widely disparate meanings is not the best way to achieve the goal of ensuring consistent and appropriately broad coverage under this Act. The resulting need for further judicial scrutiny and construction will not help move the focus from the threshold issue of disability to the primary issue of discrimination.

We believe that a better way is to express our disapproval of Sutton and Toyota (along with the current EEOC regulation) is to retain the words ''substantially limits,'' but clarify that it is not meant to be a demanding standard. In addition, we believe eliminating the source of the Supreme Court's decisions narrowing the definition and providing more appropriate findings and purposes for properly construing that definition will accomplish our goal without introducing novel statutory terms.

We believe that the manner in which we understood the intended scope of ''substantially limits'' in 1990 continues to capture our sense of the appropriate level of coverage under this law for purposes of placing on employers and other covered entities the obligation of providing reasonable accommodations and modifications to individuals with impairments. As we described this in our committee report to the original ADA in 1989:

''A person is considered an individual with a disability for purposes of the first prong of the definition when [one or more of] the individual's important life activities are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people. A person who can walk for 10 miles continuously is not substantially limited in walking merely because on the eleventh mile, he or she begins to experience pain because most people would not be able to walk eleven miles without experiencing some discomfort.'' S. Rep. No. 101–116, at 23 (1989).

We particularly believe that this test, which articulated an analysis that considered whether a person's activities are limited in condition, duration and manner, is a useful one. We reiterate that using the correct standard—one that is lower than the strict or demanding standard created by the Supreme Court in Toyota—will make the disability determination an appropriate threshold issue but not an onerous burden for those seeking accommodations or modifications. At the same time, plaintiffs should not be constrained from offering evidence needed to establish that their impairment is substantially limiting.[15]

Thus, we believe that the term ''substantially limits'' as construed consistently with the findings and purposes of this legislation establishes an appropriate functionality test for determining whether an individual has a disability.

Major life activities

The bill provides significant new guidance and clarification on the subject of major life activities. First, a rule of construction clarifies that that an impairment need only substantially limit one major life activity to be considered a disability under the ADA. This responds to and corrects those courts that have required individuals to show that an impairment substantially limits more than one life activity. It is additionally intended to clarify that the ability to perform one or more particular tasks within a broad category of activities does not preclude coverage under the ADA.[16]

For purposes of clarity, the bill provides an illustrative list of ''major life activities'' including activities such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. In addition, for the first time, the category of ''major life activities'' is defined to include the operation of major bodily functions, thus better addressing chronic impairments that can be substantially limiting. Major bodily functions include functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.[17]

Both the list of major life activities and major bodily functions are illustrative and non-exhaustive, and the absence of a particular life activity or bodily function from the list does not create a negative implication as to whether such activity or function constitutes a ''major life activity'' under the statute.

Finally, we also want to illuminate one area which may be easily misunderstood, with respect to individuals with specific learning disabilities. When considering the condition, manner, or duration in which an individual with a specific learning disability performs a major life activity, it is critical to reject the assumption that an individual who has performed well academically cannot be substantially limited in activities such as learning, reading, writing, thinking, or speaking.

Rules of construction on the definition of disability

The bill further clarifies the definition of disability with a series of rules of construction. As discussed elsewhere, the rules of construction specifically require that the definition of disability be interpreted broadly and that the term ''substantially limits'' be interpreted consistent with this legislation. This construction is also intended to reinforce the general rule that civil rights statutes must be broadly construed to achieve their remedial purpose. In addition, the rules of construction provide that impairments that are episodic or in remission be assessed in their active state for purposes of determining coverage under the ADA.

Mitigating measures

The bill also prohibits consideration of the ameliorative effects of mitigating measures when determining whether an individual's impairment substantially limits major life activities, overturning the Supreme Court's decision in Sutton and its companion cases. This provision is intended to eliminate the situation created under current law in which

impairments that are mitigated do not constitute disabilities but are the basis for discrimination. We expect that when such mitigating measures are ignored, some individuals previously found not disabled will now be able to claim the ADA's protection against discrimination.

The legislation provides an illustrative but non-comprehensive list of the types of mitigating measures that are not to be considered. This list also includes low vision devices, which are devices that magnify, enhance, or otherwise augment a visual image, such as magnifiers, closed circuit television, larger-print items, and instruments that provide voice instructions. The absence of any particular mitigating measure from this list should not convey a negative implication as to whether the measure is a mitigating measure under the ADA.

We also believe that an individual with an impairment that substantially limits a major life activity should not be penalized when seeking protection under the ADA simply because he or she managed their own adaptive strategies or received accommodations (including informal or undocumented ones) that have the effect of lessening the deleterious impacts of their disability.

The bill provides one exception to the rule on mitigating measures, specifying that ordinary eyeglasses and contact lenses are to be considered in determining whether a person has a disability. The rationale behind this exception is that the use of ordinary eyeglasses or contact lenses, without more, is not significant enough to warrant protection under the ADA. Nevertheless, if an applicant or employee is faced with a qualification standard that requires uncorrected vision (as the sisters in the Sutton case were), an employer will be required to demonstrate that the qualification standard is job-related and consistent with business necessity.

Regarded as

Under this bill, the third prong of the disability definition will apply to impairments, not only to disabilities. As such, it does not require a functional test to determine whether an impairment substantially limits a major life activity.

This section of the definition of disability was meant to express our understanding that unfounded concerns, mistaken beliefs, fears, myths, or prejudice about disabilities are often just as disabling as actual impairments, and our corresponding desire to prohibit discrimination founded on such perceptions. In 1990 we relied extensively on the reasoning of School Board of Nassau County v. Arline[18] that the negative reactions of others are just as disabling as the actual impact of an impairment. This legislation restates our reliance on the broad views enunciated in that decision and we believe that courts should continue to rely on this standard.

We intend and believe that the fact that an individual was discriminated against because of a perceived or actual impairment is sufficient. Thus, the bill clarifies that contrary to Sutton, an individual who is ''regarded as having such an impairment'' is not subject to a functional test. If an individual establishes that he or she was subjected to an action prohibited by the ADA because of an actual or perceived impairment—whether the person actually has the impairment or whether the impairment constitutes a disability—then the individual will qualify for protection under the Act.

This provision is subject to two important limitations. First, individuals with impairments that are transitory and minor are excluded from eligibility for the protections of the ADA under this prong of the definition, and second, the bill relieves entities covered under the ADA from the obligation and responsibility to provide reasonable accommodations and reasonable modifications to an individual who qualifies for coverage under the ADA solely by being ''regarded as'' disabled.

Transitory and minor

The bill contains an exception that clarifies that coverage for individuals under the ''regarded as'' prong is not available where an individual's impairment is both transitory (six months or less) and minor. Providing this exception responds to concerns raised by employer organizations and is reasonable under the ''regarded as'' prong of the definition because individuals seeking coverage under this prong need not meet the functional limitation requirement contained in the first two prongs of the definition. A similar exception for the first two prongs of the definition is unnecessary as the functional limitation requirement already excludes claims by individuals with ailments that are minor and short term.

Accommodations

The bill establishes that entities covered under the ADA do not need to provide reasonable accommodations under Title I or modify policies, practices, or procedures under Titles II or III when an individual qualifies for coverage under the ADA solely by being ''regarded as'' having a disability under the third prong of the definition of disability.

Under current law, a number of courts have required employers to provide reasonable accommodations for individuals who are covered solely under the ''regarded as'' prong.[19] In each of those cases, the plaintiffs were found not to be covered under the first prong of the definition of disability because of the overly stringent manner in which the courts had been interpreting that prong. Because of our strong belief that accommodating individuals with disabilities is a key goal of the ADA, some members continue to have reservations about this provision. However, we believe it is an acceptable compromise given our strong expectation that such individuals would now be covered under the first prong of the definition, properly applied.

DISCRIMINATION ON THE BASIS OF DISABILITY

The bill amends Section 102 of the ADA to mirror the structure of nondiscrimination protection provision in Title VII of the Civil Rights Act of 1964. It changes the language from prohibiting discrimination against a qualified individual ''with a disability because of the disability of such individual'' to prohibiting discrimination against a qualified individual ''on the basis of disability.'' This ensures that the emphasis in questions of disability discrimination is properly on the critical inquiry of whether a qualified person has been discriminated against on the basis of disability, and not unduly focused on the preliminary question of whether a particular person is a ''person with a disability.''

RULES OF CONSTRUCTION

Benefits under state worker's compensation laws

The bill provides that nothing in the Act alters the standards for determining eligibility for benefits under State worker's compensation laws or other Federal or State disability benefit programs.

Fundamental alteration

The bill reiterates that no changes are being made to the underlying ADA provision that no accommodations or modifications in policies are required when a covered entity can demonstrate that making such modifications would fundamentally alter the nature of the service being provided. This provision was included at the request of the higher education community and specifically includes ''academic requirements in postsecondary education'' among the types of policies, practices, and procedures that may be shown to be fundamentally altered by the requested modification or accommodation to reaffirm current law. It is included solely to provide assurances that the bill does not alter current law with regard to the obligations of academic institutions under the ADA, which we believe is already demonstrated in case law on this topic. Specifically, the reference to academic standards in postsecondary education is unrelated to the purpose of this legislation and should be given no meaning in interpreting the definition of disability.

Claims of no disability

The bill prohibits reverse discrimination claims by disallowing claims based on the lack of disability, (e.g., a claim by someone without a disability that someone with a disability was treated more favorably by, for example, being granted a reasonable accommodation or modification to services or programs). Our intent is to clarify that a person without a disability does not have the right under the Act to bring an action against an entity on the grounds that he or she was discriminated against ''on the basis of disability'' (i.e., on the basis of not having a disability).

REGULATORY AUTHORITY

In Sutton, the Supreme Court stated that ''[n]o agency . . . has been given authority to issue regulations implementing the generally applicable provisions of the ADA which fall outside Titles I–V.''[20] The bill clarifies that the authority to issue regulations is granted to the Equal Employment Opportunity Commission, the Attorney General, and the Secretary of Transportation and specifically includes the authority to issue regulations implementing the definition of disability as amended and clarified by this legislation.

We anticipate that the agencies charged with regulatory authority under the ADA will make any necessary modifications to their regulations to reflect the changes and clarifications embodied in the ADA Amendments Act, including the addition of major bodily functions as major life activities and the broadening of the ''regarded as'' prong. We also expect that the Equal Employment Opportunity Commission (EEOC) will revise the portion of its ADA regulations that defines ''substantially limits'' as ''unable to perform a major life activity. . . . or significantly restricted as to . . . particular major life activity. . . .'' given the clear inconsistency of that portion of the regulation with the intent of this legislation.

CONFORMING AMENDMENT

The bill ensures that the definition of disability in Section 7 of the Rehabilitation Act of 1973, which shares the same definition, is consistent with the ADA. The Rehabilitation Act of 1973 preceded the ADA in providing civil rights protections to individuals with disabilities, and in drafting the definition of disability in the ADA, the authors relied on the statute and implementing regulations of the Rehabilitation Act. Maintaining uniform definitions in the two federal statutes is important so that such entities will generally operate under one consistent standard, and

the civil rights of individuals with disabilities will be protected in all settings. The ADA, under Title II and Title III, and Section 504 of the Rehabilitation Act provide overlapping coverage for many entities, including public schools, institutions of higher education, childcare facilities, and other entities receiving federal funds.

We expect that the Secretary of Education will promulgate new regulations related to the definition of disability to be consistent with those issued by the Attorney General under this Act. We believe that other current regulations issued by the Department of Education Office of Civil Rights under Section 504 of the Rehabilitation Act are currently harmonious with Congressional intent under both the ADA and the Rehabilitation Act.

CONCLUSION

We intend that that the sum of these changes will make the threshold definition of disability in the ADA—under which individuals qualify for protection from discrimination—more generous, and will result in the coverage of some individuals who were previously excluded from those protections.

We note that with the changes made by the ADA Amendments Act, courts will have to address whether an impairment constitutes a disability under the first and second, but not the third, prong of the definition of disability. The functional limitation imposed by an impairment is irrelevant to the third ''regarded as'' prong.

In general, individuals may find it easier to establish disability under this bill's more generous standard than under the Supreme Court's demanding standard. To repeat, we intend this bill to return the legal analysis to the balance that existed before the Supreme Court's Sutton and Toyota decisions. The determination of disability is a necessary threshold issue in many cases, but an appropriately generous standard on that issue will allow courts to focus primarily on whether discrimination has occurred or accommodations improperly refused.[21]

IV. LEGISLATIVE HISTORY AND COMMITTEE ACTION

Prior to introduction of the ADA Amendments Act of 2008 on July 31, 2008 with 55 original cosponsors the following actions occurred in the 110th Congress.

On July 26, 2007, Senator Tom Harkin introduced S. 1881, the ADA Restoration Act of 2007 together with Senator Arlen Specter. Senator Edward Kennedy, the Chairman of the Senate Heath, Education, Labor, and Pensions Committee cosponsored the legislation along with Senator Ted Stevens. The bill was referred to the Senate Health, Education, Labor, and Pensions Committee.

Similarly, on July 26, 2007, Representatives Steny H. Hoyer (D–MD) and F. James Sensenbrenner (R–WI) introduced H.R. 3195, the ADA Restoration Act of 2007, with 144 original cosponsors. The bill was referred to the House Committees on Education and Labor, Judiciary, Transportation and Infrastructure, and Energy and Commerce.

On October 4, 2007, the House Judiciary Committee held a hearing on H.R. 3195. Six witnesses appeared before the committee: Honorable Steny Hoyer (D–MD), House Majority Leader; Cheryl Sensenbrenner, Chair of the Board, American Association of People with Disabilities; Stephen Orr, Pharmacist (Plaintiff in Orr v. Wal-Mart); Michael Collins, Executive Director, National Council on Disability; Lawrence Lorber, Attorney, on behalf of the U.S. Chamber of Commerce; Chai Feldblum, Director, Federal Legislation Clinic and Professor of Law, Georgetown Law Center.

On November 15, 2007, the Senate HELP Committee held a hearing chaired by Senator Tom Harkin, ''Restoring Congressional Intent and Protections under the Americans with Disabilities Act.'' Five witnesses appeared before the committee: John D. Kemp, President, United States International Council on Disabilities; Dick Thornburgh, Former United States Attorney General and Counsel, Kirkpatrick & Lockhart; Stephen Orr, Pharmacist (Plaintiff in Orr v. Wal-Mart), Camille Olson, Labor and Employment Attorney, Seyfarth & Shaw; Chai Feldblum, Director, Federal Legislation Clinic and Professor of Law, Georgetown Law Center.

On January 29, 2008, the House Committee on Education and Labor held a hearing on H.R. 3195. Five witnesses appeared before the committee: Honorable Steny Hoyer (D–MD), House Majority Leader; Andrew Imparato, President and CEO, American Association of People with Disabilities; Carey McClure, Electrician (Plaintiff in McClure v. General Motors); Robert L. Burgdorf, Professor of Law, University of the District of Columbia; David K. Fram, Director, ADA & EEO Services, National Employment Law Institute.

On June 18, 2008, the House Committee on Education and Labor held a markup to consider H.R. 3195. An amendment was offered as a substitute to the original bill, and it was reported out of the Committee by a vote of 43 to 1.

On June 18, 2008, the Committee on the Judiciary held a markup to consider H.R. 3195. An amendment was offered as a substitute to the original bill, and it was reported out of the Committee by a vote of 27 to 0.

On June 25, 2008 the United States House of Representatives held a vote on H.R. 3195 and passed the legislation by a vote of 402–17.

On July 15, 2008, the Senate HELP Committee held a Roundtable: ''H.R. 3195 and Determining the Proper Scope of Coverage for the Americans with Disabilities Act.'' Eight individuals gave testimony before the committee: Samuel R. Bagenstos, Professor of Law, Washington University School of Law; Carey McClure, Electrician (Plaintiff in McClure v. General Motors); JoAnne Simon, Disability Rights Attorney; Sue Gamm, Elementary and Secondary Education Consultant; Terry Hartle, Senior Vice President, American Council on Education; Chai Feldblum, Professor, Federal Legislation Clinic, Georgetown University Law Center, Washington, DC; Michael Eastman, Executive Director of Labor Policy, U.S. Chamber of Commerce; Andrew Grossman, Senior Legal Policy Analyst, Heritage Foundation.

On July 31, 2008 Senators Tom Harkin and Orrin Hatch introduced S. 3406, The ADA Amendments Act of 2008. The bill was placed on the Senate calendar (under general orders/pursuant to Rule XVI?).

V. APPLICATION OF THE LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1, the Congressional Accountability Act (CAA), requires a description of the application of this bill to the legislative branch. S. 3604 does not amend any act that applies to the legislative branch.

VI. REGULATORY IMPACT STATEMENT

The managers have determined that the bill may result in some additional paperwork, time, and costs to the Equal Employment Opportunity Commission, which would be entrusted with implementation and enforcement of the act. It is difficult to estimate the volume of additional paperwork necessity by the bill, but the committee does not believe it will be significant. Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee has determined that the bill will not have a significant regulatory impact.

VII. SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title. This Act may be cited as the ''ADA Amendments Act of 2008.''

Sec. 2. Findings and Purposes. Acknowledges Congressional intent of the Americans with Disabilities Act of 1990 (ADA) to ''provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities'' and to provide broad coverage, and that the U.S. Supreme Court subsequently erroneously narrowed the definition of disability in a series of cases. The purposes of the Act are to reinstate a broad scope of protection to be available under the ADA, to reject several Supreme Court decisions, and to re-establish original Congressional intent related to the definition of disability.

Sec. 3. Codified Findings. Amends one finding in the ADA to acknowledge that many people with physical or mental impairments have been subjected to discrimination, and strikes one finding related to describing the population of individuals with disabilities as ''a discrete and insular minority.''

Sec. 4. Disability Defined and Rules of Construction. Amends the definition of ''disability'' and provides rules of construction for applying the definition. The term ''disability'' is defined to mean, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.; provides an illustrative list of 'major life activities' including major bodily functions; and defines 'regarded as having such an impairment' as protecting individuals who have been subject to an action prohibited under the ADA because of an actual or perceived impairment, whether or not the impairment is perceived to limit a major life activity. Requires the definition of disability to be construed broadly and consistent with the findings and purposes. Provides rules of construction regarding the definition of disability, requiring that impairments need only limit one major life activity; clarifying an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and prohibiting the consideration of the ameliorative effects of mitigating measures such as medication, learned behavioral modifications, or auxiliary aids or services, in determining whether an impairment is substantially limiting, while excluding ordinary eyeglasses and contact lenses.

Sec. 5. Discrimination on the Basis of Disability. Prohibits discrimination under Title I of the ADA ''on the basis of disability'' rather than ''against a qualified individual with a disability because of the disability of such individual.'' Clarifies that covered entities that use qualification standards based on uncorrected vision must show that such a requirement is job-related and consistent with business necessity.

Sec. 6. Rules of Construction. Provides that nothing in this Act alters the standards for determining eligibility for benefits under State worker's compensation laws or other disability benefit programs. Prohibits reverse discrimination claims by disallowing claims based on the lack of disability. Provides that nothing in this Act alters the provision in Title III that a modification of policies or practices is not required if it fundamentally alters the nature of the service

being provided. Establishes that entities covered under all three titles of the ADA are not required to provide reasonable accommodations or modifications to an individual who meets the definition of disability only as a person ''regarded as having such an impairment.'' Authorizes the EEOC, Attorney General, and the Secretary of Transportation to promulgate regulations implementing the definition of disability and rules of construction related to the definition.

Sec. 7. Conforming Amendments. Amends Section 7 of the Rehabilitation Act of 1973 to cross-reference the definition of disability under the ADA.

Sec. 8. Effective date. Amendments made by the Act take effect January 1, 2009.

September 11, 2008.

TOM HARKIN,
U.S. Senator.
ORRIN HATCH,
U.S. Senator.

ENDNOTES

1. 42 U.S.C. §12101.

2. This rule of construction is consistent with earlier judicial precedents and parallels the rule of construction in the Religious Land Use and Institutionalized Persons Act, which Congress unanimously passed in 2002.

3. *Toyota Motor Manufacturing, Kentucky, Inc.* v. *Williams,* 534 U.S. 184 (2002).

4. Id. at 197.

5. Id. at 198. See also, 29 CFR 1630.2.

6. *Sutton* v. *United Airlines,* 527 U.S. 471 (1999).

7. *Murphy* v. *United Parcel Service, Inc.*, 527 U.S. 516 (1999), *Albertson's, Inc.* v. *Kirkingburg,* 527 U.S. 555 (1999).

8. Ordinary eyeglasses and contact lenses are excluded from this prohibition.

9. 29 U.S.C. §794. Sections 501 and 503 of the Rehabilitation Act also use the same definition of disability and prohibit disability discrimination by federal employees and federal contractors, respectively. 29 U.S.C. §§791, 793. Note that the definition of disability is found in Section 705(20)(B).

10. This bill does not change any current statutory requirement that an individual must be qualified to perform the essential functions of the job.

11. 42 U.S.C. 12101.

12. The bill's purposes include rejecting the holding in *Toyota* that in order for an impairment to be substantially limiting, the impairment must ''prevent or severely restrict the individual from doing activities that are of central importance to most people's lives.''

13. 28 CFR §36.104; 29 CFR §1630.2(h) (1)–(2); 34 CFR §104.3(j)(2)(i).

14. We have chosen not to adopt the House's term ''materially restricts'' or the House Committees' use of a range or spectrum of severity to define ''materially restricts'' because we are concerned both by the lack of clarity in the terms ''material'' ''moderate'' and ''severe'' and because we believe that such terms encourage the courts to engage in an inappropriate level of scrutiny as to the severity of an impairment when determining whether an individual has a disability.

15. Under the first prong, of course, a plaintiff must still provide evidence that that his or her impairment is substantially limiting.

16. See *Holt* v. *Grand Lake Mental Health Center, Inc.,* 443 F. 3d 762 (10th Cir. 2006) holding an individual with cerebral palsy who could not independently perform certain specified manual tasks was not substantially limited in her ability to perform a ''broad range'' of manual tasks.

17. We expect that this illustrative list of major life activities (including major bodily functions), in combination with the rejection of both the ''demanding standard'' in Toyota and the consideration of mitigating measure in the Sutton trilogy will make it easier for individuals to show that they are eligible for the ADA's protections under the first prong of the definition of disability. While it is impossible to predict the type of cases that will be brought following passage of this bill, we would expect that the bill will make it easier for individuals in cases like the following to qualify for the protections of the ADA—*Littleton* v. *Wal-Mart Stores, Inc,* 231 Fed. Appx. 874 (11th Cir. 2007) (individual with intellectual disability); *Furnish* v. *SVI Syst., Inc.,* 270 F. 3d 445, 450 (7th Cir. 2001) (person with cirrhosis of the liver caused by Hepatitis B); and *Pimental* v. *Dartmouth-Hitchcock Clinic,* 236 F. Supp. 2d 177 (D.N.H. 2002) (individual with advanced breast cancer).

18. 480 U.S. 273(1987).

19. The following courts have held that the ADA requires that reasonable accommodations be provided to individuals who are able to establish coverage under the ADA under the ''regarded as'' prong of the definition of disability: *Kelly* v. *Metallics West, Inc.,* 410 F.3d 670 (10th Cir. 2005) (plaintiff needed oxygen device to breathe); *D'Angelo* v. *ConAgra Foods, Inc.,* 422 F.3d 1220 (11th Cir. 2005) (plaintiff had vertigo resulting in spinning and vomiting); *Williams* v. *Philadelphia Housing Auth. Police Dept.,* 380 F.3d 751 (3d Cir. 2004) (plaintiff had major depressive disorder); *Lorinz* v. *Turner Const. Co.,* 2004 WL 1196699, * 8 n.7 (E.D.N.Y. May 25, 2004) (plaintiff had depressive disorder and anxiety); *Miller* v. *Heritage Prod., Inc.,* 2004 WL 1087370, * 10 (S.D. Ind. Apr. 21, 2004) (plaintiff had back injury and could not lift more than 20 pounds, bend or twist); *Jacques* v. *DiMarzio, Inc.,* 200 F. Supp.2d 151 (E.D.N.Y. 2002) (plaintiff had bipolar disorder); *Jewell* v. *Reid's Confectionary Co.,* 172 F. Supp.2d 212 (D. Me. 2001) (plaintiff had heart attack); *Katz* v. *City Metal Co., Inc.,* 87 F.3d 26, 33 (1st Cir. 1996) (plaintiff had heart attack). Some courts have held that reasonable accommodations need not be provided to an employee who is merely regarded or perceived as disabled. See *Kaplan* v. *City of N. Las Vegas,* 323 F.3d 1226, 1231–33 (9th Cir. 2003); *Weber* v. *Strippit, Inc.,* 186 F.3d 907, 916–17 (8th Cir. 1999); *Workman* v. *Frito-Lay, Inc.,* 165 F.3d 460, 467 (6th Cir. 1999); *Newberry* v. *E. Texas State Univ.,* 161 F.3d 276, 280 (5th Cir. 1998). Cf. Brady v. Wal-Mart Stores Inc. et al, No. 06–5486–cv (2nd Cir. July 2, 2008) (accommodations available under either first or third prong).

20. 527 U.S. at 479 (1999).

21. For example, an individual with diabetes might demonstrate coverage by showing either that he was substantially limited in endocrine functioning or that his diabetes substantially limited a major life activity, such as eating or sleeping.

Mr. HARKIN. Madam President, I am extremely proud to be the chief sponsor of the ADA Amendments Act of 2008, along with the distinguished senior Senator from Utah, Senator ORRIN HATCH. This bipartisan legislation will allow us to advance and fulfill the original promise of the Americans With Disabilities Act, which was signed into law 18 years ago.

I am especially grateful to Senator HATCH for his leadership and for his friendship through all these years in helping to craft and move this bill here in the Senate. Senator HATCH was one of the key players in helping get through the original ADA back in 1989 and 1990 when we passed it. And in this effort we have here today, he has become a true partner. I deeply appreciate his willingness to take on this critical role. I think it is safe to say that without the help and intense interest of Senator HATCH on this issue, and especially on the whole ADA process, the bill would not be here today. Again, I am so grateful to Senator HATCH for his friendship and his support through all of this long process.

And it has been a long process. We are not here today because we just met the other day to put this together. It has been a couple of years or more in the making, and at least over a year of very intense negotiations with the business community, the disability community, and others to get to where we are today.

This bill is similar to legislation that was introduced in the other body by the majority leader, STENY HOYER, and Congressman JIM SENSENBRENNER of Wisconsin. That bill passed by a 402-to-17 margin in June, and of course the bill we have here today is going to pass unanimously.

I am also grateful that from the outset these bills have been conceived and crafted in a spirit of genuine bipartisanship, with Members of both parties coming together to do the right thing for Americans with disabilities. Today, we have nearly 80 Senators cosponsoring this bill. Of course, passage of the original ADA was also a bipartisan effort.

As the chief sponsor of that bill in the Senate, I worked very closely with a great number of people on both sides of the aisle, both here and in the administration—Senator Bob Dole, of course, and others on both sides of the aisle. We received invaluable support from then-President George Herbert Walker Bush and key members of his administration, including White House counsel Boyden Gray, who worked so hard to get the original bill through; and Attorney General Richard Thornburgh, who helped us craft the bill and made sure we did it in the right way. Dick Thornburgh was so instrumental in that initial passage, and ever since then, for the last 18 years, I have kept in contact with Attorney General Thornburgh periodically, talking about the ADA, what it was doing, how it was being implemented, and of course because of the recent court decisions, discussing with him how we could get to this point today and have a bill that would overturn those court decisions. Former Transportation Secretary Sam Skinner was very involved in this also.

But I would be remiss if I didn't state forthrightly the one person through all these years who was the key mover of the Americans With Disabilities Act of 1990, without whose leadership we could not have gotten it done, and who

enabled this Senator to be the chairman of the Disability Policy Subcommittee and to get this bill moved through both subcommittee and committee. He was there from the very beginning to the end and has never let up in all his years on his interest in and support of legislation that would fully incorporate people with disabilities in all aspects of American life. Of course I speak of Senator Ted Kennedy, the chairman of the HELP Committee, who can't be here with us today. He is at home in Massachusetts recuperating and getting better so he can be here with us next year when we take up health care reform. But if Senator KENNEDY is watching, I wish to say: Ted, this one is for you. We finally got here. We finally got the bill up.

I thank Senator KENNEDY for all of his help in the last 2 to 3 years in pulling everything together, and I am going to have more to say about that at the end when I thank all those wonderful staff members who helped. But Senator KENNEDY has been there from the beginning, in the 1980s, when we were doing this, and all through the 1990s, to now, and I am sorry he can't be here with us today. I know he is here with us in spirit, and that spirit has been strong to get us to this point today.

I also thank Senator ENZI. Prior to a couple of years ago, he was chairman of the HELP Committee and was also very interested in helping to move this legislation along. Since he has been ranking member, he has also been involved, and his staff involved, in making sure we could get this bill here today.

The fact is that Americans from all walks of life take enormous pride in what we have done in the last 18 years since the passage of ADA. No one wants to go backwards. The ADA was one of the landmark civil rights statutes of the 20th century, a long overdue emancipation proclamation for Americans with disabilities. Thanks to that law, we have removed most physical barriers to movement and access for Americans with disabilities. We required employers to provide reasonable accommodations so people with disabilities could have equal opportunity in the workplace. We have greatly advanced the four goals of the ADA: equality of opportunity, full participation, independent living, and economic self-sufficiency.

I think the triumph of the ADA revolution is all around us. I remember a couple of years ago attending a Washington convention of several hundred disability rights advocates, many with significant disabilities. They arrived in Washington on trains and airplanes and buses built to accommodate people with mobility impairments. They came to the hotel on Metro and on regular buses, all seamlessly accessible by wheelchair. They navigated the city streets equipped with curb cuts and ramps. The hotel where the convention took place was equipped in countless ways to accommodate all manner of people with all kinds of disabilities. There were sign language interpreters on the dais so the people with hearing disabilities could be full participants. And the list goes on and on. In other words, a kind of seamless approach to making sure that anyone could participate regardless of their disability.

For many Americans, these many changes are kind of invisible. We kind of take them for granted. We take curb cuts for granted and ramps, and widened doorways for granted. The fact is, every building—think about this—every building being built in America today is fully accessible, with a universal design. A universal design. Now, these changes may be invisible to most people, but for people with disabilities, they are transforming and liberating. The provisions in the ADA outlawed discrimination against qualified individuals with disabilities in the workplace, requiring employers to provide reasonable accommodations. Again, these are liberating and transforming for people with disabilities.

But despite all this progress over the last 18 years, we have a problem. We have a big problem. And the problem arises because of a series of Supreme Court decisions that have greatly narrowed the scope of who is protected by the ADA. As a consequence, people with conditions that common sense would tell us are disabilities are being told by the courts that they are not in fact disabled and, therefore, not eligible for the protections of the law. For example, in a ruling last year, the 11th Circuit Court concluded that a person with an intellectual disability was not ''disabled'' under the ADA.

When I try to explain to people what the Supreme Court has done, they are shocked. Impairments that the Court says are not to be considered disabilities under the law—at least in some cases—include amputation, intellectual disabilities, epilepsy, multiple sclerosis, diabetes, muscular dystrophy, cancer, and others.

In three decisions on the same day in June of 1999—what we now know as the Sutton trilogy—the Supreme Court held that corrective and mitigating measures must be considered in determining whether an individual has a disability under the ADA. This is in complete contradiction to congressional intent as we expressed in our committee reports.

When we pass laws around here, we don't put every single little thing in the law; we would have huge bills. What we do is we have committee reports and findings to instruct the courts as to what our intent is. We expect the courts to follow them.

In the Senate committee report, here is what we said:

> Whether a person has a disability should be assessed without regard to the availability of mitigating measures, such as reasonable accommodations or auxiliary aids.

You cannot get much clearer than that. The House report said basically the same thing. It said:

> For example, a person who is hard of hearing is substantially limited in the major life activity of hearing, even though the loss may be corrected through the use of a hearing aid. Likewise, persons with impairments, such as epilepsy or diabetes, which substantially limit a major life activity are covered under . . . the definition of disability, even if the effects of the impairment are controlled by medication.

That was in our report 18 years ago. The Supreme Court ignored that. They ignored it.

In the Sutton case, Sutton v. United Airlines, the Supreme Court held that for persons taking corrective measures to mitigate a physical or mental impairment, the effect of those measures must be taken into account when judging whether a person is ''disabled''—and therefore covered under the law.

That could include anything from visual aids to prostheses.

In Murphy v. the United Parcel Service, the Court applied the same analysis to medication used to treat hypertension, and concluded an employee who was fired because he had high blood pressure and hypertension was not covered because he took medication to alleviate the symptoms. But, again, in our report, as we said before, that should not be taken into account.

In the case of Albertsons v. Kirkingburg—we call it the Kirkingburg case—the Supreme Court went further and declared mitigating measures to be considered in the determination of whether someone is disabled included not only artificial aids such as devices and medications but also subconscious measures that an individual may use to compensate for his or her impairment. What were they talking about? Kirkingburg was an individual who was blind in one eye. Through experience and coping with it, he had been able to compensate for the fact he was blind in one eye. The Court said subconsciously he was able to compensate for that, therefore he must not be disabled. People hear this and they say how could the Supreme Court have decided that?

Last, in another case, the Toyota case, the Court held there must be a ''demanding standing for qualifying as disabled.'' Again, restricted; a demanding standard. We have never said that in the ADA bill. We didn't say that at all.

What has happened is that countless individuals have been excluded from ADA, even though the general rule of all civil rights laws is they should be broadly construed to achieve their remedial purposes, and the ADA is a civil rights statute.

Again, what does all this mean? What this means is the Supreme Court decisions have led to a supreme absurdity, a Catch-22 situation that so many people with disabilities find themselves in today. For example, the more successful a person is at coping with a disability, the more likely it is the Court will find that they are no longer disabled and therefore no longer covered under the ADA. If they are not covered under ADA, then any request that they might make for a reasonable accommodation can be denied. If they do not get the reasonable accommodation, they cannot do their job; and they can get fired and they will not be covered by the ADA and they will not have any recourse.

Let's look at it this way. If you are disabled and you take medication or use an assistive device, then you will be able to do your job, right? If you take the medication, use the assistive device, now you can do your job, but you will not be covered by the ADA. Therefore, if you ask for a reasonable accommodation, the employer will say: No, you can't do your job, you are fired and, guess what, you go to court and the court will say: You are not disabled, you use an assistive device, you take medication. On the other hand, if you do not take the medication or you do not use an assistive device, you will not be qualified to do the job.

So what is a person with a disability supposed to do? If I use medication or use an assistive device, it enables me to become economically self-sufficient, become independent, become fully integrated in society. If I take medication or use my assistive device I can do that, I can get a job. But then I am no longer covered by ADA, and I can be fired or terminated. I will not get a reasonable accommodation.

You can see what this has done to so many millions of people with disabilities. What am I to do? I want to get a job. But I want the coverage of ADA. But I have to give that up if I use medication or use an assistive device—an absolute absurdity. This is not what I intended. It is not what anyone intended when we passed the ADA 18 years ago.

It boggles the mind that any court would say that multiple sclerosis, muscular dystrophy or epilepsy is not a disability covered by the ADA, but that is where we are today. Think about the troops coming home from Iraq, losing limbs, getting prostheses. The Court might find they are not disabled. If they might need some reasonable accommodations to get a decent job, the Court would find they are not covered by the Americans with Disabilities Act.

As a result, we have to have this bill, and that is what this bill is all about. This bill is about restoring the Americans with Disabilities Act back to where we intended it to be 18 years ago and to give clear directions to the courts about how they should decide these cases. This bill will overturn the so-called Sutton trilogy and Toyota v. Williams and will give clear direction to the courts on exactly what we mean. It will restore the proper balance, it will clarify and broaden the definition of disability, it will increase eligibility for the protections of the ADA.

People who are denied coverage under ADA will now be covered, and we will get rid of that Catch-22 situation that confronts so many people right now with disabilities.

I tell you, this is extremely important in the employment context. According to most recent data, more than 60 percent of individuals with disabilities are not employed. That is shameful, in our society, that we have an unemployment rate among people with disabilities of 60 percent. These are people who want to work, who are capable of work. They want to go out and become fully functioning members of society and contribute to society. All they need is the opportunity.

I can tell you employers find people with disabilities are sometimes the most exemplary of workers. All they need is the opportunity, a reasonable accommodation, and they can do their job. This bill before us today renews our promise to all Americans with disabilities. We basically say we keep the basic language of the original bill, but we also make sure the bill overturns the basis for the reasoning in the Supreme Court decisions—as I said, the Sutton trilogy and Toyota case that has been so problematic.

We clearly state mitigating measures—such as the medication or assistive devices I talked about earlier—are not to be considered in determining whether someone is entitled to the protections of the ADA. No longer is it report language. We put this in bill language so the Supreme Court can't skirt around it again.

The bill will make it easier for people with disabilities to be covered. It expands the definition of disability to include many more life activities, including a new category of major body functions. The latter point is important for people with immune disorders or cancer or kidney disease or liver disease because they no longer need to show what specific activity they are limited in, in order to meet the statutory definition of disability. The bill rejects the current EEOC regulation which says that ''substantially limits'' means ''significantly restricted'' as too high a standard. We indicate Congress's expectation that the regulation be rewritten in a less stringent way and we provide the authority in this bill to do so.

The bill also revives the ''regarded as'' prong of the definition of disability. It makes it easier for those who suffer from discrimination because of a perceived disability to be able to seek relief if they have been fired or subjected to another adverse action. We also say the definition of disability is to be interpreted broadly, to the maximum extent permitted by the ADA.

Again, this bill will give clear direction, of course, as to exactly what we intend: A broad definition, more people covered, and getting rid of that problem of having that Catch-22 situation.

Eighteen years ago, the Americans with Disabilities Act passed with overwhelming bipartisan support, and I am proud to say we have that same level of support today in passing this unanimously. I am grateful for the bipartisan spirit with which we have considered this bill. We have an opportunity to come together to make an important difference for millions of Americans with disabilities.

I might say the bill enjoys strong support in the country. I have a letter I will submit for the RECORD from over 250 business, faith, disability, labor, and military organizations that support this bill and urge its passage.

Madam President, I ask unanimous consent that letter be printed in the RECORD at the conclusion of the statements of both mine and Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. The bill is supported by all the national disability organizations as well the U.S. Chamber of Commerce, the National Association of Manufacturers, the Society for Human Resource Management, and the Human Resources Policy Association.

The genesis of the legislation is a result of direct conversations between the disability and business communities that should serve as a model for other legislative efforts.

I wish to say, there were a lot of negotiations that went on between disability groups, the Chamber of Commerce, the Human Resource Policy Association, National Association of Manufacturers, other business groups. They were long. They were involved. They were tough negotiations. There was a lot of give and take. I think that is the way we have to do things.

To those who say we cannot get anything done around here, I point to this bill. We can get things done around here as long as people of good will are willing to work together. It may take a little time. Sometimes good things take a little time. It takes a lot of negotiations, reaching across the aisle, reaching across to one another, and we can reach these kind of agreements. We can move this country forward, and we can make American society more fair and just and accommodating for all.

I have two last things. I wish to take a moment to recognize our veterans

with disabilities. This bill we have before us renews our commitment to ensure that all Americans with disabilities, including a new generation of disabled veterans who are just beginning to grapple with the challenges of living to their full potential, despite any limitations imposed by the disabilities, are able to participate to the fullest possible extent in all facets of society, including the workplace. They deserve equality, access, and opportunity.

I would like to submit for the RECORD a letter from 23 veterans groups supporting this legislation. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VETERANS FOR ADA RESTORATION,
Silver Spring, MD, September 9, 2008.

Re Support for new ADA Amendments Act of 2008. S. 3604

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND HATCH: When a disabled veteran recovers enough to return to the workforce, it's a slap in the face to run into employment discrimination. That is why we salute you for your leadership in sponsoring S. 3406 to restore the protections of the Americans with Disabilities Act (ADA) that have been eroded by the courts.

As leaders of organizations that represent men and women who have served honorably in our nation's military, we are proud to support the Senate version of the ADA Amendments Act of 2008 (S. 3406).

This revised ADA bill has broad bipartisan support and the support of an unusual coalition of business, disabilities, civil rights and veterans/military groups who are working together to reverse narrow court interpretations of the ADA that had deprived people with many kinds of disabilities from ADA protection.

It confirms that veterans and other people with disabilities should not lose their civil rights because their conditions can be managed with mitigating measures such as medication, prosthetics and therapy, and assistive technology.

The honorable men and women who have become disabled in the service of our country deserve our support in every way. Often the best healing agent for both mind and body is to return to the workforce with a decent job at a living wage. This bill will help make sure they are protected from unlawful discrimination.

Disabled veterans have already sacrificed so much. The very least we owe our disabled veterans is to make sure they have a remedy when they face discrimination in the workplace because of their disability. It is the patriotic duty of all Americans to protect these patriots against this indignity.

Again, thank you for your leadership in sponsoring the ADA Amendments Act, S. 3406.

Sincerely,

Paul J. Tobin, President and CEO, United Spinal Association; John Rowan, National President, Vietnam Veterans of America; Joseph Violante, National Legislative Director, Disabled American Veterans; Randy L. Pleva, Sr., President, Paralyzed Veterans of America; Lawrence Schulman, National Commander, Jewish War Veterans of the USA; John ''JP'' Brown III, National Commander, AMVETS.

Hershel W. Gober, Legislative Director, Military Order of the Purple Heart; Julie Mock, President, Veterans of Modern Warfare, Inc.; Michael M. Dunn, President & CEO, Air Force Association; VADM Norbert R. Ryan, Jr., USN (Ret.), President, Military Officers Association of America; Thomas Zampieri, Ph.D., Director of Government Relations, Blinded Veterans Association; Joseph A. Wynn, II, Legislative Director, National Association for Black Veterans.

Beth Moten, Legislative and Political Director, American Federation of Government Employees; Rick Jones, Legislative Director, National Association for Uniformed Services; Todd Bowers, Director of Government Affairs, Iraq and Afghanistan Veterans of America; Lupe G. Saldana, National Commander Emeritus, American GI Forum of the U.S; MSG Michael P. Cline, USA (Ret), Executive Director, Enlisted Association of the National Guard of the United States; Patricia M. Murphy, Executive Director, Air Force Women Officers Associated.

Richard M. Dean, CMSgt (Ret), Chief Executive Officer, Air Force Sergeants Association; Daniel I. Puzon, Legislative Director, Naval Reserve Association; Richard C. Schneider, Executive Director of Government Affairs, Non-Commissioned Officers Association; Dennis M. Cullinan, Director, National Legislative Service, Veterans of Foreign Wars; Lani Burnett, CMSgt. USAF (Ret.), Executive Director, Reserve Enlisted Association.

Mr. HARKIN. I last would like to thank those who helped us get to this day, including those who are no longer with us. My friend, Justin Dart, who was so instrumental in helping us get the ADA passed. We are fortunate that his wife Yoshiko continues to carry on his legacy, day after day, week after week, year after year. Ed Roberts, the father of the Independent Living movement, whose work and vision live on.

And all the disability advocates and people with disabilities who have been so dedicated to the goals of the ADA, without whose hard work and dedicated efforts today would not have been possible—people such as Jim Ward and his family, who dedicated almost 2 years of their lives traveling on a bus around the country to every State, showing people about the importance of restoring the protections of ADA. Bob Kafka of ADAPT, who was so instrumental in passage of the ADA, and who has dedicated his life to fulfilling the goals of the ADA.

I wish to say a special thank-you to Jennifer Mathis of the Bazelon Center for her practical and practiced advice; Sandy Finucane of the Epilepsy Foundation; of course to Andy Imparato of the American Association of People With Disabilities for always being there in that leadership position—for his level-headed leadership, for bringing different groups together, and sometimes that is like herding cats to get all of us together. Andy did a great job in making sure we were always there and making sure we had our conferences and negotiations and keeping us all headed in the same direction. So to Andy Imparato I give my highest thanks and my deepest thanks for all of his helpfulness.

Thanks to Nanzy Zirkin of the Leadership Conference on Civil Rights; and to Professor Chai Feldblum of the Georgetown Law Center for creative and innovative thinking, for always being willing to testify before our committee.

Thanks to Randy Johnson and Mike Eastman of the U.S. Chamber of Commerce; to Mike Peterson of the H.R. Policy Association; to Jeri Gillespie of the National Association of Manufacturers; and to Mike Aitken of the Society of Human Resource Management.

Thanks to our key staff members: Tom Jipping and Chris Campbell of Senator HATCH's staff—great to work with—and Lee Perselay, Beth Stein, and Pam Smith of my own staff. Again, they have worked tirelessly on this day after day.

I wish to thank the House committee staff, Sharon Lewis and Heather Sawyer, and Leader HOYER's staff, Keith Abouchar and Michelle Stockwell, as well as a wish for them to make quick work of passing this bill when it gets over to the House.

Of course, I also thank the staff of the HELP Committee, the chairman's staff, Michael Myers, Connie Garner, and Charlotte Burrows, and Brian Hayes with Ranking Member ENZI.

I thank my colleagues on both sides of the aisle who have supported this bill in overwhelming numbers and made it possible to pass the bill and hopefully get it signed into law and advance the original intent of the original Americans with Disabilities Act.

You know, there may not be a lot of people here on the floor of the Senate today, but I can tell you, though, throughout the country there are millions of Americans with disabilities who know what we are doing here. They have been told. They know what we have done over the last couple or 3 years to overturn those Supreme Court decisions. They are waiting anxiously for this bill to be passed, for the House to pass it, and for President Bush to sign it into law so that once again they can go out with full knowledge that they are covered by this civil rights bill, that they can go out and seek employment, that they can travel, that they can seek the accommodations that will make them fully functioning members of our society and knowing that they are covered by the law. So there are millions of Americans with disabilities and their families all over this country today who I know are expressing thanks to all the people who

have been involved in getting this done. Again, so many are not here with us today. They know what we are doing, and they are anxiously waiting for this to pass and to get it to the President, and hopefully we will get that done—hopefully by next week.

The last thing was—I thanked a lot of people, but I would be remiss if I did not thank the one person who more than any other set my feet on this course many years ago, who taught me a lot about being disabled, and who taught me a lot about discrimination against people with disabilities. And, of course, I speak of my brother, Frank.

He was here when we passed the original ADA, but he has since passed on. But it was my brother who first said to me many years ago when he was sent to the Iowa School for the Deaf—they called it the Iowa School for the Deaf and Dumb—he said, ''I may be deaf, but I am not dumb.'' It was also my brother who one time said to me that the only thing deaf people cannot do is hear. He wanted to do a lot of things in his life, but because of prejudices, because of discrimination, he was held back and discriminated against. I saw it time after time after time. He was able to persevere and carve out a life of independence and dignity for himself, but I often thought, why did he have to do that? I mean, why did it require an extraordinary effort on his part just to be a contributing member of our society, just to enjoy a lot of things we take for granted?

So I thought so much about that. I thought, you know, if I ever got in a position to do anything about it, I was going to do something. Well, as fortune would have it, I was elected to the House and then later elected to the Senate and found myself as chairman of the Disability Policy Subcommittee under the tutelage of Senator KENNEDY. We were able to get the first ADA act passed.

I have to tell you a story here, just talking about discrimination. I was sworn into the Senate in January of 1985. I had my brother, Frank; he along with my whole family was here sitting up there in the gallery right back here. I had provided for an interpreter to interpret for my brother as he was watching the proceedings here on the floor of the Senate. Well, then a policeman came out. Actually, one of my brothers said: The policemen are up there and asked the interpreter to leave because she could not be there. I went up to the gallery. I am about to get sworn into the Senate.

I went up to find out what was going on.

The officer said: We cannot let people up in the gallery stand up and do this interpreting.

I said: Why not?

He said: It is against the rules.

What rules?

Well, it is against the rules.

Well, I was furious. So I came down on the floor, and in 1985, you might remember the Senate majority leader was Senator Bob Dole. So I went right to Dole and I said: Senator Dole, here is my problem. I got my brother up there, and they won't let an interpreter interpret.

He said: Really? Well, I will take care of that.

And he took care of it. He took care of it. So we got an interpreter. Of course, now we have closed captioning and all kinds of things now for Senate activities. But, again, it is just that attitude people have. This was in 1985. That would not happen today. Of course, we have access for people who have mobility disabilities to come in, and we have made the Capitol accessible for people with all kinds of disabilities.

But I relate that story as a way of again thanking my brother, Frank, for setting my feet on this path so many years ago. For me, it has been a labor of love, not without its frustrations, not without saying—one day at the Supreme Court, with Bob Dole by my side, listening to the Supreme Court hand down one of these decisions, I said: What could they possibly be thinking? We went out and talked to the press after, Senator Dole and I did. So it has had its frustrations.

We are not to the promised land yet with 60 percent unemployment among people with disabilities. We have a long way to go. But this, the Americans with Disabilities Act, is the civil rights statute that says to people: You cannot discriminate. Just as we passed the civil rights bills that said: You cannot discriminate on the basis of race or sex or national origin or religion, now you cannot discriminate on the basis of disability either, plus you have to take some other steps; we have to have reasonable accommodations. So this is the civil rights statute that emancipates and frees people with disabilities so they can be fully contributing members of our society.

I close my remarks by thanking the President for her indulgence, the indulgence of other Senators for permitting me to speak for so long. As I said, this, for me, for all of my adult life, is a cause to which I have committed myself, much of my staff, much of our time and effort. I am grateful to the leadership of the Senate, both on the Republican and Democratic side, and again to my great friend and partner Senator HATCH for making it possible for us to bring up this bill today and get it passed unanimously. Unanimously. That is even better than what we did with the ADA. We only had six votes against it in 1990. This is unanimous. I think it sends a clear signal that whether you are Republican or Democratic, it does not make any difference—it does not make any difference, we are going to stand behind people with disabilities. We are going to make sure the ADA takes its rightful place once again as the umbrella civil rights statute for all Americans with disabilities.

I thank all of my colleagues. I look forward to the passage of this bill in the House. I look forward to the President hopefully signing it as early as next week.

AUGUST 21, 2008

EXHIBIT 1

Re: The ADA Amendments Act of 2008

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: The undersigned groups, representing a broad range of interests, write in support of the ADA Amendments Act of 2008 (S. 3406). This bill introduced on July 31, 2008, had 64 cosponsors as of August 1, with 55 of those joining as original cosponsors.

S. 3406, the ADA Amendments Act, would revise the ADA, in a manner designed to work for both people with disabilities and for entities governed under the law. The bill is a result of sustained efforts between Senators from both sides of the aisle and intensive and thoughtful talks between representatives of the disability community and entities governed by the law. For that reason, we believe that S. 3406 strikes a delicate balance between the needs of individuals with disabilities and the realities experienced by entities including employers and public accommodations, which are covered under the law.

We urge your support in making enactment of S. 3406, the ADA Amendments Act, a reality as soon as Congress returns to work in September. We stand ready to work with you towards that end.

Sincerely,

ABC Business Services, Illinois; Abilities in Motion, Pennsylvania; ADA Watch/National Coalition for Disability Rights; ADA Help, Inc., Florida; Air Force Association; Air Force Sergeants Association; Air Force Women Officers; Associated Alliance of Disability Advocates Center for Independent Living, North Carolina; Alpha-1 Association; Alpha-1 Foundation; ALS Association; Alzheimer's Association; American Association for Affirmative Action; American Association for Respiratory Care; American Academy of Nursing; American Association of Diabetes Educators; American Association of People with Disabilities (AAPD); American Association of University Women; American Autoimmune Related Diseases Association; American Bakers Association; American Cancer Society Cancer Action Network; American Civil Liberties Union (ACLU); American Composites Manufacturers Association; American Council of the Blind; American Diabetes Association; American Federation of Government Employees—Veterans Council.

American Federation of Labor—Congress of Industrial Unions (AFL–CIO); I American Federation of State, County & Municipal Employees (AFSCME); American Federation of Teachers (AFT); American Foundation for the Blind; American Foundry Society; American GI Forum; American Islamic Congress; American Jewish Committee; American Kidney Fund; American

Liver Foundation; American Lung Association; American Medical Rehabilitation Providers Association; American Mental Health Counselors Association; American Physical Therapy Association; American Psychological Association; American Society of Employers; AMVETS; ANCOR; Anixter Center, Illinois; Anti-Defamation League; APEERS (Alternative Peer Edu/Enrichment Recovery Society), West Virginia; APSE: The Network on Employment; Arab Anti-Discrimination Committee; The Arc of Tucson, Arizona; The Arc of the United States.

The Arc of Utah; Arthritis Foundation; ARISE, New York; Asian American Justice Center; Associated Builders and Contractors, Inc.; Association of Jewish Family & Children's Agencies; Association of Programs for Rural Independent Living (APRIL); Association of University Centers on Disabilities (AUCD); Asthma and Allergy Foundation of America; Autism Society of America; The Autistic Self-Advocacy Network; AZ Bridge to Independent Living; Bazelon Center for Mental Health Law; BH Electronics, Inc.; Bimba Manufacturing; B'nai B'rith International; Brain Injury Association of America; Breast Cancer Network of Strength; Business and Institutional Furniture; Manufacturers Association; Capital Associated Industries, Inc.; Care4Dystonia, Inc.; Central Conference of American Rabbis; Center for Women Policy Studies; Children and Adults with AttentionDeficit/Hyperactivity Disorder; Christopher and Dana Reeve Foundation.

The Christian Church (Disciples of Christ) in the United States and Canada; CIGNA Corporation; Coastal Health District, Georgia; Coleman Global Telecommunications, LLC; Community Action Partnership; Community Health Charities of America; Community Resources for Independent Living, California; Control Technology, Inc.; COPD Foundation; Council of Parent Attorneys and Advocates; Council of State Administrators of Vocational Rehabilitation (CSAVR); Crohn's and Colitis Foundation of America; Disabled American Veterans; Disability Policy Consortium, Inc.; Disability Rights Wisconsin (WI P&A); DTE Energy Company; Easter Seals; Eastman Chemical; Ellwood Group Inc.; Enlisted Association of the National Guard of the United States; Epilepsy Foundation; Evangelical Lutheran Church in America; Freedom Resource Center for Independent Living, Minnesota; Freedom Resource Center for Independent Living, North Dakota; Friends Committee on National Legislation; Friends of the National Institute of Dental, and Craniofacial Research.

Georgia Voice That Count; Granite State Independent Living; Guide Dog Foundation for the Blind, Inc.; Hearing Loss Association of America; Hearing Loss Association of America, Manhattan Chapter; Hearing Loss Association of America, Mid Hudson Chapter; Hearing Loss Association of America, North Shore Chapter of Long Island; Hearing Loss Association of America, Queens at Lexington; Hearing Loss Association of America, Western New York Chapter; Heat Transfer Equipment Company; Higher Education Consortium for Special Education; Hindu American Foundation; HR Policy Association; Human Rights Campaign; Huntington's Disease Society of America; Hydrocephalus Association; Idaho State Independent Living Council; Illinois Manufacturers' Association; International Association of Official Human Rights Agencies; International Franchise Association; International Paper Company; Iraq & Afghanistan Veterans of America; Islamic Society of North America; Japanese American Citizens League; Jewish Council for Public Affairs.

Jewish Reconstructionist Federation; J.T. Fennell Co.; Koller-Craft Plastic Products; Lakeside Equipment Corporation; The LAM Foundation; Lambda Legal; Lawyers' Committee for Civil Rights Under Law; Leadership Conference on Civil Rights (LCCR); Learning Disabilities Association of America (LDA); The Leukemia & Lymphoma Society; Life, Inc., Georgia; Liz Thurber Slipcovers; Lupus Foundation of America; The Management Association of Illinois; Manufacturer & Business Association (Erie, PA); March of Dimes; Mental Health America; Michigan Alliance of State Employees with Disabilities (Michigan ASED); Michigan Chapter of Paralyzed Veterans; Michigan Rehabilitation Association; Military Officers Association of America; Molded Fiber Glass Companies; Monadnock Paper Mills, Inc.; Motorola; Mullinix Packages, Inc.

Muslim Public Affairs Council; Myasthenia Gravis Foundation of America; NAACP Legal Defense & Educational Fund, Inc.; National Advocacy Center of the Sisters of the Good Shepard; National Alliance on Mental Illness (NAMI); National Alopecia Areata Foundation; National Association for the Advancement of Colored People (NAACP). National Association for Black Veterans; National Association for Employment of People who are Blind (NAEPB); National Association for Uniformed Services; National Association of Councils on Developmental Disabilities; National Association of County Behavioral Health and Developmental Disability Directors; National Association of Governors' Committees on People with Disabilities (NAGC); National Association of Human Rights Workers; National Association of Manufacturers; National Association of the Physically Handicapped (Manistee County Chapter); National Association of Social Workers; National Association of State Directors of Special Education; National Association of State Head Injury Administrators; National Association of the Deaf; National Center for Learning Disabilities (NCLD); National Congress of Black Women, Inc.; National Council for Community Behavioral Healthcare; National Council of Churches in the USA.

National Council of Jewish Women; National Council of La Raza (NCLR); National Council on Independent Living (NCIL); National Disability Rights Network (NDRN); National Down Syndrome Congress; National Down Syndrome Society; National Education Association (NEA); National Employment Lawyers Association; National Fair Housing Alliance; National Family Caregivers Association; National Federation of Filipino American Associations (NaFFAA); The National Foundation for Ectodermal Dysplasias; National Health Council; National Health Law Program; National Industries for the Blind (NIB); National Kidney Foundation; National Legal Aid and Defender Association; National Marfan Foundation; National Multiple Sclerosis Society; National MS Society, Hawaii Chapter; National Organization for Women; National Organization on Fetal Alcohol Syndrome (NOFAS); National Psoriasis Foundation; National Women's Law Center; Naval Reserve Association; NCEP Brain Injury Rehabilitation Program, Nevada.

NETWORK: A National Catholic Social Justice Lobby; Nevadans for Equal Access, Inc.; New Jersey Protection and Advocacy; NISH; Non-Commissioned Officers Association; Northeast Pennsylvania Manufacturers and Employers Association; Northwestern Mutual; Ohio Disability Action Coalition; Oregon Family Support Network; Organization of Chinese Americans; Osteogenesis Imperfecta Foundation; Our Children Left Behind; The Paget Foundation; Paralyzed Veterans of America; Parent Project Muscular Dystrophy; People Escaping Poverty Project, Minnesota; People First of Nevada; Portland General Electric; PPG Industries; Precision Metalforming Association; Presbyterian Church (USA), Washington Office; Prevent Blindness America; Reserve Enlisted Association; RESOLVE: The National Infertility Association.

RTC Paratransit Evaluation Services, Nevada; Roaring Spring Blank Book Co.; Ryder System, Inc.; SEIU—Service Employees International Union; Self-Advocacy Association of New York State, Inc.; Services for Independent Living, Missouri; Sikh American Legal Defense and Education Fund (SALDEF); Sjogren's Syndrome Foundation; Society for Human Resource Management; Southeast Kansas Independent Living Resource Center, Inc. (SKIL); Southern Champion Tray LP; Spina Bifida Association; State of Nevada TBI Advisory Council; Stuller, Inc.; The Taylor-Winfield Corporation; Teacher Education Division of the Council for Exceptional Children; Texas Association of the Deaf; Textile Rental Services Association of America; Ultra Tech Machinery Inc.; United Cerebral Palsy; United Cerebral Palsy of Central Ohio; United Church of Christ, Justice and Witness Ministries; United Food and Commercial Workers International Union; United Methodist Church, General Board of Church and Society.

Union for Reform Judaism; Unitarian Universalist Association of Congregations; United Jewish Communities; United Spinal Association; Uniweld Products Inc.; U.S. Chamber of Commerce; U.S. Conference of Catholic Bishops; U.S. Psychiatric Association; U.S. Psychiatric Rehabilitation Association; US TOO International; Vanamatic Company; Veterans of Foreign Wars of the United States; Veterans of Modern Warfare; Vietnam Veterans of America; West Suburban Access News Association; Wisconsin Manufacturers & Commerce; Women of Reform Judaism; The Workmen's Circle/

Arbeter Ring; World Institute on Disability.

Mr. HATCH. Madam President, this is an important day in our ongoing effort to expand opportunities for individuals with disabilities to participate in the American dream.

Passage of the ADA Amendments Act establishes that the Americans with Disabilities Act will continue to help change lives. Nearly two decades ago, Senator HARKIN and I stood on this same Senate floor as partners in this cause. Of course, my good friend from Iowa, TOM HARKIN, has been a great leader in this area, and others as well.

In 1990, we worked together to produce a compromise that passed the Congress overwhelmingly. We stand here again today to do the same thing.

Why did we need to do this? The Americans with Disabilities Act defines a disability as an impairment that substantially limits a major life activity. It prohibits discrimination on the basis of a present, past, or perceived disability.

As the ADA was put into practice and used in actual cases, the courts had to construe and apply its meaning. In Sutton v. United Airlines, the Supreme Court said that impairments must be examined in their mitigated state to determine whether they constitute a disability.

In Toyota v. Williams, the Court said the definition of ''disability'' must be interpreted strictly to create a demanding standard for qualifying as disabled.

These decisions had the effect of narrowing the ADA's coverage and the protection it affords. Some explain these decisions by saying that the Court ignored what Congress intended in the Americans with Disabilities Act. Others explained them by saying the Court had to reconcile everything Congress said in the ADA.

Either way, when it comes to legislation, when Congress does not like something, Congress can change it, and that is what we are doing today.

The authority over Federal disability policy remains right here with the Congress, and it is our responsibility to establish, change, expand, redirect, or amend it whenever and however we see fit. That is what we are doing today with this bill.

The bill we pass today is the third and final round of a long process that started more than a year ago.

First came the introduction of the ADA Restoration Act, then passage of the House ADA Amendments Act—wonderful work done by our colleagues in the House—and now passage of the Senate ADA Amendments Act.

Stakeholders, including disability, business, and education groups contributed to this process. House and Senate committees held hearings, and staff participated in what no doubt seemed at times as endless rounds of negotiation.

The result is a true compromise that establishes more generous coverage and protection under the ADA in a way that maximizes consensus and minimizes unintended consequences.

First, the bill removes what the Supreme Court said led it to narrowly construe the ADA in the first place. Congress stated in the ADA that there are 43 million Americans with disabilities. The Supreme Court treated this as a cap and answered the questions regarding mitigating measures and the standard for applying the disability definition to fit under that cap.

Removing that finding removes the cap and allows the Court to construe and apply the definition more generously.

Secondly, the bill lowers the threshold for determining when an impairment constitutes a disability without using new undefined terms.

Removing the finding that served to raise that threshold and using more appropriate findings and purpose language to explain its meaning made departing from the ADA's existing definitional language unnecessary.

Third, the bill directs that the definition of disability be construed in favor of broad coverage. This reflects what courts have held about civil rights statutes in general and what courts held about the ADA in particular before the Toyota decision; namely, that they should be broadly construed to effect their remedial purpose.

I was not comfortable with the open-ended rule of broad construction in the House bill. The rule in our bill parallels a similar provision in the Religious Land Use and Institutionalized Persons Act, a bill I introduced and the Senate unanimously passed in 2002.

Fourth, the bill does what the ADA did not by prohibiting consideration of mitigating measures. The committee reports on the ADA say mitigating measures should be ignored, but the ADA itself does not.

Courts consult committee reports to clarify ambiguous statutory language but cannot use those reports as a substitute for nonexistent statutory language. So we make it clear that with the exception of eyeglasses and contacts impairments are to be considered in their unmitigated state when determining whether they are disabilities.

Fifth, the bill makes the current prohibition of discrimination on the basis of being regarded as having a disability apply to the broader category of impairments. I have to say this is a significant step because individuals will no longer have to prove they have a disability or that their impairment limits them in any way.

The bill balances this by limiting the remedies available under this provision. This is a good example of how we work to balance the impact of the bill and to accommodate the interests of the parties affected by it.

Finally, we tried to minimize the impact this bill would have in the educational arena. While the issues that made this legislation necessary arose in the employment context, any change we make could impact educators. So we affirmed in this bill what the courts have already ruled, that institutions of higher education are not required to fundamentally alter educational standards when providing reasonable accommodations to students with disabilities.

This bill is supported by hundreds of groups on both the disability and business side and by dozens of veterans organizations.

We introduced this bill on July 31 with 55 original cosponsors, and as of today that number tops 70, more than the original ADA. More than two-thirds of the Democratic and Republican caucuses have cosponsored this legislation, and I believe everyone else is for it as well.

This is a great achievement that continues the tradition of the Rehabilitation Act of 1973 and the ADA in 1990 in removing barriers and increasing opportunities for our fellow citizens with disabilities.

The work was long and hard. Many pieces had to be put in the right place for this puzzle to become clear. But the picture that resulted is beautiful indeed.

Our commitment, our obligation, our promise did not end with the ADA, and it will not end with today's passage of the ADA Amendments Act.

I want to particularly thank my friend and colleague, Senator HARKIN, for his continuing leadership, as well as Chairman KENNEDY. He cannot be here today mainly because he is mending up there in Massachusetts. I just chatted with him again yesterday. But he deserves a lot of credit on this bill. Of course, also deserving great credit is the ranking member of the Health, Education, Labor, and Pensions Committee, Senator ENZI, for his support of this bill and for the facilitation of this development, and others as well. All the cosponsors deserve a great deal of credit on this bill.

I want to particularly thank staff members who labored long and hard, including Tom Jipping on my staff, Chris Campbell on my staff, and Michael Madsen on my staff, and Lee Perselay, Pam Smith, and Beth Stein on Senator HARKIN's staff. This bill would not have come along as well as it has without these wonderful staff people who worked so long and prodigiously to help make this work.

There were times when people thought that divergent interests and diverse viewpoints simply could not be reconciled, especially in this area. They thought the same thing back in 1990. Since we came together then to produce the ADA, I knew we would ultimately come together now to produce the ADA Amendments Act, and we did.

I know this will make a real difference in the lives of real people, and for that I am humbled and grateful.

When we argued the original Americans With Disabilities Act on this floor, I mentioned how I carried my brother-in-law, Raymon Hansen, in my arms through the Los Angeles temple of the Church of Jesus Christ of Latter-Day Saints. He weighed very little. He had to go home to an iron lung every night. This young man, who was an athlete in both high school and college, and a great athlete at that, got both types of polio, yet he finished his undergraduate degree in education and went on and got a master's degree in engineering. He worked at Edgerton, Germeshausen & Greer, one of the great engineering firms, and he worked every day, right up until the day he died.

I have to admit I have been in the presence of so many people who have disabilities, major disabilities, who suffer long and hard, but who have more courage, more ability, and more verve than a lot of us who are not suffering from disabilities.

I know Senator HARKIN mentioned his brother and others, and I am sure he will do that again today. I have a great deal of affection for Senator HARKIN, and I had it before this bill back in 1990, but I have certainly had it even more greatly since. He is a good man, and he has a great desire to do what is right in this area, and so do I.

There are millions and millions of people with disabilities who can be very good, functioning members of our society and who will benefit from this bill, and I personally express my gratitude to all of the cosponsors, but especially to Senator HARKIN, Senator KENNEDY, and Senator ENZI. These are great people who are trying to do great things here, and for a very bad election year, this is one of the greatest things we will have done in this whole year. For that, I am truly grateful.

I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. KENNEDY. Madam President, I strongly support the Americans with Disabilities Act Amendments Act of 2008, and I commend Senator HARKIN and Senator HATCH for their leadership on this important measure to restore the vitality of the Americans with Disabilities Act. As chairman of the Senate Committee on Health, Education, Labor and Pensions, which has jurisdiction over this legislation, I know too well how urgently this legislation is needed to protect the civil rights of persons with disabilities.

America's strength and success as a nation have been fueled by its founding promise of equal justice for all. Yet for much of the Nation's history, persons with disabilities were treated as people who needed charity, not opportunity. Out of ignorance, the Nation accepted discrimination for decades, and yielded to fear and prejudice.

In the 35 years since passage of the Rehabilitation Act of 1973, which outlawed discrimination against persons with disabilities in programs and activities receiving Federal funds, our Nation has made great progress toward making the promise of equal justice a reality for such persons. The Fair Housing Amendments Act of 1988 continued this progress by extending housing protections to persons with disabilities, but it was the Americans with Disabilities Act of 1990 which opened wide the doors of opportunity by providing long-overdue protections against job discrimination and greater access to public accommodations. The 1990 act was a giant step toward guaranteeing that persons with disabilities would be full participants in the American dream.

Unfortunately, however, in many job discrimination cases, the courts have interpreted the act so narrowly that many of us who were original sponsors of the act barely recognize it today. Courts have ruled that many of the very persons the act was designed to protect are not covered by its provisions. These decisions have improperly shifted the emphasis in ADA cases away from the central question of whether discrimination occurred.

The bill we are considering today reaffirms Congress's intent that the courts should interpret the ADA broadly to fulfill its important purpose. In deciding whether to grant relief under the act, courts should respect the act's goal of expanding opportunities for persons with disabilities.

In particular, courts have narrowed the first prong of the ADA's definition of disability, which defines a disability as a physical or mental impairment that ''substantially limits'' one or more life activities. As explained in the statement of managers, the bill seeks to remedy this problem by clearly rejecting the reasoning of cases like Toyota Motor Manufacturing, Kentucky, Inc. v. Williams in 2002, in which the Supreme Court held that this prong of the definition must be ''be interpreted strictly to create a demanding standard for qualifying as disabled,'' and that ''substantially limits'' means ''prevents or severely restricts.''

The bill also rejects the Supreme Court's earlier holding in Sutton v. United Air Lines, which also imposed too heavy a burden on plaintiffs seeking relief under the act.

Although the House of Representatives' consideration of the pending legislation was of significant assistance to the Senate on this issue, in one important respect the Senate diverged from the reasoning expressed in the reports of the committees of jurisdiction in the House. The House version of the bill defined ''substantially limits'' as ''materially restricts,'' and the House Committee reports explained this term with reference to a spectrum or range of severity. The term ''materially restricts'' in the House bill and these portions of the House reports set an inappropriately high standard for the determination of whether an individual is substantially limited in a major life activity and pose the risk of confusing the threshold determination of who is covered by the act. Fortunately, our Senate bill avoids this problem and provides the broader coverage needed to correct the excessively restrictive and unintended interpretation in the litigation.

In addition, the bill's findings and purposes section states that ''the question of whether an individual's impairment is a disability under the ADA should not demand extensive analysis.'' This statement makes clear that courts normally should not require an extensive examination of an individual's disability in cases under the ADA. In such cases the main focus should be on whether discrimination has occurred, not on the threshold issue of whether an individual's impairment qualifies as a disability. As the Senate Statement of Managers explains, courts should not interpret this statement to constrain plaintiffs from offering evidence needed to establish that their impairment is substantially limiting. Of course, this statement in the bill does not impose any limitation on what evidence the party with the burden of proof on the issue of disability may offer. Indeed, such a position would be inconsistent with clearly established evidentiary and procedural rules, and constitutional requirements as well. The party with the burden of proving disability is free to introduce all the evidence of disability that he or she believes is appropriate, consistent with evidentiary and procedural rules. As the Equal Employment Opportunity Commission has stated in a related context, the plaintiff's evidentiary burden is minimal.

Our goal in this bill is to greatly enhance the protections against discrimination for persons with disabilities, and I hope these clarifications will avoid further confusion in future litigation. I am proud to join with Senators HARKIN and HATCH and the other sponsors in support of the act, and I strongly urge the Senate to approve it.●

Mr. BARRASSO. Madam President, this act has opened the door to hundreds of thousands of individuals to actively participate and contribute to our great Nation. It has raised the conscience of our Nation regarding disabilities and the impact they have on their lives. The fair treatment of the citizens of the United States is paramount. Every citizen, regardless of the obstacles in their lives, should have the opportunity to work, live and fully participate in our society.

There are many individuals with disabilities who are exceptional physicians and professionals. It is clear that situations will arise in which an individual desiring to become a licensed physician has a legitimate disability and a reasonable accommodation can be made during standardized testing.

Licensing boards have the responsibility to accurately measure an applicant's skills and abilities to practice in a professional field. The purpose of standardized examinations is to create a set environment in which to carefully determine and ensure that applicants have the knowledge, skill, and ability to perform in the real world. Certain performance measurements can only be evaluated under set parameters. It is vital that standardized testing organizations not be required to fundamentally alter key performance measurements when providing reasonable accommodations to students with disabilities.

As a doctor, I understand the need to ensure that future physicians have the ability to safely and skillfully provide medical care. Patients should not have to worry about whether their treating physician is qualified.

Public health and safety is based on the ability of these physicians to work under pressure, respond quickly, and do so in a manner that protects the well-being of the patient. The real world requires a physician to concentrate and think clearly, often within a very small timeframe.

Licensed physicians throughout the country are required to take a standardized test to meet the requirements expected of the profession. Determining whether an accommodation is reasonable should be left to the licensing board. When a testing organization or a licensing board has made a decision in good faith about an appropriate accommodation, the decision should be given great deference. This is particularly true in light of the important role these examinations play in the licensing process and the safety of the general public.

It is important that the integrity of standardized tests for the licensing of professionals in the field of medicine is maintained. The legislation does not require accommodations which would alter key performance measurements. There is no record that this legislation would require standardized testing organizations, such as the State Boards of Medicine, to fundamentally alter their examinations with accommodations that will undermine the essential purpose of their exam.

Mr. DURBIN. Madam President, in passing the ADA Amendments Act of 2008 on this day—September 11—the Senate has managed to recapture, at least for a time, the sense of unity and purpose that sustained our nation on this day 7 years ago. This is not a Democratic or Republican victory. This is a major victory for all Americans.

The Americans with Disabilities Act is one of the major civil rights laws in our nation's history, but recent court decisions have narrowed its scope and mistakenly excluded many people who should be protected.

The Supreme Court has created a cruel catch-22: If you can manage your disability you might not be protected by the ADA. People end up with terrible choices. Should I take the medication I need to stay healthy and be denied the protections of the ADA? Or do I stop taking my medication so that I can be protected from discrimination? That is not what Congress intended when it passed the ADA.

By passing the ADA Amendments Act, the Senate is undoing the damage caused by the Supreme Court and reaffirming the principle that America will not tolerate discrimination based on real or perceived disability, fears and stereotypes.

America has made real progress since President George H.W. Bush signed the ADA in 1990. Many of the physical changes the ADA has brought about—like curb cuts—benefit all Americans, not just those with disabilities. Because of the ADA and other disability rights laws millions of Americans with disabilities have gained access to public accommodations, quality educations, and equal housing opportunities.

But too many people remained locked out of the workplace. Employment rates for men and women with disabilities have actually declined steadily since the ADA became law. Today, more than 60 percent of working-age Americans with disabilities are unemployed, and Americans with disabilities who do work are almost three times more likely to live in poverty than workers without disabilities. That is wrong, and it must end.

The march of progress in America can be marked by the expansion of freedom. Slaves who were denied full citizenship under our Constitution were given their rights with amendments after our Civil War and civil rights legislation almost a century later. Women denied the right to vote in America for generations finally won that right a century ago.

It is time indeed, it is past time—to expand our concept of freedom and acknowledge the rights of another group of Americans who have suffered discrimination through history: people with disabilities. It is my hope and expectation that the House and Senate can work together to resolve minor differences between our two bills and send the President a bill that he can sign that will protect all Americans with disabilities.

Mr. DODD. Madam President, I rise to support wholeheartedly the ADA Amendments Act of 2008. Nearly 20 years ago Congress passed the groundbreaking Americans with Disabilities Act. Because of its enactment and implementation, our country has made progress in eliminating the historical stigma previously associated with disability and guaranteeing basic civil rights and liberties to people with disabilities. I was a proud supporter of the ADA then, and I am a strong supporter of the ADA Amendments Act of 2008 now. In the years since the ADA became law, the courts have inappropriately limited its scope, and many Americans with disabilities have been denied the rights the law was intended to give them. This legislation will serve to ensure that those rights are protected and that people with disabilities are fully protected. It is my hope that this legislation will also help America become more accepting of diversity.

I would like to take a moment to applaud Senator HARKIN for his leadership on the ADA. Without his leadership neither the ADA, nor this legislation, would have been possible. I also would like to praise my good friends Senator KENNEDY and Senator HATCH, whose commitment to the issue made the passage of this legislation possible.

For decades, we have fought for the civil rights of people with disabilities, combating the antiquated mindsets of segregation, discrimination, and ignorance. Our Nation has come from a time when the exclusion of people with disabilities was the norm. We have come from a time when doctors told parents that their children with disabilities were better left isolated in institutions. We have come from a time when individuals with disabilities were not considered contributing members of society. Those times have thankfully changed. The passage of the ADA in 1990 provided the first step toward that change our country so desperately needed.

Although we have come along way in the past 18 years, the Americans with Disabilities Act has not afforded the full protections that this antidiscrimination statute originally intended to provide. The law has been repeatedly misinterpreted by the courts that have used an extremely narrow definition of disability. This definition is so narrow that many defendants with clear disabilities cannot even get their case heard in a courtroom because they do not qualify as having a disability. People with disabilities excluded from protections under the ADA include those with amputations, muscular dystrophy, epilepsy, diabetes, multiple sclerosis, cancer, and intellectual disabilities.

Ultimately, a series of Supreme Court rulings established precedents that leave many of our fellow citizens with disabilities little or no protections under current law. These decisions created a platform for future

courts to say that a person does not have a disability when they benefit from mitigating measures such as medications, therapies, or other corrective devices. Ironically, this means that people with disabilities who use measures such as assistive technology to help them lead more self-sufficient lives are ultimately not protected from discrimination related to their disability. The Supreme Court decisions further narrowed the definition of disability by imposing a strict and demanding standard to the definition of disability—barring Americans coping with intellectual disabilities from the law's protections.

Equal protection under the law in the United States of America is not a privilege, but rather, it is a fundamental right due every citizen of our Nation, regardless of race, gender, national origin, religion, sex, age, or disability. It is unacceptable to deny any individual his or her right to those protections because of a misconstrued definition of disability. Our country has an obligation to its citizens to ensure that their fundamental rights are protected, and, if those rights are violated, that the option of recourse is available.

This antidiscrimination legislation would move us forward as one Nation in the direction that was intended 18 years ago. If this bill is signed into law, it will provide much needed clarification on the definition of disability, covering those individuals that rightly need protections under this law. The bill rejects the findings of the Supreme Court cases and specifies that mitigating measures are not to be considered in disability determining and clarifies that the definition should be more broadly interpreted.

Fortunately, we are a changing society, and we have come a long way since those times of segregation and stigma. Recognizing that our society needs to take yet another step to improve the civil rights of our fellow citizens, I urge my colleagues to join with us and pass the ADA Amendments Act of 2008.

I sincerely hope my colleagues will join me in bettering our country by passing the ADA Amendments Act. As we are a just society, I will continue to fight for the rights of my fellow Americans with disabilities so that we all have an equal chance to achieve the American dream. I urge my fellow colleagues to support this essential piece of legislation on behalf of the American people.

Mr. ENZI. Madam President, I rise today to voice my support for S. 3406, The Americans with Disabilities Amendments Act of 2008. Like the original ADA, this legislation is the result of extensive bipartisan effort; and I would take this opportunity to commend Senators Hatch and Harkin for their leadership on this issue. I would also note that this legislation was supported by a wide range of stakeholder groups in the employer and disability communities. These groups participated extensively in the development and negotiation of this legislation and it can safely be said that without their participation this bill would not be a reality today.

S. 3406 was principally crafted as a response to a number of Court cases that many observers felt had interpreted the ADA too narrowly, and, therefore, denied coverage to individuals that the statute was originally intended to cover. The legislation clarifies the legislative intent. It retains the inherently functional definition of disability from the original ADA; and continues to require that in order for a physical or mental impairment to rise to the level of a covered disability it must substantially limit one or more of an individual's major life activities.

Ensuring that individuals with disabilities are free from discrimination, and fostering their full inclusion in the workplace and in all other aspects of life are singularly important goals and responsibilities. It is also equally important to continually monitor our laws, and, as we do today, amend them, to make certain these goals and responsibilities are met.

Whenever changes are made in existing law, however, we must be mindful of the likelihood of increased litigation in the aftermath of such changes. The drafters of S. 3406 have attempted to be as clear as possible in an effort to avoid the type of confusion that could spawn such excessive litigation. That said, we are not unmindful of the concerns expressed by some smaller businesses in this regard. Those businesses should recognize that this legislation was intended to ensure restored coverage for individuals that all of us recognize are entitled to the law's protection; and that the legislation was not intended to promote litigation or prop up questionable or frivolous claims of coverage. Just as Congress has monitored the original ADA and acts today to correct problems with its interpretation, it will continue to monitor the amended ADA and take action in the event it is abused.

I would also note that there have been some concerns expressed by both institutions of higher education and boards of professional certification that this bill would somehow change the fundamental nature of the service which a covered entity provides or lower the standards for professional certification. As to the latter, it should be expressly noted that nothing in the legislation affects the standards for professional certifications; and, as to the former, the legislation itself does not require that accommodations be extended where to do so would alter the fundamental nature of the services being provided. These would seem to be fair safeguards against the legitimate concerns expressed by some stakeholders.

The legislation that we pass today will hopefully help to aid in the full integration of those with disabilities into all aspects of society. It is an important piece in the strategy for achieving this end, but we must remember it is only a piece and cannot be the only strategy. Despite the existence of the ADA the workforce participation levels for individuals with disabilities have remained unacceptably low. We therefore need to think of approaches beyond the traditional enforcement of rights statutes in an effort to achieve the goal of the full participation of all our citizens in the benefits of our society and economy.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX POLICY

Mr. GRASSLEY. Madam President, today I wish to continue my discussions about one of the big choices facing voters this fall. That choice is which of our colleagues, Senator MCCAIN or Senator OBAMA, should we follow in terms of future tax policy. I speak as ranking member and former chairman of the Committee on Finance that has jurisdiction over tax policy.

In recent weeks—when I say in recent weeks, I mean in July because we weren't in session in August—I have talked about the history of party control and the likelihood of broad-based tax increases. I will use the tax increase thermometer—and that thermometer is up here—to point out history. I have discussed the specific precedent of the 1992 campaign with its promise of middle-class tax cuts and the 1998 world record tax increase that hit taxpayers above $20,000. I have referred to a case of tax hike amnesia, and I put up my famous Rip Van Winkle chart. I have discussed the impact of the McCain and the Obama plans, and in July I also talked about how the McCain and Obama plans would affect seniors and middle-income families. Today, I wish to focus on small business and the effect on small business of the tax policies of the respective Presidential candidates.

There has been a lot of controversy over the years about the effect of marginal tax rate increases on small business. It first arose back in 1993. At that time, President Clinton and the congressional majority Democrats pushed through legislation that retroactively raised the top marginal income tax rates. The rate was 31 percent. Under the 1993 bill, two new higher rates went

into effect: the 36-percent rate and the 39.6-percent rate, and that is where it was until the 2001 tax bill.

One of the criticisms of those higher marginal tax rates passed back in 1993 was that these rates would harm small business. Did they harm small business? Well, I am here to say they did, but I have to back up what I am saying.

In the year 2001, Chairman BAUCUS—now the Democratic chairman of the committee I used to chair—Chairman BAUCUS and I crafted a bipartisan package of marginal rate reductions. The first part of 2001, I was chairman of that committee, and Chairman BAUCUS was the ranking member. So in 2001, we had this bipartisan package of marginal tax rate reductions. Part of that package brought the top rate from that 39.6 setup in 1993 down to 35 where it is now.

Another part of the package lowered the 36-percent rate to 33 percent. Although the nonpartisan Joint Committee on Taxation, in its distribution analysis, concluded that the legislation improved the progressivity of the Tax Code, the top marginal rate reductions were controversial.

Many of the liberal Members of this body and in the punditry decried the marginal rate reductions as a tax cut for the wealthy. Many of the press echoed those criticisms. They focused on the top rate reductions and defined the bipartisan, broad-based tax relief as ''the Bush tax cuts for the rich.'' These critics and Members who shared their view failed to examine the data on the whole bill, and if they had, they would have come to a different conclusion.

The fact that the Democratic Presidential candidate this year is embracing most of the policy from the bipartisan deal should give these liberal critics some pause. Senator OBAMA's campaign tax plan confirms what I said many times over the last 7 years. It confirms that the bill Chairman BAUCUS and I crafted in 2001 was a bipartisan plan that would stand the test of time.

Since the top rates of 35 percent and 33 percent were the source of considerable opposition back then in 2001, there was a lot of debate about their merits. Aside from the general economic benefits of the increased incentives for work and investment, Chairman BAUCUS and I focused on the benefits to small business. On Monday, August 20, 2001, Chairman BAUCUS and I released a statement on the Treasury Department's analysis of that 2001 tax bill, and I will quote from part of that press release that Senator BAUCUS and I put out:

Owners of sole proprietorships, partnerships, S corporations, and farms will receive 80 percent of the tax relief associated with reducing the top income tax rate of 36 percent to 33 percent and 39.6 percent down to 35 percent. Senators Baucus and Grassley said most of the job growth over the last decade has come from small business. Experts agree that lower taxes increase a business's cash flow which helps with liquidity constraints during an economic slowdown and could increase the demand for investment and labor.

That is the end of the quote of Senator BAUCUS's and my press release commentary on the 2001 tax bill impact on small business.

Madam President, I ask unanimous consent at this point to have printed in the RECORD a copy of that August 20, 2001, Baucus-Grassley press release.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, Aug. 20, 2001.

BAUCUS, GRASSLEY, NEW ANALYSIS SHOWS TAX CUTS HELP SMALL BUSINESSES

WASHINGTON.—Sen. Max Baucus, chairman of the Senate Finance Committee, and Sen. Chuck Grassley, ranking member, today said a new U.S. Treasury Department analysis shows that farms, small businesses and entrepreneurs will receive most of the tax relief from cutting the top marginal tax rates.

''I'm pleased this analysis shows the tax cut we passed will provide relief for farmers and ranchers and our agriculture community, as well as small businesses and entrepreneurs throughout our country,'' Baucus said. ''My State is an agriculture and small business State, and it's heartening to know that this tax cut will put money back in the economy and help create more jobs.''

Grassley said, ''One of the goals of our bipartisan tax cut was reducing the tax burden for small businesses. ''That's important because small businesses create most of the jobs in this country. The new analysis shows that we succeeded in our desire to re-kindle the fire fueling the small business engine.''

At the Senators' request, the Treasury Department's Office of Tax Analysis calculated that when the new tax relief law is fully phased in, entrepreneurs and small businesses—owners of sole proprietorships, partnerships, S corporations, and farms—will receive 80 percent of the tax relief associated with reducing the top income tax rates of 36 percent to 33 percent and 39.6 percent to 35 percent. Such business owners make up 62 percent (about 500,000) of the 800,000 tax returns that will benefit from the new 33 percent and 35 percent rates, according to the analysis.

Baucus and Grassley said most of the job growth over the past decade has come from small businesses, noting that 80 percent of the 11.1 million new jobs created between 1994 and 1998 were from businesses with fewer than 20 employees, and 80 percent of American businesses have fewer than 20 employees. Experts agree that lower taxes increase a business' cash flow, which helps with liquidity constraints during an economic slowdown and could increase the demand for investment and labor, the senators said.

An October 2000 report by the National Bureau of Economic Research, a well-regarded non-partisan organization, entitled ''Personal Income Taxes and the Growth of Small Firms,'' says plainly that when a sole proprietor's marginal tax rate goes up, the rate of growth of his or her business enterprise goes down, the senators said.

The bipartisan tax cut bill responded to the fact that individual income tax collections were near an all-time high, even higher than some levels imposed during World War II. Baucus and Grassley said individual rate cuts are important relief for small businesses because most small business owners and farmers operate their businesses as sole proprietorships, partnerships, Limited Liability, Corporations or S corporations. The income of these types of entities is reported directly on the individual tax returns of the owners. A rate reduction for individuals reduces rates for farms and small businesses.

Baucus and Grassley were instrumental in passing the bipartisan tax cut legislation.

TABLE T08–0164.—DISTRIBUTION OF TAX UNITS WITH BUSINESS INCOME BY STATUTORY MARGINAL TAX RATE ASSUMING EXTENSION AND INDEXATION OF THE 2007 AMT PATCH, 2009 [1]

Statutory marginal income tax rate	All tax units		Tax units with business income [2]			Percent of tax units with business income [3]			Business income as percent of AGI [3]
	Number (thousands)	Percent of total	Number (thousands)	Percent of total	Greater than 0	Greater than 10% of AGI	Greater than 25% of AGI	Greater than 50% of AGI	
Non-filers	20,758	13.8	999	2.9	4.8	3.7	3.3	3.0	7.5
0%	23,434	15.6	6,960	20.0	29.7	28.6	26.0	22.8	62.7
10%	22,375	14.9	4,740	13.6	21.2	16.2	12.6	8.9	12.1
15%	49,522	33.0	11,024	31.7	22.3	12.5	7.8	4.5	6.9
25%	25,506	17.0	6,662	19.2	26.1	12.0	7.1	4.2	6.7
26% (AMT)	2,434	1.6	1,160	3.3	47.6	21.0	12.9	7.8	11.4
28% (Regular)	3,137	2.1	1,175	3.4	37.4	20.6	15.4	10.4	13.0
28% (AMT)	2,164	1.4	1,353	3.9	62.5	38.2	29.6	20.5	21.5
33%	335	0.2	206	0.6	61.7	46.3	38.0	29.9	31.6
35%	577	0.4	457	1.3	79.2	57.6	50.3	40.7	38.8
All	150,241	100.0	34,736	100.0	23.1	15.2	11.4	8.4	14.7

Source: Urban-Brookings Tax Policy Center Microsimulation Model (version 0308–5).
[1] Calendar year. Assumes extension and indexation of the 2007 AMT patch. Tax units that are dependents of other tax units are excluded from the analysis.
[2] Includes all tax units reporting a gain or loss on one or more of Schedules C, E, or F.
[3] Business income is defined as the sum of the absolute values of the gains or losses reported on Schedules C, E, and F.

Mr. GRASSLEY. I wish also to thank my friend, Chairman BAUCUS, and those on the other side for sticking with me on these marginal rate reductions over the years. With a strong impulse to raise marginal rates in the

Democratic caucus, I know these votes were not easy. I know that small business folks in the State of Montana and other Members who supported it are also very grateful because it has really helped small business, besides giving parity between proprietorships and corporations which have a 35-percent rate, and there is no reason to tax businesses that are sole proprietorships more than big fat corporations.

Today, now, 7 years later, we find ourselves in the same debate. The data and implication of it are still very important in debating the merits of the stated top rates of 35 percent and 33 percent. Senator MCCAIN's position is that we should not raise those rates, especially in a time of the economy slowing down. Senator OBAMA insists that we raise those top rates. This is a sharp tax policy difference between the two potential Presidents.

As ranking member on the tax-writing Finance Committee, it is my duty to clarify this important debate. Our constituents have a right to be informed in an intellectually honest manner on this very important question. So, Madam President, let's take a look at this small business issue.

The first question we need to consider is what is small business. The second question would be what role do these small businesses play in our overall national economy. After that, we need to get a handle on which small businesses are affected by the higher rates that Senator OBAMA has proposed. Finally, we need to get a sense of how the small businesses are affected on the short term and long term. I am going to deal with each one of these questions right now.

So the first question: What is a small business? It is not a precise answer. In one way, some on the other side have said small businesses that matter are only those with owners who earn less than $200,000 to $250,000. To those folks at the local hardware store, if one of the owners or the sole owner owns over $250,000, no matter how many folks it employs, it is the same as a Home Depot or a Lowe's. Those of us from the heartland know the definition of small business is not limited to those whose owners make $250,000 or under. For us, it depends on whether the business is locally based. It depends on whether the business finances its growth from its own earnings. Conversely, to folks from small towns such as myself, big business is generally the companies that finance themselves through the stock market.

The reason the distinction is important for public policy issues such as the level of taxation is that we value local or regionally based businesses. The folks who own those businesses are drawn from the community. They attend the local Rotary clubs. They support the local little leagues.

Small business, as I see it, is a stabilizing yet very dynamic social force and just not an economic being. So when we talk about small business, we should not use any artificially low levels of income. We should use a commonsense definition of small business. There is too much at stake to demagog the definition.

It seems a good place to go for a definition of small business would be the Small Business Administration, the SBA. For most Federal policies, as a rule of thumb, the SBA would tell you it would be a privately held business with 500 or fewer employees. When we are considering tax policy—specifically the tax rate applicable to business—we have two categories. The first one is regular corporations. Virtually all big businesses—that is, publicly traded companies—are taxed under the regular corporate rate schedule.

There are several Tax Code rules dealing with small business. In general, the Tax Code treats those businesses that go to the capital market differently from those businesses that are financed by their owners. There are special rules for depreciation and there are special pension rules. Most important, however, are the rules that allow small business to avoid the double taxation that applies to corporate earnings. Owners of certain kinds of small business corporations, known as S corporations, can elect to be taxed as proprietorships or partnerships. That is, these corporate shareholders include the business income on their personal income tax returns. In general, an S corporation can have no more than 100 shareholders. In the case of families or pension plan owners, the number of shareholders can, in fact, be larger.

So with respect to the first question, I think we are on pretty solid ground in identifying any small business as a privately held business with 500 or fewer employees and, of course, the vast majority of them probably only a handful of employees, and maybe all within the family. You won't find much controversy, I believe, over that definition because it is one that we use here a lot on a lot of tax policy when it comes to SBA-type legislation.

Let's go to the second question, which is what is the economic impact of small business. No one disputes the fact that small business creates most of the jobs in America. According to the Small Business Administration's Office of Advocacy, small businesses generated 60 to 80 percent of the net new jobs annually over the last decade. I think that is important to think of. Again, over the last decade, small business has generated 60 percent to 80 percent of the new jobs.

Where are tomorrow's jobs going to come from? The answer is the largest share of future jobs is going to come from small business employers. I recommend that my colleagues consult the Small Business Administration's Office of Advocacy's ''frequently asked questions,'' which is available on the Internet at www.sba.gov/advo.

We should not be surprised that small businesses create the lion's share of the new jobs. A lot of American economic might, a lot of know-how and dynamism, resides in small business. According to the latest Treasury data, flow-through small business accounts for 93 percent of all businesses, 36 percent of business receipts, 34 percent of the wages paid, and 50 percent of all business income. I have a chart here that shows the growth of these flow-through small businesses since the year 1980. You can see it. The solid line, the number of businesses—the large dashes are total receipts and the small dashes are net income less deficit.

While I have focused on the flow-through, keep in mind that many of the other small businesses would be affected by the top marginal rates. Let's focus on the small business data. We have another chart here. The non-flow-through small businesses are what we call C corporations. These entities are taxed like conventional corporations but are not big publicly traded businesses. So the owners are paid through salary and dividends. These small businesses account, as you can see, for about 10 percent of the total receipts.

In terms of business receipts, then, the combination of flow-through and regular corporations accounts for about 46 percent, or almost half, of the Nation's private sector income. These regular small business entities account for 13 percent of the wages paid, and when combined with flow-throughs, the small business sector accounts for 47 percent of wages paid. That is almost half of the wages paid in the private sector jobs. In terms of net income, these regular small business entities account for 2 percent of the net business income. But when combined with the flow-throughs, the small business sector accounts for 52 percent of net business income. So that is over half of the net business income in our Nation. In other words, small businesses are a very vital, important, and productive part of our economy.

We may use the adjective ''small'' to describe this part of the business sector of our Nation, but the economic impact of these businesses, then, as you follow this chart, is not small. Like the answer to the definition of small business, I don't think many on the other side would quarrel with the notion that small business is a key part of our economy.

We have answered the first two questions, the definition of small business and its economic impact. Now, we need to ask that very vital third question that is being dealt with or being affected in this campaign for the Presidency. How are small businesses taxed? How should they be taxed? And what is the impact of that tax?

First off, small business owners pay the tax. The individual tax rate, at the owner's level, is the rate paid by small business. These businesses are described as flow-throughs because the business income and the tax burden flows through to the business owner. I have a chart here that shows how the small business owner is taxed. It may look a little complicated, but it is not as complicated as it looks. It shows the business entity. It could be a partnership or an S corporation or a proprietorship. The business gets its cash from four sources. The first is sales. The second is debt. As a practical matter, a business may be able to access credit only if its owners are willing to guarantee the debt. The third source is the owner's investment. The fourth is retained aftertax profit. That aftertax profit is a very important part of the economic viability of small business. I emphasize ''aftertax.'' These are sources of cash for the business.

The business uses its cash to pay workers. It uses this cash to pay other expenses, such as utilities, rent, and supplies. A business either makes a profit or a business suffers a loss. If it makes a profit, the profit is taxed at the owner's level; it flows through to the owner. At that point, the Federal Government takes or gets its share. The aftertax profit then, of course, is available to the owners. That aftertax profit, I will say once again, is a very important factor. That is where tax policy in this Presidential debate is very important.

Currently, the top two Federal tax rates are, since 2001, 33 percent and 35 percent. Senator MCCAIN wants to keep the rates right there. Senator OBAMA wants to raise statutory rates to 36 percent and 39.6 percent, where they were set between 1993, under President Clinton, until 2001. In addition, Senator OBAMA also wants to restore kind of a hidden marginal rate increase; that was referred to until recently in part of the Tax Code, known as PEP and Pease. With these additional add-ons of a hidden marginal tax rate, their real marginal tax rates actually go up above 39.6, to 40 percent and 41 percent respectively.

Senator OBAMA has also proposed to raise the Social Security tax on the same group of small business owners by 2 percent to 4 percent. Recently, however, Senator OBAMA modified his tax plan to defer the Social Security tax increase. If we set aside this future Social Security tax increase, the taxes owed by small business owners would rise by as much as 21 percent and 17 percent respectively. I have a chart that shows the difference between the current top rates, which Senator MCCAIN would keep, and the increase in the rates proposed by Senator OBAMA. So the blue line is Senator OBAMA, and the red line is Senator MCCAIN.

For that same group of taxpayers, Senator OBAMA proposes, in addition, to tax dividend income at 20 percent instead of 15 percent. That is a 33-percent increase.

So for these regular non-flow-through small business owners, the amount of tax owed on their business income would rise at a range of somewhere between 17 percent to 33 percent.

As with the answers to the questions of definition and economic impact of small business, I don't think folks on the other side would dispute what I have said about how small businesses are taxed.

Now we come to the fourth question. That question is: What is the relationship between the top marginal tax rates and small business activity? Put another way, how much small business activity will be affected by the increased rates Senator OBAMA proposes? Unlike the first three questions, the answers to this question have been very controversial.

Over the years, folks who are hostile to marginal rate reduction have pointed to one statistic. They have referred to the percentage of small business tax filers who fall in the top two rates. For instance, they cite a statistic from the Tax Policy Center that concludes that only 1.9 percent of the filers with business income pay the top two marginal rates.

According to the Tax Policy Center analysis, that percentage is roughly three times the percentage of tax filers in the general population. They will state that the proportion of small business owners in the top two brackets is roughly similar to that of the general taxpaying population. The opponents of marginal rate relief will use this data to conclude the small business owners' tax profile is similar to the nonbusiness taxpayer profile. Since the tax profile is similar, the general redistribution argument applies. The bottom line is that opponents will argue that raising marginal tax rates on small business owners makes the tax system more progressive.

For the opponents of marginal rate relief, that is where the discussion ends. It comes down to the view of tax fairness from their perspective. Although the statistics show small business owners are three times more likely to be in the top two brackets, that matters not one whit to the opponents. The rates must go up and the revenue must be spent on expanding Government. For an example of this perspective, I recommend that my colleagues consult the article ''Big Misconceptions About Small Businesses and Taxes'' from the Center on Budget Policy and Priorities, dated August 29, 2008, available on the Internet at www.cbpp.org.

The political point of the opponents boils down pretty simply. This small group of filers is very well off. So other than them, who cares if the rates go up? That is good politics. When you are talking about 1 percent or 2 percent of the population versus the rest, your theory is redistribution. You are going to be making an easier political case. That is where they leave it.

There is a huge assumption that makes this argument so very dangerous and has economic impacts in the end. The assumption is that since the number of filers is limited to roughly 2 percent, the business activity is likewise limited.

The assumption is extremely dangerous economic policy. Why? I will give two reasons. One, the 2 percent understates the number of small businesses affected. Second, the assumption assumes any negative effect of removing resources from small business. You don't have a lot of room, as the chart shows, to play with small business. They don't go to Wall Street and sell their stuff. They have to accumulate their own capital.

Let's go to that first dangerous assumption that I just proposed of understating the number of small businesses affected by that 2-percent figure. Distribution tables are like any other estimate. Inside this beltway, distribution tables are a fetish. Many on the left side of the political spectrum worship at the altar of distribution statistics. They treat it as the only measure—the only measure—of whether a tax policy proposal is good tax policy or bad tax policy. Economic consequences, what do they matter? But distribution tables are an analytical tool meant to inform a tax policy debate. Distribution tables are a snapshot. Like any other snapshot, the analysis is limited.

Let's take a look at the oft-cited Tax Policy Center distribution tables. The table references a total of roughly 35 million business tax units. That is a proxy for tax returns and households. About 30 percent of that total, roughly 8 million tax units, represent folks who pay no income tax for that year. The footnote to the table states that all business income is defined as the sum of ''gains or losses reported on Schedules C, E, and F.'' Those are where the flow-through income is reported on the owner's tax return.

When you look at small business gains and losses, it is quite revealing. Small businesses are at the cutting edge of our capital system. With capitalism comes the viability of the business cycle. Small businesses are more susceptible to the good and bad years that come with business cycles. One year a small business may do very well; the next year might be a year of loss.

As evidence of this volatility, I would like to refer to the SBA data on small business survival rates. You will find this on the frequently asked questions document I referred to, and you have a citation. According to SBA, two-thirds of small businesses survive at least 2 years; 44 percent of small businesses survive at least 4 years. What this

means is that over time many small businesses rise and some fall.

By the way, mobility within income tax brackets is something that occurs to a great degree in the United States because of the dynamics of our society and our economy. So think about it. How many people in their midtwenties stay in the same bracket all the way through retirement? The mobility of income of small business is a subset of the overall income mobility in the U.S. population.

Treasury data clarifies the TPC snapshot, the Tax Policy Center snapshot. I have another chart. This chart shows that when gain and loss is considered, the snapshot changes very dramatically. So pay attention to this chart as I go through it.

For all flow-through taxpayers, 8 percent fall in the top two brackets. For taxpayers with active, positive flow-through income, the percentage is roughly the same, about 7 percent. For taxpayers with flow-through income that is greater than half their wage income, the percentage is the highest, at 9 percent.

So keep in mind we are dealing with a moving target when we talk about the 2-percent figure. Some businesses will produce losses for their owners one year and income in another year. So the business owners caught in the snapshot may not be the same business owners in another snapshot.

The second assumption about the 2-percent filer argument is even more dangerous. That assumption is, since a small percentage of tax filers are affected, the impact on small business activity is somehow trivial.

How will the higher marginal rates remove resources from small business you might ask? It is a simple answer. Let's go back to the chart that shows how small business works. If the amount paid in taxes increases somewhere, as I have said, between 17 percent to 33 percent, the tax take of the business rises as well. It comes out here. Let's go through an example.

I am going to use another chart. This taxpayer filer jointly owns a small business and earns $500,000 of business income. For purposes of this example, we will assume all of that taxpayer's income comes from the small business. As an aside, this assumption favors the opponents of marginal rate relief. Why? Because most small business owners have income from other members of the household and income from other sources. In that more likely scenario, the marginal rate hikes would bite even harder because more business income is pushed into the higher brackets.

Under this example, the small business owner pays $146,700 under current law. Senator MCCAIN's plan leaves this level of taxation in effect. Under Senator OBAMA's proposal, the small business owner's taxes would go up by $20,000. That is a tax increase on this small business owner of roughly 13 percent.

The tax increase would present the small business owner with a $20,000 current problem. The small business owner's current problem is how does he or she alter his or her business to make up the $20,000 he or she has lost to Senator OBAMA's higher tax rates? Can he or she grow enough sales to pay the extra tax? Maybe, but maybe not. Can he or she replace a $20,000 machine? Maybe maybe not. Can he or she cut back on the payroll? Maybe but maybe not.

How about the future? Any good business person has to project how their business is working. Any investment's value is predicated on how much income the investment is likely to produce in the future. If income is projected to go down, then the value of the investment declines.

Higher taxes negatively affect the net income from an investment. Small business owners have choice about where to put their capital. If taxes press down on the projected net income, then the value of the small business investment declines. Everything else being equal, a small business owner is less likely to leave the after-tax profit in the business. Likewise, the small business owner is less likely to make future investment in the business.

My point is, the tax increase Senator OBAMA is proposing has a very real cost to small business owners. And my entire remarks have been directed toward the tax policies on small business because they are the engine of employment and economic growth.

What are the businesses Senator OBAMA is proposing to hit with this tax increase; that is, which businesses are owned by taxpayers making over $250,000? How many employees do they have?

I have another chart. It is based on data from the National Federation of Independent Businesses, and we refer to that as the NFIB. It is a national small business organization. The NFIB has 350,000 dues-paying members. They take surveys of their members and other small business folks. I have the latest survey that deals with the finance questions from the year 2007. This chart contains the results of question No. 12. The question identifies, as we can see from the chart, groups of small business owners by household income with the size of their firm by the number of employees. Household income includes income from other adult members of the household. If you take a look at the responses, you can compare firm size with income level of the owners.

Here we have $250,000 and above. Those are the folks who are targeted for the tax increase, and that would raise the amount owed to the Government between 17 percent under one scenario and 33 percent under another. The survey indicates that 6.4 percent of the business owners of firms with one to nine employees—so small business—one to nine employees would be hit by Senator OBAMA's tax increase.

Now move a step over and you are going to find that about 21 percent of the owners of firms with 10 to 19 employees would be hit by the tax increase. That is the 20.6-percent figure you see. Move one step to the right and we find 40 percent of the owners of firms with 20 to 249 employees would be hit by the tax increase; 20 to 249 employees, 40 percent hit. Forty percent of the owners of the small business firms then would have increases of 17 percent to 33 percent.

There seems to be armies of hard-working tax analysts in this town who work for think tanks of the liberal variety. If you look at the analyses of the tax data, the armies of the left clearly are far more numerous than the armies of the right and the middle. And I give them credit for their hard work and dedication. I am sure they are poring over all this data.

Since the redistribution dogma is what floats their boats, they will probably take a hostile attitude toward the data I have just cited. Anticipating the attacks of green-eye-shaded armies of the left, I think we can trust the survey statistics.

NFIB has been conducting these surveys for years. I cannot think of any reason why respondents to the NFIB survey would inflate or deflate their income statistics. So I think this 40-percent snapshot is a very solid figure.

The data above relates to taxpayers of $250,000 and above. Since Senator OBAMA's advisers have said his current proposal would raise taxes on single taxpayers above $200,000 on a rough basis, it is fair to look at those small business owners as well. If you do that calculation, then on a combined basis, Senator OBAMA's proposed tax increase would hit even more small business owners.

So let's go back to NFIB question No. 12. For small businesses that employ one to nine workers, 12 percent would be hit by Senator OBAMA's higher taxes. For small businesses with 10 to 19 workers about 27 percent would be hit by the higher taxes. For small business owners with 20 to 249 workers, 50 percent—half of the small businesses—would be hit by Senator OBAMA's tax plan.

I want to get to the scariest part. As the chart shows, the percentage of small business owners hit by Senator OBAMA's higher taxes goes up as the number of employees goes up. So it is fair to say these figures probably understate the impact of the higher marginal tax rates on the remaining small businesses, meaning those between 250 and 500 employees. Moreover, like the

distribution tables, the survey obviously is a snapshot. With small businesses alternately running gains and losses over time, then the higher rates will hit a larger number of small business owners.

With the conservative nature of this data in mind, let's take another look at the economic profile of the small business owner Senator OBAMA has targeted for a tax increase. Every year, the SBA prepares a report to the President on small business economy.

The last report we have was submitted to President Bush in December of last year. It covers data for the previous year—2006. For 2006, the entire private sector workforce growth occurred in small businesses with 500 or fewer employees. For 2006, over half of America's private sector employees worked in these firms—over half. For 2006, these small businesses accounted for over half of the Nation's private sector gross domestic product.

Drill down deeper into the data, and you will be worried even more. Two-thirds of that small business payroll came from firms that employ between 20 and 500 workers. If we go back to the NFIB question, we will find that the owners of these small businesses are the ones most targeted by Senator OBAMA's tax increase proposal.

Finally, Mr. President, I don't want you to take my word for it. Listen to what small business folks have said about the importance of lower marginal tax rates. Take a look at the chart I am now putting up. The chart is a copy of a letter dated March 14, 2003, from three principal small business grassroots organizations: the National Federation of Independent Businesses, the Small Business Legislative Council, and the Small Business Survival Committee. I would like to read the second paragraph of that letter. It may be too small for you to see on the screen, but it sums up the reality of the effects of the marginal tax rates on small business.

Approximately 85 percent of small businesses file their tax returns as individuals. An increase in tax refunds means small firms will have more resources and more capital to put back into growing their businesses. A series of studies by four top economists examined the effect of the tax rate cuts on sole proprietors. Their results indicate that a 5 percent point cut in rates would increase capital investment by 10 percent. And they found that dropping the top tax rate from 39.6 to 33.2 percent would increase hiring by 12.1 percent.

That kind of tells you what a business force small business can be and how tax increases are negative or tax decreases are positive for small businesses to hire and to grow. What these small business groups said was that their tax policy priorities included a reduction in top marginal rates. You see it there in the letter from small business advocates.

Now, let's think about this. As the small business folks say in their letter, there is a link between tax relief, economic growth, and jobs. We have seen the evidence of that linkage in the year past. Tax relief kicked in, the economy started growing, and jobs started coming back. Why would we want to go in reverse gear?

Senator MCCAIN and Senator OBAMA agree on the policy objectives of growing jobs. Why would you aim a 17-percent or 33-percent marginal tax rate increase at the businesses that grew all the jobs in the most recently studied year? Senator MCCAIN's plan recognizes this job-loss risk. Senator OBAMA's plan goes in the opposite direction.

Let me conclude with a challenge to the proponents of raising marginal rates on small business. When I say critics, I am referring to political leaders, pundits, and even some in the media. I think the data I presented speaks for itself. If you disagree with the analysis but hold the position that higher marginal tax rates won't affect small businesses, would you agree to exclude small businesses from the 17- to 33-percent marginal rate increases that are being offered? I await your answer.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—Continued

Mr. LEVIN. Mr. President, I think Senator WARNER is just about to enter the Chamber. I would ask the indulgence of my friend from Vermont for one more moment.

Even though there is not too much evidence, the fact is, we have made some significant progress today in some significant areas on the Defense authorization bill. Now that Senator WARNER is here, I always welcome his good wisdom. This is where we are now, as I was saying. We made some significant progress on the bill, even though it has not been that obvious and apparent.

Today we have been able to make some important progress. We will be here tomorrow. Senator WARNER and I will be here tomorrow. We urge Senators to come over to see if we can debate their amendments, to discuss their amendments. We are going to work with them to get these amendments offered tomorrow so they would be in line when voting time comes.

We will be here, that is true, even though there are no votes tomorrow, we understand. We will be here tomorrow. The Senate is in session. Senator WARNER and I will be here. It is very important that Senators who have amendments they intend to offer come here, work with us to try to get them in line for a vote, to see if we can get them offered tomorrow. That will take unanimous consent, but we will make an effort.

But we need Senators to come Monday afternoon. We will be here Monday afternoon. We will be here Tuesday. There are no votes Monday, but we will be here for the purpose of debating and discussing amendments, trying to again have them offered.

So it is also, I am authorized to say, that there will be no further votes today. Cloture will be filed tomorrow. I thank Senators who are working with us. We have lots of amendments we can clear if we can get unanimous consent to clear a managers' package. The managers' package, we are ready to go with that at any time. We are going to continue to add amendments to that package. We will be working with Senators during these next few days so we can, hopefully, get this bill passed and voted on on Tuesday.

That is the situation we are currently in.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Virginia.

Mr. WARNER. Mr. President, the chairman has quite accurately stated the work that has been done thus far, our willingness as the two managers to continue working with Senators. We will both be present tomorrow as well as Monday. It is hoped that other Senators can be in a position to come forward with their amendments.

I might inquire, can the Presiding Officer advise us on the number of amendments on file? An approximation is satisfactory.

The PRESIDING OFFICER. There are over 220 amendments.

Mr. WARNER. I thank the Presiding Officer.

That presents clear evidence to colleagues of the magnitude of the task before us. I guess we have said this many times, but this would be the 43rd consecutive authorization bill for the men and women of the Armed Forces passed by the Senate. It is my hope that we can add No. 43.

I commend the chairman for his efforts. I have worked with him through this day. I believe we have had some helpful discussions with staff and colleagues on the means by which to make progress. We are here. It is imperative that this bill pass.

I remind colleagues of the military construction section of our bill which is so vital for the current and future needs of the U.S. military. This bill is the sole bill that can carry that important piece of annual legislation through and get it into a conference.

Mr. DEMINT. Will the Senator yield?

Mr. WARNER. Of course.

Mr. DEMINT. I appreciate having the opportunity to discuss our amendments. I ask unanimous consent that the pending amendment be set aside and that I be permitted to call up amendment No. 5405.

Mr. LEVIN. Mr. President, I will object. We are more than willing to discuss this amendment tomorrow. We realize this is one of the amendments that will have to be addressed if we are going to get to this bill. So it is not as though we are expecting to complete action on this bill without addressing the amendment of the Senator. However, this is not something I can agree to at this time but would be happy to tomorrow or Monday.

Mr. WARNER. Will the chairman yield for a question?

Mr. LEVIN. I am happy to.

Mr. WARNER. Would it not be to the benefit of the two of us as managers, as we have had a great deal of discussion together today on it, to hear from our colleague so we have clearly in mind his goals?

Mr. LEVIN. The reason I am reluctant to agree to that is because the Senator from Vermont was dissuaded from addressing the Senate until we had a few minutes to talk about plans for the future. I held up the Senator from Vermont for, now, 10 minutes when he was here and had a right to debate.

Mr. WARNER. Is there any way we could accommodate both Senators?

Mr. DEMINT. Mr. President, I don't think I am able to tonight. But for clarification, this amendment is two words and a number: Strike section 1002. I hope we haven't come to the point in the Senate when a Senator would not be allowed one amendment on such an important bill that is to strike a section. I can talk more about it later. I know we are being encouraged to bring up our amendments. This amendment has been filed for a few days. I think at least the staff is well aware of what it is. I will certainly not hold up the other Senator. I appreciate the chairman's commitment to giving me an opportunity for a vote on this amendment before it is all over.

I yield the floor and thank the ranking member.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if the Senator from South Carolina will be here tomorrow or on Monday? We may be able to discuss his amendment. It may be three words, but they are mighty important words and have a huge impact, way beyond any description of a three-word amendment. Nonetheless, in order to let the Senator from Vermont proceed, I am wondering whether it would be possible for the Senator to be here tomorrow or Monday so we could discuss his amendment? I would be happy to discuss it.

Mr. DEMINT. I will not be here tomorrow. Since we had understood that Monday was a no-vote day, I made other plans. But I can assure my colleague I can deputize my staff to work out any agreement that would be workable for the chairman and Senator WARNER. It is not our intent to hold up this bill. There is a managers' package that we will not agree to until we have a commitment for this one vote. I want to expedite this, as Senator WARNER does, and the chairman. But if the Senator would like to work with us, I am sure we can work this out tomorrow or Monday without my being present.

Mr. WARNER. The Senator has the floor, so if I could ask him to yield for a question?

Mr. DEMINT. Yes.

Mr. WARNER. This is of such vital importance to the bill. While it is just a few words, it does have very significant ramifications. It deals with the relationship of the legislative body; that is, the Congress, the executive branch, and the fulfillment of our constitutional responsibilities versus the ability of the executive branch to exercise certain powers.

In the Armed Services Committee, this matter was brought up. I put forward an amendment in committee not unlike what the Senator from South Carolina has pending before the Senate. It was not accepted. It was a 12-to-12 vote; therefore, a tie. It did not carry.

I understand the goals the Senator is seeking. But I point out, if we could have a few minutes so colleagues have some idea of the significance of this and they can reflect on it. If the Senator is not going to be here tomorrow—he has heavy commitments, as do others—nor Monday, it would be only Tuesday morning before we could really begin to get other Members of the Senate more fully acquainted with the complexity of this issue.

Mr. DEMINT. If I may offer one clarification, this is not the same amendment that was offered in committee.

Mr. WARNER. I understand that.

Mr. DEMINT. What my amendment does is restore basically the format of the Defense authorization bill to the same format it has always had. The way it is set up now, the language that references the report language and makes it, in effect, law is an unprecedented way to deal with report language. What we would do with this amendment is make it like every other Defense authorization bill that has ever been passed.

Mr. WARNER. Mr. President, that is correct. But in the intervening period, there has been the issue of Executive order. Therefore, we cannot, as a legislative body, be unmindful of what the executive branch has enunciated through Executive order. That Executive order will carry forward after this administration concludes and be a part of the next administration. That clearly states that the President is not going to observe the means by which the Congress, specifically the Armed Services Committee in the many years' pattern of doing much of its work, both in the report language as well as bill language.

Mr. DEMINT. If the intent is to get around the Executive order, then obviously that is a matter for debate. It also gets around the many statements made on this floor about the transparency of earmarks and to disclose what we are doing.

Again, this is a very simple amendment. All I am asking for is an up-or-down vote. I am not asking for passage.

Mr. LEVIN. Mr. President, let me just quickly say again, if the Senator from Virginia is also willing, could we let the Senator from Vermont proceed? We could come back. I am happy to debate this amendment tonight, if is the only time we can debate it. It has ramifications way beyond what the Senator from South Carolina says. We made a commitment to the Senator from Vermont that he would be recognized next to speak. I was waiting for Senator WARNER to come over. The Senator from Vermont was generous enough to hold off. I thought this would only be a few minutes laying out the path ahead. It is much more than that. I could come back and will be here tonight, if the Senator from South Carolina will stay here. I would be happy to give the position which is so terrifically different, very different.

Mr. DEMINT. I thank the chairman. We will not abuse the time. I have the floor, and I would like to yield for one question to Mr. COBURN. Then I will yield the floor.

Mr. COBURN. Let me say how much I appreciate the hard work done on this bill. It is a hard bill. It is important. My question would be to both the chairman and ranking member: How are we to be afforded an opportunity to amend earmarks if none of them are in the bill, yet they carry the force of law as if being in the bill?

Mr. LEVIN. That can be done by amendment, like any other amendment. But what this amendment does is to say that not just the earmark, the entire budget, including the President's budget, which is currently in that committee report, which is incorporated by reference, that that no longer carries the force of law. So the DeMint amendment goes exactly in the opposite direction of what Senator MCCAIN and others were trying to do, which was to incorporate into law all of the earmarks and the President's budget. We want them in law. We want them to be in law. We got a letter, however, from Senate legal counsel saying it cannot be done technologically.

I am not able to argue with him. I would be perfectly happy, and I hope

they can be made part of law. But the DeMint amendment goes in the opposite direction. Instead of making them part of law, it wipes out their legal status by saying they will only be part of a committee report which is not incorporated by reference, and, because of the Executive order, the agencies of the Government are directed to ignore the committee report. Previously, the executive departments would comply with committee reports. That is no longer true under the Executive order.

So what this amounts to, the DeMint amendment, is an abdication of the power of the purse totally, not just over earmarks but over the President's own budget which has been adopted by the Congress. This is the opposite of what Senator MCCAIN and others have urged, which is that earmarks and other appropriations be incorporated into law. This goes the other direction and says they have no force of law whatsoever.

We have to debate the DeMint amendment. I am more than willing to debate the DeMint amendment. I would come back tonight to do it. But I don't think, in fairness to the Senator from Vermont, that we should not allow him to proceed for his 10 or 15 minutes, whatever he wanted. I would be happy to come back.

Mr. COBURN. If I might through the Chair ask another question?

The PRESIDING OFFICER. The time is held by the Senator from South Carolina.

Mr. COBURN. And he yielded to me.

The PRESIDING OFFICER. Senator COBURN is now recognized.

Mr. COBURN. I say to Senator SANDERS, I will finish this very quickly.

My concern is, I have talked to the MCCAIN folks. They are very unhappy with this provision. The reason they are unhappy is there is no way the Parliamentarian will allow me to amend report language on the floor because it is not part of the bill we are discussing. I would be happy to work in the background with both the chairman and ranking member to move all of this to the bill so it is not a question.

That is what I would ask that you, please, try to accommodate us on because having the debate and amending things—and I will raise that out of the $5.9 billion worth of earmarks in this bill, the vast majority are noncompetitive bid. In other words, there is no competition for value for the American taxpayers' dollar. They are direct mandates that certain money will be spent with certain companies with no estimation, no competitive bidding.

So I will not delay this any longer. I would ask that the chairman and ranking member—I think the Senators have done a great job on the bill. I do not think it is significantly different in terms of earmarks than what it has been in the past. But if, in fact, we could figure out a way to make them where we could have them at least discussed and have an opportunity to amend them, I would appreciate that deference.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. COBURN. Mr. President, I will be happy to yield.

Mr. WARNER. Can the Senator visit with the two of us off the floor such that our colleague can proceed?

Mr. COBURN. Absolutely.

Mr. WARNER. Mr. President, I ask unanimous consent that the Presidential document to which I referred, dated February 1, 2008, be printed in the RECORD as a part of the colloquy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Federal Register, Feb. 1, 2008]

PRESIDENTIAL DOCUMENTS

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 13457 OF JANUARY 29, 2008: PROTECTING AMERICAN TAXPAYERS FROM GOVERNMENT SPENDING ON WASTEFUL EARMARKS

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy*. It is the policy of the Federal Government to be judicious in the expenditure of taxpayer dollars. To ensure the proper use of taxpayer funds that are appropriated for Government programs and purposes, it is necessary that the number and cost of earmarks be reduced, that their origin and purposes be transparent, and that they be included in the text of the bills voted upon by the Congress and presented to the President. For appropriations laws and other legislation enacted after the date of this order, executive agencies should not commit, obligate, or expend funds on the basis of earmarks included in any non-statutory source, including requests in reports of committees of the Congress or other congressional documents, or communications from or on behalf of Members of Congress, or any other non-statutory source, except when required by law or when an agency has itself determined a project, program, activity, grant, or other transaction to have merit under statutory criteria or other merit-based decisionmaking.

Sec. 2. *Duties of Agency Heads*. (a) With respect to all appropriations laws and other legislation enacted after the date of this order, the head of each agency shall take all necessary steps to ensure that:

(i) agency decisions to commit, obligate, or expend funds for any earmark are based on the text of laws, and in particular, are not based on language in any report of a committee of Congress, joint explanatory statement of a committee of conference of the Congress, statement of managers concerning a bill in the Congress, or any other non-statutory statement or indication of views of the Congress, or a House, committee, Member, officer, or staff thereof;

(ii) agency decisions to commit, obligate, or expend funds for any earmark are based on authorized, transparent, statutory criteria and merit-based decision making, in the manner set forth in section II of OMB Memorandum M–07–10, dated February 15, 2007, to the extent consistent with applicable law; and

(iii) no oral or written communications concerning earmarks shall supersede statutory criteria, competitive awards, or merit-based decisionmaking.

(b) An agency shall not consider the views of a House, committee, Member, officer, or staff of the Congress with respect to commitments, obligations, or expenditures to carry out any earmark unless such views are in writing, to facilitate consideration in accordance with section 2(a)(ii) above. All written communications from the Congress, or a House, committee, Member, officer, or staff thereof, recommending that funds be committed, obligated, or expended on any earmark shall be made publicly available on the Internet by the receiving agency, not later than 30 days after receipt of such communication, unless otherwise specifically directed by the head of the agency, without delegation, after consultation with the Director of the Office of Management and Budget, to preserve appropriate confidentiality between the executive and legislative branches.

(c) Heads of agencies shall otherwise implement within their respective agencies the policy set forth in section 1 of this order, consistent with such instructions as the Director of the Office of Management and Budget may prescribe.

(d) The head of each agency shall upon request provide to the Director of the Office of Management and Budget information about earmarks and compliance with this order.

Sec. 3. *Definitions*. For purposes of this order:

(a) The term ''agency'' means an executive agency as defined in section 105 of title 5, United States Code, and the United States Postal Service and the Postal Regulatory Commission, but shall exclude the Government Accountability Office; and

(b) the term ''earmark'' means funds provided by the Congress for projects, programs, or grants where the purported congressional direction (whether in statutory text, report language, or other communication) circumvents otherwise applicable merit-based or competitive allocation processes, or specifies the location or recipient, or otherwise curtails the ability of the executive branch to manage its statutory and constitutional responsibilities pertaining to the funds allocation process.

Sec. 4. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an agency or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 29, 2008*.

Mr. COBURN. Mr. President, I appreciate the indulgence of the Senator from Vermont, and I yield back.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that also as a part of this colloquy be printed in the RECORD the letter from the U.S. Senate Office of the Legislative Counsel explaining why it is technologically impossible for him to incorporate at this

time, with current software, all the items into the law. That is the problem; otherwise, I would be totally agreeable to having every single one of these items—the President's items and the add-ons by Congress—made part of the law. That is not a problem for me. However, technologically it cannot be done at this time. We ought to try to make sure it can be done promptly. I ask unanimous consent that the June 4, 2008, letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE LEGISLATIVE COUNSEL,
Washington, DC, June 4, 2008.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, Washington, DC.

DEAR SENATOR LEVIN: I am writing in response to your letter of May 22, 2008, inquiring as to whether the Office of the Legislative Counsel has the ability to incorporate the funding tables currently included in the committee report of the defense authorization bill directly into the text of the bill. In short, the Office at this time has neither the technical capability nor the resources to convert the funding tables into the necessary electronic format for direct inclusion in the text of the defense authorization bill.

The Office of the Legislative Counsel uses highly specialized and customized software to prepare legislation. This software was developed by the staff of the Secretary of the Senate, in cooperation with the staff of this Office and the Government Printing Office. The use of this software serves 2 major purposes: First, it allows the Senate Enrolling Clerk and the Government Printing Office to print legislation directly from our electronic files, eliminating the need to retype and proofread each file; and secondly, it allows the Secretary of the Senate, the Library of Congress, and the Government Printing Office to post legislation on the Internet in an easily searchable format.

The current version of the software contains a table tool that allows us to include tables in legislation if the tables fit into one of the templates provided in the table tool. I met this past week with the staffs of the Secretary of the Senate and the Government Printing Office and they have concluded that the table tool does not have templates that can be used to prepare all of the funding tables contained in the committee report. In fact, the Government Printing Office currently scans the funding tables as camera copy in order to print the committee report and does not convert the tables into the electronic format that would be necessary to include the tables in legislation. As a result, this Office is unable to prepare or print legislation which includes those tables.

In addition, even if templates are developed for the table tool, we will not be able to prepare the tables for inclusion in legislation unless the data in the tables can be electronically imported directly into the legislation we prepare. The committee report for the next fiscal year contains at least 180 pages of tables. Since the Office is currently unable to directly import the data in the tables, it would require our staff to spend hundreds of hours to input the data from these tables, proofread the tables for accuracy, and then make any necessary edits. We do not have sufficient staff to do this while continuing to meet our other responsibilities.

In my opinion, this is really more of an information technology issue than a legislative drafting issue. If the Senate decides to require the text of the funding tables to be included in legislation, the Government Printing Office would need to develop the necessary templates for the table tool and the Committee staff or others preparing the tables would have to conform to uniform standards for electronic formatting of the tables to ensure that the data could be imported directly into legislation,

Please let me know if I can provide you with any additional information or if you have any further questions regarding this matter.

Sincerely,

JAMES W. FRANSEN,
Legislative Counsel.

Mr. LEVIN. Now, Mr. President, I ask the Senator from Vermont the following question: whether the Senator would be willing to proceed in morning business.

Mr. SANDERS. Yes.

Mr. LEVIN. I thank the Senator.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

ECONOMIC POLICY

Mr. SANDERS. Mr. President, a little while ago Senator GRASSLEY of Iowa was down on the floor critiquing Senator OBAMA's tax plan in some detail. Right now, I am not prepared to refute what Senator GRASSLEY said, although I strongly disagree with his conclusions. But I did wish to talk a little bit about some of the differences I perceive between Senator MCCAIN and the proposals he is bringing forth in terms of what Senator OBAMA has been talking about.

I, also, most importantly, wish to make the point—and I think Senator MCCAIN would be upfront in admitting—that if he is elected President, what we are going to be seeing is 4 more years of the policies we have seen in this country for the last 8 years, which have been a disaster for the middle class and working families of this country. I wish to spend a few moments on that.

Since President Bush has been in office, nearly 6 million middle-class Americans have slipped out of the middle class and are now in poverty. I can tell you that all over this country—in my State of Vermont but all over this country—people who used to believe they were securely in the middle class, people who looked to the future with optimism, are now lining up in front of emergency food shelves because the wages they are earning are simply not enough to sustain their families. We are seeing a run on emergency food shelves all over America from working families.

I can tell you that in Vermont and throughout the northern tier of this country, people are frightened to death about the coming winter because in many instances they simply do not have the money to pay the fuel bills which will keep their homes warm this winter.

Since George W. Bush has been in office, median household income has declined by over $2,100 for working-age Americans. That is a huge drop.

Since President Bush has been in office, over 4 million Americans have lost their pensions. People who have worked their entire lives at a company with the expectation that when they retired there would be a defined pension plan available to them—that has not happened in 4 million instances.

Since George W. Bush has been President, 7 million Americans have lost their health insurance and the cost of health care has soared and more and more people are underinsured.

Since President Bush has been in office, more than 3 million manufacturing jobs have been lost, as corporate America has thrown people out on the street, moved to China, moved to Vietnam, moved to any country where they can pay people a few pennies an hour.

Since George W. Bush has been in office, nearly half a million jobs have been lost over the last 6 months alone, and the unemployment rate today is over 6 percent.

I ask you: Do we need to continue these economic policies which have been such a disaster for the middle class and working families in our country? Do we need 4 more years of these disastrous economic policies?

Since George W. Bush has been President, total consumer debt has more than doubled. Everybody knows that. Everybody we know almost is in debt. We have a personal savings rate in this country today which is zero.

Since President Bush has been in office, home foreclosures are the highest on record. There are huge numbers of foreclosures all over this country. In 2007, the typical American family paid over $1,700 more on their mortgage payments.

Is that a record, is that a series of policies that this country wants to continue for another 4 years? I think not—not for ordinary people. If you are a millionaire or a billionaire, I could understand that but certainly not for the average American family.

Since George W. Bush has been President, Americans are now paying $2,100 more for gasoline, $200 more for food, $1,500 more on childcare expenses, $1,000 more for a college education, $350 more for health insurance, $600 more for afterschool costs, and so forth.

The bottom line is, the Bush economic policies have been a disaster for

the middle class and for working families and the only people who have benefited from these policies are the people on the top. I do not believe we need a President in Mr. MCCAIN who is going to emulate these economic policies to the detriment of tens of millions of working families.

When Bill Clinton was in office—and I have to tell you, as an Independent, I had strong disagreements with President Clinton on a number of issues, including his trade policies, but when President Clinton was in office, 22.7 million new jobs were created over that 8-year period. That is a strong record of job creation. Since President Bush has been in office, we have created fewer than 6 million new jobs. Mr. President, 22.7 million, fewer than 6 million, that is a real difference.

Under President Clinton, 6 million Americans were lifted out of poverty. That is pretty good. Under President George W. Bush, over the same period of time, 6 million Americans have slipped out of the middle class and into poverty. Under President Clinton, 6 million people rise above poverty; under President Bush, 6 million more Americans slip into poverty.

Are those the economic policies we want to continue for another 4 years? We have a national debt right now which is an incredible disgrace. It is a debt we are leaving to our kids and our grandchildren. I always find it ironic that our Republican friends pose as the party of fiscal responsibility. Yes, they are staying up nights worrying about earmarks, worrying about everything.

Under President George W. Bush, the national debt has increased by $3 trillion. We are closing in on $10 trillion. Under President Clinton, we had recordbreaking surpluses as far as the eye could see.

I think there is a real difference between the economic policies we have seen under President Bush over the last 8 years and the economic policies we saw under President Clinton the previous 8 years. The difference is that under President Clinton, the middle class grew and expanded, poverty went down. Under President Bush, the middle class shrunk, poverty went up.

But I have to be honest. Under President Bush, there have been people who have done very well. While 90 percent of the American people have seen their incomes go down in the last 8 years, we do have to acknowledge that the people on top are not only doing well, they are doing fantastically well. As an economic stratum among the top 1 percent, those folks are doing better than at any time since the 1920s. In fact, the wealthiest 15,000 American families received a 57-percent increase in income under President Bush.

We now have—and we do not talk about it too much—the absurd situation that the top one-tenth of 1 percent earn more income than the bottom 50 percent. Now, I know a lot of folks get up here and they talk about family values and they talk about morality. Let me go on record as saying I believe it is immoral that the top one-tenth of 1 percent earn more income than the bottom 50 percent.

While the middle class shrinks and poverty increases, the average income of the top 400—top 400—American tax filers—and that represents 3 out of every 1 million taxpayers of this country—has more than doubled under President George W. Bush, going from a mere $104 million in 2002—how do you get by on a mere $104 million? They were scraping by. But the good news is, by 2005, that $104 million went up to $214 million a year.

Adding insult to injury, the effective tax rate of the richest 400 people, whose incomes are exploding, has nearly dropped in half, from 30 percent in 1995 to only 18 percent in 2005, because of the Bush tax cuts for the rich.

It is not just income; it is wealth, also. The wealth—that is the accumulated income of the richest 400 Americans—has also soared under President Bush, going from a mere—now, we are talking about 400 families. Mr. President, 400 families had an aggregate wealth of $290 billion. When President Bush came in, their wealth was $290 billion, and it went to $1.5 trillion by the year 2006—$1.5 trillion for 400 Americans, and in our country today, we have the highest rate of childhood poverty of any country on Earth. We have 46 million Americans without any health insurance.

I raise these issues to talk about what is going on in our society today economically, to point out that the policies of President George W. Bush have very clearly worked if you are a millionaire or a billionaire. They have been a disaster for you if you are in the middle class or a working person. I commend Senator MCCAIN for being pretty honest and straightforward in saying he wants to continue those policies: more tax breaks for millionaires and billionaires, more tax breaks for the largest corporations in our country, more efforts to privatize Social Security, more efforts to cut back on programs desperately needed by working families and low-income people.

So the thrust of what I wished to say this evening—and I was compelled to come down here because I heard Senator GRASSLEY speaking before; and Senator GRASSLEY, as I indicated earlier, was very critical of Senator OBAMA's tax policies, and I disagree with Senator GRASSLEY's conclusion. But I think if one is going to talk about Senator OBAMA's tax policies, it is important to talk about Senator MCCAIN's overall economic policies which are going to be 4 more years of Bush's policies. This country—at least the middle class of this country, in my view—cannot survive 4 more years of those policies. So that is about all I wanted to say this evening.

I thank you, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, earlier this evening, my colleague and friend from Iowa, Senator GRASSLEY, came to the floor and spoke about the tax proposals of both BARACK OBAMA, the Democratic candidate for President, and JOHN MCCAIN, the Republican candidate for President. I am happy he brought that debate to the floor. It is an important one. I think it will be an important part of the decision process for most Americans on November 4. But I, to no one's surprise, see it quite differently from my friend from Iowa.

As I see it, we have a clear choice in this election. We know what has happened over the last 8 years. Under President George W. Bush, we have followed the classic neoconservative Republican approach to the economy and taxes. That approach started long ago and continued by President George W. Bush, who believes that we can, in fact, generate more economic growth and prosperity in America by lowering the taxes on the wealthiest people in our country. That is chapter and verse, that is the Bible, the economic Bible according to President Bush and his loyal followers. They have implemented that plan, creating tax breaks which have been historic and unusual; historic in that they have now driven tax rates to the point where the wealthiest people have seen tax breaks that are creating the largest deficits in the history of the United States of America. Last week, there were reports in Washington of a national deficit this year of $407 billion—the largest ever.

Remember: When George W. Bush took office from the Clinton administration, he inherited a budget surplus. It was the first surplus in 30 years. It was a responsible budget process that actually paid off debt. It gave longer life to Social Security. It meant less of a burden on our children. But when President Bush took office, he changed all that. He took that surplus and squandered it. He will now leave office with the lowest approval rating in the history of the Presidency and with the biggest deficit in the history of the Presidency. He managed that because he did something no President has ever done in history. He called for cutting

taxes in the midst of a war. No President has ever done it because it makes no sense. A war is an added expense to a nation such as ours. We have our ordinary expenses for highways, prisons, medical research, education, and health care, and along comes a war costing $10 billion a month, and President George W. Bush said: Don't worry. We won't pay for the war. We will add it to the deficit and, in fact, we will cut taxes. It made no sense. Because of this desperate and poor economic and tax planning, we find ourselves with the biggest deficit in the history of the United States of America.

I say that because JOHN MCCAIN, the Senator from Arizona and Republican candidate for President, has endorsed President Bush's economic and tax policies. He has said that if he is elected President, he will continue the Bush economic policies which have driven our economy into the ditch.

We know what is going on. Last weekend, the Secretary of the Treasury, Henry Paulson, called me in Illinois and said: Well, I want to let you know it has reached the point where the taxpayers have to take over Fannie Mae and Freddie Mac. Those are two government-sponsored agencies responsible for half of the mortgages in America and they were about to go bust. So Secretary Paulson moved in and said we have to take them over. I don't quarrel with his conclusion. The alternatives were bleak. If those two agencies failed, we could see our economy fall deep into a recession and a global recession following it. I really believe that. He did what he had to do. But we had to do it because the Bush economic policies have failed so miserably.

Sadly, they have taken the view that Government should not be responsible for oversight of the major elements of our economy. They have failed to keep their eye on the middle class of America, which is the strength of our economy. They have given tax breaks to the wealthiest people, and JOHN MCCAIN promises more of the same. Let me correct that. JOHN MCCAIN promises to do even more than Bush did. In fact, his proposals for tax cuts for corporations would literally mean multibillion dollar tax cuts—additional tax cuts—for the oil companies in America. Can you think of a more deserving taxpayer than ExxonMobil? Is there any case you can think of more compelling when it comes to compassion than to give a tax break to ExxonMobil? Those poor people reporting record-breaking historic profits need a tax break.

Have you heard any suggestion from my colleagues on the Republican side or John McCain to give tax breaks to those who are struggling in America? We know who they are: middle-income taxpayers. They are the ones paying for gas and groceries. They are the ones who are worried about college education expenses. They are the ones worried about health care expenses. They are the ones who are being shunned and ignored by the McCain-Bush approach to taxes.

Senator GRASSLEY comes to the floor and says: Oh, this BARACK OBAMA, his tax plans are going to hurt small business. Well, I can stand here and tell my colleagues he is wrong—and I believe he is—but I may not be as credible as a nonpartisan group such as the Annenberg Public Policy Center. They took an analysis of the McCain tax policy, which is Bush tax policies all over again, and they took a look at Senator OBAMA's proposal, and this is what they say:

> Senator McCain has repeatedly claimed that Obama would raise taxes for 23 million small business owners.

That is from the Annenberg Policy Center. Their response:

> It's a false and preposterously inflated figure.

They say:

> We find that the overwhelming majority of those small business owners would see no increase because they earn too little to be affected. Obama's tax proposal would raise the rates only on couples making more than $250,000 or singles earning more than $200,000.

They go on to say:

> McCain argues that Obama's proposed increase is a job killer. He has a point. It's true that increasing taxes on those at the top would leave them less money for other purposes, including investment and hiring in the case of business owners. But the number of business owners who would see their rates go up would only be a small fraction of what McCain says. Many would see their taxes go down.

That false claim about a new burden on small businesses was repeated on the floor today by my friend and colleague from Iowa. It won't work.

At the same time they are calling for tax cuts for the wealthiest people and the most profitable corporations in America, JOHN MCCAIN, inspired by George W. Bush, is not providing the kind of tax relief which Senator OBAMA is talking about for those in middle-income categories across America.

That is the real difference. At a time when Americans are struggling with soaring costs, JOHN MCCAIN will provide more tax breaks to corporations that ship American jobs overseas, and JOHN MCCAIN would provide no direct tax relief at all for more than 100 million middle-class families. Those are the focus of the Obama tax relief plan—those families.

JOHN MCCAIN doesn't have a plan to insure every American, and under his plan you would pay taxes on health care for the first time ever. JOHN MCCAIN wants to change the way we get health insurance in America. It gets back to the President Bush ownership society, and do we remember the motto of the Bush ownership society? ''Just remember, we are all in this alone.'' Well, Senator MCCAIN, inspired by this concept, believes we ought to get away from group insurance through our employment and be given a little check and let's all go out in the market and do our best. Well, you know what that means. If you happen to have a family with a sick child or you happen to have a history of illness in your family, watch out. What you are going to have to pay is dramatically more. You are no longer in a pool with the risks shared; you are on your own. So JOHN MCCAIN would say if your employer then is going to provide you with health insurance, we are going to tax it. We are going to tax that as income. That is a first, and that isn't going to help. It certainly isn't going to extend health care coverage to more families—something we desperately need.

Now, what BARACK OBAMA would do as President is simplify and reform our Tax Code, and it is long overdue. In George Bush's billion-dollar giveaways to big corporations and the wealthiest in our society, the Obama plan will reform our Tax Code so that it is simple, fair, and advances opportunity, not the agenda of some lobbyist or oil company. He will shut down the loopholes in tax havens and he will use the money to help pay for middle-class tax cuts that will provide $1,000 in tax relief to 95 percent of workers and their families across America. The Obama plan will make oil companies such as Exxon pay a tax on their windfall profits and he will use the money to help families pay for skyrocketing energy costs and other bills.

He would eliminate income taxes for retirees making less than $50,000 a year because he believes that every senior deserves to live out their life in dignity and respect.

It just amazes me that JOHN MCCAIN could promise to bring us 4 more years of these awful Bush economic and tax policies, when we know what they have resulted in. Yet he is a loyal soldier. No maverick, no, sir; he is a loyalist. When it comes to the Bush economic and tax policies, JOHN MCCAIN is no maverick. He is an acolyte of the high priest of Republican tax policy, President George W. Bush. He promises more of the same—4 more years. Can America stand it? Can we take it? I don't think so.

Middle-income families and working families deserve a Tax Code that cares for them and gives them a fighting chance, not a Tax Code designed to help the wealthiest. The Halls of Congress out here are filled with lobbyists, pretty well dressed, pretty well heeled, and living a nice life. Their job is to protect that Tax Code George W. Bush wrote. JOHN MCCAIN is their best friend. He promises that when he becomes President, the George W. Bush Tax Code is going to be even more generous to the wealthiest businesses and individuals. That is completely wrong.

The strength of this country is when middle-income families have a fighting

chance to succeed. Do you know what they feel. They feel, as I do, that this country has been moving in the wrong direction for too long. We need a real change and in a lot of different areas but certainly when it comes to America's Tax Code.

For my friend from Iowa to come here and give us tales of doom and gloom about what might happen if we had real change in Washington, I say to him, what do you think of the current mess? Do you agree with JOHN MCCAIN that the fundamentals of this economy are so strong today? If you believe that, then you have not spent much time talking to real Americans.

During this last break in August, I went back and toured my State from top to bottom. It is a big, wonderful State. I spent some time in small towns and sat down for a get-together after work in El Paso, IL. El Paso is a little town just north of Bloomington; it is the birthplace of Bishop Fulton J. Sheen. There is a tavern we went to after work and had a beer, and we talked to some families about what they are up against. I wish JOHN MCCAIN could hear those stories. I wish my colleagues could. I wish they could understand what this economy has done to these good, hard-working people. These are folks who are scared to death that the Mitsubishi plant in Bloomington is going to ship out more jobs. They don't want any more trade agreements that ship jobs overseas. They are scared to death that we are going to have a Tax Code like the one we have today, which rewards companies for sending jobs overseas, a provision in that code that JOHN MCCAIN agrees with and Senator OBAMA disagrees with. These people are concerned about their kids' college education. One fellow said: My son just finished 2 years at a private college in Peoria, and he decided to come back home. He is going to try his luck at the community college to get on track. He said that he has $60,000 in student loans. He is a sophomore, he hasn't even reached the point where he has a degree, but he has what amounts to a mortgage debt in student loans.

Those are the realities of life out there in real America. When I hear JOHN MCCAIN say he wants to continue these economic policies and tax policies of George W. Bush, I wonder, when is the last time he sat down with some of these families? He owes it to himself, if he wants to be a good candidate for President, to sit down with some of these struggling families.

I think we need a new approach. We need change in this town. What Senator OBAMA is proposing is a change in the Tax Code to give that family and others a fighting chance. That is all we can offer them. There is no guaranteed success, but we can offer them just an opportunity, a fighting chance at success. It is a chance most of our families have capitalized on and did a pretty good job for their kids. We owe that to the next generation as well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

DOMESTIC VIOLENCE AWARENESS MONTH

Mrs. BOXER. Mr. President, today I take this opportunity to recognize October as Domestic Violence Awareness Month, DVAM, and to recognize the fine work of STAND! Against Domestic Violence.

I am proud to be an original cosponsor of the bill to designate October as ''National Domestic Violence Awareness Month.'' I strongly support the motivation behind DVAM and I have worked to end domestic violence as long as I have been a Member of Congress. I authored the Violence Against Women Act, VAWA, while in the House of Representatives, and helped get it passed and signed into law after being elected to the Senate. VAWA toughened laws against perpetrators and continues to provide funding for campus safety, battered women's shelters, and training programs for law enforcement to identify and better understand cases of domestic violence. I am also proud to have introduced the Domestic Violence Identification and Referral Act to provide funding to schools for health professionals who work to prevent domestic violence.

Domestic violence can strike anyone, regardless of race, age, sexual orientation, religion, socioeconomic status or education level. Particularly tragic is the impact domestic violence has on children—physically, emotionally, and mentally. This violence witnessed in the home is often acted out in schools and communities. This negative cycle of violence has far-reaching impacts and I believe we must work together to prevent such violence from occurring in the first place.

I commend the tireless efforts of those who work everyday to end this violence. For over 30 years, STAND! has provided domestic violence services to families and individuals throughout Contra Costa County. Through their work, STAND! strives to end domestic violence by raising awareness through education so that individuals will become advocates, and by providing support services to those survivors of domestic violence.

As we prepare to enter Domestic Violence Awareness Month, I ask my colleagues to join me and STAND! in remembering the victims of domestic violence. I am inspired by those women who have survived domestic violence. And I mourn those who have not survived. In their memory, I will fight against domestic violence and work to empower women as long as I am in the U.S. Senate.

SEA OTTER AWARENESS WEEK 2008

Mrs. BOXER. Mr. President, I take this opportunity to recognize Sea Otter Awareness Week 2008.

Established in 2003 by the national nonprofit organization Defenders of Wildlife, Sea Otter Awareness Week is an annual event that aims to teach the public about the vital role that sea otters play in our marine ecosystem. Acknowledged each year by numerous nonprofit organizations, educational institutions, and local, State, and Federal elected officials, Sea Otter Awareness Week helps to protect this sentinel species and its habitat.

Historically, sea otters once numbered in the hundreds of thousands and thrived along the 6,000 miles of Pacific coastline from northern Japan, through the Aleutian Islands of Alaska, down the coast of California, and into Baja California in Mexico. Sadly, because of their thick fur, sea otters were hunted to the point of near extinction throughout the 19th and 20th centuries. Thanks to an international ban on hunting, conservation efforts, and reintroduction programs, the sea otter population is on its way to recovery, though it has been a slow process.

The health and well-being of our sea otter population is indicative of the overall health and well-being of the Pacific Coast marine ecosystems as a whole. We must do all we can to protect our coastal ecosystem and foster the survival of sentinel species such as the sea otter. To ensure a healthy coast and ocean, I am proud to have reintroduced my National Oceans Protection Act, which provides a comprehensive approach to ocean management and protection, ensuring that Americans can enjoy the beauty and majesty of our oceans for generations to come.

I commend Defenders of Wildlife and all those involved in Sea Otter Awareness Week for their dedication to raising awareness about the tremendously important role that sea otters have in our coastal ecosystem. I am inspired by their work and I applaud them for their perseverance in protecting the health of our oceans and marine life. Their commitment means a brighter future for us all.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with

me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am writing this letter out of somewhat desperation with the costs of energy lately. We live about 35 miles south of Lewiston on property that my grandfather purchased in the early 1940s. I have been disabled and am on Social Security Disability after working over 25 years in the utility and communication industry. My wife has been working in the health care insurance business for over 20 years and drives back and forth every day to work. We were budgeting and spending about $200–$250 per month for gas. In the last two months, it has increased to $425 per month! I know a little about all the oil reserves in Montana, North Dakota as well as other places even offshore and the untapped areas in Alaska for drilling and several capped oil/propane wells that have already been drilled. I am familiar about the open pit mining in Centralia, Washington; Montana and Wyoming. I was working when they moth-balled the nuclear plants at WASOP. I use these areas as examples in the Northwest because this is where I live and I am more familiar with them. We have taken several conservation measures to cut our energy costs at our home, but you can only do so much! I hardly ever even leave the house anymore because I cannot afford to drive my (small) Ford Ranger F150 pickup, just only to doctor appointments.

What can you do to start helping other Americans like us here in Idaho and the Northwest? Congress should put our families first, ahead of the environmentalists! These people are driving up costs at an alarming rate! I believe in treating our resources properly and our environment respectfully, but come on, use our heads! These environmentalists are making it impossible to survive anymore. We need to decide if American people are going to survive or is it going to be a small snail, a kind of fish or a spotted owl, which, by the way ruined the lumber industry in the Northwest. After research, they found out it was a bigger owl killing the smaller ones! How much money did that cost the people and industry brought on by environmentalists? It is survival time, folks . . . let us start using our heads. We need to start using our own resources now, not later, and stop depending on other countries because you see where that has positioned us. Open up the reserves, uncap oil wells, less restrictions on open pit coal mines, put more nuclear plants on line. Stop using wheat and corn for bio-fuels because it is killing us at the grocery stores, better yet, stop wasting money on bio-fuels because it is not cost effective. There are more actions that need to be taken, but the ''most important'' thing is that we need Congress to start acting Now to help us survive before it is too late. Please!

Sincerely and with respect,

BARNEY and PATTI, *Winchester*.

I guess I have to admit that you are probably representing the views of the majority of the people in Idaho. Sadly, that is a very short-sighted viewpoint.

My story is that I am trying to walk more and ride my bicycle when I can. Generally, I am trying to be more energy conscious. The bottom line is that we Americans are missing the point. For three reasons, we have to change our way of thinking. The first is for our own health. Frankly, we do not get enough exercise because we have become so dependent upon the automobile. Take a look at your local high school parking lot sometime. We are actually educating kids not to walk or ride bikes. Take a look at the country as a whole, and you will see a serious obesity problem. Take a look at our cities and ask the question, ''How safe is it for a family to ride a bicycle to the store or to the park? How safe is it for children to ride to school on a bike? How safe is for a mother to take her child to the grocery store on a bike? Sadly, the basic answer seems to be: ''Who cares?'' Frankly, you should!

The second reason is also related to health. When Idaho's cities grow, with the corresponding dependence upon gasoline, the wonderful clean air that people brag about deteriorates. The Rathdrum Prairie and the Spokane Valley are set up very much like the Los Angeles basin. It is only a matter of time before we restrict woodburning stoves in the winter and increase emission standards on vehicles.

The third reason is for the health of the planet. The hole in the ozone layer and the problems caused by global warming may not be entirely caused by the internal combustion engine, but they have played a significant role. Just think for a minute of what this world is going to look like if we continue down this path, and China, Africa, India and the rest of the world drive cars the way we do. Our children and grandchildren will have a difficult time breathing, and that will be just the beginning of the problems they will face. Capitalism certainly has its strengths as an economic tool. But somebody has to control it, or it will lead us to our own destruction. It is a system designed to create profit for people who answer needs.

Fifty years ago or more, our system began ''creating needs'', like a MacDonald's hamburger, a Corvette Stingray, or a piece of waterfront property all to myself. Originally, these seemed like simple enough requests, but look at what we have become. Our religions tell us wealth does not make us happy, but we do not really hear that. We flatter men and institutions who treat nature like their own possession. Sadly, I would bet that very few people in Idaho are writing you letters like this. I wish you had the wisdom and the courage to begin to turn the thinking of the people of this state around. My question to you is simply, ''If we keep going this way, what do you think Idaho and this country will look like in 50 more years. I predict your children and grandchildren will be saying, ''Wow, we did not know that would happen!'' Just as much as we are saying now that we wish the miners of the 19th and 20th centuries had said, ''Maybe we should have more concern for our lakes and rivers''. Just as I would say now, ''Why did not our forefathers have the wisdom to see that turning the shoreline of our lake over to private property owners is a serious mistake.'' The waters of Idaho just as the ocean around the islands of Hawaii should have remained public property. ''Those who refuse to learn from history are destined to repeat it.'' We are there! Good luck with your programs. I know you are a good and thoughtful man, and you cannot singlehandedly turn this state or this country around, but I hope you will begin to open your eyes and your mind to some other possibilities. We need that from you.

RICHARD.

Thank you for the email telling us of your position on the energy crunch. I heartily support tapping the petroleum resources we have here in the United States and, from all that I have heard, we have the technology to do it in an environmentally-friendly manner. I understand that Congressman Chris Cannon of Utah is making efforts to develop oil shale fields that are located under Utah, Colorado and Wyoming. I support this and hope that you will uphold these efforts if corresponding bills reach the Senate. Also, please do whatever you can to support the development of technologies that will allow us to tap these resources in more efficient and environmentally conscientious ways.

I also support expanding our use of nuclear energy. My understanding is that the popular fears of nuclear power plants are largely based on myth. And most of the ''waste'' produced is either relatively benign, or can be recycled or reused. If federal regulations were changed so that all radioactive byproducts did not have to be shipped to a nuclear waste repository, we would have plenty of space in places like Yucca Mountain for the 2 percent of nuclear ''waste'' that actually should be there. France produces 80 percent of its electricity from nuclear power. What in the world is holding the U.S. back from building more nuclear power plants?

I am all in favor of expanding our refinery capacity and in developing alternative energy sources, such as biodiesel. Please do whatever you can to bring about changes at the federal level so that the private sector can go to work developing technologies and resources and solve these growing problems. I pray that your fellow legislators will take the extreme environmentalist lobby with a grain of salt. I agree that we are ''too dependent on petroleum,'' and that we are ''far too dependent on foreign sources of that petroleum.'' We need to move forward in tapping the resources we have. We need to do so in an environmentally conscientious manner, but we need to move forward.

BLAKE, *Hamer*.

What would really help is if this information could be put into the hands (and heads!) of the other Senators, Representatives and President Bush.

I am sure you are looking for sad stories of starving babies and missed vacations due to the price of energy lately. My story is quite different. I have taken the issue of high gas prices as an opportunity to change my lifestyle. I ride my bicycle more instead of driving everywhere, I have started enjoying activities that occur in my own backyard instead of ''going somewhere'' to have a good time. I have actually enjoyed the peace and quiet this gives me. Its funny how our ''on the go'' American lifestyle in search of ''a good time'' can be solved by NOT being on the go! :†)

Now I am sure there are people (many people) who are severely hurt from change in energy prices, BUT ignoring the issue and waiting for someone to bail them out is NOT the

right solution. I have learned to live within my financial budget and not spend more than I make (something my grandfather taught me). I take the same approach to energy. If I cannot afford to do it, I just find other things to do! No more whining and wanting handouts! No more subsities. Let the price of gas/oil go whereever the market will take it. Let us diversify our energy sources and get rid of this ''single point of failure''. I would even go so far as to say we should NOT ''fully utilize proven American oil and natural gas reserves'' (leave them for a real rainy day) and lets put our time and effort into diversifying.

DAX.

Something has got to give! My husband works ten hour-days and sometimes six days a week in the woods as a logger. I work as a school bus driver eleven months a year. (Neither one of us has to drive to work, thank God!) We live at least 50 miles roundtrip from the doctor's offices, bank, grocery stores, etc. Our gas bill averages around $400 a month since January '08. Our heat/energy bill averages $400 a month. We have tried to make our trips to town count as we would stock up and shop for necessities a few times a month. However, that has also changed as we cannot afford to stock up as grocery prices have skyrocketed. We now do without. Our extra money is being eaten up by fuel, energy costs and groceries and we are not living high on the hog!! We cannot afford the fresh food that does not last a week in the refrigerator and cannot afford to go 50 miles for fresh stuff weekly.

We have tried to help our only daughter who lives 80 miles away and can barely cover rent and student loans (who, by the way, did not qualify for a stimulus check when she has worked and went to college, her income was $6,000.)

To top it off, we do have credit card debt and perfect credit, which we've worked hard to achieve!! But apparently due to the credit crises(?), we received a letter that now our interest rates are going up even though we have never been late with a payment or exceeded our limit! Our retirement accounts are crashing, according to news releases; that is also due to oil prices and speculators! We have had the American Dream, and it is slipping away!! Time for some changes, sick to death of environmentalists who probably do not even work! Fed up in rural Idaho.

SCOTT and SHANNON, *Deary*.

I advised my state representatives against passing legislation for ethanol production. I hope I was not the lone voice.

I am alerting all who are willing to listen or read of the manipulation of the United States of America into the North American Union and subsequently an Emergent World Government.

You will either be unaware of this activity, a proponent of it, or opposed to the premise of the dissolution of the US of A. I know what is on the horizon for America and planet Earth. Our current path need not be a willing venture. We have the resources and the resolve to lead the world. We do not need to abdicate that role to a dozen Global families.

The link I provide below is revealing. According to Lindsey Williams, a Baptist Minister who worked with oil exploration companies in Alaska, the U.S. has all the oil it needs for the next 100 years or so.

http://video.google.com/videoplay?docid=3340274697167011147

This information needs but one Senator or Representative to bring it to the floor and into the light. It may be too late already. If you wish to discuss this at length, I will avail myself.

Respectfully,

DENNIS.

I am a typical Idahoan, born and raised here. I work as Rehabilitation Counselor for the State of Idaho. I work with individuals who are typically low income, or reliant on Social Security Disability Awards for their living. The gas prices have hit these individuals very hard. Many have a strong desire to obtain employment and earn a gainful wage, but with gas prices at $4/gallon, they simply cannot afford to go to work. There is not a reliable bus system, no train system to be utilized, and so they decide to sit at home. The nearest areas offering the best employment options are 20 miles away in either direction. Not a bad commute as the traffic is relatively minimal, but an $8, $9, $10/hour job simply does not offset the cost of fuel. I live five minutes from my office, and I find myself wondering how I will pay for the fuel. I laugh when I see the oil representatives say they pay the same amount for gas as the rest of us. They may pay the $4/gallon I do, but it has minimal to no impact on their wallet when compared to the average American. Please work harder to find a suitable solution that is long term and equitable to all Americans.

My story is not dramatic. It probably is not unique, but I think that is why I am taking the time to email a response to your news letter.

Trenton.

I am a thirty-year-old mother of two young boys and registered nurse. My husband and I budget. We save. We avoid debt. Our home is modest, much of it built with our own hands. We each drive a ten-year-old car. We rarely eat out. We will also earn nearly $86,000 this year, far above the median Idaho household income. Yet, I am feeling the burden of increased energy costs.

How can that be? Our story really began with 9-11, or the economic downturn that immediately followed it. Downsizing, and then more downsizing meant layoffs for my husband, a new college graduate at that time. Jobs were scarce for new grads, and we depleted our savings, eventually turning to credit cards in order to feed and insure our young family.

The economy picked up and he found consistent work. Then, I graduated from college and we began attacking our credit cards with added fervor. The future began looking brighter. We set debt payoff goals and looked for ways to reduce the number of my hours away from home so that I could focus on our young boys. This December I was going to work one less day per pay period. It was going to be our Christmas present to our family.

Now that dream does not seem likely.

Increases in energy have led to price hikes around the board. Wheat costs have skyrocketed, fresh produce too, and, let us not even talk about milk and gasoline. The increases mean that, in order for us to pay off our debt and continue saving, I will have to continue working my regular schedule. If we want any extras, like a date out, an occasional vacation, or to finish projects around the house, I have to work extra shifts to cover those. I do not see how I will be able to reduce the number of hours at my job.

You ask what priorities I think Congress should set to solve this crisis? My answers may seem a little strange, but I am a believer in capitalism, fiscal responsibility and hard work. They really do work! I would like to see our leaders:

Increase domestic oil production & alternative energy production. Remember the South? Many say that they lost the war because they did not have infrastructure. We need to remember past mistakes so they do not revisit our future. Our refineries are aging. We import more than we export. Regulations make it nearly impossible to build new refineries and expensive for new drill sites. We need to find a balance with responsible environmental practices that allow new refineries to be built and natural resources to be extracted.

Do not set price caps. If oil and gas become too expensive, there will be incentive for alternative fuels & for Americans to conserve!

Look at ways to decrease our tax load. Americans work very hard for every penny we earn. Find ways to be more fiscally responsible so that our tax burden can be lightened to help offset our increasing energy expenses.

Do not forget the younger generation. My generation is paying thousands in to social security & other programs that will be bankrupt before we ever get to use them. We feel the added strain of paying now, while trying to find ways to be self sufficient because we expect to have a bankrupt country by the time we get to retirement age. We need to invest in our future. And please do not forget our little children. What legacy will we be leaving them?

Quit labeling the Oil Companies as the bad guys. Our current conundrum is nothing more than the classic supply versus demand. If demand goes up and supply cannot meet it, the cost will go up. This concept is taught in economics classes around the country. Why should we expense the oil companies to work for nothing? These companies provide many Americans with good jobs. Let us find a way to bring more of these jobs home!

Thank you for your time,

DIXIE, *Rexburg*.

RECOGNIZING SBE, INC. OF BARRE, VERMONT

Mr. LEAHY. Mr. President, I rise today to recognize the innovation and achievements of SBE, Inc. in Barre, VT.

For decades, SBE has demonstrated an exceptional ability to adapt to the demands of a changing marketplace. The company started as Sprague Electric in 1945, but today SBE is using cutting-edge technology to develop capacitors for use in green cars, alternative energies, Taser stun guns, and advanced military equipment. These innovative products have created dozens of quality Vermont jobs that reflect our state's commitment towards moving to alternative energy sources.

I commend Ed Sawyer, president and CEO of SBE, and all of the hard-working employees in Barre for their foresight and innovation. I ask unanimous consent that a September 1, 2008, Burlington Free Press article about the company be printed in the RECORD so all Senators can read about the success and commendable business practices of this sustainable Vermont company.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Sept. 1, 2008]

BARRE FIRM ADAPTS PRODUCTS TO SURVIVE: CAPACITOR COMPANY MOVES FOCUS FROM TV AND STEREOS TO TASERS AND HYBRIDS

(By Dan McLean)

BARRE.—SBE Inc., built on 20th century capacitor technology, has survived by continuing to adapt, taking a Vermont-made product and carving a national market.

SBE has branched off from its trademarked orange colored capacitors, known worldwide as the ''orange drop,'' and is pursuing ''power ring'' technology for hybrid vehicles, alternative energy producers and military applications.

''This is sustainable manufacturing. It's a different product mix,'' said Ed Sawyer, president and CEO of the SBE Inc.

SBE has landed two rounds of U.S. Department of Energy grants to pursue capacitor technology for the burgeoning hybrid vehicle industry. The money is helping to bankroll research and development that are creating jobs. ''We applied for the grant in a competitive process along with approximately 2,000 other firms across the U.S,'' Sawyer said.

By continuing to innovate, the manufacturer has been able to save itself from becoming obsolete.

Over a billion capacitors have been made by the Barre-based manufacturer during the past six decades, Sawyer said. A capacitor is an electronic device that can store energy.

KEYS TO SURVIVAL

Boom times continued into the late 1960s and early 1970s for the capacitor manufacturer. During that time, about 900 employees built capacitors for companies such as AC Delco, Magnavox, RCA and Zenith.

The industry has changed a lot since Sprague Electric entered into a subcontracting agreement with the Rock of Ages Corp. to manufacture capacitors on their behalf in 1945. SBE Inc. is the successor to Sprague Electric Co.

SBE has retooled. The company has translated a mid-20th century technology into a modern application for green cars, alternative energies, Taser stun guns and military equipment. As the decades passed, foreign competitors—mostly in China, Korea, Malaysia and the Philippines—began making capacitors for one-quarter to one-third the price, Sawyer said. Aside from the hefty price competition, work was lost because the manufacturing of many electronic devices that use capacitors moved from the U.S. to Asia.

When Sprague Electric sold the company to SBE in 1986, it was down to 19 employees, Sawyer said. SBE now has about 50 employees and is hiring five more engineers to work on capacitors for hybrid cars.

The company survived, Sawyer said, because of its longstanding philosophy: ''new products need to be developed to keep the company viable.''

SBE Inc.—which leases 30,000 square feet of the 110,000 square feet the manufacturer owned a few decades ago—was created from the shell that Sprague Electric was leaving behind after being decimated by foreign competition, Sawyer said. The management team banded together to buy the operation, forming SBE, he said.

''If they didn't have the motivation, it would have been just one more 'closed business' story,'' Sawyer said.

Since becoming president in 2002, Sawyer promoted the development of patents. Three patents have been issued on high-voltage, pulse technologies, and six more are pending, he said.

Unlike a semiconductor, which requires power be applied to it, a capacitor has the ability to hold a charge and can change direct current to alternating current, which is used to power an electric motor.

JOB POTENTIAL

Job growth, particularly skilled manufacturing positions, should continue at SBE.

If the capacitor technology SBE is developing for hybrid vehicles is embraced by General Motors, as Sawyer hopes, employment could grow by another 100 people. ''It would be huge job growth for the state,'' he said.

Rob Peterson, a GM spokesman, said suppliers for the Chevy Volt hybrid vehicle have not been established yet. ''We have made some decisions on suppliers, but we are very, very early on in the process.''

The Chevy Volt is set to hit markets in November 2010, Peterson said. The car is designed to travel 40 miles on an electric charge before tapping into electricity generated by a gas-fueled engine.

The bulk of SBE's sales remain in standard capacitors used in industrial lighting, welding equipment and supplies for cell phone towers.

''This is still what's paying the bills,'' he said.

SBE added to its product lineup when it became the exclusive provider for capacitors for Taser International Inc. in 2002, Sawyer said. SBE has sold about a million capacitors for the stun guns carried by police departments across the country, he said.

SBE landed Taser as a client because of the Barre company's history as an industry leader. ''They actually approached us, basically on our reputation in the industry,'' he said.

In 2007, SBE's revenue was $3 million to $5 million. Sawyer expects those figures to be 20 to 25 percent higher this year. Despite the sales, earnings are lackluster.

SBE, a privately held company, is not turning a profit, but that's because profits are being rolled back into the research and development budget, Sawyer said.

FUNDING SOURCES

Department of Energy grants are helpful, but they don't offset the losses, he said.

SBE received $850,000 from the Energy Department to perfect hybrid vehicle capacitor technology. The technology could make lighter, smaller capacitors and slice a few hundred dollars from the price of a hybrid vehicle, Sawyer said.

Grant money isn't the only source powering new endeavors at SBE. The company's eye toward innovation, and reliable revenue stream, caught the interest of ''angel'' investors, Sawyer said. Such investors have poured in more than $2 million in the last four years, he said.

The work for Taser helped SBE get traction with the investment community and the existing capacitor business added a sense of security.

''There is less risk than two guys in a garage. We are an existing entity that is paying the bills,'' Sawyer said.

The military is interested in the power ring technology to shoot ''a high energy laser'' from a vehicle,'' Sawyer said.

The technology of the capacitors is similar. It's the sizes of the pieces that vary. Capacitors for the hybrid cars are 6 inches in diameter, substantially larger than the standard capacitors, which are ½-inch to 1–inch wide.

Capacitors being used by solar and wind energy producers to store and filter electricity are about 12 inches in diameter, he said.

York Capacitor—a similar operation in Winooski—closed in 2005 after being purchased by a South Carolina company that moved manufacturing to Mexico. York Capacitor failed to adapt, Sawyer said. ''They never changed.''

''I don't think we'd be in business today . . . if we didn't make the choices we made to target the markets we are now,'' he said.

ADDITIONAL STATEMENTS

TRIBUTE TO LARRY THORNTON

• Mr. AKAKA. Mr. President, today I want to share a story with my colleagues about the accomplishments of one of my constituents. It begins with a feature story in Landscape Superintendent and Maintenance Professional magazine and ends with selection as the Air Force Association's 2008 Department of Veterans Affairs Employee of the Year Award. The link between the two is a fine veteran and fellow Hawaii resident, Mr. Larry L. Thornton.

In June of last year, Landscape Superintendent and Maintenance Professional magazine featured an article entitled ''Maintaining Honor,'' on the quality of the grounds-keeping at the National Memorial Cemetery of the Pacific. The national cemetery, located on the island of Oahu and known to Hawaii locals as ''Punchbowl,'' is a crown jewel of America's memorials, and the last resting place of thousands who so valiantly served their Nation. Millions visit Punchbowl annually, to walk the grounds, to stand silently in its beauty, and to pay tribute to those laid to rest there.

The article featured pictures of the groundskeepers, each identified by first and last name. Unbeknownst to the readers, these hard working stewards are injured veterans, some with disabilities for which others may have written them off as unable to contribute a day's labor. But thanks in large part to one man, one of their fellow veterans, they succeed beyond such expectations, one day at a time. That man, their supervisor for VA's Compensated Work Therapy Program for disabled veterans, managed to escape the feature photos. That man is Punchbowl's Cemetery caretaker foreman, Larry Thornton.

Fortunately, Mr. Thornton could not escape the limelight when he finally received just recognition for his work with disabled veterans and for his dedicated labor to maintain a national shrine. This year his work was recognized and earned him the Air Force Association's Department of Veterans Affairs Employee of the Year Award for 2008. I join the Air Force Association in commending this fine veteran, Mr. Thornton, for his service to his fellow veterans and our Nation. His service began long before this award, and I am sure that it will continue long after it.

I am doubly proud of him, as a Senator from Hawaii and as the chairman of the Veterans' Affairs Committee.●

TRIBUTE TO STUART POLLAK

● Mrs. BOXER. Mr. President, I am pleased and honored to pay tribute to Stuart Pollack for his many years of service to the Hebrew Free Loan Association based in San Francisco, CA.

Stuart graduated as valedictorian from Lowell High School in San Francisco in 1955. He went on to attend Stanford University for his undergraduate degree and graduated from Harvard Law School magna cum laude in 1962. In his first year out of law school, Stuart would serve as a law clerk to Chief Justice Earl Warren and to Justices Stanley Reed and Harold Burton. Following his work as a law clerk, Stuart moved on to the U.S. Department of Justice, Criminal Division; Special Assistant to Assistant Attorney General.

After finishing his position with the Department of Justice, Stuart went into private practice at Howard Rice Nemerovski Canady & Pollak where he served as partner for 14 years before becoming a judge on the San Francisco Superior Court, a position he held through 2002. Continuing with a long list of legal accomplishments, Stuart currently serves as an associate justice on the California Court of Appeals, Division Three. Even with his demanding schedule as an associate justice, Stuart has consistently made time for Hebrew Free Loan Association and other organizations in which he has a leadership role: Jewish Community Relations Council, the Jewish Community Federation, New Israel Fund, America-Israel Friendship League and Congregation Sherith Israel.

I commend the mission of Hebrew Free Loan Association and am thrilled by the positive impact it has on the lives of those who receive its assistance. Over the last 110 years, Hebrew Free Loan Association has provided interest-free loans to people in need; assistance in the form of a loan rather than a hand out. Stuart's many years of dedicated involvement with Hebrew Free Loan Association, including his 2 years as president, has allowed many from the San Francisco Bay Area Jewish community to realize their dreams.

After nearly 30 years of continuing service to Hebrew Free Loan Association, I remain in admiration of Stuart's strong sense of civic duty. Along with hundreds of his friends and admirers throughout the San Francisco Bay area, I wish him many more years of continued community involvement and leadership.●

TRIBUTE TO SERGEANT PAUL STARZYK

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated law enforcement officer, Sergeant Paul Starzyk of the city of Martinez Police Department. For the past 12 years, Sergeant Starzyk worked tirelessly to provide the citizens of Martinez with safety and service. On September 6, 2008, Sergeant Starzyk was tragically killed in the line of duty.

Sergeant Starzyk, an Antioch resident, worked as a banker and at a local soup kitchen before he became active in law enforcement. He was hired by the city of Martinez Police Department as a Reserve Officer in 1992 and became a Police Officer in December 1994. After a brief period with the Pleasant Hill Police Department, Sergeant Starzyk came back to the Martinez Police Department in April 1997 and was promoted to sergeant in December 2007.

A member of the Central Contra Costa Narcotics Enforcement Team and a former SWAT team leader, Sergeant Starzyk was renowned for his leadership skills among fellow officers. Throughout his career, Sergeant Starzyk demonstrated a passion for law enforcement and commitment to helping others, qualities that enabled him to become a respected and model member of the Martinez Police Department. Sergeant Starzyk's colleagues will always remember him for his professionalism and devotion to serving the public.

Sergeant Starzyk was a loving husband, proud father, and devoted friend. He is survived by his wife Shannon, a Contra Costa County sheriff's deputy, and three young children. Sergeant Starzyk served the city of Martinez with honor and dignity, and his contributions to his community and the many lives that he touched will serve as a shining example of his legacy.

We will always be grateful for Sergeant Starzyk's service and the valor that he displayed while serving and protecting the people of Martinez.●

RECOGNIZING THE 938TH ENGINEER DETACHMENT

● Mr. CRAPO. Mr. President, it is an honor for me to recognize the remarkable achievement of a group of Idaho citizen soldiers, the 938th Engineer Detachment from Driggs. The 938th was recently awarded the Meritorious Unit Commendation, one of the U.S. Army's highest honors. According to BG Alan Gayhart, an Idaho unit has not won this award since the days of World War II, over 60 years ago. The 938th Engineer Battalion participated in Operation Iraqi Freedom from February 2003 to March 2004. The unit operated in the capacity of fire prevention and combat aircraft protection for the 101st Airborne Division in northern Iraq. This was a difficult mission, and one that they executed with professionalism, skill, and excellence. The firefighters worked tirelessly in their protection and prevention efforts in defense of freedom, and I am happy for their safe return to family and friends. I also keep the families and friends of those who made the ultimate sacrifice in prayer as they continue on without their loved ones.

Idaho has a proud history of military service. Her sons and daughters have been serving our Nation in uniform far from home since the days of the Spanish American War in the early 20th century. The Meritorious Unit Commendation which the 938th Engineer Battalion received is awarded to military commands that display exceptionally meritorious conduct in the performance of outstanding service, heroic deed or valorous actions. The unit was recommended for the award by the U.S. Army's higher headquarters and was selected by the Pentagon for the commendations.●

SONY HAWAII AND SONY ELECTRONICS

● Mr. INOUYE. Mr. President, I wish to recognize Sony Hawaii and Sony Electronics (collectively ''Sony'') for their Electronics Take Back and Recycle Program. Sony Hawaii, part of the larger Sony Electronics Inc., is based in Honolulu and just celebrated its 40th anniversary as a Hawaii-based company. Seventy-five percent of Sony Hawaii's business comes from selling discounted Sony products directly to U.S. military personnel around the world.

Sony has long been an industry leader in the environmentally friendly design of its consumer electronics and information technology products. Last year, Sony announced its Take Back and Recycle Program to encourage consumers to recycle and dispose of electronic devices in an environmentally sound manner. The program provides customers free recycling of their unwanted Sony products, everything from a game console to a mobile phone to a DVD. Under its program, Sony takes full manufacturer responsibility for all products that bear its brand and will recycle those products at no cost to the consumer. Its recycling locations will also accept and recycle non-Sony consumer electronics and information technology products for a small fee.

Sony has partnered with Waste Management Recycle America to utilize 138 drop-off centers throughout the country, with the goal of having 150 permanent locations and at least one recycling location in every State by September 2008. Sony's longer term goal is to have a collection location within 20 miles of 95 percent of the U.S. population at which consumers, retailers, and municipalities can have any product from any consumer electronic manufacturer recycled.

All products which are collected through the program must be recycled

using the strictest environmental standards. Waste Management will store, track inventory and dismantle the products into the form of common raw materials that can be bought and sold on the global market. In some cases, it is likely that recycled plastics will be purchased for reforming into a new current model electronics product. Sony seeks at least 95 percent recycling rates, with less than 5 percent of materials going to landfills. In addition, Sony provides full public accountability of how and where the material goes and prohibits the exportation of hazardous waste to developing countries.

In addition to setting up permanent collection centers, Sony is holding numerous, highly publicized electronics recycling events, throughout the United States, including some in the State of Hawaii. Sony also offers consumers credit toward the future purchase of a similar product if they send in their old product for recycling.

Sony has stated that its goal in implementing the Take Back and Recycle Program is to make recycling as easy for consumers as it is for them to purchase a Sony product. I commend Sony for its electronics recycling efforts.●

100TH ANNIVERSARY OF OUR LADY OF SORROWS CATHOLIC CHURCH

● Mr. LEVIN. Mr. President, I would like to extend my congratulations to Our Lady of Sorrows Catholic Church in Grand Rapids, MI, as they celebrate their 100th anniversary. Since its inaugural mass on September 20, 1908, Our Lady of Sorrows Catholic Church has been devoted to serving the many diverse needs within the Grand Rapids community, and I am pleased to join in celebrating this important milestone.

In the late 1800s, as the Italian-American population in Grand Rapids continued to grow, there began an earnest search within this immigrant community for a place to worship that would respond to their specific needs. Led by Father Salvatore Cianci and without a formal structure in which to conduct mass, the congregation was established and gathered in the basement of St. Andrew's Cathedral in Grand Rapids in 1908 to celebrate its first mass. With this mass, the congregation of Our Lady of Sorrows began their spiritual journey by seeking to minister to the roughly 75 families that lived in the area at the time.

During the early part of the 20th century, Our Lady of Sorrows Catholic Church continued to grow and to establish a presence in the community. Throughout both the Great Depression and World War II, they worked diligently to create a permanent residence for their church community. The church initiated fundraising efforts to help support the purchase of a permanent location, as well as to support their many community outreach efforts. After nearly 40 years in temporary locations, their determination and persistence was rewarded with the dedication of the new church structure on April 14, 1957.

Through the many challenges and changes the church and the larger community endured, Our Lady of Sorrows has remained committed to its church family. The Grand Rapids parish is presently home to more than 250 families of diverse backgrounds, including a growing Hispanic population. During their distinguished 100-year history, they established an elementary school; constructed a new convent, rectory, and church; and established a local scholarship for anyone living within the boundaries of the parish. Today, the church serves as an example of an inclusive community and has reached out to people of diverse backgrounds, facilitating an appreciation for different cultures.

Our Lady of Sorrows Catholic Church is truly an important part of the rich history of Grand Rapids. Their influence and service to the community is apparent to the many that have benefitted from the church's spiritual and outreach efforts. I know my colleagues join me in congratulating Our Lady of Sorrows Catholic Church on 100 years of dedicated service to the Grand Rapids community, and I wish them much success as they embark on another 100-year journey.●

RECOGNIZING FIREFLY RESTORATIONS

● Ms. SNOWE. Mr. President, today I recognize Firefly Restorations of Hope, ME, a company whose tribute to the fallen firefighters of September 11 stands as a symbol of our Nation's resolve and exemplifies the selfless spirit of Maine's small businesses.

Firefly Restorations is one of a small number of businesses that restore and rebuild antique fire apparatus. Firefly's owner, Andy Swift, is a Mainer with a life-long love of firefighting and fire engines. Mr. Swift, a firefighter of over fourteen years, has been restoring fire engines for two decades. In his words he has been: ''. . . immersed in this world of fire.''

On September 11, 2001, Mr. Swift watched from his television as his brethren entered the Twin Towers and sacrificed their lives so that those trapped inside might live. It was at that moment that Mr. Swift resolved to do something, anything, to assist or to commemorate the events of that tragic day. At first, Mr. Swift felt a visceral pull to Ground Zero. As he said, ''When you're a fireman, you have a firefighter's heart.'' But instead, he found a different and unique way to show his gratitude for the sacrifices of the fallen firefighters of the New York City Fire Department.

Mr. Swift made an offer to the New York City Fire Department. He said, provide me with a fire engine, any fire engine, and I will restore it for free. Shortly after the offer was made, the New York City Fire Department asked him to restore a nineteenth century hose wagon, and Mr. Swift was more than happy to oblige.

Restoring fire engines is a costly and time consuming task. Firefly Restorations typically takes 2 years to refurbish an engine, but with Maine firefighters raising $3,500 for materials and Mr. Swift and his employees donating over 2,500 hours of free labor, the hose wagon was completed within 6 months.

On October 12, 2002, 1 year, 1 month, and 1 day after September 11, the fire hose Firefly Restorations refurbished made its debut at the fallen firefighter's memorial service in Madison Square Garden. Amidst the tributes and memorial services the antique hose wagon stood as a silent reminder of the links between generations of brave men and women who rush into buildings when others rush out. In his own way, Mr. Swift put the ceremony into perspective when he said, ''It was probably one of the most moving things that I've been involved with. I think it was a healing process, and I think it was important for me to go through . . . I was brokenhearted like many, many other people were, and I just thought it was part of the stage of healing.''

Seven years after September 11 Mr. Swift and his business are still in Maine and continue to restore fire engines. After the October 2002 memorial service, the hose wagon returned to Maine, and, today, it can be found at the Owls Head Transportation Museum in Owls Head, Maine. On the seventh anniversary of September 11, we take this day to grieve and commemorate the extraordinary acts preformed by ordinary Americans like Andy Swift and his employees at Firefly Restorations.

I thank Andy Swift and Firefly Restorations for this gift to our country, our Nation's firefighters, and to those brave heroes who gave their lives on September 11.●

PROPOSED AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF INDIA CONCERNING PEACEFUL USES OF NUCLEAR ENERGY, RECEIVED DURING ADJOURNMENT OF THE SENATE ON SEPTEMBER 10, 2008—PM 63

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to section 123 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153) (AEA), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written determination concerning the Agreement, including my approval of the Agreement and my authorization to execute the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the AEA, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the AEA and other applicable law. In my judgment, it meets all applicable statutory requirements except for section 123a.(2) of the AEA, from which I have exempted it as described below.

The proposed Agreement provides a comprehensive framework for U.S. peaceful nuclear cooperation with India. It permits the transfer of information, non-nuclear material, nuclear material, equipment (including reactors) and components for nuclear research and nuclear power production. It does not permit transfers of any restricted data. Sensitive nuclear technology, heavy-water production technology and production facilities, sensitive nuclear facilities, and major critical components of such facilities may not be transferred under the Agreement unless the Agreement is amended. The Agreement permits the enrichment of uranium subject to it up to 20 percent in the isotope 235. It permits reprocessing and other alterations in form or content of nuclear material subject to it; however, in the case of such activities in India, these rights will not come into effect until India establishes a new national reprocessing facility dedicated to reprocessing under IAEA safeguards and both parties agree on arrangements and procedures under which the reprocessing or other alteration in form or content will take place.

In Article 5(6) the Agreement records certain political commitments concerning reliable supply of nuclear fuel given to India by the United States in March 2006. The text of the Agreement does not, however, transform these political commitments into legally binding commitments because the Agreement, like other U.S. agreements of its type, is intended as a framework agreement.

The Agreement will remain in force for a period of 40 years and will continue in force thereafter for additional periods of 10 years each unless either party gives notice to terminate it 6 months before the end of a period. Moreover, either party has the right to terminate the Agreement prior to its expiration on 1 year's written notice to the other party. A party seeking early termination of the Agreement has the right immediately to cease cooperation under the Agreement, prior to termination, if it determines that a mutually acceptable resolution of outstanding issues cannot be achieved through consultations. In any case the Agreement, as noted, is a framework or enabling agreement that does not compel any specific nuclear cooperative activity. In the event of termination of the Agreement, key nonproliferation conditions and controls would continue with respect to material and equipment subject to the Agreement.

An extensive discussion of India's civil nuclear program, military nuclear program, and nuclear nonproliferation policies and practices is provided in the Nuclear Proliferation Assessment Statement (NPAS) and in a classified annex to the NPAS submitted to the Congress separately.

The AEA establishes the requirements for agreements for nuclear cooperation, some of which apply only to non-nuclear-weapon states (see AEA, section 123a.). The AEA incorporates the definition of ''nuclear-weapon state'' from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which defines it to mean a state that has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967. Therefore India is a non-nuclear-weapon state for NPT and AEA purposes, even though it possesses nuclear weapons. The Agreement satisfies all requirements set forth in section 123a. of the AEA except the requirement of section 123a.(2) that, as a condition of continued U.S. nuclear supply under the Agreement, IAEA safeguards be maintained in India with respect to all nuclear materials in all peaceful nuclear activities within its territory, under its jurisdiction, or carried out under its control anywhere (i.e., ''full-scope'' or ''comprehensive'' safeguards).

The Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (the ''Hyde Act'') established authority to exempt the Agreement from the full-scope safeguards requirement of section 123a.(2) of the AEA, as well as certain other provisions of the AEA relating to supply under such an agreement, provided that the President makes certain determinations and transmits them to the Congress together with a report detailing the basis for the determinations. I have made those determinations, and I am submitting them together with the required report as an enclosure to this transmittal.

Approval of the Agreement, followed by its signature and entry into force, will permit the United States and India to move forward on the U.S.-India Civil Nuclear Cooperation Initiative, which Indian Prime Minister Manmohan Singh and I announced on July 18, 2005, and reaffirmed on March 2, 2006. Civil nuclear cooperation between the United States and India pursuant to the Agreement will offer major strategic and economic benefits to both countries, including enhanced energy security, an ability to rely more extensively on an environmentally friendly energy source, greater economic opportunities, and more robust nonproliferation efforts.

The Agreement will reinforce the growing bilateral relationship between two vibrant democracies. The United States is committed to a strategic partnership with India, the Agreement promises to be a major milestone in achieving and sustaining that goal.

In reviewing the proposed Agreement I have considered the views and recommendations of interested agencies. I have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved it and I urge that the Congress also approve it this year.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 10, 2008*.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:24 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 5683. An act to make certain reforms with respect to the Government Accountability Office, and for other purposes.

H.R. 6456. An act to provide for extensions of certain authorities of the Department of State, and for other purposes.

S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 3:58 p.m., a message from the House of Representatives, delivered by

Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1527. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to conduct a pilot program to permit certain highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department.

H.R. 3667. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System.

H.R. 4081. An act to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 2617. An act to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that were effective as of December 1, 2007, to provide for an increase in the rates of such compensation effective December 1, 2008, and for other purposes.

At 4:44 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 344. Concurrent resolution recognizing the disproportionate impact of the global food crisis on children in the developing world.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 6532) to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 6532. An act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1527. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to conduct a pilot program to permit certain highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department; to the Committee on Veterans' Affairs.

H.R. 3667. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 344. Recognizing the disproportionate impact of the global food crisis on children in the developing world; to the Committee on Foreign Relations.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 11, 2008, she had presented to the President of the United States the following enrolled bills:

S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7522. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Coverage Enhancement Option'' (RIN0563–AC15) received on August 26, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7523. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Cattle; State and Area Classifications; Texas'' (Docket No. APHIS–2008–0003) received on August 27, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7524. A communication from the Under Secretary of Agriculture (Food, Nutrition, and Consumer Services), transmitting, pursuant to law, the report of a rule entitled ''Management of Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions'' (RIN0584–AD45) received on August 27, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7525. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Department of the Army and has been assigned case number 05–13; to the Committee on Appropriations.

EC–7526. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Department of the Air Force and has been assigned case number 06–01; to the Committee on Appropriations.

EC–7527. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Department of the Navy and has been assigned case number 07–04; to the Committee on Appropriations.

EC–7528. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, nine quarterly Selected Acquisition Reports (SARs) for the quarter ending June 30, 2008; to the Committee on Armed Services.

EC–7529. A communication form the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Department of Defense's review of programs designed to prevent recruiter misconduct; to the Committee on Armed Services.

EC–7530. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (6) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7531. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to public-private competitions affecting the 82nd Training Wing, Sheppard Air Force Base, Texas; to the Committee on Armed Services.

EC–7532. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notification of the department's decision to convert to contract the aircraft maintenance functions currently performed by 101 military personal of the Fleet Logistics Support Squadrons at Andrews Air Force Base, Maryland; to the Committee on Armed Services.

EC–7533. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to the results of the Department's A–76 public-private competition; to the Committee on Armed Services.

EC–7534. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the Future Years Defense Program (FYDP); to the Committee on Armed Services.

EC–7535. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (3) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7536. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, a report entitled, ''The Year in Trade 2007''; to the Committee on Finance.

EC–7537. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''First Sale Declaration Requirement'' (RIN1505–AB96) received on August 20, 2008; to the Committee on Finance.

EC–7538. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Entry Requirements for Certain Softwood Lumber Products Exported from Any Country into the United States'' (RIN1505–AB98) received on August 20, 2008; to the Committee on Finance.

EC–7539. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—September 2008'' (Rev. Rul. 2008–46) received on August 20, 2008; to the Committee on Finance.

EC–7540. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''IRC 965 Dividend Repatriation Audit Guidelines'' (LMSB–4–0808–043) received on September 2, 2008; to the Committee on Finance.

EC–7541. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Forestry Conservation Bonds'' (Notice 2008–70) received on September 2, 2008; to the Committee on Finance.

EC–7542. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report entitled ''Report of the Proceedings of the Judicial Conference of the United States for the March 2008 Session''; to the Committee on the Judiciary.

EC–7543. A communication from the Principal Deputy Assistant Attorney General, transmitting, pursuant to law, a report relative to the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

EC–7544. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Aliens Inadmissible Under the Immigration and Nationality Act, as Amended: Unlawful Voters'' (RIN1400–AC04) received on August 26, 2008; to the Committee on the Judiciary.

EC–7545. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Wisconsin Advisory Committee; to the Committee on the Judiciary.

EC–7546. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Arkansas Advisory Committee; to the Committee on the Judiciary.

EC–7547. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from Spencer Chemical/Jayhawk Works near Pittsburg, Kansas, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7548. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Y–12 Plant in Oak Ridge, Tennessee, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7549. A communication from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on August 27, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7550. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling; Health Claim; Soluble Fiber From Certain Foods and Risk of Coronary Heart Disease'' (Docket No. FDA–2008–P–0090) received on August 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7551. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, an annual report relative to the federal work force for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–7552. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled ''The Department of Labor's 2007 Findings on the Worst Forms of Child Labor''; to the Committee on Health, Education, Labor, and Pensions.

EC–7553. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to an annual plan for the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program; to the Committee on Energy and Natural Resources.

EC–7554. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Annual Energy Outlook 2008''; to the Committee on Energy and Natural Resources.

EC–7555. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to progress made in licensing and constructing the Alaska natural gas pipeline; to the Committee on Energy and Natural Resources.

EC–7556. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Utah Regulatory Program'' (Docket No. UT–042–FOR) received on August 25, 2008; to the Committee on Energy and Natural Resources.

EC–7557. A communication from the Acting Chief, Regulatory Affairs, Bureau of Land Management, transmitting, pursuant to law, the report of a rule entitled ''Recreation and Public Purposes Act; Solid Waste Disposal'' (RIN1004–AE03) received on August 27, 2008; to the Committee on Energy and Natural Resources.

EC–7558. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Electric Generating Unit Multi-Pollutant Regulation'' (FRL No. 8708–6) received on August 25, 2008; to the Committee on Environment and Public Works.

EC–7559. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determination of Attainment of Fine Particle Standard'' (FRL No. 8707–3) received on August 25, 2008; to the Committee on Environment and Public Works.

EC–7560. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa'' (FRL No. 8707–7) received on August 25, 2008; to the Committee on Environment and Public Works.

EC–7561. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyprodinil; Pesticide Tolerances'' (FRL No. 8377–8) received on August 25, 2008; to the Committee on Environment and Public Works.

EC–7562. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''2008–2009 Refuge-Specific Hunting and Sport Fishing Regulations (Additions)'' (RIN1018–AV20) received on August 27 2008; to the Committee on Environment and Public Works.

EC–7563. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, the report of the draft of a bill, ''To amend the Elwha River Ecosystem and Fisheries Restoration Act to provide certain authorities for dam removal and mitigation activities, and for other purposes''; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 381. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes (Rept. No. 110–452).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2382. A bill to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense (Rept. No. 110–453).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3328. A bill to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority (Rept. No. 110–454).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 3068. A bill to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an

individual who has been convicted of a felony (Rept. No. 110–455).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 3013. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes (Rept. No. 110–456).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2997. A bill to reauthorize the Maritime Administration, and for other purposes (Rept. No. 110–457).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 3296. A bill to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

J. Patrick Rowan, of Maryland, to be an Assistant Attorney General.

Jeffrey Leigh Sedgwick, of Massachusetts, to be an Assistant Attorney General.

William B. Carr, Jr., of Pennsylvania, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011.

(*Nominations without an asterisk were reported with the recommendation that they be confirmed.*)

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted on September 11, 2008:

By Mr. DODD, from the Committee on Foreign Relations:

[Treaty Doc. 109–14 Extradition Agreement with the European Union]

[Treaty Doc. 109–15 Extradition Treaty with Latvia]

[Treaty Doc. 109–16 Extradition Treaty with Estonia]

[Treaty Doc. 109–17 Extradition Treaty with Malta]

[Treaty Doc. 110–11 Extradition Treaty with Romania and Protocol to the Treaty on Mutual Legal Assistance in Criminal Matters with Romania]

[Treaty Doc. 110–12 Extradition Treaty with Bulgaria and an Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters with Bulgaria]

[Treaty Doc. 109–13 Mutual Legal Assistance Agreement with the European Union]

[Treaty Doc. 107–12 Treaty with Sweden on Mutual Legal Assistance in Criminal Matters]

[Treaty Doc. 109–22 Treaty with Malaysia on Mutual Legal Assistance]

[Treaty Doc. 105–1B Incendiary Weapons Protocol]

[Treaty Doc. 105–1C Treaty Short Title: Protocol on Blinding Laser Weapons]

[Treaty Doc. 109–10B Amendment to Article 1 of the Convention on Prohibitions or Restrictions on Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects]

[Treaty Doc. 109–10C CCW Protocol on Explosive Remnants of War]

[Treaty Doc. 107–17 Partial Revision (1992) of Radio Regulations (Geneva 1979)]

[Treaty Doc. 108–28 1995 Revision of Radio Regulations]

[Treaty Doc. 110–1 Land-Based Sources Protocol to Cartagena Convention]

[Treaty Doc. 110–4 International Convention for Suppression of Acts of Nuclear Terrorism]

[Treaty Doc. 110–5 1996 Protocol to Convention on Prevention of Marine Pollution by Dumping of Wastes]

[Treaty Doc. 110–13 International Convention on Control of Harmful Anti-Fouling Systems on Ships, 2001]

[Treaty Doc. 110–15 Protocol Amending 1980 Tax Convention with Canada]

[Treaty Doc. 110–17 Tax Convention with Iceland]

[Treaty Doc. 110–18 Tax Convention with Bulgaria with Proposed Protocol of Amendment]

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

AGREEMENT ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE EUROPEAN UNION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration and a Condition.

The Senate advises and consents to the ratification of the Agreement on Extradition between the United States of America and the European Union, signed at Washington on June 25, 2003, with a related Explanatory Note (Treaty Doc. 109–14), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Report on Provisional Arrests. No later than February 1, 2010, and every February 1 for an additional four years thereafter, the Attorney General, in coordination with the Secretary of State, shall prepare and submit a report to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate that contains the following information:

(1) The number of provisional arrests made by the United States during the previous calendar year under each bilateral extradition treaty with a Member State of the European Union, and a summary description of the alleged conduct for which provisional arrest was sought;

(2) The number of individuals who were provisionally arrested by the United States under each such treaty who were still in custody at the end of the previous calendar year, and a summary description of the alleged conduct for which provisional arrest was sought;

(3) The length of time between each provisional arrest listed under paragraph (1) and the receipt by the United States of a formal request for extradition; and

(4) The length of time that each individual listed under paragraph (1) was held by the United States or an indication that they are still in custody if that is the case.

PROTOCOL TO THE EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Austria signed January 8, 1998, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, signed at Vienna on July 20, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF BELGIUM

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the United States of America and the Kingdom of Belgium signed April 27, 1987, signed at Brussels on December 16, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CYPRUS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Cyprus signed June 17, 1996, signed at Nicosia on January 20, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SECOND SUPPLEMENTARY TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE CZECH REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Second Supplementary Treaty on Extradition between the United States of America and the Czech Republic, signed at Prague on May 16, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF DENMARK

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Extradition between the United States of America and the Kingdom of Denmark signed June 22, 1972, signed at Copenhagen on June 23, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF FINLAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Extradition Treaty between the United States of America and Finland signed June 11, 1976, signed at Brussels on December 16, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2, of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between United States of America and France signed April 23, 1996, signed at The Hague on September 30, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SECOND SUPPLEMENTARY TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Second Supplementary Treaty to the Treaty between the United States of America and the Federal Republic of Germany Concerning Extradition, signed at Washington on April 18, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE HELLENIC REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty on Extradition between the United States of America and the Hellenic Republic, signed May 6, 1931, and the Protocol thereto signed September 2, 1937, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union, signed June 25, 2003, signed at Washington on January 18, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HUNGARY

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Hungary on Extradition signed December 1, 1994, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union, signed June 25, 2003, signed at Budapest on November 15, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND IRELAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Extradition between the United States of America and Ireland signed July 13, 1983, signed at Dublin on July 14, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE ITALIAN REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States of America and the Government of the Italian Republic signed October 13, 1983, signed at Rome on May 3, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE SLOVAK REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument on Extradition between the United States of America and the Slovak Republic, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, signed at Bratislava on February 6, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF SLOVENIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement between the Government of the United States of America and the Government of the Republic of Slovenia comprising the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the Application of the Treaty on Extradition between the United States and the Kingdom of Serbia, signed October 25, 1901, signed at Ljubljana on October 17, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SPAIN

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Extradition between the United States of America and Spain signed May 29, 1970, and the Supplementary Treaties on Extradition signed January 25, 1975, February 9, 1988 and March 12, 1996, signed at Madrid on December 17, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND KINGDOM OF SWEDEN

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Convention on Extradition between the United States of America and Sweden signed October 24, 1961 and the Supplementary Convention on Extradition between the United States of America and the Kingdom of Sweden signed March 14, 1983, signed at Brussels on December 16, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States and the Government of the United Kingdom of Great Britain and Northern Ireland signed March 31, 2003, signed at London on December 16, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2 (a) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United states of America and the Government of the Grand Duchy of Luxembourg signed October 1, 1996, signed at Washington on February 1, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement comprising the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed at Washington on June 25, 2003, as to the application of the Extradition Treaty between the United States of America and the Kingdom of the Netherlands signed at The Hague on June 24, 1980, signed at The Hague on September 29, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement between the United states of America and the Republic of Poland on the application of the Extradition Treaty between the United States of America and the Republic of Poland signed July 10, 1996, pursuant to Article 3(2) of the Agreement on Extradition between the United States of America and the European Union signed at Washington June 25, 2003, signed at Warsaw on June 9, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE PORTUGUESE REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Portuguese Republic as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, signed at Washington on July 14, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LATVIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Latvia, signed at Riga on December 7, 2005 (Treaty Doc. 109–15), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LITHUANIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol on the application of the Agreement on Extradition between the United States of America and the European Union to the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Lithuania, signed at Brussels on June 15, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ESTONIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Estonia, signed at Tallinn on February 8, 2006 (Treaty Doc. 109–16), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND MALTA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of Malta, signed at Valletta on May 18, 2006, with a related exchange of letters signed the same date (Treaty Doc. 109–17), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND ROMANIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the United States of America and Romania, signed at Bucharest on September 10, 2007 (Treaty Doc. 110–11), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE TREATY ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND ROMANIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the United States of America and Romania on Mutual Legal Assistance in Criminal Matters signed in Washington on May 26, 1999, signed at Bucharest on September 10, 2007 (Treaty Doc. 110–11), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF BULGARIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Bulgaria, signed at Sofia on September 19, 2007 (Treaty Doc. 110–12), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

AGREEMENT ON CERTAIN ASPECTS OF MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF BULGARIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of the Republic of Bulgaria, signed at Sofia on September 19, 2007 (Treaty Doc. 110–12), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

AGREEMENT ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE EUROPEAN UNION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement on Mutual Legal Assistance between the United States of America and the European Union, signed at Washington on June 25, 2003, with a related Explanatory Note (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Austria on Mutual Legal Assistance Matters signed February 23, 1995, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Vienna on July 20, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF BELGIUM

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the United States of America and the Kingdom of Belgium on Mutual Legal Assistance in Criminal Matters signed January 28, 1988, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CYPRUS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Republic of Cyprus on Mutual Legal Assistance in Criminal Matters signed December 20, 1999, signed at Nicosia on January 20, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SUPPLEMENTARY TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE UNITED STATES OF AMERICA AND THE CZECH REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Supplementary Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and the Czech Republic, signed at Prague on May 16, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF DENMARK

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument between the Kingdom of Denmark and the United States of America as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Copenhagen on June 23, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ESTONIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement

on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Republic of Estonia on Mutual Legal Assistance in Criminal Matters signed April 2, 1998, signed at Tallinn on February 8, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF FINLAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the United States of America and the Republic of Finland, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2, of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and France signed December 10, 1998, signed at The Hague on September 30, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SUPPLEMENTARY TREATY ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Supplementary Treaty to the Treaty between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE HELLENIC REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Hellenic Republic on Mutual Legal Assistance in Criminal Matters, signed May 26, 1999, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union, signed June 25, 2003, signed at Washington on January 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HUNGARY

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Hungary on Mutual Legal Assistance in Criminal Matters signed December 1, 1994, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Budapest on November 15, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND IRELAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters signed January 18, 2001, signed at Dublin on July 14, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE ITALIAN REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the United States of America and the Italian Republic on Mutual Assistance in Criminal Matters signed November 9, 1982, signed at Rome on May 3, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LATVIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Latvia on Mutual Legal Assistance in Criminal Matters, signed at Riga on December 7, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LITHUANIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol on the application of the Agreement on Mutual Legal Assistance between the United States of America and the European Union to the Treaty between the Government of the United States of America and the Government of the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters, signed at Brussels on June 15, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2(a) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg on Mutual Legal Assistance in Criminal Matters signed March 13, 1997, signed at Washington on February 1, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE TREATY BETWEEN THE UNITED STATES OF AMERICA AND MALTA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of Malta, signed at Valletta on May 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement comprising the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003, as to the application of the Treaty between the United States of America and the Kingdom of the Netherlands on Mutual Assistance in Criminal Matters signed at The Hague on June 12, 1981, signed at The Hague on September 29, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement between the United States of America and the Republic of Poland on the Application of the Treaty between the United States of America and the Republic of Poland on Mutual Legal Assistance in Criminal Matters signed July 10, 1996, pursuant to Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington June 25, 2003, signed at Warsaw on June 9, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE PORTUGUESE REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice And Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Portuguese Republic as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Washington on July 14, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE SLOVAK REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Slovak Republic, as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Bratislava on February 6, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF SLOVENIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement between the Government of the United States of America and the Government of the Republic of Slovenia comprising the Instrument as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003, signed at Ljubljana on October 17, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SPAIN

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and the Kingdom of Spain signed November 20, 1990, signed at Madrid on December 17, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SWEDEN

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters signed December 17, 2001, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Mutual Legal Assistance in Criminal Matters signed January 6, 1994, signed at London on December 16, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SWEDEN ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters, signed at Stockholm on December 17, 2001 (Treaty Doc. 107–12), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty between the United States of America and Malaysia on Mutual Legal Assistance in Criminal Matters, signed at Kuala Lumpur on July 28, 2006 (Treaty Doc. 109–22), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

CCW PROTOCOL ON INCENDIARY WEAPONS (PROTOCOL III)

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Reservation, an Understanding, and a Declaration.

The Senate advises and consents to the ratification of the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Protocol III), adopted at Geneva on October 10, 1980 (Treaty Doc. 105–1(B)), subject to the reservation of section 2, the understanding of section 3, and the declaration of section 4.

Section 2. Reservation.

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

The United States of America, with reference to Article 2, paragraphs 2 and 3, reserves the right to use incendiary weapons against military objectives located in concentrations of civilians where it is judged that such use would cause fewer casualties and/or less collateral damage than alternative weapons, but in so doing will take all feasible precautions with a view to limiting the incendiary effects to the military objective and to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.

Section 3. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

It is the understanding of the United States of America that any decision by any military commander, military personnel, or any other person responsible for planning, authorizing or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

Section 4. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Protocol is self-executing. This Protocol does not confer private rights enforceable in United States courts.

CCW PROTOCOL ON BLINDING LASER WEAPONS (PROTOCOL IV)

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to an Understanding and a Declaration.

The Senate advises and consents to the ratification of the Protocol on Blinding Laser Weapons to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Protocol IV), adopted at Vienna on October 13, 1995 (Treaty Doc. 105–1(C)), subject to the understanding of section 2 and the declaration of section 3.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

It is the understanding of the United States of America with respect to Article 2 that any decision by any military commander, military personnel, or any other person responsible for planning, authorizing or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed. the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Protocol is self-executing. This Protocol does not confer private rights enforceable in United States courts.

CCW PROTOCOL ON EXPLOSIVE REMNANTS OF WAR (PROTOCOL V)

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to an Understanding and a Declaration.

The Senate advises and consents to the ratification of the Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Protocol V), adopted at Geneva on November 28, 2003 (Treaty Doc. 109–10(C)), subject to the understanding of section 2 and the declaration of section 3.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

It is the understanding of the United States of America that nothing in Protocol V would preclude future arrangements in connection with the settlement of armed conflicts, or assistance connected thereto, to allocate responsibilities under Article 3 in a manner that respects the essential spirit and purpose of Protocol V.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of Articles 7 and 8, this Protocol is self-executing. This Protocol does not confer private rights enforceable in United States courts.

CCW AMENDMENT TO ARTICLE 1

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Amendment to Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, adopted at Geneva on December 21, 2001 (Treaty Doc. 109–10(B)), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing. This Treaty does not confer private rights enforceable in United States courts.

1992 PARTIAL REVISION OF THE RADIO REGULATIONS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Reservations and Declarations.

The Senate advises and consents to the ratification of the 1992 Partial Revision of the Radio Regulations (Geneva, 1979), with appendices, signed by the United States at Malaga-Torremolinos on March 3, 1992, as contained in the Final Acts of the World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum (WARC 0992) (the ''1992 Final Acts'') (Treaty Doc. 107–17), subject to declarations and reservations Nos. 67, 79, and 80 of the 1992 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

1995 REVISION OF THE RADIO REGULATIONS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Reservations and Declarations.

The Senate advises and consents to the ratification of the 1995 Revision of the Radio Regulations, with appendices, signed by the United States at Geneva on November 17, 1995, as contained in the Final Acts of the World Radiocommunication Conference (WRC 0995) (the ''1995 Final Acts'') (Treaty Doc. 108–28), subject to declarations and reservations Nos. 67(3), 68, 78, and 82 of the 1995 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Declarations.

The Senate advises and consents to the ratification of the Protocol Concerning Pollution from Land-Based Sources and Activities to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, with Annexes, done at Oranjestad, Aruba, on October 6, 1999 (Treaty Doc. 110–1), subject to the declaration of section 2 and the declaration of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

In accordance with Article XVIII, the United States of America declares that, with respect to the United States of America, any new annexes to the Protocol shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Protocol is not self-executing.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Reservation, Understandings, and a Declaration.

The Senate advises and consents to the ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted on April 13, 2005, and signed on behalf of the United States of America on September 14, 2005 (the ''Convention'') (Treaty Doc. 110–4), subject to the reservation of section 2, the understandings of section 3, and the declaration of section 4.

Section 2. Reservation.

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

Pursuant to Article 23(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 23(1) of the Convention.

Section 3. Understandings.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States of America understands that the term ''armed conflict'' in Article 4 of the Convention does not include situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) The United States of America understands that the term ''international humanitarian law'' in Article 4 of the Convention has the same substantive meaning as the law of war.

(3) The United States of America understands that, pursuant to Article 4 and Article 1 (6), the Convention does not apply to: (a) the military forces of a State, which are the armed forces of a State organized, trained, and equipped under its internal law for the primary purpose of national defense or security, in the exercise of their official duties; (b) civilians who direct or organize the official activities of military forces of a State; or (c) civilians acting in support of the official activities of the military forces of a State, if the civilians are under the formal command, control, and responsibility of those forces.

(4) The United States of America understands that current United States law with respect to the rights of persons in custody and persons charged with crimes fulfills the requirement in Article 12 of the Convention and, accordingly, the United States does not intend to enact new legislation to fulfill its obligations under this Article.

Section 4. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of the provisions that obligate the United States to criminalize certain offenses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses, this Convention is self-executing. Included among the self-executing provisions are those provisions obligating the United States to treat certain offenses as extraditable offenses for purposes of bilateral extradition treaties. None of the provisions in the Convention, including Articles 10 and 12, confer private rights enforceable in United States courts.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Declarations and an Understanding.

The Senate advises and consents to the ratification of the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done in London on November 7, 1996 (Treaty Doc. 110–5), subject to the declaration of section 2, the understanding of section 3, and the declaration of section 4.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

The United States of America declares that, pursuant to Article 16(5), when it is a party to a dispute about the interpretation or application of Article 3(1) or 3(2) of this Protocol, its consent shall be required before the dispute may be settled by means of the Arbitral Procedure set forth in Annex 3 of the Protocol.

Section 3. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States of America understands that, in light of Article 10(4) of the Protocol, which provides that the Protocol ''shall not apply to those vessels and aircraft entitled to sovereign immunity under international law,'' disputes regarding the interpretation or application of the Protocol in relation to such vessels and aircraft are not subject to Article 16 of the Protocol.

Section 4. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Protocol is not self-executing.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Two Declarations.

The Senate advises and consents to the ratification of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, adopted on October 5, 2001 (Treaty Doc. 110–13), subject to the declaration of section 2 and the declaration of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

The United States of America declares that, pursuant to Article 16(2)(f)(ii)(3) of the Convention, amendments to Annex 1 of the Convention shall enter into force for the United States of America only after notification to the Secretary-General of its acceptance with respect to such amendments.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is not self-executing.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration and a Condition.

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the United States of America and Canada with Respect to Taxes on Income and on Capital done at Washington on September 26, 1980, as Amended by the Protocols done on June 14, 1983, March 28, 1984, March 17, 1995, and July 29, 1997, signed on September 21, 2007, at Chelsea (the ''Protocol'') (Treaty Doc. 110–15), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is self-executing.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Report.

1. Not later than two years from the date on which this Protocol enters into force and prior to the first arbitration conducted pursuant to the binding arbitration mechanism provided for in this Protocol, the Secretary of Treasury shall transmit the text of the rules of procedure applicable to arbitration boards, including conflict of interest rules to be applied to members of the arbitration board, to the committees on Finance and Foreign Relations of the Senate and the Joint Committee on Taxation.

The Secretary of Treasury shall also, prior to the first arbitration conducted pursuant to the binding arbitration mechanism provided for in the 2006 Protocol Amending the Convention between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes (the ''2006 German Protocol'') (Treaty Doc. 109 0920) and the Convention between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying protocol (the ''Belgium Convention'') (Treaty Doc. 110 093), transmit the text of the rules of procedure applicable to the first arbitration board agreed to under each treaty to the committees on Finance and Foreign Relations of the Senate and the Joint Committee on Taxation.

2. 60 days after a determination has been reached by an arbitration board in the tenth arbitration proceeding conducted pursuant to either this Protocol, the 2006 German Protocol, or the Belgium Convention, the Secretary of Treasury shall prepare and submit a detailed report to the Joint Committee on Taxation and the Committee on Finance of the Senate, subject to law relating to taxpayer confidentiality, regarding the operation and application of the arbitration mechanism contained in the aforementioned treaties. The report shall include the following information:

I. The aggregate number, for each treaty, of cases pending on the respective dates of entry into force of this Protocol, the 2006 German Protocol, or the Belgium Convention, along with the following additional information regarding these cases:

a. The number of such cases by treaty article(s) at issue;

b. The number of such cases that have been resolved by the competent authorities through a mutual agreement as of the date of the report; and

c. The number of such cases for which arbitration proceedings have commenced as of the date of the report.

II. A list of every case presented to the competent authorities after the entry into force of this Protocol, the 2006 German Protocol, or the Belgium Convention, with the following information regarding each and every case:

a. The commencement date of the case for purposes of determining when arbitration is available;

b. Whether the adjustment triggering the case, if any, was made by the United States or the relevant treaty partner and which competent authority initiated the case;

c. Which treaty the case relates to;

d. The treaty article(s) at issue in the case;

e. The date the case was resolved by the competent authorities through a mutual agreement, if so resolved;

f. The date on which an arbitration proceeding commenced, if an arbitration proceeding commenced; and

g. The date on which a determination was reached by the arbitration board, if a determination was reached, and an indication as

to whether the board found in favor of the United States or the relevant treaty partner.

III. With respect to each dispute submitted to arbitration and for which a determination was reached by the arbitration board pursuant to this Protocol, the 2006 German Protocol, or the Belgium Convention, the following information shall be included:

a. An indication as to whether the determination of the arbitration board was accepted by each concerned person;

b. The amount of income, expense, or taxation at issue in the case as determined by reference to the filings that were sufficient to set the commencement date of the case for purposes of determining when arbitration is available; and

c. The proposed resolutions (income, expense, or taxation) submitted by each competent authority to the arbitration board.

3. The Secretary of Treasury shall, in addition, prepare and submit the detailed report described in paragraph (2) on March 1 of the year following the year in which the first report is submitted to the Joint Committee on Taxation and the Committee on Finance of the Senate, and on an annual basis thereafter for a period of five years. In each such report, disputes that were resolved, either by a mutual agreement between the relevant competent authorities or by a determination of an arbitration board, and noted as such in prior reports may be omitted.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Convention between the Government of the United States of America and the Government of Iceland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying Protocol, signed at Washington on October 23, 2007 (Treaty Doc. 110–17), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is self-executing.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Convention between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, with accompanying Protocol, signed at Washington on February 23, 2007, as well as the Protocol Amending the Convention between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Sofia on February 26, 2008 (Treaty Doc. 110–18), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is self-executing.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH (for himself, Mr. INHOFE, Mr. ISAKSON, Mr. BOND, and Mr. CHAMBLISS):

S. 3469. A bill to provide that the Clean Air Interstate Rule shall remain in full force and effect; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself and Mr. ENSIGN):

S. 3470. A bill to require United States Government representatives to present to the Government of Iraq a plan to establish an oil trust; to the Committee on Foreign Relations.

By Mr. DEMINT (for himself, Mrs. DOLE, and Mr. THUNE):

S. 3471. A bill to prohibit government-sponsored enterprises from making lobbying expenditures, political contributions, or other certain contributions; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD:

S. 3472. A bill to amend the Farm Security and Rural Investment Act of 2002 to further the adoption of technologies developed by the Department of Agriculture, to encourage small business partnerships in the development of energy through biorefineries, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KYL:

S. 3473. A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes; to the Committee on Indian Affairs.

By Mr. CARPER (for himself and Mr. LIEBERMAN):

S. 3474. A bill to amend title 44, United States Code, to enhance information security of the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LAUTENBERG (for himself and Mrs. BOXER):

S. 3475. A bill to amend the Federal Food, Drug, and Cosmetic Act to require manufacturers of bottled water to submit annual reports, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HAGEL (for himself and Mr. BINGAMAN):

S. 3476. A bill to amend the Public Health Service Act to improve the Nation's surveillance and reporting for diseases and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself and Mr. WEBB):

S. 3477. A bill to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3478. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of energy, to provide transportation and domestic fuel security, and to provide incentives for energy conservation and energy efficiency, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. COCHRAN, and Mr. KENNEDY):

S. 3479. A bill to amend the National and Community Service Act of 1990 to establish a Semester of Service grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Mr. COCHRAN, and Mr. KENNEDY):

S. 3480. A bill to amend the National and Community Service Act of 1990 to establish Encore Service Programs, Encore Fellowship Programs, and Silver Scholarship Programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 3481. A bill to amend the Internal Revenue Code of 1986 to provide a temporary increase in the new qualified hybrid motor vehicle credit for school buses; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. WEBB):

S. 3482. A bill to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the ''John W. Warner Rapids''; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND (for himself, Mr. ROCKEFELLER, and Mr. WHITEHOUSE):

S. Res. 655. A resolution to improve congressional oversight of the intelligence activities of the United States; to the Committee on Rules and Administration.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 656. A resolution expressing the sense of the Senate regarding the terrorist attacks committed against the United States of America on September 11, 2001; considered and agreed to.

ADDITIONAL COSPONSORS

S. 394

At the request of Mr. AKAKA, the names of the Senator from Delaware

(Mr. CARPER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 766

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 921

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 921, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1181

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

S. 1328

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1430

At the request of Mr. REID, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1780

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1780, a bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2007'', and for other purposes.

S. 2140

At the request of Mr. DORGAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2161

At the request of Mr. ISAKSON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2998

At the request of Mr. NELSON of Florida, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2998, a bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, and for other purposes.

S. 3040

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3040, a bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances.

S. 3077

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. 3077, a bill to strengthen transparency and accountability in Federal spending.

S. 3237

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3237, a bill to assist volunteer fire companies in coping with the precipitous rise in fuel prices.

S. 3256

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3256, a bill to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

S. 3325

At the request of Mr. LEAHY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3331

At the request of Mr. BAUCUS, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 3331, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 3334

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3334, a bill to strengthen communities through English literacy, civic education, and immigrant integration programs.

S. 3356

At the request of Mr. CHAMBLISS, the names of the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3356, a bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

S. 3362

At the request of Mr. KERRY, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 3362, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

S. 3380

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3380, a bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

S. 3389

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3389, a bill to require, for the benefit of shareholders, the disclosure of payments to foreign governments for the extraction of natural resources, to allow such shareholders more appropriately to determine associated risks.

S. 3399

At the request of Mrs. LINCOLN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3399, a bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes.

S. 3406

At the request of Mr. HARKIN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. DORGAN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Delaware (Mr. CARPER) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3439

At the request of Mr. SALAZAR, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 3439, a bill to provide for duty free treatment of certain recreational performance outerwear, and for other purposes.

S. 3465

At the request of Mr. WICKER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3465, a bill to reserve certain proceeds from the auction of spectrum, including the auction of the D-block of spectrum, for use to provide interoperable devices to public safety personnel.

S. 3467

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3467, a bill to extend through April 1, 2009, the MinnesotaCare Medicaid demonstration project.

S. CON. RES. 93

At the request of Mr. DORGAN, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Con. Res. 93, a concurrent resolution supporting the goals and ideals of ''National Sudden Cardiac Arrest Awareness Month''.

S. RES. 598

At the request of Mr. LUGAR, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Res. 598, a resolution expressing the sense of the Senate regarding the need for the United States to lead renewed international efforts to assist developing nations in conserving natural resources and preventing the impending extinction of a large portion of the world's plant and animal species.

S. RES. 616

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 616, a resolution reducing maternal mortality both at home and abroad.

AMENDMENT NO. 5063

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 5063 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5266

At the request of Mr. REID, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 5266 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5271

At the request of Mr. VOINOVICH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 5271 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5299

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 5299 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5300

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 5300 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5302

At the request of Mr. NELSON of Florida, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 5302 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5319

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 5319 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5327

At the request of Mr. CHAMBLISS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 5327 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5339

At the request of Mr. ALEXANDER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 5339 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5347

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 5347 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5369

At the request of Mr. WHITEHOUSE, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 5369 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5371

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 5371 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5374

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of amendment No. 5374 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5385

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Mr. CARDIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 5385 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5406

At the request of Mr. LEAHY, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of amendment No. 5406 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5409

At the request of Mr. BROWN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 5409 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5410

At the request of Mr. HARKIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 5410 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5412

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 5412 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5422

At the request of Mr. BAYH, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Michigan (Ms. STABENOW), the Senator from Pennsylvania (Mr. CASEY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. SANDERS) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 5422 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5439

At the request of Mrs. MCCASKILL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 5439 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year

2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5441

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 5441 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 3472. A bill to amend the Farm Security and Rural Investment Act of 2002 to further the adoption of technologies developed by the Department of Agriculture, to encourage small business partnerships in the development of energy through biorefineries, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, today I am introducing the Energy and Technology Advancement, ETA, Act of 2008. At its heart, this bill will increase partnerships between the Federal Government and businesses to help spur the commercialization of energy, forestry, and other technologies—in other words, to increase the ETA, or estimated time of arrival, for bringing new technologies to market.

This bill is among the bills I have introduced this week as part of my E4 Initiative, dubbed E4 because of its focus on Economy, Employment, Education, and Energy.

Particularly in the area of energy, we must do more to make new energy solutions, like next generation biofuels, a reality. My bill will help make the Federal Government a better business partner for the many businesses that are researching and developing innovative technology solutions our country needs. We are squandering the Federal investment of billions into research and development by not doing enough to prevent new technologies from sitting on the shelf or being shipped to another country. Helping these new energy technologies get off the ground is not only a promising way to develop the next generation of energy technology that will help break our addiction to oil, it will also help to spur job creation and enhance rural development.

One obstacle identified by the Forest Service's Wisconsin-based Forest Products Lab which conducts forestry and energy technology research with businesses and others, is lack of Federal support for moving technologies from the research and development phase to commercialization. My bill will bridge this gap by authorizing the U.S. Department of Agriculture, USDA, which includes the Forest Service, to work with businesses and provide access to resources to assist with getting technologies to market.

By encouraging the USDA to act as a ''business incubator,'' we can increase the rate of success and reduce the length of time for bringing technologies to the market. By providing a bridge to move new technologies beyond the research and development phase to commercialization, the Federal Government will accelerate the development of new technologies and create increased opportunities for small businesses, local and State government, and others.

All energy, forestry, and other technologies will benefit from my ETA Act because it will help new technologies come to the market. It does so by promoting the Federal Government as a better business incubator, encouraging the USDA to provide business support services, and authorizing USDA employees and private-sector employees to work together in Federal or private experimental or product facilities. My bill will also increase cooperation between the Federal Government and innovative businesses by encouraging the USDA to allow rental of Federal equipment and property for the development-of new technology. The cost of the legislation is fully offset so as to not increase the Federal deficit.

Lastly, a specific partnership encouraged by my Energy and Technology Advancement Act will spur the commercialization of biofuels. My bill requires the USDA to pursue a biorefinery pilot plant that will allow businesses to partner with the Federal Government to test various biofuels technologies derived from a variety of feedstocks, including woody and agriculture waste.

Certainly one of today's greatest challenges—energy—is also one of tomorrow's greatest opportunities. Today, the transportation sector accounts for 70 percent of our oil consumption. However, there are promising efforts to significantly lessen our dependence on oil by reducing fuel consumption through increased efficiency and by aggressively pursuing renewable fuels, or biofuels. The commercialization of biofuels will also create job opportunities, support rural development and industries such as forestry, and develop the next generation of fuels that are sustainable and from diverse sources.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Energy and Technology Advancement Act of 2008''.

SEC. 2. FEDERAL ENERGY AND FORESTRY BUSINESS ASSISTANCE.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended by adding at the end the following:

''SEC. 9014. FEDERAL ENERGY AND FORESTRY BUSINESS ASSISTANCE.

''(a) SUPPORT FOR BUSINESS INCUBATORS.—

''(1) DEFINITIONS.—In this subsection:

''(A) BUSINESS INCUBATOR.—The term 'business incubator' means the programs and assistance designed to accelerate the successful development of new or existing small businesses through an array of support resources and services, developed and managed by the Secretary.

''(B) DEPARTMENT.—The term 'Department' means the Department of Agriculture.

''(2) DUTY OF SECRETARY.—To further the adoption of technologies developed by the Department, the Secretary shall establish criteria and procedures to facilitate and encourage businesses and other organizations—

''(A) to rent equipment and property owned by the Federal Government for the development of new and improved products and processes (including the production of reasonable quantities of product for sale);

''(B) to authorize employees of the Department and employees of the private sector to work together in experimental or production facilities owned by—

''(i) the Federal Government; or

''(ii) a private entity;

''(C) to provide business support services to start-up and small businesses; and

''(D) to enter into cooperative agreements with Indian tribes, States, counties, institutions of higher education, and other educational and governmental units to support business incubators for businesses that use technologies and products of interest to the Secretary.

''(b) ESTABLISHMENT OF BIOREFINERY PILOT PLANT.—

''(1) DUTY OF SECRETARY.—Not later than 90 days after the date of enactment of this section, in accordance with paragraph (2), the Secretary shall submit to the appropriate committees of Congress a plan for the development and construction of a biorefinery pilot plant.

''(2) COST ESTIMATES.—The Secretary shall include in the plan described in paragraph (1) a comprehensive estimate of each cost relating to the development and construction of the biorefinery pilot plant that is the subject of the plan.

''(3) DESIGN REQUIREMENTS.—The biorefinery pilot plant that is the subject of the plan described in paragraph (1) shall be designed to enable the plant—

''(A) to produce liquid fuels from woody, agricultural, and other biomass—

''(i) in a flexible, multi-bioproduct manner;

''(ii) in a sustainable manner that addresses life-cycle inputs and outputs; and

''(iii) in quantities sufficient—

''(I) to provide proof of process; and

''(II) to allow for business incubator and support services described in subsection (a); and

''(B) to employ, at a minimum, thermochemical and biochemical conversion processes in the production of liquid fuels.

''(c) FUNDING.—Of the amounts made available to the Secretary for programmatic and

administrative expenditures, the Secretary shall use such sums as are necessary to carry out this section.''.

By Mr. KYL:

S. 3473. A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes; to the Committee on Indian Affairs.

Mr. KYL. Mr. President, today I am pleased to introduce the White Mountain Apache Tribe Water Rights Quantification Act of 2008. This legislation would authorize, confirm, and ratify the White Mountain Apache Tribe Water Rights Quantification Agreement and authorize funding for a key drinking water project on the tribe's reservation. The White Mountain Apache Tribe and the water users and providers of Arizona have waited a long time for this day. In fact, the legislation I am introducing today is the product of nearly 3 years of negotiation and the tremendous work of the settlement parties.

On behalf of the tribe, the U.S. filed substantial claims to water in the Gila River and Little Colorado River General Stream adjudications in Arizona. Absent a settlement, resolution of these claims would take many years, entail great expense, prolong uncertainty concerning the availability of water supplies, and seriously impair the long-term economic well-being of all of the parties to the settlement. Specifically, without a settlement, the tribe's claims could impact water users in the Salt River system, a major water source within the State of Arizona.

Within the last few days, the representatives of the non-federal water settlement parties have indicated that a settlement is nearly finalized. The parties' representatives have expressed their written support for the settlement and have indicated that they will be submitting the settlement to their respective governing bodies for review and action.

Under the settlement agreement, the tribe would have a right to a total annual diversion water right of 99,000 acre-feet per year through a combination of surface water and Central Arizona Project water sources. The legislation would confirm, authorize, and ratify the parties' settlement and provide federal funding for a desperately needed drinking water project on the tribe's reservation—the Miner Flat Project.

Currently, a relatively small well field serves the drinking water needs of the majority of the residents on the reservation, but production from the wells has declined significantly over the last few years. As a result, the tribe has experienced summer drinking water shortages. The tribe is planning to construct a small Rural Development funded diversion project on the North Fork of the White River on its reservation this year. It indicates that when the project is completed it will replace most of the lost production from the existing well field, but will not produce enough water to meet the demand of the tribe's growing population. The Miner Flat Project would provide a longterm solution for the tribe's drinking water shortages.

Consequently, not only would the legislation I have introduced today provide certainty to water users in the State of Arizona regarding their future water supplies, it would provide the tribe with a long-term reliable source of drinking water. Therefore, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

CENTRAL ARIZONA PROJECT,
Phoenix, AZ, September 4, 2008.

Hon. JON KYL,
U.S. Senate, Hart Building,
Washington, DC.

DEAR SENATOR KYL: I am writing as counsel for the Central Arizona Water Conservation District regarding legislation to authorize a settlement of the water rights claims of the White Mountain Apache Tribe. As you know, my staff and I have been personally involved in the negotiations to settle the water rights claims of the Tribe. My staff and I have had the opportunity to review the most recent drafts of the authorizing legislation and the settlement agreement and we intend to recommend approval of the settlement to our governing Board. In our judgment, the proposed settlement is consistent with the Arizona Water Settlements Act and represents an important step forward in Arizona's efforts to resolve outstanding Indian water rights claims. We look forward to continuing to work with you and the other members of the Arizona congressional delegation in bringing this important settlement to fruition.

Sincerely,

DOUGLAS K. MILLER,
General Counsel, CAWCD.

AUGUST 29, 2008.

Senator JON KYL,
East Camelback Road,
Phoenix, AZ.

DEAR SENATOR KYL: We the undersigned representatives of parties to the White Mountain Apache Tribe Quantification Agreement have reviewed the attached Quantification Agreement, Exhibits, and accompanying draft legislation (''Settlement Documents''). Based upon our participation in the negotiations and/or our review of the attached Settlement Documents, we, at this time, intend to express our support for the Settlement Documents and plan to submit them for our governing bodies' review and action. As of the date of this letter, we are not aware of any reason why our governing bodies would not support the Settlement Documents. The governing bodies, however, must conduct a final review of the Settlement Documents and make a decision.

The Settlement Documents may be revised as agreed upon by the parties. We understand that authorizations for appropriations included within the draft legislation are still subject to agreement between you and the White Mountain Apache Tribe.

Signed by 17 representatives of parties to the White Mountain Apache Tribe Quantification Agreement.

By Mr. CARPER (for himself and Mr. LIEBERMAN):

S. 3474. A bill to amend title 44, United States Code, to enhance information security of the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, I rise today with my colleague Senator LIEBERMAN to introduce the Federal Information Security Management Act of 2008.

Although the name of the bill may not sound very exciting, let me assure you that this piece of legislation could be one of the most important pieces of legislation Congress passes this session.

Every day, massive amounts of information is transmitted across the global information infrastructure. Some of this information is routine e-mail between co-workers making lunch plans or a couple making plans for who will pick up the kids at school. Much of it, however consists of highly sensitive military and commercial secrets. As everyone can attest to, increasing global interconnectivity has greatly increased our productivity and ability to communicate. However, it has also increased our responsibility to make sure this information is protected.

The Federal Government stores within its databases some of our Nation's most critical military, economic, and commercial secrets. Great harm could be caused if it were to fall into the wrong hands. Knowing this, nation-states and criminal groups are spending a good deal of money and time trying to access it.

According to a report released back in March by the Department of Defense, the U.S. Government and our allies around the world have come under attack in the past year on a number of occasions by hackers from addresses that appear to originate from within the Chinese government. These hackers were able to compromise information systems at government agencies, defense-related think tanks, contractors, and financial institutions. Germany's domestic intelligence agency, the German Office for the Protection of the Constitution, has accused China of sponsoring these attacks ''almost daily'' in an attempt to ''intensively gather political, military, corporate-strategic and scientific information in order to bridge their technological gaps as quickly as possible.''

The threat of a nation-state cyber attack is very real. Last year in Estonia, an attack by Russian hackers was coordinated through online chat rooms and Web sites. This ''Cyber War,'' as the media called it, shut down Web

sites of a number of Estonian organizations, including the Estonian parliament, banks, ministries, newspapers, and broadcasters.

But we don't have to look overseas to find threats to our information security. Sometimes, we only have to look in our own backyards. Just last year, the Veterans Affairs Department had an external hard drive stolen, exposing sensitive personal information on nearly 2 million individuals. But this isn't the only example. Not by a long shot. The Departments of Defense, Transportation, Commerce, Health and Human Services, Homeland Security, Education, Agriculture, and State have all had sensitive information compromised by current or former employees. These incidents are simply unacceptable.

The original Federal Information Security Management Act, or FISMA, came out of a recognition a few years ago of the critical importance of protecting our information systems. Since then, agencies have made extraordinary progress in implementing crucial information security measures. They should be acknowledged and congratulated for their efforts. However, I am concerned that, 5 years after the passage of FISMA, agencies may have fallen into the trap of complacency and are just checking boxes to show compliance with requirements written into a bill.

The bill Senator LIEBERMAN and I have put forward today will help address this issue. Our bill empowers Chief Information Security Officers to deny access to the agency network if proper security policies are not being followed. If we are going to hold these hardworking individuals accountable in Congress for information security, then we should give them the authority to do so.

Our bill requires that individuals hired to be Chief Information Security Officers be qualified to monitor, detect, and respond to cyber intrusions rather than someone who spends much of their time checking boxes and filling out paperwork.

Our bill will increase collaboration and teamwork and ensure that Chief Information Security Officers continue to keep up to date on the latest technologies and security threats by establishing a Chief Information Security Officers Council. The council will be an open forum where senior officials can be open and honest about security breaches and work together to solve them. This council will be chaired by the National Cyber Security Center Director and will break down the artificial boundaries that have previously existed in cyberspace.

Our bill will also require the Department of Homeland Security to conduct an annual operational evaluation of agency networks. This evaluation will test whether those who want to cause mischief or do us harm can access our sensitive information, much like we test whether terrorists can enter our nuclear facilities or military bases. This evaluation will provide agency leadership and Congress with a better picture of where our weaknesses are and where we need to focus our attention and resources.

Most importantly, our bill will strengthen information security requirements in contracts when agencies purchase services or products from private vendors. No longer should agencies and Congress have to clean up a security mess after an incident has already happened. Instead, we need to start focusing on purchasing more secure services and products that will help prevent these intrusions from happening in the first place.

I look forward to working with my colleagues to get these important and necessary reforms enacted before it is too late. I think everyone can agree that computers, the Internet, and cutting-edge technology have greatly benefited our government and our society. But we also need to recognize that it has greatly increased the threats we face on a daily basis.

In times like these we need to accept our responsibility to protect sensitive information and be held accountable when we fail.

Mr. President, I ask unanimous consent that the text of bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Information Security Management Act of 2008'' or the ''FISMA Act of 2008''.

SEC. 2. DEFINITIONS.

Section 3542(b) of title 44, United States Code, is amended by adding at the end the following:

''(4) The term 'adequate security' means security commensurate with the risk and magnitude of harm resulting from the loss, misuse, or unauthorized access to or modification of information.

''(5) The term 'incident' means an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

''(6) The term 'information infrastructure' means the underlying framework that information systems and assets rely on in processing, transmitting, receiving, or storing information electronically.''.

SEC. 3. ANNUAL INDEPENDENT AUDIT.

(a) REQUIREMENT FOR AUDIT INSTEAD OF EVALUATION.—Section 3545 of title 44, United States Code, is amended—

(1) in the section heading, by striking ''**evaluation**'' and inserting ''**audit**'' ; and

(2) in paragraphs (1) and (2) of subsection (a), by striking ''evaluation'' and inserting ''audit'' both places that term appears.

(b) ADDITIONAL SPECIFIC REQUIREMENTS FOR AUDITS.—Section 3545(a) of such title is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''subset of the agency's information systems;'' and inserting the following: ''subset of—

''(i) the information systems used or operated by the agency; and

''(ii) the information systems used, operated, or supported on behalf of the agency by a contractor of the agency, any subcontractor (at any tier) of such a contractor, or any other entity;'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking the period and inserting ''; and''; and

(D) by adding at the end the following new subparagraph:

''(D) a conclusion as to whether the agency's information security controls are effective, including an identification of any significant deficiencies identified in such controls.''; and

(2) by adding at the end the following:

''(3) Each audit under this section shall conform to generally accepted government auditing standards.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Each of the following provisions of section 3545 of title 44, United States Code, is amended by striking ''evaluation'' and inserting ''audit'' each place it appears:

(A) Subsection (b)(1).

(B) Subsection (b)(2).

(C) Subsection (c).

(D) Subsection (e)(1).

(E) Subsection (e)(2).

(2) Section 3545(d) of such title is amended to read as follows:

''(d) EXISTING INFORMATION.—The audit required by this section may include consideration of relevant audits, evaluations, reports, or other information relating to programs or practices of the applicable agency.''.

(3) Section 3545(f) of such title is amended by striking ''evaluators'' and inserting ''auditors''.

(4) Section 3545(g)(1) of such title is amended by striking ''evaluations'' and inserting ''audits''.

(5) Section 3545(g)(3) of such title is amended by striking ''Evaluations'' and inserting ''Audits''.

(6) Section 3543(a)(8)(A) of such title is amended by striking ''evaluations'' and inserting ''audits''.

(7) Section 3544(b)(5)(B) of such title is amended by striking ''a evaluation'' and inserting ''an audit, evaluation, report, or other information relating to programs or practices of the applicable agency''.

SEC. 4. CHIEF INFORMATION SECURITY OFFICER AND CHIEF INFORMATION SECURITY OFFICER COUNCIL.

(a) DELEGATIONS TO CHIEF INFORMATION SECURITY OFFICER.—Section 3544(a) of title 44, United States Code, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''Chief Information Officer established under section 3506'' and inserting ''Chief Information Security Officer designated under section 3548''; and

(ii) by striking ''ensure compliance'' and inserting ''enforce compliance'';

(B) by striking subparagraph (A); and

(C) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively;

(2) in paragraph (4), by inserting ''and cleared'' after ''trained''; and

(3) in paragraph (5), by striking ''Chief Information Officer'' and inserting ''Chief Information Security Officer''.

(b) CHIEF INFORMATION SECURITY OFFICER AND CHIEF INFORMATION SECURITY OFFICER COUNCIL.—Chapter 35 of title 44, United States Code, is amended—

(1) by redesignating sections 3548 and 3549 as sections 3553 and 3554, respectively; and

(2) by inserting after section 3547 the following:

''§ 3548. Chief Information Security Officers

''(a) DESIGNATIONS.—(1) Except as provided under paragraph (2), the head of each agency shall designate a Chief Information Security Officer who with such agency head shall carry out the responsibilities of the agency under this subchapter. An individual may not serve as the Chief Information Officer and the Chief Information Security Officer for an agency at the same time. The Chief Information Security Officer shall report directly to the Chief Information Officer to carry out such responsibilities.

''(2) The Secretary of Defense and the Secretary of each military department may each designate Chief Information Security Officers who with the Secretary making the designation shall carry out the responsibilities of the applicable department under this subchapter. An individual may not serve as the Chief Information Officer and the Chief Information Security Officer for a department at the same time. The Secretary shall provide for the Chief Information Security Officer to report to the applicable Chief Information Officer to carry out such responsibilities. If more than 1 Chief Information Security Officer is designated, the respective duties of the Chief Information Security Officers shall be clearly delineated.

''(b) QUALIFICATIONS AND GENERAL DUTIES.—A Chief Information Security Officer shall—

''(1) possess necessary qualifications, including education, professional certifications, training, experience, and the security clearance required to administer the functions described under this subchapter; and

''(2) have information security duties as the primary duty of that official.

''(c) RESPONSIBILITIES.—A Chief Information Security Officer for an agency shall have the mission, budget, resources, and authority necessary to—

''(1) oversee the establishment and maintenance of an incident response capability that on a continuous basis can—

''(A) detect, report, respond to, contain, investigate, attribute, and mitigate any network, computer, or data security incident that impairs adequate security, in accordance with policy provided by the Office of Management and Budget, in consultation with the Chief Information Security Officer Council, and guidance from the National Institute of Standards and Technology;

''(B) collaborate with other public and private sector incident response resources to address incidents that extend beyond the agency; and

''(C) not later than 24 hours after discovery of any incident described under subparagraph (A) unless otherwise directed by policy of the Office of Management and Budget, provide notice to the appropriate supporting information security operating center, inspector general, and the United States Computer Emergency Readiness Team;

''(2) collaborate with the Chief Information Officer to establish, maintain, and update an enterprise network, system, storage, and security architecture framework documentation to be submitted quarterly to the United States Computer Emergency Readiness Team, that includes—

''(A) documentation of how technical, managerial, and operational security controls are implemented throughout the agency's information infrastructure; and

''(B) documentation of how the controls described under subparagraph (A) maintain the appropriate level of confidentiality, integrity, and availability of electronic information and information systems based on National Institute of Standards and Technology guidance and Chief Information Security Officers Council recommended approaches;

''(3) ensure that—

''(A) risk assessments are conducted on a periodic basis;

''(B) penetration tests are conducted commensurate with risk (as defined by the National Institute of Standards and Technology) for an agency's information infrastructure; and

''(C) information security vulnerabilities are mitigated in a timely fashion;

''(4) ensure that annual information technology security awareness and role-based training for agency employees and contractors is conducted;

''(5) create, maintain, and manage an information security performance measurement system that aligns with agency goals and budget process; and

''(6) direct and manage information technology security programs and functions within all subordinate agency organizations (including components, bureaus, offices, and other organizations within the agency).

''(d) CONTINUOUS TECHNICAL MONITORING FOR MALICIOUS ACTIVITY OF AGENCY NETWORK AND INFORMATION SYSTEM.—(1) Each agency shall establish a mechanism that allows the Chief Information Security Officer of the agency to detect, monitor, correlate, and analyze, the security of any information system that is connected to the agency's information infrastructure on a continuous basis through automated monitoring.

''(2) The Chief Information Security Officer of an agency shall be responsible for and have the authority to assure that any information system connected to the network (directly or indirectly) that does not comply with security policies and standards, or has been compromised, is denied access and use of the agency network until the information system meets or exceeds accepted security policies and standards established by—

''(A) the National Institute of Standards and Technology;

''(B) the Office of Management and Budget; and

''(C) the applicable agency.

''(3) After notification to the applicable agency's Chief Information Officer, the Chief Information Security Officer of an agency may prevent access to any information system or individual that is using or attempts to use the agency information infrastructure if information security policies and procedures have not been followed or implemented.

''(4) If the Chief Information Security Officer recognizes a network, computer, or data security incident that impairs adequate security of an interagency information system, the Chief Information Security Officer shall notify the managing agency, agency inspector general, and the United States Computer Emergency Readiness Team within 24 hours after discovery of an incident as defined by policy of the Office of Management and Budget.

''(e) OPERATIONAL EVALUATION.—(1) The Chief Information Security Officer of an agency in consultation with the agency Chief Information Officer, with recommendations from the Chief Information Security Officers Council and in consultation with the Secretary of Homeland Security and the heads of other appropriate Federal agencies, shall—

''(A) establish security control testing protocols that ensure that the information infrastructure of the agency, including contractor information systems operating on behalf of the agency are effectively protected against known vulnerabilities, attacks, and exploitations;

''(B) oversee the deployment of such protocols throughout the information infrastructure of the agency; and

''(C) update and test such protocols on a recurring basis.

''(2) After consideration of best practices and recommendations for operational evaluations established by the Chief Information Security Officer Council and in consultation with the heads of appropriate agencies, the Department of Homeland Security shall no less than annually—

''(A) conduct an operational evaluation of the information infrastructure of each agency for known vulnerabilities, attacks, and exploitations of Federal networks on a frequent and recurring basis;

''(B) evaluate the ability of each agency to monitor, detect, correlate, analyze, report, and respond to breaches in information security policies and practices;

''(C) report to the agency head, the Chief Information Officer, and the Chief Information Security Officer of the applicable agency the findings of the operational evaluation; and

''(D) in consultation with the Chief Information Officer and the Chief Information Security Officer of the applicable agency, assist with mitigating exploited vulnerabilities, attacks, and exploitations.

''(3) Not later than 30 days after receiving an operational evaluation under paragraph (2), the Chief Information Security Officer of an agency shall provide the Chief Information Officer and the agency head a plan for addressing recommendations and mitigating vulnerabilities contained in the security reports identified under paragraph (2), including a timeline and budget for implementing such plan.

''(f) NATIONAL SECURITY SYSTEMS.—Subsections (c), (d), and (e) shall not apply to any national security system as defined under section 3542(b)(2) so long as that system is evaluated in a manner consistent with processes described under subsection (e)(2)(A) through (D) of this section.

''§ 3549. Chief Information Security Officer Council

''(a) ESTABLISHMENT.—There is established in the executive branch a Chief Information Security Officers Council (in this section referred to as the 'Council').

''(b) MEMBERSHIP.—The members of the Council shall be full-time senior government employees. The members shall be as follows:

''(1) The Administrator of the Office of Electronic Government of the Office of Management and Budget.

''(2) The Chief Information Security Officer of each agency described under section 901(b) of title 31.

''(3) The Chief Information Security Officer of the Department of the Army, the Department of the Navy, and the Department of the Air Force, if chief information officers have been designated for such departments under section 3506(a)(2)(B).

''(4) A representative from the Office of the Director of National Intelligence.

''(5) A representative from the United States Strategic Command.

''(6) A representative from the United States Computer Emergency Readiness Team.

''(7) A representative from the Intelligence Community Incident Response Center.

''(8) A representative from the Committee on National Security Systems.

''(9) Any other officer or employee of the United States designated by the chairperson.

''(c) CO-CHAIRPERSONS AND VICE CHAIRPERSONS.—(1) The Director of the National Cyber Security Center shall act as chairperson of the Council. The Administrator of the Office of Electronic Government of the Office of Management and Budget shall act as co-chairperson of the Council.

''(2) The vice chairperson of the Council shall be selected by the Council from among its members. The vice chairperson shall serve a 1-year term and may serve multiple terms. The vice chairperson shall serve as a liaison to the Chief Information Officer, Council Committee on National Security Systems, and other councils or committees as appointed by the chairperson.

''(d) FUNCTIONS.—(1) The Council shall be the principal interagency forum for establishing best practices and recommendations for operational evaluations that use attack-based testing protocols established under section 3548(e).

''(2) The Council shall—

''(A) share experiences and innovative approaches relating to information sharing and information security best practices, penetration testing regimes, and incident response mitigation;

''(B) promote the development and use of standard performance measures for agency information security that—

''(i) are outcome-based;

''(ii) focus on risk management;

''(iii) align with the business and program goals of the agency;

''(iv) measure improvements in the agency security posture over time; and

''(v) reduce burdensome compliance measures;

''(C) develop and recommend to the Office of Management and Budget the necessary qualifications to be established for Chief Information Security Officers to be capable of administering the functions described under this subchapter including education, training, and experience;

''(D) enhance information system certification and accreditation processes by establishing a prioritized baseline of information security measures and controls that can be continuously monitored through automated mechanisms; and

''(E) submit proposed enhancements to the Office of Management and Budget.

''§ 3550. Requirements for contracts relating to agency information and information systems

''(a) IN GENERAL.—(1) Not later than 180 days after the date of enactment of the Federal Information Security Management Act of 2008, the Director of the Office of Management and Budget, in consultation with the Director of the National Institutes of Standards and Technology, shall promulgate information security regulations governing contracts (including task or delivery orders issued pursuant to contracts) between the Federal Government and any individual, corporation, partnership, organization, or other entity that interfaces with an information system of an agency or collects, stores, operates, or maintains information on behalf of the agency.

''(2) Regulations promulgated under this subsection shall specify requirements concerning—

''(A) adequacy and effectiveness of the security of information systems;

''(B) the collection and transmission of information, including personally identifiable information; and

''(C) procedures in the event of a security incident.

''(b) COMPLIANCE.—Notwithstanding any other provision of law, effective 180 days after the issuance of regulations under subsection (a), no agency may enter into a contract (or issue a task or delivery orders under a contract), or otherwise enter into an agreement, with an individual, corporation, partnership, organization, or other entity that interfaces with an information system of an agency or collects, stores, operates, or maintains information on behalf of the agency, unless the requirements of the contract or agreement are in compliance with such regulations.

''(c) SECURITY REQUIREMENTS.—Notwithstanding any other provision of law, effective 3 years after the issuance of regulations under subsection (a), no agency may enter into a contract (or issue a task or delivery order under contract), or otherwise enter into an agreement, with an individual, corporation, partnership, organization, or other entity for commercial off the shelf items, including hardware and software that does not conform to the security requirements in such regulations.

''§ 3551. Reports to Congress

''(a) ANNUAL REPORTS.—(1) On March 1 of each year, the Department of Homeland Security shall submit a report on operational evaluations and testing protocols to—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Oversight and Government Reform and the Committee on Homeland Security of the House of Representatives;

''(C) the Select Committee on Intelligence of the Senate;

''(D) the Permanent Select Committee on Intelligence of the House of Representatives;

''(E) the Government Accountability Office; and

''(F) the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency.

''(2) Each report submitted under this subsection shall—

''(A) provide detailed information on the operational evaluations of each agency performed during the preceding fiscal year, the results of such evaluations, and any actions that remain to be taken under plans included in corrective action reports under section 3548(e)(3);

''(B) describe the effectiveness of the testing protocols developed under section 3548(e)(1) in mitigating the risks associated with known vulnerabilities, attacks, and exploitations of the information infrastructure of each agency;

''(C) describe the information security posture of the Federal Government, including—

''(i) the risks to the confidentiality, integrity, and availability of information governmentwide; and

''(ii) a plan of action and milestones to mitigate the risks governmentwide;

''(D) include any recommendations for relevant executive branch action and congressional oversight; and

''(E) include an unclassified and classified report of the operational evaluation.

''(b) SECURITY REPORTS AND CORRECTIVE ACTION REPORTS.—The agency head and inspector general of each agency shall make all information security reports and information security corrective action reports available upon request to—

''(1) the Secretary of Homeland Security for purposes of completing the requirements under subsection (a); and

''(2) the Comptroller General of the United States.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the items relating to sections 3548 and 3549 and inserting the following:

''Sec.
''3548. Chief Information Security Officers.
''3549. Chief Information Security Officer Council.
''3550. Requirements for contracts relating to agency information and information systems.
''3551. Reports to Congress.
''3552. Authorization of appropriations.
''3553. Effect on existing law.''.

By Mr. WARNER (for himself and Mr. WEBB):

S. 3477. A bill to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence; to the Committee on Homeland Security and Governmental Affairs.

Mr. WARNER. Mr. President, I rise today to introduce legislation with Senator WEBB to help encourage the preservation of, and public access to, historical documents and records of former United States Presidents. Congressman GOODLATTE is joining us in this effort and has introduced similar legislation in the House of Representatives.

The preservation of historical documents is critical to the future of any nation. Current and future generations can look upon the examples of those that came before and learn from their accomplishments, as well as their mistakes. Our Founding Fathers understood the need to preserve important documents for future generations. Thomas Jefferson once said that ''a morsel of genuine history is a thing so rare as to be always valuable.'' In addition, he considered it ''the duty of every good citizen to use all the opportunities, which occur to him, for preserving documents relating to the history of our country.''

Today, we have federally supported presidential libraries from President Hoover onward, but, generally, we do not have federally supported libraries for Presidents prior to President Hoover. The documents and records of these Presidents are scattered throughout America. In our view, the Federal Government should be taking an active role in encouraging the preservation of these documents.

In Virginia, we have an organization that has been leading the way in preserving the records of President Woodrow Wilson. To date, the Woodrow Wilson Presidential Library has preserved

several thousand documents. Last year alone, the library received more than one million Wilson-related documents, and it is in the process of preserving these documents and will make them freely available on the Internet. Thousands of people visit the library each year to see documents that have never been seen before in public. In my view, libraries like the Woodrow Wilson Presidential Library are critical to our Nation's history, and we should be encouraging more organizations to engage in this important endeavor.

The legislation I introduce today will help encourage these and other efforts to preserve, and provide public access to, these historical documents by authorizing the National Archives and Records Administration to provide grants to certain organizations to support their efforts in preserving the historical records of past Presidents.

I want to thank the National Archives for their assistance in drafting this important legislation. I look forward to working with my colleagues in the Senate to see this legislation signed into law.

Mr. WEBB. Mr. President, I rise today to introduce bipartisan legislation with my colleague, Senator WARNER, which will authorize the National Archives and Records Administration to make grants for the preservation of records and other historical documents of American Presidents. Grants will be available to entities seeking to preserve the records and other historical documents of Presidents who do not have a presidential library managed and maintained by the Federal Government. This legislation represents the hard work and dedication of numerous stakeholders who are working to preserve these historical documents for present and future generations to enjoy.

The Presidential Historical Records Preservation Act builds upon existing efforts by the National Historical Publications and Records Commission to promote the preservation and use of America's documentary heritage by making grants available to non-profit entities, states and local communities that are seeking to preserve the records and historical documents of American Presidents. This legislation compliments the mission of the National Historical Publications and Records Commission by helping the American public understand our democracy, history, and culture. Our country will be better off for having an improved, more complete understanding of American Presidents and their legacies.

I would like to especially thank the Woodrow Wilson Presidential Library Foundation for its efforts to bring this issue to Congress' attention. For the last seventy years, the Woodrow Wilson Presidential Library Foundation in Staunton, Virginia has admirably served as caretaker of President Woodrow Wilson's papers and artifacts, dedicating itself to the preservation of Wilson's legacy. But it has done so without the resources afforded to other presidential libraries in the Federal system.

This legislation, if enacted, will help the Woodrow Wilson Presidential Library Foundation, and other non-profit entities like it, preserve and make available to the public the historical records and documents of American Presidents. The Woodrow Wilson Presidential Library serves as the center for education and study of Woodrow Wilson's life and legacies, and the passage of this legislation will enable people from this country and abroad to learn more about the life and work of our nation's 28th President.

I would also like to thank the Archivist of the United States, Dr. Allen Weinstein, and his staff for their dedication and service to our nation. Their efforts in assisting Senator WARNER and me as we crafted this legislation represent the very best in good government and commitment to serving the American public.

I am hopeful that the Committee on Homeland Security and Governmental Affairs will consider this legislation expeditiously and that we can enact it during the remainder of this congressional session.

I ask that my full statement be printed in the RECORD where the bill appears. I yield the floor.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3478. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of energy, to provide transportation and domestic fuel security, and to provide incentives for energy conservation and energy efficiency, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I join with my colleague CHUCK GRASSLEY, the Finance Committee's ranking Republican member, to introduce the Energy Independence and Innovation Act of 2008.

This bill will create jobs. It will help consumers with high energy costs. It will contribute to energy security. It will help secure America's place as a world leader in clean energy technology. It will help to prepare this country to address global warming.

For more than a year, we have been trying to pass meaningful energy tax legislation.

In June of last year, the Finance Committee passed a roughly $30 billion energy-tax package. It received a resounding bipartisan committee vote. The bill proposed the largest-ever series of clean energy tax incentives. It was largely offset with reductions in tax breaks for oil and gas companies.

That package's clean energy incentives included a long-term extension of tax credits for wind and solar power, long-term extensions of credits for building efficiency, and extensions and modifications of credits for clean coal technology.

The June 2007 bill also included innovative new items. It included a credit for consumers for plug-in hybrids. It included a new credit to promote capture and storage of carbon dioxide. And it included incentives to transform our electricity grid, so that far-flung sources of renewable power—like wind and solar—can be brought to market.

But many on the other side objected to the bill, because it included reductions in oil and gas tax breaks. We needed 60 votes to pass the Senate. But our bill got 57, and died on the floor.

We tried again in December of last year. We scaled back our oil and gas offsets. And we wrote a smaller, roughly $20 billion package of clean-energy incentives.

But Senators—again, generally from the other side of the aisle—continued to object to provisions cutting tax breaks for oil and gas companies. That bill failed as well, by just one vote.

In response to those concerns, this year, I wrote an energy tax package without oil and gas offsets. That bill, S. 3335, was paid for by closing tax loopholes and by delaying a tax benefit for multinational corporations that has yet to take effect.

That bill included about $18 billion in energy-tax provisions, including scaled-down versions of the original Finance Committee bill. This ''extenders'' bill also included billions in non-energy extenders. These tax incentives are vital to supporting a range of activities, from research and development to higher education.

Unfortunately, S. 3335 has been objected to, as well. It has not cleared the Senate.

But now energy prices are sky-high. And we have learned that many Senators from the other side of the aisle have come to agree that it makes sense to scale back oil and gas tax breaks.

Accordingly, Senator GRASSLEY and I have worked together to rewrite our original Finance Committee product. And that is largely what is represented in the bill that we are introducing today.

Our bill invests about $26 billion in renewable energy. It pays for it largely by repealing tax breaks for oil and gas firms. These are largely the same tax offsets that we included in our original bill. For example, the bill would deny a tax benefit that was enacted in 2004, when oil traded at about $50 per barrel.

Oil trades at more than $100 per barrel now. Recently it reached nearly $150 per barrel. I am pleased that my colleagues have come to agree that with energy prices this high, these oil and gas tax incentives are not needed.

What do we get for repealing those oil and gas tax breaks? We get long-

term extensions of vital clean energy incentives, like the credit for wind and solar electricity. With passage of tax credits for wind power in 2005 and 2006, the American wind energy industry has installed capacity in the last 2 years that equals the capacity it installed in the last 2½ decades.

The solar industry is also booming. It accounts for a growing number of high-paying jobs in America's clean tech sector. This bill includes an 8-year extension of the credit for solar power. And that extension will fuel this already impressive job growth.

Let's consider what happens if we do not extend these credits. According to a February 2008 study, failure to extend the wind and solar credits would result in the loss of 114,000 jobs. Renewable energy is simply not yet cost-competitive with fossil-based power. It needs the incentives in this bill.

Absent broader mandates on renewable power, we need to continue tax support for renewable electricity production. With those tax incentives, the private sector will continue to invest in this worthy cause.

This bill also contains many other important provisions. It contains extensions of efficiency incentives for buildings, which account for about 40 percent of American energy use. It contains the new plug-in hybrid credit for consumers, at a higher level than last year's bill—up to $7,500. As did last year's package, the bill we introduce today includes a provision to promote what folks call ''smart meters,'' which provide real-time feedback on electricity usage. These smart meters have been shown to cut consumer energy costs and carbon emissions, as well.

Finally, the bill includes a new production credit for carbon dioxide, providing an incentive for capturing and storing harmful carbon dioxide. This provision was also part of last year's Finance Committee bill. I am pleased that it is part of this bill as well.

This bill does not do everything that I want. If I had my druthers, we would extend and possibly modify—many of these credits for a longer period. And the bill includes some items that I am not overly thrilled about. But those compromises are part of the legislative process. That process will continue after today's introduction.

Meanwhile, I am again pleased that consensus may well be building to redirect tax incentives and invest in the clean technology this country desperately needs.

For the sake of American jobs, for the sake of our Nation's security, and for the sake of our planet's environment, I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Energy Independence and Investment Act of 2008''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—ENERGY PRODUCTION INCENTIVES

Subtitle A—Renewable Energy Incentives

Sec. 101. Renewable energy credit.
Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Credit for residential energy efficient property.
Sec. 105. New clean renewable energy bonds.
Sec. 106. Energy credit for small wind property.
Sec. 107. Energy credit for geothermal heat pump systems.

Subtitle B—Carbon Mitigation and Coal Provisions

Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax; funding of Black Lung Disability Trust Fund.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Tax credit for carbon dioxide sequestration.
Sec. 116. Carbon audit of the tax code.

TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS

Sec. 201. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 202. Credits for biodiesel and renewable diesel.
Sec. 203. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 204. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 205. Extension and modification of alternative motor vehicle credit.
Sec. 206. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 207. Extension and modification of alternative fuel credit.
Sec. 208. Alternative fuel vehicle refueling property credit.
Sec. 209. Certain income and gains relating to alcohol fuels and mixtures, biodiesel fuels and mixtures, and alternative fuels and mixtures treated as qualifying income for publicly traded partnerships.
Sec. 210. Extension of ethanol production credit.
Sec. 211. Credit for producers of fossil free alcohol.
Sec. 212. Extension and modification of election to expense certain refineries.
Sec. 213. Extension of suspension of taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

TITLE III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS

Sec. 301. Qualified energy conservation bonds.
Sec. 302. Credit for nonbusiness energy property.
Sec. 303. Energy efficient commercial buildings deduction.
Sec. 304. New energy efficient home credit.
Sec. 305. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 306. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 307. Qualified green building and sustainable design projects.
Sec. 308. Special depreciation allowance for certain reuse and recycling property.

TITLE IV—MISCELLANEOUS ENERGY PROVISIONS

Sec. 401. Special rule to implement FERC and State electric restructuring policy.
Sec. 402. Modification of credit for production from advanced nuclear power facilities.
Sec. 403. Income averaging for amounts received in connection with the Exxon Valdez litigation.

TITLE V—REVENUE PROVISIONS

Sec. 501. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 502. Tax on crude oil and natural gas produced from the outer Continental Shelf in the Gulf of Mexico.
Sec. 503. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.
Sec. 504. Broker reporting of customer's basis in securities transactions.
Sec. 505. Increase and extension of Oil Spill Liability Trust Fund tax.

TITLE VI—OTHER PROVISIONS

Sec. 601. Secure rural schools and community self-determination program.
Sec. 602. Clarification of uniform definition of child.

TITLE I—ENERGY PRODUCTION INCENTIVES

Subtitle A—Renewable Energy Incentives

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) 3-YEAR EXTENSION.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2012'':

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF REFINED COAL AS A QUALIFIED ENERGY RESOURCE.—

(1) ELIMINATION OF INCREASED MARKET VALUE TEST.—Section 45(c)(7)(A) (defining refined coal) is amended—

(A) by striking clause (iv),

(B) by adding ''and'' at the end of clause (ii), and

(C) by striking '', and'' at the end of clause (iii) and inserting a period.

(2) INCREASE IN REQUIRED EMISSION REDUCTION.—Section 45(c)(7)(B) (defining qualified emission reduction) is amended by inserting ''at least 40 percent of the emissions of'' after ''nitrogen oxide and''.

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(e) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

''(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

''(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

''(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REFINED COAL.—The amendments made by subsection (b) shall apply to coal produced and sold after December 31, 2008.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (c) shall apply to electricity produced and sold after the date of the enactment of this Act.

(4) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.''.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking ''January 1, 2012'' and inserting ''the date of the enactment of paragraph (11)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clauses (v) and (vi) as clauses (vi) and (vii), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48,''.

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:

''(v) combined heat and power system property,''.

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Subsection (c) of section 48 is amended—

(A) by striking ''QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY'' in the heading and inserting ''DEFINITIONS'', and

(B) by adding at the end the following new paragraph:

''(3) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(ii) which produces—

''(I) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(iii) the energy efficiency percentage of which exceeds 60 percent, and

''(iv) which is placed in service before January 1, 2017.

''(B) LIMITATION.—

''(i) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

''(ii) APPLICABLE CAPACITY.—For purposes of clause (i), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(iii) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall

not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(C) SPECIAL RULES.—

''(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this paragraph, the energy efficiency percentage of a system is the fraction—

''(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(II) the denominator of which is the lower heating value of the fuel sources for the system.

''(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(ii) shall be determined on a Btu basis.

''(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(D) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

''(i) subparagraph (A)(iii) shall not apply, but

''(ii) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this subparagraph) as the energy efficiency percentage of such system bears to 60 percent.''.

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 104. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) is amended by striking ''$2,000'' and inserting ''$4,000''.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking ''$6,667'' and inserting ''$13,333''.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.''.

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.''.

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

''(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

''(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.''.

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 105. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54C. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by governmental bodies, public power providers, or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a new clean renewable energy bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. Qualified clean renewable energy bonds.''.

(c) EXTENSION FOR CLEAN RENEWABLE ENERGY BONDS.—Subsection (m) of section 54 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 106. ENERGY CREDIT FOR SMALL WIND PROPERTY.

(a) IN GENERAL.—Section 48(a)(3)(A), as amended by subsection (c), is amended by striking ''or'' at the end of clause (iv), by adding ''or'' at the end of clause (v), and by inserting after clause (v) the following new clause:

''(vi) qualified small wind energy property,''.

(b) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

''(IV) qualified small wind energy property, and''.

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified small wind energy property' means property which uses a qualifying small wind turbine to generate electricity.

''(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed $4,000 with respect to any taxpayer.

''(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which—

''(i) has a nameplate capacity of not more than 100 kilowatts, and

''(ii) meets the performance standards of the American Wind Energy Association.

''(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2016.''.

(d) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraphs (1)(B), (2)(B), (3)(B), and (4)(B)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 107. ENERGY CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3), as amended by this Act, is amended by striking ''or'' at the end of clause (v), by inserting ''or'' at the end of clause (vi), and by adding at the end the following new clause:

''(vii) equipment which uses the ground or ground water as a thermal energy source to heat a structure or as a thermal energy sink to cool a structure, but only with respect to periods ending before January 1, 2017,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

Subtitle B—Carbon Mitigation and Coal Provisions

SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at

the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).".

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking "$1,300,000,000" and inserting "$3,300,000,000".

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

"(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

"(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

"(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

"(iii) $2,000,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).".

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

"(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

"(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

"(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.".

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking "and" at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting "; and", and by adding at the end the following new subparagraph:

"(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.".

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking "and" at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.".

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

"(i) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).".

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking "and" at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

"(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and".

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking "INTEGRATED GASIFICATION COMBINED CYCLE" in the heading and inserting "CERTAIN".

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

"(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (d) shall apply to certifications made after the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting "(30 percent in the case of credits allocated under subsection (d)(1)(B))" after "20 percent".

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking "shall not exceed $350,000,000" and all that follows and inserting "shall not exceed—

"(A) $350,000,000, plus

"(B) $500,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.".

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

"(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).".

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

"(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

"(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

"(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX; FUNDING OF BLACK LUNG DISABILITY TRUST FUND.

(a) EXTENSION OF TEMPORARY INCREASE.—Paragraph (2) of section 4121(e) is amended—

(1) by striking "January 1, 2014" in subparagraph (A) and inserting "December 31, 2018", and

(2) by striking "January 1 after 1981" in subparagraph (B) and inserting "December 31 after 2007".

(b) RESTRUCTURING OF TRUST FUND DEBT.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) MARKET VALUE OF THE OUTSTANDING REPAYABLE ADVANCES, PLUS ACCRUED INTEREST.—The term "market value of the outstanding repayable advances, plus accrued interest" means the present value (determined by the Secretary of the Treasury as of the refinancing date and using the Treasury rate as the discount rate) of the stream of principal and interest payments derived assuming that each repayable advance that is outstanding on the refinancing date is due on the 30th anniversary of the end of the fiscal year in which the advance was made to the Trust Fund, and that all such principal and interest payments are made on September 30 of the applicable fiscal year.

(B) REFINANCING DATE.—The term "refinancing date" means the date occurring 2 days after the enactment of this Act.

(C) REPAYABLE ADVANCE.—The term "repayable advance" means an amount that has been appropriated to the Trust Fund in order to make benefit payments and other expenditures that are authorized under section 9501 of the Internal Revenue Code of 1986 and are required to be repaid when the Secretary of the Treasury determines that monies are available in the Trust Fund for such purpose.

(D) TREASURY RATE.—The term "Treasury rate" means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(E) TREASURY 1-YEAR RATE.—The term "Treasury 1-year rate" means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States with remaining periods to maturity of approximately 1 year, to have been in effect as of the close of business 1 business day prior to the date on which the Trust Fund issues obligations to the Secretary of the Treasury under paragraph (2)(B).

(2) REFINANCING OF OUTSTANDING PRINCIPAL OF REPAYABLE ADVANCES AND UNPAID INTEREST ON SUCH ADVANCES.—

(A) TRANSFER TO GENERAL FUND.—On the refinancing date, the Trust Fund shall repay the market value of the outstanding repayable advances, plus accrued interest, by transferring into the general fund of the Treasury the following sums:

(i) The proceeds from obligations that the Trust Fund shall issue to the Secretary of the Treasury in such amounts as the Secretaries of Labor and the Treasury shall determine and bearing interest at the Treasury

rate, and that shall be in such forms and denominations and be subject to such other terms and conditions, including maturity, as the Secretary of the Treasury shall prescribe.

(ii) All, or that portion, of the appropriation made to the Trust Fund pursuant to paragraph (3) that is needed to cover the difference defined in that paragraph.

(B) REPAYMENT OF OBLIGATIONS.—In the event that the Trust Fund is unable to repay the obligations that it has issued to the Secretary of the Treasury under subparagraph (A)(i) and this subparagraph, or is unable to make benefit payments and other authorized expenditures, the Trust Fund shall issue obligations to the Secretary of the Treasury in such amounts as may be necessary to make such repayments, payments, and expenditures, with a maturity of 1 year, and bearing interest at the Treasury 1-year rate. These obligations shall be in such forms and denominations and be subject to such other terms and conditions as the Secretary of the Treasury shall prescribe.

(C) AUTHORITY TO ISSUE OBLIGATIONS.—The Trust Fund is authorized to issue obligations to the Secretary of the Treasury under subparagraphs (A)(i) and (B). The Secretary of the Treasury is authorized to purchase such obligations of the Trust Fund. For the purposes of making such purchases, the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such Trust Fund obligations under this subparagraph.

(3) ONE-TIME APPROPRIATION.—There is hereby appropriated to the Trust Fund an amount sufficient to pay to the general fund of the Treasury the difference between—

(A) the market value of the outstanding repayable advances, plus accrued interest; and

(B) the proceeds from the obligations issued by the Trust Fund to the Secretary of the Treasury under paragraph (2)(A)(i).

(4) PREPAYMENT OF TRUST FUND OBLIGATIONS.—The Trust Fund is authorized to repay any obligation issued to the Secretary of the Treasury under subparagraphs (A)(i) and (B) of paragraph (2) prior to its maturity date by paying a prepayment price that would, if the obligation being prepaid (including all unpaid interest accrued thereon through the date of prepayment) were purchased by a third party and held to the maturity date of such obligation, produce a yield to the third-party purchaser for the period from the date of purchase to the maturity date of such obligation substantially equal to the Treasury yield on outstanding marketable obligations of the United States having a comparable maturity to this period.

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 115. TAX CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

"SEC. 45Q. CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

''(a) GENERAL RULE.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—

''(1) $20 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility, and

''(B) disposed of by the taxpayer in secure geological storage, and

''(2) $10 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility, and

''(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project.

''(b) QUALIFIED CARBON DIOXIDE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas, and

''(B) is measured at the source of capture and verified at the point of disposal or injection.

''(2) RECYCLED CARBON DIOXIDE.—The term 'qualified carbon dioxide' includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

''(c) QUALIFIED FACILITY.—For purposes of this section, the term 'qualified facility' means any industrial facility—

''(1) which is owned by the taxpayer,

''(2) at which carbon capture equipment is placed in service, and

''(3) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year.

''(d) SPECIAL RULES AND OTHER DEFINITIONS.—For purposes of this section—

''(1) ONLY CARBON DIOXIDE CAPTURED AND DISPOSED OF OR USED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon dioxide the capture and disposal or use of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subsection (a)(1)(B) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.

''(3) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).

''(4) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term 'qualified enhanced oil or natural gas recovery project' has the meaning given the term 'qualified enhanced oil recovery project' by section 43(c)(2), by substituting 'crude oil or natural gas' for 'crude oil' in subparagraph (A)(i) thereof.

''(5) CREDIT ATTRIBUTABLE TO TAXPAYER.—Any credit under this section shall be attributable to the person that captures and physically or contractually ensures the disposal of or the use as a tertiary injectant of the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.

''(6) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon dioxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

''(7) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2009, there shall be substituted for each dollar amount contained in subsection (a) an amount equal to the product of—

''(A) such dollar amount, multiplied by

''(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2008' for '1990'.

''(e) APPLICATION OF SECTION.—The credit under this section shall apply with respect to qualified carbon dioxide before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that 75,000,000 metric tons of qualified carbon dioxide have been captured and disposed of or used as a tertiary injectant.''.

(b) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end of following new paragraph:

''(34) the carbon dioxide sequestration credit determined under section 45Q(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''Sec. 45Q. Credit for carbon dioxide sequestration.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

SEC. 116. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2009 and 2010.

TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS

SEC. 201. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 202. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by striking ''or D396'' in subparagraph (B) and inserting '', D396, or other equivalent standard approved by the Secretary''.

(d) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Subsection (f) of section 40A (relating to renewable diesel) is amended by adding at the end the following new paragraph:

''(4) CERTAIN AVIATION FUEL.—

''(A) IN GENERAL.—Except as provided in the last sentence of paragraph (3), the term 'renewable diesel' shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.

''(B) APPLICATION OF MIXTURE CREDITS.—In the case of fuel which is treated as renewable

diesel solely by reason of subparagraph (A), subsection (b)(1) and section 6426(c) shall be applied with respect to such fuel by treating kerosene as though it were diesel fuel.''.

(e) MODIFICATION OF CREDIT FOR RENEWABLE DIESEL.—Section 40A(f) (relating to renewable diesel), as amended by subsection (d), is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR CO-PROCESSED RENEWABLE DIESEL.—In the case of a taxpayer which produces renewable diesel through the co-processing of biomass and petroleum at any facility, this subsection shall not apply to so much of the renewable diesel produced at such facility and sold or used during the taxable year in a qualified biodiesel mixture as exceeds 60,000,000 gallons.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (e) shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

SEC. 203. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(7) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 204. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is sum of—

''(A) $2,500, plus

''(B) $400 for each kilowatt hour of traction battery capacity in excess of 6 kilowatt hours.

''(b) LIMITATIONS.—

''(1) LIMITATION BASED ON WEIGHT.—The amount of the credit allowed under subsection (a) by reason of subsection (a)(2) shall not exceed—

''(A) $7,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of not more than 10,000 pounds,

''(B) $10,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 10,000 pounds but not more than 14,000 pounds,

''(C) $12,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(D) $15,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 26,000 pounds.

''(2) LIMITATION ON NUMBER OF PASSENGER VEHICLES AND LIGHT TRUCKS ELIGIBLE FOR CREDIT.—

''(A) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(B) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the total number of such new qualified plug-in electric drive motor vehicles sold for use in the United States after December 31, 2007, is at least 250,000.

''(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent for the first 2 calendar quarters of the phaseout period,

''(ii) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(iii) 0 percent for each calendar quarter thereafter.

''(D) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(c) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section, the term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—

''(1) which draws propulsion primarily using a traction battery with at least 6 kilowatt hours of capacity,

''(2) which uses an offboard source of energy to recharge such battery,

''(3) which, in the case of a passenger vehicle or light truck which has a gross vehicle weight rating of not more than 8,500 pounds, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

''(A) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(B) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

''(4) the original use of which commences with the taxpayer,

''(5) which is acquired for use or lease by the taxpayer and not for resale, and

''(6) which is made by a manufacturer.

''(d) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

''(2) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(3) TRACTION BATTERY CAPACITY.—Traction battery capacity shall be measured in kilowatt hours from a 100 percent state of charge to a zero percent state of charge.

''(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for

which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a new qualified plug-in electric drive motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

''(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (b)(2)).

''(7) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

''(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

''(10) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(f) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

''(g) TERMINATION.—This section shall not apply to property purchased after December 31, 2014.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (d) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting ''plus'', and by adding at the end the following new paragraph:

''(35) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(d)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by section 104, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(e)(4).''.

(3) Section 6501(m) is amended by inserting ''30D(e)(9),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30D. New qualified plug-in electric drive motor vehicles.''.

(e) EFFECTIVE DATE.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(f) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 205. EXTENSION AND MODIFICATION OF ALTERNATIVE MOTOR VEHICLE CREDIT.

(a) EXTENSION.—

(1) NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLES AND HEAVY NEW QUALIFIED HYBRID MOTOR VEHICLES.—Paragraphs (2) and (3) of section 30B(j) are amended to read as follows:

''(2) in the case of a new advanced lean burn technology motor vehicle (as described in subsection (c)), December 31, 2011,

''(3) in the case of—

''(A) a new qualified hybrid motor vehicle (as described in subsection (d)(2)(A)), December 31, 2010, and

''(B) a new qualified hybrid motor vehicle (as described in subsection (d)(2)(B)), December 31, 2011, and''.

(2) NEW QUALIFIED ALTERNATIVE FUEL VEHICLES.—Paragraph (4) of section 30B(j) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) INCREASED CREDIT FOR CERTAIN NEW QUALIFIED FUEL CELL MOTOR VEHICLES.—Subparagraph (A) of section 30B(b)(1) is amended by striking ''$4,000'' and inserting ''$7,500''.

(c) PERSONAL CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, and 30D) and section 27 for the taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 24(b)(3)(B), as amended by this Act, is amended by striking ''and 30D'' and inserting ''30B, and 30D''.

(ii) Section 25(e)(1)(C)(ii), as amended by this Act, is amended by inserting ''30B,'' after ''25D,''.

(iii) Section 25B(g)(2), as amended by this Act, is amended by striking ''and 30D'' and inserting '', 30B, and 30D''.

(iv) Section 26(a)(1), as amended by this Act, is amended by striking ''and 30D'' and inserting ''30B, and 30D''.

(v) Section 1400C(d)(2), as amended by this Act, is amended by striking ''and 30D'' and inserting ''30B, and 30D''.

(B) Subparagraph (A) of section 30C(d)(2) is amended by striking ''sections 27, 30, and 30B'' and inserting ''sections 27 and 30''.

(C) Section 55(c)(3) is amended by striking ''30B(g)(2),''.

(d) EFFECTIVE DATE.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(e) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (c)(2)(A)(i) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 206. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

''(B) is determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

SEC. 207. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL CREDIT.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2011''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) (relating to alternative fuel mixture credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2011''.

(3) PAYMENTS.—Subparagraph (C) of section 6427(e)(5) (relating to termination) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2011''.

(b) MODIFICATIONS.—

(1) ALTERNATIVE FUEL TO INCLUDE COMPRESSED OR LIQUIFIED BIOMASS GAS.—Paragraph (2) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''and'' at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

''(F) compressed or liquefied biomass gas, and''.

(2) CREDIT ALLOWED FOR AVIATION USE OF FUEL.—Paragraph (1) of section 6426(d) is amended by inserting ''sold by the taxpayer for use as a fuel in aviation,'' after ''motorboat,''.

(c) CARBON CAPTURE REQUIREMENT FOR CERTAIN FUELS.—

(1) IN GENERAL.—Subsection (d) of section 6426, as amended by subsection (a), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) CARBON CAPTURE REQUIREMENT.—

''(A) IN GENERAL.—The requirements of this paragraph are met if the fuel is certified, under such procedures as required by the Secretary, as having been derived from coal produced at a gasification facility which separates and sequesters not less than the applicable percentage of such facility's total carbon dioxide emissions.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent in the case of fuel produced after the date of the enactment of this paragraph and on or before the earlier of—

''(I) the date the Secretary makes a determination under subparagraph (C), or

''(II) December 30, 2011, and

''(ii) 75 percent in the case of fuel produced after the date on which the applicable percentage under clause (i) ceases to apply.

''(C) DETERMINATION TO INCREASE APPLICABLE PERCENTAGE BEFORE DECEMBER 31, 2011.—If the Secretary, after considering the recommendations of the Carbon Sequestration Capability Panel, finds that the applicable percentage under subparagraph (B) should be 75 percent for fuel produced before December 31, 2011, the Secretary shall make a determination under this subparagraph. Any determination made under this subparagraph shall be made not later than 30 days after the Secretary receives from the Carbon Sequestration Panel the report required under section 331(c)(3)(D) of the Energy Independence and Investment Act of 2008.''.

(2) CONFORMING AMENDMENT.—Subparagraph (E) of section 6426(d)(2) is amended by inserting ''which meets the requirements of paragraph (4) and which is'' after ''any liquid fuel''.

(3) CARBON SEQUESTRATION CAPABILITY PANEL.—

(A) ESTABLISHMENT OF PANEL.—There is established a panel to be known as the ''Carbon Sequestration Capability Panel'' (hereafter in this paragraph referred to as the ''Panel'').

(B) MEMBERSHIP.—The Panel shall be composed of—

(i) 1 representative from the National Academy of Sciences,

(ii) 1 representative from the University of Kentucky Center for Applied Energy Research, and

(iii) 1 individual appointed jointly by the representatives under clauses (i) and (ii).

(C) STUDY.—The Panel shall study the appropriate percentage of carbon dioxide for separation and sequestration under section 6426(d)(4) of the Internal Revenue Code of 1986 consistent with the purposes of such section. The panel shall consider whether it is feasible to separate and sequester 75 percent of the carbon dioxide emissions of a facility, including costs and other factors associated with separating and sequestering such percentage of carbon dioxide emissions.

(D) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Panel shall report to the Secretary of Treasury, the Committee on Finance of the Senate, and the Committee on Ways and Means of the House of Representatives on the study under subparagraph (C).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 208. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

(b) INCLUSION OF ELECTRICITY AS A CLEAN-BURNING FUEL.—Section 30C(c)(2) is amended by adding at the end the following new subparagraph:

''(C) Electricity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 209. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) is amended by inserting '', or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, or any alcohol fuel defined in section 6426(b)(4)(A) or any biodiesel fuel as defined in section 40A(d)(1)'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SEC. 210. EXTENSION OF ETHANOL PRODUCTION CREDIT.

(a) CREDIT FOR ALCOHOL USED AS FUEL.—Section 40 is amended—

(1) by striking ''2010'' each place it appears in subsections (e)(1)(A) and (h) and inserting ''2011'', and

(2) by striking ''January 1, 2011'' in subsection (e)(1)(B) and inserting ''January 1, 2012''.

(b) EXCISE TAX CREDITS.—Paragraph (6) of section 6426(b) is amended by striking ''2010'' and inserting ''2011''.

(c) PAYMENTS.—Subparagraph (A) of section 6427(e)(5) is amended by striking ''2010'' and inserting ''2011''.

SEC. 211. CREDIT FOR PRODUCERS OF FOSSIL FREE ALCOHOL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking ''plus'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', plus'', and by adding at the end the following new paragraph:

''(5) the small fossil free alcohol producer credit.''.

(b) SMALL FOSSIL FREE ALCOHOL PRODUCER CREDIT.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(7) SMALL FOSSIL FREE ALCOHOL PRODUCER CREDIT.—

''(A) IN GENERAL.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 10 cents for each gallon of not more than 60,000,000 gallons of qualified fossil free alcohol production.

''(B) QUALIFIED FOSSIL FREE ALCOHOL PRODUCTION.—For purposes of this section, the term 'qualified fossil free alcohol production' means alcohol which is produced by an eligible small fossil free alcohol producer at a fossil free alcohol production facility and which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified alcohol mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such alcohol at retail to another person and places such alcohol in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

''(C) ADDITIONAL DISTILLATION EXCLUDED.—The qualified fossil free alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.''.

(c) ELIGIBLE SMALL FOSSIL FREE ALCOHOL PRODUCER.—Section 40 is amended by adding at the end the following new subsection:

''(i) DEFINITIONS AND SPECIAL RULES FOR SMALL FOSSIL FREE ALCOHOL PRODUCER.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible small fossil free alcohol producer' means a person, who at all times during the taxable year, has a productive capacity for alcohol from all fossil free alcohol production facilities of the taxpayer which is not in excess of 60,000,000 gallons.

''(2) FOSSIL FREE ALCOHOL PRODUCTION FACILITY.—The term 'fossil free alcohol production facility' means any facility at which 90 percent of the energy used in the production of alcohol is produced from biomass (as defined in section 45K(c)(3)).

''(3) AGGREGATION RULE.—For purposes of the 60,000,000 gallon limitation under paragraph (1) and subsection (b)(7)(A), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

''(4) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in paragraph (1) shall be applied at the entity level and at the partner or similar level.

''(5) ALLOCATION.—For purposes of this subsection, in the case of a facility in which more than 1 person has an interest, productive capacity shall be allocated among such persons in such manner as the Secretary may prescribe.

''(6) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to prevent the credit provided for in subsection (a)(5) from directly or indirectly benefitting any person with a direct or indirect productive capacity of more than 60,000,000 gallons of alcohol from fossil free alcohol production facilities during the taxable year.

''(7) ALLOCATION OF SMALL FOSSIL FREE ALCOHOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this subsection.''.

(d) ALCOHOL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

''(E) SMALL FOSSIL FREE ALCOHOL PRODUCER CREDIT.—If—

''(i) any credit is allowed under subsection (a)(5), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(7)(B),

then there is hereby imposed on such person a tax equal to 10 cents for each gallon of such alcohol.''.

(2) CONFORMING AMENDMENT.—Subparagraph (F) of section 40(d)(3), as redesignated by paragraph (1) and amended by this Act, is amended by striking ''or (D)'' and inserting ''(D), or (E)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2008.

SEC. 212. EXTENSION AND MODIFICATION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) EXTENSION.—Paragraph (1) of section 179C(c) (relating to qualified refinery property) is amended—

(1) by striking ''January 1, 2012'' in subparagraph (B) and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2008'' each place it appears in subparagraph (F) and inserting ''January 1, 2010''.

(b) INCLUSION OF FUEL DERIVED FROM SHALE AND TAR SANDS.—

(1) IN GENERAL.—Subsection (d) of section 179C is amended by inserting '', or directly from shale or tar sands'' after ''(as defined in section 45K(c))''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 179C(e) is amended by inserting ''shale, tar sands, or'' before ''qualified fuels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 213. EXTENSION OF SUSPENSION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

Subparagraph (H) of section 613A(c)(6) (relating to oil and gas produced from marginal properties) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2011''.

TITLE III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS

SEC. 301. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by section 106, is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,000,000,000.

''(e) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs,

''(iii) rural development involving the production of electricity from renewable energy resources, or

''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond,

''(B) a new clean renewable energy bond, or

''(C) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by this Act, is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e),

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1), and

''(iii) in the case of a qualified energy conservation bond, a purpose specified in section 54D(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 54D. Qualified energy conservation bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 302. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''placed in service after December 31, 2007'' and inserting ''placed in service—

''(1) after December 31, 2007, and before January 1, 2009, or

''(2) after December 31, 2011.''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) MODIFICATION OF WATER HEATER REQUIREMENTS.—Section 25C(d)(3)(E) is amended by inserting ''or a thermal efficiency of at least 90 percent'' after ''0.80''.

(d) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEATPUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsections (b) and (c), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

(e) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by inserting '', or an asphalt roof with appropriate cooling granules,'' before ''which meet the Energy Star program requirements''.

(2) BUILDING ENVELOPE COMPONENT.—Subparagraph (D) of section 25C(c)(2) is amended—

(A) by inserting ''or asphalt roof'' after ''metal roof'', and

(B) by inserting ''or cooling granules'' after ''pigmented coatings''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made this section shall apply to expenditures made after December 31, 2008.

(2) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The amendments made by subsection (e) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 304. NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

SEC. 305. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'',

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as

paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 306. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(C) is amended by striking ''and'' at the end of clause (iv), by redesignating clause (v) as clause (vii), and by inserting after clause (iv) the following new clauses:

''(v) any qualified smart electric meter,

''(vi) any qualified smart electric grid system, and''.

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.

''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

''(ii) providing real-time, two-way communications to monitor or manage such grid, and

''(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 307. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.

SEC. 308. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Section 168 is amended by adding at the end the following new subsection:

''(m) SPECIAL ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified reuse and recycling property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and

''(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED REUSE AND RECYCLING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any reuse and recycling property—

''(i) to which this section applies,

''(ii) which has a useful life of at least 5 years,

''(iii) the original use of which commences with the taxpayer after August 31, 2008, and

''(iv) which is—

''(I) acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after August 31, 2008, but only if no written binding contract for the acquisition was in effect before September 1, 2008, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after August 31, 2008.

''(B) EXCEPTIONS.—

''(i) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (k).—The term 'qualified reuse and recycling property' shall not include any property to which section 168(k) applies.

''(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified reuse and recycling property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(iii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULE FOR SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after August 31, 2008.

''(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) REUSE AND RECYCLING PROPERTY.—

''(i) IN GENERAL.—The term 'reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to collect, distribute, or recycle qualified reuse and recyclable materials.

''(ii) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

''(B) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

''(i) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap glass, scrap textiles, scrap rubber, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic scrap generated by an individual or business.

''(ii) ELECTRONIC SCRAP.—For purposes of clause (i), the term 'electronic scrap' means—

''(I) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

''(II) any central processing unit.

''(C) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after August 31, 2008.

TITLE IV—MISCELLANEOUS ENERGY PROVISIONS

SEC. 401. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 402. MODIFICATION OF CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

(a) IN GENERAL.—Paragraph (2) of section 45J(b) (relating to national limitation) is amended by striking ''6,000 megawatts'' and inserting ''8,000 megawatts''.

(b) ALLOCATION OF CREDIT TO PRIVATE PARTNERS OF TAX-EXEMPT ENTITIES.—

(1) IN GENERAL.—Section 45J (relating to credit for production from advanced nuclear power facilities) is amended—

(A) by redesignating subsection (e) as subsection (f), and

(B) by inserting after subsection (d) the following new subsection:

''(e) SPECIAL RULE FOR PUBLIC-PRIVATE PARTNERSHIPS.—

''(1) IN GENERAL.—In the case of an advanced nuclear power facility which is owned by a public-private partnership, any qualified public entity which is a member of such partnership may transfer such entity's allocation of the credit under subsection (a) to any non-public entity which is a member of such partnership, except that the aggregate allocations of such credit claimed by such non-public entity shall be subject to the limitations under subsections (b) and (c) and section 38(c).

''(2) QUALIFIED PUBLIC ENTITY.—For purposes of this subsection, the term 'qualified public entity' means a Federal, State, or local government entity, or any political subdivision thereof, or a cooperative organization described in section 1381(a).

''(3) VERIFICATION OF TRANSFER OF ALLOCATION.—A qualified public entity that makes a transfer under paragraph (1), and a non-public entity that receives an allocation under such a transfer, shall provide verification of such transfer in such manner and at such time as the Secretary shall prescribe.''.

(2) COORDINATION WITH GENERAL BUSINESS CREDIT.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.—

''(A) IN GENERAL.—In the case of the credit for production from advanced nuclear power facilities determined under section 45J(a), paragraph (1) shall not apply with respect to any qualified public entity (as defined in section 45J(e)(2)) which transfers the entity's allocation of such credit to a non-public partner as provided in section 45J(e)(1).

''(B) VERIFICATION OF TRANSFER.—Subparagraph (A) shall not apply to any qualified public entity unless such entity provides verification of a transfer of credit allocation as required under section 45J(e)(3).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to electricity produced in taxable years beginning after the date of the enactment of this Act.

(2) ALLOCATION OF CREDIT.—The amendments made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 403. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term ''eligible retirement plan'' has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term ''qualified taxpayer'' means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term ''qualified settlement income'' means any interest and punitive damage awards which are—

(1) otherwise includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

TITLE V—REVENUE PROVISIONS

SEC. 501. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES AND STATE-OWNED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.—

(1) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) in the case of any disqualified oil company, the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof.''.

(2) DISQUALIFIED OIL COMPANY.—Section 199(c) of such Code is amended by adding at the end the following new paragraph:

''(8) DISQUALIFIED OIL COMPANY.—

''(A) IN GENERAL.—The term 'disqualified oil company' means—

''(i) any major integrated oil company (as defined in section 167(h)(5)(B)) during any taxable year described in section 167(h)(5)(B), or

''(ii) any controlled commercial entity (as defined in section 892(a)(2)(B)) the commercial activities of which during the taxable year includes the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof.

''(B) PRIMARY PRODUCT.—The term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(b) LIMITATION ON OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME FOR TAXPAYERS OTHER THAN MAJOR INTEGRATED OIL COMPANIES AND STATE-OWNED OIL COMPANIES.—

(1) IN GENERAL.—Section 199(d) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—If a taxpayer (other than a disqualified oil company) has oil related qualified production activities income for any taxable year beginning after 2009, the amount otherwise allowable as a deduction under subsection (a) shall be reduced by 3 percent of the least of—

''(i) the oil related qualified production activities income of the taxpayer for the taxable year,

''(ii) the qualified production activities income of the taxpayer for the taxable year, or

''(iii) taxable income (determined without regard to this section).

''(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—The term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.''.

(2) CONFORMING AMENDMENT.—Section 199(d)(2) of such Code (relating to application to individuals) is amended by striking ''subsection (a)(1)(B)'' and inserting ''subsections (a)(1)(B) and (d)(9)(A)(iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 502. TAX ON CRUDE OIL AND NATURAL GAS PRODUCED FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO.

(a) IN GENERAL.—Subtitle E (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end the following new chapter:

''CHAPTER 56—TAX ON SEVERANCE OF CRUDE OIL AND NATURAL GAS FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO

''Sec. 5896. Imposition of tax.
''Sec. 5897. Taxable crude oil or natural gas and removal price.
''Sec. 5898. Special rules and definitions.

''SEC. 5896. IMPOSITION OF TAX.

''(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed a tax equal to 13 percent of the removal price of any taxable crude oil or natural gas removed from the premises during any taxable period.

''(b) CREDIT FOR FEDERAL ROYALTIES PAID.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by subsection (a) with respect to the production of any taxable crude oil or natural gas an amount equal to the aggregate amount of royalties paid under Federal law with respect to such production.

''(2) LIMITATION.—The aggregate amount of credits allowed under paragraph (1) to any taxpayer for any taxable period shall not exceed the amount of tax imposed by subsection (a) for such taxable period.

''(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil or natural gas.

''SEC. 5897. TAXABLE CRUDE OIL OR NATURAL GAS AND REMOVAL PRICE.

''(a) TAXABLE CRUDE OIL OR NATURAL GAS.—For purposes of this chapter, the term 'taxable crude oil or natural gas' means crude oil or natural gas which is produced from Federal submerged lands on the outer Continental Shelf in the Gulf of Mexico pursuant to a lease entered into with the United States which authorizes the production.

''(b) REMOVAL PRICE.—For purposes of this chapter—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'removal price' means—

''(A) in the case of taxable crude oil, the amount for which a barrel of such crude oil is sold, and

''(B) in the case of taxable natural gas, the amount per 1,000 cubic feet for which such natural gas is sold.

''(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

''(3) OIL OR GAS REMOVED FROM PROPERTY BEFORE SALE.—If crude oil or natural gas is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

''(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

''(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(5) PROPERTY.—The term 'property' has the meaning given such term by section 614.

''SEC. 5898. SPECIAL RULES AND DEFINITIONS.

''(a) ADMINISTRATIVE REQUIREMENTS.—

''(1) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide for the withholding and deposit of the tax imposed under section 5896 on a quarterly basis.

''(2) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil or natural gas) with respect to such oil as the Secretary may by regulations prescribe.

''(3) TAXABLE PERIODS; RETURN OF TAX.—

''(A) TAXABLE PERIOD.—Except as provided by the Secretary, each calendar year shall constitute a taxable period.

''(B) RETURNS.—The Secretary shall provide for the filing, and the time for filing, of the return of the tax imposed under section 5896.

''(b) DEFINITIONS.—For purposes of this chapter—

''(1) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil or natural gas.

''(2) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

''(3) PREMISES AND CRUDE OIL PRODUCT.—The terms 'premises' and 'crude oil product' have the same meanings as when used for purposes of determining gross income from the property under section 613.

''(c) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil or natural gas from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil or natural gas removed.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.''.

(b) DEDUCTIBILITY OF TAX.—The first sentence of section 164(a) (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

''(6) The tax imposed by section 5896(a) (after application of section 5896(b)) on the severance of crude oil or natural gas from the outer Continental Shelf in the Gulf of Mexico.''.

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end the following new item:

''CHAPTER 56. Tax on severance of crude oil and natural gas from the outer Continental Shelf in the Gulf of Mexico.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to crude oil or natural gas removed after December 31, 2008.

SEC. 503. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 907 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

''(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

''(1) the amount of the combined foreign oil and gas income for the taxable year,

''(2) multiplied by—

''(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

''(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

''(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

''(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

''(A) foreign oil and gas extraction income, and

''(B) foreign oil related income.

''(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

''(A) oil and gas extraction taxes, and

''(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.''.

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

''(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

''(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

''(i) first by the amount determined under subparagraph (B), and

''(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

''(B) REDUCTION FOR PRE-2009 FOREIGN OIL EXTRACTION LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2009, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Energy Independence and Investment Act of 2008) for preceding taxable years beginning after December 31, 1982.

''(C) REDUCTION FOR POST-2008 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2008, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2008.

''(D) FOREIGN OIL AND GAS LOSS DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

''(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

''(II) the sum of the deductions properly apportioned or allocated thereto.

''(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

''(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account—

''(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

''(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

''(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Energy Independence and Investment Act of 2008.''.

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking ''oil and gas extraction taxes'' each place it appears and inserting ''foreign oil and gas taxes'', and

(2) by adding at the end the following new paragraph:

''(4) TRANSITION RULES FOR PRE-2009 AND 2009 DISALLOWED CREDITS.—

''(A) PRE-2009 CREDITS.—In the case of any unused credit year beginning before January 1, 2009, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2008—

''(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

''(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

''(B) 2009 CREDITS.—In the case of any unused credit year beginning in 2009, the amendments made to this subsection by the Energy Independence and Investment Act of 2008 shall be treated as being in effect for any preceding year beginning before January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.''.

(d) CONFORMING AMENDMENT.—Section 6501(i) is amended by striking ''oil and gas extraction taxes'' and inserting ''foreign oil and gas taxes''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 504. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 is amended by adding at the end the following new subsection:

''(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS, ETC.—

''(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

''(2) ADDITIONAL INFORMATION REQUIRED.—

''(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

''(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The customer's adjusted basis shall be determined—

''(I) in the case of any security (other than any stock for which an average basis method is permissible under section 1012), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred, and

''(II) in the case of any stock for which an average basis method is permissible under section 1012, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such stock is held.

''(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the

same account with respect to identical securities.

''(3) COVERED SECURITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

''(i) was acquired through a transaction in the account in which such security is held, or

''(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

''(B) SPECIFIED SECURITY.—The term 'specified security' means—

''(i) any share of stock in a corporation,

''(ii) any note, bond, debenture, or other evidence of indebtedness,

''(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

''(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

''(C) APPLICABLE DATE.—The term 'applicable date' means—

''(i) January 1, 2010, in the case of any specified security which is stock in a corporation (other than any stock described in clause (ii)),

''(ii) January 1, 2011, in the case of any stock for which an average basis method is permissible under section 1012, and

''(iii) January 1, 2012, or such later date determined by the Secretary in the case of any other specified security.

''(4) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2011, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

''(5) SPECIAL RULES FOR SHORT SALES.—In the case of a short sale, reporting under this section shall be made for the year in which such sale is closed.''.

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICATION TO OPTIONS ON SECURITIES.—

''(1) EXERCISE OF OPTION.—For purposes of this section, if a covered security is acquired or disposed of pursuant to the exercise of an option that was granted or acquired in the same account as the covered security, the amount received with respect to the grant or paid with respect to the acquisition of such option shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be.

''(2) LAPSE OR CLOSING TRANSACTION.—In the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a specified security or the exercise of a cash-settled option on a specified security, reporting under subsections (a) and (g) with respect to such option shall be made for the calendar year which includes the date of such lapse, closing transaction, or exercise.

''(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2012.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'covered security' and 'specified security' shall have the meanings given such terms in subsection (g)(3).''.

(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—

(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking ''January 31'' and inserting ''February 15''.

(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking ''at such time and'', and

(ii) by inserting after ''other item.'' the following new sentence: ''The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year in which the payment was made.''.

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: ''In the case of a consolidated reporting statement (as defined in regulations) with respect to any account, any statement which would otherwise be required to be furnished on or before January 31 of a calendar year with respect to any item reportable to the taxpayer shall instead be required to be furnished on or before February 15 of such calendar year if furnished with such consolidated reporting statement.''.

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT OR AVERAGE BASIS METHOD.—Section 1012 is amended—

(1) by striking ''The basis of property'' and inserting the following:

''(a) IN GENERAL.—The basis of property'',

(2) by striking ''The cost of real property'' and inserting the following:

''(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property'', and

(3) by adding at the end the following new subsections:

''(c) DETERMINATIONS BY ACCOUNT.—

''(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

''(2) APPLICATION TO OPEN-END FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any stock in an open-end fund acquired before January 1, 2011, shall be treated as a separate account from any such stock acquired on or after such date.

''(B) ELECTION BY OPEN-END FUND FOR TREATMENT AS SINGLE ACCOUNT.—If an open-end fund elects to have this subparagraph apply with respect to one or more of its stockholders—

''(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and

''(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

A rule similar to the rule of the preceding sentence shall apply with respect to a broker holding stock in an open-end fund as a nominee.

''(3) DEFINITIONS.—For purposes of this section—

''(A) OPEN-END FUND.—The term 'open-end fund' means a regulated investment company (as defined in section 851) which is offering for sale or has outstanding any redeemable security of which it is the issuer. Any stock which is traded on an established securities exchange shall not be treated as stock in an open-end fund.

''(B) SPECIFIED SECURITY; APPLICABLE DATE.—The terms 'specified security' and 'applicable date' shall have the meaning given such terms in section 6045(g).

''(d) AVERAGE BASIS FOR STOCK ACQUIRED PURSUANT TO A DIVIDEND REINVESTMENT PLAN.—

''(1) IN GENERAL.—In the case of any stock acquired after December 31, 2010, in connection with a dividend reinvestment plan, the basis of such stock while held as part of such plan shall be determined using one of the methods which may be used for determining the basis of stock in an open-end fund.

''(2) TREATMENT AFTER TRANSFER.—In the case of the transfer to another account of stock to which paragraph (1) applies, such stock shall have a cost basis in such other account equal to its basis in the dividend reinvestment plan immediately before such transfer (properly adjusted for any fees or other charges taken into account in connection with such transfer).

''(3) SEPARATE ACCOUNTS; ELECTION FOR TREATMENT AS SINGLE ACCOUNT.—Rules similar to the rules of subsection (c)(2) shall apply for purposes of this subsection.

''(4) DIVIDEND REINVESTMENT PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'dividend reinvestment plan' means any arrangement under which dividends on any stock are reinvested in stock identical to the stock with respect to which the dividends are paid.

''(B) INITIAL STOCK ACQUISITION TREATED AS ACQUIRED IN CONNECTION WITH PLAN.—Stock shall be treated as acquired in connection with a dividend reinvestment plan if such stock is acquired pursuant to such plan or if the dividends paid on such stock are subject to such plan.''.

(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

''SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.

''(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

''(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

''(1) any broker (as defined in section 6045(c)(1)), and

''(2) any other person as provided by the Secretary in regulations.

''(c) TIME FOR FURNISHING STATEMENT.—Except as otherwise provided by the Secretary, any statement required by subsection (a) shall be furnished not later than 15 days after the date of the transfer described in such subsection.''.

(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating subparagraphs (I) through (DD) as subparagraphs (J) through (EE), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

''Sec. 6045A. Information required in connection with transfers of covered securities to brokers.''.

(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

''SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.

''(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

''(1) a description of any organizational action which affects the basis of such specified security of such issuer,

''(2) the quantitative effect on the basis of such specified security resulting from such action, and

''(3) such other information as the Secretary may prescribe.

''(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

''(1) 45 days after the date of the action described in subsection (a), or

''(2) January 15 of the year following the calendar year during which such action occurred.

''(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return,

''(2) the information required to be shown on such return with respect to such security, and

''(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

''(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

''(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

''(1) the name, address, phone number, and email address of the information contact of such person, and

''(2) the information described in paragraphs (1), (2), and (3) of subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clause (iv) and each of the clauses which follow as clauses (v) through (xxiii), respectively, and by inserting after clause (iii) the following new clause:

''(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),''.

(B) Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008 and by subsection (c)(2), is amended by redesignating subparagraphs (J) through (EE) as subparagraphs (K) through (FF), respectively, and by inserting after subparagraph (I) the following new subparagraph:

''(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

''Sec. 6045B. Returns relating to actions affecting basis of specified securities.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2010.

(2) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—The amendments made by subsection (a)(3) shall apply to statements required to be furnished after December 31, 2008.

SEC. 505. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.

(a) INCREASE IN RATE.—

(1) IN GENERAL.—Section 4611(c)(2)(B) (relating to rates) is amended by striking ''5 cents'' and inserting ''12 cents''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) EXTENSION.—

(1) IN GENERAL.—Section 4611(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

''(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after December 31, 2017.''.

(2) CONFORMING AMENDMENT.—Section 4611(f)(1) is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

TITLE VI—OTHER PROVISIONS

SEC. 601. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

''SEC. 2. PURPOSES.

''The purposes of this Act are—

''(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

''(2) to make additional investments in, and create additional employment opportunities through, projects that—

''(A)(i) improve the maintenance of existing infrastructure;

''(ii) implement stewardship objectives that enhance forest ecosystems; and

''(iii) restore and improve land health and water quality;

''(B) enjoy broad-based support; and

''(C) have objectives that may include—

''(i) road, trail, and infrastructure maintenance or obliteration;

''(ii) soil productivity improvement;

''(iii) improvements in forest ecosystem health;

''(iv) watershed restoration and maintenance;

''(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

''(vi) the control of noxious and exotic weeds; and

''(vii) the reestablishment of native species; and

''(3) to improve cooperative relationships among—

''(A) the people that use and care for Federal land; and

''(B) the agencies that manage the Federal land.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

''(A) contains Federal land (as defined in paragraph (7)); and

''(B) elects to receive a share of the State payment or the county payment under section 102(b).

''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

''(7) FEDERAL LAND.—The term 'Federal land' means—

''(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the 50-percent base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

''(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

''(A) $500,000,000 for fiscal year 2008; and

''(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

''(A) the per capita personal income for each eligible county; by

''(B) the median per capita personal income of all eligible counties.

''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

''(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

''SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

''(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

''(1) the adjusted share for each eligible county within the eligible State; by

''(2) the full funding amount for the fiscal year.

''(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

''(1) the 50-percent adjusted share for the eligible county; by

''(2) the full funding amount for the fiscal year.

''SEC. 102. PAYMENTS TO STATES AND COUNTIES.

''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

''(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

''(B) the share of the State payment of the eligible county; and

''(2) a county an amount equal to the amount elected under subsection (b) by each county for—

''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

''(B) the county payment for the eligible county.

''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

''(1) ELECTION; SUBMISSION OF RESULTS.—

''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

''(2) DURATION OF ELECTION.—

''(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

''(A) any amounts that are appropriated to carry out this Act;

''(B) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

''(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

''(A) the Act of May 23, 1908 (16 U.S.C. 500); and

''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

''(1) ALLOCATIONS.—

''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

''(i) reserve any portion of the balance for—

''(I) carrying out projects under title II;

''(II) carrying out projects under title III; or

''(III) a combination of the purposes described in subclauses (I) and (II); or

''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

''(2) DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended in accordance with title II.

''(3) ELECTION.—

''(A) NOTIFICATION.—

''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and September 30 of each fiscal year thereafter.

''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

''(II) return the balance to the Treasury of the United States.

''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

"SEC. 103. TRANSITION PAYMENTS TO STATES.

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

''(A) for fiscal year 2008, 90 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

''(B) for fiscal year 2009, 76 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

''(C) for fiscal year 2010, 65 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

''(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

''(c) DISTRIBUTION OF ADJUSTED AMOUNT.—Except as provided in subsection (d), it is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the covered States for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

''(1) Payments to the State of California under subsection (b).

''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

"TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

"SEC. 201. DEFINITIONS.

''In this title:

''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

''(A) an advisory committee established by the Secretary concerned under section 205; or

''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

"SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

"SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and

other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

''SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2008, 35 percent.

''(ii) For fiscal year 2009, 45 percent.

''(iii) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

''(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

''SEC. 205. RESOURCE ADVISORY COMMITTEES.

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

''(4) EXISTING ADVISORY COMMITTEES.—

''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

''(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

''(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

''(b) DUTIES.—A resource advisory committee shall—

''(1) review projects proposed under this title by participating counties and other persons;

''(2) propose projects and funding to the Secretary concerned under section 203;

''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

''(5)(A) monitor projects that have been approved under section 204; and

''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

''(c) APPOINTMENT BY THE SECRETARY.—

''(1) APPOINTMENT AND TERM.—

''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

''(d) COMPOSITION OF ADVISORY COMMITTEE.—

''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

''(A) 5 persons that—

''(i) represent organized labor or non-timber forest product harvester groups;

''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

''(iii) represent—

''(I) energy and mineral development interests; or

''(II) commercial or recreational fishing interests;

''(iv) represent the commercial timber industry; or

''(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

''(B) 5 persons that represent—

''(i) nationally recognized environmental organizations;

''(ii) regionally or locally recognized environmental organizations;

''(iii) dispersed recreational activities;

''(iv) archaeological and historical interests; or

''(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

''(C) 5 persons that—

''(i) hold State elected office (or a designee);

''(ii) hold county or local elected office;

''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

''(iv) are school officials or teachers; or

''(v) represent the affected public at large.

''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

''(e) APPROVAL PROCEDURES.—

''(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

''SEC. 206. USE OF PROJECT FUNDS.

''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

''(A) The schedule for completing the project.

''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

''(b) TRANSFER OF PROJECT FUNDS.—

''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

''(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

''SEC. 207. AVAILABILITY OF PROJECT FUNDS.

''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

''(d) EFFECT OF COURT ORDERS.—

''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

''SEC. 208. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

''TITLE III—COUNTY FUNDS

''SEC. 301. DEFINITIONS.

''In this title:

''(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''SEC. 302. USE.

''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

''(A) performed on Federal land after the date on which the use was approved under subsection (b);

''(B) paid for by the participating county; and

''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

''SEC. 303. CERTIFICATION.

''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

''(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

''SEC. 304. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

''TITLE IV—MISCELLANEOUS PROVISIONS

''SEC. 401. REGULATIONS.

''The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

''SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2008 through 2011.

''SEC. 403. TREATMENT OF FUNDS AND REVENUES.

''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

''§ 6906. Funding

''For each of fiscal years 2008 through 2012—

''(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

''(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

''6906. Funding.''.

(3) BUDGET SCOREKEEPING.—

(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the section in this title regarding Payments in Lieu of Taxes shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002), and by the Chairmen of the House and Senate Budget Committees, as appropriate, for purposes of budget enforcement in the House and Senate, and under the Congressional Budget Act of 1974 as if Payment in Lieu of Taxes (14–1114–0–1–806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

(B) EFFECTIVE DATE.—This paragraph shall remain in effect for the fiscal years to which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

SEC. 602. CLARIFICATION OF UNIFORM DEFINITION OF CHILD.

(a) CHILD MUST BE YOUNGER THAN CLAIMANT.—Section 152(c)(3)(A) is amended by inserting ''is younger than the taxpayer claiming such individual as a qualifying child and'' after ''such individual''.

(b) CHILD MUST BE UNMARRIED.—Section 152(c)(1) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) who has not filed a joint return (other than only for a claim of refund) with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.''.

(c) RESTRICT QUALIFYING CHILD TAX BENEFITS TO CHILD'S PARENT.—

(1) CHILD TAX CREDIT.—Subsection (a) of section 24 is amended by inserting ''for which the taxpayer is allowed a deduction under section 151'' after ''of the taxpayer''.

(2) PERSONS OTHER THAN PARENTS CLAIMING QUALIFYING CHILD.—

(A) IN GENERAL.—Paragraph (4) of section 152(c) is amended by adding at the end the following new subparagraph:

''(C) NO PARENT CLAIMING QUALIFYING CHILD.—If the parents of an individual may claim such individual as a qualifying child but no parent so claims the individual, such individual may be claimed as the qualifying child of another taxpayer but only if the adjusted gross income of such taxpayer is higher than the highest adjusted gross income of any parent of the individual.''.

(B) CONFORMING AMENDMENTS.—

(i) Subparagraph (A) of section 152(c)(4) is amended by striking ''Except'' through ''2 or more taxpayers'' and inserting ''Except as provided in subparagraphs (B) and (C), if (but for this paragraph) an individual may be claimed as a qualifying child by 2 or more taxpayers''.

(ii) The heading for paragraph (4) of section 152(c) is amended by striking ''CLAIMING'' and inserting ''WHO CAN CLAIM THE SAME''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

By Mr. DODD (for himself, Mr. COCHRAN, and Mr. KENNEDY):

S. 3479. A bill to amend the National and Community Service Act of 1990 to establish a Semester of Service grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to introduce the Semester of Service Act—a bill which would offer young people the opportunity to spend a semester serving their communities during their junior or senior year of high school. I want to thank Senators COCHRAN and KENNEDY for joining me in introducing this legislation.

Throughout the U.S., there are mounting problems and unmet needs.

We have millions of families losing their homes. We have 14 million children that have no supervised place to go after school. We have a health care system that is barely able to hold itself together. And we have veterans and seniors who have given so much to our country unable to get the treatment they were promised and retire with the dignity they have earned.

We can debate how best to solve these problems and others. Some suggest the market can do the job. Others believe the government has an appropriate role to play.

But one thing upon which we can all agree is that when we provide service to our communities, we can tackle so many of our toughest challenges. Service that draws upon our collective imaginations, ideas, and resolve. No one is better equipped to take part in that effort, Mr. President, than our Nation's young people.

As the father of two young daughters, every day I bear witness to the energy, enthusiasm and imagination children bring to every single thing they do. And if the online communities of today teach us anything, it is that young people yearn for shared experiences—for experiences that take them out of their comfort zones to introduce them to new people, put them in new situations and teach them things they might never otherwise learn.

As a young man serving in the Peace Corps, I learned for myself how much we can grow and learn and, more importantly, the difference we can make when we serve. Today, what children need from us is the impetus and leadership to redirect that boundless energy of theirs toward the betterment of our communities. Unlocking the remarkable potential in our young people is what this legislation is all about.

With a semester of service, they can help tutor elementary-school students. They can assist those living in our veterans' hospitals or in hospice. Or they can help clean up neighborhoods and the environment. Those are just a few of the opportunities the Semester of Service Act offers. The difference service makes to our younger generation is as clear as the need for it.

We talk so much about ways to improve academic performance in our schools. Well, when community service is integrated into our students' curricula at school, we know that young people make gains on achievement tests. Service-learning results in grade point averages going up and more positive feelings about high school.

The benefits of service-learning go well beyond the classroom. When young people participate in community service activities they feel better able to control their own lives in a positive way. They are less prone to engage in risky behavior, more likely to engage in their own education, and far more aware of the career opportunities before them.

Indeed, research shows that for every dollar we spend on a service-learning project, $4 worth of service is provided to the community involved. That means by authorizing $200 million for fiscal year 2009, as this legislation does, our country will save more than half a billion dollars in service performed.

This legislation works by creating a competitive grant program that provides school districts, or nonprofits working in partnership with local school districts, the opportunity to have students participate in a semester of service in their junior or senior year for academic credit. These students are required to perform a minimum of 70 hours of service learning activities over 12 weeks, with at least 24 of those hours spent participating in field-based activities—outside of the classroom.

By engaging both the public and private sector, Semester of Service teaches civic participation skills and helps young people see themselves not merely as residents in their communities—but resources to them.

Ultimately, that is what this legislation is about. As with our legislation to strengthen and expand AmeriCorps and increase senior involvement in national service, this bill is about maximizing our resources. It's about increasing participation, engaging our young people, and lifting up our communities. That is why communities from all across this Nation have endorsed this Semester of Service legislation.

If we ask all Americans to take responsibility for the future of our country as we do with this legislation, I believe our best days can be ahead of us—not in the memories of the past, but in the world of our children. We can move forward as a Nation, lead the world and create a better, brighter tomorrow for all of us.

Let us start that journey today.

By Mr. DODD (for himself, Mr. COCHRAN, and Mr. KENNEDY):

S. 3480. A bill to amend the National and Community Service Act of 1990 to establish Encore Service Programs, Encore Fellowship Programs, and Silver Scholarship Programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to introduce the Encore Service Act of 2008—legislation which would offer Americans 55 years of age and older the chance to serve their communities and use their expertise and life lessons to give back to the country that has given them so much. I want to thank Senators COCHRAN and KENNEDY for joining me in introducing this legislation.

As we have discussed time and time again, the challenges facing America are mounting—from an aging population to a broken health care system to challenges in our schools that put our children's futures at risk.

These are problems that countless Americans have lived and struggled with—that we here in this institution have debated for years, decades even. We can disagree amongst ourselves about how to solve them—and we certainly have. But what we can all agree on is the impact citizens can make when it comes to facing some of our biggest challenges.

We know the extraordinary things ordinary citizens can accomplish for our communities when given the opportunity—the difference they can make in our schools and nursing homes, in veterans' hospitals and in helping those living on fixed incomes.

We know the character of our people in our darkest moments. Indeed, while September 11 may have showed us that our world had changed—it was September 12 that reminded us: Americans had not. The community blood drives, the heroic work of our Nation's firefighters, the floods of donations—all were a powerful reminder that Americans are always ready to give back when their country calls.

I will never forget the Mayor of Pass Christian Mississippi telling me about an elderly Connecticut couple who drove all the way to the Gulf Coast in the wake of Katrina for no other reason than to help their fellow countrymen and women. Contrary to what some suggest, I believe the American people are starved for opportunities to serve—and stand at the ready not just in times of crisis, but every day. Americans are simply waiting to be asked. I am introducing this legislation today because, it is time they were.

The truth is, no one is more ready or more poised to make a difference—in our communities and throughout our country—than older Americans.

We have all heard about the aging Baby Boomer generation—in the next decade alone, the number of Americans 55 years and older is expected to grow by another 22 percent. But for all the well-publicized challenges that growth presents, it's time we also recognize something else: The opportunities it offers—if we seize them.

Studies tell us that more than half of those considered a part of the Baby

Boomer generation are interested in providing meaningful service to their communities. Countless older men and women who have given so much to their country throughout their lives want to continue to serve their communities as they enter their later years.

Why wouldn't they? After a lifetime of hard work, raising a family, and paying taxes, Americans look forward to retirement—to enjoying their golden years with the security and dignity they have earned. They are living longer, healthier lives than any generation in history. And they recognize something elemental:

Life doesn't end at retirement. For many, it is only beginning—leading perhaps to a second career in the public or nonprofit sector. There can be no greater gift passed on to future generations than the lessons of the past. But the truth is, we too often fail to draw upon the experience, knowledge and ideas of previous generations. What is missing is the opportunity.

Providing older Americans those opportunities is what the Encore Service Act is all about. It creates an Encore Service Program that provides Americans 55 years and older with opportunities to serve communities with the greatest need—to volunteer in our Nation's schools, to help keep our neighborhoods clean, safe and vibrant, and so much more. In return for their service, which may include extensive training and a significant commitment of time, they can receive a stipend and education award, much like AmeriCorps does for younger generations.

Best of all, that stipend can be transferred to children or grandchildren. Imagine what that means for a grandmother or a grandfather who could literally put thousands of dollars into their newborn grandchild's college savings fund as a result of this program—funds that can only be used after the child turns 18 and can be kept for up to 20 years. Of all the new ideas in this legislation, perhaps this one is the most exciting.

This legislation also creates an Encore Fellows program that places older Americans in one-year management or leadership positions in public or private not-for-profits. These year-long fellowships not only increase the capacity of public service organizations already doing tremendous work in our communities, they also promote those who have already had full, successful careers, perhaps in the private sector, to lend their expertise and experience to the cause of community or public service.

The Encore Service Act also creates a Silver Scholars program that awards older Americans with an education scholarship of up to $1,000 in exchange for volunteering with public agencies or private nonprofits between 250 and 500 hours a year. As with the Encore Service Program, they can use these awards for themselves or transfer them to children, grandchildren or other qualified designees.

Lastly, this legislation expands the capacity and builds on the success of current Senior Programs by raising the authorization funding levels for the Foster Grandparent, Senior Corps and RSVP programs. We all know that seniors and these programs have already made a remarkable difference in our communities. That is why our legislation raises program eligibility levels from 125 to 200 percent above poverty and ensures that all programs will be open to any individual 55 years and older.

The Encore Service Act authorizes $326.7 million in new funding for fiscal year 2009, and such sums as necessary for subsequent years. Ultimately, this bill is about unlocking the remarkable potential in older Americans. It is about creating ample opportunities for them to use their skills and talents to give back to their communities—to elementary schools, retirement homes, soup kitchens operating out of local churches, libraries, and other centers of our communities.

It is about harnessing the power of experience. We all know that when called upon, every generation of Americans has risen to the challenge, often beating great odds to pass on a stronger, safer, more prosperous world to its children and grandchildren.

Americans are ready once again for leadership that marshals the same unity, purpose and generosity that so defined our country in the wake of 9/11, and has so defined our Nation so many times before. That is what the Encore Service Act of 2008 is about. I am honored to introduce it today.

By Mr. LIEBERMAN (for himself and Mr. WEBB):

S. 3482. A bill to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the ''John W. Warner Rapids''; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, today I am introducing legislation to designate a portion of the Rappahannock River in Virginia as the ''John W. Warner Rapids''.

These man-made rapids are a testament to Senator WARNER's long-standing commitment to protect and preserve the environment, as they are the remains of the Embrey Dam, whose removal he championed.

The Rappahannock River in Virginia flows over 180 miles from the Blue Ridge Mountains to the Chesapeake Bay. At historic Fredericksburg, founded in 1728 along the river's fall line, the Rappahannock was blocked by a wooden crib dam built in 1853 and a 22-foot high concrete dam built in 1910.

Until the 1960s, the dam was used to generate hydroelectric power, and until 2000 it was used to divert water into a canal as a raw water source for the city. In the 1990s, the city began to develop a new regional water supply; and it was determined that the water facility connected to the dam could be closed.

Funding to remove the dam was a significant hurdle. The City sought support from the Federal government and found a strong advocate in Senator JOHN W. WARNER. In the mid 1990s, the local river conservation group, Friends of the Rappahannock, invited Senator WARNER to a discussion about the removal of the dam. After discussion and a paddle to the site, Senator WARNER pledged that if the group could demonstrate community consensus regarding the dam's removal, he would personally support the effort.

On February 23, 2004, on Senator WARNER's signal, 600 pounds of explosives set by the Army and Air Force Reserves opened a 130-foot breach in Embrey Dam, setting the Rappahannock River to flow free for the first time since 1853. By reopening the Rappahannock River, more than 1,300 river and stream miles immediately became available to migratory fish in the Chesapeake Bay watershed.

On July 30, 2005, the Friends of the Rappahannock and the City of Fredericksburg honored Senator WARNER in a ''Rappahannock River Running Free'' celebration. The American Canoe Association, established in 1880 and the nation's oldest and largest canoe, kayak, and rafting organization, stated: ''For over 150 years the Rappahannock River has been holding its breath behind a wall of iron, concrete, and wood. U.S. Senator JOHN W. WARNER's efforts have allowed the Rappahannock River to breathe free once again. In appreciation of his efforts, the community of paddlers and river users has bestowed upon him their highest honor. So, let it be known, on behalf of the City of Fredericksburg, the Friends of the Rappahannock, the American Canoe Association, and the community of paddlers, that the new rapids formed at the removal of the dam be known, now and forever, and recorded on all maps, as 'John W. Warner Rapids' and may all your travels through be smooth.''

On 1 November 2008, Senator WARNER will be presented with a bronze plaque that will be affixed to a permanent monument along the banks of the Rappahannock River at the rapids formed by the remnants of the dam.

The actions that I have described are a shining example of the commitment Senator WARNER has shown to the environment during his 30 years in this body. He recognizes the importance of protecting and preserving natural treasures for the enjoyment of this and future generations.

It has been a pleasure and a privilege to be able to work so closely with him

in this regard. For many years, Senator WARNER and I have served together on the Senate Committee on Environment and Public Works. At the start of this Congress, I became the chairman of that committee's global warming subcommittee. I was honored and delighted when Senator WARNER became, at his request, the ranking minority member of that subcommittee. In February of last year, the two of us held a subcommittee hearing on the impacts of global warming on wildlife. Senator WARNER spoke with conviction and eloquence about his commitment to wildlife conservation, and about his particular love for rivers and streams.

In an example of the courage and statesmanship for which he is rightly known, Senator WARNER joined with me to write a bill to reduce the man-made greenhouse-gas emissions that are disrupting wildlife, threatening our national security, and imperiling our economy. Last October, we introduced our Climate Security Act, and the next month both our subcommittee and the full Environment and Public Works Committee reported the bill favorably. That had never happened before with a climate bill in the U.S. Congress, and it would not have happened without the leadership, credibility, patience, and wisdom of Senator WARNER. I join many, many others in looking up to him, and I am privileged to call him my friend.

The bill that I introduce today is a fitting tribute to the legacy that Senator WARNER leaves behind as he retires. I encourage my colleagues to honor him by passing this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 655—TO IMPROVE CONGRESSIONAL OVERSIGHT OF THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES

Mr. BOND (for himself, Mr. ROCKEFELLER, and Mr. WHITEHOUSE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 655

Whereas the Select Committee on Intelligence of the Senate was created by Senate Resolution 400 in the 94th Congress to oversee and make continuing studies of the intelligence activities of the United States;

Whereas Senate Resolution 400 specifically required that the Select Committee on Intelligence be composed of at least two crossover members, with one such member from each party, from the Committee on Appropriations, the Committee on Armed Services, Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, which would provide such Committees with member insight into intelligence oversight matters;

Whereas the National Commission on Terrorist Attacks Upon the United States (referred to in this Resolution as the ''9/11 Commission'') conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation;

Whereas in its final report, the 9/11 Commission found that under the Rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

Whereas in its final report, the 9/11 Commission further found that as long as oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

Whereas in its final report, the 9/11 Commission further found that a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership;

Whereas in its final report, the 9/11 Commission further found that the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed;

Whereas the 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities;

Whereas Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission;

Whereas the Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding fiscal oversight of intelligence have not been implemented;

Whereas, in Senate Resolution 445 in the 108th Congress, the Senate provided for the establishment of a Subcommittee on Intelligence of the Committee on Appropriations and gave it jurisdiction over funding for intelligence matters;

Whereas there remains a need to improve congressional oversight of the intelligence activities of the United States and provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support and leadership; and

Whereas there also remains a need to implement a key 9/11 Commission recommendation to make structural changes within Congress to improve the oversight of intelligence activities and provide vigilant legislative oversight to assure that such activities are in conformity with the Constitution and laws of the United States: Now, therefore, be it

Resolved,

That Senate Resolution 445, 108th Congress, agreed to October 9, 2004, is amended by striking section 402 and inserting the following:

''SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

''(a) ESTABLISHMENT.—There is established in the Committee on Appropriations of the Senate a Subcommittee on Intelligence.

''(b) JURISDICTION.—The Subcommittee on Intelligence established under subsection (a) shall have exclusive jurisdiction over all funding for the National Intelligence Program, as defined in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401(a)(6)).

''(c) PROCEDURE.—The Subcommittee on Intelligence established under subsection (a) shall approve for full committee consideration an annual appropriations bill for the National Intelligence Program. Upon approval by such Subcommittee on Intelligence, the annual appropriations bill for the National Intelligence Program shall be considered by the full Committee on Appropriations of the Senate, without intervening review by any other subcommittee. Upon approval by the full Committee on Appropriations, the bill shall then be reported to the Senate for consideration.

''(d) COMPOSITION.—

''(1) MEMBERS OF THE SELECT COMMITTEE ON INTELLIGENCE.—

''(A) IN GENERAL.—Members of the Committee on Appropriations of the Senate who are also members of the Select Committee on Intelligence of the Senate shall have automatic membership on the Subcommittee on Intelligence established under subsection (a).

''(B) EX OFFICIO MEMBER.—If the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate is not also a member of the Committee on Appropriations of the Senate, then such Chairman or Vice Chairman shall serve as an ex officio member of such Subcommittee on Intelligence.

''(2) SUBCOMMITTEE ON DEFENSE APPROPRIATIONS.—The Chairman and Ranking Member of the Subcommittee on Defense of the Committee on Appropriations of the Senate shall have automatic membership on such Subcommittee on Intelligence.

''(3) CHAIRMAN AND RANKING MEMBER.—The Chairman and Ranking Member of such Subcommittee on Intelligence shall be selected from among those members who are both members of the Committee on Appropriations and the Select Committee on Intelligence of the Senate.

''(4) OTHER ASSIGNMENTS.—Assignment to, and a role on, such Subcommittee on Intelligence shall not count against any other committee or subcommittee role or assignment of any member of the Committee on Appropriations of the Senate.

''(e) STAFF.—

''(1) AUTHORITY TO HIRE.—The Chairman and Ranking Member of the Subcommittee on Intelligence established under subsection (a) shall, in consultation with the Chairman and Ranking Member of the Committee on Appropriations of the Senate, select, designate, or hire staff for such Subcommittee.

''(2) ACCESS TO CLASSIFIED INFORMATION.—A member of the staff of such Subcommittee on Intelligence may not be given access to classified information by such Subcommittee unless such staff member has received an appropriate security clearance, as determined by such Subcommittee in consultation with the Director of National Intelligence.''.

SENATE RESOLUTION 656—EXPRESSING THE SENSE OF THE SENATE REGARDING THE TERRORIST ATTACKS COMMITTED AGAINST THE UNITED STATES OF AMERICA ON SEPTEMBER 11, 2001

Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 656

Whereas at 8:46 AM on the morning of September 11, 2001, hijacked American Airlines Flight 11 was flown into the upper portion of the North Tower of the World Trade Center in New York City, New York;

Whereas 17 minutes later, at 9:03 AM, hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center;

Whereas the Fire Department of New York (FDNY), the New York Police Department (NYPD), the Port Authority Police Department (PAPD), the Office of Emergency Management (OEM) of the Mayor of New York, and countless eyewitnesses and public health officials responded immediately and valiantly to these horrific events;

Whereas at 9:37 AM, the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, whose impact caused immediate and catastrophic damage to the headquarters of the Department of Defense;

Whereas Pentagon officials, county fire, police, and sheriff departments, the Metropolitan Washington Airports Authority, the Ronald Reagan Washington National Airport Fire Department, the Fort Myer Fire Department, the Virginia State Police, the Virginia Department of Emergency Management, the Federal Bureau of Investigation, the Federal Emergency Management Agency, a National Medical Response Team, the Bureau of Alcohol, Tobacco, and Firearms, and numerous military personnel all responded promptly and courageously to this attack on the United States military establishment;

Whereas the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others;

Whereas nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001;

Whereas the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history;

Whereas the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history;

Whereas the New York Police Department suffered 23 fatalities as a result of the terrorist attacks, the second largest loss of life of any police force in United States history, exceeded only by the number of Port Authority Police Department officers lost that same day;

Whereas seven years later, the people of the United States of America and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

Whereas seven years later, thousands of men and women in the United States Armed Forces remain in harm's way defending our Nation against those who seek to threaten the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 11, 2008, as a day of solemn commemoration of the events of September 11, 2001;

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of these attacks and, in doing so, bravely risked and often gave their own lives;

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend our Nation's security; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked our Nation.

Mr. BOND. Mr. President, I join my colleagues and all Americans in solemn observance of the loss of 3,000 American lives on September 11, 2001, truly the greatest tragedy on American soil in our recent history. Our thoughts and prayers are with these victims and their families.

We all know that al-Qaida terrorists declared war on the United States 7 years ago today. These vicious attacks claimed American lives and brought great concern and destruction across our country. While America has remained safe from another attack on our soil since 9/11/2001, it is by no accident.

It is fitting that as we observe the seventh anniversary of the 9/11 al-Qaida attacks, al-Qaida has been dealt a significant defeat in Iraq, both tactically and most certainly morally. It has been handed such a defeat in what its own leaders claim was the central front in the war against the United States. This victory was achieved at the hands of our brave troops and the people of Iraq.

As the result of new leadership under General Petraeus, his counterinsurgency strategy, and the surge, we are seeing our troops come home on success, including my son Sam, a marine who served two tours in Iraq. I heard about the success from the troops on the ground in my visits to Iraq, and our military leaders testified about this success before Congress, but now even the New York Times and Washington Post are writing about our return on success.

Look at some of the facts:

Anbar Province, once considered lost, has now been reclaimed by the Iraqi people. Not just in Anbar, but across the country, the Iraqis are leading operations to seek out al-Qaida—from Mosul to the Diyala Province. Across Iraq, violence is at its lowest point since the spring of 2004, and civilian deaths, sectarian killings, and suicide bombings are all down. For the Iraqi people, life is returning to normal. Markets are open and thriving, students are going to school—including girls, for the first time—and professionals are returning to work in Iraq. This win in Iraq is not only critical to the Middle East, but it is critical to our own Nation's security.

Defeat in Iraq would have given the terrorists who launched the 9/11 attacks a safe haven to exploit terror worldwide. It is fitting that on this day we honor the memory of the victims of 9/11 and their families, that we take a moment to thank our troops fighting the al-Qaida terrorists in Iraq.

Our troops fought in Iraq so that future generations of Americans will not have to fight them on our own soil. I am proud of these brave men and women who sacrificed so much in defense of freedom and security here at home. We owe them a debt that can never be repaid.

Our troops are also fighting the terrorists in Afghanistan. Troop increases are now making a difference. But it will also take smart power, a careful blend of kinetic and nonkinetic power of the United States and its allies to defeat the terrorists in Afghanistan and elsewhere; efforts to build institutions in education, rule of law, infrastructure development, roads and

power; efforts such as our Missouri National Guards's agriculture development teams. These teams are training the Afghanis in sustainable agriculture methods and techniques that will help them build a more secure and stable society.

It is critical that Pakistan continue to partner with the United States in defeating the terrorists who plague Afghanistan. The Taliban and other terror fighters hide in Pakistan's remote borders. We all hope that the country's newly elected democratic leaders will seek out and destroy these terrorists, not only for the security of their country but to prevent the terrorists from gaining a haven to plot and carry out attacks on America and our allies.

As we thank our troops fighting in Iraq and Afghanistan, killing the terrorists before they can attack the homeland, we also thank the many patriots who fight unseen and unheard to keep our Nation safe. As the vice chairman of the Senate Intelligence Committee, I know all too well the dangers facing us.

I also know that in addition to our troops, our intelligence operators are on the front lines of the war on terror. Our intelligence officers and law enforcement efforts work tirelessly to stop attacks before they happen. We all owe the brave Americans who work to keep us safe, and the firefighters and first responders who come to our aid when disaster strikes.

In Congress, it is our job to ensure the intelligence community has the tools it needs to detect, disrupt, and prevent attacks on America, our troops, and our allies, which is why it is important that here in Congress we never forget the critical lessons of September 11—that our intelligence proved inadequate to stop the mass murder of innocent Americans on our own soil.

As we honor these lives lost, we must continue to work to improve our intelligence capabilities to keep a similar tragedy from ever happening again. Since 9/11 we have strived to strengthen our intelligence. My proudest accomplishment in 22 years in the Senate was the passage of the bipartisan Foreign Intelligence Surveillance Act—our Nation's early warning system to alert us of attacks. It was a long fight, but we now have a terrorist surveillance law that allows our intelligence operators to listen in on foreign terrorists.

We have also made other important changes in our laws and priorities related to the threat of international terrorism, such as the USA PATRIOT Act, intelligence reform measures, and implementing recommendations of the 9/11 Commission Act. But Congress has not done enough.

On the seventh anniversary of 9/11, it is noteworthy that there remains one unaddressed 9/11 commission recommendation, and that is to reform the legislative branch's oversight of intelligence and terrorism activities which the commission rightly described as ''dysfunctional.''

The 9/11 Commission stated:

> Of all of our recommendations, strengthening congressional oversight may be among the most difficult and important.

Yet here we are 7 years after 9/11 and 4 years past the issuance of the 9/11 commission report, and that most significant recommendation for change remains unaddressed. The Senate tinkered around the edges by adding term limits for Intelligence Committee members, but it has not addressed the fundamental structural dysfunction regarding the fiscal oversight of the intelligence.

The 9/11 commission made two bold recommendations to fix the problem: either consolidate authorization and appropriation functions into a single committee in both Houses or create a bicameral intelligence committee. Both of these approaches were considered and rejected by the Senate during consideration of S. Res. 445 in October of 2004. But many of us believe there is a better, less disruptive way to achieve reform through a carefully constructive intelligence appropriations subcommittee.

This approach was endorsed earlier this year by all but 1 of 15 members of the Intelligence Committee in a letter sent to the majority and minority leaders along with an endorsement from the chairman and ranking member of the Homeland and Government Affairs Committee.

I ask unanimous consent that the letter be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, March 6, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID AND SENATOR MCCONNELL: This letter sets forth our recommendations for change within the Senate to improve congressional oversight for intelligence. Section 603 of the Implementing Recommendations of the 9/11 Commission Act (Public Law 110–53) required the Senate Select Committee on Intelligence (SSCI) and the Homeland Security and Governmental Affairs Committee (HSGAC) to undertake a review of the 9/11 Commission's Final Report with regard to intelligence reform and congressional intelligence oversight reform. It also required the Committees to submit to the Senate recommendations for reform of congressional oversight of intelligence. The recommendations in this letter match those proposed to you in a letter sent by the Chairman and Ranking Member of the Homeland Security and Governmental Affairs Committee.

On November 13, 2007, the SSCI conducted a public hearing to receive testimony from members of the 9/11 Commission, as well as from experts from the Library of Congress and the private sector. On February 27, 2008, the SSCI met to formulate conclusions on the matter. The Committee concluded that the Senate should enact either one of two options to implement the necessary changes embodied by the comments and recommendations of the 9/11 Commission.

The first option is to implement the 9/11 Commission recommendation with regard to fiscal oversight of intelligence by consolidating authorization and appropriations authority in the SSCI. This option would implement directly the 9/11 Commission recommendation. We understand that this approach was considered and rejected by the Senate during consideration of S. Res. 445 in October 2004. We note, however, that Senators Burr, Bayh, Feingold, Hagel, McCain, Snowe and Sununu have reintroduced this measure in the 110th Congress with S. Res. 375.

The second option embodies the spirit of the 9/11 Commission recommendation yet poses less structural change to the Senate and could be accomplished during this Congress simply by amending and implementing part of S. Res. 445. Section 402 of S. Res. 445 called for the creation of a Subcommittee on Intelligence within the Appropriations Committee. To date, this subcommittee has not been created. We recommend, as the second option, to amend and implement Section 402 of S. Res. 445 with the following necessary changes:

The Subcommittee on Intelligence shall be an additional appropriations subcommittee and therefore require no reorganization of the Appropriations Committee.

The Subcommittee on Intelligence shall appropriate all funds for the National Intelligence Program (NIP) (as opposed to the current situation where appropriations for the NIP are fragmented among several subcommittees within the Appropriations Committee).

There will be a mechanism allowing for the allocation of the intelligence budget to the Subcommittee through the congressional budget process.

The annual appropriations bill for the NIP reported by the Subcommittee on Intelligence shall pass from the Subcommittee to the full Appropriations Committee without intervening review by any other subcommittee; it shall then be reported to the Senate like any other appropriations measure.

Appropriations Committee members who are members of the SSCI shall have automatic membership on the Subcommittee on Intelligence as shall the Chairman and Ranking Member of the Subcommittee on Defense Appropriations.

The Chairman and Ranking member of the Subcommittee on Intelligence shall be selected from among those members who are both Appropriations Committee and SSCI members.

Assignment to and role on the Subcommittee on Intelligence shall not count against other subcommittee roles and assignments of any member of the Appropriations Committee.

The Chairman and Ranking member of the Subcommittee on Intelligence of the Appropriations Committee shall select, designate or hire staff with appropriate clearances for the Subcommittee on Intelligence.

If either, or both, the Chairman and Vice Chairman of the SSCI are not appropriations cross-over members to the SSCI, then either, or both, shall serve as ex officio members of the Subcommittee on Intelligence.

The effective date of these changes shall be the date upon which the Senate adopts these amendments to S. Res. 445.

The Senate has already voted overwhelmingly to create a Subcommittee on Intelligence of the Appropriations Committee. We believe constituting this subcommittee with the necessary stipulations above will provide the closest approximation to the 9/11 Commission recommendation for consolidation and consistency of oversight, while at the same time imposing the least alteration to Senate organization and tradition. After consulting with you on these options we plan to sponsor the appropriate Senate resolution to address this issue.

Sincerely,

John D. Rockefeller IV, Chairman; Christopher S. Bond, Vice Chairman; Dianne Feinstein; John Warner; Ron Wyden; Chuck Hagel; Evan Bayh; Saxby Chambliss; Barbara A. Mikulski; Orrin Hatch; Olympia J. Snowe; Bill Nelson; Richard Burr; Sheldon Whitehouse.

Mr. BOND. This approach embodies the spirit of the 9/11 commission recommendation, yet poses less structural change to the Senate and could be accomplished easily during this Congress simply by creating a carefully designed subcommittee on intelligence within the Appropriations Committee. The necessary parameters of this new committee are contained in the Senate resolution that I will submit momentarily. We believe these stipulations in this resolution would effect the change sought by the 9/11 commission and enable us to bring intelligence spending under effective oversight.

Now, some of my colleagues may ask themselves why I decided to file this Senate resolution today. The answer is simple. Here we are on the seventh anniversary of the 9/11 attacks and more than 4 years after the 9/11 commission's final report was issued, and we still haven't addressed the recommendation that they considered most important. Furthermore, I have tried to work within the system for 5 years now to bring about adequate change to no avail.

I believe we should no longer delay the implementation of this crucial recommendation. Congress has insisted that others reform, but we have not yet adopted any meaningful reform ourselves. The hypocrisy has not gone unnoticed by members of the 9/11 commission or by the families of the victims whom we honor today. The time has come for us to put our House in order, and I believe a carefully designed appropriations subcommittee on intelligence is the proper way to implement the spirit of the 9/11 congressional oversight recommendations.

I am concerned about wasteful spending, not just in the billions of dollars, but in the dozens of billions of dollars, that the public does not know about because it is all classified. I am concerned about technology programs that consume billions of dollars for a number of years and never get off the ground. Our current Director of National Intelligence boasted publicly about killing one such program early last year. But that was a program that our defense and intelligence leaders trumpeted for years as a silver bullet before finally throwing in the towel because it did not work. The intelligence acquisition system is hard to change, and the DNI and the intelligence community need Congress's oversight and accountability.

As for Congress, when the Intelligence Committee looks at an issue of great import for several years, and when the Armed Services Committee does the same and agrees in its assessment, yet the appropriations process is so disconnected from them that billions of dollars come to naught because the executive branch is not having its feet held to the fire, then the American taxpayers are ill served, and billions of dollars that could have been used elsewhere are wasted.

Another example of disjointed oversight happened again yesterday in the Senate Defense Appropriations Subcommittee markup. After years of billions of dollars having been wasted by the intelligence community and the National Reconnaissance Office I proposed a much cheaper, multifunctional approach to sustain our satellite constellation.

This approach is advocated by outside experts and scientists and officials within the intelligence agencies. It also was adopted 2 years in a row by the Intelligence Committee and by the Armed Services Committee in its bill that is on the floor before us today.

Yet, in the Defense Appropriations markup yesterday, even though multiple Senators who have been studying this issue on other committees for years spoke in strong support of it, the old system kicked in and the measure was shut out; that is a structural deficiency the 9/11 Commission pointed out.

In a classified session I can give examples upon examples from other services.

Those who have the time and mandate to study the issue extensively need to be the ones whose discernment is brought to bear on those matters—this is case in point of what the 9/11 Commission said must happen in this specific area of national security, with intelligence. It is in this one area, in our front line of defense against terror, where this has to take place.

Having tried to work within the system and failed, I cannot remain silent about this sort of thing any longer.

We hear a lot today about needed change and reform coming to Washington. Let us prove to the American people that we do not need to wait for an election to start that process.

At this point, lest anyone get the wrong idea about the problems I am addressing here, I must say something about the leadership of the Defense Appropriations Subcommittee. The American people all know about our war hero from the Senate, JOHN MCCAIN, who is running for President, but I want to draw attention to another one of our war heroes who served 2 wars before Senator MCCAIN did in Vietnam, and that is Senator DAN INOUYE from Hawaii, chairman of the Defense Appropriations Subcommittee.

Senator INOUYE is a true American hero whom I have the utmost admiration for, and I greatly commend him for the manner in which he has led, and is leading, the Defense Subcommittee. He ensures that America's priorities on defense are put in the right place.

I also commend my good friend Senator STEVENS, another true American patriot and veteran. His leadership has been invaluable on this subcommittee for over two decades. And I commend my good friend Senator COCHRAN also, who has recently been sitting in for Senator STEVENS as ranking member on the subcommittee and has always listened patiently to my concerns over the years.

I cannot say enough about these three men who are true leaders; they have acted with wisdom and discernment in how they have led the subcommittee. They are good friends, they are esteemed colleagues, and I am honored to serve under their leadership. So let me make it very clear, that the problem I am addressing today is not the people; these men lead with dignity and discernment in putting together the most complicated funding bill in the Congress.

The problem rather that I am addressing is structure. With a nearly $500 billion Defense appropriations bill, of which less than 10 percent is for intelligence, and with only a handful of committee staff on hand to look at intelligence matters and barely enough time for just a few hearings on intelligence squeezed between all the defense hearings and briefings throughout the year, there is simply no way they can pay adequate attention to intelligence, it is just not possible.

They are rightly consumed with the other 90 percent of their budget that focuses on defense matters. On the Intelligence Committee, however, we spend several days each week poring over intelligence matters and receiving briefs on all aspects of the intelligence community, and with a cadre of 50 professional staff at our disposal we are able to dig real deep into a number of disciplines.

We know that change is needed, and I appreciate the leadership that Chairman ROCKEFELLER and the rest of my colleagues on the Intelligence Committee have shown on this issue. I am also grateful for the support expressed by other Members of the Senate who recognize the importance of this issue to our esteemed body.

I recognize that we are quickly running short on legislative days to get

this done. However, I would ask my colleagues to give serious consideration to this Senate resolution. I stand ready to discuss its details and debate its merits. If we are not able to act in this Congress, then I expect to address this issue again first thing in the new Congress.

As we reflect on the horrible events of the September 11 terrorist attacks, I suggest to my colleagues that we all ask ourselves whether we can do more to improve congressional oversight of intelligence. I think we would all agree that the answer to that question must be an emphatic ''yes.''

If we agree that we can do more, then why don't we?

AMENDMENTS SUBMITTED AND PROPOSED

SA 5446. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5447. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5448. Mr. AKAKA (for himself, Mr. STEVENS, Mr. INOUYE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5449. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5450. Mrs. MCCASKILL (for herself, Mr. KENNEDY, and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5451. Mr. FEINGOLD (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5452. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5453. Mr. SPECTER (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5454. Mr. SPECTER (for himself, Mr. DEMINT, Mr. SESSIONS, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5455. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5456. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5457. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5458. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5459. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5460. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5461. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5462. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5463. Mr. SPECTER (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5464. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5465. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5466. Mr. SCHUMER (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mrs. CLINTON, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5467. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5468. Mr. INHOFE (for himself, Mr. CRAPO, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5469. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5470. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5471. Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5472. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5473. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5474. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5475. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5476. Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. INOUYE, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5477. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5478. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5479. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5480. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5481. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5482. Mr. KERRY (for himself, Ms. SNOWE, Mr. MENENDEZ, Mr. LAUTENBERG, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5483. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5484. Mr. FEINGOLD (for himself, Mr. NELSON, of Florida, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5485. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5486. Mr. BROWN (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5487. Mr. CASEY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5488. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5489. Mr. LIEBERMAN (for himself, Mr. GRAHAM, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5490. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5491. Mr. WARNER (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5492. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5493. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5494. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5495. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5496. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him

to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5497. Mr. NELSON of Nebraska (for himself, Mr. GRAHAM, Mr. VOINOVICH, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5446. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 454, after line 21, add the following:

SEC. 2814. EXPANDED IMPLEMENTATION OF FIRST SERGEANTS BARRACKS INITIATIVE.

The Secretary of the Army shall implement the First Sergeants Barracks Initiative (FSBI) throughout the Army in order to improve the quality of life and living environments for single soldiers.

SA 5447. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. SENSE OF SENATE ON CARE FOR WOUNDED WARRIORS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Wounded Warrior Act (title XVI of Public Law 110–181) established a comprehensive policy on improvements to care, management, and transition of recovering service members.

(2) This policy included guidance on Training and Skills of Health Care Professionals, Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members.

(3) The Department of Veterans Affairs currently has eight fully trained Recovery Care Coordinators in the field serving 123 wounded warriors with an additional two Recovery Care Coordinators in training and additional applicants being considered.

(4) The requirement for Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members exceeds the current availability of these personnel within the Department of Veterans Affairs and Department of Defense.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Veterans Affairs and Department of Defense should—

(1) aggressively recruit, hire, and train individuals as Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members;

(2) establish partnerships between Department of Defense medical facilities and Department of Veterans Affairs medical facilities, on the one hand, and public and private institutions of higher education, on the other hand, to assist in training medical care case management personnel needed to support returning wounded and ill service members;

(3) work closely with public and private institutions of higher education to ensure the most current care management techniques and evidenced based guidelines are incorporated into training programs for Health Care Professionals, Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers; and

(4) expand the use of Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers to include other than newly wounded and disabled recovering service members.

SA 5448. Mr. AKAKA (for himself, Mr. STEVENS, Mr. INOUYE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

Subtitle H—Non-Foreign Area Retirement Equity Assurance

SEC. 1091. SHORT TITLE.

This title may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2008'' or the ''Non-Foreign AREA Act of 2008''.

SEC. 1092. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;'';

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A) the following:

''(B) positions under subsection (h)(1)(D) not covered by appraisal systems certified under section 5382; and''; and

(iv) in subparagraph (C) (as redesignated by this paragraph), by striking ''under subsection (h)(1)(D)'' and inserting ''under subsection (h)(1)(E)''; and

(B) by adding at the end the following:

''(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(D) covered by appraisal systems certified under section 5307(d).''; and

(3) in subsection (h)(1)—

(A) in subparagraph (C) by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E);

(C) by inserting after subparagraph (C) the following:

''(D) a Senior Executive Service position under section 3132 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2008 was eligible to receive a cost-of-living allowance under section 5941; and''; and

(D) in clause (iii) in the matter following subparagraph (D), by inserting ''stationed in the 48 contiguous States and the District of Columbia, or stationed within the United States, but outside the 48 contiguous States and the District of Columbia, in which the incumbent the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2008 was not eligible to receive a cost-of-living allowance under section 5941; and'' before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) of this subsection shall be the cost-of-living allowance rate in effect on December 31, 2008, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2008.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2009; and

''(B) on January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 1094 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2008.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2009 and each calendar year thereafter, the applicable percentage under section 1094 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2008.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2008; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. 1093. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 1094 of this Act, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 1099 of this Act.

(b) DEPARTMENT OF VETERANS AFFAIRS.—Each special rate of pay established under section 7455 of title 38, United States Code, and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the Secretary of Veterans Affairs that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 1094 ending on the first day of the first pay period beginning on or after January 1, 2011, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 1094. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this title or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this title, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2009, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2010, by using ⅔ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2011 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 1095. SAVINGS PROVISION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the application of this title to any employee should not result in a decrease in the take home pay of that employee.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Bureau of Labor Statistics will conduct separate surveys pursuant to the establishment by the President's Pay Agent of 1 new locality area for the entire State of Hawaii and 1 new locality area for the entire State of Alaska, and that upon the completion of the phase in period no employee shall receive less than the Rest of the U.S. locality pay rate.

(c) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section 1094 of this Act, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 1094 of this Act, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this title, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2008 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 1094 of this Act which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code for his position including any future increase to statutory pay caps under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 1096. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on—

(I) the day before the date of enactment of this Act—

(aa) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(bb) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(II) or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(ii) except as provided under paragraph (2), is not covered under—

(I) section 5941 of title 5, United States Code (as amended by section 1092 of this Act); and

(II) section 1094 of this Act; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code; or

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code; or

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this title (including the amendments made by this title) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 1092 of this Act), and section 1094 of this Act apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this title shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this title including section 5941 of title 5, United States Code (as amended by section 1092 of this Act), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''Section 5941,'' and inserting ''Except as provided under paragraph (2), section 5941'';

(C) by striking ''For purposes of such section,'' and inserting ''Except as provided under paragraph (2), for purposes of section 5941 of that title,''; and

(D) by adding at the end the following:

''(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2008—

''(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003(b) and (c) whose duty station is in a nonforeign area; and

''(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) section 6(b)(2) of that Act shall apply.''.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, any employee of the Postal Service (other than an employee covered by section 1003(b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions

of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2008 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 4.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 1097 or 1098 of this Act.

SEC. 1097. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section 1094 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2009, through December 31, 2011; and

(3) who files and election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2011.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2009 through the first applicable pay period ending on or after December 31, 2011, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 1094 of this Act did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if that subsection had been in effect during that period; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 1098. ELECTION OF COVERAGE BY EMPLOYEES.

(a) IN GENERAL.—Notwithstanding any other provision of this title (other than section 1096(b)), an employee may make an irrevocable election in accordance with this section, if—

(1) that employee is paid an allowance under section 5941 of title 5, United States Code, during a pay period in which the date of the enactment of this Act occurs; or

(2) that employee—

(A) is a covered employee as defined under section 6(a)(1); and

(B) during a pay period in which the date of the enactment of this Act occurs is paid an allowance—

(i) under section 1603(b) of title 10, United States Code;

(ii) under section 1005(b) of title 39, United States Code; or

(iii) based on section 5941 of title 5, United States Code.

(b) FILING ELECTION.—Not later than 60 days after the date of enactment of this Act, an employee described under subsection (a) may file an election with the Office of Personnel Management to be treated for all purposes—

(1) in accordance with the provisions of this title (including the amendments made by this title); or

(2) as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee shall be the cost-of-living allowance rate in effect on December 31, 2008, for that employee without any adjustment after that date.

(c) FAILURE TO FILE.—Failure to make a timely election under this section shall be treated in the same manner as an election made under subsection (b)(1) on the last day authorized under that subsection.

(d) NOTICE.—To the greatest extent practicable, the Office of Personnel Management shall provide timely notice of the election which may be filed under this section to employees described under subsection (a).

SEC. 1099. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this title, including—

(1) rules for special rate employees described under section 3;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 1094 ending on the first day of the first pay period beginning on or after January 1, 2011; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2011.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this title with respect to employees in such pay system, consistent with the regulations issued by the Office under subsection (a).

SEC. 1099a. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 1092 and the provisions of section 1094 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2009.

SA 5449. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 344. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting the following:

''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) shall not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is produced in whole or in part from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide a fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain a fuel from a nonconventional petroleum source;

''(3) the contract does not provide incentives (excluding compensation at market prices for the purchase of fuel purchased) for a refinery upgrade or expansion to allow a refinery to use or increase the use by the refinery of fuel from a nonconventional petroleum source; and

''(4) in the case of a fuel predominantly produced from a nonconventional petroleum source, obtaining an alternative supply is not practicable due to unavailability or substantial additional costs.''.

SA 5450. Mrs. MCCASKILL (for herself, Mr. KENNEDY, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes;

which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. INDEPENDENT STUDENT.

(a) AMENDMENT.—Section 480(d)(1)(D) of the Higher Education Act of 1965 (as amended by Public Law 110–84) (20 U.S.C. 1087vv(d)(1)(D)) is amended—

(1) by striking ''(c)(1)) or is'' and inserting ''(c)(1)), is''; and

(2) by inserting '', or is a current active member of the National Guard or Reserve who has completed initial military training'' after ''purposes''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective on July 1, 2009.

SA 5451. Mr. FEINGOLD (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—COMMISSIONS ON TREATMENT OF EUROPEAN AMERICANS, EUROPEAN LATIN AMERICANS, AND JEWISH REFUGEES DURING WORLD WAR II

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Wartime Treatment Study Act''.

SEC. 1702. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as ''enemy aliens'' more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification and limited their travel and personal property rights. At that time, these groups were the 2 largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, many European Latin Americans, including German and Austrian Jews, were arrested, brought to the United States, and interned. Many were later expatriated, repatriated, or deported to European Axis nations during World War II, many to be exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the Italian American and German American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 1703. DEFINITIONS.

In this title:

(1) DURING WORLD WAR II.—The term ''during World War II'' refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term ''European Americans'' refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term ''Italian Americans'' refers to United States citizens and resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term ''German Americans'' refers to United States citizens and resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term ''European Latin Americans'' refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

(4) LATIN AMERICAN NATION.—The term ''Latin American nation'' refers to any nation in Central America, South America, or the Carribean.

Subtitle A—Commission on Wartime Treatment of European Americans

SEC. 1711. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this subtitle as the ''European American Commission'').

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of the enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of the enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 1712. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A comprehensive review of United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American

companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as ''World War II detention facilities'');

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21 et seq.), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

SEC. 1713. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 1714. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 1715. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 1716. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

Subtitle B—Commission on Wartime Treatment of Jewish Refugees

SEC. 1721. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this subtitle as the ''Jewish Refugee Commission'').

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of the enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of the enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 1722. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 1721(e).

SEC. 1723. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 1724. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 1725. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 1726. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

SA 5452. Mr. LEVIN (for himself, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 342, between lines 10 and 11, insert the following:

SEC. 1208. EXPANSION AND EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) EXTENSION OF AUTHORITY.—Paragraph (2) of subsection (a) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1593) and section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is amended by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

(b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section 1033 is amended by adding at the end the following new paragraphs:

''(19) The Government of El Salvador.

''(20) The Government of Nicaragua.

''(21) The Government of Honduras.''.

(c) MAXIMUM ANNUAL AMOUNTS OF SUPPORT.—Subsection (e)(2) of such section is amended—

(1) by striking ''or'' after ''2006''; and

(2) by inserting before the period at the end the following: '', or $75,000,000 during either of the fiscal years 2009 and 2010''.

SA 5453. Mr. SPECTER (for himself, and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE—NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008

SEC. ____. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2008'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

SA 5454. Mr. SPECTER (for himself, Mr. DEMINT, Mr. SESSIONS, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. IMMIGRANT REPATRIATION.

(a) SHORT TITLE.—This section may be cited as the ''Accountability in Immigrant Repatriation Act''.

(b) PROHIBITION ON FEDERAL FINANCIAL ASSISTANCE TO COUNTRIES THAT DENY OR UNREASONABLY DELAY THE ACCEPTANCE OF NATIONALS WHO HAVE BEEN ORDERED REMOVED FROM THE UNITED STATES.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) by redesignating section 135, as added by section 5(a) of Public Law 109–121, as section 136; and

(2) by adding at the end the following:

"SEC. 137. PROHIBITION ON FEDERAL FINANCIAL ASSISTANCE TO COUNTRIES THAT DENY OR UNREASONABLY DELAY THE REPATRIATION OF NATIONALS WHO HAVE BEEN ORDERED REMOVED FROM THE UNITED STATES.

''(a) IN GENERAL.—Except as otherwise provided under this section, funds made available under this Act may not be dispersed to a foreign country that refuses or unreasonably delays the acceptance of an alien who—

''(1) is a citizen, subject, national, or resident of such country; and

''(2) has received a final order of removal under chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.).

''(b) DEFINED TERM.—In this section and in section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)), a country is deemed to have refused or unreasonable delayed the acceptance of an alien who is a citizen, subject, national, or resident if the country does not accept the alien within 90 days after receiving a request to repatriate such alien from an official of the United States who is authorized to make such a request.

''(c) QUARTERLY REPORTS.—Not later than 90 days after the date of the enactment of this section, and every 3 months thereafter, the Secretary of Homeland Security shall submit a report to the Senate and to the House of Representatives that—

''(1) lists all the countries which refuse or unreasonably delay repatriation (as defined in subsection (b)); and

''(2) includes the total number of aliens who were refused repatriation, organized by—

''(A) country;

''(B) detention status; and

''(C) criminal status.

''(d) ISSUANCE OF TRAVEL DOCUMENTS.—Any country that is listed in a report submitted under subsection (c) shall be subject to the sanctions described in subsection (a) and in section 243(d) of the Immigration and Nationality Act unless the country issues appropriate travel documents—

''(1) not later than 100 days after the submission of such report on behalf of all aliens described in subsection (a) who have been convicted of a crime committed while in the United States; and

''(2) not later than 200 days after the submission of such report on behalf of all other aliens described in subsection (a).

''(e) WAIVER.—

''(1) REQUEST.—The President or a member of the President's cabinet who has been designated by the President, may submit a written request to Congress that this section be waived, wholly or in part, with respect to any country.

''(2) RESOLUTION OF APPROVAL.—Not later than 7 legislative days after the receipt of a waiver request under paragraph (1), the Senate and the House of Representatives shall vote on a joint resolution authorizing the waiver request.

''(3) EFFECT OF FAILURE TO VOTE.—If the Senate or the House of Representatives fails to vote on the joint resolution described in paragraph (2) before the end of the time period specified in paragraph (2), the waiver request is effectively denied.

''(f) STANDING.—A victim or an immediate family member of a victim of a crime committed by any alien described in subsection (a) after such alien has been issued a final order of removal shall have standing to sue in any Federal district court to enforce the provisions of this section and the provisions of section 243(d) of the Immigration and Nationality Act. No attorney's fees or monetary judgments may be awarded in a suit filed under this subsection.''.

(c) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIENS.—Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended to read as follows:

''(d) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIENS.—

''(1) IN GENERAL.—If a country is listed on the most recent report submitted by the Secretary of Homeland Security to Congress under section 137(c) of the Foreign Assistance Act of 1961, the Secretary may not issue a visa to a subject, national, or resident of such country unless—

''(A) the country is in full compliance with section 137(d) of such Act; or

''(B) Congress passes a joint resolution providing for the waiver of this subsection with respect to such country.

''(2) EFFECT OF UNAUTHORIZED ISSUANCE.—Any visa issued in violation of this paragraph shall be null and void.

''(3) WAIVER.—

''(A) REQUEST.—The President or a member of the President's cabinet who has been designated by the President, may submit a written request to Congress that this subsection be waived, wholly or in part, with respect to any country.

''(B) RESOLUTION OF APPROVAL.—Not later than 7 legislative days after the receipt of a request described in subparagraph (A), the Senate and the House of Representatives shall vote on a joint resolution authorizing the waiver request.

''(C) EFFECT OF FAILURE TO VOTE.—If the Senate or the House of Representatives fails to vote on the joint resolution described in subparagraph (B), the waiver request is effectively denied.

''(4) STANDING.—A victim or an immediate family member of a victim of a crime committed by any alien described in section 137(a) of the Foreign Assistance Act of 1961 after such alien has been issued a final order of removal shall have standing to sue in any Federal district court to enforce the provisions of this subsection. No attorney's fees or monetary judgments may be awarded in a suit filed under this subsection.''.

SA 5455. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. OIL SAVINGS.

(a) FINDINGS.—Congress finds that—

(1) the United States imports more oil from the Middle East today than before the attacks on the United States on September 11, 2001;

(2) the United States remains the most oil-dependent industrialized nation in the world, consuming approximately 25 percent of the oil supply of the world;

(3) the Department of Defense is the largest consumer of oil in the United States;

(4) the ongoing dependence of the United States on foreign oil is one of the greatest threats to the national security and economy of the United States; and

(5) the United States needs to take transformative steps to wean itself from its addiction to oil.

(b) POLICY ON REDUCING OIL DEPENDENCE.—It is the policy of the United States to reduce the dependence of the United States on oil, and thereby—

(1) alleviate the strategic dependence of the United States on oil-producing countries;

(2) reduce the economic vulnerability of the United States; and

(3) reduce the greenhouse gas emissions associated with oil use.

(c) OIL SAVINGS REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act and every 3 years thereafter, the Secretary of Defense shall submit to Congress a report on options for agency action that, when taken together, would save from the baseline determined under paragraph (4)—

(A) 8 percent of the oil consumed by the Department of Defense per day on average during calendar year 2016;

(B) 35 percent of the oil consumed by the Department of Defense per day on average during calendar year 2026; and

(C) 50 percent of the oil consumed by the Department of Defense per day on average during calendar year 2030.

(2) CONTENTS.—Each report shall—

(A) include a description of the advantages and disadvantages (including implications for national security) for each option; and

(B) not include options for an alternative or synthetic fuel if the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel is greater than the emissions from the equivalent quantity of conventional fuel produced from conventional petroleum sources.

(3) ADDITIONAL LEGISLATIVE AUTHORITY.—Each report may include a request to Congress for any additional legislative authority that is necessary to implement any recommendations made in the report.

(4) BASELINE.—In performing the analyses required for the report, the Secretary of Defense (in consultation with the Energy Information Administration) shall—

(A) determine oil savings as the projected reduction in oil consumption from baseline consumption by the Department of Defense as established by the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2008'';

(B) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2030; and

(C) account for any overlap among implementation actions to ensure that the projected oil savings from all the recommendations, taken together, are as accurate as practicable.

(d) ANNUAL REPORT ON OIL SAVINGS MEASURES.—Not later than 1 year after the date of initial oil savings report under subsection (c) and annually thereafter, the Secretary of Defense shall submit to Congress a report that describes and evaluates the oil savings measures that the Department of Defense has implemented during the prior year.

(e) RELATIONSHIP TO OTHER LAWS.—Nothing in this section affects the authority provided or responsibility delegated under any other law.

SA 5456. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for

military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal years, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 344. RECOMMENDATIONS FOR MITIGATING THE IMPACT OF ENERGY TECHNOLOGIES ON MILITARY ACTIVITIES OR READINESS.

(a) ADVISORY COMMITTEE FOR RECOMMENDATIONS.—

(1) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense an advisory committee to make recommendations to the Secretary for the mitigation of adverse impacts of energy technologies (including petroleum, natural gas, oil shale, tar sands, wind energy, solar energy, geothermal energy, or biomass energy projects) on military training, operations, activities, or readiness.

(2) MEMBERS.—The advisory committee shall be composed of such individuals as the Secretary shall designate for purposes of this section, including individuals with an expertise in each of the energy technologies and their interaction with military training, operation, activities and readiness.

(b) DEVELOPMENT OF RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the establishment of the advisory committee required under subsection (a), the advisory committee shall develop and submit to the Secretary such recommendations as the advisory committee considers appropriate under that subsection.

(2) CONSULTATION.—In developing recommendations under paragraph (1), the advisory committee shall consult with such technical experts, interested parties, representatives of energy industries, other Federal agencies, and members of the public as the advisory committee considers appropriate.

(c) DESIGNATION OF OFFICIAL.—Not later than 90 days after the receipt under subsection (b) of the recommendations required under that subsection, the Secretary shall assign to an official within the Department of Defense the responsibility for advising officials of the Department, agencies of the Federal government and State governments, and private sector entities on steps that should be taken to mitigate any adverse impacts of energy technologies or projects on military training, operations, activities, or readiness.

(d) REPORT.—The Secretary shall submit to Congress a report setting forth the findings and recommendations of the advisory committee. The report shall include the following:

(1) A comprehensive description of the recommendations made by the advisory committee.

(2) The official assigned the responsibility for providing advice in accordance with subsection (c).

SA 5457. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—VETERANS MEDICAL FACILITY MATTERS

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Captain James A. Lovell Federal Health Care Center Act of 2008''.

SEC. 1702. TRANSFER OF PROPERTY.

(a) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Upon the conclusion of a resource-sharing agreement between the Secretary of Defense and the Secretary of Veterans Affairs providing for the joint use by the Department of Defense and the Department of Veterans Affairs of a facility and supporting facilities in North Chicago, Illinois, and Great Lakes, Illinois, and for joint use of related medical personal property and equipment, the Secretary of Defense may transfer, without reimbursement, to the Department of Veterans Affairs the Navy ambulatory care center (on which construction commenced in July 2008), parking structure, and supporting facilities, and related medical personal property and equipment, located in Great Lakes, Illinois.

(2) DESIGNATION OF JOINT USE FACILITY.—The facility and supporting facilities subject to joint use under the agreement and transfer under this subsection shall be designated as known as the ''Captain James A. Lovell Federal Health Care Center''.

(b) REVERSION.—

(1) IN GENERAL.—If any of the real and related personal property transferred pursuant to subsection (a) is subsequently used for purposes other than the purposes specified in the joint use specified in the resource-sharing agreement described in that subsection or otherwise determined by the Secretary of Veterans Affairs to be excess to the needs of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall offer to transfer such property, without reimbursement, to the Secretary of Defense. Any such transfer shall be completed not later than one year after the acceptance of the offer of transfer.

(2) REVERSION IN EVENT OF LACK OF FACILITIES INTEGRATION.—

(A) WITHIN INITIAL PERIOD.—During the 5-year period beginning on the date of the transfer of the real and related personal property described in subsection (a), if the Secretary of Veterans Affairs and the Secretary of Defense jointly determine that the integration of the facilities described in that subsection should not continue, the real and related personal property of the Navy ambulatory care center, parking structure, and support facilities described in that subsection shall be transferred, without reimbursement, to the Secretary of Defense. Such transfer shall occur not later than 180 days after the date of such determination by the Secretaries.

(B) AFTER INITIAL PERIOD.—After the end of the 5-year period described in subparagraph (A), if either the Secretary of Veterans Affairs or the Secretary of Defense determines that the integration of the facilities described in subsection (a) should not continue, the Secretary of Veterans Affairs shall transfer, without reimbursement, to the Secretary of Defense the real and related personal property described in paragraph (1). Such transfer shall occur not later than one year after the date of the determination by the Secretary concerned.

SEC. 1703. TRANSFER OF CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION FOR TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—The Secretary of Defense may transfer to the Department of Veterans Affairs, and the Secretary of Veterans Affairs may accept from the Department of Defense, functions necessary for the effective operation of the Captain James A. Lovell Federal Health Care Center.

(2) TREATMENT OF TRANSFERS.—Any transfer of functions under this subsection is a transfer of functions within the meaning of section 3503 of title 5, United States Code.

(b) TERMS OF AGREEMENT.—

(1) RESOURCE-SHARING AGREEMENT.—Any transfer of functions under subsection (a) shall be effectuated in a resource-sharing agreement between the Secretary of Defense and the Secretary of Veterans Affairs.

(2) ELEMENTS.—Notwithstanding any other provision of law, including but not limited to any provisions of title 5, United States Code, relating to transfers of function or reductions-in-force, the agreement described in paragraph (1) shall be controlling and may make provision for—

(A) the transfer of civilian employee positions of the Department of Defense identified in the agreement to the Department of Veterans Affairs and of the incumbent civilian employees in such positions;

(B) the transition of transferred employees to pay, benefits, and personnel systems of the Department of Veterans Affairs in a manner which will not result in any reduction of pay, grade, or employment progression of any employee or any change in employment status for employees who have already successfully completed or are in the process of completing a one-year probationary period under title 5, United States Code;

(C) the establishment of integrated seniority lists and other personnel management provisions that recognize an employee's experience and training so as to provide comparable recognition of employees previously with the Department of Veterans Affairs and employees newly transferred to such Department; and

(D) such other matters relating to civilian personnel management as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(c) PRESERVATION OF AUTHORITY.—Notwithstanding subsections (a) and (b), nothing in this section shall be construed as limiting the authority of the Secretary of Defense to establish civilian employee positions in the Department of Defense and utilize all civilian personnel authorities otherwise available to the Secretary if the Secretary determines that such actions are necessary and appropriate to meet mission requirements of the Department of Defense.

SEC. 1704. EXTENSION AND EXPANSION OF JOINT INCENTIVE FUND.

(a) TEN-YEAR EXTENSION OF AUTHORITY FOR JOINT INCENTIVES PROGRAM.—Paragraph (3) of section 8111(d) of title 38, United States Code, is amended by striking ''2010'' and inserting ''2020''.

(b) FUNDING OF MAINTENANCE AND MINOR CONSTRUCTION FROM THE JOINT INCENTIVE FUND.—Paragraph (2) of such section is amended by adding at the end the following new sentence: ''Such purposes shall include real property maintenance and minor construction projects that are not required to be specifically authorized by law under section 8104 of this title and section 2805 of title 10.''.

SEC. 1705. HEALTH CARE ELIGIBILITY FOR SERVICES AT THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—For purposes of eligibility for health care under chapter 55 of title 10, United States Code, the Captain James A. Lovell Federal Health Care Center authorized by this title may be deemed to be a facility of the uniformed services to the extent provided in an agreement between the Secretary of Defense and the Secretary of Veterans Affairs under subsection (b).

(b) ELEMENTS OF AGREEMENT.—Subsection (a) may be implemented through an agreement between the Secretary of Veterans Affairs and the Secretary of Defense. The agreement may—

(1) establish an integrated priority list for access to available care at the facility described in subsection (a), integrating the respective priority lists of the Secretaries, taking into account categories of beneficiaries, enrollment program status, and such other factors as the Secretaries determine appropriate;

(2) incorporate any resource-related limitations for access to care at that facility established by the Secretary of Defense for purposes of administering space-available eligibility for care in facilities of the uniformed services under chapter 55 of title 10, United States Code;

(3) allocate financial responsibility for care provided at that facility for individuals who are eligible for care under both title 38, United States Code, and chapter 55 of title 10, United States Code; and

(4) waive the applicability to that facility of any provision of section 8111(e) of title 38, United States Code, as specified by the Secretaries.

SA 5458. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. REQUIREMENT FOR PROVISION OF MEDICAL AND DENTAL SCREENING FOR READY RESERVE MEMBERS ALERTED FOR MOBILIZATION.

Section 1074a (f)(1) of title 10, United States Code, is amended by striking ''may provide'' and inserting ''shall provide''.

SA 5459. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 152. AC–130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than December 31, 2008, the Secretary of the Air Force shall submit to the congressional defense committees an assessment of the reduction in the service life of AC–130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC–130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC–130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC–130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(6) An estimate of the costs of replacing the AC–130 gunships with AC–130J gunships, including—

(A) a description of the time required for the replacement of every AC–130 gunship with an AC–130J gunship; and

(B) a comparative analysis of the costs of operation of AC–130 gunships by series, including costs of operation, maintenance, and personnel, with the anticipated costs of operation of AC–130J gunships.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 5460. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3116. STUDY ON SURVEILLANCE OF THE NUCLEAR WEAPONS STOCKPILE.

(a) STUDY.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall enter into a contract with the private scientific advisory group known as JASON to conduct an independent technical study of the efforts of the National Nuclear Security Administration to monitor the aging of, and to detect defects related to aging in, nuclear weapons components and materials that could affect the reliability of nuclear weapons currently in the nuclear weapons stockpile.

(2) AVAILABILITY OF INFORMATION.—The Administrator shall make available to JASON all information necessary to complete the study on a timely basis.

(b) ELEMENTS.—The study required under subsection (a) shall include an assessment of the following:

(1) The ability of the National Nuclear Security Administration to monitor and measure the effects of aging on, and defects relating to aging in, nuclear weapons components and materials, other than plutonium pits, that could affect the reliability of nuclear weapons in the nuclear weapons stockpile.

(2) Available methods for addressing such effects.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report containing—

(A) the findings of the study; and

(B) recommendations for improving efforts within the Directed Stockpile Work Program, the Science Campaign, and the Engineering Campaign of the National Nuclear Security Administration to monitor the effects of aging on, and to detect defects related to aging in, the nuclear weapons stockpile between fiscal year 2009 and fiscal year 2014.

(2) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

SA 5461. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 20, add the following:

SEC. 314. EXTENSION AND EXPANSION OF REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAMS.

Section 317(e) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1054) is amended to read as follows:

''(e) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Not later than January 1, 2002, and each January 1 thereafter through 2013, the Secretary shall submit to the congressional defense a report regarding progress made toward achieving the energy efficiency goals of the Department of Defense, consistent with the provisions of section 303 of Executive Order 13123 (64 Fed. Reg. 30851; 42 U.S.C. 8521 note) and section 11(b) of Executive Order 13423 (72 Fed. Reg. 3919; 42 U.S.C. 4321 note).

''(2) REPORTS SUBMITTED AFTER JANUARY 1, 2008.—Each report required under paragraph (1) that is submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009 shall include the following:

''(A) A description of steps taken to ensure that facility and installation management goals are consistent with current legislative and other requirements, including applicable requirements under the Energy Independence and Security Act of 2007 (Public Law 110–140).

''(B) A description of steps taken to determine best practices for measuring energy consumption in Department of Defense facilities and installations in order to use the data for better energy management.

''(C) A description of steps taken to comply with requirements of the Energy Independence and Security Act of 2007, including new design and construction requirements for buildings.

''(D) A description of steps taken to comply with section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b), requiring the General Services Administration and the Defense Logistics Agency to supply Energy Star and Federal Energy Management Program (FEMP) designated products to its Department of Defense customers.

''(E) A description of steps taken to ensure the use of Energy Star and FEMP designated products at military installations in government or contract maintenance activities.

''(F) A description of steps taken to comply with standards required for projects built using appropriated funds and established by the Energy Independence and Security Act of 2007 for privatized construction projects, whether residential, administrative, or industrial.

''(G) A classified annex that provides—

''(i) a systematic assessment of the risk of extended commercial power outage to critical installations;

''(ii) details on the investment strategy of the Department of Defense to reduce risks to acceptable levels based on application of Integrated Risk Management principals; and

''(iii) risk reduction solutions that emphasize the use of clean renewable energy sources and higher energy efficiency.''.

SA 5462. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. CONSIDERATION OF ADVISORY MISSIONS BY THE DEPARTMENT OF DEFENSE IN SUPPORT OF UNITED STATES EFFORTS TO BUILD PARTNER CAPACITY IN THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) IN GENERAL.—In conducting the quadrennial defense review required in 2009 by section 118 of title 10, United States Code, the Secretary of Defense shall assess the following:

(1) The advisability of advisory missions by the Department of Defense in support of United States efforts to build partner capacity, including advisory missions as follows:

(A) Combat advisory missions to train ground forces and air forces of partner countries.

(B) Advisory missions to the defense ministries of partner countries.

(2) The forces, whether general purposes forces or special operations forces, that are the most effective means of undertaking the future advisory missions of the Department as described in paragraph (1).

(3) The modifications in the force structure necessary to ensure the continued effectiveness of the advisory missions of the Department as described in paragraph (1).

(b) SUBMITTAL TO CONGRESS.—The quadrennial defense review required to be submitted to Congress under section 118(d) of title 10, United States Code, in 2010 shall include a separate discussion of the results of the assessment required by subsection (a).

SA 5463. Mr. SPECTER (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE __—FREE SPEECH PROTECTION ACT OF 2008

SEC. 01. SHORT TITLE.

This title may be cited as the ''Free Speech Protection Act of 2008''.

SEC. 02. FINDINGS.

Congress finds the following:

(1) The freedom of speech and the press is enshrined in the first amendment to the Constitution of the United States.

(2) Free speech, the free exchange of information, and the free expression of ideas and opinions are essential to the functioning of representative democracy in the United States.

(3) The free expression and publication by journalists, academics, commentators, experts, and others of the information they uncover and develop through research and study is essential to the formation of sound public policy and thus to the security of the people of the United States.

(4) The first amendment jurisprudence of the Supreme Court of the United States, articulated in such precedents as New York Times v. Sullivan (376 U.S. 254 (1964)), and its progeny, reflects the fundamental value that the people of the United States place on promoting the free exchange of ideas and information, requiring in cases involving public figures a demonstration of actual malice, that is, that allegedly defamatory, libelous, or slanderous statements about public figures are not merely false but made with knowledge of that falsity or with reckless disregard of their truth or falsity.

(5) Some persons are obstructing the free expression rights of United States persons, and the vital interest of the people of the United States in receiving information on matters of public importance, by first seeking out foreign jurisdictions that do not provide the full extent of free-speech protection that is fundamental in the United States and then suing United States persons in such jurisdictions in defamation actions based on speech uttered or published in the United States, speech that is fully protected under first amendment jurisprudence in the United States and the laws of the several States and the District of Columbia.

(6) Some of these actions are intended not only to suppress the free speech rights of journalists, academics, commentators, experts, and other individuals but to intimidate publishers and other organizations that might otherwise disseminate or support the work of those individuals with the threat of prohibitive foreign lawsuits, litigation expenses, and judgments that provide for money damages and other speech-suppressing relief.

(7) The governments and courts of some foreign countries have failed to curtail this practice, permitting lawsuits filed by persons who are often not citizens of those countries, under circumstances where there is often little or no basis for jurisdiction over the United States persons against whom such suits are brought.

(8) Some of the plaintiffs bringing such suits are intentionally and strategically refraining from filing their suits in the United States, even though the speech at issue was published in the United States, in order to avoid the Supreme Court's first amendment jurisprudence and frustrate the protections it affords United States persons.

(9) The United States persons against whom such suits are brought must consequently endure the prohibitive expense, inconvenience, and anxiety attendant to being sued in foreign courts for conduct that is protected under the first amendment, or decline to answer such suits and risk the entry of costly default judgments that may be executed in countries other than the United States where those individuals travel or own property.

(10) Journalists, academics, commentators, experts, and others subjected to such suits are suffering concrete and profound financial and professional damage for engaging in conduct that is protected under the Constitution of the United States and essential to informing the people of the United States, their representatives, and other policymakers.

(11) In turn, the people of the United States are suffering concrete and profound harm because they, their representatives, and other government policymakers rely on the free expression of information, ideas, and opinions developed by responsible journalists, academics, commentators, experts, and others for the formulation of sound public policy, including national security policy.

(12) The United States respects the sovereign right of other countries to enact their own laws regarding speech, and seeks only to protect the first amendment rights of the people of the United States in connection with speech that occurs, in whole or in part, in the United States.

SEC. 03. FEDERAL CAUSE OF ACTION.

(a) CAUSE OF ACTION.—Any United States person against whom a lawsuit is brought in a foreign country for defamation on the basis of the content of any writing, utterance, or other speech by that person that has been published, uttered, or otherwise disseminated in the United States may bring an action in a United States district court specified in subsection (f) against any person who, or entity which, serves or causes to be served, in the United States, any documents in connection with such foreign lawsuit, if the writing, utterance, or other speech at issue in the foreign lawsuit does not constitute defamation under United States law.

(b) JURISDICTION.—It shall be sufficient to establish jurisdiction over the person or entity serving or causing to be served documents in connection with the foreign lawsuit described in subsection (a) that—

(1) such person or entity has served or caused to be served, any documents in connection with the foreign lawsuit described in subsection (a) on a United States person in the United States; and

(2) such United States person has assets in the United States against which the claimant in the foreign lawsuit could execute if a judgment in the foreign lawsuit were awarded.

(c) REMEDIES.—

(1) ORDER TO BAR ENFORCEMENT AND OTHER INJUNCTIVE RELIEF.—In a cause of action described in subsection (a), if the court determines that the applicable writing, utterance, or other speech at issue in the underlying foreign lawsuit does not constitute defamation under United States law, the court shall

order that any foreign judgment in the foreign lawsuit in question may not be enforced in the United States, including by any Federal, State, or local court, and may order such other injunctive relief that the court considers appropriate to protect the right to free speech under the first amendment to the Constitution of the United States.

(2) DAMAGES.—In addition to the remedy under paragraph (1), damages may be awarded to the United States person bringing the action under subsection (a), based on the following:

(A) The amount of any foreign judgment in the underlying foreign lawsuit.

(B) The costs, including reasonable legal fees, attributable to the underlying foreign lawsuit that have been borne by the United States person.

(C) The harm caused to the United States person due to decreased opportunities to publish, conduct research, or generate funding.

(d) TREBLE DAMAGES.—If, in an action brought under subsection (a), the court or, if applicable, the jury determines by a preponderance of the evidence that the person or entity bringing the foreign lawsuit which gave rise to the cause of action intentionally engaged in a scheme to suppress rights under the first amendment to the Constitution of the United States by discouraging publishers or other media from publishing, or discouraging employers, contractors, donors, sponsors, or similar financial supporters from employing, retaining, or supporting, the research, writing, or other speech of a journalist, academic, commentator, expert, or other individual, the court may award treble damages.

(e) EXPEDITED DISCOVERY.—Upon the filing of an action under subsection (a), the court may order expedited discovery if the court determines, based on the allegations in the complaint, that the speech at issue in the underlying foreign lawsuit is protected under the first amendment to the Constitution of the United States.

(f) VENUE.—An action under subsection (a) may be brought by a United States person only in a United States district court in which the United States person is domiciled, does business, or owns real property that could be executed against in satisfaction of a judgment in the underlying foreign lawsuit which gave rise to the action.

(g) TIMING OF ACTION; STATUTE OF LIMITATIONS.—

(1) TIMING.—An action under subsection (a) may be commenced after the filing of the foreign lawsuit in a foreign country on which the action is based.

(2) STATUTE OF LIMITATIONS.—For purposes of section 1658(a) of title 28, United States Code, the cause of action under subsection (a) accrues on the first date on which papers in connection with the foreign lawsuit described in section (a), on which the cause of action is based, are served on a United States person in the United States.

SEC. 04. APPLICABILITY.

This title applies with respect to any foreign lawsuit that is described in section 3(a) in connection with papers that were served before, on, or after the date of the enactment of this title.

SEC. 05. CONSTRUCTION.

Nothing in this title limits the right of foreign litigants who bring good faith defamation actions to prevail against journalists, academics, commentators, and others who have failed to adhere to standards of professionalism by publishing false information maliciously or recklessly.

SEC. 06. DEFINITIONS.

In this title:

(1) DEFAMATION.—The term ''defamation'' means any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented a person or persons in a negative light, or have resulted in criticism or condemnation of a person or persons.

(2) FOREIGN COUNTRY.—The term ''foreign country'' means any country other than the United States.

(3) FOREIGN JUDGMENT.—The term ''foreign judgment'' means any judgment of a foreign country, including the court system or an agency of a foreign country, that grants or denies any form of relief, including injunctive relief and monetary damages, in a defamation action.

(4) FOREIGN LAWSUIT.—The term ''foreign lawsuit'' includes any other hearing or proceeding in or before any court, grand jury, department, office, agency, commission, regulatory body, legislative committee, or other authority of a foreign country or political subdivision thereof.

(5) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen;

(B) an alien lawfully admitted for permanent residence to the United States;

(C) an alien lawfully residing in the United States at the time that the speech that is the subject of the foreign defamation suit or proceeding was researched, prepared, or disseminated; or

(D) a business entity incorporated in, or with its primary location or place of operation in, the United States.

SA 5464. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 20, add the following:

SEC. 314. STUDY AND EVALUATION OF POLICIES CONCERNING THE RE-USE, RE-REFINING, OR RECYCLING OF USED FUELS AND LUBRICATING OILS.

(a) STUDY AND EVALUATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report reviewing the policies and programs of the Department of Defense concerning the re-use, re-refining, or recycling of used fuels and lubricating oils for the purpose of identifying cost-savings, energy conservation, and environmental benefits.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an evaluation of the existing closed loop recycling process offered through the Defense Supply Center Richmond, Virginia;

(2) an assessment of existing programs at the military installation level;

(3) an identification of what regulatory or other barriers may exist that constrain the ability of the Department of Defense to re-use, re-refine, or recycle used fuels and lubricating oils; and

(4) an estimate of projected cost-savings, energy conservation, and environmental benefits through these Department of Defense programs.

SA 5465. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1222. SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Homeland Security, or, notwithstanding any other provision of law, the Secretary of State in consultation with the Secretary of Homeland Security, may provide an alien described in paragraph (1), (2), or (3) of subsection (b) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) or an agent acting on behalf of the alien, submits a petition for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(2) is otherwise eligible to receive an immigrant visa;

(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)); and

(4) clears a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien—

(A) is a citizen or national of Afghanistan;

(B) was or is employed by or on behalf of the United States Government in Afghanistan on or after October 7, 2001, for not less than one year;

(C) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation, subject to paragraph (4), from the employee's senior supervisor or the person currently occupying that position, or a more senior person, if the employee's senior supervisor has left the employer or has left Afghanistan; and

(D) has experienced or is experiencing an ongoing serious threat as a consequence of the alien's employment by the United States Government.

(2) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien—

(A) is the spouse or child of a principal alien described in paragraph (1); and

(B) is accompanying or following to join the principal alien in the United States.

(3) TREATMENT OF SURVIVING SPOUSE OR CHILD.—An alien is described in this paragraph if the alien—

(A) was the spouse or child of a principal alien described in paragraph (1) who had a petition for classification approved pursuant to this section or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note), which included the alien as an accompanying spouse or child; and

(B) due to the death of the principal alien—

(i) such petition was revoked or terminate (or otherwise rendered null); and

(ii) such petition would have been approved if the principal alien had survived.

(4) APPROVAL BY CHIEF OF MISSION REQUIRED.—A recommendation or evaluation required under paragraph (1)(C) shall be accompanied by approval from the Chief of Mission, or the designee of the Chief of Mission, who shall conduct a risk assessment of the alien and an independent review of records maintained by the United States Government or hiring organization or entity to confirm employment and faithful and valuable service to the United States Government prior to approval of a petition under this section.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (3), the total number of principal aliens who may be provided special immigrant status under this section may not exceed 1500 per year for each fiscal year 2009, 2010, 2011, 2012, or 2013.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(3) CARRY FORWARD.—

(A) FISCAL YEARS 2009 THROUGH 2013.—If the numerical limitation specified in paragraph (1) is not reached during a given fiscal year referred to in such paragraph, with respect to fiscal year 2009, 2010, 2011, 2012, or 2013, the numerical limitation specified in such paragraph for the following fiscal year shall be increased by a number equal to the difference between—

(i) the numerical limitation specified in paragraph (1) for the given fiscal year; and

(ii) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(B) FISCAL YEAR 2014.—If the numerical limitation determined under subparagraph (A) is not reached in fiscal year 2013, the total number of principal aliens who may be provided special immigrant status under this section for fiscal year 2014 shall be equal to the difference between—

(i) the numerical limitation determined under subparagraph (A) for fiscal year 2013; and

(ii) the number of principal aliens provided such status under this section during fiscal year 2013.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in paragraph (1), (2), or (3) of subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall make a reasonable effort to ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Afghan passport necessary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall make a reasonable effort to provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Afghanistan, if possible, of such alien if the Secretary determines after consultation that such alien is in imminent danger.

(f) ELIGIBILITY FOR ADMISSION UNDER OTHER CLASSIFICATION.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(g) RESETTLEMENT SUPPORT.—Afghan aliens granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed 8 months.

(h) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

(1) was paroled or admitted as a nonimmigrant into the United States; and

(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)).

(i) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note).

(j) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this section.

(2) CONTENT.—The report required by paragraph (1) shall address steps taken, and additional administrative measures that may be needed, to ensure program integrity and national security.

(3) ADMINISTRATIVE MEASURES.—The Secretary of State and the Secretary of Homeland Security shall implement such additional administrative measures identified in the report as the they may deem necessary and appropriate to ensure program integrity and national security.

SA 5466. Mr. SCHUMER (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mrs. CLINTON, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON DISCRIMINATION IN LIFE INSURANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), an insurer shall not—

(1) refuse to issue a policy to an individual;

(2) refuse to continue in effect the policy of an insured;

(3) limit or decrease the amount of coverage, extent of coverage, or type of coverage available under a policy to an individual; or

(4) require the payment of an additional amount as premiums for an insured under a policy (except increases in premiums in individual term insurance based upon age);

based on the lawful travel experiences of the individual or insured.

(b) EXCEPTION.—

(1) IN GENERAL.—Subsection (a) shall not apply if, with respect to the individual or insured involved, the insurer determines that—

(A) the risk of loss for the individual or insured because of travel to a specified destination at a specified time is reasonably anticipated to be greater than if the individual or insured did not travel to that destination at that time; and

(B) the risk classification referred to in subparagraph (A) is based on sound actuarial principles and actual or reasonably anticipated experience.

(2) DETERMINATIONS.—An insurer shall be deemed to meet the requirements of paragraph (1) if the action involved was taken by the insurer based on—

(A) the issuance by the Director of the Centers for Disease Control and Prevention of the highest level of alert or warning with respect to the travel destination involved, including a recommendation against non-essential travel to such destination, due to a serious health-related condition; or

(B) the existence of an ongoing armed conflict involving the military of a sovereign nation foreign to the country of conflict.

(c) DEFINITIONS.—In this section:

(1) INSURED.—The term ''insured'' means an individual whose life is insured under a policy.

(2) INSURER.—The term ''insurer'' includes any firm, corporation, partnership, association, or business that is chartered or authorized to provide insurance and issue contracts or policies by the laws of a State or the United States.

(3) POLICY.—The term ''policy'' means any individual contract for whole, endowment, universal, or term life insurance, including any benefit in the nature of such insurance arising out of membership in any fraternal or beneficial association.

(4) PREMIUM.—The term ''premium'' means the amount specified in an insurance policy to be paid to keep the policy in force.

SA 5467. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, between lines 6 and 7, insert the following:

SEC. 323. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) CLARIFICATION OF AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS.—The second sentence of section 4544(a) of title 10, United States Code, as added by section 328(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 66), is amended by inserting after ''not more than eight contracts or cooperative agreements'' the following: ''in addition to the contracts and cooperative agreements in place as of the date of the enactment of the

National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181)''.

(b) ADDITIONAL ELEMENTS REQUIRED FOR ANALYSIS OF USE OF AUTHORITY.—Section 328(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 67) is amended—

(1) by striking ''a report assessing the advisability'' and inserting the following: ''a report—

''(A) assessing the advisability''; and

(2) by striking ''pursuant to such authority.'' and inserting the following: ''pursuant to such authority;

''(B) assessing the benefit to the Federal Government of using such authority;

''(C) assessing the impact of the use of such authority on the availability of facilities needed by the Army and on the private sector; and

''(D) describing the steps taken to comply with the requirements under section 4544(g) of title 10, United States Code.''.

SA 5468. Mr. INHOFE (for himself, Mr. CRAPO, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3104 and insert the following:

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $247,371,000.

(b) OFFSET.—The amount authorized to be appropriated by this division (other than the amount authorized to be appropriated for defense nuclear waste disposal) is hereby reduced by $50,000,000, with the amount of the reduction to be allocated among the accounts for which funds are authorized to be appropriated by this division in a manner specified by the Secretary of Energy.

SA 5469. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. SENSE OF SENATE ON CARE FOR WOUNDED WARRIORS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Wounded Warrior Act (title XVI of Public Law 110–181) established a comprehensive policy on improvements to care, management, and transition of recovering service members.

(2) This policy included guidance on Training and Skills of Health Care Professionals, Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members.

(3) The Department of Veterans Affairs currently has eight fully trained Recovery Care Coordinators in the field serving 123 wounded warriors with an additional two Recovery Care Coordinators in training and additional applicants being considered.

(4) The requirement for Recovery Care Coordinators and Medical Care Case Managers continues to exceed the current availability of these personnel within the Department of Veterans Affairs and Department of Defense.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Veterans Affairs and Department of Defense should—

(1) aggressively recruit, hire, and train individuals as Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members;

(2) establish partnerships between Department of Defense medical facilities and Department of Veterans Affairs medical facilities, on the one hand, and public and private institutions of higher education, on the other hand, to assist in training medical care case management personnel needed to support returning wounded and ill service members;

(3) work closely with public and private institutions of higher education to ensure the most current care management techniques and evidence-based guidelines are incorporated into training programs for Health Care Professionals, Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers; and

(4) ensure the availability of the services of Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers to any wounded and disabled recovering service members, who need or desire such services.

SA 5470. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 6 and 7, insert the following:

Subtitle G—SBIR and STTR Programs

SEC. 861. DEFINITIONS.

In this subtitle—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms ''extramural budget'', ''Federal agency'', ''Small Business Innovation Research Program'', ''SBIR'', ''Small Business Technology Transfer Program'', and ''STTR'' have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term ''small business concern'' has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).

PART I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 871. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2022''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2009'' and inserting ''2023''.

SEC. 872. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

''(10) to maintain an Office of Technology—

''(A) to carry out its responsibilities under this section, headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

''(B) which shall be independent from the Office of Government Contracting and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.''.

SEC. 873. SBIR CAP INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end; and

(B) by striking subparagraph (C) and inserting the following:

''(C) not less than 2.5 percent of such budget in fiscal year 2009;

''(D) not less than 2.6 percent of such budget in fiscal year 2010;

''(E) not less than 2.7 percent of such budget in fiscal year 2011;

''(F) not less than 2.8 percent of such budget in fiscal year 2012;

''(G) not less than 2.9 percent of such budget in fiscal year 2013;

''(H) not less than 3.0 percent of such budget in fiscal year 2014;

''(I) not less than 3.1 percent of such budget in fiscal year 2015;

''(J) not less than 3.2 percent of such budget in fiscal year 2016;

''(K) not less than 3.3 percent of such budget in fiscal year 2017;

''(L) not less than 3.4 percent of such budget in fiscal year 2018; and

''(M) not less than 3.5 percent of such budget in fiscal year 2019 and each fiscal year thereafter,''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking ''A Federal agency'' and inserting the following:

''(A) IN GENERAL.—A Federal agency''; and

(C) by adding at the end the following:

''(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the increased percentage of expenditures required under subparagraphs (D) through (M) of paragraph (1) shall not be used for new Phase I or Phase II awards and shall be used for activities that further the technology readiness levels of technologies being developed under Phase II awards, including to conduct testing and evaluation, in order to promote the transition of such technologies into commercial or defense products or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.

''(C) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Subparagraphs (D) through (M) of

paragraph (1) shall not apply to the Department of Health and Human Services. For fiscal year 2009, and each fiscal year thereafter, the Department of Health and Human Services shall expend with small business concerns not less than 2.5 percent of the extramural budget for research or research and development of the department of Health and Human Services.''.

SEC. 874. STTR CAP INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''thereafter.'' and inserting ''through fiscal year 2009;''; and

(3) by adding at the end the following:

''(iii) 0.4 percent for fiscal years 2010 and 2011;

''(iv) 0.5 percent for fiscal years 2012 and 2013; and

''(v) 0.6 percent for fiscal year 2014 and each fiscal year thereafter.''.

SEC. 875. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D)—

(A) by striking ''5 years'' and inserting ''3 years''; and

(B) by striking ''and programmatic considerations''; and

(2) in subsection (p)(2)(B)(ix) by striking ''greater or lesser amounts to be awarded at the discretion of the awarding agency,'' and inserting ''and an adjustment for inflation of such amounts once every 3 years,''.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(aa) LIMITATION ON CERTAIN AWARDS.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent. Participating agencies shall maintain information on awards exceeding the guidelines, including award amounts, justification for exceeding the amount, identities and locations of recipients, whether a recipient has received venture capital investment and, if so, if the recipient is majority-owned and controlled by multiple venture capital companies, and the Administration shall include such information in its annual report to Congress.''.

SEC. 876. AGENCY AND PROGRAM COLLABORATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(bb) SUBSEQUENT PHASES.—

''(1) AGENCY COLLABORATION.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or its component makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administration for inclusion in the public database under subsection (k).

''(2) SBIR AND STTR COLLABORATION.—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administration for inclusion in the public database under subsection (k).''.

SEC. 877. ELIMINATION OF PHASE II INVITATIONS.

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking ''to further'' and inserting: ''not encumbered by any invitation, pre-screening, pre-selection, or down-selection process between the first phase and the second phase that will further''; and

(2) in paragraph (6)(B), by striking ''to further develop proposed ideas to'' and inserting ''not encumbered by any invitation, pre-screening, pre-selection, or down-selection process between the first phase and the second phase that will further develop proposals which''.

SEC. 878. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—

''(1) AUTHORITY AND DETERMINATION.—

''(A) IN GENERAL.—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—

''(i) the head of the SBIR program of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns; and

''(ii) the head of any other Federal agency participating in the SBIR program may award not more than 8 percent of the SBIR funds of the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.

''(B) DETERMINATION.—A written determination under subparagraph (A) shall demonstrate that the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

''(2) QUALIFICATION REQUIREMENTS.—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture capital company owns more than 49 percent of the small business concern.

''(3) REGISTRATION.—Any small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—

''(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

''(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.

''(4) COMPLIANCE.—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administration under subsection (b)(7).

''(5) ENFORCEMENT.—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(t) VENTURE CAPITAL COMPANY.—In this Act, the term 'venture capital company' means an entity described in clause (i), (v), or (vi) of section 121.103(b) of title 13, Code of Federal Regulations (or any successor thereto).''.

(c) ASSISTANCE FOR DETERMINING AFFILIATES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—

(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(2) contact information for officers or employees of the Administration who—

(A) upon request, shall review an issue relating to the rules described in paragraph (1); and

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

SEC. 879. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

''(4) PHASE III AWARDS.—Congress intends that, to the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards, including sole source awards, to the SBIR and STTR award recipients that developed the technology.''.

SEC. 879A. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

''(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may issue SBIR and STTR awards to any eligible small business concern that—

''(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

''(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

''(2) PROHIBITION.—No Federal agency shall—

''(A) condition a SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

''(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR and STTR Policy Directives; or

''(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

''(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

''(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

''(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.''.

SEC. 879B. NOTICE REQUIREMENT.

The head of any Federal agency involved in a case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

PART II—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 881. RURAL AND STATE OUTREACH.

(a) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

''(s) OUTREACH.—

''(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State—

''(A) if the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than $5,000,000; and

''(B) that certifies to the Administration described in paragraph (2) that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

''(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of the fiscal years 2000 through 2014, the Administrator may expend with eligible States not more than $5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

''(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

''(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and

''(B) shall not exceed $100,000.

''(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

''(A) the establishment of quantifiable performance goals, including goals relating to

''(i) the number of program awards under this section made to small business concerns in the State; and

''(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

''(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development;

''(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State; and

''(D) the establishment of initiatives to reach out to women and minorities with the goal of increasing their involvement in the SBIR and STTR programs.''.

(b) FEDERAL AND STATE PROGRAM EXTENSION.—Section 34 of the Small Business Act(15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking ''2001 through 2005'' each place it appears and inserting ''2009 through 2014''; and

(2) in subsection (i), by striking ''2005'' and inserting ''2014''.

(c) RURAL AREAS.—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) RURAL AREAS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

''(ii) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

''(iii) DEFINITION OF RURAL AREA.—In this subparagraph, the term 'rural area' has the meaning given that term in section 1393(a)(2)) of the Internal Revenue Code of 1986.''.

SEC. 882. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as ''STEM college students''), by providing a SBIR bonus grant.

(b) ELIGIBLE ENTITIES DEFINED.—In this section the term ''eligible entity'' means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR–STEM Workforce Development Grant Pilot Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2010;
(2) $1,000,000 for fiscal year 2011;
(3) $1,000,000 for fiscal year 2012;
(4) $1,000,000 for fiscal year 2013; and
(5) $1,000,000 for fiscal year 2014.

SEC. 883. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

(1) in subparagraph (A), by striking ''$4,000'' and inserting ''$5,000'';

(2) in subparagraph (B)—

(A) by striking ''with funds available from their SBIR awards'' and inserting ''which shall be in addition to the amount of the recipient's award'';

(B) by striking ''$4,000'' and inserting ''$5,000''; and

(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

''(D) LIMITATION.—A Federal agency may not—

''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.

SEC. 884. COMMERCIALIZATION PILOT PROGRAM AT DEPARTMENT OF DEFENSE.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(2) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(3) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(4) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for transitioning Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, which shall include information on the ongoing status of projects funded through the Commercialization Pilot Program and efforts to transition these technologies into programs of record or fielded systems.''; and

(5) in paragraph (8), as so redesignated, by striking ''fiscal year 2009'' and inserting ''fiscal year 2014''.

SEC. 885. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ee) PILOT PROGRAM.—

''(1) AUTHORIZATION.—Except for the Department of Defense, the head of each participating Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies (in this section referred to as a 'pilot program').

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—A Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not less than 90 days prior to the beginning of the fiscal year in which such pilot program is to be established, based on a compelling reason that additional investment in SBIR or STTR technologies is required due to unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the agency's mission.

''(B) DETERMINATION.—The Administrator shall—

''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the beginning of the fiscal year for which such application is submitted;

''(ii) publish such decision in the Federal Register; and

''(iii) make a copy of such decision, and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(C) MAXIMUM AMOUNT.—No award under a pilot program may be made in excess of 2 times the dollar amounts generally established for Phase II awards under this section.

''(D) MATCHING.—No award may be made under a pilot program unless new private, Federal non-SBIR, or Federal non-STTR funding which at least matches the award from the Federal agency is dedicated towards SBIR or STTR Phase II technology.

''(E) ELIGIBILITY.—Awards under a pilot program may be made to any applicant that is eligible to receive a Phase III award related to such SBIR or STTR Phase II technology.

''(F) REGISTRATION.—Applicants receiving awards under a pilot program shall register with the Administrator in a publicly available registry.

''(G) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.''.

SEC. 886. NANOTECHNOLOGY INITIATIVE.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.''.

(b) SUNSET.—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 887. ACCELERATING CURES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

''SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

''(a) NIH CURES PILOT.—

''(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of all the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The advisory board shall consist of—

''(i) the Director of the NIH, the Director of the SBIR program, senior NIH agency managers, industry experts, and other program stakeholders; and

''(ii) awardees under the SBIR program of the NIH.

''(B) EQUAL REPRESENTATION.—The number of members of the advisory board described in clause (i) of subparagraph (A) shall be equal to the number of members of the advisory board described in clause (ii) of subparagraph (A).

''(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 National Academies of Science's report entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.

''(c) PILOT PROGRAM.—

''(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

''(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

''(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the independent advisory board described in subsection (a) on the activities of the SBIR program of the NIH under this section.

''(e) SBIR GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall place an emphasis on applications that identify from the onset products and services that may enhance the development of cures and therapies.

''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The independent advisory board described in subsection (a) shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

''(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.

''(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot programs under subsection (c) and to carry out subsection (e).

''(g) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009.''.

PART III—OVERSIGHT AND EVALUATION

SEC. 891. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 872 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—

''(A) the data'';

(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and

''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;

''(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and minorities under each of the SBIR and STTR programs;

''(D) general information about the implementation and compliance with the allocation of funds for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;

''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and

''(F) a description''; and

(2) by inserting after paragraph (7) the following:

''(8) to coordinate the implementation of electronic databases at each of the participating agencies, including the technical ability of the participating agencies to electronically share data;''.

SEC. 892. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(3) by inserting after paragraph (7) the following:

''(8) collect, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an awardee—

''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

''(I) the amount of venture capital that the awardee has received as of the date of the award; and

''(II) the amount of additional capital that the awardee has invested in the SBIR technology, which shall be collected on an annual basis;

''(ii) has an investor who—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a minority or has a minority as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

''(vi) is university faculty or a university student; and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''; and

(4) in paragraph (10), as so redesignated, by adding ''and'' at the end.

SEC. 893. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (9) and inserting the following:

''(9) collect, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an applicant or awardee—

''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

''(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

''(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology, which shall be collected on an annual basis;

''(ii) has an investor who—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a minority or has a minority as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

''(vi) is university faculty or a university student; and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''; and

(2) in paragraph (14), by adding ''and'' at the end;

(3) by striking paragraph (15); and

(4) by redesignating paragraph (16) as paragraph (15).

SEC. 894. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a minority or has a minority as a principal investigator;

''(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

''(v) is owned by university faculty or a university student.''.

SEC. 895. GOVERNMENT DATABASE.

Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following:

''(C) includes, for each awardee—

''(i) the name, size, location, and any identifying number assigned by the Administration;

''(ii) whether the awardee has venture capital, and, if so—

''(I) the amount of venture capital as of the date of the award;

''(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and

''(III) the amount of additional capital that the awardee has invested in the SBIR technology, which shall be collected on an annual basis;

''(iii) the names and locations of any affiliates of the awardee;

''(iv) the number of employees of the awardee;

''(v) the number of employees of the affiliates of the awardee; and

''(vi) the names and percentage of ownership of the awardee held by—

''(I) an individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

''(II) a person that is not an individual and is not organized under the laws of a State or the United States;''; and

(3) in subparagraph (D), as so redesignated—

(A) in clause (ii), by striking ''and'' at the end; and

(B) by adding at the end, the following:

''(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and

''(v) the number of employees of the applicant;''.

SEC. 896. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to determine whether Federal agencies are complying with the allocation requirements of this part and the amendments made by this part;

(2) assess the extent of compliance with the requirements of subparagraphs (A) and (B) of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by participating agencies and the Administration;

(3) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency;

(4) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency is spending for administrative purposes

relating to the SBIR program or STTR program, and for what specific purposes, including whether and, if so, the portion of such budget the Federal agency is spending for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(5) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), the assessments required under paragraphs (2) and (3), and the determination made under paragraph (4).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 897. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (Public Law 106–554; 114 Stat. 2763A–671) is amended by adding at the end the following:

''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, and every 4 years thereafter.

''(2) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.

SEC. 898. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(gg) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award by the Federal agency—

''(1) the name of the contracting agency;

''(2) the identity of the agency or company making the Phase III award;

''(3) the identity of the company or individual receiving the Phase III award;

''(4) the dollar amount of the Phase III award; and

''(5) the Federal agency, or component of a Federal agency, making the Phase III award.''.

SEC. 898A. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies are adhering to the data rights protections for SBIR awardees and the technologies of SBIR awardees;

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

PART IV—POLICY DIRECTIVES

SEC. 899. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this subtitle and the amendments made by this subtitle.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—The Administration shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

SA 5471. Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. MONTHLY SPECIAL PAY FOR MEMBERS OF THE UNIFORMED SERVICES WHOSE SERVICE ON ACTIVE DUTY IS EXTENDED BY A STOP-LOSS ORDER OR SIMILAR MECHANISM.

(a) PAY REQUIRED.—

(1) IN GENERAL.—Subchapter I of chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 330a. Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism

''(a) SPECIAL PAY.—A member of the uniformed services entitled to basic pay whose enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to the exercise of an authority referred to in subsection (b) is entitled while on active duty during the period of such extension or suspension to special pay in the amount specified in subsection (c).

''(b) AUTHORITIES.—An authority referred to in this section is an authority for the extension of an enlistment or period of obligated service, or for suspension of eligibility for retirement, of a member of the uniformed services under a provision of law as follows:

''(1) Section 123 of title 10.

''(2) Section 12305 of title 10.

''(3) Any other provision of law (commonly referred to as a 'stop-loss authority') authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

''(c) MONTHLY AMOUNT.—The amount of special pay specified in this subsection is $200 per month.

''(d) CONSTRUCTION WITH OTHER PAYS.—Special pay payable under this section is in addition to any other pay payable to members of the uniformed services by law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 330 the following new item:

''330a. Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 2001.

SA 5472. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. DEMONSTRATION PROJECT ON SERVICE OF RETIRED MILITARY NURSES AS FACULTY OF CIVILIAN NURSING SCHOOLS.

(a) DEMONSTRATION PROJECT AUTHORIZED.—The Secretary of Defense may conduct a demonstration project to assess the feasability and advisability of encouraging retired military nurses to serve as faculty at civilian nursing schools.

(b) ELIGIBILITY REQUIREMENTS.—

(1) RETIRED MILITARY NURSES.—An individual is eligible to participate in the demonstration project if the individual—

(A) is a retired nurse corps officer of an Armed Force;

(B) has at least 20 years of active service as a commissioned officer in the Armed Forces before retiring from the Armed Forces; and

(C) possesses a doctoral or master degree in nursing that qualifies the officer to become a full-time faculty member of an accredited school of nursing.

(2) CIVILIAN NURSING SCHOOLS.—A school of nursing is eligible to participate in the demonstration project if—

(A) the school is an accredited school of nursing; and

(B) the school, or its parent institution of higher education—

(i) is a school of nursing that is accredited to award, at a minimum, a bachelor of science in nursing and provides educational programs leading to such degree;

(ii) has a resident Senior Reserve Officer Training Corps unit that fulfils the requirements of sections 2101 and 2102 of title 10, United States Code;

(iii) does not prevent access to the Senior Reserve Officer Training Corps or military recruiting on campus in a manner which would lead to a denial of Federal funds under section 983 of title 10, United States Code;

(iv) provides any retired nurse corps officer participating in the demonstration project a salary and other compensation at the level to which other similarly situated faculty members of the accredited school of nursing are entitled, as determined by the Secretary of Defense; and

(v) agrees to comply with the requirements of subsection (d).

(c) EMPLOYMENT OF RETIRED MILITARY NURSES.—The Secretary of Defense may authorize a Secretary of a military department to authorize qualified schools of nursing (as described in subsection (b)(2)) to employ as faculty eligible individuals (as described in subsection (b)(1)) who are receiving retired pay, whose qualifications are approved by the Secretary of the military department and the school of nursing, and who request such employment, subject to the following:

(1) A retired nurse corps officer so employed is entitled to receive the officer's retired pay without reduction by reason of any additional amount paid to the officer by the school of nursing. In the case of payment of any such additional amount by the school of nursing, the Secretary of the military department concerned may pay the school the amount equal to one-half the amount paid to the retired officer by the institution for any period, up to a maximum of one-half of the difference between the officer's retired pay for that period and the active duty pay and allowances that the officer would have received for that period if on active duty. Payments by the Secretary of the military department concerned under this paragraph shall be made from funds specifically appropriated for that purpose.

(2) Notwithstanding any other provision of law, a retired nurse corps officer so employed shall not, while so employed, be considered to be on active duty or inactive duty training in the Armed Forces for any purpose.

(d) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—For purposes of the eligibility of an institution under subsection (b)(2)(B)(v), the following requirements apply:

(1) The school of nursing shall provide full academic scholarships to individuals undertaking an educational program at the school of nursing leading to a bachelor of science in nursing degree who agree, upon completion of such program and subject to such terms and conditions as the Secretary of Defense shall prescribe for purposes of this section, to accept a commission as an officer in the nurse corps of an Armed Force.

(2) The total number of scholarships provided by a school of nursing under paragraph (1) shall be equivalent to the number of retired nurse corps officers who elect to serve as faculty at the school under the demonstration project.

(e) REPORT.—

(1) IN GENERAL.—Not later than 24 months after the commencement of the demonstration project, the Secretary of Defense shall submit to the congressional defense committees a report on the demonstration project.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A description of the demonstration project under this section.

(B) The current number of retired nurse corps officers who are eligible to participate in the demonstration project.

(C) The number of retired nurse corps officers participating in the demonstration project.

(D) The number of schools of nursing participating in the demonstration project.

(E) The number of scholarships awarded to nurse officer candidates under the demonstration project.

(F) The number, if any, of nurse officer candidates who participated in the demonstration project who have accessed into the Armed Forces as a commissioned nurse corps officer, and the number, if any, of nurse officer candidates who participated in the demonstration project and did not access into the Armed Forces as a commissioned nurse corps officer.

(G) The amount, if any, of Federal funds expended on the demonstration project.

(H) Such recommendations as the Secretary of Defense considers appropriate regarding the extension or expansion of the demonstration project.

(f) DEFINITIONS.—In this section, the terms ''school of nursing'' and ''accredited'' have the meeting given such terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SA 5473. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

SEC. 1233. REPORTS ON ENHANCING SECURITY AND STABILIZATION IN THE REGION ALONG THE BORDER OF AFGHANISTAN AND PAKISTAN.

(a) ADDITIONAL REPORTS REQUIRED.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392) is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by striking ''IN GENERAL'' and inserting ''INITIAL REPORT''; and

(B) by inserting after ''the appropriate congressional committees'' the following: '', the majority leader and minority leader of the Senate, and the Speaker of the House of Representatives and the minority leader of the House of Representatives'';

(2) by striking paragraph (4);

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph:

''(3) SUBSEQUENT REPORTS.—Concurrent with the submission of each report submitted under section 1230 after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional defense committees, the majority leader and minority leader of the Senate, and the Speaker of the House of Representatives and the minority leader of the House of Representatives a report on enhancing security and stability in the region along the border of Afghanistan and Pakistan. Each such report shall include the following:

''(A) A detailed description of the efforts by the Government of Pakistan to achieve the following objectives:

''(i) Eliminate safe havens for Taliban, Al Qaeda, and other violent extremist forces on the national territory of Pakistan.

''(ii) Prevent the movement of such forces across the border of Pakistan into Afghanistan to engage in insurgent or terrorist activities.

''(B) An assessment of the Secretary of Defense as to whether Pakistan is making substantial and sustained efforts to achieve the objectives specified in subparagraph (A).

''(C) A description of any peace agreements between the Government of Pakistan and tribal leaders from regions along the Afghanistan-Pakistan border that contain commitments to prevent cross-border incursions into Afghanistan and any mechanisms in such agreements to enforce such commitments.

''(D) An assessment of the effectiveness of such peace agreements in preventing cross-border incursions into Pakistan and of the Government of Pakistan in enforcing those agreements.''.

(b) EXTENSION OF NOTIFICATION REQUIREMENT RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Subsection (b)(5) of such section is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

(c) SUBMISSION OF AFGHANISTAN REPORT TO CONGRESSIONAL LEADERSHIP.—Section 1230(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) is amended by inserting after ''the appropriate congressional committees'' the following: '', the majority leader and minority leader of the Senate, and the Speaker of the House of Representatives and the minority leader of the House of Representatives''.

SA 5474. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 815. BUY AMERICAN REQUIREMENTS FOR MILK AND POWDERED MILK PRODUCTS.

Section 2533a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Milk or powdered milk products.''.

SA 5475. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, the following:

SEC. 332. REPORT ON EQUIPPING MILITARY AIRCRAFT WITH LASER-BASED COUNTERMEASURES FOR THE PROTECTION OF SUCH AIRCRAFT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plans of the Department of Defense for equipping fixed wing and rotary wing military aircraft with laser-based countermeasures for the protection of such aircraft. The report shall include a description of the plans of the Department to consider technologies other than Advanced Threat Infrared Countermeasure systems to provide a functional, laser-based infrared countermeasure capability for both fixed wing and rotary wing aircraft.

SA 5476. Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. INOUYE, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION —MARITIME ADMINISTRATION

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Maritime Administration Act for Fiscal Year 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Adjunct professors at the Merchant Marine Academy.
Sec. 3. Actions to address sexual harassment and violence at the Academy.
Sec. 4. Gifts to the Academy.
Sec. 5. Temporary appointments to the Academy.
Sec. 6. Riding gang member requirements.
Sec. 7. Assistance for small shipyards and maritime communities.
Sec. 8. Student incentive payment program.
Sec. 9. Marine war risk insurance.
Sec. 10. MARAD consultation on Jones Act waivers.
Sec. 11. Vessel traffic risk assessments.
Sec. 12. Small vessel exception from definition of fish processing vessel.
Sec. 13. Transportation in American vessels of government personnel and certain cargoes.
Sec. 14. Exclusion of certain employee benefits for individuals in the recreational marine industry.
Sec. 15. Authorization of appropriations for fiscal year 2009.
Sec. 16. Enforcement of maritime cabotage laws.

SEC. 2. ADJUNCT PROFESSORS AT THE MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—If the Secretary of Transportation determines that there is a temporary need for adjunct professors at the United States Merchant Marine Academy, the Secretary may execute personal service contracts with adjunct professors to meet that need.

(b) LIMITATIONS.—

(1) NUMBER.—The Secretary may not execute such contracts with more than 25 individuals under subsection (a) to provide service as adjunct professors during any trimester of academic year 2008–2009.

(2) CONTRACT TERM.—The Secretary may not execute a personal service contract under subsection (a) for a term that expires later than the end of academic year 2008–2009.

(c) SUNSET.—The authority of the Secretary to execute a personal service contract under subsection (a) shall terminate at the end of academic year 2008–2009.

(d) PRE-EXISTING CONTRACTS.—An employment contract executed by the Secretary before the date of enactment of this Act for service by an individual as an adjunct professor at the Academy shall be taken into account for purposes of subsection (b)(1) and shall remain in effect until the earlier of—

''(1) the end of the period of time for which the services were contracted; or

''(2) the end of academic year 2008–2009.

(e) REPORT.—If the Secretary executes one or more personal service contracts under subsection (a), the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Armed Services, and the Committees on Appropriations of both Houses specifying the specific need for each such contract and the duties that will be performed by each such adjunct professor brought under contract. The report shall be submitted solely by the Secretary and not by any designee on the Secretary's behalf.

SEC. 3. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND VIOLENCE AT THE ACADEMY.

(a) REQUIRED POLICY.—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include—

(1) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;

(2) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment or sexual violence should be reported by a cadet and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

(3) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

(4) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible; and

(5) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) ANNUAL ASSESSMENT.—

(1) The Secretary shall direct the Superintendent to conduct an assessment at the Academy during each Academy program year, to be administered by the Department of Transportation, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey, to be administered by the Department, of Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel of—

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

(d) ANNUAL REPORT.—

(1) The Secretary shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

(B) The policies, procedures, and processes implemented by the Superintendent and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

(4)(A) The Superintendent shall transmit to the Secretary, and to the Board of Visitors of the Academy, each report received by the Superintendent under this subsection, together with the Superintendent's comments on the report.

(B) The Secretary shall transmit each such report, together with the Secretary's comments on the report, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives

Committee on Transportation and Infrastructure.

SEC. 4. GIFTS TO THE ACADEMY.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

"§ 51315. Gifts to the Merchant Marine Academy

''(a) In General.—The Maritime Administrator may accept and use conditional or unconditional gifts of money or property for the benefit of the United States Merchant Marine Academy, including acceptance and use for non-appropriated fund instrumentalities of the Merchant Marine Academy. The Maritime Administrator may accept a gift of services in carrying out the Administrator's duties and powers. Property accepted under this section and proceeds from that property must be used, as nearly as possible, in accordance with the terms of the gift.

''(b) ESTABLISHMENT OF ACADEMY GIFT FUND.—There is established in the Treasury a fund, to be known as the 'Academy Gift Fund'. Disbursements from the Fund shall be made on order of the Maritime Administrator. Unless otherwise specified by the terms of the gift, the Maritime Administrator may use monies in the Fund for appropriated or non-appropriated purposes at the Academy. The Fund consists of—

''(1) gifts of money;

''(2) income from donated property accepted under this section;

''(3) proceeds from the sale of donated property; and

''(4) income from securities under subsection (c) of this section;

''(c) INVESTMENT OF FUND BALANCES.—On request of the Maritime Administrator, the Secretary of the Treasury may invest and reinvest amounts in the Fund in securities of, or in securities the principal and interest of which is guaranteed by, the United States Government.

''(d) DISBURSEMENT AUTHORITY.—There are hereby appropriated from the Fund such sums as may be on deposit, to remain available until expended.''.

''(e) DEDUCTABILITY OF GIFTS.—Gifts accepted under this section are a gift to or for the use of the Government under the Internal Revenue Code of 1986.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 513 of title 46, United States Code, is amended by inserting after the item relating to section 51314 the following:

''51315. Gifts to the Merchant Marine Academy''.

SEC. 5 TEMPORARY APPOINTMENTS TO THE ACADEMY.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, as amended by section 5 of this division, is further amended by adding at the end thereof the following:

"§ 51316. Temporary appointments to the Academy

Notwithstanding any other provision of law, the Maritime Administrator may appoint any present employee of the United States Merchant Marine Academy non-appropriated fund instrumentality to a position on the General Schedule of comparable pay. Eligible personnel shall be engaged in work permissibly funded by annual appropriations, and such appointments to the Civil Service shall be without regard to competition, for a term not to exceed 2 years.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 513 of title 46, United States Code, as amended by section 15 of this division, is amended by inserting after the item relating to section 51317 the following:

''51316. Temporary appointments to the Academy''.

SEC. 6. RIDING GANG MEMBER REQUIREMENTS.

Section 1018 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2381) is amended—

(1) by striking ''requirements'' and all that follows in subsection (a)(1) and inserting ''requirements as provided in section 8106 of title 46, United States Code.'';

(2) by striking paragraphs (2) and (3) of subsection (a) and redesignating paragraph (4) as paragraph (2);

(3) by striking ''8106'' in paragraph (2), as redesignated, of subsection (a) and inserting ''2101''; and

(4) by striking subsection (b)(1) and inserting the following:

''(1) IN GENERAL.—Pursuant to regulations issued by the Secretary of Defense, an individual—

''(A) who is aboard a vessel, which is under charter or contract for the carriage of cargo for the Department of Defense, for purposes other than engaging in the operation or maintenance of the vessel, and

''(B) who—

''(i) accompanies, supervises, guards, or maintains unit equipment aboard a ship, commonly referred to as supercargo personnel,

''(ii) is one of the force protection personnel of the vessel,

''(iii) is a specialized repair technician, or

''(iv) is otherwise required by the Secretary of Defense to be aboard the vessel,

shall not be deemed a riding gang member for purposes of title 46, United States Code.''.

SEC. 7. ASSISTANCE FOR SMALL SHIPYARDS AND MARITIME COMMUNITIES.

(a) IN GENERAL.—Title 46, United States Code, is amended by inserting the following new chapter after chapter 539:

''CHAPTER 541—MISCELLANEOUS

''Sec.

''54101. Assistance for small shipyards and maritime communities

"§ 54101. Assistance for small shipyards and maritime communities

''(a) ESTABLISHMENT OF PROGRAM.—Subject to the availability of appropriations, the Administrator of the Maritime Administration shall execute agreements with shipyards to provide assistance—

''(1) in the form of grants, loans, and loan guarantees to small shipyards for capital improvements; and

''(2) for maritime training programs to foster technical skills and operational productivity in communities whose economies are related to or dependent upon the maritime industry.

''(b) AWARDS.—In providing assistance under the program, the Administrator shall—

''(1) take into account—

''(A) the economic circumstances and conditions of maritime communities;

''(B) projects that would be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and

''(C) projects that would be effective in fostering employee skills and enhancing productivity; and

''(2) make grants within 120 days after the date of enactment of the appropriations Act for the fiscal year concerned.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Assistance provided under this section may be used—

''(A) to make capital and related improvements in small shipyards located in or near maritime communities;

''(B) to provide training for workers in communities whose economies are related to the maritime industry; and

''(C) for such other purposes as the Administrator determines to be consistent with and supplemental to such activities.

''(2) ADMINISTRATIVE COSTS.—Not more than 2 percent of amounts made available to carry out the program may be used for the necessary costs of grant administration.

''(d) PROHIBITED USES.—Grants awarded under this section may not be used to construct buildings or other physical facilities or to acquire land unless such use is specifically approved by the Administrator in support of subsection (c)(1)(C).

''(e) MATCHING REQUIREMENTS; ALLOCATION.—

''(1) FEDERAL FUNDING.—Except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

''(2) EXCEPTION.—If the Administrator determines that a proposed project merits support and cannot be undertaken without a higher percentage of Federal financial assistance, the Administrator may award a grant for such project with a lesser matching requirement than is described in paragraph (1).

''(3) ALLOCATION OF FUNDS.—The Administrator may not award more than 25 percent of the funds appropriated to carry out this section for any fiscal year to any small shipyard in one geographic location that has more than 600 employees.

''(f) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible for assistance under this section, an applicant shall submit an application, in such form, and containing such information and assurances as the Administrator may require, within 60 days after the date of enactment of the appropriations Act for the fiscal year concerned.

''(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application submitted under paragraph (1) shall include—

''(A) a comprehensive description of—

''(i) the need for the project;

''(ii) the methodology for implementing the project; and

''(iii) any existing programs or arrangements that can be used to supplement or leverage assistance under the program.

''(3) PROCEDURAL SAFEGUARDS.—The Administrator, in consultation with the Office of the Inspector General, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

''(A) grant funds are used for the purposes for which they were made available;

''(B) grantees have properly accounted for all expenditures of grant funds; and

''(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

''(4) PROJECT APPROVAL REQUIRED.—The Administrator may not award a grant under this section unless the Administrator determines that—

''(A) sufficient funding is available to meet the matching requirements of subsection (e);

''(B) the project will be completed without unreasonable delay; and

''(C) the recipient has authority to carry out the proposed project.

''(g) AUDITS AND EXAMINATIONS.—All grantees under this section shall maintain such records as the Administrator may require and make such records available for review and audit by the Administrator.

''(h) SMALL SHIPYARD DEFINED.—In this section, the term 'small shipyard' means a

shipyard facility in one geographic location that does not have more than 1,200 employees.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Maritime Administration for each of fiscal years 2006 through 2010 to carry out this section—

''(1) $5,000,000 for training grants; and

''(2) $25,000,000 for capital and related improvements.''.

(b) CONFORMING AMENDMENT.—Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. 53101 note) is repealed.

SEC. 8. STUDENT INCENTIVE PAYMENT PROGRAM.

Section 51509 of title 46, United States Code, is amended—

(1) by striking ''to the individual.'' in subsection (a) and inserting ''to the individual or the academy, as determined by the Secretary.'';

(1) by striking ''$4,000'' and inserting ''$8,000'';

(2) by striking ''as prescribed by the Secretary, while the individual is attending the academy.'' in subsection (b) and inserting ''subject to such conditions as may be prescribed by the Secretary.'';

(3) by inserting ''tuition,'' in subsection (b) after ''uniforms,''; and

(4) by striking subsection (c) and inserting the following:

''(c) MIDSHIPMAN AND ENLISTED RESERVE STATUS.—Each agreement entered into under this section shall require the individual to accept midshipman and enlisted reserve status in the United States Navy Reserve (including the Merchant Marine Reserve) or the United States Coast Guard Reserve before any payments are made under the agreement.''.

SEC. 9. MARINE WAR RISK INSURANCE.

Section 53912 of title 46, United States Code, is amended by striking ''December 31, 2010.'' and inserting ''December 31, 2015.''.

SEC. 10. MARAD CONSULTATION ON JONES ACT WAIVERS.

Section 501(b) of title 46, United States Code, is amended to read as follows:

''(b) BY HEAD OF AGENCY.—When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary in the interest of national defense, the individual, following a determination by the Maritime Administrator, acting in the Administrator's capacity as Director, National Shipping Authority, of the non-availability of qualified United States flag capacity to meet national defense requirements, may waive compliance with those laws to the extent, in the manner, and on the terms the individual, in consultation with the Administrator, acting in that capacity, prescribes.''.

SEC. 11. VESSEL TRAFFIC RISK ASSESSMENTS.

(a) REQUIREMENT.—The Commandant of the Coast guard, acting through the appropriate Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act, shall prepare a vessel traffic risk assessment—

(1) for Cook Inlet, Alaska, within 1 year after the date of enactment of this Act; and

(2) for the Aleutian Islands, Alaska, within 2 years after the date of enactment of this Act.

(b) CONTENTS.—Each of the assessments shall describe, for the region covered by the assessment—

(1) the amount and character of present and estimated future shipping traffic in the region; and

(2) the current and projected use and effectiveness in reducing risk, of—

(A) traffic separation schemes and routing measures;

(B) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(C) towing, response, or escort tugs;

(D) vessel traffic services;

(E) emergency towing packages on vessels;

(F) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

(G) the Automatic Identification System developed under section 70114 of title 46, United States Code;

(H) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

(I) aids to navigation; and

(J) vessel response plans.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Each of the assessments shall include any appropriate recommendations to enhance the safety and security, or lessen potential adverse environmental impacts, of marine shipping.

(2) CONSULTATION.—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(d) PROVISION TO CONGRESS.—The Commandant shall provide a copy of each assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commandant $1,800,000 for each of fiscal years 2008 and 2009 to conduct the assessments.

SEC. 12. SMALL VESSEL EXCEPTION FROM DEFINITION OF FISH PROCESSING VESSEL.

Section 2101(11b) of title 46, United States Code, is amended by striking ''chilling.'' and inserting ''chilling, but does not include a fishing vessel operating in Alaskan waters under a permit or license issued by Alaska that—

(A) fillets only salmon taken by that vessel;

(B) fillets less than 5 metric tons of such salmon during any 7-day period.''.

SEC. 13. TRANSPORTATION IN AMERICAN VESSELS OF GOVERNMENT PERSONNEL AND CERTAIN CARGOES.

(a) IN GENERAL.—Section 55305(b) of title 46, United States Code, is amended—

(1) by striking ''country'' and inserting ''country, organization, or persons'';

(2) by inserting ''or obtaining'' after ''furnishing''; and

(3) by striking ''commodities'' the first place it appears and inserting ''commodities, or provides financing in any way with Federal funds for the account of any persons unless otherwise exempted,''.

(b) OTHER AGENCIES.—Section 55305(d) of title 46, United States Code, is amended to read as follows:

''(d) PROGRAMS OF OTHER AGENCIES.—

''(1) Each department or agency that has responsibility for a program under this section shall administer that program with respect to this section under regulations and guidance issued by the Secretary of Transportation. The Secretary, after consulting with the department or agency or organization or person involved, shall have the sole responsibility for determining if a program is subject to the requirements of this section.

''(2) The Secretary—

''(A) shall conduct an annual review of the administration of programs determined pursuant to paragraph (1) as subject to the requirements of this section;

''(B) may direct agencies to require the transportation on United States-flagged vessels of cargo shipments not otherwise subject to this section in equivalent amounts to cargo determined to have been shipped on foreign carriers in violation of this section;

''(C) may impose on any person that violates this section, or a regulation prescribed under this section, a civil penalty of not more than $25,000 for each violation willfully and knowingly committed, with each day of a continuing violation following the date of shipment to be a separate violation; and

''(D) may take other measures as appropriate under the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1) or contract with respect to each violation.''.

(c) REGULATIONS.—The Secretary of Transportation shall prescribe such rules as are necessary to carry out section 55305(d) of title 46, United States Code. The Secretary may prescribe interim rules necessary to carry out section 55305(d) of such title. An interim rule prescribed under this subsection shall remain in effect until superseded by a final rule.

(d) CHANGE OF YEAR.—Section 55314(a) of title 46, United States Code, is amended by striking ''calendar'' each place it appears and inserting ''fiscal''.

SEC. 14. EXCLUSION OF CERTAIN EMPLOYEE BENEFITS FOR INDIVIDUALS IN THE RECREATIONAL MARINE INDUSTRY.

Subparagraph (F) of section 2(3) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)) is amended to read as follows:

''(F) individuals who—

''(i) are employed to manufacture any recreational vessel under 165 feet in length; or

''(ii) are employed to repair any recreational vessel or to dismantle any part of any recreational vessel in connection with repair of the vessel;''.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation, for the use of the Maritime Administration, for fiscal year 2009 the following amounts:

(1) For expenses necessary for operations and training activities, $140,112,000, of which—

(A) $79,858,000 shall remain available until expended for expenses at the United States Merchant Marine Academy, of which $26,640,000 shall be available for the capital improvement program; and

(B) $8,306,000 which shall remain available until expended for maintenance and repair of school ships at the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), $19,500,000.

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet,

including provision of assistance under section 7 of Public Law 92–402, $18,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $30,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $6,000,000.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available, as provided in appropriations Acts, until expended.

SEC. 16. ENFORCEMENT OF MARITIME CABOTAGE LAWS.

It is the sense of the Senate that, in order to fulfill the objectives and policies of section 50101 of title 46, United States Code, and encourage the development and maintenance of a merchant marine necessary for the national defense and the domestic commerce of the United States, the Department of Homeland Security, in cooperation with the Department of Transportation, should take measures necessary to enforce the letter and intent of the coastwise laws in chapter 551 of title 46, United States Code, and to support the cruise ship operations authorized by section 211 of title II of division B of Public Law 108–7.

SA 5477. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. SERVICE AS LEGISLATIVE FELLOWS OF MEMBERS OF THE ARMED FORCES WHO ARE UNDERGOING CONVALESCENCE AT MILITARY MEDICAL TREATMENT FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) ACTIONS REQUIRED.—

(1) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall take actions to ensure that eligible members of the Armed Forces who are undergoing convalescence at military medical treatment facilities in the National Capital Region, including Walter Reed Army Medical Center, District of Columbia, are informed about and encouraged to apply for selection as a legislative fellow under applicable Department of Defense instructions controlling assignment of personnel to the Legislative Branch.

(2) VOLUNTARY PARTICIPATION.—The participation of members of the Armed Forces as a legislative fellow under this section shall be on a voluntary basis.

(3) ENCOURAGEMENT OF PARTICIPATION IN PROGRAM.—The Secretary shall take appropriate actions—

(A) to notify members of the Armed Forces described in subsection (a)(1) of their eligibility for participation as legislative fellows under this section; and

(B) to facilitate participation as legislative fellows under this section by members who elect to participate as fellows, including through the provision of appropriate support for such members in participating as fellows.

(4) PROHIBITION ON POLITICAL ACTIVITIES.—While serving in an office as a legislative fellow under this section, a member of the Armed Forces participating as a fellow may not engage in any political activity otherwise prohibited by law for similar employees of such office.

(b) PAY AND ALLOWANCES.—

(1) NO ADDITIONAL PAY AND ALLOWANCES.—A member of the Armed Forces participating as a legislative fellow under this section shall not be entitled to any pay and allowances by reason of participation as a fellow other than the pay and allowances otherwise payable to the member by law.

(2) EXPENSES.—A member of the Armed Forces participating as a legislative fellow under this section shall be paid or reimbursed for the expenses incurred by the member in connection with participation as a fellow.

(c) ADMINISTRATIVE MATTERS.—

(1) ADMINISTRATION.—The activities required by this section shall be administered within the Department of Defense by an appropriate official of the Department assigned by the Secretary for that purpose.

(2) RESPONSIBILITIES.—The official assigned under paragraph (1) shall—

(A) work collaboratively with Members and committees of Congress to identify appropriate fellowship opportunities for members of the Armed Forces seeking to participate as legislative fellows under this section; and

(B) work collaboratively with the Director of the Capitol Guide Service and Congressional Special Services Office of the Architect of the Capitol to accommodate the special physical needs of members of the Armed Forces who are participating as legislative fellows under this section.

SA 5478. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection A of title XXVIII, add the following:

SEC. 2814. MODIFICATION OF AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS TO LIMIT ENCROACHMENT.

(a) REPEAL OF APPLICABILITY OF AUTHORITY TO EXCHANGES FOR MILITARY CONSTRUCTION PROJECTS.—Section 2869 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking ''military construction project or'';

(2) in subsection (b), by striking ''military construction,'' each place it appears and inserting ''land,''; and

(3) in subsection (d)(2)(A), by striking ''military construction project,'' each place it appears in clauses (ii) and (iii).

(b) REPEAL OF LIMITATION ON APPLICABILITY OF AUTHORITY TO EXCESS NON-BRAC PROPERTY.—Such section is further amended—

(1) in subsection (a), by striking paragraph (3); and

(2) in subsection (e)(2), by striking ''the period specified in paragraph (3) of subsection (a)'' and inserting ''the period beginning on October 17, 2006, and ending on September 30, 2008,''.

(c) REPEAL OF PILOT PROGRAM.—Such section is further amended by striking subsection (c).

(d) REPEAL OF REQUIREMENTS RELATING TO REPORTS.—Such section is further amended by striking subsection (f).

(e) CONFORMING AMENDMENTS.—Such section is further amended by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(f) ADDITIONAL CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2869. Conveyance of property at military installations to support military housing or limit encroachment''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

''2869. Conveyance of property at military installations to support military housing or limit encroachment.''.

SA 5479. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term ''qualified individual'' means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a ''voucher''), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) QUALIFIED MAILING.—In this section, the term ''qualified mailing'' means the mailing of a single mail piece which—

(A) is first-class mail (including any sound-recorded or video-recorded communication) not exceeding 13 ounces in weight and having

the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) TRANSFERS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) FUNDING.—Of the amounts authorized to be appropriated for the Department of Defense for fiscal year 2009 for military personnel, $10,000,000 shall be for postal benefits provided in this section.

SA 5480. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. REPORT ON CREATING CAREERS FOR MILITARY SPOUSES.

(a) STUDY.—The Under Secretary of Defense for Personnel and Readiness, in conjunction with the Deputy Under Secretary of Defense for Military Community and Family Policy, shall conduct a study of the challenges that face qualified military spouses in finding and maintaining employment during the terms of service of their active duty spouses.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional committees a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description of the major challenges that face qualified military spouses in finding and maintaining employment during the terms of service of their spouses.

(B) A listing of significant incentive programs the Department of Defense could utilize to create incentives for the hiring of qualified military spouses, including those the Department can implement independently and those that require statutory changes.

(C) A description of the resources available to qualified military spouses for assistance in finding and maintaining employment.

(D) An examination of the implications for retention of military service members of insufficient employment opportunities for qualified military spouses.

(E) A description of current programs to assist qualified military spouses in securing telecommuting and home office employment.

(c) QUALIFIED MILITARY SPOUSE DEFINED.—In this section, the term ''qualified military spouse'' means a spouse of a member of the Armed Forces who is serving on a period of extended active duty which includes the hiring date. For purposes of the preceding sentence, the term ''extended active duty'' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

SA 5481. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. DISPOSAL OF REAL PROPERTY AT OUTLYING LANDING FIELD, BEAUFORT AND WASHINGTON COUNTIES, NORTH CAROLINA.

Notwithstanding any other provision of law, the Secretary of the Navy shall make an exception to policy when the Secretary disposes of the land acquired for the Navy's now-cancelled Outlying Landing Field (OLF) in Beaufort and Washington Counties, North Carolina, by first offering the previous property owners the opportunity to reacquire their land by right of first refusal at fair market value. Should these parties decline the Navy's offer, the Secretary shall dispose of these properties in a manner most likely to ensure continued agricultural productivity.

SA 5482. Mr. KERRY (for himself, Ms. SNOWE, Mr. MENENDEZ, Mr. LAUTENBERG, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. PROHIBITIONS RELATING TO PUBLICITY OR PROPAGANDA.

(a) PROHIBITION.—No part of any appropriation shall be used by the Department of Defense for publicity or propaganda purposes not authorized by Congress, including the production of any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio that it was prepared or funded by the Department.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report identifying the extent to which the Department of Defense has used appropriated funds to recruit, train, or give special consideration to retired military officers to induce them to comment favorably on the war efforts in Iraq and Afghanistan and against terrorism. This report shall also review if special access given to these retired military officers provided a competitive advantage to their employers in securing funds appropriated to the Department of Defense.

(c) LEGAL OPINION.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall issue a legal opinion to Congress on whether the Department of Defense violated appropriations prohibitions on publicity or propaganda activities established in Public Laws 107–117, 107–248, 108–87, 108–287, 109–148, 109–289, and 110–116, the Department of Defense Appropriations Acts for fiscal years 2002 through 2008, respectively, by offering special access to retired military officers who serve as media analysts, including briefings and information on war efforts, meetings with high-level department officials, and trips to Iraq and Guantanamo Bay, Cuba.

(d) RULE OF CONSTRUCTION RELATED TO INTELLIGENCE ACTIVITIES.—Nothing in this section shall be construed to apply to any lawful and authorized intelligence activity of the United States Government.

SA 5483. Ms. KLOBUCHAR submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. FULL ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall undertake an initiative intended to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The initiative shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Requirements for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the accredited network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SA 5484. Mr. FEINGOLD (for himself, Mr. NELSON of Florida, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. TERMINATION OR SUSPENSION OF CONTRACTS FOR WIRELESS TELEPHONE SERVICE FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 305 the following new section:

"SEC. 305A. TERMINATION OR SUSPENSION OF CONTRACTS FOR WIRELESS TELEPHONE SERVICE.

''(a) IN GENERAL.—A servicemember or person who is a party to a contract for wireless telephone service and receives military orders to deploy with a military unit or in support of a contingency operation for a period of not less than 90 days, or to relocate for not less than 90 days to a location that does not support the contract, may submit to the wireless telephone service provider concerned a request for the termination or suspension of the contract. The request shall include a copy of the military orders of the servicemember or person.

''(b) RELIEF.—Upon receiving the request of a servicemember or person under subsection (a), the wireless telephone service provider concerned shall, at the election of the servicemember or person—

''(1) permit the servicemember or person to terminate the contract without imposition of an early termination fee, penalty, or other obligation; or

''(2) permit the servicemember or person to suspend the contract at no charge until the servicemember or person returns to the original area of wireless telephone service coverage under the contract without requiring, whether as a condition of suspension or otherwise, that the contract be extended.

''(c) UNPAID AMOUNTS.—Nothing in this section shall be construed to relieve a servicemember or person covered by subsection (a) from the obligation to pay all outstanding amounts due under the terms of the contract before the date that the contract is terminated or suspended under subsection (b).

''(d) DEFINITIONS.—In this section:

''(1) The term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary of Defense may prescribe

''(2) The term 'suspension', with respect to a contract, means the temporary cessation of service under the contract as provided in subsection (b)(2).

''(3) The term 'wireless telephone service' has the meaning given the term 'commercial mobile radio services' in section 332(c) of the Communications Act of 1934 (47 U.S.C. 332(c)).

''(4) The term 'wireless telephone service provider' means any entity that provides wireless telephone service.''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 305 the following new item:

''Sec. 305A. Termination or suspension of contracts for wireless telephone service.''.

SA 5485. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle E—Comprehensive Iran Sanctions, Accountability, and Divestment

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008''.

PART I—SANCTIONS

SEC. 1251. DEFINITIONS.

In this part:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given that term in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(4) FAMILY MEMBER.—The term ''family member'' means, with respect to an individual, the spouse, children, grandchildren, or parents of the individual.

(5) INFORMATION AND INFORMATIONAL MATERIALS.—The term ''information and informational materials''—

(A) means information and informational materials described in section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)); and

(B) does not include information or informational materials—

(i) the exportation of which is otherwise controlled—

(I) under section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)); or

(II) under section 6 of that Act (50 U.S.C. App. 2405), to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States; or

(ii) with respect to which acts are prohibited by chapter 37 of title 18, United States Code.

(6) INVESTMENT.—The term ''investment'' has the meaning given that term in section 14(9) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(7) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term ''Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran'' has the meaning given that term in section 14(11) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(8) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(9) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

SEC. 1252. CLARIFICATION AND EXPANSION OF DEFINITIONS.

(a) PERSON.—Section 14(13)(B) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by inserting ''financial institution, insurer, underwriter, guarantor, and any other business organization, including any foreign subsidiary, parent, or affiliate of the foregoing,'' after ''trust,''; and

(2) by inserting '', such as an export credit agency'' before the semicolon.

(b) PETROLEUM RESOURCES.—Section 14(14) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by striking ''petroleum and natural gas resources'' and inserting ''petroleum, petroleum by-products, oil or liquefied natural gas, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas''.

SEC. 1253. ECONOMIC SANCTIONS RELATING TO IRAN.

(a) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the effective date of this subtitle, the economic sanctions described in subsection (b) shall apply with respect to Iran.

(b) SANCTIONS.—The sanctions described in this subsection are the following:

(1) PROHIBITION ON IMPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no article that is the growth, product, or manufacture of Iran may be imported directly or indirectly into the United States.

(B) EXCEPTION.—The prohibition in subparagraph (A) does not apply to imports from Iran of information and informational materials.

(2) PROHIBITION ON EXPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no article that is the growth, product, or manufacture of the United States may be exported directly or indirectly to Iran.

(B) EXCEPTIONS.—The prohibition in subparagraph (A) does not apply to exports to Iran of—

(i) agricultural commodities, food, medicine, or medical devices;

(ii) articles exported to Iran to provide humanitarian assistance to the people of Iran;

(iii) information or informational materials; or

(iv) goods, services, or technologies necessary to ensure the safe operation of commercial passenger aircraft produced in the United States if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations for licensing the exportation of such goods, services, or technologies, if appropriate.

(3) FREEZING ASSETS.—

(A) IN GENERAL.—At such time as the United States has access to the names of persons in Iran, including Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran, that are determined to be subject to sanctions imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other provision of law relating to the imposition of sanctions with respect to Iran, the President shall take such action as may be necessary to freeze immediately the funds and other assets belonging to anyone so named and any family members or associates of those so named to whom assets or property of those so named were transferred on or after January 1, 2008. The action described in the preceding sentence includes requiring any United States financial institution that holds funds and assets of a person so named to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.

(B) ASSET REPORTING REQUIREMENT.—Not later than 14 days after a decision is made to freeze the property or assets of any person under this paragraph, the President shall report the name of such person to the appropriate congressional committees.

(4) UNITED STATES GOVERNMENT CONTRACTS.—The head of an executive agency may not procure, or enter into a contract for the procurement of, any goods or services from a person that meets the criteria for the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(c) WAIVER.—The President may waive the application of the sanctions described in subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

SEC. 1254. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN SUBSIDIARIES.

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(2) OWN OR CONTROL.—The term ''own or control'' means, with respect to an entity—

(A) to hold more than 50 percent of the equity interest by vote or value in the entity;

(B) to hold a majority of seats on the board of directors of the entity; or

(C) to otherwise control the actions, policies, or personnel decisions of the entity.

(3) SUBSIDIARY.—The term ''subsidiary'' means an entity that is owned or controlled, directly or indirectly, by a United States person.

(4) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen, resident, or national of the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own or control the entity.

(b) IN GENERAL.—A United States person shall be subject to a penalty for a violation of the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), if—

(1) the President determines that the United States person establishes or maintains a subsidiary outside of the United States for the purpose of circumventing such provisions; and

(2) that subsidiary engages in an act that, if committed in the United States or by a United States person, would violate such provisions.

(c) WAIVER.—The President may waive the application of subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (b) shall take effect on the date of the enactment of this Act and apply with respect to acts described in subsection (b)(2) that are—

(A) commenced on or after the date of the enactment of this Act; or

(B) except as provided in paragraph (2), commenced before such date of enactment, if such acts continue on or after such date of enactment.

(2) EXCEPTION.—Subsection (b) shall not apply with respect to an act described in paragraph (1)(B) by a subsidiary owned or controlled by a United States person if the United States person divests or terminates its business with the subsidiary not later than 90 days after such date of enactment.

SEC. 1255. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.

(a) FINDING.—Congress finds that the work of the Office of Terrorism and Financial Intelligence of the Department of the Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Network, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.—There is authorized to be appropriated to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence—

(1) $61,712,000 for fiscal year 2009; and

(2) such sums as may be necessary for each of the fiscal years 2010 and 2011.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE FINANCIAL CRIMES ENFORCEMENT NETWORK.—Section 310(d)(1) of title 31, United States Code, is amended by striking ''such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005'' and inserting ''$91,335,000 for fiscal year 2009 and such sums as may be necessary for each of the fiscal years 2010 and 2011''.

SEC. 1256. REPORTING REQUIREMENTS.

(a) FOREIGN INVESTMENT IN IRAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on—

(A) any foreign investments of $20,000,000 or more made in Iran's energy sector on or after January 1, 2008, and before the date on which the President submits the report; and

(B) the determination of the President on whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(2) SUBSEQUENT REPORTS.—Not later than 1 year after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on—

(A) any foreign investments of $20,000,000 or more made in Iran's energy sector during the 180-day period preceding the submission of the report; and

(B) the determination of the President on whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(b) FORM OF REPORTS.—The reports required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1257. SENSE OF CONGRESS REGARDING THE IMPOSITION OF SANCTIONS ON THE CENTRAL BANK OF IRAN.

Congress urges the President, in the strongest terms, to consider immediately using the authority of the President to impose sanctions on the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support of terrorist groups.

PART II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

SEC. 1261. DEFINITIONS.

In this part:

(1) ENERGY SECTOR.—The term ''energy sector'' refers to activities to develop petroleum or natural gas resources or nuclear power.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 14(5) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(4) PERSON.—The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent company, or subsidiary of any entity described in subparagraph (A) or (B).

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 1262. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES THAT INVEST IN IRAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should support the decision of any State or local government to divest from, or to prohibit the investment of assets of the State or local government in, a person that the State or local government determines poses a financial or reputational risk.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran described in subsection (c).

(c) INVESTMENT ACTIVITIES DESCRIBED.—A person engages in investment activities in Iran described in this subsection if the person—

(1) has an investment of $20,000,000 or more—

(A) in the energy sector of Iran; or

(B) in a person that provides oil or liquified natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquified natural gas, for the energy sector in Iran; or

(2) is a financial institution that extends $20,000,000 or more in credit to another person, for 45 days or more, if that person will use the credit to invest in the energy sector in Iran.

(d) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice to each person to which a measure is to be applied.

(2) TIMING.—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

(3) OPPORTUNITY FOR HEARING.—The State or local government shall provide an opportunity to comment in writing to each person to which a measure is to be applied. If the person demonstrates to the State or local government that the person does not engage in investment activities in Iran described in subsection (c), the measure shall not apply to the person.

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person engages in investment activities in Iran described in subsection (c).

(e) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(f) NONPREEMPTION.—A measure of a State or local government authorized under subsection (b) is not preempted by any Federal law or regulation.

(g) DEFINITIONS.—In this section:

(1) INVESTMENT.—The ''investment'' of assets, with respect to a State or local government, includes—

(A) a commitment or contribution of assets;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(2) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''assets'' refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term ''assets'' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Subsections (d) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

SEC. 1263. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information available to the public—

''(A) conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007 (50 U.S.C. 1701 note); or

''(B) engage in investment activities in Iran described in section 1262(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008.''.

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any revisions the Commission determines to be necessary to the regulations requiring disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940 to include divestments of securities in accordance with paragraph (1)(B) of such section, as added by subsection (a).

SEC. 1264. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines engages in investment activities in Iran described in section 1262(c) of this Act, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) such divestment or avoidance of investment is conducted in accordance with section 2509.94–1 of title 29, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

PART III—PREVENTION OF TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF SENSITIVE ITEMS TO IRAN

SEC. 1271. DEFINITIONS.

In this part:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) END-USER.—The term ''end-user'' means an end-user as that term is used in the Export Administration Regulations.

(3) ENTITY OWNED OR CONTROLLED BY THE GOVERNMENT OF IRAN.—The term ''entity

owned or controlled by the Government of Iran'' includes—

(A) any corporation, partnership, association, or other entity in which the Government of Iran owns a majority or controlling interest; and

(B) any entity that is otherwise controlled by the Government of Iran.

(4) EXPORT ADMINISTRATION REGULATIONS.—The term ''Export Administration Regulations'' means subchapter C of chapter VII of title 15, Code of Federal Regulations.

(5) GOVERNMENT.—The term ''government'' includes any agency or instrumentality of a government.

(6) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(7) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(8) TRANSSHIPMENT, REEXPORTATION, OR DIVERSION.—The term ''transshipment, reexportation, or diversion'' means the exportation, directly or indirectly, of items that originated in the United States to an end-user whose identity cannot be verified or to an entity owned or controlled by the Government of Iran in violation of the laws or regulations of the United States by any means, including by—

(A) shipping such items through 1 or more foreign countries; or

(B) by using false information regarding the country of origin of such items.

SEC. 1272. IDENTIFICATION OF LOCATIONS OF CONCERN WITH RESPECT TO TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF CERTAIN ITEMS TO IRAN.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies all countries that the Director determines are of concern with respect to transshipment, reexportation, or diversion of items subject to the provisions of the Export Administration Regulations to an entity owned or controlled by the Government of Iran.

SEC. 1273. DESTINATIONS OF POSSIBLE DIVERSION CONCERN AND DESTINATIONS OF DIVERSION CONCERN.

(a) DESTINATIONS OF POSSIBLE DIVERSION CONCERN.—

(1) DESIGNATION.—The Secretary of Commerce shall designate a country as a Destination of Possible Diversion Concern if the Secretary, in consultation with the Secretary of State and the Secretary of the Treasury, determines that such designation is appropriate to carry out activities to strengthen the export control systems of that country based on criteria that include—

(A) the volume of items that originated in the United States that are transported through the country to end-users whose identities cannot be verified;

(B) the inadequacy of the export and reexport controls of the country;

(C) the unwillingness or demonstrated inability of the government of the country to control diversion activities; and

(D) the unwillingness or inability of the government of the country to cooperate with the United States in interdiction efforts.

(2) STRENGTHENING EXPORT CONTROL SYSTEMS OF DESTINATIONS OF POSSIBLE DIVERSION CONCERN.—If the Secretary of Commerce designates a country as a Destination of Possible Diversion Concern under paragraph (1), the United States shall initiate government-to-government activities described in paragraph (3) to strengthen the export control systems of the country.

(3) GOVERNMENT-TO-GOVERNMENT ACTIVITIES DESCRIBED.—The government-to-government activities described in this paragraph include—

(A) cooperation by agencies and departments of the United States with counterpart agencies and departments in a country designated as a Destination of Possible Diversion Concern under paragraph (1) to—

(i) develop or strengthen export control systems in the country;

(ii) strengthen cooperation and facilitate enforcement of export control systems in the country; and

(iii) promote information and data exchanges among agencies of the country and with the United States; and

(B) efforts by the Office of International Programs of the Department of Commerce to strengthen the export control systems of the country to—

(i) facilitate legitimate trade in high-technology goods; and

(ii) prevent terrorists and state sponsors of terrorism, including Iran, from obtaining nuclear, biological, and chemical weapons, defense technologies, components for improvised explosive devices, and other defense items.

(b) DESTINATIONS OF DIVERSION CONCERN.—

(1) DESIGNATION.—The Secretary of Commerce shall designate a country as a Destination of Diversion Concern if the Secretary, in consultation with the Secretary of State and the Secretary of the Treasury, determines—

(A) that the government of the country is directly involved in transshipment, reexportation, or diversion of items that originated in the United States to end-users whose identities cannot be verified or to entities owned or controlled by the Government of Iran; or

(B) 12 months after the Secretary of Commerce designates the country as a Destination of Possible Diversion Concern under subsection (a)(1), that the country has failed—

(i) to cooperate with the government-to-government activities initiated by the United States under subsection (a)(2); or

(ii) based on the criteria described in subsection (a)(1), to adequately strengthen the export control systems of the country.

(2) LICENSING CONTROLS WITH RESPECT TO DESTINATIONS OF DIVERSION CONCERN.—

(A) REPORT ON SUSPECT ITEMS.—

(i) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Director of National Intelligence, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report containing a list of items that, if the items were transshipped, reexported, or diverted to Iran, could contribute to—

(I) Iran obtaining nuclear, biological, or chemical weapons, defense technologies, components for improvised explosive devices, or other defense items; or

(II) support by Iran for acts of international terrorism.

(ii) CONSIDERATIONS FOR LIST.—In developing the list required under clause (i), the Secretary of Commerce shall consider—

(I) the items subject to licensing requirements under section 742.8 of title 15, Code of Federal Regulations (or any corresponding similar regulation or ruling) and other existing licensing requirements; and

(II) the items added to the list of items for which a license is required for exportation to North Korea by the final rule of the Bureau of Export Administration of the Department of Commerce issued on June 19, 2000 (65 Fed. Reg. 38148; relating to export restrictions on North Korea).

(B) LICENSING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall require a license to export an item on the list required under subparagraph (A)(i) to a country designated as a Destination of Diversion Concern.

(3) WAIVER.—The President may waive the imposition of the licensing requirement under paragraph (2)(B) with respect to a country designated as a Destination of Diversion Concern if the President—

(A) determines that such a waiver is in the national interest of the United States; and

(B) submits to the appropriate congressional committees a report describing the reasons for the determination.

(c) TERMINATION OF DESIGNATION.—The designation of a country as a Destination of Possible Diversion Concern or a Destination of Diversion Concern shall terminate on the date on which the Secretary of Commerce determines, based on the criteria described in subparagraphs (A) through (D) of subsection (a)(1), and certifies to Congress and the President that the country has adequately strengthened the export control systems of the country to prevent transshipment, reexportation, and diversion of items through the country to end-users whose identities cannot be verified or to entities owned or controlled by the Government of Iran.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1274. REPORT ON EXPANDING DIVERSION CONCERN SYSTEM TO COUNTRIES OTHER THAN IRAN.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that—

(1) identifies any country that the Director determines may be transshipping, reexporting, or diverting items subject to the provisions of the Export Administration Regulations to another country if such other country—

(A) is seeking to obtain nuclear, biological, or chemical weapons, defense technologies, components for improvised explosive devices, or other defense items; or

(B) provides support for acts of international terrorism; and

(2) assesses the feasability and advisability of expanding the system established under section 1273 for designating countries as Destinations of Possible Diversion Concern and Destinations of Diversion Concern to include countries identified under paragraph (1).

PART IV—EFFECTIVE DATE; SUNSET

SEC. 1281. EFFECTIVE DATE; SUNSET.

(a) EFFECTIVE DATE.—Except as provided in sections 1254, 1262, and 1273(b)(2)(A), the provisions of, and amendments made by, this subtitle shall take effect on the date that is 120 days after the date of the enactment of this Act.

(b) SUNSET.—The provisions of this subtitle shall terminate on the date that is 30 days after the date on which the President certifies to Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism under—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); and

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

SA 5486. Mr. BROWN (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 303, between lines 3 and 4, insert the following:

SEC. 1056. GAO REVIEW OF ROLE OF IMPORTS IN DEFENSE INDUSTRIAL BASE.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall conduct a thorough review of the application of provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) and the Defense Production Act (50 U.S.C. App. 2077 et seq.).

(b) CONSIDERATIONS.—In conducting the review required under subsection (a), the Comptroller General shall examine—

(1) the safety of products and reliability of supply chains that service defense infrastructure;

(2) the legal limitations, if any, on procurement by the Department of Defense of products manufactured in countries that have exported multiple unsafe products to the United States;

(3) systems in place to determine the origin of products the Department procures and the reliability of manufacturing supply chains;

(4) information provided by suppliers to the Department about the origin of the products they use in their systems and subsystems;

(5) information the Department currently requires of suppliers about the origin of products, materials, and components;

(6) manufacturing production capacity in the United States in the case of a surge in production requests by the Department;

(7) measures in place to determine country-of-origin of products that have been substandard or not met criteria;

(8) the capacity of the United States industrial base to manufacture for the national defense in the next 10 years; and

(9) such other issues as the Comptroller General determines relevant.

(c) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Armed Services of the Senate and the Committees on Financial Services and the Committee on Armed Services of the House of Representatives a report on the review conducted under subsection (a).

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting any law or regulation otherwise pertaining to the protection of classified information or proprietary information sought or obtained by the Comptroller General.

SA 5487. Mr. CASEY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COUNTERTERRORISM STATUS REPORTS.

(a) SHORT TITLE.—This section may be cited as the ''Success in Countering Al Qaeda Reporting Requirements Act of 2008''.

(b) FINDINGS.—Congress makes the following findings:

(1) Al Qaeda and its related affiliates attacked the United States on September 11, 2001 in New York, New York, Arlington, Virginia, and Shanksville, Pennsylvania, murdering almost 3000 innocent civilians.

(2) Osama bin Laden and his deputy Ayman al-Zawahiri remain at large.

(3) In testimony to the Select Committee on Intelligence of the Senate on February 5, 2008, Director of National Intelligence J. Michael McConnell stated, ''Al-Qa'ida has been able to retain a safehaven in Pakistan's Federally Administered Tribal Areas (FATA) that provides the organization many of the advantages it once derived from its base across the border in Afghanistan''.

(4) The July 2007 National Intelligence Estimate states, ''Al Qaeda is and will remain the most serious terrorist threat to the Homeland''.

(5) In testimony to the Permanent Select Committee on Intelligence of the House of Representatives on February 7, 2008, Director of National Intelligence Michael McConnell stated, ''Al-Qa'ida and its terrorist affiliates continue to pose significant threats to the United States at home and abroad, and al-Qa'ida's central leadership based in the border area of Pakistan is its most dangerous component.''.

(6) The ''National Strategy for Combating Terrorism'', issued in September 2006, affirmed that long-term efforts are needed to win the battle of ideas against the root causes of the violent extremist ideology that sustains Al Qaeda and its affiliates. The United States has obligated resources to support democratic reforms and human development to undercut support for violent extremism, including in the Federally Administered Tribal Areas in Pakistan and the Sahel region of Africa. However, 2 reports released by the Government Accountability Office in 2008 (''Combating Terrorism: The United States Lacks Comprehensive Plan to Destroy the Terrorist Threat and Close the Safe Haven in Pakistan's Federally Administered Tribal Areas'' (GAO-08-622, April 17, 2008) and ''Combating Terrorism: Actions Needed to Enhance Implementation of Trans-Sahara Counterterrorism Partnership'' (GAO-08-860, July 31, 2008)) found that ''no comprehensive plan for meeting U.S. national security goals in the FATA have been developed,'' and ''no comprehensive integrated strategy has been developed to guide the [Sahel] program's implementation''.

(7) Such efforts to combat violent extremism and radicalism must be undertaken using all elements of national power, including military tools, intelligence assets, law enforcement resources, diplomacy, paramilitary activities, financial measures, development assistance, strategic communications, and public diplomacy.

(8) In the report entitled ''Suggested Areas for Oversight for the 110th Congress'' (GAO-08-235R, November 17, 2006), the Government Accountability Office urged greater congressional oversight in assessing the effectiveness and coordination of United States international programs focused on combating and preventing the growth of terrorism and its underlying causes.

(9) Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)) requires that the Secretary of State submit annual reports to Congress that detail key developments on terrorism on a country-by-country basis. These Country Reports on Terrorism provide information on acts of terrorism in countries, major developments in bilateral and multilateral counterterrorism cooperation, and the extent of state support for terrorist groups responsible for the death, kidnaping, or injury of Americans, but do not assess the scope and efficacy of United States counterterrorism efforts against Al Qaeda and its related affiliates.

(10) The Executive Branch submits regular reports to Congress that detail the status of United States combat operations in Iraq and Afghanistan, including a breakdown of budgetary allocations, key milestones achieved, and measures of political, economic, and military progress.

(11) The Department of Defense compiles a report of the monthly and cumulative incremental obligations incurred to support the Global War on Terrorism in a monthly Supplemental and Cost of War Execution Report.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) 7 years after the attacks on September 11, 2001, Al Qaeda and its related affiliates remain the most serious national security threat to the United States, with alarming signs that Al Qaeda and its related affiliates recently reconstituted their strength and ability to generate new attacks throughout the world, including against the United States;

(2) there remains insufficient information on current counterterrorism efforts undertaken by the Federal Government and the level of success achieved by specific initiatives;

(3) Congress and the American people can benefit from more specific data and metrics that can provide the basis for objective external assessments of the progress being made in the overall war being waged against violent extremism;

(4) the absence of a comparable timely assessment of the ongoing status and progress of United States counterterrorism efforts

against Al Qaeda and its related affiliates in the overall Global War on Terrorism hampers the ability of Congress and the American people to independently determine whether the United States is making significant progress in this defining struggle of our time; and

(5) the Executive Branch should submit a comprehensive report to Congress, updated on an annual basis, which provides a more strategic perspective regarding—

(A) the United States' highest global counterterrorism priorities;

(B) the United States' efforts to combat and defeat Al Qaeda and its related affiliates;

(C) the United States' efforts to undercut long-term support for the violent extremism that sustains Al Qaeda and its related affiliates;

(D) the progress made by the United States as a result of such efforts;

(E) the efficacy and efficiency of the United States resource allocations; and

(F) whether the existing activities and operations of the United States are actually diminishing the national security threat posed by Al Qaeda and its related affiliates.

(d) ANNUAL COUNTERTERRORISM STATUS REPORTS.—

(1) IN GENERAL.—Not later than July 31, 2009, and every July 31 thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the National Counterterrorism Center and the goals established in overarching public statements of strategy issued by the executive branch;

(D) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(E) the specific status and achievements of United States counterterrorism efforts, through military, financial, political, intelligence, and paramilitary elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(F) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(G) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(H) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

(i) the source of such funds; and

(ii) the allocation and use of such funds;

(I) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(J) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(K) a concise summary of the methods used by National Counterterrorism Center and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) INTERAGENCY COOPERATION.—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence,

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

(J) the United States Agency for International Development; and

(K) any other Federal department that maintains relevant information.

(3) REPORT CLASSIFICATION.—Each report required under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

SA 5488. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1233. BIENNIAL REPORT ON MILITARY POWER OF IRAN.

(a) BIENNIAL REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than December 31, 2009, and every two years thereafter through 2019, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the current and future military and security strategy of Iran.

(2) GENERAL SCOPE OF REPORTS.—Each report shall address the current and probable future course of military-technological development of the Iranian military and the tenets and probable development of the grand strategy, security strategy, and military strategy, and of military organizations and operational concepts of Iran.

(3) FORM.—Each report shall be submitted in both unclassified and classified form.

(b) ELEMENTS.—Each report under this section shall include analyses and forecasts with respect to the following:

(1) The goals of Iranian grand strategy, security strategy, and military strategy.

(2) The size, location, and capabilities of all land, sea, air, and irregular forces of Iran, and any other force controlled by the Iran Government or receiving funds or training from the Iran Government.

(3) Developments in and the capabilities of the ballistic missile and any nuclear, chemical, and biological weapons programs of Iran.

(4) The degree to which Iran depends on unconventional, irregular, or asymmetric capabilities to achieve its strategic goals.

(5) The irregular warfare capabilities of Iran, including the exploitation of asymmetric strategies and related weapons and technology, the use of covert forces, the use of proxy forces, support for terrorist organizations, and strategic communications efforts.

(6) Efforts by Iran to develop, acquire, or gain access to information, communication, nuclear, and other technologies that would enhance its military capabilities.

(7) The nature and significance of any arms, munitions, military equipment, or military or dual-use technology acquired by Iran from outside Iran, including from a foreign government or terrorist organization, or provided by Iran to any foreign government or terrorist organization.

(8) The nature and significance of any bilateral or multilateral security or defense-related cooperation agreements, whether formal or informal, between Iran and any foreign government or terrorist organization.

(9) Expenditures by Iran on each of the following:

(A) The security forces of Iran, whether regular and irregular.

(B) The programs of Iran relating to weapons of mass destruction.

(C) Support provided to terrorist groups, insurgent groups, irregular proxy forces, and other non-state actors, and related activities.

(D) Assistance to other countries.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

SA 5489. Mr. LIEBERMAN (for himself, Mr. GRAHAM, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

SEC. 1233. REPORT ON THE SECURITY SITUATION IN THE CAUCASUS.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the chairs and ranking minority members of the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives a report in classified and unclassified form on the defense requirements of the Republic of Georgia.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description of the security situation in the Caucasus following the recent conflict between the Russian Federation and the Republic of Georgia, including a description of any Russian forces that continue to occupy internationally recognized Georgian territory;

(2) an assessment of the damage sustained by the armed forces of Georgia in the recent conflict with the Russian Federation;

(3) an analysis of the defense requirements of the Republic of Georgia following the conflict with the Russian Federation, with a particular focus on the needs of the republic of Georgia for enhanced air defenses and anti-armor capabilities; and

(4) detailed recommendations on how the Republic of Georgia, with United States assistance, may improve its capability for self-defense and more effectively control its territorial waters and air space.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress—

(A) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization (NATO) to include qualified candidates; and

(B) supports the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership;

(2) the expansion of NATO contributes to the continued effectiveness and relevance of the organization;

(3) Georgia and Ukraine have made important progress in the areas of defense and democratic and human rights reform;

(4) a stronger, deeper relationship among the Government of Georgia, the Government of Ukraine, and NATO will be mutually beneficial to those countries and to NATO member states;

(5) the United States should take the lead and encourage other member states of NATO to support the awarding of a Membership Action Plan to Georgia and Ukraine as soon as possible;

(6) the United States Government should provide assistance to help rebuild infrastructure in Georgia and continue to develop its security partnership with the Government of the Republic of Georgia by providing security assistance to the armed forces of Georgia, as appropriate;

(7) the United States should work with fellow NATO member states to develop contingency plans and infrastructure to address the security concerns of newly joined members;

(8) the United States should expand efforts to promote the development of democratic institutions, the rule of law, and political parties in the independent states of the former Soviet Union; and

(9) the United States should work with its allies to ensure secure, reliable energy transit routes in Central Asia, the Caucasus, and Eastern Europe.

SA 5490. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. REVIEW AND REPORT ON ORGANIZATIONAL STRUCTURE AND MISSIONS OF THE DEPARTMENT OF DEFENSE FOR CYBER OPERATIONS.

(a) REVIEW OF ORGANIZATIONAL STRUCTURE AND MISSIONS.—The Secretary of Defense shall carry out a thorough review and assessment of the organizational structure and missions of the Department of Defense and the military departments for cyber operations.

(b) SCOPE OF REVIEW.—The review required by subsection (a) shall address the following:

(1) The chains of command for operations in cyberspace to collect intelligence, defend Department of Defense information networks and systems, and attack information networks and systems, including whether such chains of command or can be integrated effectively to ensure unity of effort and timely responses.

(2) The joint requirements for capabilities for offensive, defensive, and intelligence collection operations in cyberspace.

(3) The manner in which the military departments and Defense Agencies and commands have responded to fulfill joint requirements and gaps between requirements and capabilities, and the degree to which plans and programs in the current future-years defense program will close such gaps.

(4) The roles and missions of the organizations within the Department of Defense and the military departments with major cyberspace responsibilities, including the roles and missions that would be assigned to an Air Force Cyber Command.

(5) The role of the Department of Defense in defending the United States and its critical infrastructure from attacks in cyberspace, including a comparison and contrast between that role and the role of the Department in defending the United States from physical attack through the air, in space, and from the ground and sea.

(6) In the event of a large-scale mobilization and movement of the Armed Forces, and the conduct of major military operations overseas, the dependence of the Department of Defense on, and its vulnerability to disruptions of, critical infrastructure from hostile cyberspace attacks, and the authorities and capabilities of Department and civil officials to take action to protect military mobilization and force projection overseas.

(7) The chain of command from the President for operations to defend the networks and information systems of the United States Government as a whole, the executive departments and independent agencies of the Government, and the critical infrastructure of the United States from large-scale attacks in cyberspace.

(c) REPORT.—

(1) IN GENERAL.—Not later than October 1, 2009, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) A comprehensive description of the results of the review required by subsection (a), including a description of the results of each element of the review specified in subsection (b).

(B) Such recommendations for legislative or administrative action as a result of the review as the Secretary considers appropriate.

(2) FORM.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

SA 5491. Mr. WARNER (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1056. REPORT ON NATIONAL SECURITY IMPACT OF RISING GLOBAL FOOD PRICES AND WORLDWIDE SHORTAGES OF FOOD AND WATER.

(a) FINDINGS.—Congress makes the following findings:

(1) Rising fuel prices, increased demand for food, and distribution challenges in developing countries have contributed to rising food prices, which are adversely affecting the security and welfare of millions of people worldwide.

(2) In 2008, rising food prices sparked violent protests in Haiti and Egypt, and have posed challenges to stability and governance throughout the sub-Saharan region.

(3) The lack of access to safe water and sanitation affects more than 2,000,000,000 people worldwide, posing a significant global security, environmental, and public health concern. Climate change may exacerbate these challenges.

(4) The World Health Report 2002 notes that effects of climate change on human health will undoubtedly have a greater impact on societies or individuals with scarce resources, where technologies are lacking, and where infrastructure and institutions such as the health sector are least able to adapt.

(5) The United States National Security Strategy dated March, 2006 states that the United States faces new security challenges, including ''environmental destruction,

whether caused by human behavior or cataclysmic mega-disasters such as floods, hurricanes, earthquakes, or tsunamis. Problems of this scope may overwhelm the capacity of local authorities to respond, and may even overtax national militaries, requiring a larger international response. These challenges are not traditional national security concerns, such as the conflict of arms or ideologies. But if left unaddressed they can threaten national security.''.

(b) REPORT ON THE NATIONAL SECURITY IMPACT OF RISING GLOBAL FOOD PRICES AND WORLDWIDE SHORTAGES OF FOOD AND WATER.—

(1) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall submit to Congress a report on the national security impact of rising global food prices and worldwide shortages of food and water.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of the economic, geographic, ecological, social, and political factors contributing to the rise in price and shortage of worldwide food supplies;

(B) a description of the impact of changing climate patterns on global stability with respect to arable land and water resources;

(C) an assessment of the implications, if any, that might exist for United States national security and future missions for the Armed Forces given the potential social and political consequences of shortages in the global supply of food and water;

(D) an assessment of the potential implications for future demand for international humanitarian operations and other international assistance activities given the potential social and political consequences of shortages in the global supply of food and water; and

(E) an assessment of the national security implications for the United States of succeeding or failing to succeed, with other leading and emerging major contributors of greenhouse gas emissions, in efforts to reduce emissions.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

SA 5492. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. SENSE OF SENATE ON MARINE CORPS PROFESSIONAL MILITARY EDUCATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Marine Corps University of the United States Marine Corps was established in 1989 by the 29th Commandant of the Marine Corps, General Alfred Gray USMC (ret.), with the mission to develop, deliver, and evaluate professional military education and training through resident and distance education programs to prepare leaders to meet the challenges of national security \and to preserve, promote, and display the history and heritage of the Marine Corps.

(2) The United States Marine Corps Professional Military Education System educates members of the United States Marine Corps, the United States Army, the United States Air Force, the United States Navy, and the United States Coast Guard, civilian employees of the Department of State, the Department of Justice, the Central Intelligence Agency, and the Department of Defense civilians, and military officers of foreign countries.

(3) The national security of the United States depends upon Marines who are educated in a military education system that produces creative, adaptable, and critical who thinkers able to meet the challenges of warfare in the 21st century.

(4) The Commandant of the United States Marine Corps' Planning Guidance directed the President of the Marine Corps University to assess the health of the professional military education programs of the Marine Corps for both officers and enlisted members and make recommendations for the reorganization, resourcing, and adjustment of the number of students enrolled in such programs.

(5) In 2006, the Marine Corps University conducted a study under the leadership of General Charles Wilhelm USMC (ret.), to assess the health of the United States Marine Corps Officer Professional Military Education Program. This study concluded that the Officer Professional Military Education System was generally sound. However, without investment in facilities and information technology infrastructure, the system will be increasingly unable to meet the needs of Marine Corps officers, the Marine Corps generally, and the Nation.

(6) The Marine Corps has developed a comprehensive plan that will address the inadequate information technology infrastructure and the inadequate facilities with a realistic military construction effort that will include the construction of the new Academic Support Instructional Facility for professional military education programs for both officers and enlisted members.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States Marine Corps is to be congratulated for—

(1) remarkable achievement in providing creative, adaptive, and critical thinkers able to meet the challenges of warfare in the 21st center and the defense of the United States;

(2) conducting an in-depth, institutionally honest assessment of the United States Marine Corps Professional Military Education System; and

(3) pursuing the noble goal of creating a worldwide, world-class professional military education institution.

SA 5493. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. REQUIREMENTS PERTAINING TO CONSTRUCTION OF WALTER REED NATIONAL MEDICAL CENTER, BETHESDA, MARYLAND.

(a) FINDINGS.—The Senate makes the following findings:

(1) Military personnel and their families, as well as veterans and retired military personnel living in the National Capital region, deserve to be treated in world class medical facilities.

(2) World class medical facilities are defined as incorporating the best practices of the premier private health facilities in the country as well as the collaborative input of military health care professionals into a design that supports the unique needs of military personnel and their families.

(3) The closure of the Walter Reed Army Medical Center in Washington, D.C., and the resulting construction of the National Military Medical Center at the National Naval Medical Center, Bethesda, Maryland, and a new military hospital at Fort Belvoir, Virginia, offers the Department of Defense the opportunity to transition from antiquated existing facilities into world class medical centers providing the highest quality of joint service care for military personnel.

(4) Congress has supported a Department of Defense request to expedite the construction of the new facilities at Bethesda and Fort Belvoir in order to provide care in better facilities as quickly as possible.

(5) The Department of Defense has a responsibility to ensure that the expedited design and construction of such facilities do not result in degradation of the quality standards required for world class facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of Defense should immediately establish a panel consisting of medical facility design experts, military healthcare professionals, representatives of premier health care facilities in the United States, and patient representatives—

(A) to review conceptual design plans for the National Military Medical Center; and

(B) to advise the Secretary whether the design, in the view of the panel, will result in the goal of providing a world-class medical facility; and

(2) if the panel determines that the conceptual design plan will not meet such goal, the panel should, as soon as possible but in no case later than 15 days after the date of the enactment of this Act, make recommendations for changes to those plans to ensure the construction of a world-class medical facility.

(c) MILESTONE SCHEDULE.—

(1) PREPARATION.—The Secretary of Defense shall prepare a complete milestone schedule for the closure of Walter Reed Army Medical Hospital, the design and construction of replacement facilities at the National Naval Medical Center and Fort Belvoir, and the relocation of operations to the replacement facilities. The schedule shall include a detailed plan regarding how the Department of Defense will carry out the transition of operations between Walter Reed Army Medical Hospital and the replacement facilities.

(2) SUBMISSION.—The Secretary of Defense shall submit the milestone schedule and transition plan prepared under paragraph (1) to the congressional defense committees as soon as possible, but in no case later than 90 days after the date of the enactment of this Act.

SA 5494. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. TASK FORCE ON DIVERSITY IN THE ARMED FORCES.

(a) ESTABLISHMENT OF TASK FORCE.—

(1) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters related to diversity in the Armed Forces.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The task force shall consist of not more than 24 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in managing diversity.

(2) ELIGIBLE INDIVIDUALS.—The members of the task force shall include the following:

(A) The Director of the Defense Manpower Management Center.

(B) One senior representative of the Office of the Deputy Secretary of Defense for Plans.

(C) One senior military member of each of the Army, the Navy, the Air Force, and the Marine Corps who serves or has served in a leadership position with either a military department command or a combatant command.

(D) One retired general or flag officer from each of the Army, the Navy, the Air Force, and the Marine Corps.

(E) One senior noncommissioned officer from each of the Army, the Navy, the Air Force, and the Marine Corps.

(F) Five retired senior officers who served in leadership positions with either a military department command or combatant command, of which no less than three shall represent views of gender or ethnic specific groups.

(G) Four individuals from outside the Department of Defense with expertise in cultivating diversity in organizations.

(H) An attorney with appropriate experience and expertise in constitutional and legal matters relating to the duties and recommendations of the task force.

(3) CO-CHAIRS.—The Secretary of Defense shall designate two of the members of the task force under subparagraphs (F) and (G) of paragraph (2) as co-chairs of the task force.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the task force. Any vacancy in the task force shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENT.—All members of the task force shall be appointed not later than 60 days after the date of the enactment of this Act.

(6) QUORUM.—12 members of the task force shall constitute a quorum but a lesser number may hold hearings.

(c) MEETINGS.—

(1) INITIAL MEETING.—The task force shall conduct its first meeting not later than 30 days after the date on which a majority of the appointed members of the task force have been appointed.

(2) MEETINGS.—The task force shall meet at the call of the co-chairs.

(d) DUTIES.—

(1) STUDY.—The task force shall study the diversity within all grades of the Armed Forces. The study shall include a comprehensive evaluation and assessment of policies that provide opportunities for the advancement of all gender and ethnic specific groups within the Armed Forces.

(2) SCOPE OF STUDY.—In carrying out the study, the task force shall examine the following:

(A) Development of a uniform, Department of Defense-wide definition of diversity that is congruent with the Department's core values and vision for the future workforce.

(B) The success of the current plans of the Department (including the plans of the military departments) at achieving diversity.

(C) Existing metrics and milestones for evaluating the diversity plans of the Department (including the plans of the military departments) and for facilitating future evaluation and oversight.

(D) The effect of expanding Department of Defense secondary educational programs, including service academy preparatory schools, to diverse civilian populations.

(E) Traditional military career paths for gender and ethnic specific members of the Armed Forces, and possible alternative career paths that could enhance professional development.

(F) The success of current recruitment and retention practices in attracting and maintaining a sufficient number of diverse, qualified individuals in officer pre-commissioning programs.

(G) The success of current activities in increasing continuation rates for ethnic and gender specific members of the Armed Forces.

(H) Pre-command billet assignments of gender and ethnic-specific members of the Armed Forces.

(I) Command selection for gender and ethnic-specific members of the Armed Forces.

(J) The existence and maintenance of fair promotion, assignment, and command opportunities for ethnic and gender specific members of the Armed Forces at the warrant officer, chief warrant officer, company grade/junior grade officer, field grade/mid-grade officer, and general/flag officer levels.

(K) The current institutional structure of the Office of Diversity Management and Equal Opportunity of the Department, and of similar offices of the military departments, and their ability to ensure effective and accountable diversity management across the Department.

(L) The benefits of conducting an annual conference attended by civilian military, active duty and retired military, and corporate leaders on diversity, to include a review of current policy and the annual demographic data from the Defense Equal Opportunity Management Institute.

(M) Private sector practices that have successfully cultivated diversity and diverse leadership.

(N) The status of prior recommendations made to the Department and the military departments, and to Congress, concerning diversity initiatives within the Armed Forces.

(O) Options for improving the substance or implementation of current plans and policies of the Department, and of the military departments, described in subparagraphs (B) through (L).

(3) ARMED FORCES DEFINED.—In this subsection, the term ''Armed Forces'' means the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard (whether or not it is operating as a service in the Navy).

(4) CONSULTATION.—In carrying out the study under this subsection, the task force may consult with appropriate private, for profit, and non-profit organizations and advocacy groups, and with appropriate Federal commissions (including the Commission of the National Guard and Reserves), to learn methods for developing, implementing, and sustaining senior diverse leadership within the Department of Defense.

(e) POWERS OF THE TASK FORCE.—

(1) HEARINGS.—The task force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the task force considers appropriate.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the co-chairs of the task force, any department or agency of the Federal Government may provide information that the task force considers necessary to carry out its duties.

(f) TASK FORCE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the task force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the task force. All members of the task force who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the task force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the task force.

(3) STAFF.—

(A) IN GENERAL.—The co-chairs of the task force may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the task force to perform its duties. The employment of an executive director shall be subject to confirmation by the task force.

(B) COMPENSATION.—The co-chairs of the task force may fix the compensation of the executive director and other personnel of the task force without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of position and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(g) REPORTS.—

(1) INITIAL REPORT.—Not later than three months after the first meeting of the task force, the task force shall submit the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(A) A strategic plan for the work of the task force.

(B) A discussion of the activities of the task force as of the date of the report.

(C) Any initial findings of the task force as of the date of the report.

(2) FINAL REPORT.—Not later than twelve months after the first meeting of the task force, the task force shall submit to the Secretary of Defense, and to the committees of Congress referred to in paragraph (1), a report on the study required by subsection (d). The report shall include the following:

(A) The findings and conclusions of the task force as a result of the study.

(B) Such recommendations as the task force considers necessary in order to increase recruitment, retention, promotion, and accession of gender and ethnic specific groups in order to achieve and maintain diversity at all levels of the Armed Forces.

(C) Such other information and recommendations the task force considers appropriate.

(3) INTERIM REPORTS.—The task force may submit to the Secretary of Defense, and to the committees of Congress referred to in paragraph (1), such additional interim reports as the task force considers appropriate.

(h) TERMINATION OF TASK FORCE.—The task force shall terminate 60 days after the date on which the task force submits the report under subsection (g)(2).

(i) FUNDING.—Amounts for the task force in carrying out its duties under this section shall be derived from amounts authorized to be appropriated by this division.

SA 5495. Mr. NELSON (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. ENHANCEMENT OF TRANSITIONAL DENTAL CARE FOR MEMBERS OF THE RESERVE COMPONENTS ON ACTIVE DUTY FOR MORE THAN 30 DAYS IN SUPPORT OF A CONTINGENCY OPERATION.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by inserting ''except as provided in paragraph (3),'' before ''medical and dental care'';

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) In the case of a member described in paragraph (2)(B), the dental care to which the member is entitled under this subsection shall be the dental care to which a member of the uniformed services on active duty for more than 30 days is entitled under section 1074 of this title.''; and

(4) in subparagraph (A) of paragraph (6), as redesignated by paragraph (2) of this section, by striking ''paragraph (4)'' and inserting ''paragraph (5)''.

SA 5496. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, insert the following:

SEC. 702. EXPANSION OF ELIGIBILITY OF SURVIVORS UNDER THE TRICARE DENTAL PROGRAM.

Section 1076a(k)(3) of title 10, United States Code, is amended by inserting before the period at the end the following:

'', except that, in the case of a dependent described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continuing eligibility shall be the longer of the following periods beginning on such date:

''(A) Three years.

''(B) The period ending on the date on which the dependent attains 21 years of age.

''(C) In the case of a dependent who, at 21 years of age, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary and is, or was, at the time of the member's death, in fact dependent on the member for over one-half of the dependent's support, the period ending on the earlier of the following dates:

''(i) The date on which the dependent ceases to pursue such a course of study, as determined by the administering Secretary.

''(ii) The date on which the dependent attains 23 years of age''.

SA 5497. Mr. NELSON of Nebraska (for himself, Mr. GRAHAM, Mr. VOINOVICH, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. NONCOMPETITIVE APPOINTMENT OF SPOUSES OF MILITARY PERSONNEL.

(a) DEFINITIONS.—In this section:

(1) ACTIVE DUTY.—The term ''active duty'' means full-time duty in the armed forces. In the case of a member of a reserve component of the armed forces, including a member of the National Guard performing full-time National Guard duty, the term does not include training duties or attendance at schools.

(2) PERMANENT CHANGE OF STATION.—The term ''permanent change of station'' has the meaning given that term in Appendix A, Volume 1 of the Department of Defense Joint Federal Travel Regulations.

(3) TOTALLY DISABLED RETIRED OR SEPARATED MEMBER OF THE ARMED FORCES.—The term ''totally disabled retired or separated member of the armed forces'' means an individual who—

(A) is retired from the armed forces under chapter 61 of title 10, United States Code, with a disability rating at the time of retirement of 100 percent disabled or;

(B) has a disability rating of 100 percent from the Department of Veterans Affairs.

(b) APPOINTMENT AUTHORITY.—(1) Under such regulations as the Director of the Office of Personnel Management shall prescribe, the head of an agency may make a noncompetitive appointment to a position in the competitive service to which the appointee is qualified of—

(A) the spouse of a member of the armed forces who, as determined by the Secretary of Defense, is performing active duty under orders that authorize a permanent change of station;

(B) the spouse of a totally disabled retired or separated member of the armed forces; or

(C) the unremarried widow or widower of a member of the armed forces who died on active duty.

(2) An appointment under paragraph (1)—

(A) of an individual described in paragraph (1)(A) may only be made—

(i) not more than 2 years after the station is permanently changed under the orders; and

(ii) to a duty station in the same geographical area as the changed permanent station;

(B) of an individual described in paragraph (1)(B) may only be made not more than 2 years after—

(i) the retirement of the member of the armed forces described in subsection (a)(3)(A);

(ii) the member of the armed forces described in subsection (a)(3)(B) received a disability rating described in that subsection; and

(C) of an individual described in paragraph (1)(C) may only be made not more than 2 years after the death of the member of the armed forces.

(3)(A) During any time period described in paragraph (2)(A)(i), (B), or (C), an individual may receive no more than 1 permanent appointment under paragraph (1).

(B) Any individual who received an appointment under paragraph (1) during the period described in paragraph (2)(B) may not receive an appointment during the period described in paragraph (2)(C).

(4) Before the head of an agency may make an appointment under paragraph (1), the head of the agency shall, at least to an extent that satisfies the requirements of applicable law and regulation, provide advance notice of the vacancy to employees of the agency and to others.

(c) STATUS OF PREFERENCE ELIGIBLES.—Nothing in this section shall be construed to deprive an individual who is a preference eligible of a preference in hiring over an individual who is not a preference eligible.

(d) REPORT TO CONGRESS.—(1) Not later than 4 years after the date of enactment of this Act, the Director of the Office of Personnel Management shall, in consultation with and with the assistance of the Secretary of Defense, prepare a report on activities carried out under this section and shall submit it to—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Government Oversight and Reform and the Committee on Armed Services of the House of Representatives.

(2) The report shall include—

(A) findings and conclusions regarding—

(i) the extent to which the exercise of the authority under this section has served the public interest;

(ii) the extent to which the exercise of the authority under this section has had consequences that are counter to the public interest; and

(iii) opinions of spouses of members of the armed services and of employees and managers of agencies where appointments under subsection (b)(1) were made with respect to the authority under this section and its exercise;

(B) any available and appropriate quantitative, as well as qualitative, measures to support the findings and conclusions in subparagraph (A); and

(C) recommendations as to whether the authority under this section should be reauthorized, and, if so, recommendations whether the authority should be made permanent

and codified within title 5 of the United States Code and recommendations for any amendments to this section.

(e) TERMINATION OF AUTHORITY.—The authority to make an appointment under this section shall terminate 5 years after the date of enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Monday, September 15, 2008, at 11 a.m. to receive testimony on Voter Registration for Wounded Warriors: S. 3308, the ''Veterans Voter Support Act.''

Individuals and organizations that wish to submit a statement for the hearing record are requested to contact the Chief Clerk, Lynden Armstrong, at 202–224–7078.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 202–224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on Thursday, September 11, 2008, at 12 noon, in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 11, 2008, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday September 11, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LAUTENBERG. I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, September 11, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, September 11, 2008, at 10 a.m. in room SD–562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate to conduct a hearing entitled ''Business Start-up Hurdles in Underserved Communities: Access to Venture Capital and Entrepreneurship Training,'' on Thursday, September 11, 2008, beginning at 10 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS AND THE HOUSE VETERANS' AFFAIRS COMMITTEE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet jointly with the House Veterans' Affairs Committee during the session of the Senate on Thursday, September 11, 2008, in room 345 of the Cannon House Office Building, beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Governmental Affairs be authorized to meet on Thursday, September 11, 2008, at 9 a.m. to conduct a hearing entitled ''Dividend Tax Abuse: How Offshore Entities Dodge Taxes on U.S. Stock Dividends.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, September 11, 2008, from 10 a.m.–12:30 p.m. in Russell 325.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. NELSON of Nebraska. Mr. President, I ask also unanimous consent that MAJ Marc Packler, my military fellow, be given the privilege of the floor during the Senate debate on the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I ask unanimous consent that Chad Jungbluth and Andrew Pate, military fellows serving in my office, be granted floor privileges for the duration of the consideration of the fiscal year 2009 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent that Katie Graham of my Finance Committee staff have privileges of the floor for the duration of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED—S.J. RES. 42

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Calendar No. 942, S.J. Res. 42, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 656, submitted earlier today by Senators REID and MCCONNELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 656) expressing the sense of the Senate regarding the terrorist attacks committed against the United States of America on September 11, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 656) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 656

Whereas at 8:46 AM on the morning of September 11, 2001, hijacked American Airlines Flight 11 was flown into the upper portion of the North Tower of the World Trade Center in New York City, New York;

Whereas 17 minutes later, at 9:03 AM, hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center;

Whereas the Fire Department of New York (FDNY), the New York Police Department (NYPD), the Port Authority Police Department (PAPD), the Office of Emergency Management (OEM) of the Mayor of New York, and countless eyewitnesses and public health officials responded immediately and valiantly to these horrific events;

Whereas at 9:37 AM, the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, whose impact caused immediate and catastrophic damage to the headquarters of the Department of Defense;

Whereas Pentagon officials, county fire, police, and sheriff departments, the Metropolitan Washington Airports Authority, the Ronald Reagan Washington National Airport Fire Department, the Fort Myer Fire Department, the Virginia State Police, the Virginia Department of Emergency Management, the Federal Bureau of Investigation, the Federal Emergency Management Agency, a National Medical Response Team, the Bureau of Alcohol, Tobacco, and Firearms, and numerous military personnel all responded promptly and courageously to this attack on the United States military establishment;

Whereas the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others;

Whereas nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001;

Whereas the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history;

Whereas the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history;

Whereas the New York Police Department suffered 23 fatalities as a result of the terrorist attacks, the second largest loss of life of any police force in United States history, exceeded only by the number of Port Authority Police Department officers lost that same day;

Whereas seven years later, the people of the United States of America and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

Whereas seven years later, thousands of men and women in the United States Armed Forces remain in harm's way defending our Nation against those who seek to threaten the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 11, 2008, as a day of solemn commemoration of the events of September 11, 2001;

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of these attacks and, in doing so, bravely risked and often gave their own lives;

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend our Nation's security; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked our Nation.

ORDERS FOR FRIDAY, SEPTEMBER 12, 2008

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Friday, September 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 3001, the Defense authorization bill. I further ask that the previous prohibition on motions to proceed be in effect during Friday's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NELSON of Florida. Mr. President, as previously announced, there will be no rollcall votes tomorrow or Monday. However, the managers of the bill will be on the floor to debate any further amendments to the Defense authorization bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NELSON of Florida. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7 p.m., adjourned until Friday, September 12, 2008, at 9:30 a.m.

EXTENSIONS OF REMARKS

THE DAILY 45: 118 YOUNG MALES LOST TO GUN VIOLENCE IN D.C.

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, every day, 45 people, on average, are fatally shot in the United States. In August, D.C. police were investigating the circumstances surrounding the murder of victims number 117 and 118, just two of the latest to die this year due to gun-related violence.

These murders occurred just north of Union Station in the vacant, dilapidated Temple Courts high-rise and townhouses. This is an area to be razed in the coming months, and although a new structure will rise—erasing the tragic events that lead to their deaths; these two young men, and dozens of others like them, had names and families and hopes and dreams of their own.

Victim no. 117, JohnQuan Wright, was only 18 years old. And 1 month later—victim 118's name has yet to be released. While their deaths were acknowledged in passing via the press, there remains little to no outcry that more than a hundred victims, most of them young men in the prime of their lives, have been lost to violence—most of it with a gun—this year in Washington, DC.

Americans of conscious must come together to stop the senseless death of ''The Daily 45.'' When will we say ''enough is enough, stop the killing!''

HONORING THE LIFE AND ACCOMPLISHMENTS OF LES WHITT

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to honor the life and accomplishments of the late Robert Leslie ''Les'' Whitt. He will be remembered as a man with a deep love for people, music, and the Alexandria Zoo.

Mr. Whitt, of Alexandria, LA, died recently from heart complications after living 14 years with a transplanted heart. Whitt was a strong advocate for organ donation and loved speaking for the Louisiana Organ Procurement Agency whenever possible.

Moreover, Mr. Whitt was passionate about his service to the citizens and administration of the city of Alexandria. He served as the director of the Alexandria Zoo for 34 years, and received the Dunbar Award for Civil Service in 1993. Mr. Whitt was also recognized for his progressive and inventive zoo exhibit designs. At the age of 16, he joined the American Zoo and Aquarium Association as a professional fellow member and has subsequently served the organization in many capacities including Accreditation Inspection Team Leader. Mr. Whitt served selflessly on numerous committees representing the Alexandria Zoo in worldwide conservation efforts for endangered species.

In addition, Mr. Whitt's talent as a musician, particularly a Hammond B–3 player, was celebrated. He played with many local and regional musicians, as well as with greats like B.B. King and B.B. Major. He was altruistically involved with the youth and was a mentor to young zoo professionals, teen volunteers, Boy Scouts, and musicians.

Thousands of families will never overcome this loss of a true son of Alexandria. Madam Speaker, I ask my colleagues to join me in honoring Mr. Les Whitt for his exceptional contributions to central Louisiana and unparalleled influence on those of us who were blessed to know him.

A TRIBUTE TO COLONEL MICHAEL SHUPP, UNITED STATES MARINE CORPS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. SESSIONS. Madam Speaker, today, I pay tribute to Col. Michael Shupp, United States Marine Corps. His service to our country and the Corps has demonstrated true patriotism and exceptional military leadership. On September 17, I will have the personal honor of presiding over Colonel Shupp's retirement ceremony, and I want to take this moment to recognize his 28 years of dedicated service.

Colonel Shupp was born and raised in Bethlehem, Pennsylvania, and is a graduate of the Virginia Military Institute and Marine Corps Officer Candidate School. Since the beginning of his career, he has been a true professional in every sense of the word. His assignments have ranged from serving as a young platoon commander in Japan, to instructing our future leaders at the Naval Academy, where his performance was recognized by President George W. Bush. He served combat tours in Iraq and a peacekeeping tour in Bosnia-Herzegovina. Wherever he was, he always set the highest standards of professionalism and leadership for all those around him. His superb leadership has been evident in numerous command and staff assignments throughout the Department of Defense, including a tour as the Marine Corps' Liaison to the House of Representatives and his current duty as the Legislative Assistant to the Chairman of the Joint Chiefs of Staff in Washington DC.

Colonel Shupp served this Nation twice in combat. In 1990, Captain Shupp deployed Company ''A'' of the 1st Light Armored Infantry Battalion to the Kingdom of Saudi Arabia for Operations Desert Shield and Desert Storm. Once the ground war commenced, his company led the advance of the First Marine Division. His unit cut through Iraqi resistance and led the first Coalition Forces into Kuwait City. Company ''A,'' under Captain Shupp's leadership, then participated in the capture of the Kuwait International Airport. In 2004, Colonel Shupp returned to the Persian Gulf and assumed command of Regimental Combat Team-1 (RCT–1) at Camp Fallujah, Iraq. He commanded the Regiment during counter-insurgency operations, the second Battle of Fallujah, humanitarian assistance and reconstruction efforts, and the first free Iraqi National election. After leaving Iraq, the Marine Corps and Department of Defense chose to capitalize on his experience. He was selected to serve as the Chief of Staff for the Joint Improvised Explosive Device Defeat Organization in Washington, DC.

For 28 years, Colonel Shupp has served this great country from locations all over the world. Whether he was training new recruits, commanding marines in combat or working with Congress, he served with both honor and distinction. He will indeed be remembered as an exceptional marine, a true patriot, a courageous warrior and a dedicated leader with the highest integrity and compassion for all who had the distinct honor of serving with him.

His loving wife, Sherrye, and daughter, Jessica, have demonstrated unwavering support throughout his time in service, and this Nation owes a debt of gratitude to their sacrifice.

CONGRATULATIONS TO SISTER MARGARET ANN COUGHLIN ON HER GOLDEN JUBILEE AS A SISTER OF MERCY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. HIGGINS. Madam Speaker, I rise today to congratulate Sister Margaret Ann Coughlin, RSM, on the joyous occasion of her 50th anniversary of religious life. I am especially pleased and proud to acknowledge her Golden Jubilee as a Sister of Mercy because Sister Margaret Ann remains such an integral part of my family, celebrating with us in good times and offering herself as a steadfast tower of strength and comfort in our most challenging times. There are many families that claim Sister Margaret Ann as their own as her selfless outreach to those in need is well known and deeply appreciated.

It was also my good fortune to accompany Sister Margaret Ann to the White House ceremony honoring Pope Benedict's XVI first visit to the United States. While Sister refers to the

Papal Visit as the highlight of her religious life, it was I who was honored to have shared this experience with this woman dedicated to the very principles Pope Benedict spoke of on that historic April day. Calling for a more compassionate, free and just society, Sister Margaret Ann's work personifies those principles as she lives a faith-filled life.

Born to William S. and Margaret McDonough Coughlin on March 13, 1940, Frances Lillian Coughlin was the youngest child of this loving and legendary South Buffalo family. She joined her only brother, William ("Yappo") and her sisters, Mary Joan, Patricia, Marjorie and Rita at the family home on Stevenson Street. She was just a teenager when her parents died within 12 months of each other and she went to live with Mary Joan, her brother-in-law, Jerry Flanagan, and their young family on Downing Street. Such would be the life story of the Coughlin's and so many other members of the "Greatest Generation"—the family would always be there in some way to take care of and take in those who needed help and a home.

These lessons clearly left an imprint on young Frances' heart as her vocation led her to join the Sisters of Mercy on September 15, 1958, the same year she graduated from Mt. Mercy Academy. Continuing education remains a cornerstone of Sister's hard work and growth as a member of this religious community. She earned degrees from Trocaire and Medaille Colleges in the 1960s and received her master's in pastoral studies from Loyola University in 1990. She earned continuing education credits from Notre Dame University and became a board certified chaplain in 2001 from the NACC (National Association of Catholic Chaplains).

In her earlier years, Sister taught at several Catholic schools in Buffalo and served as the music minister at Our Lady of the Sacred Heart School in Orchard Park. She was the pastoral care minister at Mercy Hospital prior to her current work as a pastoral caregiver to the children and families of Our Lady of Victory Basilica Baker Home for Children. Sister Margaret Ann has also been recognized by her high school alma mater with the justly deserved "Spirit of Mercy Award."

Not an easy life, Sister has suffered great loss and battled life threatening illnesses which may have weakened her physical health yet has certainly strengthened her sense of empathy and her ability to listen, counsel, comfort and console. A teacher and a preacher, Sister lives her life as an example of God's mercy and love in word and action. The love, laughter and gifts of Sister's life have certainly influenced the lives of so many others who belong to her extended network of family and friends, especially her beloved nieces and nephews and their children, who lovingly call her "Aunt Sister."

Sister Margaret Ann's Golden Jubilee will be celebrated with family and friends on Sunday, September 14, 2008, at the Monsignor Nash Council Knights of Columbus in South Buffalo. Madam Speaker, I respectfully ask that the House of Representatives join with me and those whose lives have been lifted in hope and faith because of the life work of Sister Margaret Ann Coughlin in congratulating her on this significant anniversary. We extend our best wishes for her continued health and happiness and our deepest thanks to this woman of faith for her outstanding service to others.

125TH ANNIVERSARY OF THE FOUNDING OF THE DANBURY NEWS-TIMES

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MURPHY of Connecticut. Madam Speaker, I would like to congratulate the News-Times of Danbury, Connecticut, on the 125th anniversary of the founding of their paper. With circulation extending to some 30,000 residents in western Connecticut, the News-Times helps us stay in touch with the people and places that make up our community.

The paper connects the citizens of greater Danbury and serves as a forum for public conversation, providing readers with an opportunity to discuss local, state, and national issues of concern. As they say, a well-informed citizenry is essential to any democracy, and the News-Times provides an invaluable link between residents and the leaders, decisions, and issues that shape their lives every day.

A hallmark of a quality local newspaper is the attention it pays to local issues that affect the lives of its readers. So I would like to take this opportunity to thank the News-Times for its excellent coverage of Candlewood Lake. I have been intimately involved in the recent negotiations with the Federal Energy Regulatory Commission and the owner of the lake, First Light, to ensure that the environmental and property protection concerns of local residents are heard when it comes to decisions about how the lake is managed. The News-Times has covered every step of this process, and it's clear the paper takes this issue as seriously as I do.

With September 7, 2008, marking the 125th anniversary of the Danbury News-Times, I would like to extend my congratulations on the continuing success of your publication. It's my hope that today marks the beginning of another 125 years of peerless local reporting.

HONORING THE ACCOMPLISHMENTS OF MR. VINCENT A. LAINO, JR.

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. GERLACH. Madam Speaker, I rise today to congratulate and honor Mr. Vincent A. Laino, Jr. of Exton, Pennsylvania, for earning accolades as Chief Financial Officer of the Year from the Philadelphia Business Journal and Drexel University's LeBow College of Business. Mr. Laino is the current senior vice president, CFO, and CIO of Weston Solutions.

Weston Solutions is an employee-owned environmental services firm based in West Chester, Pennsylvania. Joining the company in September 1988, Mr. Laino began as a manager of financial systems after receiving both a bachelor of science in business administration, accounting, and computer systems management and a master of business administration and financial management from Drexel University. By 1994, Mr. Laino was introducing innovative ideas and business models to Weston Solutions, which earned him the title of vice president and simultaneously the company's chief information officer.

Through his years at Weston Solutions, Mr. Laino has brought change to Weston's business strategy with his mastery of business development and administration. The culmination of his efforts proved a success when, in 2001, he assumed the title of CFO for his continuous strategic leadership and vision. Before working at Weston Solutions, Mr. Laino was a project manager, auditor and systems analyst at E.I. Dupont de Nemours in Wilmington, Delaware, for 7 years.

On July 17, 2008, an elegant awards ceremony was held in his honor at the Sheraton City Center in Philadelphia, Pennsylvania, for earning this award in the category of Extra Large Business of 2008. In addition to his dedication to Weston Solutions, Mr. Laino is active in the community serving on the board of directors at Delaware County Community College Education Foundation and treasurer of the Society for American Military Engineers.

Madam Speaker, I ask my colleagues to join me in honoring Mr. Vincent A. Laino, Jr., for this well-deserved honor. As a leader and role model in both the community and business world, may he continue to serve both Weston and the community with honor and distinction.

HEDRICK MEDICAL CENTER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Hedrick Medical Center for 120 years of caring for the citizens of Chillicothe and of the Greater Livingston County community.

Hedrick Medical Center has faithfully served this community since opening in 1888 and continues this service through an affiliation with Saint Luke's Health System. They will celebrate this constant service with a celebration on Friday, September 12, 2008.

Madam Speaker, I proudly ask you to join me in recognizing Hedrick Medical Center and its 120 years of service. It is truly an honor to serve this fine organization in the United States Congress.

RECOGNIZING ADAM SHERMAN RECIPIENT OF THE NATIONAL HISTORY DAY KEN COSKEY NAVAL HISTORY SPECIAL PRIZE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Adam Sherman of Scottsdale, Arizona, for his honored participation in this year's National History Day program. Adam, a student at Desert Mountain High School in Scottsdale, received the Ken Coskey Naval History Special Prize for the best naval history project in the Nation. In addition, Adam was chosen as one of only 12 students from over 2,300 to present his exhibit at the White House Visitor Center in June of this year.

The National History Day program is a contest that engages teachers and students from across the Nation to explore unconventional methods in learning about history. Its focus is to move beyond the traditional textbook and expand into resources such as libraries, museums, and archives. This year's theme was "Conflict and Compromise in History."

Adam's project—"Prelude to Pearl Harbor: The Panay Conflict and President Roosevelt's Compromise"—examined the scope of a little-known Japanese attack on an American gunboat years prior to Pearl Harbor and our nation's entry into World War II. In December of 1937, Japanese warplanes attacked the USS *Panay* as it evacuated American refugees ahead of the Japanese takeover of Nanking, China. The attack wounded several civilians and sailors on board, including Mr. Fon Huffman, USN Retired. Adam included a taped interview with Mr. Huffman, the only living survivor of the attack. Huffman tells of the chaotic attack and moments of heroism when, in the midst of the chaos, he gave his life preserver to a civilian who could not swim and helped others to safety.

Adam has shown his passion for history by participating in the program for the past three years, over the course of which his work has been awarded a number of honors including 1st place at the Arizona State Finals for Best Individual Exhibit in 2006. A true student of history, Adam has donated his 2008 exhibit to the Naval Historical Foundation.

Madam Speaker, please join me in recognizing Adam Sherman's accomplishments.

IN HONOR OF MILANA BIZIC

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. ALTMIRE. Madam Speaker, I rise today to pay tribute to Milana Bizic. Ms. Bizic is a western Pennsylvania resident who was recently honored as the Serb National Federation Person of the Year.

Ms. Bizic is known throughout the Serbian community as a person committed to preserving and celebrating Serbian culture. The granddaughter of Serbian immigrants, she is a lifelong member of the Serb National Federation, a contributing writer for the federation's magazine, Srbobran, and the author of a website dedicated to Serbian heritage. She has contributed time, talent, and financial resources to the Serb National Federation and the Serbian community. Ms. Bizic has said that her parents taught her to be American first, last, and always, but to remember her Serbian heritage.

Ms. Bizic's award was presented by the Pittsburgh-based Serb National Federation, which was founded more than 100 years ago to help Serbian immigrants, and now provides Serbian Americans with the opportunity to share and celebrate their background.

I am truly honored to have this opportunity to formally recognize Milana Bizic for her accomplishments and thank her for the role she plays in helping Serbians in western Pennsylvania and around the country remember and celebrate their heritage.

BYBERRY FRIENDS MEETING HOUSE—200TH ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to honor the 200th anniversary of the Byberry Friends Meeting House, located at 3001 Byberry Road in the far northeast section of Philadelphia.

In 1675, four adventurous Quaker brothers—Nathanial, Thomas, Daniel, and William Walton—arrived in New Castle, Delaware, from England, in search of a new home and religious freedom. They walked nearly 50 miles along the banks of the Delaware River into Pennsylvania, arriving at Poquessing Creek. They were captivated by the region, which reminded them of their former home in Bibury, England, and so they established their home here. They had success farming and were able to establish good relationships with the Native American tribes who helped them survive their initial difficult years.

This community subsequently grew with the influx of more Quakers in the 1680s. The first Quaker meetings were held in the homes of members. As the community grew, members were able to build a log meetinghouse in which to worship. In 1808, 133 years after the Walton brothers settled here, the community built the larger meetinghouse that is still in use today. Members of the Byberry Friends Meeting were influential in the movement to abolish slavery.

Today, the Byberry Friends Meeting continues to hold weekly worship meetings. The school building, used for many years to educate the children of the Meeting, is used by a community day care academy.

Madam Speaker, I ask my colleagues to join me in recognizing the historic Byberry Friends Meeting House on this momentous milestone and honoring the contributions that the members of this community have made to the people of my district and Philadelphia.

REMEMBERING 9/11

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. TOWNS. Madam Speaker, as the years pass the memories will not fade, today stands as a day of mourning for those victims of the terrorist attacks of those infamous events, as well as, our nation as a whole. We must never forget as the rest of the world so eloquently put it: "We are all Americans." For all the destruction that those planes brought, they could not bring down what makes our country great, the American Spirit. In the face of adversity, we did not focus on what separates us, but came together behind the uniting principle that we are first and foremost Americans. Taking care of those who were hurt and defending the country we love against future attacks is our charge, one that we bear with the greatest of honor, appreciation, and respect.

HONORING SERGEANT BRYAN J. TUTTEN

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MICA. Madam Speaker, I rise today, September 11, 2008, to once again honor and pay tribute to Sergeant Bryan J. Tutten, 33, who, like many other brave Americans, joined the military following the terrorist attacks on our homeland 7 years ago. Sergeant Tutten died in service to our country on Christmas Day, December 25, 2007, fighting insurgents on his second tour of duty in Iraq.

On Saturday, September 13, 2008, the Veterans of Foreign Wars Post 2391 in St. Augustine, Florida, will hold a special ceremony to honor the life and service of Sergeant Tutten. The Post will be renamed the Veterans of Foreign Wars Bryan Tutten Memorial Post 2391.

On Tuesday, January 15, 2007, I included in the CONGRESSIONAL RECORD the following remarks and today I want to again honor Sergeant Tutten's life by reflecting on his service to the United States.

Prior to joining the Army, Sgt. Tutten, born in St. Augustine, Florida, graduated from St. Augustine High School and attended St. Johns River Community College. He was also a member of Holy Trinity Greek Orthodox Church in St. Augustine.

We should all remember Sgt. Tutten's courage and his ultimate sacrifice for our nation. The freedom and liberty we enjoy and peace in the world for others for which he fought are part of the great legacy that Sgt. Tutten leaves behind. He was laid to rest at San Lorenzo Cemetery in St. Augustine, Florida on January 4, 2008.

After the devastating events of September 11, 2001, Sgt. Tutten enrolled in the Army. His family remembers him as an avid sportsman who loved to fish and cook, and how he enjoyed the time he had playing with his daughter, Catherine. He was assigned to the 82nd Airborne Division based in Fort Bragg, North Carolina which was deployed to Iraq.

With the passing of Sgt. Tutten, America has lost an outstanding citizen and a shining example of service to our nation. He will be remembered as a patriotic American, a pillar of our community and a compassionate husband and a loving father.

To his wife Constandina, his daughter Catherine, his son Gareth, his mother Ms. Sylvia Smallwood and his loving family and friends, we offer our deepest sympathy.

Madam Speaker, it is my privilege to recognize Sgt. Bryan J. Tutten's contributions and to ask all Members of the U.S. House of Representatives of the 110th Congress to join me in recognizing his service in our nation's Armed Forces and remembering a great American hero.

PERSONAL EXPLANATION ON TODAY'S JOURNAL VOTE

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. CONAWAY. Madam Speaker, I rise to explain my opposition to the Journal vote, roll-call vote 585, earlier today.

In my time in politics, I never thought that I would hear any candidate for political office compared to Jesus Christ. Yet yesterday, on the floor of this House, one of my colleagues did just that when he painted the work of BARACK OBAMA equal to the life of my Savior.

Madam Speaker, I know Jesus Christ; Jesus Christ is a personal friend of mine. Senator OBAMA is no Jesus Christ.

But it's not just Senator OBAMA; such a comparison is ill suited for any man, for all of us have fallen short of the standard that Christ set for us. Jesus' example was a life lived humbly and with love for all his fellow men, regardless of their background. As this campaign season sprints to the finish, I implore my colleagues and the candidates in both parties to strive for a higher, more purposeful campaign and rhetoric and to treat opponents in a manner that we ourselves would like to be treated.

HONORING MARGIE LEE

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MICA. Madam Speaker, as William Wordsworth once wrote, ''the Child is Father to the Man.''

Like all of us, from time-to-time I fondly recall those who have made a significant impact upon my life. For where would we be if not for those who made the special effort to guide the next generation, and befriend us but demand much from us, so that we may learn to demand much from ourselves?

It is because of those who touch our lives and instill the values we all hold dear as a society, those who provide guidance to our young people every day, that make us successful and our nation stronger. Some are there to deal directly with us from day-to-day. Others help set up and run the institutions that provide the networks for others to have a profound impact upon our young.

In my life, Margie Lee was one such person. Known affectionately as ''Marge'' and across America as the ''Delta Chi Mom,'' Marge inspired several generations of Delta Chis while working in the Fraternity's International Headquarters since 1964. She was devoted to Delta Chi and to us all, helping to provide guidance to thousands of young men in those potentially very difficult years at college and first time away from home.

I had both the honor and the pleasure of working directly with Marge. It was while I worked as assistant to the executive director of the Delta Chi Fraternity in my first job after graduating from the University of Florida. I saw how Marge worked every day on behalf of my Delta Chi Brothers. Over the years, I witnessed first hand how she devoted her life to bestowing the advantages of a brotherhood of college and university men to use their education ''to promote friendship, develop character and advance justice.'' In doing so, Marge helped generations of young boys grow into successful, value-driven men.

Marge passed away yesterday morning in Iowa City at age 79. She is survived by four children and thousands of her adopted Delta Chi sons around the world.

When we are young we don't fully appreciate the time and sacrifice our elders take to shape us into successful adults. Sometimes our separate paths take us away from our mentors before we fully appreciate what they did for us. All too often they pass on before we get the chance to thank them properly.

Not many of us have the opportunity to recognize and publically say thanks. Today, to her family, to my colleagues in Congress and Delta Chi Brothers, I am honored and pleased to say—thank you Margie Lee.

HONORING STANLEY AND JOANNE TATE

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, today I wish to honor Stanley Tate and his lovely bride Joanne as they begin their 60th year of marriage.

Few people have had as major and as positive of an impact on our country and particularly on Florida education as Mr. Tate.

In 1987, the Florida Legislature created the Florida Prepaid College Program to provide Florida families an affordable way to save for their children's college education. Mr. Tate, as chairman of the board for 18 years, was instrumental in developing this landmark and innovative program and making it the success it is today.

Under Mr. Tate's leadership, more than 142,000 children used their plan benefits to attend a college or university. Today, the Prepaid College Trust Fund remains financially strong and actuarially sound.

In recognition of Mr. Tate's service, the program he put so much time and effort into shaping, was officially renamed the Stanley G. Tate Florida Prepaid College Program by law on June 26, 2006. Florida families are grateful for Mr. Tate's tireless leadership throughout his years of service.

He has always put the needs and interests of our families and students above any self-interest. I am honored to draw attention to such an admirable and decent public servant who has never sought personal accolades. On behalf of grateful Florida families across the State, I thank Mr. Tate for his dedication to our children's education and congratulate him and his wife on nearly 60 years of marriage. May they enjoy many more years together.

HONORING THE MEMORY OF WILLIAM BREVARD HAND

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. BONNER. Madam Speaker, the city of Mobile and the state of Alabama lost a dear friend last week, and I rise today to honor Senior U.S. District Judge William Brevard Hand and pay tribute to his memory.

Mobile's Press-Register remembered Judge Hand as ''a fair, thoughtful and tough jurist who did not shy away from high profile cases that might upset the powers-that-be.'' Certainly, one of the high profile cases for which history will most remember him was his courageous ruling in favor of classroom prayer.

A native and life-long resident of Mobile, Judge Hand attended Murphy High School and completed his undergraduate studies at the University of Alabama. His education was interrupted by the call to defend his country during World War II. He served in Europe as a combat infantry rifleman from the Battle of the Bulge through VE Day and also served with the occupation army in Czechoslovakia. When he returned to the United States following the war, he completed his education by earning his law degree from the University of Alabama.

After graduation, Judge Hand returned to Mobile and began his illustrious law career by working for the firm his father, Charles, helped found, now known as Hand Arendall. He continued with the firm until President Richard Nixon appointed him to the Federal bench in 1971, and incredibly, he was active in cases as recently as last month.

A lifelong member of Dauphin Way Methodist Church, Judge Hand served in all lay capacities of the church. He was named honorary member of the administrative board as well as lifetime steward of the church, the highest honor the church can bestow.

I had the privilege of visiting with Judge Hand just last month at the courthouse, and there is no other judge who has served with greater dignity and compassion.

Earlier this week, over 1,000 people filled Dauphin Way Methodist Church to honor the life of Judge Hand. Rev. Stephen F. Dill, pastor emeritus of the church said, ''His friendship reached across the boundaries of wealth and status.'' The Rev. Gorman Houston III, senior pastor at Dauphin Way, provided a poignant tribute, noting ''How grateful we are for the life of William Brevard Hand.''

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a friend to many throughout south Alabama, as well as a wonderful husband, father, and grandfather. Judge Brevard Hand will be dearly missed by his family—his daughters, Jane Hand Dukes, Virginia Hand Hollis and Allison Hand Peebles; his grandchildren, Brevard Dukes Hinton, Ann Chandler Dukes Shuleva, David Dewitt Dukes, Jr., Elizabeth Alan Hollis, Katherine Hollis Taylor, John Connor H. Peebles, and William Battle Peebles; his great-grandchildren, Tom, William and Jane Hinton; and his brother Dr. James Albert Hand—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. KINGSTON. Requesting Member: Congressman JACK KINGSTON (1–GA).

Bill Number: H.R. 6599.

Account: MILCON, Navy.

Legal Name of Requesting Entity: NSB Kings Bay, Kings Bay, GA, USA.

Description of Request: Provide $6.37 million to construct a 5,000 square feet Communication Addition to the Limited Area Reaction Force Facility in support of the National Weapons Security Program. This high security facility will serve as a command and control center, exercise and recreation spaces, and extended housing for United States Marines and Navy personnel while on duty. This project will provide required ballistic protection for security forces and vehicles as well as the monitoring of perimeter sensors.

TRIBUTE TO JOHN GRUNDEN

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to a great patriot from Georgia's Third Congressional District who died September 9 at the age of 66.

I have known John Grunden of Fayetteville for many years as a fellow foot soldier fighting for the Republican Party and conservative causes in our community, our State and our Nation.

As the owner of two small businesses, an insurance consulting firm and the Classic Cue pool hall in Fayetteville, Mr. Grunden had first-hand knowledge of how taxes and regulation affect our Nation's job creators. His strong stands on business and his conservative values made him a great leader for the Fayette County Republican Party when he won the chairmanship in the 1980s. Under his leadership, the county party experienced such success that the State Republican Party soon began citing it as a model for other counties.

Mr. Grunden was a behind-the-scenes operator who did the hard work that enable candidates such as me to succeed at the ballot box. I'm lucky to have had his support through the years, and I am not the only Member of Congress who called on him for help. Mr. Grunden was an early supporter of a young upstart congressman from Georgia who at the time was the only Republican in our State's delegation. As my colleagues here in the House know, that member, Newt Gingrich, went on to lead our party to the House majority for the first time in decades and ascended to the speaker's chair.

In addition to his volunteer activities on behalf of his party, Mr. Grunden also wore his nation's uniform. From 1961 to 1964, he served in the U.S. Army 101st Airborne Division.

I was honored to call John Grunden a friend. On behalf of the people of Georgia's Third Congressional District, I would like to express my condolences to his wife, Pat, who stood by his side for 45 years, and to the rest of the Grunden family.

THE BONE MARROW FAILURE DISEASE RESEARCH AND TREATMENT ACT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Ms. MATSUI. Madam Speaker, I rise today to introduce the Bone Marrow Failure Disease Research and Treatment Act. For hundreds of thousands of bone marrow failure disease patients across our country, this is a day filled with the promise of a cure.

For their families, this is a day infused with the hope that the power of medical inquiry and research can conquer these deadly diseases.

For those of us in this chamber who knew, respected, and loved colleagues whose lives were taken by these diseases—including my late husband Bob—this is a day to reflect on their legacies and to renew our commitment to the research that will generate treatments and cures.

For medical researchers with ideas about new and innovative ways to combat these awful diseases, this is a day characterized by the certainty that the U.S. House of Representatives stands with them in their quest to beat bone marrow failure diseases.

The legislation I am introducing today is designed to ensure that families in the future will not have to suffer the agonizing uncertainty that my family endured when Bob was diagnosed with myelodysplastic syndrome, MDS.

Between 20,000 and 30,000 families receive a bone marrow failure disease diagnosis every year in the United States. Their lives are changed instantly when they learn that a loved one's bone marrow has malfunctioned.

Blood is such a delicate balance of different kinds of cells, and when the marrow that produces our blood stops working properly, the foundation of a human's physical health is sorely undermined. Death is often the end result.

The research produced by this bill will point the way toward a future where a diagnosis of aplastic anemia, MDS, acute myeloid leukemia, or any of the other bone marrow failure diseases is but a hurdle to overcome instead of a likely death sentence.

This is the future that I envision as a result of the Bone Marrow Failure Disease Research and Treatment Act.

I thank all of my colleagues in this chamber who have supported, and who will support, this critical legislation. I look forward to working toward its passage, for the sake of bone marrow failure disease patients in every city, town, and community in our great country.

INTRODUCTION OF THE PRESIDENTIAL HISTORICAL RECORDS PRESERVATION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. GOODLATTE. Madam Speaker, I rise today to introduce the Presidential Historical Records Preservation Act of 2008. I introduce this as a companion bill to legislation being introduced today by my colleagues in the Senate, Senators JOHN WARNER and JIM WEBB.

Mr. Speaker, the National Historical Publications and Records Commission, NHPRC, is a statutory body affiliated with the National Archives and Records Administration, NARA. NHPRC was established by Congress in 1934 to promote the preservation and use of America's documentary heritage essential to understanding our democracy, history, and culture.

Currently, NHPRC is authorized to administer grants to promote preservation and use of America's documentary heritage. The NHPRC supports projects that preserve and make accessible records and archives, and research and develop means to preserve authentic electronic records.

The Presidential Historical Records Preservation Act of 2008 would allow NHPRC to make grants, on a competitive basis, to eligible entities to promote the historical preservation of, and public access to, historical records and documents relating to any President who does not have a Presidential archival depository currently managed and maintained by the Federal Government, pursuant to the Presidential Libraries Act of 1955.

Mr. Speaker, in order to be eligible to receive these grants, an entity must qualify as a 501(c)(3) of the Internal Revenue Code and be exempt from taxation under section 501(a) of that Code, or be a State or local government. In order to maintain the integrity of the grant program, NHPRC shall only approve grants to those entities that possess historical works and collections of historical sources that the Commission considers appropriate for preserving, publishing, or otherwise recording at the public expense. The entity must also have appropriate facilities and space for preservation of such historical works and ensure public access to these collections.

Finally, to maintain the fiscal integrity of this Act, the receiving entity must have raised funds from non-Federal sources in support of the grant efforts. In addition, grants may not be used for the maintenance, operating costs, or construction of any facility to house the historical records to any President who does not

have a Presidential archival depository currently managed by the Federal Government. Mr. Speaker, as you can see, the focus of the bill is preservation and access to documents, not constructing new buildings or monuments.

This is important legislation that will preserve our Nation's documentary heritage, and I urge my colleagues to support it.

2007 NATIONAL MEDAL OF TECHNOLOGY AND INNOVATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. REICHERT. Madam Speaker, I rise today in recognition of David Cutler, an employee of the Microsoft Corporation and a recipient of the 2007 National Medal of Technology and Innovation. His accomplishments, and the accomplishments of the other winners, are reason to celebrate the technological innovation happening in the United States. It is also a reminder that our national well-being depends on the technological advancements made by future American innovators in a global marketplace.

The National Medal of Technology and Innovation honors America's leading innovators of technology products, processes and concepts. Mr. Cutler and the other winners deserve our heartfelt congratulations and thanks for inspiring future American innovation.

The 8th District of Washington, the district I represent, includes the headquarters of Microsoft, a corporation at the forefront of technological innovation and the push for educating our young people in the intricacies of science, technology and mathematics. No doubt Mr. Cutler, a senior technical fellow at Microsoft and an enduring figure in the world of technology and innovation, also recognizes the importance of educating our young people to compete in a global marketplace. Nothing can replace a world-class math and science education; an invaluable key to our Nation's economic success and our Nation's national security.

Once again, congratulations to Mr. Cutler for his prestigious honor. His work and the work of others like him inspire brilliant young minds around our country to do great things in math, science and technology. It is the job of this body and Americans everywhere to ensure those young minds have all the tools necessary to achieve greatness.

SELECT COMMITTEE ON THE VOTING IRREGULARITIES OF AUGUST 2, 2007

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. DELAHUNT. Madam Speaker, Mr. PENCE and I submit for the RECORD the following statement on behalf of the Select Committee on the Voting Irregularities of August 2, 2007:

The Select Committee to Investigate the Voting Irregularities of August 2, 2007, was created by House Resolution 611 to investigate the circumstances surrounding the record vote on the motion to recommit on H.R. 3161. That resolution required that the Select Committee submit its final report not later than September 15, 2008. While the Select Committee will not be able to file its report by that date, we expect to file the report shortly thereafter.

WILLIAM D. DELAHUNT,
Chairman.
MIKE PENCE,
Ranking Republican Member.

HONORING THE LIFE OF GENE UPSHAW, EXECUTIVE DIRECTOR OF THE NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. CONYERS. Madam Speaker, I rise to honor the memory and accomplishments of Gene Upshaw, a tremendous athlete and upstanding individual who had a successful career both on and off the football field. During his 16-year career as a National Football League player, he was an 11-time All-Pro offensive guard for the Oakland Raiders and was elected to the Pro Football Hall of Fame in 1987, his first year of eligibility. He played in 217 league games and appeared in six Pro Bowls. He was named Lineman of the Year in the AFC in 1973 and 1974. In 1977, he was voted top lineman in the NFL, and runner-up for that honor in 1980. Upshaw is the only player in NFL history to play with the same team in three Super Bowls in three different decades—in the 1960s, 1970s, and 1980s.

Not only did Upshaw have an outstanding career on the field, but he also had a distinguished career off the field serving 38 years with the NFL Players Association. Upshaw worked as a player representative and officer for 13 years. He served as alternate representative or player representative for the Raiders from 1970 to 1976 and was a member of the executive committee from 1976 through 1980 when he was elected president of the NFLPA, a post he held until 1983.

Upshaw served as Executive Director of the NFLPA from June 1983 up until his death on August 20, 2008. As the first African-American labor leader in a major sport, Upshaw was a forceful advocate on behalf of professional football players. During his tenure, Upshaw skillfully negotiated several collective bargaining agreements and extensions that have been credited with enhancing the rights and compensation of NFL players.

Upshaw's career was best summed up by his close friend Art Shell, who played next to him on Oakland's offensive line and in 1989 became the first African-American coach of the modern era when he took over the Raiders. "Gene was a true pioneer as one of the few African-American leaders of a major union. He was the equal of owners in negotiations and made the league a better place for all players. Playing alongside of Gene was an honor and a privilege. He was a pillar of strength and leadership for our great Raider teams."

I extend my heartfelt condolences and prayers to his wife, Terri, his three sons, Justin, Daniel, and Eugene, Jr., and the entire National Football League community.

THE 9/11 HEALTH AND COMPENSATION ACT

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. NADLER. Madam Speaker, on September 11, 2001, America and the world watched in horror as our Nation came under ruthless attack. At the World Trade Center and at the Pentagon, thousands were killed by the cowardly deeds of terrorists. We heard the stories of those heroic passengers aboard United Airlines Flight 93 who gave their lives so that they might save the lives of others by thwarting an attack on the United States Capitol.

In lower Manhattan, part of my congressional district, New York's finest and bravest rushed to the disaster site. In the days and weeks after, countless Americans would also come to New York to offer their assistance. Nearly 3,000 people were killed at the World Trade Center, and countless others were wounded.

Since then, we have made tremendous progress in rebuilding. But we still have work left to do. One of our greatest national responsibilities right now is to aid those people who are still suffering from 9/11—our first responders and rescue workers, local area workers, residents, students, and others who have become sick from the environmental aftermath of 9/11.

When the buildings of the World Trade Center came crumbling down, nearly half a million pounds of lead, asbestos, glass fibers, steel, and concrete formed a massive cloud of toxic dust and smoke that blanketed parts of New York City and New Jersey. Fires burned for months, emitting a whole host of deadly substances. Scientists have said that this dust was as caustic as Drain-o, and that the air quality was worse than during the Kuwaiti oil fires.

From the beginning, we warned that the air wasn't safe and that our courageous first responders were not being afforded the proper protection from dangerous toxins as they were toiling on the pile to rebuild. We spent years working to try to convince public officials that the asbestos, fiberglass and other toxins had travelled far and settled into the interiors of residences, workplaces and schools, and that a proper testing and cleanup program was required to eliminate the health risks to area residents, workers and students. We demanded that the Federal Government acknowledge the fact, supported by a mountain of peer-reviewed research, that thousands of our Nation's citizens are today sick from 9/11 and that many more could become sick in the future. We explained to whoever would listen that our 9/11 heroes were struggling to pay

health care costs because they could no longer work and no longer had health insurance, and we have argued vigorously that the Federal response to date has been dangerously limited, piecemeal and unstable.

Thankfully, we have achieved a much more widespread recognition of many of these problems. Now, 7 years after the attacks, it is imperative that Congress do what is right for our heroes and our living victims by passing H.R. 6594, the 9/11 Health and Compensation Act.

Though the devastating 9/11 attacks on the World Trade Center occurred within the bounds of my congressional district, we know that these were really attacks on our Nation as a whole—figuratively and literally. Every member in New York's downstate delegation represents hundreds, if not thousands, of people who live, work, attend school, or were otherwise present in the affected areas, and were exposed to a toxic brew of contamination. Indeed, every member in this House represents a State that has people in the World Trade Center Health Registry who were exposed and are concerned about their health.

And as this is unquestionably a national problem, it has always required a national response. But despite our sustained efforts to get the Administration to develop a comprehensive plan to deal with this growing public health problem that they themselves now finally acknowledge, the New York delegation has instead found itself, year after year, coming to Congress with its ''hat in hand'' to test its luck at the annual appropriations process. Thankfully, with the outstanding bipartisan support of my colleagues for that funding, we have had some key successes. But this is simply no longer a tenable course of action.

Passage of the 9/11 Health and Compensation Act would mark an end to this unpredictable approach and ensure that a consistent source of funding is available to monitor, and if necessary, treat, the thousands of first responders, community members, and others already affected by WTC-related illnesses as well as those who are most likely to become sick in the future. And it would make sure that no matter where an affected individual were to live in the future, he or she could get care. Building on the expertise of the existing Centers of Excellence, the bill would fill key gaps in how we are currently providing treatment and monitoring. And finally, this legislation would provide an opportunity for compensation for economic damages and losses by reopening the 9/11 Victim Compensation Fund.

On this anniversary of one of the most devastating days in our national consciousness, I thank members of Congress and the American people for coming to our aid after September 11th and in the years that followed. And once again, I implore you to pass the 9/11 Health and Compensation Act.

INTRODUCTION OF NATIONAL PREPAREDNESS MONTH RESOLUTION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Ms. CLARKE. Madam Speaker, today I introduce the National Preparedness Month Resolution, which recognizes that the month of September is designated as National Preparedness Month. This measure applauds the public servants at Department of Homeland Security for their outstanding contributions to our Nation's homeland security and encourages citizens around the world to continue to prepare themselves and their families for acts of terrorism, natural disasters and other emergencies.

It has been 7 years since the horrific terrorist attacks against the United States and its people on September 11, 2001. Our Nation continues to heal from the terrible losses that we suffered and our Government remains vigilant against those who attacked us.

Yet, while our Nation is fortunate that law enforcement agents and emergency response providers have successfully worked hard to prevent any further attacks, we are still vulnerable. We know that precious lives and critical infrastructure continue to be targeted across the world as evidenced by various suicide bombings in recent years. Terrorism remains prevalent and we must always be prepared both at home and abroad.

I am pleased to have so many members serving as cosponsors to this bill. As we all know, preparedness is not a partisan matter—terrorists do not select their victims by political party. Therefore, we must all support the message that families be prepared for emergencies should they occur.

If a disaster—whether large or small—occurs in a community, local responders and disaster-relief organizations will be there to help, but citizens need to be ready as well. That is why the Department of Homeland Security has designated the month of September each year as National Preparedness Month. The Department and its key stakeholders will spend the month promoting the importance of being prepared and, most importantly, how to be prepared in our communities across the country. As we all know, when individual citizens, families and communities are prepared, the fear, anxiety, and loss that accompany disasters is substantially minimized.

It is imperative that citizens know what to do in the event of an emergency and be ready either to shelter in place or to evacuate their homes. People must be ready to care for their basic needs for a minimum of 72 hours should they be displaced for a period of time.

And as our Nation continues to glean lessons from catastrophic events such as the September 11th terrorist attacks and Hurricane Katrina, the Federal Government must ensure that preparedness efforts help our Nation's most vulnerable populations. Recent wildfires, floods, hurricanes and tornadoes have given us the opportunity to observe whether those lessons have since been corrected.

In closing, let me say that I applaud the hard work and dedication of the public servants within the Department of Homeland Security in their effort to protect our Nation. Further, I encourage our citizens to make sure their families are vigilant, alert, and prepared for emergencies, and recommend visiting the Web site www.ready.gov, which might greatly assist them in this process. I urge my colleagues to support this important resolution.

CONGRATULATING THE MICHIGAN COMMISSION FOR THE BLIND, FLINT OFFICE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating the Michigan Commission for the Blind, Flint Office for celebrating 30 years of service to the blind and visually impaired. The office will gather to commemorate this anniversary at a party on October 30th in my hometown of Flint, Michigan.

The Michigan Commission for the Blind was created by Public Act 260 of 1978. The Commission operates its central office in Lansing, 8 field offices and a training center in Kalamazoo. As one of the field offices, the Flint Office provides service to clients throughout the Flint and Thumb areas of Michigan.

In carrying out their mission, the Michigan Commission for the Blind provides in-home services, mini-adjustment seminars, business services for employers, a vocational rehabilitation program, independent living for seniors over the age of 55, deafblind services, youth services and the business enterprise program. Their motto is ''Changing Lives, Changing Attitudes'' and their goals are for the blind and visually impaired to lead productive, independent lives as well as educating the general population about the capabilities of the blind.

The Flint Office plays an integral part in providing service and education to the community. For the past 30 years the 7 person staff has been committed to promoting the welfare and ability of the visually impaired so they can live and function in our society and in the workplace.

Madam Speaker, I am glad to have the opportunity to congratulate the employees, volunteers and clients of the Michigan Commission for the Blind, Flint Office as they celebrate 30 years of assistance to the blind and visually impaired of mid-Michigan. May they continue their service for many, many years to come.

RECOGNIZING MR. NORMAN L. MEBANE, JR.

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. BUTTERFIELD. Madam Speaker, Mr. Norman L. Mebane Jr., was born in Merry Hill, North Carolina. He graduated from high school in Bertie County before earning an associate's degree from Pitt Community College. After 2 years of honorable service in the U.S. Army, Mr. Mebane returned home and worked at the Newport News Shipbuilding and Dry Dock Company.

He attended Thomas Nelson Community College, and then earned a bachelor of science degree from St. Augustine's College where he was also inducted into Alpha Kappa Mu Honor Society and received special recognition as a Presidential Scholar.

Mr. Mebane then worked as a crop and livestock farmer before moving on to the trucking business. He founded N.L. Mebane Trucking Company, Inc. and later founded Mebane Rural Initiative Institute, Inc. and Mebane Investment Properties LLC. His entrepreneurial successes were recognized by North Carolina Department of Transportation with the Minority Business Enterprise Award of the Year.

Mr. Mebane currently serves on the RBC Centura Bank Region II Advisory Board and the Economic Development Council, and he previously served as part of the Historical Hope Foundation, Transportation Development Council, North Carolina Governor's Conference on Small Business and the North Carolina Department of Transportation's Minority Business Expansion Council. Mr. Mebane also serves as a board trustee for Elizabeth City State University and Martin County Community College.

It is certainly fitting that Elizabeth City State University would honor Mr. Mebane because he fully understands the importance of community involvement and he truly dedicates himself to serving others. He is an outstanding member of our community who deserves our highest thanks and praise.

I ask my colleagues to join me in honoring this great North Carolinian and American, Mr. Norman L. Mebane, Jr.

MOVING FORWARD FROM 9/11

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. KUCINICH. Madam Speaker, America must move from the errant, retributive justice of 9/11 to a healing, restorative process of truth and reconciliation.

Before the Congress adjourns, I will bring forth a new proposal for the establishment of a National Commission on Truth and Reconciliation, which will have the power to compel testimony and gather official documents to reveal to the American people not only the underlying deception which has divided us, but in that process of truth seeking set our Nation on a path of reconciliation.

We suffer in our remembrance of 9/11, because of the terrible loss of innocent lives on that grim day. We also suffer because 9/11 was seized as an opportunity to run a political agenda, which has set America on a course of the destruction of another nation and the destruction of our own Constitution. And we have become less secure as a result of the warped practice of pursing peace through the exercise of preemptive military strength.

It is not simply 9/11 that needs to be remembered. We also need to remember the politicization of 9/11 and the polarizing narrative which followed, locking us into endless conflict, a war on terror which has wrought further terror worldwide and which has severely damaged our standing worldwide as an honorable, compassionate nation. As we were all victims of 9/11, so we have become victims of the interpretation of 9/11.

Our government's external response to 9/11 was to attack a nation which did not attack us. Indeed on the first anniversary of 9/11, the Bush administration issued a well-publicized stern warning to Iraq which was part of a campaign to induce people to believe Iraq had something to do with 9/11.

The deliberate, systematic connection of Iraq with 9/11 has led America into a philosophical and moral cul-de-sac as over one million Iraqis and over 4155 U.S. soldiers have died in a war which will cost over $3 trillion. Additionally, soldiers from 23 other countries have died in the Iraq war.

We attempt to unite Iraq by further dividing it. We talk about restoring Iraq while taking steps to place control of its vast oil wealth in the hands of U.S. oil giants. And we intend to impose upon the Iraqi people the cost of rebuilding a country which our government ruined, keeping a once prosperous nation lashed to debt and poverty for a long, long time. Iraq has paid for 9/11. We all continue to pay for 9/11.

The heartbreaking loss of the lives and injuries to America troops further binds us to the Administration's illogic of the Iraq war: We remember our troops' sacrifice by demanding more sacrifice; we support our troops by continuing the war.

The dominant color of our new national security since 9/11 is neither red, white nor blue. Every day is orange. Everyday reminders of fear of 9/11 become banal. Yet we no longer hear the airport announcements nor see the orange-colored warnings because they have commonplace standards in our new national security state, as is the PATRIOT Act, wiretapping, and a host of invasions of privacy and diminution of civil liberties. The Constitution has been roundly attacked by the very people who took an oath to defend it.

There is a powerful desire across America for change, not necessarily from control by one political party to another, but a change from living with lies to living with truth.

Over two dozen nations, facing peril within and without, deeply divided by politics and war have travelled down a path of restoring civil society through a formal process of reconciliation. At some point within each of those countries it was understood that the way forward is shown through the light of truth. This process is not without pain because it requires a willingness to study evidence to which eyes had been averted and ears had been closed. But in the process of truth and reconciliation, nations found new strength, new resolve, and new commitment.

The South African Truth and Reconciliation enabled that nation to come to grips with its past through a public confessional, bringing forward those who committed crimes and having the power to grant amnesty for full disclosure of crimes against the people. Of course, our path may necessarily be different: High U.S. government officials stand accused in impeachment petitions of violating national and international law. Our continued existence as a democracy may depend upon how thoroughly we seek the truth. I will call upon the American people to join me in supporting this effort.

The truth can move us forward, as a unified whole, so that we can one day become a re-United States. September 11 is the day the world changed. It is the day America embraced a metaphor of war. If we are open to truth and reconciliation, we may one day be able, once again, to embrace peace.

HONORING MARY HIGLEY'S 110TH BIRTHDAY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor Mrs. Mary Higley, a Southeastern Pennsylvania resident who recently reached a very special milestone.

Mary celebrated her 110th birthday on Aug. 10, 2008 during a ceremony with her fellow residents at Meadowood Retirement Community in Worcester Township, Montgomery County.

Mary was born in Burriville, Rhode Island in 1898. She was the first of five children in her family. She pursued a career in the sciences after graduating from Mount Holyoke College with a degree in biology. Mary worked as a Bacteriologist for the State of Rhode Island in the Public Health Department testing water systems until she married. She and her late husband have three children, two boys and one daughter who lives nearby in North Wales, Pennsylvania.

Mary stays active at Meadowood, rising each morning at exactly 6 A.M. She is an avid reader and enjoys walks through the gardens. Known for her jigsaw puzzles, she always has one in the works in her room. Mary has been a resident at Meadowood since 1996 and continues a very busy and stimulating life there. –

Madam Speaker, I ask my colleagues to join me in wishing Mrs. Mary Higley a very happy 110th birthday. She is an inspiration to all.

IN MEMORY OF SEPTEMBER 11TH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. WILSON of South Carolina. Madam Speaker, I would like submit the following editorial published today in the Times and Democrat newspaper of Orangeburg, South Carolina on September 11, 2008. It eloquently conveys the dedication we all feel on this seventh anniversary of the terrorist attacks of September 11th. I appreciate their sentiment, and believe that we must never forget those who lost their lives on that terrible day, never forget the enemy we face, and never lose faith that our nation will prevail in this Global War on Terrorism.

SEVEN YEARS LATER: ''WE WILL NOT FORGET''

Today is Sept. 11, 2008, seven years after the worst attack against America in its history. Second District Congressman JOE WILSON has since that day made a point of referencing remembering 9–11 in every speech before lawmakers. He's offered more than words, too, with his children serving in the war on terrorism and the congressman being an active supporter of the war and the military waging it.

The Times and Democrat's continuing series of memorial posters today focuses on 9–11. ''We will not forget.'' The message has not changed.

Innocent people in the World Trade Centers and the Pentagon, and aboard an airliner in Pennsylvania, died when terrorists brought their hatred for our nation and its people to our shores. The images of airliners crashing into the very symbols of our Nation are forever etched into Americans' minds.

On this anniversary date, our Nation remains under attack. We continue to be the target of terrorists, either directly or through attacks on our allies. Extremists contending they are acting in the name of Islam continually vow to punish our nation for its perceived evil role around the world.

Defeating the threat, on the surface, appears impossible. We cannot score definitive military victories against forces that are committed only to recruiting soldiers to die while killing as many Americans as possible. There seemingly always will be another recruit.

Our forces fighting in Iraq and Afghanistan face constant threats. Our enemies boast of killing the American invaders who have come to seize holy lands. Thousands have died. Their deaths must not be in vain. The sacrifices of the thousands on Sept. 11, 2001, must not be forgotten. Our nation will stand tall, we will determine where and how to continue the fight against terrorism. Just as older generations passed the test in World War II and wars before, the generations of our time are facing their tests. We cannot afford to fail.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. ABERCROMBIE. Madam Speaker, I regret that I was delayed in reaching the floor yesterday and missed rollcall vote No. 581. Had I been present, I would have voted ''aye.''

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is September 11, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,016 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.'' The phrase in the 14th Amendment capsulizes our entire Constitution. It says, ''No State shall deprive any person of life, liberty or property without due process of law.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 13,016 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is September 11, 2008, 13,016 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

IN HONOR OF MR. PAUL WEYRICH

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. RYAN of Wisconsin. Madam Speaker, I would like to take this opportunity to pay tribute to Mr. Paul Weyrich for his many contributions to the cause of freedom and liberty. Mr. Weyrich is the proud son of Racine, Wisconsin—a city that I have the privilege to represent in the U.S. House of Representatives. Wisconsin has a long tradition of challenging the prevailing political sentiments, and producing intellectually-curious, reform-minded leaders. Paul Weyrich is one such leader.

As a pioneer of the modern conservative movement, Mr. Weyrich has consistently served as a vocal defender of our economic and religious freedoms. On September 10, 2008, I had the unique opportunity to show my respect and admiration at the Paul Weyrich Legacy Dinner in Washington, D.C. On behalf of those I represent in Racine, Wisconsin, I extend my gratitude to this great American.

DIRECT SUPPORT PROFESSIONALS PROVIDE ESSENTIAL SERVICES AND DESERVE FAIR COMPENSATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. ALLEN. Madam Speaker, I rise today to recognize the good people at Woodfords Family Services and the other members of the Maine Association for Community Service Providers who have come to Washington, D.C. this week to take part in the American Network of Community Options and Resources Governmental Activities Seminar and the ''DSPs to D.C.'' events.

In Maine, these agencies are working with hundreds of Direct Support Professionals (DSPs) to provide assistance to individuals with disabilities. DSPs help men, women, and children with aspects of daily living, rehabilitation, training, and other tasks, seven days a week, 24 hours a day, enabling Americans with mental and physical disabilities to live and work in their communities. This highly trained, skilled, and committed workforce supports individuals in my Congressional District. The same is true throughout the State of Maine and the rest of the country.

Years ago, the Maine Legislature decided to provide residential support to its most vulnerable citizens with developmental disabilities and other special needs. This community-based system consisted of a network of private providers who had a long history of offering services to individuals with special needs

through local organizations that were created just for that purpose.

Maine's decision was an historic step forward, for it allowed my State to achieve two major goals. First, the residents of Maine's only state institution for people with developmental disabilities, Pineland Center, were transferred to small, homelike settings in local communities. This resulted in the closing of the infamous Pineland facility in 1996. The second achievement was to permit people with disabilities to remain in their home communities instead of unfamiliar locations. The work of countless Direct Support Professionals was crucial to the success of Maine's initiative.

DSPs are able to help their clients not only by lending them physical support, but by building a relationship of trust. They help individuals with communication issues convey their thoughts, enable people with physical disabilities explore the world beyond their homes, and help individuals establish friendships that allow them to give as well as receive from their communities. The success of these services is the direct result of the personal relationships that DSPs build with their clients.

Thanks to the care and support of skilled DSPs, the quality of life of many Americans with special needs has improved significantly. However, this progress is threatened by expanding need and shrinking resources. In particular, we now face a critical DSP workforce shortage because, as the cost of living rises, the low wages associated with this career are driving employees out of the field.

Despite today's high unemployment rate, members of the Maine Association for Community Service Providers struggle every day to hire and retain quality staff to work as DSPs in their residential facilities. To reverse this trend, many providers across the nation support H.R. 1279, the Direct Support Professionals Fairness and Security Act of 2007, introduced by Representative LOIS CAPPS (D–CA). This measure would provide states with funds to increase the wages paid to DSPs who provide services to individuals with disabilities under the Medicaid program.

It is time to recognize the dedication, commitment, and sacrifices DSPs make to ensure the safety and well-being of the people they serve, providing a critical safety net for our disabled citizens. This care is often physically and emotionally demanding. DSPs deserve fair compensation. Accordingly, I ask my colleagues to join me in cosponsoring the bipartisan Direct Support Professionals Fairness and Security Act (H.R. 1279). Our health care workforce must include a sufficient number of trained Direct Support Professionals to provide these critical services. Investing in fair compensation for DSPs is the right thing to do.

BILL TO AMEND EXPEDITED FUNDS AVAILABILITY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mrs. MALONEY of New York. Madam Speaker, this bill amends the Expedited Funds Availability Act, EFAA, to provide a 1-time adjustment in certain dollar amounts to account for inflation over the 21 years since the enactment of such Act, to provide for future adjustments of such amounts on a regular basis, and for other purposes.

In reviewing the effects of the Check 21 Act, it came to the attention of many observers, including the Federal Reserve, that the amounts specified by the EFAA as available for immediate withdrawal had not been increased in over two decades and no provision had been made for indexing those amounts for inflation. This bill accomplishes those two goals with respect to some of the amounts specified in the statute.

The Board of Governors of the Federal Reserve approved an earlier version of this legislation which also contained provisions increasing the amounts immediately available under the large deposit and new account sections of the EFAA. Those provisions have been removed from this legislation due to industry concerns, but no provisions have been added that were not approved by the Board.

This legislation is long overdue and will adjust basic banking regulations for inflation.

HONORING TANNER BOYNTON

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. CARNAHAN. Madam Speaker, I rise today to pay tribute to a constituent, Tanner Boynton, who tragically died, Friday, August 1, 2008, at the far too young age of 13, playing baseball, a game that he loved dearly.

Tanner was warming up by playing catch before tournament play when he became distracted and was tragically hit in the back of the neck with a baseball.

I did not have the opportunity to get to know Tanner before learning of his death, but like much of the community I learned a great deal about him after he was suddenly taken away from his teammates, friends and family.

Tanner played first base and outfield for the De Soto Express, which ended the season in first place. He was preparing to enter the eighth grade at De Soto Junior High.

Friends and family describe Tanner as mature beyond his age.

After his coach approached him about playing for the traveling team, Tanner had one condition: "I can't play during the week past 8 p.m. because I have to go to school the next day, and I'm really into my school situation."

When Tanner's grandmother gave him $5 to spend for himself he instead chose to drop it into a Salvation Army bucket.

At the age of 13, Tanner already had big plans in life including starting his own business using heavy equipment, making his sudden death even more tragic.

This young boy has brought together a team and community like no one could have ever imagined; he will not be forgotten. Tanner will be memorialized with an Arnold Athletic Association baseball diamond named in his honor as well as the De Soto Express Tanner Boynton Scholarship Fund awarded to De Soto High School graduating seniors who excel academically and play baseball.

I extend my deepest condolences to Tanner's family.

STEVEN PEARLSTEIN TO THE RESCUE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. FRANK of Massachusetts. Madam Speaker, a great deal has been written and spoken, understandably, about various efforts by the Bush administration—with and without Congressional authorization—to rescue major financial institutions. Unfortunately, a great deal of that analysis has been distorted, inaccurate, and ill-informed. In the Washington Post, Wednesday, September 10th, Steven Pearlstein once again provides a thoughtful, balanced analysis of the public policy issues involved here. I urge all Members, Madam Speaker, to read Mr. Pearlstein's analysis and keep it in mind as we deliberate going forward on these issues. As he very sensibly puts it, "In the end, the right way to think about these rescues is not to simply ask how much they are likely to cost, but how the rescue compares to the cost of doing nothing." Mr. Pearlstein's insightful approach to the current economic crisis is one of the most important assets we now have, and it is one that is not being impaired by current trends.

[From the Washington Post, Sept. 10, 2008]

DON'T LIKE BAILOUTS? CONSIDER THE ALTERNATIVES

(Steven Pearlstein)

First came the rescue of Bear Stearns and the Fed loans to cash-strapped investment banks. Then the government stepped in to fill the financing gap left when private lenders retreated from the college loan business. Last weekend brought the takeover of Fannie Mae and Freddie Mac. And now the Not-So-Big Three are headed our way looking for $50 billion in retooling loans.

When is this going to end?

The honest answer: With stock markets swinging 300 points a day and the economy diving into recession, not anytime soon.

Indeed, the chances are pretty good that by year's end, Washington will have to bail out another big bank or investment house along with a bond insurer or two. And taxpayers will be called on to replenish the coffers of the federal agencies that insure private bank deposits and private pensions.

Already, there's been plenty of grumbling from editorial writers and market-oriented conservatives that the country is on a slippery slope toward socialism. They also fear that these rescues will encourage reckless risk-taking in the future, creating the expectation that if bets go bad, Uncle Sam will always be there with a bailout.

From the left, meanwhile, come populist complaints that government has committed enormous amounts of taxpayer money to bail out corporate fat cats and rich investors while ignoring the plight of millions of Americans facing personal bankruptcy and foreclosure.

While there is validity to these concerns, they are also based on a number of false assumptions, chief among them that vast sums are expended on these rescues.

History shows that rather than costing taxpayers, the rescues have often wound up making money.

That was the case with the Home Owners Loan Corp., a New Deal agency that bought mortgages from banks and wound up with a small profit by the time all the loans were paid up in the early 1950s. The same was true of the controversial loan guarantees made to Lockheed and Chrysler in the 1970s. More recently, following the Sept. 11 terrorist attacks, the government set up an Air Transportation Stabilization Board that offered loans and loan guarantees to a handful of cash-strapped airlines. The agency now expects to close out its books in the black.

In the case of the $29 billion that the Federal Reserve loaned J.P. Morgan Chase to take over Bear Stearns, the final cost won't be known until the Fed sells the asset-backed securities it took as collateral for the loan. So far, so good: As of June 30, those assets had an estimated market value of $29 billion.

It's anyone's guess what the Fannie and Freddie rescue will cost, but at this point it looks to have been structured on terms quite favorable to the government. Although the government is yet to put a dime into the companies, it has received $1 billion worth of preferred stock and warrants for 80 percent of both companies' common stock simply for agreeing to provide backstop financing.

Over the next few years, however, the Treasury will almost surely have to invest tens of billions of dollars to keep Fannie and Freddie adequately capitalized, and how much of that money will ultimately be recovered depends on how things turn out with the millions of mortgages the companies hold or have guaranteed. But if it is willing to wait until housing markets finally recover, there's a good chance the government will recoup most of its investment, along with a 10 percent annual dividend and a hefty guarantee fee.

In the end, the right way to think about these rescues is not to simply ask how much they are likely to cost, but how the rescue compares to the cost of doing nothing.

It's not hard to imagine, for example, that if nothing had been done, Fannie and Freddie would have been forced by nervous bondholders to hunker down and throttle back its housing-finance activities, further destabilizing financial markets and accelerating the housing market's downward spiral. Those, in turn, could have easily turned a short recession into one that was longer and deeper—one that cost Americans an extra $200 billion in lost income, several hundred thousand additional lost jobs and a net loss to the Treasury of $80 billion. Suddenly, a Fannie/Freddie rescue begins to look like a bargain.

Aside from the money, of course, there is also the problem of moral hazard—the concept that unless markets are allowed to inflict the full measure of punishment on investors and executives for their bad judgments and undue risk-taking, it will only invite bad judgment and undue risk in the future. But using moral hazard to argue against the carefully structured rescues of Bear Stearns or Fannie and Freddie is a bit likely arguing that any sentence short of capital punishment is insufficient to deter bank robbery.

Remember that even with the rescues, top executives at Bear Stearns, Fannie Mae and Freddie Mac lost their jobs, their reputations and most of their net worth, while long-term investors lost all but a tiny fraction of their money. It's hard to imagine that anyone will look back on those experiences and see anything but a cautionary tale.

PORT OF SEATTLE AND SEA-TAC AIRPORT ENVIRONMENTAL RECOGNITION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. REICHERT. Madam Speaker, I rise today in recognition of Seattle-Tacoma International Airport, Sea-Tac, as the winner of the 2008 Environmental Achievement Award from Airports Council International—North America, ACI–NA. Sea-Tac, operated by the Port of Seattle, was recognized by ACI–NA for their Comprehensive Stormwater Management Program, CSMP.

The CSMP focuses on surface-water runoff quality, regional basin planning, and endangered salmon. According to officials at the Port of Seattle, not only did the CSMP at Sea-Tac strengthen the environmental sustainability of the communities surrounding Sea-Tac and the Pacific Northwest as a whole, it also saved taxpayer's an estimated $250 million. The Port of Seattle and Sea-Tac also worked cooperatively with local cities and government agencies to implement a $4.2 billion capital improvement program at Sea-Tac to adhere to storm water regulations and show the type of environmental leadership that reflects the values of the people of the region.

The Port of Seattle's determination to be the greenest port in the Nation should be commended. I applaud port CEO Tay Yoshitani and the five port commissioners for their innovative leadership in lessening their environmental impact and showing conclusively that green policies and economic stimulation are not divergent values. I urge the port to continue on their conservation path and I pledge to also continue pushing pro-environment legislation and ideals in the House of Representatives.

THE RECOGNITION OF 25 YEARS OF SERVICE AWARDS FOR EMPLOYEES OF THE OFFICERS AND INSPECTOR GENERAL OF THE HOUSE OF REPRESENTATIVES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to congratulate and recognize outstanding employees of the Officers, Clerk of the House, Sergeant at Arms and Chief Administrative Officer, and Inspector General of the U.S. House of Representatives who have reached the milestone of 25 years of service to the U.S. House of Representatives.

Our most important asset in the House is our dedicated employees, and their work, often behind the scenes, is vital in keeping the operations and services of the House running smoothly and efficiently. The employees we recognize today are acknowledged and commended for their hard work, dedication, and support of House Members, their staffs and constituents, and for their contributions day-in and day-out to the overall operations of the House. These employees have a wide range of responsibilities that support the legislative process, assure the security of the institution, and maintain our technology and service infrastructure. They have accomplished a great many things in a wide range of activities, and the House of Representatives and its Members, staff, and the general public, are better served because of them. The individuals we honor today have collectively provided over two hundred seventy-five, 275, years of service to the U.S. House of Representatives:

Matthew P. Agee—Chief Administrative Officer

David S. Bogan—Chief Administrative Officer

James A. Bowles—Chief Administrative Officer

Mary B. Engler—Clerk of the House

Stephen R. Johnson—Chief Administrative Officer

Mary M. Kelley—Chief Administrative Officer

Arnette M. Person—Chief Administrative Officer

Robert V. Rota, Jr.—Clerk of the House

Michael H. Starnes—Clerk of the House

Nathaniel L. Tolson—Clerk of the House

Deborah J. Turner—Clerk of the House

On behalf of the entire House community, I extend congratulations and once again recognize and thank these employees for their commitment to the U.S. House of Representatives as a whole, and to their respective House Officers and Inspector General in particular. Their long hours and hard work are invaluable, and their years of unwavering service, dedication and commitment to the House set an example for their colleagues and other employees who will follow in their footsteps. I celebrate our honorees, and I am proud to stand before you and the nation on their behalf to recognize the importance of their public service.

EARMARK DECLARATION

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. WELDON of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 6599, The Military Construction and Veterans Affairs Appropriations Act for FY 2009.

I have requested that the committee provide the full $122,000,000 requested by the Administration for construction of the East-Central Florida (Orlando) New Veteran's Medical Facility under the Department of Veterans Affairs Major Construction account. The committee provided $220,000,000 within the bill.

The Medical Center will consist of a 134-bed hospital, a large medical clinic, a 120-bed Nursing Home, a 60-bed domiciliary, and full support services, utilities, and infrastructure on a new site. It will provide VA Acute Care, complex Specialty Care and advanced Ancillary/Diagnostic services for approximately 92,000

veteran enrollees. The site selected is in the Lake Nona development in Orlando, Florida.

HONORING NATIONAL GRANDPARENTS DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. DAVIS of Illinois. Madam Speaker, we celebrate National Grandparents Day on the first Sunday after Labor Day every September. In honor of the 2008 National Grandparents Day, I wish to recognize the contribution of the millions of grandparent caregivers who raise their young relatives. In the United States, more than four and one half million grandparents are raising over six million children. These grandparents have embraced the role of full-time caregivers—juggling car seats, monitoring homework, and stretching fixed-incomes—to protect young children whose parents cannot provide them safe, permanent homes. This is not the vision of retirement that most of us hold, but it is a reality for millions of Americans.

In Illinois, approximately 80,000 grandparents head households that include young children. Indeed, my Congressional District has the highest percentage of children living with kinship caregivers in the Nation, followed by the First District of Illinois with the second highest percentage and the Second District with the tenth highest percentage in the nation. I know the sacrifice and dedication of these grandparents. I know the lengths they go to identify the resources and obtain supports for these youth, foregoing their own needs to provide for their grandchildren.

I am pleased that Congress is advancing legislation to support these grandparent caregivers. In June, the House of Representatives passed H.R. 6307, the Fostering Connections to Success Act. This bill includes important provisions that I have championed for 4 years that will support kinship caregivers. Specifically, the bill includes the three core elements of my bill, H.R. 2188, the Kinship Caregiver Support Act, which I introduced with Representative TIM JOHNSON: It allows states to use Federal funds to support family caregivers' raising relatives who were in the foster care system; it provides funding to establish kinship navigator programs; and it requires notification of relatives when a child enters the foster care system. The Senate Committee on Finance is advancing related legislation this week. It is important that Congress acts quickly to support grandparent-headed families. Research clearly shows that kinship foster care families are safer, more stable placements that are more likely to keep children connected with their siblings and communities than non-relative placements. Further, these placements are cost effective. In Illinois, cost studies found a projected savings of approximately $48 million over 10 years. We know that millions of grandparents care for grandchildren who never entered the foster care system, and we need to include supports—such as kinship navigator programs—to help these families identify and access services as well.

National Grandparents Day reminds us to care for our seniors. It is a fact of nature that all of us will turn grayer. I hope that Congress will succeed in implementing key supports for kinship caregivers who have done so much to protect and care for some of our most vulnerable citizens.

INTRODUCTION OF THE MEDICARE HOSPICE PROTECTION ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to introduce the Medicare Hospice Protection Act to help preserve Medicare beneficiaries' access to hospice services. I am pleased to be introducing this legislation with my colleagues JIM RAMSTAD and MAURICE HINCHEY.

Established as a Medicare benefit in 1983 to ensure that all beneficiaries could access high quality end-of-life care, hospice is a comprehensive model of care that encompasses the physical, spiritual, emotional, and practical needs of the patient. Considered to be the model for quality, compassionate care at the end of life, hospice care involves a team-oriented approach of expert medical care, pain management, and emotional and spiritual support expressly tailored to the patient's wishes. Hospices around the country provide invaluable services and care by enhancing the quality of life for the terminally ill.

The Medicare hospice benefit has significant cost savings. A Duke University study showed that patients receiving hospice care cost the Medicare program about $2,300 less than those who did not.

Unfortunately, the Bush Administration and the Centers for Medicare and Medicaid Services (CMS) recently issued a final rule that would eliminate the budget neutrality factor in the Medicare hospice wage index. This will result in a $2.18 billion reduction in Medicare hospice reimbursement over 5 years and threatens the ability of hospice providers to care for the terminally ill. This legislation seeks to prevent CMS from implementing this shortsighted rule until October 2009.

I initiated a letter in April 2008, signed by 49 House members, to Health and Human Services Secretary Mike Leavitt urging him to reconsider issuing this rule that phases out the current budget neutrality factor in the Medicare hospice wage index. That letter was ignored as the Administration has moved forward and issued this misguided regulation.

Madam Speaker, as our nation faces the continuing challenges of meeting the health care needs of an aging population, now is not the time to cut back on Medicare reimbursement for hospice services, which is cost effective and saves Medicare money. I invite my colleagues to join us to pass the Medicare Hospice Protection Act to ensure access to hospice services for the patients and families who need it.

HONORING SGT RYAN BAUMANN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. HOYER. Madam Speaker, I rise in memory of a Maryland native who died last month in our country's service: SGT Ryan Baumann of Great Mills. I know how small a difference any words of mine can make for those who loved and lost him; but still, he deserves all the honor we can give.

Ryan Baumann grew up in Great Mills, Maryland, where he excelled in sports and was an award-winning photographer. He met his fiance, Lauren Smith, soon after graduating from high school; tragically, he was killed in action before they could marry.

Sergeant Baumann was a veteran of Iraq and Afghanistan, a highly decorated soldier. His awards included the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, two awards, the National Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Overseas Ribbon. He was also posthumously awarded the Purple Heart and the Bronze Star.

Sergeant Baumann's death typified his outstanding service. Traveling on Route Alaska in Khost Province, Afghanistan, Sergeant Baumann spotted an improvised explosive device from his Humvee. As his fiance explained, "They were going downhill and he saw the land mine and he was telling them to stop, and you can't stop a Humvee going downhill, and he told them to veer to the left, which made him take the brunt of the explosion. He wouldn't have had it any other way." Sgt. Baumann died of his injuries; every other serviceman in the Humvee survived.

In the wake of his death, we honor his commitment to our country, his tremendous sacrifice, and his devotion to his comrades-in-arms. As they mourn their great loss, our thoughts are with his family: his father Robert; his mother Cindy; his stepfather Gary Lohman; his sister Christina; and his fiance, Lauren Smith. I pledge to them all the support a grateful nation can give.

HONORING THE 95TH BIRTHDAY OF ROBERT SIDNEY CLOTFELTER

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. GINGREY. Madam Speaker, I rise today to honor Robert Sidney Clotfelter, who is celebrating his 95th birthday this week. Sidney Clotfelter is a life-long Georgian who has spent the majority of his 95 years enriching lives of citizens in the heart of my district—Marietta, Georgia. Born in Fulton County, Georgia on September 14, 1913, Sidney was one of five children to Charles Thomas and Era Northcutt Clotfelter.

Growing up in Marietta during the Great Depression, Sidney sold vegetables from the

back of a Model T Ford to help make ends meet for his family.

Sidney attended Marietta High School and graduated in 1932, where he was voted Best All-Around Senior. After high school, he attended a local business college, and then studied two years at Georgia Tech. During World War II, he served his country as an officer in the Army with the Corps of Engineers.

Sidney has been an active member of the First Presbyterian Church since 1928, where he has served as Deacon and has been on the Property Committee for twenty years.

He has owned and operated a number of businesses, including a contracting company for commercial and industrial construction. He built schools, churches and various commercial buildings around Marietta, and did construction work for Southern Bell and AT&T in every state in the Southeast. For several years he worked for Lockheed Martin in maintenance and construction.

In 1992, he was honored with the Marietta High School Distinguished Alumni Award. Sidney Clotfelter has been a member of the Marietta Rotary Club since 1946 and served as the Club's president from 1962 to 1963.

Sidney Clotfelter has contributed much to the communities of Marietta, Cobb County, and the entire state of Georgia during his 95 years. His donations of time, work and money to a wide variety of organizations and causes have been substantial, continual and selfless—often giving anonymously. He is a dedicated family man who is blessed to have all four of his children living near him on the property where he was raised. Sidney has spent thirty-two wonderful years married to Barbara Porter Clotfelter and, along with his four children, has eight grandchildren and eleven great-grandchildren.

Madam Speaker, I ask that my colleagues join me in wishing Robert Sidney Clotfelter a happy and healthy 95th birthday and thanking him for a lifetime of service to his community.

RECOGNIZING THE 50TH ANNIVERSARY OF MARIAN HIGH SCHOOL

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to recognize Marian High School in Bloomfield Hills, MI as they celebrate their 50th anniversary on September 14, 2008. The school continues to be a beacon of academic excellence that nurtures future generations of leaders.

Marian High School is a Catholic, college preparatory high school for young women founded by the Sisters, Servants of the Immaculate Heart of Mary in 1959. The congregation continues to sponsor the school and is still an active part of the administration. The school's mission is to ensure, within a Christian environment, an excellent education built on a strong academic curriculum, which will enable young women to value human diversity and live responsible lives of leadership and action based on gospel values.

Marian's philosophy of melding Christian values with scholastic achievement has proven to be one of success. This is exampled by the fact that Marian students have consistently performed above the state and national averages on the SAT and ACT. In addition, Marian offers 20 honor level courses and 12 advanced placement courses, which allow students to earn college credits. The faculty has also shown a commitment to improving the quality of the education students are receiving with over 60 percent of them holding an advanced degree.

Madam Speaker, Marian High School continues to be one of the finest educational institutions in Michigan. I wish to congratulate the administration, faculty, students, and alumni on their 50th Anniversary and hope for many years of prosperity.

25TH ANNIVERSARY OF TRI-COUNTY MENTAL HEALTH AND MENTAL RETARDATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. BRADY of Texas. Madam Speaker, I rise today to recognize the 25th anniversary of the Tri-County Mental Health and Mental Retardation being designated as the MHMR center for Montgomery, Liberty and Walker counties in southeast Texas. I ask my colleagues and those visitors in the House Chamber to join me in congratulating Tri-County MHMR and applauding the work they've done over the past quarter century.

Twenty-six years ago, a small group of community leaders joined together to make the dream of local MHMR services a reality—the dream they shared became a reality on September 1, 1983. What initially was only an outpatient service center grew to have a budget of $1.5 million and 46 employees by the end of the first year. Tri-County MHMR grew from these humble beginnings into a $22 million system that serves nearly 7,000 people and has more than 350 employees.

It is only through the dedication of the founders, the continued work of the employees, and the support of the community that Tri-County MHMR has seen such tremendous success and been able to make such a positive impact on the community.

If you name the service chances are Tri-County MHMR offers it; from outpatient psychiatric services, nursing and counseling to supported employment, habilitation and vocational training for both adults and children. The impact they've had has been felt locally and with the help of Federal grants, they continue to offer new services and provide better care. Only last year, they received over $1.3 million to build additional supported apartment housing in Montgomery County. Tri-County MHMR continues to grow and identify new areas where they can contribute and, with the help of the State of Texas, the Montgomery County Hospital District, and the Montgomery County United Way, Tri-County MHMR will open a much needed Crisis Stabilization Unit in 2009.

It is an honor to recognize such an impressive group of individuals and such a noble organization. I hope all Americans can learn from the example Tri-County MHMR continues to make and step forward to fill a need in their local community, help other people, and in a small way help make life better for someone else.

TRIBUTE TO DR. ICHIJI TASAKI

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize the outstanding achievements of my constituent Dr. Ichiji Tasaki. Dr. Tasaki has worked at the National Institutes of Health for 54 years, since November 1953, and has made invaluable contributions to the scientific community.

Dr. Tasaki was born in Japan in 1910 and attended medical school at Keio University Medical School. Upon earning his medical degree, Dr. Tasaki began a career in research. After completing a Rockefeller Fellowship in Switzerland and England, Dr. Tasaki immigrated to the United States in 1951, where he began work at the Central Institute for the Deaf in St. Louis, Missouri, helping to develop the field of audiology, which serves as a foundation for diagnosing and treating numerous hearing disorders.

Dr. Tasaki began his career at the National Institutes of Health as a Section Chief in the National Institute of Neurological Disorders and Blindness. He went on to become a Laboratory Chief and later a Senior Research Scientist at the National Institute of Mental Health, where he remained for twenty-two years. Most recently, Dr. Tasaki was associated with the National Institute of Child Health and Human Development.

Dr. Tasaki has made countless contributions to scientific understanding. He is well known for discovering the insulating function of the myelin sheath, the salutatory feature of nerve conduction, and the rapid swelling of nerve fibers in association with their excitation. He also developed an important method of intracellular perfusion and the new method of detecting heat production associated with nerve excitation. Dr. Tasaki's work is referred to in biology textbooks, and he is recognized as the most senior author of "Scholarpedia."

Madam Speaker, I am honored to commend Dr. Ichiji Tasaki for his significant contributions to scientific understanding. I ask my colleagues to join me in applauding the advances he has made to improve the quality of life throughout the world.

RECOGNIZING BAKER CHAPEL AFRICAN METHODIST EPISCOPAL CHURCH UPON THEIR 100TH ANNIVERSARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Baker Chapel African

Methodist Episcopal Church on its 100th anniversary.

Baker Chapel African Methodist Episcopal Church was founded in 1908 as a place of worship and institution of service to its community. The Reverend Walter McDonald, current Pastor, and the church membership have sought to minister to the spiritual, intellectual, physical, and emotional needs of the people of the surrounding area. For a century, BCAMEC has stood as an esteemed religious institution, serving as a beacon in Tarrant County to reach out to its neighbors and serve the misfortunate.

I recognize Baker Chapel African Methodist Episcopal Church for their accomplishment of a century of service to the Fort Worth community. It is my privilege to represent the members of Baker Chapel in the 26th district of Texas.

TRIBUTE TO WILLIAM BYRD SPENCER

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. ROGERS of Michigan. Madam Speaker, I rise to honor the accomplishments of William Byrd Spencer of Washington, DC. William Byrd Spencer, known to most as Bill, is considered one of Washington, DC's preeminent labor/management specialists and political strategists. Bill has worked in the government affairs division at the Associated Builders and Contractors (ABC), one of the Nation's largest construction trade associations, for 19 years, serving as ABC's chief political strategist for the last 8 years. During his time at ABC, Bill has covered all aspects of their government affairs activities and policy making, including legislative, political, legal and regulatory affairs. Many on Capitol Hill credit Bill's hard work and tireless dedication to free enterprise and merit shop construction as a primary reason ABC is considered one of the most influential organizations in Washington today. Bill is widely respected by his peers, and counsels many Members of Congress on a variety of issues.

Bill received his bachelor of arts in International Relations from the University of Southern California and his juris doctor from the University of the Pacific's McGeorge School of Law in Sacramento. Bill came to Washington in 1987 to serve in the Reagan Administration where he worked in the Office of the Secretary at the United States Department of Commerce. In addition Bill has served in high level positions in numerous campaigns around the country.

Above all Bill is a consummate family man. He always finds the time to attend his daughter Kelsey's dance recitals and his son Will's baseball games with his wife Allison.

I know I am not the only Member of the United States Congress who wishes Bill all the best and to thank him for everything he has done.

HONORING CARL DICKERSON

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Ms. LEE. Madam Speaker, I rise today to acknowledge the life and contributions of Mr. Carl Dickerson as his family and friends join together to celebrate the joyous occasion of his 70th birthday. An innovative entrepreneur, community advocate, and tireless champion for civil rights and equality, Mr. Dickerson has contributed immensely to our society.

Carl Dickerson was born in McKeesport, Pennsylvania on September 12, 1938. Born into a loving family, Carl established a deep value system centered on hard work and close relationships which he has carried with him through his many lifetime accomplishments.

After graduating from high school, Carl served his country and pursued his education with an endless voracity and thirst for knowledge. He is a graduate of the U.S. Army College of Emergency Administrative Analysis in Battlecreek, Michigan, as well as of the U.S. Army Staff College of Nuclear Science in Sheeps Head Bay, New York. In 1960, Mr. Dickerson received his degree from Lincoln University in Pennsylvania and went on to complete graduate work at Temple University.

Carl Dickerson's life has been filled with groundbreaking business ventures, community contributions, and accomplishments both as a recognized leader and astute businessman. For four years, Mr. Dickerson served our young people as a dedicated educator, teaching at West Philadelphia High School in Pennsylvania and at the University of California, San Francisco. In the business world, he served as the president of Echo911 and the Principal at IGP Tech.

Carl has always been relentlessly devoted to his community, and has spent the majority of his life donating his time and efforts to countless professional affiliations where he has served in numerous capacities and board positions. Just a small example of his many commitments includes being a member of both the National and California Associations of Health Underwriters, founding member of the Academic Council of Insurance Planners, and Associate of the Black MBA Association. He has held myriad board positions for such community benefit organizations as the Los Angeles Community Lending Corporation, the Los Angeles Urban League, the Black Business Association, and the Center for Non Profit Management.

In light of all of these impressive accomplishments, however, Carl's most notable contribution has been as the creative and supportive president of Dickerson Employee Benefits, which he founded in 1965. As a result of Carl's activities, both political and civic, Dickerson Employee Benefits has maintained strong roots in minority communities throughout Southern California. The mission statement of Carl's business closely emulates the mission of Carl's life, which he lives up to everyday: ''the belief that all people should have equal access to affordable healthcare.''

Carl Dickerson is a successful entrepreneur who has never forgotten his roots, has always fought on behalf of those most in need in his community, and has remained acutely aware that equal opportunity and equal access for people of color is a cause still very much alive and in need of leaders like him. Most importantly, Carl has used his personal success to bring others up behind him.

Fortunately, I have had the honor of witnessing this man at work many times. His positive outlook, energetic spirit, and warm humor are always present no matter what task he has before him. Carl is constantly coming up with creative new ideas and inspiring people to soar to new heights and attempt things they never thought they would be able to do. Carl Dickerson is a man who can produce a sense of self-confidence and adventure in others which they would never find within themselves without his encouragement and guidance. In this way, not only is he a talented and successful person himself, but he has the incredibly rare ability to drive others to realize their full potential.

On behalf of the 9th Congressional District, it is my great pleasure to join Carl Dickerson's mother, wife, children, grandchildren, in-laws, and a host of loving family and friends as we celebrate the 70th birthday of this great man. Congratulations, and I wish you all the best in the coming years.

ON THE INVALUABLE CONTRIBUTION TO EDUCATIONAL EQUITY MADE BY JAMES KETELSEN

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mrs. MCCARTHY of New York. Madam Speaker, I rise in honor of James Ketelsen, the founder of Project GRAD, an education reform model that is transforming the hopes of tens of thousands of students and families across the country. Mr. Ketelsen has announced his intention of resigning as chair of the Project GRAD USA board of directors, and will become chair emeritus later this fall.

Mr. Ketelsen is the former CEO and chairman of Tenneco. Under Mr. Ketelsen's leadership, in 1988 Tenneco began to fund a 4-year scholarship program for eligible graduates of Davis High School, at the time Houston's lowest-performing high school. By 1992, the number of Davis graduates entering college had more than quadrupled. Still, Mr. Ketelsen was not satisfied because high school graduation rates and college matriculation rates continued to fall short of his expectations. He knew, given the right investments and the right commitment, that Davis students—and all students from economically disadvantaged communities—were capable of much more. As Mr. Ketelsen is inclined to insist, ''It's not the kids!'' Armed with that belief, Mr. Ketelsen has dedicated the last two decades to making an enormous difference for America's highest needs students.

I have been a longtime supporter of Project GRAD in Congress and was pleased to be able to get a provision into the recently-enacted Higher Education Opportunity Act to expand Project GRAD so that more low-income

and minority students can attend college and earn degrees. Today, Project GRAD has expanded to 13 communities and reaches more than 120,000 students and families from California to New York, Alaska to Georgia. In the longest-served group of schools, GRAD scholars are completing college at a rate 92 percent above the national average for students from similar demographic backgrounds. A statistically significant sample of GRAD scholarship recipients who have completed college shows that the proportion who graduated with majors in science, technology, engineering, and mathematics—concentrations of dire need for the national economy and national security—exceeded the national average for minority students by 71 percent. In the coming academic year, more than 7,500 students will be in college, funded by a Project GRAD scholarship. GRAD has already sent high school graduates to more than 100 institutions of higher education, including many of the most highly selective colleges and universities in the Nation. At the beginning of high school, many Project GRAD students would never have dreamed of attending Harvard, Yale, MIT, Cornell, Emory, Georgetown, Rice, Texas, Virginia, or Amherst, yet because of Mr. Ketelsen's vision, determination, and remarkable leadership, Project GRAD has altogether altered those expectations.

I am honored to know James Ketelsen personally and I am grateful for the tenacity and passion with which he has served America's children and families. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for the extensive contributions to education and our society that he made during his lifetime.

HONORING MARK TEETERS OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to pay tribute to Mark Teeters, who is being honored as the Napa County 2009 Teacher of the Year.

Mr. Teeters is entering his ninth year as Director of Choral Activities at Vintage High School in Napa. He also serves as chair of the Vintage High Visual and Performing Arts Department.

Under his leadership, the Vintage High School choir has ascended to elite status, winning gold medals at competitions around the world. They are a fixture at community events and contribute greatly to the cultural and artistic vitality of the Napa Valley. During the past 4 years, they have performed two extremely well-received musicals: Les Miserables and Miss Saigon.

As a lifelong Napan, Mr. Teeters not only uses his considerable talents to serve his students, but the community at large as well. He serves as Music Director at Covenant Presbyterian Church in Napa and co-conducts the Napa Valley Chorale, a local community choir.

A great teacher can have an impact on a young person that lasts forever. All of us can remember a teacher that has had a profound influence on our lives. Mr. Teeters has had this impact on hundreds of his students and is a sterling example of the best his profession has to offer. Under the constant specter of budget cuts to art and music programs, Mr. Teeters works tirelessly to ensure music education continues to play an important role in the life of his students.

Madam Speaker and colleagues, it is my distinct pleasure to recognize Mark Teeters for the leadership, guidance and inspiration he has provided to hundreds of young people throughout his career. I join the entire community in thanking him for his service and wishing him continued success.

RECOGNIZING THE WORKFORCE MOSAIC AND THEIR ROLE IN THE ANCOR 2008 GOVERNMENTAL ACTIVITIES SEMINAR

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. TERRY. Madam Speaker, I rise today to recognize all the good people at Mosaic, who have come to Washington, D.C. to take part in the American Network of Community Options and Resources, ANCOR, 2008 Governmental Activities Seminar.

Mosaic, a disability advocacy organization based in my Congressional district, has a long history of providing direct support and services to individuals with disabilities of all ages. It employs more than 5,000 employees nationally who provide a range of supports 7 days a week, 24-hours a day. In Omaha, Mosaic's highly skilled and committed workforce support more than 250 individuals, making Mosaic one of the largest providers in the metropolitan area.

Throughout this week, people from Mosaic, along with the attendees at ANCOR's events are meeting with their Congressional offices to raise awareness about the need for an adequately paid, trained and dedicated workforce. Most direct support professionals are women with families working 40-hour work weeks at an average of $9.47 an hour. That amounts to an annual salary of $18,182, a figure below the $21,200 poverty level for a family of four. Low wages have been a prime obstacle in maintaining a qualified workforce. Unlike other sectors of the private market, the formal long-term supports system is almost entirely dependent upon public financing—particularly Medicaid funding.

Demand for direct support professionals continues to grow and is estimated to increase by about 38 percent over the next 12 years. We must ensure that qualified and reliable people are recruited as caregivers so that they in turn can help individuals with disabilities participate and contribute to their communities.

Madam Speaker, there is no better way to recognize this workforce's contribution to the Nation than to ensure that these dedicated direct support professionals are fairly compensated. I urge my colleagues to join with me in cosponsoring the bipartisan Direct Support Professionals Fairness and Security Act, H.R. 1279.

REMEMBER THOSE KILLED ON SEPTEMBER 11, 2001

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MICA. Madam Speaker, As our Nation reflects upon the day of the terrorist attacks 7 years ago this week, I cannot forget my friends who were killed by terrorists that day.

Some 7 weeks before September 11, 2001, I spent several days in New York City with Neal Levin, executive director of the Port Authority New York and New Jersey. I met Neal when he was the legislative director to Senator Al D'Amato of New York and when I was chief of staff to Senator Paula Hawkins of Florida. In early 2001, he became director of the Port Authority, just as I became chairman of the U.S. House Aviation Subcommittee in Congress.

With New York area airports under his authority, he called on me as an old friend to come to New York, review the air congestion problem and conduct a hearing on the matter. I obliged my friend Neal and after visiting John F. Kennedy International, Newark Liberty International and LaGuardia Airports, held a hearing in the Port Authority Hearing Room in the World Trade Center. After the hearing, Neal hosted me and several other guests in the Port Authority's Dining Room adjacent to the Windows of the World Restaurant at the top of the World Trade Center. It was in that same room where I left Neal and the others who assisted me that they all met their deaths on Tuesday, September 11th.

On the morning of September 11, 2001, Secretary of Defense Donald Rumsfeld invited me and several other Members of Congress to a breakfast meeting at the Pentagon. Our discussion that day was how to rebuild our Nation's military capability that had been downsized under the outgoing Clinton Administration. Specific to the conversation was how our stretched and limited military could muster the resources to deal with a future engagement.

As the meeting concluded near 9 a.m., I was speaking with the Defense Secretary at the end of the conference table as word of the first plane to hit the World Trade Center reached us. Then we were told of the second attack. While the Secretary stepped into his adjacent office, I conferred with several of his top aides about the situation. Missing my ride back to Capitol Hill, I sought a ride to the House Office Building and arrived just as the plane hit the Pentagon.

Killed in the Pentagon, where I had departed just minutes before, was Terry Lynch who worked as a U.S. Senate staffer for Alabama Senator RICHARD SHELBY. Terry and I were friends from our U.S. Senate staff days. On Flight 93, was Barbara Olsen who worked with me on the House Government Reform Committee. She was a brilliant and most capable professional and a dear friend who was killed by fanatic terrorists.

While 7 years have passed, I can never forget these friends or the manner in which they were taken from us and their families. As Americans, we are blessed with a life most of

the world can only dream about. While we go about our lives, we should not and can not ever forget those taken from us on September 11th.

HISTORICAL SOCIETY OF WHITPAIN—FRANKLINVILLE ONE-ROOM SCHOOLHOUSE 150TH ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Ms. SCHWARTZ. Madam Speaker, I come before you today to congratulate the Historical Society of Whitpain on the 150th anniversary of the Franklinville School. The Franklinville School, a one room schoolhouse, was originally constructed in 1858 to serve the small area of Franklinville and served in that capacity until 1916. After its closure, Ralph Beaver Straussburger, a Naval Academy Graduate and aide to President Theodore Roosevelt, purchased the schoolhouse as part of a small estate when he married into the Singer family, of the Singer Sewing Machine Company.

Mr. Straussburger modeled his estate after a French manor house and named it Normandy Farms. The Franklinville School was an integral part of Straussburger's estate, serving as a school not only for Straussburger's children but also for the children of the employees of the estate.

In the following years, the schoolhouse was abandoned and fell into a state of dilapidation and disrepair. In 1983, The Historical Society of Whitpain was founded for the purpose of restoring the old schoolhouse. Over the next 14 years, volunteers tirelessly worked to raise money to restore the schoolhouse and in 1997, the Historical Society gained title to the Franklinville School.

The Society has worked tirelessly to finish the restoration of the schoolhouse, including replacing the building's unsafe flooring. Prior to the completion of the restoration, the Society commissioned an archeological dig and recovered a number of artifacts that exemplify America of the 1850's, including medicine bottles, inkwells and an 1876 Liberty Head quarter.

Madam Speaker, once again I congratulate the members of the Historical Society of Whitpain on their tireless efforts to reclaim and restore the history that has made our country what it is today. It is through such efforts that we can hope to learn more about our Nation's past and ensure that our extraordinary history is accessible to future generations.

HONORING THE LIFE OF MR. CHARLES A. SARDO, SR.

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. GERLACH. Madam Speaker, I rise today to remember the life of Charles A. Sardo, Sr., a Southeastern Pennsylvania resident who dedicated himself to proudly serving his community, country, church and family.

Before his passing on January 21, 2008, Mr. Sardo served his community for 22 years as chairman of the Planning Board and Zoning Hearing Board in Lower Providence Township, Montgomery County. His service also included holding the posts of Building Inspector, Zoning Officer, Road Master, and Township Manager in Worcester Township, Montgomery County. His most recent post was Borough Manager in Trappe, Montgomery County. During his 22-month tenure, Mr. Sardo secured grants through the Kaboom program, which financed the construction of a playground at Waterworks Park. This playground will always stand as a symbol to Mr. Sardo's tireless commitment to the communities that he served.

In addition to giving his all to enhance communities, Mr. Sardo answered the call to serve his country as a Marine. It was during that service that an injury led to his honorable discharge.

While public service demanded a large portion of his time, Mr. Sardo always had time to faithfully serve his church. He was an active member of Visitation of the Blessed Virgin Mary for 35 years where he attended mass and hosted an annual roast beef dinner for his congregation. As a member of the Knights of Columbus, he was recognized for great leadership as Knight of the Year and as Grand Knight for the Pope John Paul I Council.

Mr. Sardo's devotion to his family was about the only thing that surpassed his long list of good works in his public life. He was a proud father who was always involved in his children's activities, including Little League Baseball and Cub Scouts. He was a faithful and conscientious father, grandfather, and husband.

Madam Speaker, I ask that my colleagues join me today in honoring the life of Mr. Charles A. Sardo who was a shining example of what all of us strive to be, a dedicated citizen and loving family man.

SENATE—*Friday, September 12, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of power and might, wisdom and justice, for whom all authority is rightly administered, laws are enacted, and judgment is decreed, thank You for the gift of this day, for the opportunity to be used by You to make a positive difference in our world.

Use our lawmakers for Your honor. Assist them with Your spirit of counsel and fortitude. Give them the wisdom to always seek the paths of righteousness, justice, and mercy. Protect them with Your omnipotence, and infuse them with the passion to lead this Nation with honesty and integrity. Lord, help them to walk blamelessly, so that Your integrity will guide them and Your favor will sustain them. May this historic Chamber become a place of creative exchange of insights that leads to shared convictions about what is best for America.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 12, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid amendment No. 5290, to change the enactment date.

Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.

Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature.

Reid amendment No. 5294 (to amendment No. 5293), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The senior Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, as previously announced, there are no rollcall votes today or Monday. Senators should expect the next vote to occur on Tuesday. However, Senator WARNER and I will be here today, we will be here Monday, and we will, of course, be here Tuesday morning to discuss amendments with Senators to try to get these amendments considered or at least in line to be considered. We are clearing amendments. We have a managers' package already that is ready to go with—I am not sure how many amendments we have already put in there—perhaps 15 or 16 amendments that have already been cleared. We can't get them passed yet because of an objection, but we would expect that objection would be removed by Tuesday. We will continue in the next few days, over the weekend, to try to agree upon many of the 200-plus amendments that have been filed so that we would be hopeful that we would have a large number of amendments in a managers' package ready to go on Tuesday if we can get the objection removed.

We also hope that we could, today and Monday, debate amendments which will be requiring rollcall votes on Tuesday. Our goal is to try to complete consideration of this bill by Tuesday night. The majority leader has indicated he will be filing cloture today, which means there would be a cloture vote on Tuesday, and hopefully we would get to the point on Tuesday where the amendments which need rollcall votes could be voted on Tuesday and that we would have a large managers' package and that we would not have to go to a cloture vote on Tuesday and instead try to get to final passage without it. That is the lineup. My dear friend from Virginia and I are here to work with Senators to try to see if we can't get amendments lined up for votes and other amendments agreed upon so that they will be part of the managers' package.

The ACTING PRESIDENT pro tempore. The senior Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the Presiding Officer. I join my colleague. We are here.

I wish to also bring to the attention of colleagues that at the close of business last night we were informed there are over 200 amendments at the desk. It is our hope that perhaps Senators who have filed those amendments could work with the managers and/or our staffs such that they could be added to, hopefully, a future package that will receive the support of the Senate by a UC. So therein is a very significant amount of work resting at the desk.

Mr. LEVIN. Mr. President, if I could add one further thought, with the help of our staffs, we have actually been making some progress in terms of some significant discussions that have not been on the Senate floor but nonetheless are taking place, so that we are making some progress on some sticking points, to try to resolve some sticking points to at least get them to a position where they can be voted upon even if they can't be agreed to. So I am optimistic, if everybody cooperates——

Mr. WARNER. Mr. President, in that vein, Senator VITTER and Senator DEMINT worked with us last night, and Senator COBURN.

Mr. LEVIN. And others, yes. The leaders are involved through their staffs and perhaps personally in these discussions. But it is our effort, our intent, our goal, and our hope that we can get this bill ready for passage, either without a cloture vote or with one, by the end of Tuesday night. That is our goal. The leadership has been very helpful in trying to help us reach that goal, and that is our intent.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 5296

Mr. ALLARD. Mr. President, I am rising to speak in regard to the Defense authorization bill, which is now being considered on the floor of the Senate. I am delighted that we are moving forward with this piece of legislation. It is something that gets passed every year. It is important that we get this kind of legislation passed because, with the challenges the country is facing, we need to deal with some very vital issues in the defense of this country and also take care of the families and the men and women in the armed services.

I want to mention a few things about a couple of amendments I plan on introducing at some point in time for consideration by the Senate. One of them has to do with Fort Carson, which is located in Colorado Springs, CO. It is an attractive place, if you are in the Army, to be assigned. It is one of the bases where we are looking at some expansion possibilities.

One of the key points with the new personnel we are bringing is that they need more training space. So I have been working with the Colorado Springs community and the commander at Fort Carson, as well as the Army, to facilitate this so it can move forward and everybody would be comfortable with what is being done. Earlier in our discussions, when I visited with the commander, he assured me that in the process of acquiring property he would protect private property rights. That is extremely important to the people of Colorado, particularly in the rural areas. This expanded training area is in a very rural area in southern Colorado. With the assurance that they would protect private property rights, I began to say that now you need to talk to the members of the communities and elected officials and see if you cannot work out some agreement. The Army has put forth considerable efforts up to this particular point in time. I have been asked to begin to propound an amendment that would support the Army's position on protecting property rights.

Last year, as part of the fiscal year 2008 Defense Authorization Act, I included language that would require the Army to submit to Congress an outline of their justification for the expansion of the Pinon Canyon maneuver site. I was pleased with the Army's findings and am convinced there is a critical need for additional training space for the new troops that are set to arrive at Fort Carson in the near future.

Although the Army identified a need of 418,577 acres, they have decided that just over 100,000 acres will be adequate to meet their immediate needs. These 100,000 acres will still provide the necessary space for enhanced training but will have less of an impact on the surrounding community.

In reading the Army's report, I believe they have shown their willingness to work with the community on a variety of issues: land, cultural resources, and historic preservation concerns in the area. For example, Otero County, one of the neighboring counties to Pinon Canyon, has asked that the footprint of the expansion not invade the Comanche National Grassland, and the Army's new plan leaves that area untouched. Additional community leaders suggested that the expansion site not cross Interstate 350, which the Army has also agreed to.

I also want to draw attention to the economic impact data that signals significant increases in revenue for the surrounding area. The expansion would generate more than 100 full-time civilian and contractor positions, equalling as much as $5 million in payroll. These would be civilian jobs and would yield increased property and tax sale revenue for the area.

Now, that is important, because if you have Federal facilities in your county, the Federal Government doesn't pay taxes. They make payments in lieu of taxes. Many times, the complaints we have from local governments in Colorado say it doesn't measure up to the lost revenue if that had been a facility in the private sector. This is an important part of that, so this part of Colorado wants and needs economic development. They need ways to be able to expand their property tax base so they can support their schools and support their community infrastructure in that area and in the country. So this is a very important provision, as far as the elected officials in that area. Most importantly, the Army has again reiterated their commitment to acquire the land from willing sellers only.

In spite of the Army's continued commitment to acquire the land for expansion only from willing sellers, there is still apprehension among the landowners, and I want to help ease that concern. That is why I will be proposing later on this amendment to the Defense authorization bill. It is an amendment which will take the possibility of eminent domain completely off the table.

As I said time and again, we must remember that property rights go both ways. Landowners should have the right to keep or sell their land if they so choose. If there are willing sellers in the area of the proposed expansion, then I see a very win-win solution.

Again, property owners don't want to have the Army come in and begin to condemn their property. Many of the farmers and ranchers have property in their families that date clear back to the Mexican land grant era in Colorado. They are very established in those areas and have no desire to move and want to be a part of the community and do not want to be forced out of the area.

I have said time and again, we must be very sensitive about property rights. The Army now has issued this comprehensive plan which shows the critical need for expansion. The Army has completed everything Congress has asked of them in the previous legislation. They continue to work with community leaders and landowners to find a win-win situation.

Fort Carson is growing fast and will soon have an additional brigade combat team. The United States has a responsibility to ensure our service men and women who have so courageously chosen to serve this great country receive the best training possible. I believe this expansion will help them do so.

I hope this amendment I will be offering will ease the concerns of our ranchers in the area, and we can soon move forward with a decision from the Army and from the locally elected officials and ranchers involved in the area.

AMENDMENT NO. 5298

Mr. President, another amendment I have been working on is an amendment to bring attention to the fact that our military servicemembers are faced with an ineffective process and unnecessary hurdles when attempting to exercise their right to vote.

Military absentee voting gained attention in the 2000 Presidential election. The Government Accountability Office reported that military ballots during the 2000 election were disqualified five times as often as civilian ballots. Despite numerous attempts by the Congress, our military continued to face voting problems in the 2002, 2004, and 2006 elections.

In 2006, Active-Duty military voted at a rate of 42 percent lower than the general population. It reported 47 percent of servicemembers who wanted to vote never got the chance to do so. This amounts to over 110,000 of our Nation's bravest and most patriotic men and women who were denied the right to vote.

Of those who were able to cast a vote, only 20 percent of them were even counted. This is simply unacceptable. These men and women risk their lives for democracy and freedom and voting rights all over the world. As we did over 60 years ago during World War II, the voting process still depends on a single soldier in the field reading a large number of pages in a guide—I am told up to 466—and being informed on how each individual soldier is to vote

under specific precinct guidelines. If a soldier is able to complete this step in the process, the mail system must still track down a moving target in order to get the ballot to a soldier who has the intention of voting. Warfighting and technology have come a long way since World War II, and in my view it is unconscionable that our voting capabilities have failed to keep up for our men and women in the military.

In recent years, there have been several voting ballot programs that would allow the soldier to request, receive, download, and print their absentee ballots no matter where they are deployed. We now have the capability to use electronic signatures. These are effective programs and would remove most, if not all, major hurdles facing our men and women in uniform who would like to exercise their right to vote. Despite these attempted advancements, none have been universally put into place. Our military men and women remain disenfranchised at the polling place.

It is time the United States ensures their right to vote. We have deployed these men and women to all corners of the world. We have sent them to Iraq and Afghanistan to fight for our security and freedom. They help to ensure the rights of others to have a voice in their Government. As we approach November and arguably the most monumental election of our time, I call on our colleagues to ensure that our men and women in uniform are given the opportunity to have their votes heard.

I will be offering an amendment at some point to the Defense authorization bill, and the amendment will basically do two things: First, it will eliminate the notary requirement on both the Federal postcard application to request absentee ballots, as well as the notary requirement on voted ballots. This is unnecessary as civilians in most States are not required to even do this.

Second, this amendment will permit electronic submission of the Federal postcard application. The Federal postcard application is an application needed to request an absentee ballot. By allowing electronic submission of this document, it will not just allow greater accessibility in a timely manner but will also allow servicemembers to request their absentee ballots closer to the election date, hopefully granting them additional time to know where they may be stationed in November.

Additionally, this amendment expresses the sense of Congress to encourage the States to permit members of the Armed Forces to apply for, receive, and submit absentee ballots for elections for Federal office by electronic means and to encourage the Department of Defense to implement and maintain programs that permit the secure submittal by members of the Armed Forces of absentee ballots for election for Federal office by electronic means.

It is simply time for Congress to ensure our military men and women the accessibility and right to vote, particularly at a time when we have the technology to provide the reliability and integrity of the system. I call on my colleagues to support me in this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD letters from the Colorado Secretary of State, the American Legion, Vets for Freedom, and the National Vietnam & Gulf War Veterans Coalition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,
DEPARTMENT OF STATE,
Denver, CO, May 27, 2008.

Hon. WAYNE ALLARD,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR ALLARD: Thank you for your consideration of the amendment expanding voting rights for our overseas military personnel. This proposal is the result of a military voting task force I convened last year in Colorado Springs. Members included active-duty voting assistance officers from Ft. Carson, Peterson AFB and the Air Force Academy, in addition to the El Paso County Clerk and Recorder and other elections officials.

As you know, this task force was obviously close to home for me as Secretary of State and my service in the military. During a tour in Iraq in 2005, I witnessed first-hand some of the impediments to voting for military personnel in field. Continuing to streamline the voting process for overseas military is a priority for my administration and hopefully, this amendment will help raise the bar nationally.

In working with the voting assistance officers, we felt that requiring notarized voter registration and absentee ballot applications are undue burdens on overseas military, especially those on the front lines and forward operating bases. In addition, overseas personnel should also be permitted to submit their postcard applications electronically, either through fax or e-mail.

Last September I attended a working conference hosted by the Election Assistance Commission on facilitating UOCAVA voting. There were a number of stakeholders in attendance including representatives from the Federal Voting Assistance Program and several state and local election officials. During the conference, there was significant support from the attending election officials for federal legislation that would eliminate barriers for military voters.

Like many other States, Colorado is already compliant with this proposed amendment and our military voters have certainly taken advantage of these opportunities. Our State election officials carefully monitor these applications and have built-in safeguards to ensure the integrity of the process.

Again, thank you for pursuing this necessary amendment to ensure that our overseas citizens have every opportunity to participate in their elections back home.

Sincerely,

MIKE COFFMAN,
Secretary of State.

THE AMERICAN LEGION,
Indianapolis, IN, May 7, 2008.

Hon. WAYNE ALLARD,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR ALLARD: The American Legion fully supports your proposed amendment to the Defense Authorization Bill that would improve and speed the process of procedures relating to overseas voting by members of our Armed Forces. As I understand it, the amendment would eliminate the notary requirement on voted ballots, and allow electronic submission of the Federal Postcard Application for absentee ballot requests.

The American Legion has been an advocate of the voting rights of members of the U.S. Armed Forces for many years. We believe that the improvements you have proposed will make it possible for increased numbers of our service members deployed around the world to participate in our election process.

Thank you for your continued support of our military forces and their families.

Sincerely,

MARTIN ''MARTY'' CONATSER,
National Commander.

VETS FOR FREEDOM,
Washington, DC, April 29, 2008.

Hon. WAYNE ALLARD,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR ALLARD, On behalf of all the members of Vets for Freedom, the largest Iraq and Afghanistan veterans organization in the United States, I am honored to stand beside you in support of your proposed amendment related to improving the military voting process.

This important piece of legislation ensures that the men and women who wear our nation's uniform are not left out of the election process while serving in harm's way. These brave and patriotic soldiers, sailors, airmen and marines who protect the very right to vote deserve nothing less. As such, Vets for Freedom strongly supports this bi-partisan effort.

As this piece of legislation makes its way through Congress, Vets for Freedom looks forward to working with you to ensure passage. Thank you for your continued support of our nation's veterans.

Warm regards,

PETE HEGSETH,
Executive Director.

NATIONAL VIETNAM
& GULF WAR VETERANS COALITION,
Washington, DC, May 7, 2008.

Re Amendment to the Defense Reauthorization Bill.

Hon. WAYNE ALLARD,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR ALLARD, On behalf of the members of the National Vietnam & Gulf War Veterans Coalition, an organization comprised of more than eighty veterans organizations and veterans advocacy groups, which is committed to advocating for our troops and veterans, we support your efforts to eliminate the hurdles currently faced by deployed members of our armed services who endeavor to vote.

The above-referenced amendment will provide improvements long overdue in enabling members of our armed services to cast their ballots. Currently, there are over 848,000 members of our armed forces serving in overseas assignments. These men and women are willing to risk their lives to ensure democracy throughout the world. It is important

that our military personnel be provided with the same opportunity to exercise their right to vote as enjoyed by those Americans citizens who do not serve in the armed forces. Accordingly, the National Vietnam & Gulf War Veterans Coalition fully supports this bipartisan amendment.

The National Vietnam & Gulf War Veterans Coalition as an organization dedicated to the members of our armed services greatly anticipates the passage of this legislation and encourages your efforts to improve the currently ineffective voting process available to our military.

Our brochure, reflecting the names of the Coalition's member organizations, is enclosed for your reference.

Sincerely,

JOHN J. MOLLOY,
Chairman.

Mr. ALLARD. Mr. President, I am glad to see we are able to move forward with the Armed Services bill. I have taken some time and talked about a couple of amendments that I will offer that I think are important. I fully intend to call them up as we proceed with the debate on this important bill, important not only to our men and women in the Armed Forces but to the process, and important to the country as a whole.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I understand Senator BILL NELSON was here earlier. I ask unanimous consent that he be recognized at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES
SPECIALIST RONNIE D. WILLIAMS

Mr. MCCONNELL. Mr. President, we are honored to live in a country with the bravest men and women in uniform in the world. I rise to pay tribute to one of those warriors, SP Ronnie D. Williams of Morning View, KY, tragically killed on July 17, 2005, after his tank overturned while on patrol in Baghdad.

Specialist Williams was 26 years old. It was his second tour of duty in Iraq. For his bravery in uniform, he received several awards, medals, and decorations, including the National Defense Service Medal and the Army Commendation Medal.

Although his Army files may list him as ''Ronnie,'' just about anyone who knew Specialist Williams called him by his nickname, ''John Boy.'' His mom Sharon Williams explains why.

''When he was born, 'The Waltons' was on TV,'' she says. ''His uncle was named Ronnie [and] we called him John, so when my son was born we nicknamed him John Boy, just like on the show.''

John Boy grew up in a big family and had an active childhood. He loved to hunt and would go hunting for deer and turkey. One frequent hunting companion was his uncle, Lance Anderson.

He loved fishing as well and once went fishing with his father-in-law, William O'Banion, and caught a 42-pound catfish.

''If I had a choice out of a million boys to be my son-in-law, he would have been No. 1,'' Williams said.

John Boy's wife Darlene also knew him when he was young and remembers the fun he used to have as a child. ''John Boy grew up next door to me,'' Darlene says. ''We rode the same bus together. . . . He and my brother were best friends. . . . They would go to the trestle in DeMossville to fish, but they wouldn't tell anybody so that they could keep it a secret. They didn't want anyone to find their fishing hole.''

''Growing up we fought like cats and dogs,'' she said. ''I grew up with a bunch of boys—never any girls. I always played with my brother's friends and he'd get mad.''

John Boy enjoyed spending time with his friends and family. ''When he could come home, he'd say, 'OK, Mom—get the family together. It's time for a card game.'''

John Boy's Uncle Lance was in the Marines, perhaps inspiring John Boy to follow in that tradition. According to Darlene, he was also motivated by a love of his country. ''After 9/11, he said he wanted to make a difference,'' she said.

John Boy graduated from Simon Kenton High School in Independence, KY, in 1998, and joined the Army in 2002. He was eventually assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment based in Fort Carson, CO.

Even while serving his country away from home, however, John Boy didn't forget the girl who had been, literally, next-door. ''Growing up, John Boy always told my dad that he'd marry me,'' Darlene says.

While back home on leave, John Boy and Darlene spent a lot of time together and, in her words, they ''hit it off pretty quick.'' Their devotion to each other continued even across great distances, once he had returned to his squadron.

''I went out to Fort Carson to see him every other week,'' Darlene says. ''It was a 24-hour drive. . . . It's a haul, especially in my '89 Cavalier.''

On his last trip home, John Boy celebrated his birthday with his family,and he and Darlene took a belated honeymoon to Florida.

John Boy also made time to speak to kids when he was home and tell them about his experiences in uniform. Some schoolchildren had written him letters while he was away. He wanted to thank them personally.

''When he came home, he visited River Ridge Elementary School because his nieces attended there,'' Sharon recalls.

Darlene remembers how eager John Boy was to see the kids when he came home. ''He had blisters on his feet and back, but instead of going home and relaxing, he went to his nieces' school to talk about the Army, and he handed out candy to all the kids.''

Mr. President, our thoughts are with John Boy's family after their horrible loss. We are thinking of his wife, Darlene Williams; his son, Houston David Williams; his mother, Sharon Williams; his father, Howard Williams; his sisters, Crystal Herzog and Kathy Williams; his brothers, Geoffrey Williams and Howard Williams; his grandparents, David and Kay Redmond; his uncle, Lance Anderson; his parents-in-law, William Henry O'Banion, Jr. and Corinne O'Banion; and many other beloved friends and family members. Darlene adds about her husband:

I just want everyone to know what a wonderful man he was; that he would do anything for anyone. He was so wonderful to me.

I trust those who knew and loved SPC Ronnie D. Williams will not soon forget his enormous service and sacrifice for our Nation, and this Senate stands in admiration of devotion like his that continues to keep our Nation safe and free.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, as soon as the copy of my amendment arrives, I will send it to the desk to file, not to offer at this point. Although it is applicable to the Defense bill, I will save it, at the request of the chairman of the Senate Armed Services Committee, for next week's consideration of the Energy bill. It is an amendment to protect the interests of the Department of Defense; to protect the largest testing and training range in the world for our Defense Department.

Let me show you where it is. It is in the Gulf of Mexico, off of Florida. It is all of this area outlined in yellow that is east of this longitudinal line. That area in yellow, including this area up here, 125 miles off Pensacola, is what was etched into law in 2006, 2 years ago, as a protected area from drilling for oil and gas. And why is that? Because everything east of that longitude-latitude line, all the way close to the coast of Florida, is the largest testing and training area for the United States military in the world.

Now, you may wonder why in the last round of base closures and realignment—and remember, the acronym is BRAC, Base Realignment and Closure Commission, that is what BRAC stands for—in the realignment all of the pilot training for the new F–22 stealth fighter came to Tyndall Air Force Base at Panama City. You may wonder why. Well, that F–22 does a dogfight at 1½ mach. You can imagine what the training radius, the turning radius, is for an F–22 as it is in a dogfight. It is at 1½

times the speed of sound. So it has all of that area out there in which to train.

Why also, under the realignment, the BRAC process, did all of the newly developed F–35s, called the Joint Strike Fighter, for the Navy, the Air Force, and the Marines—and it is still being developed—why did they determine that all of the pilot training for the new F–35s was going to be at Eglin Air Force Base, which is located right here, right where that military mission line hits the shore? That longitude line—Eglin Air Force Base—why right there? It has all of that training area which is protected airspace.

Why is this area off bounds here? Well, certainly when we passed the law 2 years ago, the interests of a $65 million a year tourist industry, dependent on pristine beaches, was considered. And by the way, Florida has more beaches than any other State. As a matter of fact, Florida has more coastline than any other State save Alaska, and Alaska doesn't have a lot of beaches. But we in Florida have barrier islands on most of Florida, and those barrier islands have extraordinary white sand beaches. So certainly that was an interest to protect there. But there is another reason. Guess what is right there. Pensacola Naval Air Station. That is where most of the Navy pilots and Marine pilots, naval aviators, that is where most of them learn to fly. So they have all this training area and they can go out on a carrier and train as Navy pilots.

Now, speaking of the U.S. Navy, you will remember about 4 or 5 years ago there was a big brouhaha over the U.S. Atlantic Fleet training down off the island which is a part of Puerto Rico—off the shore of Puerto Rico and the island of Vieques. For decades, the U.S. Navy had trained its pilots there. But the people of Puerto Rico took great umbrage at this, and they wanted it changed and they wanted it removed. They were afraid it was a health hazard, and so the United States acceded to that request. As a result, Vieques was shut down for the Atlantic fleet.

Well, where is the Atlantic fleet going to train? They have to train. Well, guess what. They came here—the largest testing and training area for the United States in the world. And in all of this protected space there are designated areas for the Navy, specifically off of Pensacola, up here, and then big areas of this part of the gulf for the Navy. The Air Force has mainly the rest of it, including some Air Force training over here.

Now, here is what happens with the Navy. We have the Key West Naval Air Station right here. It is actually not on Key West. There are headquarters there on Key West, but the actual airfield is on the island to the north of Key West called Boca Chica. So what happens is they bring these Navy squadrons that are assigned to an Atlantic Fleet naval aircraft carrier, they fly them into Boca Chica, they spend 2 or 3 weeks there—these are the F–18s and will be the F–35s in the future—and then for that period of time they come out here and they have all of this area that is restricted space in order to train.

The good news about that is that when they lift off from the runway here at Boca Chica, within 2 minutes they are over restricted space. So they do not have to fly a long way burning up a lot of fuel to get there. In 2 minutes they are ready to start their aerial training and their dogfights.

Now, there is something else that is going on here. Because up here, at Fort Walton Beach, this huge Air Force facility called Eglin Air Force Base, is the test and evaluation center for all of the U.S. military—all of the Department of Defense. And what they do is they take all of these weapons systems—not just airplanes but air-to-surface missiles, air-to-air missiles, surface-to-air missiles, surface-to-surface missiles—and they shoot them and they train and they test. This is the Air Force test and evaluation center, but for all of the Department of Defense, and we have some weapons systems that we are shooting for hundreds of miles. From here to here is approximately 300 miles. So we have some weapons systems that are shooting hundreds of miles, and as a result, we need all of that.

Now, when we passed this law protecting this area from any drilling 2 years ago, I had a statement in writing from the Secretary of Defense of what the policy is of the Department of Defense, which is that they do not want drilling out here in this test, training, and evaluation range. That is the operative policy as confirmed to me by the Deputy Secretary of Defense, Gordon England, in a phone call with him 2 days ago. That is the operative policy.

The Department of Defense, presently the Secretary of the Navy, is considering whether they need all of this, but Secretary England told me that there is no way they are going to have a decision made before we finish our session by the end of this month, and, therefore, we should plan on the operative policy to be that the U.S. Department of Defense does not want any drilling of oil and gas out here because it would mess up their testing, their evaluation, and their training.

So the amendment I am going to offer would apply to this Gulf of Mexico area, east of this military mission line, which is this longitude line, everything east of there to the coast. And I want to read it specifically. It is defined as the ''Joint Gulf Range Complex'' or the ''Gulf of Mexico Range.'' It would also include any military or National Security Agency operations training or testing area that is used by a military or national security agency of the United States.

It says:

> Notwithstanding any other provision of law, the Secretary of the Interior shall not issue any permit for oil and gas leasing or extraction in an area described—as I have just indicated—unless and until the President certifies, based on written opinions provided by each of the Secretary of Defense, the Secretary of the Navy, and the Secretary of the Air Force, and the head of each appropriate national security agency of the United States, that in balancing the national security interests of the United States the advantages of oil or gas extraction in the area outweigh the military and national security missions being conducted in the area.

In other words, it is a fail-safe approach to say that it is going to force us in the future—whenever we are considering changing laws like this that protect this area for the military, that it shall have the force of law that the Secretary of Interior has to get a written certification from the President that the oil and gas extraction outweighs the military and national security missions being conducted in the area.

We are in a time in which our enemies want to do us harm. We are in a time in which we have to be prepared. In order to have that preparation, we not only need the personnel and the intelligence, but we need the equipment. We have to test that equipment under all kinds of conditions to make sure it works when we have to have it work. That is what this testing and evaluation and training range is for.

This Senator is not going to let the U.S. defense preparedness be a sacrificial lamb for the interests of the oil and gas companies in order to satisfy their hollow-ring rhetoric that says ''drill, baby, drill.'' You have heard me before on this floor say that the mantra ought not be ''drill, baby, drill.'' As Tom Friedman says, the mantra ought to be ''invent, baby, invent.'' That is how we are going to break the stranglehold of oil that is around our neck. But until we get to that point—and I hope we are rapidly moving to that point of alternative fuels—this Senator is going to stand up and not let the defense preparedness of this country be sacrificed as a lamb on the altar of the oil and gas companies.

This Senator also wants to clearly say this to the Gang of 10 that proposes to drill up to 50 miles off the Florida coast. That would bring it up to a point about like this on this map. You can see how that would cut out the heart and the lungs of the military mission test and evaluation. The Gang of 10 that wants to vote on their proposal next week says: By the way, we are going to do that drilling all the way up to 50 miles off of the west coast of Florida, but we are not going to do that off of anybody else's coast. We will let there be drilling at the OK of the States of Virginia, the Carolinas, and

Georgia, and we are not going to touch anybody else, but we are sure going to touch the west coast of Florida and this military mission line.

This Senator wants to clearly say he is not going to let Florida be the sacrificial lamb. I just hope my colleagues understand that this Senator is not going to let that happen.

We concocted, crafted, and compromised to pass this law 2 years ago to satisfy the Senator from Louisiana, the Senators from Mississippi, and the Senators from Alabama who wanted additional drilling while at the same time this Senator and my colleague, Senator MARTINEZ, brought to the table that we wanted to protect the military and we wanted to protect Florida. We crafted this compromise. Now, 2 years later, they want to blow it out of the water and they want to blow the U.S. military out of the water.

We have a few tools at our disposal called parliamentary rules of the Senate. We are simply not going to let this happen. This Senator is about as bipartisan as anybody on this floor. This Senator is about as reasonable as anybody on this floor. This Senator does believe what the Good Book says, which is ''Come, let us reason together.'' That is how we ought to forge compromise and make law, recognizing that you have to build consensus. That is what we ought to do, and we ought to do it in a bipartisan fashion. But the Gang of 10 wants to run over the interests of this Senator and the interests of the military. Every now and then, we have the opportunity to stand up and say no.

I want everybody to be clear where this Senator is. Let me tell you, the Speaker of the House of Representatives came out yesterday with a proposal that this Senator would certainly consider, and I think favorably. What the Speaker of the House has said is honor the 2006 law, and on the rest of the Outer Continental Shelf, all over the United States beyond 100 miles, drill; between 50 and 100 miles, if the State concurs, drill. Those being Federal lands, those revenues would inure to the benefit of the U.S. Treasury, not to the States. This Senator will certainly consider that, but not when they say the interests of Florida and the interests of the Defense Department are the ones that are going to have to completely give, since we worked this and etched it into law for the first time 2 years ago. I want everybody to understand what the position of this Senator is.

What I would like to do is to send this amendment to the desk to file. I will not offer it because, as I said, the chairman of our Armed Services Committee has enough on his plate—I am one of his subcommittee chairmen—in order to get this Defense authorization bill passed. But this issue will certainly be ripe next week when we take up the energy provisions.

I yield the floor.

The ACTING PRESIDENT pro tempore. The amendment will be printed.

The senior Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, also, before he leaves the floor, I intend to talk about the ethical quagmire at the Minerals Management Service. I commend Senator NELSON, who really, just as he said, always does try to be bipartisan. We work together as part of a large health care group. Senator NELSON was one of the first to spot these flagrant examples of abuse at the Minerals Management Service. I know he is going to be part of our effort to finally drain the swamp at the Minerals Management Service next week. I thank my friend from Florida for his efforts in that regard.

MINERALS MANAGEMENT SERVICE

Mr. WYDEN. Mr. President, 2 days ago I came to the floor of the Senate to describe specifically the horror story of misconduct and mismanagement at the Minerals Management Service. Today, this morning, in coffee shops across the country, in addition to talking about the pain at getting clobbered by these gasoline prices at the pump, a lot of Americans are wondering how can it possibly be that in these Federal energy development programs, the tax money of the American people is being used to prop up sweetheart contracting, flagrant conflict of interest violations, drug abuse, apparently all kinds of sexual escapades, and lots more.

I have been trying to clean up these royalty programs for more than 5 years. I stood right in this spot 2 years ago and spent almost 5 hours trying to force a vote here in the Senate to clean up these royalty programs.

Some of these royalty problems, of course, began when the price of oil was $19 a barrel. The day that I spoke at length to try to force a vote, the price of oil was $70 a barrel. Of course, for quite some time the price of oil has been $110, $120, $130—of course 8, 10, 12 times what it was when this program began.

The Bush administration has repeatedly indicated that they would take care of these problems. We have had Secretary Kempthorne, for example, in the Energy Committee even 19 months ago essentially saying they would get on top of the program.

I came to the floor today because I would like to describe how it looks as though once again the Department of Interior is especially interested in trying to keep the Congress from stepping in and taking bold action to try to drain the swamp. For example, the statement the Secretary of Interior made—I brought it to the floor—came out yesterday. It states, for example:

> The conduct of a few has cast a shadow on an entire agency.

That is not what the inspector general said about this program. The inspector general didn't talk, as Secretary Kempthorne did, about the conduct of a few. What the inspector general said—I will just read it:

> We discovered that, between 2002 and 2006, nearly one-third of the entire royalty-in-kind staff socialized with and received a wide array of gifts and gratuities from oil and gas companies with whom the royalty-in-kind program was conducting official business.

Let's unpack that for a minute. Secretary Kempthorne has said repeatedly that we are only talking about the conduct of a few people and offered up once again, just in the last 24 hours, an argument clearly designed to keep the Congress from stepping in next week and finally draining the swamp at the Royalty-in-Kind Program. The inspector general found that there were gifts and gratuities on at least 135 occasions from major oil and gas companies. The inspector general called it a textbook example of improperly receiving gifts from prohibited sources. And then the inspector general said:

> When confronted by our investigators, none of the employees involved displayed remorse.

They found a culture at this program of ethical disregard—substance abuse, promiscuity. They go on and on to talk about an entire program. They certainly do not talk about how these problems took place in the past. They talk about how this is an ongoing problem that certainly is not going to be taken care of, in my view, as Secretary Kempthorne has suggested in the past, with one of his kind of ethics training programs. There are going to have to be substantial changes. I am very hopeful that finally, after the Congress has gotten report after report about the problems at this agency, the Senate will not accept the argument from Secretary Kempthorne that once again the Congress ought to just trust the agency to take care of things on its own.

Let me outline just a few of the areas that I hope the Senate would consider in changing these flagrant abuses at Minerals Management.

It seems to me, first, that this program, the Royalty-in-Kind Program, should be suspended until the Secretary certifies that each of the inspector general's ethical and business recommendations is implemented.

That strikes me as pretty obvious. You have all of these problems. It has been documented in report after report after report. The Secretary has come to the committee, and said he would take care of it. It has not been done. It would seem to me that you suspend

this program until the Secretary certifies that the recommendations from the inspector general are implemented.

Second, I am sure people listening to this say, ''hello,'' when you make this particular recommendation. It is time to get rigorous audits back in the Minerals Management Royalty Program. You think to yourself, how can it be that millions of dollars go in and out the door in these programs? There have been problems documented again and again in these inspector general reports and they still do not have rigorous audits. So that is the second thing the Senate ought to require with respect to this program.

I personally would favor a limited continuation of the Royalty-in-Kind Program to a fixed term, choose 1 year, 2 years, and then it would be sunset unless it would be reauthorized. This would be a process that would make sure the program either gets fixed and the Senate comes away convinced that it works or the program goes away. So I would hope the Senate would look at that.

Finally, I think it is worth noting that the Minerals Management Service is the only major bureau within the Interior that does not have a Senate-confirmed director. It is my view that the head of the Minerals Management Service, particularly at a time such as this, when the very programs in its charge, and the programs the Congress is looking to expand next week, that the head of the Minerals Management Service should be a Senate-confirmed position. This way it would be possible for the Senate Energy Committee—and I know Senator NELSON has a great interest in this as well—would have a say in who the next director of that office is, and the Energy Committee would be in a position to hold that individual accountable.

As I have indicated, the Minerals Management Service is the only major bureau within Interior that does not have a Senate-confirmed director. It is obvious you cannot wave your wand and legislatively fix every ethical consideration imaginable. But it would seem to me, given the blockbuster nature of this inspector general's report, and the tenacious work that has been done by Earl Devaney there, that Congress would be negligent, that Congress would be more than remiss, that Congress would be negligent to not step in next week when we are working on these very programs—there is discussion of expanding them dramatically—to not step in and make sure the taxpayers' interests are protected.

This is not a question of whether you are for drilling or against drilling here. Senators will have differences of opinion surely on that. But as Senator NELSON has said over a period of years, and I have said over a period of years, this ought to be something every Member of the Senate would agree on.

I think back to 2 years ago, and I got up in the morning and did not expect to be on this floor for 5 hours trying to force a vote to change these programs. It was clear that if we had gotten the votes, we would have won. That was when the price of oil was $70 a barrel, not $100 a barrel; $100 often seems reasonable these days to people given the shellacking they are taking.

But the Congress will have a vigorous debate next week on a host of issues with respect to energy policy. What I would hope is that 100 Members of the Senate would say, given what the inspector general has said, No. 1, given the fact that Secretary Kempthorne has again in his statement yesterday—and I read this specifically—suggested that we are talking about a few individuals:

> The conduct of a few has cast a shadow on an entire agency.

That is not what the inspector general said. One-third of the employees in this program, one-third, colleagues, were involved in this. Given what the inspector general has said, given the facts that the agency has repeatedly said it would clean up these programs, and it has not done it, that under the leadership of Chairman BINGAMAN of the Energy Committee, he always works closely with the ranking minority member, our colleague from New Mexico, Senator DOMENICI, that finally next week the Congress, on a bipartisan basis, end these disgraceful practices that have been documented repeatedly in these independent reports.

If the Congress does not step in and finally adopt specific measures to hold this agency accountable, I believe when the headlines are no longer the topic of kitchen table conversation, I believe what will happen, certainly regrettably in this administration, we will not see the changes needed to protect the American people.

I do not see how you can make a case for playing down this set of problems that has been so well documented. I hope all Members of the Senate, all 100 Senators, will back our efforts next week to clean up this program.

I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I want to say a word of appreciation to the Senator from Oregon for his leadership on this, and his courage. He had the courage of his convictions 2 years ago to stand up and to not relinquish the floor in the midst of all kinds of pressure to get on with the legislation in order to get his point across.

From time to time, each of us, when we feel passionately and very strongly about an issue that we do not think is right, has a right here to do that. I thank him for that. I thank him for his courage. I second what he has said about the skullduggery that is going on.

Is it not interesting that there is no consequence as a result of what the inspector general has found, all of this skullduggery—it is his words, not ours—all kinds of sexual liaisons going on, all kinds of drugs, all kinds of gifts, some of this supplied by the oil companies over which this administrative executive department agency is a watchdog, and it is going to be in an inspector general's report. The Department of Justice, the Attorney General's Office, has said they are not going to prosecute the two main people in the office who carried on all of this scandalous activity; they have resigned. So where is the accountability?

When I served in the military a long time ago, I was taught clearly that the commanding officer was accountable for what happened to that commanding officer's troops or ship.

Where is the accountability? What about the head of the Minerals Management Service? The head of the Minerals Management Service is there. Where is the accountability? Why should not the head of the Minerals Management Service, on something that went on for one-third of the employees of this office for some period of time, say: I am responsible, I am accountable, and face the music, and face the consequences?

But, no, it is always dodge, weave, deflect. It is always somebody else's fault. How much of a pattern have we seen of that over the last 8 years? The American people are getting tired of it. And they are getting tired of it especially when those same kinds of interests, in this case the oil companies influencing an executive branch department to get what they want by using illegal gifts, the offer of sexual favors and drug use.

This is the same group that wants to come in, as I was pointing out on that map, and drill all the way up through and cut out the heart and the lungs of the U.S. military testing and training area.

No, there is too much that is not in sync here. I thank the Senator for his very prescient and courageous and consistent stance he has had.

I yield the floor.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOURNALISTS M. CHARLES BAKST, SCOTT MACKAY, AND MARK ARSENAULT

Mr. WHITEHOUSE. Mr. President, today the largest daily newspaper in my home State of Rhode Island, the Providence Journal, is losing three extraordinary journalists. Columnists M.

Charles Bakst, better known as Charlie; reporter Scott MacKay; and Mark Arsenault have covered politics in Rhode Island and around the country for a combined total of about 70 years, and they are retiring from the paper as of today. There is a larger story about what is happening to America's newspapers, but my purpose is not to talk about that but about them.

All of them are gifted writers, and all have brought to the Journal sharp eyes for detail, long memories, and distinctive voices. They will be sorely missed.

Scott is a particular friend, and I am sorry I will no longer have the pleasure of reading Scott's colorful political takes on the State we both love. I hope he will return to the Providence Newspaper Guild ''Follies'' to continue his traditional role emceeing that evening of alleged music, wit, and humor.

I wish well to Mark Arsenault, whose talent supports a bright future in whatever new endeavors he chooses to pursue.

But the remainder of my remarks will be about Charlie Bakst. If you are from Rhode Island and involved in politics, you know Charlie Bakst. You see him in the statehouse, at city hall. You see him at fundraisers and roasts and meatball dinners and clambakes, and you see him at lunch at Angelo's on Federal hill.

Everywhere there is politics—and in Rhode Island, that is everywhere—Charlie is there, soaking in the scene, talking to people, and commenting on the food.

Everything is grist for what Charlie is pleased to call his ''excellent columns.'' Charlie's memory for history and for detail is legendary, as is his miraculous success at landing interviews that are either totally forbidden or extraordinarily difficult to get. He has jumped into limousines and lain in wait by backdoors. He has talked with United States Presidents, past and future. He has questioned Senators, Governors, party leaders, political operatives, even world leaders. If you have ever been involved in politics in Rhode Island, chances are you have been confronted by Charlie Bakst's red suspenders, unkempt hair, and ever-present tape recorder, and chances are that afterwards, you found something in what he wrote to be annoyed about. But in the end, that is the way we in politics are supposed to feel.

As the saying goes: If a politician doesn't feel a little twinge of anxiety when he hears that newspaper thump on the front porch in the morning, the paper is not doing its job.

Charlie always did his job. Journalism is in Charlie's blood. At summer camp in Hampstead, NH, in the 1950s, he announced baseball scores at the camp's daily flags ceremonies. ''In retrospect,'' he wrote, ''an early dangerous sign of: Journalist Ahead.''

At Brown, he became editor in chief of the Brown Daily Herald. He went on to earn his masters from the Columbia Graduate School of Journalism and later returned to Rhode Island to join the Providence Journal, eventually becoming statehouse bureau chief and political columnist. Politics, too, was a lifelong passion.

In another formative summer camp experience, he listened to radio broadcasts of the 1956 Democratic Convention. I will confess that I was probably not 1 year old then and not listening very closely. At the time, then-Senator John F. Kennedy narrowly missed winning his party's Vice Presidential nomination.

''Believe it or not, that helped hook me on politics,'' Charlie wrote decades later.

Well, it is not that difficult to believe. Charlie's writing betrays a sense of wonder at the pageantry of politics and a fierce belief in government's obligation to the people that it serves. Charlie told it like he saw it, and when he saw a public servant abusing the public trust, he said so.

''I must say I've never lacked for copy,'' Charlie told the New York Times in 2001. His columns have ripped into public figures for corruption, dishonesty, and for incompetence.

In a column written as New Orleans staggered in the violent wake of Hurricane Katrina, his outrage is visceral:

> America has become a laughingstock. To think that people could suffer here for days on rooftops or terraces or in a sports arena or convention center without rudimentary help like food or water, amid lawlessness and stench, surrounded by death.

He ended with an invocation of Jimmy Carter:

> Wouldn't it be nice to have a government as good and decent as the American people?

This is Charlie Bakst's dream for America and his dream for our Ocean State, and his columns have always prodded us toward that dream.

He is particularly outspoken when he sees injustice and oppression. He sought out leaders in the civil rights movement, interviewing Representative JOHN LEWIS and Cesar Chavez, among others.

He found unsung Rhode Island heroes, who worked on behalf of the homeless or the poor or the disadvantaged, and told their stories. He showed special courage in his unwavering advocacy for the rights of gays and lesbians, particularly the long struggle for equal marriage, even when some readers took vocal offense.

Charlie is also obsessed with baseball and with his beloved Red Sox in particular. The team was a family affair in the Bakst household. Charlie writes of many trips to Fenway Park with his late father Lester and his brother Arthur.

His first game at Fenway—at age 8—happened to be on April 30, 1952, the last game Ted Williams played before he shipped out to Korea.

Ted Williams was a particular hero, and years after that first game, Charlie's colleagues at the Journal gave him, as a 50th birthday gift, a lifetime membership to the Ted Williams Museum in St. Petersburg, FL. Charlie visited the museum and immediately collared his tour guide to suggest corrections to the exhibit.

Charlie followed baseball all over the country, and maintained a love affair with food, from buffet table fare at local fundraisers to historic restaurants such as Angelo's, where his personal bottle of olive oil, stashed in the kitchen, has ''BAKST'' written across the top in black ink.

These interests—baseball and food—came together in columns disclosing that at Safeco Field, home of the Seattle Mariners, you can eat everything from sushi and pad thai to chowder and deep-fried mushrooms, not to mention a half-pound Home Run Dog just outside the ballpark.

At Petco Park, home of the San Diego Padres, Charlie reported on shrimp avocado salad, barbequed ribs, fish tacos, garlic fries, veggie dogs, Oreo cookie cheesecake, and cappuccino.

I was glad when Charlie was able to stop by one of my regular community dinners in East Providence last year. Our M&M cookies made it into his Sunday column.

Finally, we have seen Charlie's deep and abiding love for his family: his wife Elizabeth, and his daughters Maggie, Diane, and their families. I hope in his retirement he will get to see more of them, and to spend more time with Diane and her family in Italy, as he once wrote he would like to do.

But no matter what he chooses to do next, I hope Rhode Island will find a way not to lose Charlie's unique voice, his rich memory, after, I believe, 36 years of journalism in Rhode Island, and the impassioned commitment that he brought to his profession.

Of his friend, WJAR investigative reporter Jim Taricani, Charlie once wrote this:

> [B]eing a journalist is more than a job. It is a burden, a pleasure, and an honor.

Well, Charlie, working with you for the past 20 years has been a burden, a pleasure, and an honor. I look forward to talking with you for many years to come, and I wish you and Mark and Scott well in your retirement.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that following my remarks, the Senator from North Dakota, Mr. DORGAN, be given time to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Thank you, Mr. President.

FIGHTING FOR MIDDLE-CLASS FAMILIES

Mr. President, last week, our Nation celebrated Labor Day for the 114th year. We have come a long way since 1894.

On my lapel, I wear a pendent that is a depiction of a canary in a bird cage. Some 100 years ago, around the time Labor Day began, mine workers used to take a canary down into the mines. If the canary died from toxic gas or a lack of oxygen, the mine worker knew he had to immediately get out of the mine. He had no union in those days strong enough to protect him and no government in those days that cared enough to protect him.

In those days, a child born around that time in our country—100 or so years ago—had a life expectancy of 46, 47, 48 years. A child born today in our great country has a life expectancy about three decades longer than that. Much of that is not just high-tech medicine and chemotherapy and heart transplants, that kind of thing; most of the increased life expectancy in this country is about Medicare and Medicaid and Social Security and workers' compensation, protections for workers, a prohibition on child labor, safe drinking laws, clean air and pure food and drug laws—that kind of progress that has been made in this country that helps people live longer, happier, healthier lives.

Thanks to the workers' rights movement, employees today, especially, enjoy better wages, better working conditions, better protections against discrimination.

But as I travel around my State—I have held almost 120 community roundtables, inviting a cross section of 15, 20, 25 people, to listen to their concerns and to tell me of their dreams, and what we can do in my office, and to help them locally in their communities—it is clear our Nation's recent economic policies have not adequately benefited workers.

The American dream—the promise that if you work hard and play by the rules, your economic future will be bright—should be the rule, but too often it is the exception.

As I travel the State, I hear about widespread economic anxiety and a betrayed middle class. I hear from Ohioans worried about record high gas prices and food prices. I hear from people from Galion to Gallipolis worried about good-paying jobs continuing to move overseas. I hear people from Ashtabula to Lima worried about health insurance that costs more and covers less.

I hear from food bank administrators from Hocking County and from Lucas County struggling to keep up with demand, like Mike from the Warren County United Way, who estimates that some 90 percent of local food bank patrons are working people, many holding more than one job.

I hear from Ohioans who have, without complaint, dedicated their lives to hard work, only to see their financial security pulled out from under them, like Richard Wyers of Lorain in northern Ohio, a steelworker whose pension was slashed because his now-bankrupt employer had simply not set enough money aside for payouts to that pension.

The Government agency administering the defunct firm's assets has told Richard he cannot even keep the money he has already received. In all, he owes more than $50,000. It is not a mistake he made but a mistake they made. Unfortunately, Richard is not alone. Nearly 2,500 former employees of the same bankrupt steel company have been notified by the Pension Benefit Guaranty Corporation that they have received overpayments this year.

In other parts of the State, workers are facing more bad news. Bruce of Wilmington has worked for ABX—the air cargo provider for DHL—for 24 years. He is married with five children, two of whom are in college. So you can imagine Bruce's anger when, earlier this year, DHL announced it will pull its business from ABX and that more than 8,000 workers at Bruce's Wilmington Air Park will lose their jobs. Bruce is not looking for a Government handout. He wants to work so he can support his family and send his kids to college.

In Norwalk last week, 20 miles from where I grew up, in Mansfield, 500 employees were sent home from their jobs at Norwalk Furniture when executives had to halt operations. That is 500 more people who want to work but can't.

In Tiffin, more than 100 workers are looking for jobs after the American Standard plant there—a local institution for almost 125 years—closed its doors in December.

In Van Wert, auto workers such as Sarah Sargent have seen their lives turned upside down since management locked them out of their plant earlier this year. The reason for the lockout: Sarah and her 330 coworkers simply would not accept a substantial wage cut and a benefits freeze, so the company is contemplating a move to Mexico.

General Motors is closing its plant in Moraine, a decision that will cost 1,200 Ohioans their livelihoods.

This string of bad news in Ohio can be blamed in part on our current recession. But that misses the larger point. For the last 7 years, the labor force has worked harder than ever, leading to huge gains in productivity. Yet CEO salaries and bonuses, as we know, went through the roof, middle-class Americans' wages stagnated, and more families slipped below the poverty line.

While China manipulated its currency and ignored labor and environmental standards, corporations took the bait and abandoned American communities. And while hedge fund managers irresponsibly leveraged real estate holdings, millions of Americans lost their homes to foreclosure. In other words, while Wall Street enjoyed an inflated stock market and a so-called economic expansion, most Americans actually became worse off.

Despite these struggles wrought by 7 years of wrongheaded economic policies, American workers are standing strong and fighting for a better future. At my roundtables in Ohio, I still hear the hope and the determination that defines my State and defines this great Nation. I hear from community leaders and entrepreneurs with exciting plans for the future, such as George Ward of Kirtland, in northeast Ohio, the president of his local firefighters' union and a small business owner. George's grandfather was a coal miner and his father was a United Auto worker. It is this working class background that has motivated him to fight for expanded health care access—not just for his fellow firefighters but for his employees and their families.

He is, in his own words, ''trying to live the American Dream,'' ''trying to make a difference'' in his community.

I hear from loyal workers who take pride in their work and are valued by their employers, such as Richard Ade, a security guard in Cleveland, who, after more than 5 years of stagnant wages, worked with his employer and outside groups to ensure that he and his coworkers got the raises they deserved—which, ultimately, they did. Or there is the story I heard about four long-serving employees of Miba Bearings in McConnelsville. These four employees have been with the company for 55 years. They have worked everywhere in the plant: from the production line, to final inspection, to shipping. When I asked if they were still productive, the company's human capital manager answered with obvious pride: ''All of our employees are productive.''

We need a government that similarly values loyalty and work ethic. For too long, those in power have ignored hard-working Americans, have ignored the needs and dreams of the middle class, and have instead catered to the wealthiest Americans, and this is in a country where always in the past we rewarded work.

But it does not have to be that way. In Ohio, Governor Ted Strickland—elected 2 short years ago—already is doing great work to attract new business, to improve educational opportunities, and to revitalize the economy.

Here in Washington we can adopt measures right now—in honor of Labor Day—that would make a difference in working people's lives, like extending unemployment insurance. If Congress does not act before early October, 800,000 unemployed Americans will stop getting their much-needed checks, including 330,000 from high unemployment States such as Ohio. We must expand insurance for those vulnerable citizens.

We should make sick leave a right of employment, not a privilege. Employees should not have to choose between attending to their health and losing their job. We should pass the Employee Free Choice Act, which would allow more workers to bargain collectively. We know that means higher wages, better benefits, a stronger middle class, a more prosperous America.

We should provide tax credits for alternative energy investment, which would help wean us off foreign oil and create new green collar jobs. In my State, the Governor and I talk about making Ohio the ''Silicon Valley'' of alternative energy. We can do that with some help from the Federal Government. We can do what we need to do in our State.

Simply put, we need to celebrate Labor Day by turning our attention to revamping our economic policies and changing the direction of this country. The best way we can honor our Nation's workers is to set our Nation on that new path—a path that fights for middle-class families everywhere and strengthens our country.

Mr. President, I yield back.

Mr. DORGAN. Mr. President, we are on the Defense authorization bill, so I wanted to make a couple of comments, not about an amendment, but about two issues that I hope those at the Pentagon will take note of. Sometimes things don't change very quickly and sometimes they don't change at all with respect to the way things are done at the Pentagon.

When I came to Congress, I joined a military reform caucus to try to reform the way things are done at the Pentagon, but some folks there still believe there is an inexhaustible amount of money in pursuit of their desires. An example of that is the unmanned aerial vehicles, or UAVs—airplanes without pilots. It is a growing part of a number of services. But what is happening in both the Army and the Air Force is that both services are building and buying unmanned aerial vehicles in what I think are duplicative programs. One calls their airplane the Predator. The other calls it the Warrior. The folks over at the Pentagon can't determine who should be the executive agency that oversees the unmanned aerial vehicles. So you have two services doing essentially the same thing.

Who wants to fly at 12,000 or 20,000 feet above the battlefield with an unmanned aerial vehicle? Well, the Air Force does, but the Army would like to as well. So one builds a plane called the Predator and one builds a plane called the Warrior. They both have missions that appear to me to be duplicative. You have duplicate spending on research and development, duplicate spending on the airplanes themselves, duplicate spending on the missions inside the Pentagon. Who pays the cost? The American taxpayer. This is not new, but the competition inside the Pentagon shouldn't cause the American taxpayer to have to pay for inefficiency and duplication.

We have had discussions about this at hearings. It appears nothing is happening to describe what ought to happen. In this case it ought to be the Air Force who has the executive agency for UAVs. Former chief of the Air Force, Buzz Moseley, who I think was an extraordinary Air Force chief of staff, tried to resolve this and could not because he ran into the competition inside the Pentagon on this issue. My hope is the American taxpayer will not have to continue to pay for duplication of effort inside the Pentagon.

We all support this mission because it greatly helps our soldiers, but I don't support the kind of spending that unnecessarily duplicates efforts between the services. That certainly has been the case with respect to unmanned aerial vehicles.

I understand the Army wants to have—and should have—unmanned aerial vehicles above the battlefield at 1,000 feet to 2,000 feet. But if they are flying unmanned aerial vehicles at 12,000 and 20,000 feet with sensors, it seems to me that this is an Air Force mission. Yet we now have two branches of the service duplicating the effort and the American taxpayer pays the bill. I hope they will get this straight at the Pentagon so that we begin to avoid some of these duplicative costs.

One other issue I might mention is the issue of privatizing housing on our military bases. This started in the Clinton administration and continues through the Bush administration. The proposition is to take housing inside a military base that already exists and turn it over to a private contractor and say to the private contractor: We will give you this free of charge. You can own all of this housing. You sign a contract with us saying that you will maintain these houses for 50 years. Then we will pay soldiers a monthly housing allowance, they in turn will pay that to the private contractor, and everybody is happy.

The question is: What does this cost the American taxpayer? The military says: Well, it gets housing built more quickly because they will not only turn over existing housing stock free of charge to a contractor, but they will have the contractor build new housing and then fund it through the monthly housing allowances that soldiers hand over to the independent contractor.

It is interesting to me that we now have some foreign companies that own military housing on American military bases, and they get it by signing a contract saying we promise to maintain this housing for 50 years. Two of North Dakota's bases are now in a contract that presumably may get done next year.

I have raised a lot of questions about it because the way the Pentagon has calculated this, they say it is better for the Pentagon. What about the taxpayer? Is it better for the American taxpayer? How is it that we decide to turn over housing stock—much of which is almost brand-new—free of charge with a contract to a private company in exchange for a signature that they will maintain it for the next 50 years? It seems to me as though there are a lot of questions that have been unanswered, going back to the Clinton administration and through the Bush administration, that the American taxpayers ought to have answered. There ought to be a fundamental review of what is the total cost here, including depreciation taken by the private contractor and others. What is the total cost of this privatization of housing on our military bases? What is the total cost to the taxpayer?

I wanted to mention that in the context of the Defense authorization bill, because I think these are a couple of things that ought to be considered.

THE ECONOMY

Mr. President, the presentation the Presiding Officer just gave on the floor of the Senate reminded me that—I believe it was yesterday, or perhaps the day before—when it was announced that our trade deficit for the month was, I think, $62 billion, and nearly $25 billion of that was with the country of China. My colleague who just spoke is from Ohio. I was thinking about the continued growth of exports from China into our country, building up a very large trade deficit that we have with the rest of the world and especially with China. The State of Ohio has been especially hard hit. That is where they used to make Huffy bicycles and don't anymore because all of those Huffy bicycles are now made in China. All the Ohio workers were fired because they made $11 an hour plus benefits and that is way too much money, the company thought, to pay people working in a factory to make bicycles. So they all got fired. These bicycles are now made in China by people who work 12 hours a day, 7 days a week, for 30 cents, 40 cents an hour. By the way, I have described many times for my colleagues the last day of work with those Ohio workers after they were fired. On their last day of work they put a pair of shoes in the parking space where their car used to sit. So as they drove away, all that was left was

a pair of shoes, and it was their plaintive way to say to that company: You can move our jobs to China, but you are not going to fill our shoes.

Many workers across this country are discovering the same fate. I have described—I won't today—but Fig Newton cookies. Apparently it costs too much to have people shovel fig paste in New Jersey, so now when you buy them, you are buying Mexican food because it is made in Monterey, Mexico. Why? You can hire people for a whole lot less money in Mexico than you have to pay for workers in New Jersey. The list goes on and on and on. The unbelievable part of this is we actually, as a country—and this Congress, yes, provided a tax break to a company that says: I am going to fire my American workers and move the jobs overseas.

I have tried, I believe, four times on the floor of the Senate to offer amendments and get votes on amendments that would shut down the tax break for shipping jobs overseas. On each occasion, we have lost that vote. It is unbelievable to me. I mean, it is not as if I have colleagues who will stand up and say: Count me in for wanting to ship American jobs overseas, but that is exactly their position when they vote to continue tax incentives for companies who fire their American workers and go in search of 10-cent-an-hour labor. And yes, that exists. Yes, it exists, that workers in Ohio and elsewhere are told: If you can't compete with 12-year-olds who work 12 hours a day and get 12 cents an hour, tough luck, you are out of a job.

This country has not yet come to grips with the question of whether that is what we spent 100 years creating a competitive, international environment to compete with. Does that make sense, that we should ask American workers to compete with that standard? I don't think so. But I was reminded of it by my colleague from Ohio discussing what is happening.

Just this week, again, we see the unbelievable trade deficit for one single month, over $60 billion again, and that is money that has to be repaid. That is money that has to be repaid from our country and our taxpayers to a foreign government. It is one part of a whole series of things that reflect a very urgent situation for this economy.

You wake up this morning and you see another major investment bank is going to be sold. The prices for its stock have collapsed. You wake up last weekend and you hear the Treasury Secretary is preparing to take over, effectively, Freddie Mac and Fannie Mae. A couple of weeks ago, Bear Stearns goes belly up. The largest mortgage banks go belly up. We see the largest trade deficits in history, the largest budget deficits in history, and a fiscal policy that is completely off the rail. We have a Presidential campaign, and we wake up every single day and we see these unbelievable attacks: Lipstick on a pig. Who are you offending? It is unbelievable to me.

Ours is a country that I think is being threatened to lose its dominance in the world on critical issues, including trade, fiscal policy, energy, and a whole series of issues. Yet, somehow, if you want to speak seriously about policy, you get interrupted by a bunch of shysters who have decided that they want to hijack the political system to talk about irrelevancies. It is unbelievable to me.

I came from a forum that we are holding on energy. Energy is a very important issue, and it appears to me the tipping point was finally $4 a gallon for a gallon of gasoline. It ran up double in a year, from July to July. The price of oil and gas doubled in a year. There is no visible way for anyone to take a look at the numbers on supply and demand and say: Oh, that was justified. We understand why the price doubled in a year. That evidence doesn't exist, by the way. There is no one who can come to the floor of the Senate and say: Well, I know why the price of oil doubled in a year and the price of gasoline doubled in a year; because nothing happened in that year with respect to supply and demand that justified it.

What I think happened is what has happened in so many years of our Government. Regulators who are brain dead, flat out asleep like Rip Van Winkle, while everything is happening around them, decided we are not going to watch, so speculators took over the oil market and drove it straight up. Recently it has come back down because some of that same speculative money, just like a hurricane, came right back out of it.

It is not only in this area. It is in the subprime mortgage area. Regulators—again, completely brain dead—and I am sure they watched television in the morning, perhaps while they ate some Grape Nuts at the kitchen table, and they saw some advertisements by the mortgage bankers and others that said: Hey, have you been bankrupt? Do you have bad credit? You can't pay your bills? Come to us, we have a mortgage for you. We have all seen those ads over and over and over again. Guess what. Those ads were a reflection of what was going on in an industry, right under the noses of regulators who didn't seem to care, in which they built an unbelievable system of bad mortgages and paired them with some decent mortgages, slicing them up into securities. It is like when they used to pack sawdust into sausage and then sliced and diced them, and then, by the way, because they had this carnival going on, they securitize all of these mortgages, move them up the line into hedge funds all over the world, and then somebody decided one day: You know what? These are bad mortgages. We don't even know who has them. We don't know where they are in these securities.

Why were they bad mortgages? Well, because regulators didn't seem to care and there were advertised mortgages that said: If you have bad credit, come to us. By the way, here is the mortgage we will give you. We will give you a mortgage where you don't have to pay any principal for a long time; just pay interest only. You may not want that. We will give you a better mortgage than that. We will give you a mortgage where you don't have to pay any principal and you don't have to pay all of the interest. You can put the principal and some of the interest on the back side of your loan. In fact, if that doesn't satisfy you, to get a mortgage from us at a teaser rate where you don't have to pay any principal and you don't have to pay all of the interest, we have even a better deal for you. You can get what we call a no documentation loan. We won't require that you document income. Or, you can get a partial doc—no doc, partial doc—no interest, no principal. In fact, one company said: You know what? You don't have to pay any principal or any interest. We will make the first 12 payments for you.

Now, is it surprising that an industry that was built on a foundation of greed, by brokers making big fees, putting mortgages in the hands of people with teaser rates who could not possibly afford to make the payments 3 years later when the interest rates were reset—is it surprising that the tent collapsed when mortgages began to reset and people couldn't possibly afford to make the payments? We have people walking around here scratching their head in this town wondering what on Earth happened. Where were the smartest guys in the room on Wall Street? Where were the smartest guys in the room who were securitizing these securities and sending them up the road so everybody could make money on the way, understanding that even as they locked in these mortgages with no documentation, no principal payments, perhaps no interest payments, or at least only partial interest payments, the little key on the bottom of the contract was: Prepayment penalties. Sign this line and you can't get out of it. Then, when the interest rates reset to triple or quadruple what they were and you can't make the payment, we are sorry, you can't get out of it.

That is what allowed the big shots to price these mortgages with respect to their expectation of future income in the way they did. But is it a surprise that this whole thing collapsed? That is just one more example, and it has happened in energy with speculation and in virtually every area with regulators who decided they have no interest in regulating. Now we bear the cost of an economy that almost seems, to some, in free fall.

We have massive problems with a trade policy that doesn't work. It continues to ship jobs overseas and to load the American people with massive quantities of debt that must be repaid. We have a fiscal policy that the President says is only about $400 billion, $450 billion offtrack. But, of course, that is not true. He knows that.

The question is, How much do you have to borrow in the coming fiscal year? That is closer to $700 billion. So you have a total of over 10 percent of the country's GDP that represents red ink for this year alone, trade and fiscal policy debt. We can add to that the massive problem in energy. I will talk about that for a moment.

I have talked about speculation and the role of the speculators and of the regulators who didn't want to watch. Now we are having summit meetings and substantial angst about what we do to put this back on track. My interest is in doing a lot of everything. In my judgment, we should drill, and drill more. I have had a bill introduced for a year and a half that opens the eastern gulf to drilling. In fact, all the gangs and the folks who are talking about these things on the Senate floor don't want to open that. As you can see on this chart, this is water off of Cuba that will be leased. There are 500,000 barrels of oil a day in this water off Cuba that is being leased. The Canadians are leasing, Spain is leasing, and we cannot lease because our oil companies cannot do anything in this area because of the embargo against Cuba.

That is absolutely absurd. We ought to drill. We ought to conserve. We ought to take everything we use every day—appliances and lights—and we ought to make them all efficient. We are moving quickly in that area.

Finally, we have to move dramatically in the area of renewable energy. Every 15 years, it ought not be a surprise that we huff and puff and thumb our suspenders and bloviate about what we are going to do next, about where we are going to drill next. How about something that is game changing? How about we change it so in 15 years from now we are not saying the same things and that we are moving toward hydrogen fuel cell vehicles? Seventy percent of the oil we use is in our vehicles. It is a huge part of our consumption of oil.

To back up just a moment, we suck 85 million barrels a day out of this planet, and one-fourth of it is used in the United States. We have an appetite for one-fourth of the oil produced every day. Sixty-five percent of the oil comes from off of our shores, from Saudi Arabia, Kuwait, Venezuela, Iraq, and elsewhere. The fact is, we have to find a way to be less dependent upon foreign oil. We are always going to use oil and coal. We have to use it differently, in my judgment.

But the question for us is, what do we do that is truly game changing? How about hydrogen fuel cell vehicles, and before that perhaps electric drive vehicles. Hydrogen is everywhere. You can take energy from the wind and produce electricity and use electricity in the process of electrolysis and generate hydrogen from water and use hydrogen for vehicle fuel. You will get twice the effective power to wheel and put water vapor out of the tailpipe. Wouldn't that be wonderful?

We are not going to have game-changing strategies if every 15 years the next effort on energy is to figure out where we drill next. Let's drill next, but let's do something that makes us less dependent on the need for this oil, particularly oil coming from outside of our country.

It is, I expect, pretty depressing for the American people who have the miracle in our Constitution of every second year, every even-numbered year, being able to grab the American steering wheel and decide which way to nudge America.

All the power in this country is in the power of one—one person casting one vote on one day. It must be pretty disappointing to them to take a look at the quality of the debate in our political system at a time when the economy of this country is at risk, when there is so much to do and an urgent need to make strong, good decisions, and see the irrelevancy come out every single morning, particularly from one campaign. This country deserves much better.

I hope between now and this election we will begin to see the attack dogs that we saw at work in 2000 and 2004, which defined a new low in American politics. In 2004, one of our colleagues who earned three Purple Hearts in Vietnam, went to Vietnam and served his country, was defined by the attack dogs as someone who was less than patriotic. That was unbelievable. But that same effort is at work in this campaign. This country deserves a political system and campaigns that give them answers. Where would you take America? Where would you want to lead this country?

I must say we only have less than 2 months remaining, and the long-term future of this country depends on us making good, right decisions about energy, fiscal policy, health care, and education, and about so many different issues, including trade policy, which is the discussion I started with.

Mr. President, I started by speaking of Ohio and trade policy because my colleague, Senator BROWN from Ohio, has written a book about trade, and we talked a great bit about it. It is but one of a series of very serious challenges that he, I, and others should expect will be discussed in some detail in this campaign. So I hope in the next 60 days we will begin to see some of that.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I ask the Chair what is the business of the Senate?

The ACTING PRESIDENT pro tempore. The Senate is considering S. 3001.

Mr. WEBB. Mr. President, I introduced an amendment earlier today to S. 3001. I would like to take some time to explain this amendment to the Senate. I ask unanimous consent to speak for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator may proceed.

Mr. WEBB. Mr. President, we are in an odd situation in the business of Government at the moment in that the international authority for the United States to be operating in Iraq will expire at the end of this year. The U.N. mandate, through the U.N. Security Council, expires at that time.

Since last November, the administration has been negotiating what they call the Strategic Framework Agreement that is intended to replace the international authority of the U.N. mandate. There have been two questions that have come up with respect to what the administration is doing. The first is the timeline.

There are indications from Iraq that the Iraqi Government negotiators have serious questions that weren't anticipated before. But the larger question is, what entity of the Federal Government has the authority to enter the United States into a long-term relationship with another government?

These are serious issues. I submit the conditions under which we will continue to operate in Iraq militarily, diplomatically, economically, and even culturally are not the sole business of any administration. We have questions about the legal justification under domestic and international law for the United States to operate militarily—and quasi-militarily, by the way—given the hundreds of thousands of independent contractors that are now essentially performing military functions in that country. There are questions about the process by which the U.S. Government decides upon and enters into long-term relations with another nation—any nation. In that regard, we have serious questions here about the very workings of our constitutional system of Government.

This administration has claimed repeatedly, since last November, that it has the right to negotiate and enter into an agreement that will set the future course of our relations with Iraq without the agreement or even the ratification of the U.S. Congress. The

administration claims that the justification for this authority is the 2002 congressional authorization for the use of force in Iraq and, as a fallback position, the President's inherent authority, from the perspective of this administration, as Commander in Chief.

Both of these justifications are patently wrong. The 2002 congressional authorization to use force in Iraq has nothing to do with negotiation with a government, which replaced the Saddam Hussein government, as to the future relations culturally, economically, diplomatically, and militarily between our two countries. On the other hand, we are now faced with the reality that the U.N. mandate will expire at the end of this year, and that expiration will terminate the authority under international law for the United States to be operating in Iraq at a time when we have hundreds of thousands of Americans on the ground in that country.

I and other colleagues have been warning of this serious disconnect for 10 months. Many of us were trying to say last November that the intention of this administration was to proceed purely with an executive agreement to drag this out until the Congress was going to go out of session, as we are about to do, and then to present essentially a fait accompli in the sense that with the expiration of the international mandate from the United Nations at the end of the year, something would have to be done, and that something would be an executive agreement that, to this point, Congress has not even been allowed to examine.

We have not been able to see one word of this agreement. We tried to energize the Congress. We have met with all of the appropriate administration officials. There have been hearings. There have been assurances from the administration that they will consult at the appropriate time. We have not seen anything. So we are faced with this situation that is something of a constitutional coup d'etat by this administration. At risk is a further expansion of the powers of the Presidency, the result of which will be to affirm, in many minds, that the President—any President—no longer needs the approval of Congress to enter into long-term relations with another country, in effect, committing us to obligations that involve our national security, our economic well-being, our diplomatic posture around the world, without the direct involvement of the U.S. Congress.

That is not what the Constitution intended. It is not in the best interest of our country. This amendment, which I filed today, is designed to prevent this sort of imbalance from occurring and, at the same time, it recognizes the realities of the timelines that are now involved with respect to the loss of international authority for our presence in Iraq at the end of this year.

This amendment is a sense of the Congress. On the one hand, it is a sense of the Congress that we work with the United Nations to extend the U.N. mandate up to an additional year, giving us some additional international authority for being in Iraq, taking away the pressure of this timeline that could be used to justify an agreement that the Congress hasn't had the ability to examine, but also saying that an extension of the U.N. mandate would end at such time as a Strategic Framework Agreement and a Status of Forces Agreement between the United States and Iraq are mutually agreed upon.

The amendment also makes the point that the Strategic Framework Agreement now being negotiated between the United States and Iraq poses significant, long-term national security implications for this country. That would be the sense of the Congress. We need to be saying that; the Iraqis need to hear it.

The amendment also puts Congress and the administration on record to the reality that the Bush administration has fully agreed to consult with the Congress regarding all the details of the Strategic Framework Agreement and the Status of Forces Agreement and that there would be copies of the full text of these agreements provided to the chairman and ranking minority members of the appropriate committees in the House and the Senate prior to the entry into either of those agreements.

Importantly, it also says any Strategic Framework Agreement that has been mutually agreed upon by the negotiators from our executive branch and Iraqi Government officials will cease to have effect unless it is approved by the Congress within 180 days of the entry into force of that agreement.

On the one hand, this agreement recognizes the realities of where we are in terms of timelines, but on the other, it protects the constitutional processes by which we are entering into long-term relationships with other countries, whether it is Iraq or Cameroon or Burundi or pick a country. We need to preserve this process. It does it in a way which will not disrupt our operations in Iraq.

I urge my colleagues to join me on this amendment and protect the prerogatives of the Congress under the Constitution of the United States.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, it is good that we are debating the Defense authorization bill. It is appropriate we are debating this bill at a time when certainly America's security is at risk.

As I indicated, we are debating the Defense authorization bill, which ensures America's military capabilities are strong and focused on the major threats to our great country.

We live in a dangerous and unpredictable world. It is a world where North Korea's leader has fallen ill. This illness could put a nuclear-armed regime at risk of implosion because there is no successor named or thought of, to our knowledge, in North Korea.

We live in a world where Latin American regimes throw out U.S. Ambassadors without notice, where an unchecked Russia can undermine young democracies from West to East.

I was recently in Bolivia. I had not too long ago been in Georgia. I met with part of their Government today a few feet from this Chamber. So we have to be concerned about an unchecked Russia.

Our dangerous world calls for leaders with sound judgment, not those with temperament prone to recklessness.

As we debate the Defense bill this week, we must consider the most important national security question facing the Nation today: Will we stick with the same failed, out-of-touch foreign policy of George Bush, DICK CHENEY, and JOHN MCCAIN, which military experts and historians call the worst foreign policy in our Nation's history or will we change course to a more tough, responsible foreign policy that will make us more secure?

The choice could not be more important, but the answer could not be clearer. Senator OBAMA and Senate Democrats stand for responsible change. We believe we must end the war in Iraq and bring the war on terror to where the terrorists actually live and where they plot. We know our focus must return to Osama bin Laden and his al-Qaida network in Afghanistan and Pakistan and wherever they might be.

This approach stands on the right side of the American people and the right side of history. According to recent press reports, even the Bush administration has begun to align its actions with this policy.

Take Pakistan, for example. For years, Senator OBAMA and Senate Democrats have been calling on the Bush administration to hunt down Osama bin Laden and the al-Qaida network, wherever they may be located. As it became clear that al-Qaida had made Pakistan the central focus of its operation, Democrats called on the President to make Pakistan a central focus of our war to defeat al-Qaida.

Here is what Senator OBAMA said last year:

. . . Let me be clear. There are terrorists holed up in those mountains who murdered

3,000 Americans. They are plotting to strike again. . . .If we have actionable intelligence about high-value terrorist targets and [the Pakistani leadership] won't act, we will. I will not hesitate to use military force to take out terrorists who pose a direct threat to America.

While Senator OBAMA sounded the alarm about the al-Qaida threat in Pakistan and called for a forceful and comprehensive strategy to fight this threat, George Bush and JOHN MCCAIN chose, stunningly, to ignore it. The President kept the bulk of our ground troops and our special operations forces and our intelligence assets tied down in Iraq in a war that had nothing to do with Osama bin Laden and the terrorists who attacked.

Republicans, led by JOHN MCCAIN, attacked OBAMA's approach to forcefully go after al-Qaida in Pakistan. Senator MCCAIN even had the bad judgment on the campaign trail this past February to call the Obama approach naive.

Here we stand a year later. The al-Qaida threat in Pakistan has grown far more dangerous. The need for tough action, as Senator OBAMA called for last year, is even more urgent. BARACK OBAMA was right; George Bush, DICK CHENEY, and JOHN MCCAIN were wrong.

Then, yesterday, the newspapers reported that senior Bush administration officials had begun doing what OBAMA called for a long time ago: go after al-Qaida safe havens in Pakistan, reportedly including military operations against terrorist camps. That is precisely the Obama approach MCCAIN called naive. But news reports indicate we are already starting to see results.

Given the known history of Bush-McCain foreign policy mistakes that we have all suffered through for the past 8 years, I have concerns and questions about the Bush administration's actions. It is one thing to take OBAMA's playbook, but it is another thing to call the right plays.

I think we should all ask tough questions and demand the White House explain their Pakistan strategy in greater detail to give us confidence that they will get the job done right.

The Bush administration's adoption of the Obama plan came months too late but, nevertheless, better late than never. The shift is not just limited to Pakistan. Across the globe, the Bush administration is quietly acknowledging that Senator OBAMA's vision has been right all along.

On Afghanistan, where for years Senator OBAMA and Senate Democrats have been demanding more resources and a new strategy, things are changing. Senator MCCAIN, on the other hand, said: ''Afghanistan is not in trouble because of our diversion to Iraq.''

Listen to that again. MCCAIN said: ''Afghanistan is not in trouble because of our diversions to Iraq.''

That is a direct quote.

After years of resisting, Republicans in recent weeks have been inching toward the Obama plan for reinforcing Afghanistan. On Iran, where Bush and MCCAIN criticized OBAMA's vision for tough and effective face-to-face diplomacy, even as they quietly agreed to face-to-face diplomacy and started sending State Department officials to negotiations with the Iranians. And on Iraq, where Bush has finally begun to slowly inch toward the Obama plan for holding the Iraqis more accountable by putting in place a timeline for change in the military mission and the redeployment of our troops. But, of course, not JOHN MCCAIN.

Our country deserves more than token shifts and lipservice to change. It will take decisive leadership to reverse 8 long years of tragic foreign policy mistakes. That is exactly what Senator OBAMA and Senate Democrats offer: real responsible change.

Senator MCCAIN and his supporters are dead set against changing the Bush administration's failed policies. They have no plan for ending conflict, no plan for securing our country, no plan for bringing our troops home.

Republicans talk a lot about experience. But when you are the author, architect, and enabler of 8 years of devastating foreign policy mistakes, that is not experience; it is very bad judgment.

In the coming days, as we wrap up debate on the Defense authorization bill, Senators on both sides of the aisle will have ample opportunity to make their positions known on these critical national security issues that will chart our course in the world for years to come.

It will also give the American people the opportunity to see who stands with failed policies of the past and who is ready to lead us to the change we need.

Senator LEVIN and Senator WARNER announced yesterday that today they would be happy to listen to what anyone had to say about amendments they wish to offer on this bill. The same applies to Monday. We need to move beyond where we are. There are some who want us to get virtually nothing done on this Defense authorization bill.

There are so many reasons why it is important we get this bill done. It would be the first time in five decades that this body has not passed a Defense authorization bill. This bill is loaded with provisions that are good for the security of our Nation, good for the maintenance of a military that is strong and vibrant, and make our troops happier—a 3.9-percent pay raise, among other items, they deserve and they need.

I have informed the two managers of the bill I think it is appropriate at this time that we file a cloture motion in an effort to bring this matter to a conclusion. We are going to have a vote on cloture on this most important bill sometime on Tuesday. I am going to work with the managers of the bill and Senator MCCONNELL to find out what their wishes are. But we must move on. It would be a shame if we do not pass this legislation.

Having said all that—and I could a say a lot more—one of the reasons we should pass this bill is because of Senator WARNER. I am sure the State of Virginia has had great legislators over the years. I don't know them all. I have served with a number of them. But I have to say that in my experience in Government, you don't run very often into somebody of the caliber of JOHN WARNER. The Commonwealth of Virginia has been so well served by this great American patriot, and he has devoted so much time—I was trying to come up in my mind on a percentage basis how much of his time has been spent on the defense duties he has.

Mr. WARNER. Thirty years.

Mr. REID. But the vast majority of his 30 years in the Senate, Mr. President, has been spent legislatively on securing the security of our Nation.

There will be other opportunities, I am confident, to express my admiration and respect and affection for JOHN WARNER, but I hope people on his side of the aisle appreciate him as much as we do. He is truly a wonderful legislator and human being. We need to get this bill done for him. Every Democrat will vote for cloture on this piece of legislation—there are 51 of us—and we need 9 Republicans to join with us so that we can finish this piece of legislation. I hope we can do that. It is the right thing to do, and I think it would be a real slap in the face to one of America's great legislators not to complete this legislation.

The PRESIDING OFFICER. The senior Senator from Virginia.

Mr. WARNER. Mr. President, I am deeply humbled by the comments of the distinguished leader and many other colleagues, but I am optimistic. Senator LEVIN and I—who have spent a good deal of time with Leader MCCONNELL this morning—believe there is a momentum on both sides to move to a conclusion. Senator LEVIN and I are going to talk to some particulars pretty soon, but I am pleased to say that I think our staffs are going to finish an agreement over this weekend on 60 amendments, just to give some idea of the magnitude of progress we have made thus far.

But I thank the distinguished leader for his personal remarks. We have had a long working relationship. We started together on a subcommittee in the Environment Committee years and years ago—20-some-odd years ago. That was the beginning of our long, marvelous friendship.

I thank the leader.

CLOTURE MOTION

Mr. REID. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3001, the National Defense Authorization Act for Fiscal Year 2009.

Carl Levin, Patrick J. Leahy, Bernard Sanders, Robert P. Casey, Jr., Claire McCaskill, Sheldon Whitehouse, Benjamin L. Cardin, Robert Menendez, Bill Nelson, Charles E. Schumer, Richard Durbin, Thomas R. Carper, Patty Murray, Amy Klobuchar, Jon Tester, Jeff Bingaman, Harry Reid.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank the leader for his great support of this bill. I think the leadership on both sides really wants this bill to be adopted. We are going to have to move early next week to get it adopted if we are going to make it. We not only have other business to do in the Senate which is critical, but we have to get it to conference and get it back from conference and get a conference report voted on before we recess or adjourn. So we have a lot of work ahead of us.

But we are here. Senator WARNER and I and our staffs are here. We have met with a lot of Senators relative to their amendments. Our goal is the following: that on Monday, we enter into a unanimous consent agreement setting out what votes on what amendments would be held on Tuesday, both morning and afternoon. That is our goal.

We have spoken with many Senators about their amendments. As Senator WARNER just indicated, we hope to be able to clear perhaps 50 or 60 amendments, 15 or 20 of which are already cleared. That is our goal, to get our cleared amendments passed and to set up, in a unanimous consent proposal for Monday, the way in which we would vote on various amendments, with time agreements and whether there are 50 votes or 60 votes, and so forth, on Tuesday. That is our goal.

I would hope, for the reasons the majority leader just gave, that because this bill is so critically important to the men and women in the Army and to the security of this Nation—not just the Army but the men and women of our Armed Forces and to the security of this Nation—that we will get this bill passed. The only way we can get it passed is if sometime early next week we are able to pass it; otherwise, we cannot get the work done in conference and back here to the Senate and to the White House.

So I thank my good friend from Virginia. I think the comments of the majority leader are comments which should be shared by every single Member of this body relative to the capability and the leadership and the patriotism of Senator WARNER. It is always a pleasure to work with him. This may be one of our greatest challenges, but we have a long history of being able to work together on a bipartisan basis to address these kinds of challenges. He has led this committee. We have had many great members of the committee.

Staff is working very hard, and I am optimistic going into the weekend that we will be able to get that unanimous consent agreement worked out on Monday.

Mr. WARNER. Mr. President, I thank my colleague.

We are working on a draft UC for Monday, and I wish to point out that those amendments which have been brought to our attention requiring votes, we are going to try to achieve that prior to the invoking of cloture; am I not correct?

Mr. LEVIN. The Senator is correct.

Mr. WARNER. And we are trying to protect, on both sides, an equal number of Senators who have come to us and sought that protection.

Mr. LEVIN. The Senator is correct.

Mr. WARNER. I thank Senators DEMINT and COBURN for working with us last night on an important issue not only to the underlying question of how this body is going to handle certain desires of individual Senators to get funds to their States, but it is the preservation of the jurisdiction of the authorizing committee, of our authorizing committee as well as other authorizing committees in the Senate. So that is fundamental to the resolution of that problem, and I think we have made progress there.

Mr. LEVIN. We have. There is no more fundamental question to this institution than the role of our committees and this institution vis-a-vis the executive branch and whether we are going to have a robust power of the purse or whether that is going to be diminished in any way. I think we are making great progress in showing to our colleagues the implications of some of the proposals, and we are going to continue to make progress in that regard.

Mr. WARNER. Now, Mr. President, I would suggest the Senator should now move to morning business and get off this bill. We are cleared on this side.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that we move to morning business and that the first person recognized be Senator SANDERS, who is always very patient.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. SANDERS. Mr. President, I would just concur, if I might, with the fine words of Senator REID. I have not known Senator WARNER all that long, but clearly he is what a Senator should be. He is thoughtful, intelligent, and respectful of other points of view. While he and I may not agree on every issue, I have appreciated working with him, and I applaud him for his service to this country.

Mr. WARNER. I thank my colleague for his remarks.

Mr. SANDERS. Mr. President, I did want to say a word or two on the Defense authorization bill and to indicate that my staff has been working with the staff of Senators LEVIN and WARNER. I hope we can work out an agreement on an important amendment I have authored along with Senators FEINGOLD and WHITEHOUSE.

DEFENSE SPENDING

Mr. SANDERS. Mr. President, this country has a $9.7 trillion national debt. In addition, we obviously have enormous unmet infrastructure needs and social needs. Every American who drives on the road or goes over a bridge understands that we need to spend billions of dollars rebuilding our infrastructure. Forty-six million Americans have no health insurance. We have the highest rate of childhood poverty in the industrialized world. In other words, we as a nation have enormous needs, and it is incumbent upon the Congress to do everything we can to take a hard look at fraud, waste, and abuse in every agency of the U.S. Government, including the Defense Department.

I know many of my colleagues come down here and take a hard look at this issue. They take a hard look at that issue, but for some reason or another, looking at the Defense Department seems to be off their radar screen, and I think that is wrong. I think that is especially wrong given the fact that the budget we are looking at right now for the Defense Department is over $500 billion, excluding the money we spent in Iraq and Afghanistan, which is more than half of the discretionary budget of our country. So it seems to me that with regard to any of the agencies out there, we should be very active in taking a hard look at the waste, fraud, and abuse that takes place within the Defense authorization bill.

The amendment I am offering with Senators FEINGOLD and WHITEHOUSE is pretty simple and straightforward. Today, more than half of the spare parts in the Air Force warehouses—over $18 billion—are not needed. That is $18 billion in spare parts which are not needed. In fact, if you can believe it, the Air Force has on order $235 million in inventory already identified as ready for disposal. They are spending $235 million to bring inventory in which is going to go out because they do not need it. That may make sense to somebody, but it certainly does not make sense to me.

The truth is that this type of wasteful practice has gone on year after year, resulting in an enormous waste of taxpayer money, and it must be ended. Our amendment does three things: No. 1, it requires the Secretary of Defense to develop a comprehensive plan for improving the inventory system. No. 2, it requires the certification to Congress that the Army, Navy, Air Force, and Defense Logistics Agency have reduced their secondary inventory. No. 3, it fences off $100 million in inventory purchases until the Secretary of Defense makes required certifications.

Mr. President, I would remind the Members of the Senate of one of the most significant speeches ever given by a President of the United States, and that President was Dwight David Eisenhower, who, as all Americans should know, was a five-star general and the military commander of Europe during World War II. He was, in fact, one of the great heroes in the defeat of nazism. Eisenhower, who became President in 1952—though it is not widely known—was extremely vocal in taking on not only Democrats—he was a Republican—but Republicans as well in saying that every nickel we spent on excess and wasteful military spending—something which he knew something about as a former five-star general—was simply taking money away from the needs of the American people.

A few days before he left office in 1961, President Eisenhower gave one of the most prophetic speeches ever made from the White House, and here is what Eisenhower said:

> In the councils of Government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

This is what Eisenhower said before he left office in 1961. He was talking then about the military industrial complex. Well, let me tell you something. If he was worried about the military industrial complex and the influence they have in distorting national priorities in this country in 1961, I can only imagine what he would think about the power of the military industrial complex today.

So, Mr. President, clearly we want to have a very strong defense, clearly we want to make sure our soldiers have all of the equipment they need, but we have to take a hard look at the Defense Department, as we do at every other agency of Government, and I would hope very much that the amendment Senators FEINGOLD, WHITEHOUSE, and I have offered will, in fact, be accepted.

TRIBUTE TO HONOR FLIGHT

Mr. MCCONNELL. Mr. President, I would like to take a moment to recognize the fourth Honor Flight from Kentucky that took place this week. Honor Flight is a nonprofit organization which transports surviving World War II veterans from around the country to see their memorial free of charge. I have been privileged to have participated in previous flights from Kentucky, and I very much regret that my schedule prevented me from attending this one. I hope to have the opportunity to meet again soon with the inspiring veterans from my home state on future Honor Flight trips.

On Wednesday, Honor Flight's Bluegrass Chapter arrived in Washington with 38 World War II veterans from the Commonwealth to see the memorial which they inspired. These brave Americans also paid tribute to one of their fellow Kentuckians who gave his last full measure of devotion in March 1945. 2LT Howard Clifton Enoch, Jr., of Marion, Kentucky, paid the ultimate sacrifice while engaging with enemy aircraft over Germany.

Earlier this year, the Department of Defense honored its promise to account for every one of its men and women, and, more than 60 years later, the remains of Second Lieutenant Enoch were repatriated. He will find his final resting place among other American heroes at Arlington National Cemetery later this month. The son of Lieutenant Enoch, Mr. Howard Enoch III, traveled with the veterans from Kentucky to honor his father, who he never knew. I would like to convey my deepest appreciation to Mr. Enoch for his father's service and to his family for their sacrifice.

I also wish to express my tremendous gratitude to the 38 Kentucky veterans who were here on Wednesday for having served to protect our great Nation's principles from the enemies of freedom. The inscription on the western corner of their monument—a quote by President Harry S Truman—perhaps best puts into words those sentiments:

> Our debt to the heroic men and valiant women in the service of our country can never be repaid. They have earned our undying gratitude. America will never forget their sacrifice.

Indeed, our Nation will never forget their bravery or their sacrifice as it lives on today in the men and women of our armed services who display the same honor and continue to defend the same principles.

I ask unanimous consent that the names of the 38 World War II veterans from the Commonwealth be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN MEMORY OF

Howard Clifton Enoch, Jr.

WORLD WAR II VETERANS

George Arflack; William Atkinson; Harold Ausmus; Ruben Avila; Fredrick Balke; John Beyer; Hubert Wessel; Lorell Roberts; James Smith; Harlan Barton; Raymond Bloemer, Sr.; John Blossom; Fred Bryan; Phillip Chapelle; Eugene Thurman; John Bruggensmith; Leslie Cohen; Clarence Crawford; James ''Art'' Cutliff.

Wayne Tabor; Herman Sasse; Charles Devers; Henry ''Don'' Donaldson; Matthew Flanagan; Robert Carrico; Robert Hall; Edward Jackey; Clyde Logsdon; Leonard O'Dell; Edward Oechsli; Bernard O'Hare; John O'Keefe; Blond Puckett; Leslie ''Dan'' Stickler; Charles Tribble; Ernest Spencer; Harold Phillips; Joseph Riney.

BUDGET SCOREKEEPING REPORTS

Mr. CONRAD. Mr. President, I rise to submit to the Senate the second set of budget scorekeeping reports for the 2009 budget resolution. The reports, which cover fiscal years 2008 and 2009, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through September 8, 2008, and include legislation that was enacted since I filed my last reports in July. The new legislation includes: Public Law 110–275, the Medicare Improvements for Patients and Providers Act of 2008; Public Law 110–287, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; Public Law 110–289, the Housing and Economic Recovery Act of 2008; and Public Law 110–315, the Higher Education Opportunity Act. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the 2009 budget resolution.

For 2008, the estimates show that current level spending is below the budget resolution by $5.2 billion for budget authority and $2.4 billion for outlays while current level revenues are above the budget resolution by $3 billion. For 2009, the estimates show that current level spending is below the budget resolution by $958 billion for budget authority and $591.1 billion for outlays while current level revenues are above the budget resolution level by $56.7 billion.

I ask unanimous consent that the letters and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 11, 2008.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through September 8, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the

technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter, dated July 9, 2008, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2008:

Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275);

Housing and Economic Recovery Act of 2008 (Public Law 110–289); and

Higher Education Opportunity Act (Public Law 110–315).

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF SEPTEMBER 8, 2008

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	2,456.2	2,451.0	−5.2
Outlays	2,437.8	2,435.3	−2.4

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF SEPTEMBER 8, 2008—Continued

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
OFF-BUDGET			
Social Security Outlays [3]	463.7	463.7	0.0
Social Security Revenues	666.7	666.7	0.0

[1] S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, assumed $108.1 billion in budget authority and $28.9 billion in outlays for overseas deployment and related activities. The Supplemental Appropriations Act, 2008 (P.L. 110–352) designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110–252 (see footnote 2 of table 2), budget authority and outlay totals specified in S. Con. Res. 70 have also been reduced for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF SEPTEMBER 8, 2008

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted: [1]			
Revenues	n.a.	n.a.	1,879,400
Permanents and other spending legislation	1,441,010	1,394,887	n.a.
Appropriation legislation	1,604,649	1,635,118	n.a.
Offsetting receipts	−596,805	−596,805	n.a.
Total, Previously enacted	2,448,854	2,433,200	1,879,400
Enacted this session:			
Supplemental Appropriations Act, 2008 (P.L. 110–252) [2]	0	7	0
Medicare Improvements for Patients and Providers Act of 2008 (P.L. 110–275)	1,942	1,924	1
Housing and Economic Recovery Act of 2008 (P.L. 110–289) [2]	203	203	−968
Higher Education Opportunity Act (P.L. 110–315)	−10	0	0
	2,135	2,134	−967
Total Current Level [1,2]	2,450,989	2,435,334	1,878,433
Total Budget Resolution [4]	2,564,237	2,466,678	1,875,401
Adjustment to the budget resolution for emergency requirements [5]	−108,056	−28,901	n.a.
Adjusted Budget Resolution	2,456,181	2,437,777	1,875,401
Current Level Over Budget Resolution	n.a.	n.a.	3,032
Current Level Under Budget Resolution	5,192	2,443	n.a.

[1] Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181), Economic Stimulus Act of 2008 (P.L. 110–185), Andean Trade Preference Extension Act of 2008 (P.L. 110–191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110–227), Consolidated Natural Resources Act of 2008 (P.L. 110–229), Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (P.L. 110–232), Food, Conservation, and Energy Act of 2008 (P.L. 110–234), SAFETEA–LU Technical Corrections Act of 2008 (P.L. 116–244), and Heroes Earnings Assistance and Relief Act of 2008 (P.L. 110–245).

[2] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for Fiscal Year 2008, which are not included in the current level total, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2008 (P.L. 110–252)	115,808	35,350	n.a.
Housing and Economic Recovery Act of 2008 (P.L. 110–289)	4,106	187	n.a.
	119,914	35,537	n.a.

[3] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[4] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution	2,563,262	2,465,711	1,875,392
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (SPR Act) (section 323(d))	−950	−950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (Heroes Act) (section 323(d))	0	0	8
For adjustment to debt service for the SPR and Heroes acts (section 323 (d))	−7	−7	0
For the Medicare Improvements for Patients and Providers Act of 2008 (sections 221(f) and 227)	1,942	1,924	1
For the Higher Education Opportunity Act (section 222)	−10	0	0
Revised Budget Resolution	2,564,237	2,466,678	1,875,401

[5] S. Con. Res. 70 assumed $108,056 million in budget authority and $28,901 million in outlays for overseas deployment and related activities. The Supplemental Appropriations Act, 2008 (P.L. 110–252) designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110–252 (see footnote 2), budget authority and outlay totals specified in S. Con. Res. 70 have been reduced for purposes of comparison.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 11, 2008.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through September 8, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter, dated July 9, 2008, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2009:

Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275);

A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (Public Law 110–287):

Housing and Economic Recovery Act of 2008 (Public Law 110–289); and

Higher Education Opportunity Act (Public Law 110–315).

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF SEPTEMBER 8, 2008

[In billions of dollars]

	Budget resolution[1]	Current level[2]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	2,462.5	1,504.5	−958.0
Outlays	2,497.3	1,906.2	−591.1
Revenues	2,029.7	2,086.4	56.7

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF SEPTEMBER 8, 2008—Continued

[In billions of dollars]

	Budget resolution[1]	Current level[2]	Current level over/under (−) resolution
OFF-BUDGET			
Social Security Outlays[3]	493.6	493.6	0.0
Social Security Revenues	695.9	695.9	0.0

[1] S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, assumed $70.0 billion in budget authority and $74.8 billion in outlays for overseas deployment and related activities. Additionally, S. Con. Res. 70 assumed $5.8 billion in budget authority and $1.2 billion in outlays for the Corps of Engineers. The Supplemental Appropriations Act, 2008 (P.L. 110–252) designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110–252 (see footnote 2 of table 2), budget authority and outlay totals specified in S. Con. Res. 70 have also been reduced for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF SEPTEMBER 8, 2008

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted[1]:			
Revenues	n.a.	n.a.	2,097,399
Permanents and other spending legislation	1,440,235	1,392,509	n.a.
Appropriation legislation	0	471,616	n.a.
Offsetting receipts	−587,749	−587,749	n.a.
Total, Previously enacted	852,486	1,276,376	2,097,399
Enacted this session:			
Supplemental Appropriations Act, 2008 (P.L. 110–252)[2]	0	23	0
Medicare Improvements for Patients and Providers Act of 2008 (P.L. 110–275)	6,633	6,516	9
A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P.L. 110–287)	0	0	−2
Housing and Economic Recovery Act of 2008 (P.L. 110–289)[2]	24,966	24,715	−11,037
Higher Education Opportunity Act (P.L. 110–315)	−9	−114	0
Total, Enacted this session	31,590	31,140	−11,030
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	620,449	598,715	0
Total Current Level[2,3]	1,504,525	1,906,231	2,086,369
Total Budget Resolution[4]	2,538,292	2,573,270	2,029,653
Adjustment to the budget resolution for emergency requirements[5]	−70,000	−74,809	n.a.
Adjustment to the budget resolution for emergency requirements[5]	−5,761	−1,152	n.a.
Adjusted Budget Resolution	2,462,531	2,497,309	2,029,653
Current Level Over Budget Resolution	n.a.	n.a.	56,716
Current Level Under Budget Resolution	958,006	591,078	n.a.

[1] Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181), Economic Stimulus Act of 2008 (P.L. 110–185), Andean Trade Preference Extension Act of 2008 (P.L. 110–191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110–227), Consolidated Natural Resources Act of 2008 (P.L. 110–229), Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (P.L. 110–232), Genetic Information Nondiscrimination Act of 2008 (P.L. 110–233), Food, Conservation, and Energy Act of 2008 (P.L. 110–234), SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244), and Heroes Earning Assistance and Relief Act of 2008 (P.L. 110–245).

[2] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level total, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2008 (P.L. 110–252)	85,155	87,211	27
Housing and Economic Recovery Act of 2008 (P.L. 110–289)	7	928	n.a.
Total, Amounts designated as emergency	85,162	88,139	27

[3] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[4] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution	2,530,703	2,565,903	2,029,612
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (SPR Act) (section 323(d))	950	950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (Heroes Act) (section 323(d))	28	28	32
For adjustment to debt service for the SPR and Heroes acts (section 323(d))	−13	−13	0
For the Patients and Providers Act of 2008 (sections 221(f) and 227)	6,633	6,516	9
For the Higher Education Opportunity Act (section 222)	−9	−114	0
Revised Budget Resolution	2,538,292	2,573,270	2,029,653

[5] S. Con. Res. 70 assumed $70,000 million in budget authority and $74,809 million in outlays for overseas deployment and related activities. Additionally, S. Con. Res. 70 assumed $5,761 million in budget authority and $1,152 million in outlays for the Corps of Engineers. The Supplemental Appropriations Act, 2008 (P.L. 110–252) designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110–252 (see footnote 2), budget authority and outlay totals specified in S. Con. Res. 70 have also been reduced for purposes of comparison.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

HONORING OUR ARMED FORCES

STAFF SERGEANT KENNETH W. MAYNE

Mr. SALAZAR. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG Kenneth W. Mayne. Staff Sergeant Mayne, a member of the 4th Infantry Division, was killed in a neighborhood outside of Baghdad on September 4, 2008, when a roadside bomb struck his vehicle. He was 29 years old.

A graduate of Arvada West High School in Colorado, Staff Sergeant Mayne enlisted in the Army in 1997 at the age of 18. According to his mother, Michelle, he immediately took to the discipline and dedication to duty that defines the life of an American soldier. He chose to make service to country his career.

He was first deployed to Iraq in 2003 with the 101st Airborne, and spent a year there in support of Operation Iraqi Freedom.

Later, Staff Sergeant Mayne transferred to the 4th Infantry Division in Fort Hood, TX, because the division was scheduled to be moved to Fort Carson, CO, following its deployment to Iraq in March 2008. He loved Colorado and wanted to go home to be close to his family. Following his discharge, he intended to become a history teacher.

Those who knew Kenneth described him as brave, as dedicated to his men, and as possessing a great empathy for the children of Iraq. During his patrols in Sadr City, one of the poorest and most volatile neighborhoods in the country, Kenneth distributed toys, soccer balls, and coloring books to Iraqi children that his mother had sent from home. Concerned about their health, he worked with his men to get fresh water into local schools and to clean up sewage so that children had a clean place to play. He believed in the work he was doing because he could see the difference he was making in people's lives.

Ralph Waldo Emerson wrote that, ''to share often and much . . . to know even one life has breathed easier because you have lived. This is to have succeeded.''

For all the Iraqi children who are better off, for all the neighborhoods that are safer, for all those whose image of America has been transformed, Staff Sergeant Mayne has succeeded. Staff Sergeant Mayne embodied an America that reaches out to those in need, an America brimming with kindness and compassion, an America that ''shares often and much.''

For all this, and for his tireless service to his country, Sergeant Mayne has the eternal gratitude of his nation.

To Kenneth's mother Michelle, his father, his stepfather Dan, his sisters Christina and Jennifer, his brother Danny, and all his friends and family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss is assuaged by your pride in Kenneth's service to his country and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

TAX POLICY

Mr. GRASSLEY. Mr. President, after I spoke about small business tax issues yesterday, Senators SANDERS and DURBIN responded. I would like to thank my friends from Vermont and Illinois for engaging in the important debate of the future of tax policy for our country last night. The upcoming congressional and Presidential elections will have a big impact on tax issues, so these issues should be debated here in the world's most deliberative body. In response to the comments of my friends from Vermont and Illinois, I would like to raise a few brief points.

First, the 2001 and 2003 tax relief bills were not and are not the ''Bush tax cuts.'' These bills were crafted in a bipartisan manner. In fact, one-fourth of the Democratic Caucus voted for the 2001 tax relief.

I will be discussing middle income tax relief in a separate speech shortly. However, there's no question the legislation criticized by my two friends improved the progressivity of the Tax Code and cut taxes for middle income families. For a single mom with two children and $30,000 of income, the 2001 and 2003 tax relief has prevented a tax increase of $1,100 per year. Similarly, for a family of four with $50,000 of income, this tax relief has prevented them from facing a $2,300 yearly tax increase.

Indeed, both Senator OBAMA and Senator MCCAIN agree on keeping most of the structure of the legislation criticized by my friends from Vermont and Illinois.

Where Senators OBAMA and MCCAIN disagree is on whether we should keep the tax rates where they are. I would note that Senator OBAMA recently agreed that, because of concerns about the economy, we should leave the top rates where they are, at least for now.

I would encourage my friends to review the data I presented yesterday. That data clearly illustrates that there are negative effects on small business from raising marginal rates by 17 percent to 33 percent. The data show that the tax increases of Senator OBAMA's plan will take direct aim at small business owners. Senator OBAMA does now agree that we should defer his tax increases until 2011. Senator MCCAIN thinks the current levels of taxation are appropriate for both now and the future.

The bipartisan tax relief of 2001 and 2003, largely supported by Senators OBAMA and MCCAIN, kept revenues at or above historical averages for most of the period they were in effect. These policies were put in place during economic shocks, and the economy responded.

I would ask my friends why they disagree. Why should we raise taxes on small business now? I look forward to their response.

FEDERAL AND STATE VETERANS HOMES PARTNERSHIP

Mr. GREGG. Mr. President, I rise today to express my thanks for the 250 hard-working men and women of the New Hampshire Veterans Home in Tilton, NH, and to join them, and the other State Veterans Homes across our Nation, in celebrating the 120 year partnership between the Federal Government and State Veterans Homes. Our Nation has a proud history of looking after its warriors even after the loud sounds of battle have been pacified.

Since 1890, the New Hampshire Veterans Home has served in this fine tradition by providing care and comfort for thousands of men and women who have sacrificed so much to preserve our freedom and protect our country and State. The commitment and outstanding contributions of past Commandants, members of the board of managers, staff, and many volunteers to the welfare of New Hampshire veterans is truly extraordinary. Today, the New Hampshire Veterans Home continues to improve and uphold its value by assuring access to affordable, professional, and quality nursing care in a community setting that cultivates learning, growth, and optimal quality of life.

I look forward to building upon the good relationship between our Nation's State Veterans Homes and the Federal Government and again join in celebrating this milestone of service to our Nation's heroes.

ADDITIONAL STATEMENTS

TRIBUTE TO MARGARET ''PEGGY'' SIMS

• Mrs. FEINSTEIN. Mr. President, I wish to take this opportunity to pay tribute to a longtime public servant who spent her career working hard to improve the quality of elections. Ms. Margaret Sims spent her entire career working for both of the agencies under the jurisdiction of the Rules Committee—the Federal Election Commission and the Election Assistance Commission. She passed away earlier this month after a long battle with cancer.

A resident of Burke, VA, Ms. Sims, known to her friends as ''Peggy'', was born in Schenectady, NY, and was a graduate of Wells College. She was an intern in the community services department at the AFL–CIO before starting her career at the FEC as an investigator. She also served as Director of Compliance and Election Administrative Research Specialist at that agency.

Long before the 2000 election and hanging chads, Ms. Sims was working hard with our Nation's election administration professionals to provide them with the best information available to help them do their job. While at the FEC, she assisted in developing voting systems standards and in the creation of a guide and training tools to accompany the 1993 National Voter Registration Act. She was also part of the first U.S. delegation to the Trilateral Conference between Canada, Mexico and the United States held in Mexico City in 1994. This conference engaged the three countries in dialogue regarding their respective election processes so that each country might learn from the others.

She moved to the newly created U.S. Election Assistance Commission in 2004, where she assisted in guiding States in appropriate voting procedures and in training them how to report back to that agency. She provided guidance to the new EAC Commissioners and assisted them in developing a working knowledge of the election administration process. During the challenging implementation of the Help America Vote Act, hundreds of election officials relied on her assistance in getting the law right.

Because she worked in the field of elections, Ms. Sims was always nonpartisan. She proudly said that she would not even let her husband put a political bumper sticker on his car. Her emphasis on providing assistance in an impartial, unbiased way is a testament to her dedication. She did not care about who won or lost, she cared that the process was always fair.

She is survived by her husband and son, Dug and Jay Greevy, as well as her mother, two brothers, and a sister.

It is important to remember not only the life of Peggy Sims but also the impact of her work. She worked hard every day for civic leadership and better government. She rose above partisan labels. We honor her memory by recognizing her commitments to public service and to shaping better elections for our country.●

CENTRAL DECATUR COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Central Decatur Community School District, and to report on their participation in a unique federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Central Decatur Community School District received two Harkin grants totaling $947,775 which it used to help build additions to two schools in Leon. The district built an addition to South Elementary which serves students in prekindergarten through third grade and also built the North Elementary addition to the high school. The school board is to be commended for thinking to the future by incorporating an energy efficient geothermal system at the North Elementary building. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of school facilities that every child deserves.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Central Decatur Community School District. In particular, I would like to recognize the leadership of the board of education president Mike Frost, vice president Jack Parsons, Rose Saxton, Mike Stuck and Igor Takacs and former board members Nick Morrell, Gary Hayworth, Dave Smith, Brent Buckingham and Jim Lafleur. I would also like to recognize superintendent Tucker Lillis, former superintendent Steve Williams and key supporters of the bond referendum, Jerry Parsons, Gene Binning and Peg Erke.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Central Decatur Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

CLEAR LAKE COMMUNITY SCHOOL EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Clear Lake Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Clear Lake Community School District received a 2002 Harkin grant totaling $1 million which it used to help build an addition to the high school to provide new classrooms for science, family and consumer science and art. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received fire safety grants totaling $127,481 to install new fire alarms and detectors in several schools in the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Clear Lake Community School District. In particular, I would like to

recognize the leadership of the board of education—Ron Andrews, Tom Lovell, Paul Stevenson, Sandy Christ and Deborah Betz and former board members Joel Secory, Michael Baker, Lynn Scribbins and Tammy Schwichtenberg. I would also like to recognize superintendent Dwight Pierson, former superintendent Dr. Michael Tegland, former high school principal John Chalstrom, facilities director Kelly McLaughlin, high school principal Jay Mathis, business manager Lorna Leerar and facilities coordinator for AEA 267 Bill Schutz.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Clear Lake Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

COON RAPIDS-BAYARD COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Coon Rapids-Bayard Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Coon Rapids-Bayard Community School District received a 2002 Harkin Grant totaling $142,000 which it used to help build an addition to the middle/high school building and make improvements to Deal Elementary. The district also received two fire safety grants totaling $75,000 to install fire detection systems, upgrade electrical wiring and make other repairs throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Coon Rapids-Bayard Community School District. In particular, I would like to recognize the leadership of the board of education—Alan Schroeder, Mike Oswald, Jim Schwaller, Roger Tapps, Larry Nees, Pat McAlister, and Nancy Hagan and former board members Mark Thomas, Brian Kinnick and Dr. John Clayburg. I would also like to recognize superintendent Rich Stoffers, former superintendent Dennis Wentz, business manager Gail Hopkins and high school principal Shawn Zanders.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Coon Rapids-Bayard Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

DURANT COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Durant Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the tenth year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Durant Community School District received a 1998 Harkin grant totaling $250,000 which it used to help build an addition to the elementary school for prekindergarten programs including Head Start and for the Cracker Box Center to provide before and after school programs for students in the district. The district also received two fire safety grants totaling $50,000. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Durant Community School District. In particular, I would like to recognize the leadership of the board of education, president Richard Stoltenberg, vice president Sheila Compton, Brian Fargo, Steve Ralfs and Cheryl Telsrow and former board members Jane Lichtenstein, Pam Sissel, Gary Workman and Kenneth Huesman. I would also like to recognize superintendent Duane Bark, former superintendent James Wagner and elementary principal Rebecca Stineman.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is

that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Durant Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

VALLEY COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Valley Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Valley Community School District received a 2002 Harkin grant totaling $812,000 which it used to help build an addition and make renovations to provide science labs and a computer lab. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received two fire safety grants totaling $75,000 to make safety improvements throughout the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Valley Community School District. In particular, I'd like to recognize the leadership of the board of education—president Rick Klann, Dawn Daughton, Dr. DeWayne Frazier, Mark Howard, Mick Olson and former board members Gregg Kleppe, Allen Knox, Celeste Strong, and Lois Dummermuth. I would also like to recognize superintendent Cathleen Molumby, and the many volunteers and members of the School Improvement Advisory Committee.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Valley Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:57 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6169. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''.

H.R. 6513. An act to amend the Federal securities laws to enhance the effectiveness of the Securities and Exchange Commission's enforcement, corporation finance, trading and markets, investment management, and examination programs, and for other purposes.

H.R. 6608. An act to provide for the replacement of lost income for employees of the House of Representatives who are members of a Reserve component of the Armed Forces who are on active duty for a period of more than 30 days, and for other purposes.

H.R. 6832. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) announced that on September 11, 2008, he had signed the following enrolled bill, previously signed by the Speaker of the House:

H.R. 6532. An act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

At 11:55 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6475. An act to establish the Daniel Webster Congressional Clerkship Program.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6169. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6475. An act to establish the Daniel Webster Congressional Clerkship Program; to the Committee on Rules and Administration.

H.R. 6513. An act to amend the Federal securities laws to enhance the effectiveness of the Securities and Exchange Commission's enforcement, corporation finance, trading and markets, investment management, and examination programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6832. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC–7564. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; NOx, and SO2 Emissions Limitations for Fifteen Coal-Fired Electric Generating Units'' (FRL No. 8709–7) received on August 29, 2008; to the Committee on Environment and Public Works.

EC–7565. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revised Transportation Conformity Consultation Process, and Approval of Related Revisions'' (FRL No. 8700–7) received on August 29, 2008; to the Committee on Environment and Public Works.

EC–7566. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus subtilis GB03; Exemption from the Requirement of a Tolerance'' (FRL No. 8378–5) received on August 29, 2008; to the Committee on Environment and Public Works.

EC–7567. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dichlobenil; Pesticide Tolerances'' (FRL No. 8377–7) received on August 29, 2008; to the Committee on Environment and Public Works.

EC–7568. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenbuconazole; Pesticide Tolerances'' (FRL No. 8376–4) received on August 29, 2008; to the Committee on Environment and Public Works.

EC–7569. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District'' (FRL No. 8701–4) received on August 29, 2008; to the Committee on Environment and Public Works.

EC–7570. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetic acid ethenyl ester, polymer with sodium 2-methyl-2-[(1-oxo-2-propen-1-yl) amino]-1-propanesulfonate (1:1), hydrolyzed; Tolerance Exemption'' (FRL No. 8380–1) received on September 9, 2008; to the Committee on Environment and Public Works.

EC–7571. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri'' (FRL No. 8713–8) received on September 9, 2008; to the Committee on Environment and Public Works.

EC–7572. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Alabama: Volatile Organic Compounds and Open Burning'' (FRL No. 8714–7) received on September 9, 2008; to the Committee on Environment and Public Works.

EC–7573. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Florida; Removal of Gasoline Vapor Recovery from Southeast Florida Areas'' (FRL No. 8714–8) received on September 9, 2008; to the Committee on Environment and Public Works.

EC–7574. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for the New Orleans Ozone Maintenance Area'' (FRL No. 8713–6) received on September 9, 2008; to the Committee on Environment and Public Works.

EC–7575. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of Incinerators'' (FRL No. 8714–5) received on September 9, 2008; to the Committee on Environment and Public Works.

EC–7576. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Michigan; PSD Regulations'' (FRL No. 8714–1) received on September 9, 2008; to the Committee on Environment and Public Works.

EC–7577. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus thuringiensis Cry2Ae in Cotton; Temporary Exemption from the Requirement of a Tolerance'' (FRL No. 8380–1) received on September 9, 2008; to the Committee on Environment and Public Works.

EC–7578. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Benfluralin, Carbaryl, Diazinon, Dicrotophos, Fluometuron, Formetanate Hydrochloride, Glyphosate, Metolachlor, Napropamide, Norflurazon, Pyrazon, and Tau-Fluvalinate; Tolerance Actions'' (FRL No. 8379–3) received on September 9, 2008; to the Committee on Environment and Public Works.

EC–7579. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''NPDES Voluntary Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula'' (FRL No. 8712–7) received on September 9, 2008; to the Committee on Environment and Public Works.

EC–7580. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spiromesifen; Pesticide Tolerances'' (FRL No. 8379–8) received on September 9, 2008; to the Committee on Environment and Public Works.

EC–7581. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Emissions from Nonroad Spark-Ignition Engines and Equipment'' (FRL No. 8712–8) received on September 9, 2008; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 3097. A bill to amend the Vietnam Education Foundation Act of 2000 (Rept. No. 110–458).

By Mr. BIDEN, from the Committee on Foreign Relations, with amendments:

H.R. 2553. A bill to amend the State Department Basic Authorities Act of 1956 to provide for the establishment and maintenance of existing libraries and resource centers at United States diplomatic and consular missions to provide information about American culture, society, and history, and for other purposes (Rept. No. 110–459).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2052. A bill to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces.

S. 3166. A bill to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENSIGN:

S. 3483. A bill to improve consumer access to passenger vehicle loss data held by insurers; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself, Mr. HARKIN, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. WYDEN, and Mr. SMITH):

S. 3484. A bill to provide for a delay in the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 3485. A bill to require manufacturers to increase the percentage of automobiles manufactured for sale within the United States that are capable of operating on higher-level blends of renewable fuels, such as ethanol and biodiesel, in combination with gasoline or diesel fuel; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 3486. A bill to establish the Commission on Measures of Household Economic Security to conduct a study and submit a report containing recommendations to establish and report economic statistics that reflect the economic status and well-being of American households; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. HATCH, Mr. OBAMA, Mr. MCCAIN, Mr. DODD, Mr. COCHRAN, and Mrs. CLINTON)):

S. 3487. A bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and

for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Nebraska (for himself and Mr. INHOFE):

S. Res. 657. A resolution designating September 13, 2008, as ''National Celiac Disease Awareness Day''; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska:

S. Res. 658. A resolution expressing the sense of the Senate that the former chief executive officers of Fannie Mae should not receive lavish severance packages at taxpayer expense; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 860

At the request of Mr. SMITH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 935

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1010

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2919

At the request of Mr. STEVENS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2919, a bill to promote the accurate transmission of network traffic identification information.

S. 3197

At the request of Mr. DURBIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3197, a bill to amend title 11, United States Code, to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

S. 3353

At the request of Mr. CASEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3353, a bill to provide temporary financial relief for rural school districts adversely impacted by the current energy crisis, and for other purposes.

S. 3380

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3380, a bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

AMENDMENT NO. 5278

At the request of Mr. WYDEN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 5278 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5302

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 5302 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5308

At the request of Mr. BAUCUS, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 5308 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5338

At the request of Mr. NELSON of Nebraska, his name was added as a cosponsor of amendment No. 5338 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5399

At the request of Mrs. CLINTON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 5399 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5444

At the request of Mr. WARNER, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. HAGEL), the Senator from Vermont (Mr. SANDERS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Mr. DURBIN), the Senator from Illinois (Mr. OBAMA) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 5444 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. HARKIN, Mr. ROBERTS, Mr.

ROCKEFELLER, Mr. WYDEN, and Mr. SMITH):

S. 3484. A bill to provide for a delay in the phaseout of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Medicare Hospice Protection Act, which will place a one-year moratorium on a final rule issued by the Centers for Medicare and Medicaid Services, CMS, reducing payments to hospice providers and ensure Medicare beneficiaries' access to hospice care.

More than 1.3 million Americans depend on hospice for high quality and compassionate end-of-life care each year. Unfortunately, on August 1, 2008, CMS issued a final rule to reduce hospice reimbursement rates in Medicare. This reduction of the hospice wage index will take $2.3 billion out of hospice care over the next 5 years if this Congress allows it to be implemented as scheduled on October 1, 2008.

The Medicare Payment Advisory Commission, MedPAC, is currently examining the payment system for hospice care. We must allow the MedPAC to complete this important review of the hospice Medicare benefit and make payment recommendations, which is expected in 2009. The Hospice Protection Act, introduced by myself and Senators HARKIN, WYDEN, ROBERTS, ROCKEFELLER and SMITH, will provide that time with a one-year moratorium on implementation.

Hospice is an efficient and cost-effective health care model. Hospice provides individuals at the end of their lives, as well as their families, with comfort and compassion when they are needed most. Hospice care enables a person to retain his or her dignity and maintain quality of life during the end of life. An independent Duke University study in 2007 showed that patients receiving hospice care cost the Medicare program about $2,300 less than those who did not, resulting in an annual savings of more than $2 billion.

In April 28, 2008, just before the Notice of Proposed Rule Making was released, a bipartisan group of more than 40 Senators wrote to Secretary Leavitt and asked him to stop further action and wait for MedPAC recommendations on hospice payment issues. On July 28, 2008, before the final rule was released, Senators HARKIN, WYDEN, ROBERTS and I wrote to the White House, to urge them to stop the regulation from being finalized and to consider the burden that this regulation will put on the hospice community.

Our repeated requests have been ignored, so we are introducing this legislation to keep CMS from implementing a short-sighted and irresponsible cut to end-of-life care. I ask my fellow Senators to join me in support of the Hospice Protection Act and to work toward its swift passage.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 3485. A bill to require manufacturers to increase the percentage of automobiles manufactured for sale within the United States that are capable of operating on higher-level blends of renewable fuels, such as ethanol and biodiesel, in combination with gasoline or diesel fuel; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, our national energy situation is continuing to deteriorate. Petroleum and gasoline prices have set all time records, and our oil imports are responsible for an incredibly large wealth transfer from America to global oil producers. Our most immediate and visible energy challenges are adequate supplies and record prices for fuels in our transportation sector, but natural gas and coal prices also have risen to new plateaus, and these are impacting both electricity prices and manufacturing and delivery costs across our economy and society. We have yet to tackle the problem of reducing greenhouse gas emissions, the large majority of which result from the combustion of fossil fuels. The environmental impacts of energy use, especially from autos and power plants, are still a major health concern. In short, we need to initiate a major transition of our energy sector, to one that is far more efficient, is much less reliant on fossil fuels and imported oil, and is utilizing vastly more domestically produced renewable fuels and energy.

Americans recognize the magnitude and the urgency of our energy challenges. They rightfully expect us to adopt policies to move this energy transition forward. In particular, we need to reduce dependence on oil in transportation, and we have broad agreement on two fundamental approaches—increasing efficiency of vehicles and increasing use of alternative fuels. However, in expanding the use of alternative fuels, we face the challenge of needing both alternative fueling stations and vehicles that can use these fuels. The Energy Independence and Security Act of 2007 calls for a brisk expansion of the production and use of biofuels, and it promotes the expansion of the ethanol distribution and sales infrastructure. In parallel, we need to rapidly expand the number of dual fuel automobiles, including in particular autos that can be fueled with any blend of gasoline and ethanol ranging from zero to 85 percent ethanol.

Today I am joined by my esteemed colleague, Senator LUGAR of Indiana, in introducing the Dual fuel Automobile Act of 2008. This bill will expand the number of dual fuel automobiles at a rapid pace while not imposing undue production cost challenges or our auto manufacturers. It calls for 50 percent of all light-duty vehicles manufactured for sale in the United States to be dual fuel automobiles by 2011. It increases that to 90 percent of all light-duty vehicles manufactured for U.S. sales by 2013. These requirements are reasonable because it is known that gasoline vehicles require relatively minor changes in fuel system designs to be able to use blends of gasoline and ethanol which qualify them for dual fuel designation.

This mandate will ensure that the number of dual fuel automobiles in our transportation fleet is expanding apace with the expansion of ethanol production and use in our national fuel supply over the next 15 years and beyond. Taken together, our increasing production of biofuels, our incentives for installation of alternative fuel infrastructure, light-duty vehicle requirement will provide Americans the option of choosing clean, domestically-produced fuels for their personal transportation needs in the future. This represents a critical component in the transition of our energy systems away from fossil and imported fuels toward reliance on sustainable domestic fuel sources.

Today I urge my Senate colleagues to join us in taking action to boost the transition to a cleaner, more resilient, and more secure energy economy. I request support for this bill and its rapid enactment.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENSURING THE AVAILABILITY OF DUAL FUELED AUTOMOBILES.

(a) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

"§ 32902A. Requirement to manufacture dual fueled automobiles

"(a) IN GENERAL.—For each model year listed in the following table, each manufacturer shall ensure that the percentage of automobiles manufactured by the manufacturer for sale in the United States that are dual fueled automobiles is not less than the percentage set forth for that model year in the following table:

"Model Year	Percentage
model years 2011 and 2012	50 percent
model year 2013 and each subsequent model year.	90 percent

"(b) EXCEPTION.—Subsection (a) shall not apply to automobiles that operate only on electricity.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

"32902A. Requirement to manufacture dual fueled automobiles.".

(c) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act,

the Secretary of Transportation shall prescribe regulations to carry out the amendments made by this Act.

Mr. LUGAR. Mr. President, A few days ago I returned from a two week engagement abroad which included stops at Azerbaijan's oil and natural gas rich Caspian Sea coast, through Georgia, Turkey, Romania, Ukraine, Germany, and finally to Brussels, Belgium.

While my visit was planned well in advance of the conflict between Georgia and Russia, recent events have amplified the importance of energy as a strategic priority in capitals across this region. States dependent on Russian gas to fuel their economies and ways of life understand that turning off the tap may be as effective a weapon as the tanks and armies that rolled across Georgia. For example, the Russian suspension of gas supplies to Ukraine 2 years ago spurred significant discussion of energy security amongst European friends. Yet only modest changes in planning and preparation have occurred. Meanwhile, Russia has aggressively sought to increase its dominance over energy supplies.

In the U.S. we are largely dependent on foreign governments for our transportation energy needs, which leaves our own security and prosperity in jeopardy. Accordingly, we must attain genuine energy security with supplies sufficient enough to grow our economy and insulate us from foreign manipulation. We are fortunate to have the means to bolster both renewable and conventional energy sources.

Realizing this potential will take leadership and vision. Renewable energy offers the greatest hope to wed our energy security needs with economic growth and environmental stewardship. However, one of the major impediments to expanding renewable energy, such as biofuels, is a lack of appropriate infrastructure. Currently our automobile fleet is largely built to run on petroleum based gasoline and up to 10 percent ethanol blends. This means that even though ethanol makes up a relatively small portion of our fuel source, greater production from the next generation biofuels, such as cellulosic ethanol, will be severely hampered, if not prevented.

This is why I join Senator HARKIN of Iowa in introducing the Dual Fuel Automobile Act of 2008. This bill calls for 50 percent of all automobiles manufactured for sale in the U.S. to be dual fuel automobiles by 2011, meaning that the purchaser of the vehicle would have a choice in which fuel they choose to power their vehicle. It would increase to 90 percent of all automobiles manufactured for U.S. sales by 2013. Relatively minor and inexpensive changes in fuel system designs allow blends of gasoline and ethanol to be used dependent on the consumer's choice each time they fill up.

By Mr. FEINGOLD:

S. 3486. A bill to establish the Commission on Measures of Household Economic Security to conduct a study and submit a report containing recommendations to establish and report economic statistics that reflect the economic status and well-being of American households; to the Committee on Homeland Security and Governmental Affairs.

Mr. FEINGOLD. Mr. President, our Government agencies collect and report a range of economic information but much of what we see or hear is most suited to describing the general state of the country's economy. This information does not reflect what is happening in and what matters most to our families and the quality of our lives. For example, our national unemployment figures don't tell us that those who are employed may not have benefits, or that they are working two or three jobs to earn the income that they report, or that their mortgage debt and college loans are jeopardizing their ability to repay their credit card debt or their medical bills. By knowing and reporting this kind of information we can not only more accurately reflect what our families are experiencing economically, we can better inform policymakers about what matters most to people and the steps that need to be taken to address household economic needs and concerns.

To address this need I am introducing the Commission on Measures of Household Economic Security Act of 2008. The bill would establish a bipartisan congressional commission of 8 economic experts to look at existing government economic data and identify the possible need for new information, more accurate methodologies and better ways to report these economic measures to give a more accurate and reliable picture of the economic well being of American households. As part of their effort, the Commission will be asked to meet with representative groups of the public so that their views are taken into account in the Commission's recommendations.

In doing this, the Commission will look at such things as the current debt situation of American individuals and households, including categories of debt such as credit card debt, education related loans and mortgage payments; the movement Americans between salaried jobs with benefits to single or multiple wage jobs with limited or no benefits with a comparison of income to include the value of benefits programs such as health insurance and retirement plans; the percentage of Americans who are covered by both employer-provided and individual health care plans and the extent of coverage per dollar paid by both employers and employees; the savings rate, including both standard savings plans and pension plans; the disparity in income distribution over time and between different demographic and geographic groups; and the breakdown of household expenditures between such categories as food, shelter, medical expenses, debt servicing, and energy.

In addition, the Commission will consider the relevance of certain non-market activities, like household production, education, and volunteer services that affect the economic well being of households but are not measured or valued in currently reported economic statistics. As Robert F. Kennedy has famously said, some of our economic indicators measure ''everything in short, except that which makes life worthwhile.'' We need to make an effort to value more than just our gross domestic product and sales receipts. We need to better measure and understand what matters to American households.

This effort to improve how we measure what matters in our economy is very much in the Wisconsin tradition of accountable good Government. It was Senator Robert LaFollette, Jr. who, in 1932, introduced a resolution requiring the U.S. Government to establish a more scientific, specific and accurate set of measures of the health of the U.S. economy. From his request, Simon Kuznets, a University of Pennsylvania economics professor, developed the first set of national accounts which form the basis for today's measure of GDP and other economic indicators. Kuznets won the 1971 Nobel Prize in Economics ''for his empirically founded interpretation of economic growth which has led to new and deepened insight into the economic and social structure and process of development.'' His work was the basis for much of the New Deal reform policies. Yet Kuznets specifically acknowledged that his measures were incomplete and did not go far enough to measure what may really matter. In his 1934 report to the Senate on his compilation of statistics associated with Gross National Product he concluded: ''The welfare of a nation can . . . scarcely be inferred from a measurement of national income as [so] defined . . . .'' This bill is intended to advance these earlier efforts to make our economic statistical measures more reflective of the welfare of our families and our nation.

The cost of this commission will be fully covered by amounts already authorized and appropriated to the Bureau of Labor Statistics. I urge my colleagues to support my legislation.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. HATCH, Mr. OBAMA, Mr. MCCAIN, Mr. DODD, Mr. COCHRAN, and Mrs. CLINTON)):

S. 3487. A bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes; to the

Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Serve America Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL SERVICE

Subtitle A—Service-Learning

Sec. 111. Youth engagement zones to strengthen communities.
Sec. 112. Campus of Service.
Sec. 113. Service-learning impact study.

Subtitle B—Supporting Social Innovation and Entrepreneurship

Sec. 121. Innovation and entrepreneurship.

Subtitle C—ServeAmerica Corps

Sec. 131. Corps.

Subtitle D—Civic Health Index

Sec. 141. Index.

Subtitle E—ServeAmerica and Encore Fellowships

Sec. 151. ServeAmerica and Encore Fellowships.

Subtitle F—Volunteer Generation Fund; National Service Reserve Corps; Call to Service Campaign

Sec. 161. Statement of purposes.
Sec. 162. Establishment of Volunteer Generation Fund.
Sec. 163. National Service Reserve Corps.
Sec. 164. Call To Service campaign.

Subtitle G—Conforming Amendments

Sec. 171. Conforming amendments.

TITLE II—VOLUNTEERS FOR PROSPERITY PROGRAM

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Office of Volunteers for Prosperity.
Sec. 204. Authorization of appropriations.

TITLE I—NATIONAL SERVICE

Subtitle A—Service-Learning

SEC. 111. YOUTH ENGAGEMENT ZONES TO STRENGTHEN COMMUNITIES.

(a) FINDINGS.—Congress finds the following:

(1) Engaging in service-learning and community service activities at a young age makes individuals more likely to continue to volunteer and engage in service throughout their lives.

(2) High-quality service-learning programs keep students engaged in school and increase the likelihood that they will graduate.

(3) Since its creation, the Learn and Serve America program has allowed over 15,000,000 students to take part in service-learning activities to improve their communities and schools.

(4) Most schools do not offer service-learning activities, but many students, particularly students at risk of dropping out, express an interest in service-learning.

(b) PURPOSES.—The purposes of this section are—

(1) to provide increased high-quality service-learning opportunities for in-school and out-of-school youth in high-need, low-income communities as a strategy to retain and re-engage youth likely to drop out and youth who have dropped out;

(2) to encourage more individuals to engage in lifetimes of service by teaching young people the value of service early in their lives; and

(3) to establish youth engagement zones with the goal of involving all secondary school students served by a local educational agency in service-learning to solve a specific community challenge, through a program that can serve as a model for other communities.

(c) GENERAL AUTHORITY.—Part I of subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq.) is amended—

(1) by redesignating subparts B and C as subparts C and D, respectively;

(2) by redesignating sections 115, 115A, 116, 116A, and 116B as sections 114A through 114E, respectively; and

(3) by inserting after subpart A the following:

"Subpart B—Youth Engagement Zones to Strengthen Communities

"SEC. 115. GRANT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COLLEGE-GOING RATE.—The term 'college-going rate' means the percentage of high school graduates who enroll in an institution of higher education in the school year immediately following graduation from high school.

''(2) GRADUATION RATE.—The term 'graduation rate' means the graduation rate for public secondary school students, as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)).

''(3) LOW-INCOME STUDENT.—The term 'low-income student' means a student who is eligible to be counted under one of the measures of poverty described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

''(4) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means youth of an appropriate age to attend secondary school who are not currently enrolled in secondary schools.

''(5) YOUTH ENGAGEMENT ZONE.—The term 'youth engagement zone' means the area in which a youth engagement zone program is carried out.

''(6) YOUTH ENGAGEMENT ZONE PROGRAM.—The term 'youth engagement zone program' means a service-learning program in which members of a partnership described in subsection (c) collaborate to provide coordinated school-based or community-based service-learning opportunities, to address a specific community challenge, for secondary school students served by the local educational agency involved as described in subsection (d)(2)(B), and for an increasing percentage of out-of-school youth, over 5 years.

''(b) GENERAL AUTHORITY AND AVAILABILITY OF FUNDS.—

''(1) GENERAL AUTHORITY.—Subject to paragraph (3), the Corporation may make grants, on a competitive basis, to eligible partnerships to enable the partnerships to establish and carry out, in youth engagement zones, youth engagement zone programs with secondary school students and with out-of-school youth, in order to carry out projects to improve communities involving—

''(A) improving student engagement, including student attendance and student behavior, and student academic achievement, graduation rates, and college-going rates, at secondary schools with high concentrations of low-income students;

''(B) maintaining and improving local parks, trails, and rivers, assisting in the development of local recycling programs, or implementing initiatives to improve local energy effectively;

''(C) improving civic engagement and participation among individuals of all ages; or

''(D) carrying out another activity that focuses on solving a community challenge faced by the community that the eligible partnership involved will serve.

''(2) GRANT PERIODS.—The Corporation shall make the grants for periods of 5 years.

''(3) GRANT AMOUNTS.—The Corporation shall make such a grant to a partnership in an amount of not less than $250,000 and not more than $1,000,000, based on the number of students served by the local educational agency in the partnership.

''(c) ELIGIBLE PARTNERSHIPS.—To be eligible to receive a grant under this section, a partnership—

''(1) shall include—

''(A) a community-based agency that has a demonstrated record of success in carrying out service-learning programs with low-income students, and that meets such criteria as the Chief Executive Officer may establish; and

''(B)(i) a local educational agency for which—

''(I) a high number or percentage of the students served by the agency, as determined by the Corporation, are low-income students; and

''(II) the graduation rate for the secondary school students served by the agency is less than 70 percent; or

''(ii)(I) a State Commission or State educational agency; and

''(II) more than 1 local educational agency described in clause (i); and

''(2) may include—

''(A) a local government agency that is not described in paragraph (1);

''(B) the office of the chief executive officer of a unit of general local government; or

''(C) an institution of higher education.

''(d) APPLICATION.—To be eligible to receive a grant under this section, a partnership shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, which shall include—

''(1) a description of the project to improve the community that the partnership is proposing to carry out, including—

''(A) the community challenge the partnership seeks to address, and relevant data about the challenge in such community; or

''(B) a description of the process the partnership will use, as part of the youth engagement zone program, to identify the community challenge the partnership will seek to address, including how the partnership will use relevant data to identify such challenge;

''(2) a description of how the partnership will work with secondary schools served by the local educational agency that is included in such partnership in carrying out the project to assure that—

''(A) by the end of the third year of the grant period, a majority of the students in the secondary schools served by the local educational agency will have participated in service-learning activities as part of the project; and

''(B) by the end of the fifth year of the grant period—

''(i) not less than 90 percent of the students in those schools will have participated in service-learning activities as part of the project; or

''(ii) service-learning will be a mandatory part of the curriculum in all of the secondary schools served by the local educational agency;

''(3) a description of the amount of time for which the partnership will seek to have participating individuals participate in service-learning activities as part of the project, and how that time will be structured;

''(4) a description of the partnership's plan to provide high-quality, ongoing service-learning professional development and assistance to educators conducting service-learning activities through the youth engagement zone program;

''(5) a description of how the partnership will work to—

''(A) ensure that out-of-school youth in the community are included as participants in service-learning activities carried out through the project; and

''(B) re-engage out-of-school youth;

''(6) a description of how the partnership will work, through the project, to improve student engagement, including student attendance and student behavior, and student achievement, graduation rates, and college-going rates, at schools served by the local educational agency that is included in the eligible partnership;

''(7) a description of how the partnership will encourage participants to continue to engage in service after graduation from secondary school; and

''(8) a description of how youth in the community were involved in the development of the proposal for the project.

''(e) PRIORITY AND GEOGRAPHIC DIVERSITY.—

''(1) PRIORITY.—In making grants under this section, the Corporation shall give priority to eligible partnerships that serve high percentages or numbers of low-income students.

''(2) CONSIDERATION.—In making grants under this section, the Corporation shall take into consideration the relevant data about the challenges in communities that eligible partnerships include in their applications, if the relevant partnerships submit such relevant data under subsection (d)(1)(A).

''(3) GEOGRAPHIC DIVERSITY.—The Corporation shall make the grants to a geographically diverse set of eligible partnerships, including partnerships that serve urban, and partnerships that serve rural, communities.

''(f) USE OF FUNDS.—

''(1) MANDATORY ACTIVITIES.—A partnership that receives a grant under this section shall use the funds made available through the grant to establish and carry out a high-quality youth engagement zone program designed to—

''(A) solve specific community challenges;

''(B) improve student engagement, including student attendance and student behavior, and student achievement, graduation rates, and college-going rates in secondary schools;

''(C) involve an increasing percentage of secondary school students and out-of-school youth in the community in school-based or community-based service-learning activities each year, with the goal of involving all students in secondary schools served by the local educational agency and involving an increasing percentage of the out-of-school youth in service-learning activities over the course of 5 years; and

''(D) encourage participants to continue to engage in service throughout their lives.

''(2) PERMISSIBLE ACTIVITIES.—A partnership that receives a grant under this section may use the funds made available through the grant for activities described in section 111.

''(g) RULE OF CONSTRUCTION.—Any requirement of this subpart that applies to a local educational agency in a partnership shall be considered to apply to each local educational agency in the partnership.''.

(d) AUTHORIZATION OF APPROPRIATIONS AND RESERVATIONS.—Section 501(a)(1) of such Act (42 U.S.C. 12681(a)(1)) is amended—

(1) in subparagraph (A), by striking ''title I'' and inserting ''title I (other than subpart B of part I)'';

(2) in subparagraph (B)(ii), by striking ''subpart B'' and inserting ''subpart C''; and

(3) by adding at the end the following:

''(C) SUBPART B OF PART I.—There is authorized to be appropriated to carry out subpart B of part I of subtitle B of title I—

''(i) $20,000,000 for fiscal year 2009;

''(ii) $30,000,000 for fiscal year 2010;

''(iii) $30,000,000 for fiscal year 2011;

''(iv) $40,000,000 for fiscal year 2012; and

''(v) $40,000,000 for fiscal year 2013.''.

SEC. 112. CAMPUS OF SERVICE.

(a) FINDINGS.—Congress finds the following:

(1) Providing service-learning courses to individuals who are students in institutions of higher education can make such individuals more likely to engage in service throughout their lives, and better prepared to take on public service careers in the nonprofit sector or government.

(2) While many institutions of higher education, in using work-study funds for community service under part C of title IV of the Higher Education Act of 1965, considerably exceed the percentage of such funds required to be used for such service, nationally the amount of such funds used for such service has remained relatively constant for the past few years.

(3) The public service sector, including nonprofit organizations and government, faces many human capital challenges, and institutions of higher education can be a part of efforts to address the challenges.

(b) PURPOSES.—The purposes of this section are—

(1) to identify and recognize institutions of higher education that serve as model Campuses of Service, in terms of engaging students in community service activities, providing service-learning courses, and encouraging or assisting graduates to pursue careers in public service in the nonprofit sector or government; and

(2) to allow such institutions to increase their ability to encourage or assist more students to pursue careers in public service, including public service careers in the nonprofit sector or government.

(c) GENERAL AUTHORITY.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq.) is amended by adding at the end the following:

''PART III—CAMPUS OF SERVICE PROGRAM

''SEC. 119E. CAMPUSES OF SERVICE.

''(a) IN GENERAL.—The Corporation, after consultation with the Secretary of Education, may annually designate not more than 30 institutions of higher education as Campuses of Service, from among institutions nominated by State Commissions. An institution that receives the designation shall have an opportunity to apply for funds under subsection (d), and may nominate additional individuals for ServeAmerica Fellowships under section 198E, as described in subsection (e).

''(b) APPLICATIONS FOR NOMINATION.—

''(1) IN GENERAL.—To be eligible for a nomination to receive designation under subsection (a), and have an opportunity to apply for funds under subsection (d), for a fiscal year, an institution of higher education in a State shall submit an application to the State Commission at such time, in such manner, and containing such information as the State Commission may require.

''(2) CONTENTS.—At a minimum, the application shall include information specifying—

''(A)(i) the number of undergraduate and, if applicable, graduate service-learning courses offered at such institution for the most recent full academic year preceding the fiscal year for which designation is sought; and

''(ii) the number and percentage of undergraduate students and, if applicable, the number and percentage of graduate students at such institution who were enrolled in the corresponding courses described in clause (i), for that preceding academic year;

''(B) the percentage of undergraduate students engaging in and, if applicable, the percentage of graduate students engaging in activities providing community services, as defined in section 441(c) of the Higher Education Act of 1965 (20 U.S.C. 2751(c)), during that preceding academic year, the quality of such activities, and the average amount of time spent, per student, engaged in such activities;

''(C) for that preceding academic year, the percentage of Federal work-study funds made available to the institution under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.) that is used to compensate students employed in providing community services, as so defined, and a description of the efforts the institution undertakes to make available to students opportunities to provide such community services and be compensated through such work-study funds;

''(D) at the discretion of the institution, information demonstrating the degree to which recent graduates of the institution, and all graduates of the institution, have obtained full-time public service employment in the nonprofit sector or government, with a private nonprofit organization or a Federal, State, or local public agency; and

''(E) any programs the institution has in place to encourage or assist graduates of the institution to pursue careers in public service in the nonprofit sector or government.

''(c) NOMINATIONS AND DESIGNATION.—

''(1) NOMINATION.—

''(A) IN GENERAL.—A State Commission that receives applications from institutions of higher education under subsection (b) may nominate, for designation under subsection (a), not more than 3 such institutions of higher education, consisting of—

''(i) not more than one 4-year public institution of higher education;

''(ii) not more than one 4-year private institution of higher education; and

''(iii) not more than one 2-year institution of higher education.

''(B) SUBMISSION.—The State Commission shall submit to the Corporation the name and application of each institution nominated by the State Commission under subparagraph (A).

''(2) DESIGNATION.—The Corporation shall designate, under subsection (a), not more than 30 institutions of higher education from among the institutions nominated under paragraph (1). In making the designations, the Corporation shall, if feasible, designate various types of institutions, including institutions from each of the categories of institutions described in clauses (i), (ii), and (iii) of paragraph (1)(A).

''(d) FUNDS.—

''(1) IN GENERAL.—Using sums appropriated under section 501(a)(1)(D), the Corporation shall provide funds to institutions designated under subsection (c), to be used by the institutions to implement strategies to encourage or assist students from those institutions to pursue careers in public service in the nonprofit sector or government.

''(2) PLAN.—To be eligible to receive funds under this subsection, an institution designated under subsection (c) shall submit a plan to the Corporation describing how the institution intends to use the funds to encourage or assist those students to pursue those careers.

''(3) ALLOCATION.—The Corporation shall determine how the funds appropriated under section 501(a)(1)(D) for a fiscal year will be allocated among the institutions submitting acceptable plans under paragraph (2). In determining the amount of funds to be allocated to such an institution, the Corporation shall consider the number of students at the institution, the quality and scope of the plan submitted by the institution under paragraph (2), and the institution's current (as of the date of submission of the plan) strategies to encourage or assist students to pursue public service careers in the nonprofit sector or government.

''(e) ADDITIONAL SERVE AMERICA FELLOWSHIPS.—An institution designated as a Campus of Service may nominate additional individuals (relative to the number that other institutions may nominate) for ServeAmerica Fellowships under section 198E.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 501(a)(1) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)(1)), as amended by section 111(d), is further amended—

(1) in subparagraph (A), by striking ''subpart B of part I'' and inserting ''subpart B of part I and part III''; and

(2) by adding at the end the following:

''(D) PART III.—There is authorized to be appropriated to carry out part III of subtitle B of title I $10,000,000 for each of fiscal years 2009 through 2013.''.

SEC. 113. SERVICE-LEARNING IMPACT STUDY.

(a) IN GENERAL.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq.), as amended by section 112(c), is further amended by adding at the end the following:

''PART IV—SERVICE-LEARNING IMPACT STUDY

''SEC. 119F. STUDY AND REPORT.

''(a) STUDY.—

''(1) IN GENERAL.—The Corporation shall enter into a contract with an entity that is not otherwise a recipient of financial assistance under this subtitle, to conduct a 10-year longitudinal study on the impact of the activities carried out under this subtitle.

''(2) CONTENTS.—In conducting the study, the entity shall consider the impact of service-learning activities carried out under this subtitle on students participating in such activities, including in particular examining the degree to which the activities—

''(A) improved student academic achievement;

''(B) improved student engagement;

''(C) improved graduation rates; and

''(D) improved the degree to which the participants in the activities engaged in subsequent national service, volunteering, or other service activities.

''(3) ANALYSIS.—In carrying out such study, the entity shall examine the impact of the service-learning activities on the 4 factors described in subparagraphs (A) through (D) of paragraph (2), analyzed in terms of how much time participants were engaged in service-learning activities.

''(4) BEST PRACTICES.—The entity shall collect information on best practices concerning using service-learning activities to improve the 4 factors.

''(b) REPORT.—The entity shall submit a report to the Corporation containing the results of the study and the information on best practices. The Corporation shall submit such report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

''(c) CONSULTATION AND DISSEMINATION.—On receiving the report, the Corporation shall consult with the Secretary of Education to review the results of the study, and to identify best practices concerning using service-learning activities to improve the 4 factors described in subparagraphs (A) through (D) of subsection (a)(2). The Corporation shall disseminate information on the identified best practices.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 501(a)(1) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)(1)), as amended by section 112(d), is further amended—

(1) in subparagraph (A), by striking ''subpart B of part I and part III'' and inserting ''subpart B of part I, and parts III and IV''; and

(2) by adding at the end the following:

''(D) PART IV.—There are authorized to be appropriated to carry out part IV of subtitle B of title I such sums as may be necessary for each of fiscal years 2009 through 2013.''.

Subtitle B—Supporting Social Innovation and Entrepreneurship

SEC. 121. INNOVATION AND ENTREPRENEURSHIP.

(a) IN GENERAL.—Title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.) is amended—

(1) by redesignating subtitles F through I as subtitles H through K; and

(2) by inserting after subtitle E the following:

''Subtitle F—Social Innovation and Entrepreneurship

''PART I—COMMISSION ON CROSS SECTOR SOLUTIONS

''SEC. 167. COMMISSION.

''(a) FINDINGS.—Congress makes the following findings:

''(1) Nonprofit organizations play a significant role in addressing national and local challenges that impact economically disadvantaged individuals.

''(2) Innovative nonprofit organizations often serve as a research and development engine for the social service sector, identifying effective solutions to national and local challenges.

''(3) Despite the important role effective nonprofit organizations play in addressing national and local challenges, such organizations face administrative and efficiency barriers in maximizing their work with businesses and the government, and limited resources are available to help such organizations increase their capacity to deliver services more effectively, efficiently, on a larger scale, and with greater accountability.

''(b) PURPOSES.—The purposes of this section are—

''(1) to examine and recommend ways in which the Federal Government can interact more efficiently and effectively with nonprofit organizations, philanthropic organizations, and business to achieve better outcomes with regard to addressing national and local challenges, accountability, and utilization of resources;

''(2) to provide advice to the President and Congress regarding new, more effective ways for the Federal Government to address national and local challenges in partnership with the nonprofit sector; and

''(3) to support research that will advance the impact and effectiveness of the nonprofit sector and the way that the Federal Government interacts with such sector.

''(c) ESTABLISHMENT OF COMMISSION.—

''(1) ESTABLISHMENT.—There is established a commission to be known as the Commission on Cross-Sector Solutions to America's Problems (in this section referred to as the 'Commission').

''(2) MEMBERSHIP.—

''(A) COMPOSITION.—The Commission shall be composed of 21 members, of whom—

''(i) 9 shall be appointed by the President;

''(ii) 3 shall be appointed by the majority leader of the Senate;

''(iii) 3 shall be appointed by the minority leader of the Senate;

''(iv) 3 shall be appointed by the Speaker of the House of Representatives; and

''(v) 3 shall be appointed by the minority leader of the House of Representatives.

''(B) QUALIFICATIONS OF PRESIDENTIAL APPOINTEES.—

''(i) EXPERIENCE AND EXPERTISE.—Subject to subparagraph (D)(ii), the Commission shall include members appointed under subparagraph (A)(i) who, to the extent practicable, collectively have extensive experience or are experts in—

''(I) social entrepreneurship and social enterprise;

''(II) the management and operation of small nonprofit organizations and large nonprofit organizations;

''(III) business, including a business with experience working with a startup enterprise and a business with experience working with the nonprofit sector;

''(IV) philanthropy, including the specific philanthropic challenges in urban and rural areas and in areas that are philanthropically underserved;

''(V) volunteering, including effective volunteer management; and

''(VI) qualitative and quantitative social science research.

''(ii) OTHER QUALIFICATIONS.—The Commission shall include, among the members appointed under subparagraph (A)(i), a wide range of individuals, including young people, and individuals from diverse economic, racial, ethnic, and religious backgrounds, and individuals from diverse geographic areas.

''(C) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—

''(i) EXPERIENCE AND EXPERTISE.—Subject to subparagraph (D)(ii), the Commission shall include members appointed under clauses (ii) through (v) of subparagraph (A) who, to the extent practicable, collectively have extensive experience or are experts in the matters described in subparagraph (B)(i).

''(ii) OTHER QUALIFICATIONS.—The Commission shall include, among the members appointed under clauses (ii) through (v) of subparagraph (A), a wide range of individuals with the qualifications described in subparagraph (B)(ii).

''(D) LIMITATIONS.—

''(i) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall select a Chairperson and a Vice Chairperson, who may not be members of the same political party, from among the members of the Commission appointed under subparagraph (A).

''(ii) GENERAL MEMBERSHIP.—Members appointed under subparagraph (A) shall include not more than 11 members who are members of the same political party.

''(E) EX OFFICIO MEMBERS.—Heads of Federal agencies, appointed to the Commission by the President, whose work concerns the nonprofit sector shall serve as ex officio nonvoting members of the Commission.

''(F) DATE.—The appointments of the members of the Commission shall be made not later than May 31, 2009.

''(3) PERIOD OF APPOINTMENT.—

''(A) IN GENERAL.—Members appointed under paragraph (2)(A) shall be appointed for terms of 2 years.

''(B) EXCEPTION.—The appointing officer—

''(i) under paragraph (2)(A)(i) shall designate 4 of the initial members appointed under that paragraph to serve terms of 3 years;

''(ii) under paragraph (2)(A)(ii) shall designate 2 of the initial members appointed under that paragraph to serve terms of 3 years;

''(iii) under paragraph (2)(A)(iii) shall designate 1 of the initial members appointed under that paragraph to serve terms of 3 years;

''(iv) under paragraph (2)(A)(iv) shall designate 1 of the initial members appointed under that paragraph to serve terms of 3 years; and

''(v) under paragraph (2)(A)(v) shall designate 2 of the initial members appointed under that paragraph to serve terms of 3 years.

''(4) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

''(5) INITIAL MEETING.—Not later than 30 days after the date on which all voting members of the Commission have been appointed, the Commission shall hold its first meeting.

''(6) MEETINGS.—The Commission shall meet at the call of the Chairperson, not less than 3 times a year.

''(7) QUORUM.—A majority of the voting members of the Commission shall constitute a quorum, but a lesser number of voting members may hold hearings.

''(d) DUTIES OF THE COMMISSION.—

''(1) STUDY.—

''(A) IN GENERAL.—The Commission shall conduct a thorough study of all matters relating to ways in which the Federal Government can work more efficiently and effectively with nonprofit organizations and philanthropic organizations to assist the organizations described in this subparagraph, and the Federal Government, in achieving better outcomes with regard to addressing pressing national and local challenges, and improving accountability and utilization of resources, and relating to assisting the Federal Government, such organizations, and business in improving their collaboration to achieve such outcomes.

''(B) MATTERS STUDIED.—The matters studied by the Commission shall include—

''(i) ways in which the Federal Government interacts with nonprofit organizations, philanthropic organizations, and business to address national and local challenges;

''(ii) ways in which businesses collaborate with nonprofit organizations and philanthropic organizations, and any barriers to maximizing the effectiveness of those collaborations in addressing national and local challenges;

''(iii) public and nonprofit sector human capital challenges, including specific upcoming human capital needs facing the nonprofit sector and such needs facing the government sector, the causes of needs described in this clause, and ways in which nonprofit organizations and governments can address the challenges jointly;

''(iv) ways in which government policies could be improved to foster nonprofit organization accountability;

''(v) systems for streamlining the process for nonprofit organizations to obtain Federal grants and contracts, and eliminating unnecessary requirements relating to that process;

''(vi) barriers for smaller nonprofit organizations to participate in Federal Government programs;

''(vii) the degree to which, and ways in which, social entrepreneurs are identifying innovative ways of addressing national and local challenges;

''(viii) ways in which the Federal Government can help build the capacity of effective social entrepreneurs and effective nonprofit organizations, including the capacity of the entrepreneurs and organizations to replicate programs that provide effective ways of addressing national and local challenges;

''(ix) ways in which the Federal Government supports social service sector research and development, whether there is a need to increase such support, and, if so, how such support may be increased;

''(x) ways in which the Federal Government can partner with nonprofit organizations after an emergency or disaster to address the needs of the community involved; and

''(xi) ways in which the Federal Government can make more data available about the nonprofit sector, as the Federal Government does for the business and government sectors.

''(2) GRANTS.—The Commission shall provide advice to the President and Congress regarding the establishment of grants to build the capacity of the nonprofit sector, to support research on the sector, and to model innovative effective ways for the Federal Government to address national and local challenges by supporting social entrepreneurship and enabling nonprofit organizations to replicate and expand effective solutions to national and local challenges.

''(3) ADVICE TO THE PRESIDENT AND CONGRESS.—The Commission shall advise the President and Congress on matters concerning the nonprofit sector and social entrepreneurship.

''(4) REPORT.—Not later than 18 months after the first meeting of the Commission, the Commission shall submit a report to Congress, which shall contain a detailed statement of the findings of the Commission resulting from the study described in paragraph (1), and the advice provided under paragraphs (2) and (3). The report shall contain recommendations resulting from the study.

''(5) ADVICE ON IMPLEMENTATION.—At the request of Congress or the head of any Federal department or agency, the Commission shall provide advice on the implementation of any of the recommendations contained in the report.

''(e) POWERS OF THE COMMISSION.—

''(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

''(2) INFORMATION FROM FEDERAL AGENCIES.—

''(A) IN GENERAL.—The Commission may secure directly from any Federal agency such information as the Commission considers necessary to carry out this Act.

''(B) AGENCY COOPERATION.—Upon request of the Chairperson of the Commission, the head of any Federal agency shall furnish information requested under this paragraph to the Commission.

''(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

''(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

''(f) COMMISSION PERSONNEL MATTERS.—

''(1) TRAVEL EXPENSES.—The members of the Commission shall serve without compensation for their work on the Commission. Notwithstanding section 1342 of title 31, United States Code, the Chief Executive Officer of the Corporation may accept the voluntary and uncompensated services of members of the Commission. The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

''(2) STAFF.—Any Corporation for National and Community Service employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(g) TERMINATION OF THE COMMISSION.—The Commission shall terminate in 6 years.

''(h) AVAILABILITY.—Any sums appropriated to carry out this section shall remain available, without fiscal year limitation, until expended.

''PART II—COMMUNITY SOLUTIONS FUNDS PILOT PROGRAM

''SEC. 167A. FUNDS.

''(a) FINDINGS.—Congress finds the following:

''(1) Social entrepreneurs and other nonprofit community organizations are developing innovative and effective solutions to national and local challenges.

''(2) Increased public and private investment in replicating and expanding proven effective solutions developed by social entrepreneurs and other nonprofit community organizations, could allow those entrepreneurs and organizations to replicate and expand proven initiatives in communities.

''(3) A network of Community Solutions Funds could leverage Federal investments to increase State, local, business, and philanthropic resources to replicate and expand proven solutions to tackle specific identified community challenges.

''(b) PURPOSES.—The purposes of this section are—

''(1) to recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in tackling national and local challenges;

''(2) to stimulate the development of a network of Community Solutions Funds that will increase private and public investment in nonprofit community organizations that are effectively addressing national and local challenges to allow such organizations to replicate and expand successful initiatives;

''(3) to assess the effectiveness of such Funds in—

''(A) leveraging Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges; and

''(B) providing resources to replicate and expand effective initiatives; and

''(4) to strengthen the infrastructure to invest in, and replicate and expand, initiatives

with effective solutions to national and local challenges.

''(c) DEFINITIONS.—In this section:

''(1) COMMUNITY ORGANIZATION.—The term 'community organization' means a nonprofit organization that carries out innovative, effective initiatives to address community challenges.

''(2) COVERED ENTITY.—The term 'covered entity' means—

''(A) an existing grantmaking institution (existing as of the date on which the institution applies for a grant under this section); or

''(B) a partnership between—

''(i) such an existing grantmaking institution; and

''(ii) an additional grantmaking institution, a State Commission, or a chief executive officer of a unit of general local government.

''(3) ISSUE AREA.—The term 'issue area' means an area described in subsection (f)(3).

''(d) PROGRAM.—The Corporation shall establish a Community Solutions Fund grant program to make grants on a competitive basis to eligible entities to assist the entities in paying for the cost of providing national leveraging capital for Community Solution Funds.

''(e) PERIODS; AMOUNTS.—The Corporation shall make such grants for periods of 5 years, and may renew the grants for additional periods of 5 years, in amounts of not less than $1,000,000 and not more than $10,000,000 per year.

''(f) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be a covered entity;

''(2) be focused on—

''(A) serving a specific local geographical area; or

''(B) addressing a specific issue area, in geographical areas that have the highest need in that issue area, as demonstrated by statistics concerning that need;

''(3) be focused on improving measurable outcomes relating to—

''(A) education for economically disadvantaged students in public schools;

''(B) child and youth development;

''(C) reductions in poverty or increases in economic opportunity for economically disadvantaged individuals;

''(D) health, including access to health care and health education;

''(E) resource conservation and local environmental quality;

''(F) individual or community energy efficiency;

''(G) civic engagement; or

''(H) reductions in crime;

''(4) make data-driven decisions about subgrant awards and internal policies;

''(5) have well-articulated processes for assessing community organizations for subgrants; and

''(6) have appropriate policies, as determined by the Corporation, that protect against conflict of interest, self-dealing, and other improper practices.

''(g) APPLICATION.—To be eligible to receive a grant under subsection (d) for national leveraging capital, an eligible entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may specify, including, at a minimum—

''(1) an assurance that the eligible entity will—

''(A) use the funds received through that capital in order to make subgrants to community organizations that will use the funds to replicate or expand proven initiatives in low-income communities;

''(B) in making decisions about subgrants for communities, consult with a diverse cross section of community representatives in the decisions, including individuals from the public, nonprofit private, and for-profit private sectors; and

''(C) make subgrants of a sufficient size and scope to enable the community organizations to build their capacity to manage initiatives, and sustain replication or expansion of the initiatives;

''(2) an assurance that the eligible entity will not make any subgrants to the parent organizations of the eligible entity, a subsidiary organization of the parent organization, or, if the eligible entity applied for funds under this section as a partnership, any member of the partnership;

''(3) an identification of, as appropriate—

''(A) the specific local geographical area referred to in subsection (f)(2)(A) that the eligible entity is proposing to serve; or

''(B) geographical areas referred to in subsection (f)(2)(B) that the eligible entity is likely to serve;

''(4)(A) information identifying the issue areas in which the eligible entity will work to improve measurable outcomes;

''(B) statistics on the needs related to those issue areas in, as appropriate—

''(i) the specific local geographical area described in paragraph (3)(A); or

''(ii) the geographical areas described in paragraph (3)(B), including statistics demonstrating that those geographical areas have the highest need in the specific issue area that the eligible entity is proposing to address; and

''(C) information on the specific measurable outcomes related to the issue areas involved that the eligible entity will seek to improve;

''(5) information describing the process by which the eligible entity selected, or will select, community organizations to receive the subgrants, to ensure that the community organizations—

''(A) are institutions with proven initiatives, with track records of achieving specific outcomes related to the measurable outcomes for the eligible entity;

''(B) articulate measurable outcomes for the use of the subgrant funds that are connected to the measurable outcomes for the eligible entity;

''(C) will use the funds to replicate or expand their initiatives;

''(D) provide a well-defined plan for replicating or expanding the initiatives funded;

''(E) can sustain the initiatives after the subgrant period concludes through reliable public revenues, earned income, or private sector funding;

''(F) have strong leadership and financial and management systems;

''(G) are committed to the use of data collection and evaluation for improvement of the initiatives;

''(H) will implement and evaluate innovative initiatives, to be important contributors to knowledge in their fields; and

''(I) will meet the requirements for providing matching funds specified in subsection (k);

''(6) information about the eligible entity, including its experience managing collaborative initiatives, or assessing applicants for grants and evaluating the performance of grant recipients for outcome-focused initiatives, and any other relevant information;

''(7) a commitment to meet the requirements of subsection (i) and a plan for meeting the requirements, including information on any funding that the eligible entity has secured to provide the matching funds required under that subsection;

''(8) a description of the eligible entity's plan for providing technical assistance and support, other than financial support, to the community organizations that will increase the ability of the community organizations to achieve their measurable outcomes;

''(9) information on the commitment, institutional capacity, and expertise of the eligible entity concerning—

''(A) collecting and analyzing data required for evaluations, compliance efforts, and other purposes;

''(B) supporting relevant research; and

''(C) submitting regular reports to the Corporation, including information on the initiatives of the community organizations, and the replication or expansion of such initiatives; and

''(10) a commitment to use data and evaluations to continuously improve the initiatives funded by the eligible entity.

''(h) SELECTION CRITERIA.—In selecting eligible entities to receive grants under this section, the Corporation shall—

''(1) select eligible entities on a competitive basis;

''(2) select eligible entities on the basis of the quality of their selection process, as described in subsection (g)(5), the capacity of the eligible entities to manage Community Solutions Funds, and the potential of the eligible entities to sustain the Funds after the conclusion of the grant period; and

''(3) include among the grant recipients eligible entities that propose to provide subgrants to community organizations serving rural low-income communities.

''(i) MATCHING FUNDS FOR GRANTS.—

''(1) IN GENERAL.—The Corporation may not make a grant to an eligible entity under this section for a Community Solutions Fund unless the entity agrees that, with respect to the cost described in subsection (d) for that Fund, the entity will make available matching funds in an amount not less that $1 for every $1 of funds provided under the grant.

''(2) NON-FEDERAL SHARE.—

''(A) TYPE AND SOURCES.—The eligible entity shall provide the matching funds in cash. The eligible entity shall provide the matching funds from State, local, or private sources, which may include State or local agencies, businesses, private philanthropic organizations, or individuals.

''(B) ELIGIBLE ENTITIES INCLUDING STATE COMMISSIONS OR LOCAL GOVERNMENT OFFICES.—

''(i) IN GENERAL.—In a case in which a State Commission, a local government office, or both entities are a part of the eligible entity, the State involved, the local government involved, or both entities, respectively, shall contribute not less than 30 percent and not more than 50 percent of the matching funds.

''(ii) LOCAL GOVERNMENT OFFICE.—In this subparagraph, the term 'local government office' means the office of the chief executive officer of a unit of general local government.

''(3) REDUCTION.—The Corporation may reduce by 50 percent the matching funds required by paragraph (1) for an eligible entity serving a community (such as a rural low-income community) that the eligible entity can demonstrate is significantly philanthropically underserved.

''(j) SUBGRANTS.—

''(1) SUBGRANTS AUTHORIZED.—An eligible entity receiving a grant under this section is authorized to use the funds made available through the grant to award subgrants on a competitive basis to—

''(A) community organizations serving low-income communities within the specific local geographical area referred to in subsection (f)(2)(A); or

''(B) community organizations addressing a specific issue area referred to in subsection (f)(2)(B), in low-income communities in geographical areas referred to in that subsection.

''(2) PERIODS; AMOUNTS.—The eligible entity shall make such subgrants for periods of not less than 3 and not more than 5 years, and may renew the grants for such periods, in amounts of not less than $100,000.

''(3) APPLICATIONS.—To be eligible to receive a subgrant from an eligible entity under this section, including receiving a payment for that subgrant each year, a community organization shall submit an application to an eligible entity that serves the specific local geographical area, or geographical areas, that the community organization proposes to serve, at such time, in such manner, and containing such information as the eligible entity may require, including—

''(A) a description of the initiative the community organization carries out and plans to replicate or expand using funds received from the eligible entity, and how the initiative relates to the issue areas identified under subsection (g)(4)(A) in which the eligible entity has committed to work;

''(B) data on the measurable outcomes the community organization has improved, and information on the measurable outcomes the community organization seeks to improve by replicating or expanding an initiative, which shall be among the measurable outcomes the eligible entity is seeking to improve as identified under subsection (g)(4)(C);

''(C) an identification of the community in which the community organization proposes to carry out an initiative, which shall be within the specific local geographical area referred to in subsection (f)(2)(A) or the geographical areas referred to in subsection (f)(2)(B), that the eligible entity serves;

''(D) a description of how the community organization uses data to analyze and improve its initiatives;

''(E) specific evidence of how the community organization will meet the requirements for providing matching funds specified in subsection (k);

''(F) a description of how the community organization will sustain the replicated or expanded initiative after the conclusion of the subgrant period; and

''(G) any other information the eligible entity may require, including information necessary for the eligible entity to fulfill its obligations under subsection (g)(5).

''(k) MATCHING FUNDS FOR SUBGRANTS.—

''(1) IN GENERAL.—An eligible entity may not make a subgrant to a community organization under this section for an initiative described in subsection (j)(3)(A) unless the organization agrees that, with respect to the cost of carrying out that initiative, the organization will make available, on an annual basis, matching funds in an amount not less than $1 for every $1 of funds provided under the subgrant. If the community organization fails to make such matching funds available for a fiscal year, the eligible entity shall not make payments for the remaining fiscal years of the subgrant period, notwithstanding any other provision of this part.

''(2) TYPES AND SOURCES.—The community organization shall provide the matching funds in cash. The community organization shall provide the matching funds from State, local, or private sources, which may include funds from State or local agencies, or private sector funding.

''(l) NATIONAL FUNCTIONS.—

''(1) CORPORATION.—The Corporation shall enter into a contract with an independent entity (referred to in this subsection as a 'national contractor') to evaluate the eligible entities, and the initiatives supported by the eligible entities.

''(2) NATIONAL CONTRACTOR.—

''(A) RESEARCH AND REPORTS.—

''(i) IN GENERAL.—The national contractor shall collect data and conduct or support research with respect to the eligible entities, and the initiatives supported by the eligible entities, to determine the success of the program carried out under this section in replicating and expanding initiatives, including—

''(I) the success of the replicated or expanded initiatives in improving measurable outcomes; and

''(II) the success of the program in increasing philanthropic investments in philanthropically-underserved communities.

''(ii) REPORTS.—The national contractor shall submit reports to Congress and the Corporation including—

''(I) the data collected and the results of the research;

''(II) information on lessons learned about best practices from the activities carried out under this section, to improve those activities; and

''(III) a list of all eligible entities and community organizations receiving funds under this section.

''(B) TECHNICAL ASSISTANCE.—The national contractor shall provide technical assistance to the eligible entities that receive grants under this section.

''(C) KNOWLEDGE MANAGEMENT.—The national contractor shall maintain a clearinghouse for information on best practices resulting from initiatives supported by the eligible entities.

''(D) RESERVATION.—Of the funds appropriated under section 501(a)(5)(B) for a fiscal year, not more than 5 percent may be used to carry out this subsection.

''PART III—INNOVATION FELLOWSHIPS PILOT PROGRAM

''SEC. 167B. PROGRAM.

''(a) GRANTS.—The Corporation shall make grants, on a competitive basis, to individuals to pay for the Federal share of carrying out projects in which the individuals establish innovative nonprofit organizations to address national and local challenges.

''(b) AMOUNTS, PERIODS, AND NUMBER OF GRANTS.—The Corporation shall make the grants for periods of 2 years. The Corporation shall make the grants in amounts of not more than $100,000. The Corporation shall make not more than 25 grants under subsection (a) in a fiscal year.

''(c) PAYMENTS.—The Corporation shall make the grant awards through annual payments, for the 2 years of the grant periods.

''(d) ELIGIBLE APPLICANT.—To be eligible to apply for a grant under this section, an individual shall—

''(1) have completed at least 1 term or period of service as a participant in a national service program under subtitle C or G, as a participant in a program under subtitle E or section 198E, or as a volunteer in a program under part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.); or

''(2) be a veteran, as defined in section 101 of title 38, United States Code.

''(e) INITIAL APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, and a payment for the first year of the grant period, an individual shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

''(2) CONTENTS.—At a minimum, the application shall include—

''(A) a description of the national or local challenge that the individual seeks to address through the project involved;

''(B) a description of the project the individual is proposing or the organization the individual is proposing to establish through the project, including information describing why the individual's proposal to address the challenge is innovative;

''(C) information describing how the individual proposes to address the challenge at the community level; and

''(D) information describing the location of the project and the community the individual proposes to serve through the project, including relevant data about the challenge in that community.

''(f) SUBSEQUENT APPLICATION.—To be eligible to receive a payment for the second year of the grant period, the individual shall submit to the Corporation—

''(1) a report on the actions taken by the individual, and, if applicable, the nonprofit organization established using funds provided under this section, to carry out the project; and

''(2) information describing how the individual will comply with the non-Federal share requirement described in subsection (g) for the second year of the grant period.

''(g) NON-FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of carrying out a project under this section shall be—

''(A) 100 percent for the first year of the grant period; and

''(B) 50 percent for the second year of the grant period.

''(2) NON-FEDERAL SHARE.—The individual may provide the non-Federal share of the cost in cash or in kind, fairly evaluated, including plant, equipment, or services. The individual may provide the non-Federal share from State, local, or private sources.

''(h) CONSIDERATION.—In reviewing applications, the Corporation shall take into consideration the likelihood that a project proposed to serve a community, if successful, will be replicable in other communities.

''(i) TECHNICAL ASSISTANCE.—The Corporation may reserve 15 percent of the funds appropriated to carry out this section to provide technical assistance to individuals and nonprofit organizations carrying out projects under this section.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 501(a) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)) is amended by adding at the end the following:

''(5) SUBTITLE F.—There are authorized to be appropriated—

''(A) to carry out section 167, such sums as may be necessary for each of fiscal years 2009 through 2013;

''(B) to carry out section 167A, $50,000,000 for fiscal year 2009, $60,000,000 for fiscal year 2010, $70,000,000 for fiscal year 2011, $80,000,000 for fiscal year 2012, and $100,000,000 for fiscal year 2013, and such sums as may be necessary for each subsequent fiscal year; and

''(C) to carry out section 167B, $3,500,000 for fiscal year 2009, and $5,000,000 for each subsequent fiscal year.''.

Subtitle C—ServeAmerica Corps

SEC. 131. CORPS.

(a) FINDINGS.—Congress finds the following:

(1) Since 1993, over 500,000 individuals have served in national service positions, meeting

unmet human, educational, environmental, and public safety needs of the United States.

(2) Full- and part-time national service can effectively promote an ethic of service and volunteering, and former national service participants are likely to remain engaged in national service, and participate in community and public service.

(3) Focused national service efforts can effectively tackle pressing national challenges, such as improving education for low-income students, increasing energy conservation, and improving the health, well-being, and economic opportunities of the neediest individuals in the Nation.

(4) An increasing number of individuals in the United States who are retiring or age 50 or older indicate an interest in service, with almost 60 percent of such individuals indicating that they would consider taking jobs now or in the future to serve their communities.

(b) PURPOSES.—The purposes of this section are—

(1) to provide opportunities by 2013 for 250,000 individuals annually to participate in a year of service, by providing funding for an additional 175,000 individuals (in addition to the 75,000 individuals already participating) each year to so participate, and to continue growing national service in the future;

(2) to focus national service in the areas of national need such service has the capacity to address, such as improving education for low-income students, increasing energy conservation, improving access to health care for, and the health status of, individuals in medically underserved populations, and creating new economic opportunities for low-income individuals; and

(3) to encourage ''encore service'' and draw on the talents and experience of individuals age 50 and older, by providing better opportunities and incentives for individuals of that age to serve.

(c) GENERAL AUTHORITY.—Title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), as amended by section 121, is further amended by inserting after subtitle F the following:

"Subtitle G—ServeAmerica Corps

"SEC. 168. CORPS.

''(a) DEFINITIONS.—In this section:

''(1) 21ST CENTURY COMMUNITY LEARNING CENTER.—The term '21st century community learning center' has the meaning given the term 'community learning center', as defined in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171).

''(2) CLEAN ENERGY SERVICE CORPS.—The term 'Clean Energy Service Corps' means the participants who improve performance on clean energy indicators through the grants funded under subsection (c)(3).

''(3) CLEAN ENERGY SERVICE CORPS FUND.—The term 'Clean Energy Service Corps Fund' means the Clean Energy Service Corps Fund established under subsection (b)(3).

''(4) CLEAN ENERGY INDICATORS.—The term 'clean energy indicators' means—

''(A) number of housing units of low-income households weatherized or retrofitted to improve energy efficiency;

''(B) annual energy costs (to determine savings in those costs) at facilities where participants have provided service;

''(C) number of national parks, State parks, city parks, county parks, forest preserves, or trails or rivers owned or maintained by the Federal Government or a State, that are cleaned or improved;

''(D) another indicator relating to clean energy that the Corporation, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, establishes for a given year; and

''(E) a local indicator (applicable to a particular eligible entity and on which an improvement in performance is needed) relating to clean energy, proposed by that eligible entity in an application submitted to, and approved by, a State Commission or the Corporation under this section.

''(5) COLLEGE-GOING RATE.—The term 'college-going rate' means the percentage of high school graduates who enroll in an institution of higher education in the school year immediately following graduation from high school.

''(6) EDUCATION CORPS.—The term 'Education Corps' means the participants who improve performance on education indicators through the grants funded under subsection (c)(1).

''(7) EDUCATION CORPS FUND.—The term 'Education Corps Fund' means the Education Corps Fund established under subsection (b)(1).

''(8) EDUCATION INDICATORS.—The term 'education indicators' means—

''(A) student engagement, including student attendance and student behavior;

''(B) student academic achievement;

''(C) high school graduation rates;

''(D) college-going rates for high school graduates;

''(E) college persistence rates for high school graduates;

''(F) an additional indicator relating to improving education for students that the Corporation, in consultation with the Secretary of Education, establishes for a given year; and

''(G) a local indicator (applicable to a particular eligible entity and on which an improvement in performance is needed) relating to improving education for students, proposed by that eligible entity in an application submitted to, and approved by, a State Commission or the Corporation under this section.

''(9) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that—

''(A) is a nonprofit organization with a proven record of improving, or a promising strategy to improve, performance on appropriate indicators described in this subsection;

''(B) meets the eligibility requirements to receive a grant under subtitle C; and

''(C) if the entity is seeking to receive (or has received) a grant directly under subsection (c), is seeking to carry out (or is carrying out) a national service program in 2 or more States.

''(10) ENCORE SERVICE PROGRAM.—The term 'encore service program' means a program, carried out by an eligible entity under subsection (c), that—

''(A) involves a significant number of participants age 50 or older in the program; and

''(B) takes advantage of the skills and experience that such participants offer in the design and implementation of the program.

''(11) HEALTHY FUTURES CORPS.—The term 'Healthy Futures Corps' means the participants who improve performance on health indicators through the grants funded under subsection (c)(2).

''(12) HEALTHY FUTURES CORPS FUND.—The term 'Healthy Futures Corps Fund' means the Healthy Futures Corps Fund established under subsection (b)(2).

''(13) HEALTH INDICATORS.—The term 'health indicators' means—

''(A) access to health care among economically disadvantaged individuals and individuals who are members of medically underserved populations;

''(B) access to health care for uninsured individuals, including such individuals who are economically disadvantaged children;

''(C) participation, among economically disadvantaged individuals and individuals who are members of medically underserved populations, in disease prevention and health promotion initiatives, particularly those with a focus on addressing common health conditions, addressing chronic diseases, and decreasing health disparities;

''(D) health literacy of patients;

''(E) an additional indicator, relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that the Corporation, in consultation with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, establishes for a given year; and

''(F) a local indicator (applicable to a particular eligible entity and on which an improvement in performance is needed) relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, proposed by that eligible entity in an application submitted to, and approved by, a State Commission or the Corporation under this section.

''(14) HIGH SCHOOL.—The term 'high school' means a public school, including a public high school, that provides high school education, as determined by State law.

''(15) MEDICALLY UNDERSERVED AREA.—The term 'medically underserved area' means an urban or rural area designated by the Secretary of Health and Human Services as an area with a shortage of personal health services.

''(16) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3)).

''(17) OPPORTUNITY CORPS.—The term 'Opportunity Corps' means the participants who improve performance on opportunity indicators through the grants funded under subsection (c)(4).

''(18) OPPORTUNITY CORPS FUND.—The term 'Opportunity Corps Fund' means the Opportunity Corps Fund established under subsection (b)(4).

''(19) OPPORTUNITY INDICATORS.—The term 'opportunity indicators' means—

''(A) financial literacy among economically disadvantaged individuals;

''(B) housing units built or improved for economically disadvantaged individuals or low-income families;

''(C) economically disadvantaged individuals with access to job training and other skill enhancement;

''(D) economically disadvantaged individuals with access to information about job placement services;

''(E) an additional indicator relating to improving economic opportunity for economically disadvantaged individuals that the Corporation, in consultation with the Secretary of Health and Human Services and the Secretary of Labor, establishes for a given year; and

''(F) a local indicator (applicable to a particular eligible entity and on which an improvement in performance is needed) relating to improving economic opportunity for economically disadvantaged individuals, proposed by that eligible entity in an application submitted to, and approved by, a State

Commission or the Corporation under this section.

''(20) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

''(21) STUDENT.—The term 'student' means a public elementary school or public secondary school student.

''(b) FUNDS AND AVAILABILITY.—

''(1) EDUCATION CORPS FUND.—The Corporation shall establish an account to be known as the Education Corps Fund.

''(2) HEALTHY FUTURES CORPS FUND.—The Corporation shall establish an account to be known as the Healthy Futures Corps Fund.

''(3) CLEAN ENERGY SERVICE CORPS FUND.—The Corporation shall establish an account to be known as the Clean Energy Service Corps Fund.

''(4) OPPORTUNITY CORPS FUND.—The Corporation shall establish an account to be known as the Opportunity Corps Fund.

''(c) PROGRAM AUTHORIZED.—

''(1) EDUCATION CORPS.—

''(A) GRANTS.—The Corporation may use the amounts made available for the Education Corps Fund to make grants under this paragraph to State Commissions and eligible entities, as described in paragraph (5).

''(B) PROGRAMS.—The Corporation shall make the grants to pay for the Federal share of the cost of carrying out full- or part-time national service programs that are consistent with subtitle C and that improve performance on education indicators, through the service of the participants in the programs.

''(2) HEALTHY FUTURES CORPS.—

''(A) GRANTS.—The Corporation may use the amounts made available for the Healthy Futures Corps Fund to make grants under this paragraph to State Commissions and eligible entities, as described in paragraph (5).

''(B) PROGRAMS.—The Corporation shall make the grants to pay for the Federal share of the cost of carrying out full- or part-time national service programs that are consistent with subtitle C and that improve performance on health indicators, through the service of the participants in the programs.

''(3) CLEAN ENERGY SERVICE CORPS.—

''(A) GRANTS.—The Corporation may use the amounts made available for the Clean Energy Service Corps Fund to make grants under this paragraph to State Commissions and eligible entities, as described in paragraph (5).

''(B) PROGRAMS.—The Corporation shall make the grants to pay for the Federal share of the cost of carrying out full- or part-time national service programs that are consistent with subtitle C and that improve performance on clean energy indicators, through the service of the participants in the programs.

''(4) OPPORTUNITY CORPS.—

''(A) GRANTS.—The Corporation may use the amounts made available for the Opportunity Corps Fund to make grants under this paragraph to State Commissions and eligible entities, as described in paragraph (5).

''(B) PROGRAMS.—The Corporation shall make the grants to pay for the Federal share of the cost of carrying out full- or part-time national service programs that are consistent with subtitle C and that improve performance on opportunity indicators, through the service of the participants in the programs.

''(5) FORMULA AND COMPETITIVE GRANTS.—For purposes of making grants under paragraph (1), (2), (3), or (4), the Corporation shall carry out the following:

''(A) FORMULA GRANTS.—

''(i) GRANTS TO CERTAIN STATES.—

''(I) IN GENERAL.—From 33⅓ percent of the amount available in the Fund described in that paragraph for a fiscal year (after the Corporation makes the reservation described in subsection (i)), the Corporation shall make grants (including financial assistance and a corresponding allotment of approved national service positions). The Corporation shall make the grants to the State Commission of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under subsection (e), from allotments described in subclause (II).

''(II) ALLOTMENT.—The amount allotted as a grant to each such State under subclause (I) for a fiscal year shall be equal to the amount that bears the same ratio to that 33⅓ percent of the amount available in that Fund for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(ii) GRANTS TO CERTAIN TERRITORIES AND POSSESSIONS.—

''(I) IN GENERAL.—From 1 percent of the amount available in the Fund described in that paragraph for a fiscal year (after the Corporation makes the reservation described in subsection (i)), the Corporation shall make grants (including financial assistance and a corresponding allotment of approved national service positions). The Corporation shall make the grants to the State Commission for each of the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands that has an application approved by the Corporation under subsection (e), from allotments described in subclause (II).

''(II) ALLOTMENT.—The amount allotted as a grant to each such State under subclause (I) for a fiscal year shall be equal to the amount that bears the same ratio to that 1 percent of the amount available in that Fund for that fiscal year as the population of the State bears to the total population of the States referred to in subclause (I).

''(iii) GRANTS TO INDIAN TRIBES.—

''(I) IN GENERAL.—From 1 percent of the amount available in the Fund described in that paragraph for a fiscal year (after the Corporation makes the reservation described in subsection (i)), the Corporation shall make grants (including financial assistance and a corresponding allotment of approved national service positions) to Indian tribes that have applications approved by the Corporation under subsection (e). The funds allotted for such grants shall be allotted by the Corporation on a competitive basis in accordance with the respective needs of the Indian tribes.

''(II) APPLICATION.—For purposes of this subtitle, other than this subparagraph, a reference to a State Commission shall be considered to include a reference to the governing body of an Indian tribe, and a reference to a State shall be considered to include a reference to an Indian tribe or the geographic area in which the tribe resides. The Corporation shall have authority to issue standards to apply the provisions of this subtitle (other than this subparagraph) to Indian tribes.

''(iv) EFFECT OF FAILURE TO APPLY.—If a State or Indian tribe fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this subparagraph, the Corporation shall use the amount that would have been allotted under this subparagraph to the State or Indian tribe—

''(I) to make grants (including financial assistance and a corresponding allotment of approved national service positions) to other eligible entities that propose to carry out national service programs in the State on behalf of the Indian tribe; and

''(II) after making grants under subclause (I), to make a reallotment to other States and Indian tribes that have applications approved by the Corporation under subsection (e).

''(B) COMPETITIVE GRANTS.—From the remainder of the amount available in that Fund for that fiscal year, the Corporation shall make grants (including such assistance and corresponding allotment), on a competitive basis, to State Commissions and eligible entities that have such approved applications.

''(6) TERMS AND CONDITIONS.—

''(A) IN GENERAL.—Except as otherwise expressly provided in this section and subtitle D, the terms and conditions of grants made under this subsection shall be consistent with the provisions of subtitle C concerning terms and conditions of grants made under section 121(a). Those terms and conditions shall apply with respect to grants and allotments requested, national service positions and national service programs proposed, and applications submitted, under this section.

''(B) INVESTMENT IN NATIONAL SERVICE.—For purposes of applying the provisions of part I of subtitle C under this subsection, sections 122(c), 125, and 126 shall not apply.

''(C) APPLICATION, APPROVAL, AND ALLOCATION.—State Commissions and eligible entities shall apply for the grants, and the grants (and the financial assistance and approved national service positions made available through the grants) shall be allocated among State Commissions and eligible entities, in a manner consistent with this section. Except as otherwise provided in this section, subsections (a) through (d) of section 129, subsections (a) through (d), and (g), of section 130, subsections (a)(1) and (f) of section 131, and subsections (a), (b), (d), and (e) of section 133 shall not apply to such applications and allocations.

''(D) NATIONAL SERVICE PARTICIPANTS.—Except as otherwise expressly provided in this section and subtitle D, the terms and conditions that apply to participants in programs carried out under such grants (including provisions relating to participant eligibility, selection, terms of service, and benefits) shall be consistent with the provisions of subtitle C concerning terms and conditions that apply to participants in programs under subtitle C.

''(7) NUMBER OF POSITIONS.—The Corporation shall—

''(A) establish or increase the number of positions that are approved as approved national service positions under this subtitle during each of fiscal years 2009 through 2013;

''(B) establish the number of the approved positions as 25,000 for fiscal year 2009; and

''(C) increase the number of the approved positions to—

''(i) 50,000 for fiscal year 2010;

''(ii) 75,000 for fiscal year 2011;

''(iii) 125,000 for fiscal year 2012; and

''(iv) 175,000 for fiscal year 2013.

''(d) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—Eligible entities shall carry out the national service programs under subsection (c).

''(2) QUALIFICATION.—To be qualified to carry out a national service program under subsection (c), an eligible entity shall—

''(A) receive a grant under subsection (c); or

''(B) be selected to carry out the program through a competitive process, by a State Commission that receives a grant under subsection (c).

''(e) APPLICATION.—

''(1) IN GENERAL.—To be qualified to receive a grant under subsection (c) for a national service program, a State Commission or an eligible entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, which shall include—

''(A) information describing how the eligible entity proposed to carry out the program proposes to utilize funds under a paragraph of subsection (c) to improve performance on the corresponding indicators described in subsection (a) utilizing participants, including the activities in which such participants will engage to improve performance on those indicators;

''(B) information identifying the geographical area in which the eligible entity proposed to carry out the program proposes to use funds under a paragraph of subsection (c) to improve performance on the corresponding indicators described in subsection (a), including demographic information on the students or individuals, as appropriate, in such area, and statistics demonstrating the need to improve such indicators in such area;

''(C) with respect to a grant to carry out a national service program under a paragraph of subsection (c), information describing the experience of the eligible entity proposed to carry out the program in improving performance on the corresponding indicators described in subsection (a), including whether the entity has previously utilized participants to improve performance on such indicators, and if so, the activities in which such participants have engaged;

''(D) if applicable, information on how the eligible entity described in subparagraph (A) will work with other community-based agencies to carry out activities to improve performance on the corresponding indicators described in subsection (a) using such funds;

''(E) a description of—

''(i) the type of positions into which participants will be placed, using the assistance provided under subsection (c), including descriptions of the specific tasks to be performed by such participants, and the minimum qualifications that individuals will be required to meet to become participants in such program; and

''(ii) the number of proposed full- and part-time national service positions for which participants will receive the national service educational award described in subtitle D;

''(F) a description consistent with the description required by section 130(b)(12) for the national service positions proposed;

''(G) information and assurances consistent with those described in subsections (e) and (f) of section 130, subsections (a)(2), (b), (c), (d)(1), and (e) of section 131, and section 132(a), for the grant requested and the national service program and national service positions proposed, except as provided in subsection (g)(1)(B);

''(H) measurable goals, to be used for annual measurements of the program on 1 or more of the corresponding indicators described in subsection (a);

''(I) in the case of a grant under subsection (c)(1), information on how the eligible entity described in subparagraph (A) will enter into partnerships with local educational agencies and schools to carry out activities to improve performance on education indicators using funds received under this subsection (c);

''(J) in the case of a grant under subsection (c)(4)—

''(i) if the program is designed to improve economic opportunity by engaging economically disadvantaged individuals as participants—

''(I) the minimum and maximum percentages of participants who will be economically disadvantaged individuals; and

''(II) if applicable, information on the skills and training those individuals will receive that will assist those individuals in obtaining jobs after completion of their service under the grant; and

''(ii) information on the number and percentage of individuals, including children, in families with family incomes below the poverty line in the community to be served; and

''(K) any other information the Corporation may require.

''(2) REQUEST FOR WAIVER.—

''(A) REQUIREMENTS RELATING TO EDUCATIONAL AWARDS.—An applicant may include in the application a request for a waiver (including a justification of the need for such waiver and information describing how such waiver will assist the applicant in improving performance on the appropriate indicators described in subsection (a)) of requirements relating to the Corporation's provision of a national service educational award to or on behalf of a participant in the program, which may include—

''(i) in the case of a grant under subsection (c)(1), requirements relating to the minimum age for a participant under section 137(a)(4); and

''(ii) in the case of a grant under any paragraph of subsection (c), requirements relating to individuals who receive a national service educational award under section 146(a) and related provisions, to allow the eligible entity proposed to carry out the program to select participants to serve in approved national service positions (with eligibility for national service educational awards) from among a prespecified group of participants, if the request describes the process by which the participants serving in such positions will be selected from such group.

''(B) REQUIREMENTS RELATING TO USE OF ALLOTMENTS FOR PROGRAMS.—

''(i) IN GENERAL.—A State Commission may include in the application a request that the Corporation—

''(I) waive provisions requiring the State to use an allotment from a Fund, described in subsection (c)(5)(A), for corresponding programs described in a paragraph of subsection (c); and

''(II) permit the State to use funds from the allotment for other programs described in another paragraph of subsection (c).

''(ii) INFORMATION.—The State Commission shall include in the request—

''(I) information demonstrating that the State has not received a sufficient number of applications of adequate quality to carry out the corresponding programs referred to in clause (i)(I); and

''(II) information identifying the other programs referred to in clause (i)(II), and the amount of funds from the allotment that the State intends to use for each such program.

''(iii) TREATMENT.—If the Corporation approves the waiver, and permits the State to use funds from the allotment for programs described in a paragraph of subsection (c), for purposes of this subtitle (other than subsection (c)(5)(A)), the funds shall be considered to be part of a grant made under that paragraph.

''(3) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—The Corporation shall reject an application submitted under this subsection if a project proposed to be conducted using assistance requested by the applicant is already described in another application pending before the Corporation.

''(f) CONSULTATION.—

''(1) OFFICIALS.—

''(A) EDUCATION CORPS.—The Corporation shall consult with the Secretary of Education as appropriate in making grants under subsection (c)(1) and developing additional indicators described in subsection (a)(8)(F).

''(B) HEALTHY FUTURES CORPS.—The Corporation shall consult with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention as appropriate in making grants under subsection (c)(2) and developing additional indicators described in subsection (a)(13)(E).

''(C) CLEAN ENERGY SERVICE CORPS.—The Corporation shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency as appropriate in making grants under subsection (c)(3) and developing additional indicators described in subsection (a)(4)(D).

''(D) OPPORTUNITY CORPS.—The Corporation shall consult with the Secretary of Health and Human Services and the Secretary of Labor as appropriate in making grants under subsection (c)(4) and developing additional indicators described in subsection (a)(19)(E).

''(2) REVIEW PANELS.—The Corporation shall—

''(A) establish panels of experts for the purpose of securing recommendations on applications submitted under subsection (e) for more than $250,000 in assistance, or for a number of national service positions that would require more than $250,000 in national service educational awards; and

''(B) consider the opinions of such panels prior to making determinations on such applications.

''(g) ALLOCATION OF FINANCIAL ASSISTANCE AND POSITIONS.—

''(1) ALLOCATION.—

''(A) IN GENERAL.—In making grants under subsection (c), the Corporation shall allocate the financial assistance and approved national service positions provided through the grants among eligible entities proposed to carry out national service programs described in subsection (c).

''(B) APPROVED NATIONAL SERVICE POSITIONS ONLY.—In making those grants, the Corporation—

''(i) may make some grants that provide only approved national service positions (as opposed to financial assistance and such positions) for some or all of the participants in the national service programs involved; but

''(ii) shall ensure that not more than 35 percent of the participants in the national service programs described in subsection (c) will receive only approved national service positions through the grants.

''(C) FULL-TIME POSITIONS.—In making the grants, the Corporation shall ensure that 50 percent of the approved national service positions provided through the grants shall be full-time national service positions.

''(2) PRIORITY.—In awarding financial assistance and approved national service positions to eligible entities proposed to carry out national service programs described in subsection (c)—

''(A) in the case of a grant under subsection (c)(2)—

''(i) the Corporation may give priority to such eligible entities that propose to develop policies to provide, and provide, support for participants who, after completing service under this section, will undertake careers to improve performance on health indicators; and

''(ii) the Corporation shall give priority to such eligible entities that propose to carry out national service programs in medically underserved areas;

''(B) in the case of a grant under subsection (c)(3), the Corporation shall give priority to such eligible entities that propose to recruit individuals for the Clean Energy Service Corps so that significant percentages of participants in the Corps are economically disadvantaged individuals, and provide to such individuals training to develop skills needed for clean energy jobs for which there is ongoing demand or there is predicted to be future demand; and

''(C) in the case of a grant under subsection (c)(4), the Corporation shall give priority to such eligible entities that propose to—

''(i) improve economic opportunity by engaging a significant percentage of economically disadvantaged individuals as participants to provide services and benefits to other economically disadvantaged individuals; or

''(ii) serve a community with a high number and percentage of individuals, including children, in families with family incomes below the poverty line.

''(3) GEOGRAPHIC DIVERSITY.—The Corporation shall ensure that eligible entities receiving financial assistance or positions under subsection (c) are geographically diverse and include entities proposing national service programs to be conducted in urban or rural areas.

''(4) ENCORE SERVICE PROGRAMS.—

''(A) FORMULA GRANTS.—Each State receiving a grant under subsection (c)(5)(A) for a fiscal year shall make an effort to make available not less than 10 percent of the financial assistance and approved national service positions provided through the grant for that fiscal year to eligible entities proposed to carry out encore service programs, unless the State Commission involved does not receive a sufficient number of applications of adequate quality to justify making that percentage available to those eligible entities.

''(B) COMPETITIVE GRANTS.—In making grants under subsection (c)(5)(B) for a fiscal year, the Corporation shall make an effort to allocate not less than 10 percent of the financial assistance and approved national service positions provided through the grants for that fiscal year to eligible entities proposed to carry out encore service programs, unless the Corporation does not receive a sufficient number of applications of adequate quality to justify making that percentage available to those eligible entities.

''(5) EDUCATIONAL AWARDS.—A participant who serves in a national service program that receives a grant under subsection (c) shall be considered to have served in an approved national service position and, upon meeting the requirements of section 147 (or the requirements specified in a waiver granted under subsection (e)(2)(A)), shall be eligible for a national service educational award described in section 147. The Corporation shall transfer an appropriate amount of funds to the National Service Trust to provide for the national service educational awards for such participants.

''(h) USE OF ASSISTANCE.—

''(1) ELIGIBLE ENTITIES.—An eligible entity that receives financial assistance or positions under a paragraph of subsection (c) shall use the financial assistance or positions to carry out full-time or part-time national service programs, including summer programs, described in that paragraph of subsection (c) that are designed to improve performance on the corresponding indicators described in subsection (a) in low-income communities.

''(2) PARTICIPANT ACTIVITIES.—A participant in such a program shall address identified community needs by carrying out activities (which may include providing direct service, recruiting and coordinating the activities of volunteers providing direct service, and building the capacity of local organizations and communities) designed to improve performance on the corresponding indicators described in subsection (a), such as—

''(A) in the case of a program carried out under subsection (c)(1)—

''(i) tutoring, or providing other academic support to students;

''(ii) mentoring students, including adult or peer mentoring;

''(iii) linking needed integrated services and comprehensive supports with students, their families, and their public schools;

''(iv) improving the school climate involved;

''(v) providing assistance to a school in expanding the school day by strengthening the quality of staff in an expanded learning time initiative, a program of a 21st century community learning center, or a high-quality after-school program;

''(vi) assisting schools and local educational agencies in improving and expanding high-quality service-learning programs that keep students engaged in schools by providing service-learning coordinators; and

''(vii) involving family members of students in supporting teachers and students;

''(B) in the case of a program carried out under subsection (c)(2)—

''(i) assisting economically disadvantaged individuals in navigating the health care system;

''(ii) assisting individuals in obtaining access to health care for themselves or their children;

''(iii) educating economically disadvantaged individuals and individuals who are members of medically underserved populations about, and engaging individuals described in this clause in, initiatives regarding navigating the health care system and regarding disease prevention and health promotion, with a particular focus on common health conditions, chronic diseases, and conditions, for which disease prevention and health promotion measures exist and for which socioeconomic, geographic, and racial and ethnic health disparities exist, such as initiatives concerning—

''(I) cardiovascular disease;

''(II) diabetes education;

''(III) cancer screening;

''(IV) HIV infection or AIDS;

''(V) immunizations; and

''(VI) infant mortality;

''(iv) improving health literacy of patients;

''(v) providing translation services at clinics and in emergency rooms to improve health care; and

''(vi) assisting in health promotion interventions that improve health status, and helping people adopt and maintain healthy lifestyles and habits to improve health status;

''(C) in the case of a program carried out under subsection (c)(3)—

''(i) weatherizing and retrofitting housing units for low-income households to improve the energy efficiency of such housing units;

''(ii) building energy efficient housing units in low-income communities;

''(iii) conducting energy audits for low-income households and recommending ways for the households to improve energy efficiency;

''(iv) working with schools and youth programs to educate students and youth about ways to reduce home energy use and improve the environment, including conducting service-learning projects to provide such education;

''(v) assisting in the development of local recycling programs;

''(vi) improving national and State parks, city parks, county parks, forest preserves, and trails owned or maintained by the Federal Government or a State, including planting trees, carrying out reforestation, and making trail enhancements; and

''(vii) cleaning and improving rivers maintained by the Federal Government or a State; and

''(D) in the case of a program carried out under subsection (c)(4)—

''(i) providing financial literacy education to economically disadvantaged individuals, including financial literacy education with regard to credit management, financial institutions including banks and credit unions, and utilization of savings plans;

''(ii) assisting in the construction of housing units including energy efficient homes, in low-income communities;

''(iii) assisting individuals in obtaining access to health care for themselves or their children;

''(iv) assisting individuals in obtaining information about Federal, State, local, or private programs or benefits focused on assisting economically disadvantaged individuals, economically disadvantaged children, or low-income families;

''(v) improving opportunities for economically disadvantaged children and youth to become involved in youth development organizations;

''(vi) facilitating enrollment in and completion of job training for economically disadvantaged individuals; and

''(vii) assisting economically disadvantaged individuals in obtaining access to job placement assistance.

''(i) RESERVATION OF FUNDS FOR REVIEW PANELS AND TRAINING AND TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—Before allotting funds under subsection (c)(5), the Corporation shall reserve an equal percentage (but not more than 4 percent) of the amounts available in each Fund described in a paragraph of subsection (b), to—

''(A) carry out activities concerning review panels as provided in subsection (f)(2); and

''(B) provide training and technical assistance to eligible entities, including training and technical assistance to assist eligible entities carrying out national service programs with a Corps described in subsection (a) in—

''(i) coordinating efforts; and

''(ii) improving the ability of the Corps to improve performance on the corresponding indicators described in subsection (a).

''(2) TRAINING AND TECHNICAL ASSISTANCE.—The Corporation may, as appropriate, consult with the corresponding officials described in subsection (f)(1) in planning and carrying out the training and technical assistance.

''(j) REPORT.—Not later than 60 days after the end of each fiscal year for which the Corporation makes grants under a paragraph of subsection (c), the Corporation shall prepare and submit to Congress a report containing—

''(1) information describing how the Corporation allocated financial assistance and approved national service positions among eligible entities proposed to carry out national service programs described in that paragraph for that fiscal year;

''(2) a measure of the extent to which the national service programs improved performance on the corresponding indicators described in subsection (a); and

''(3) information describing how the Corporation is coordinating—

''(A) the national service programs funded under that paragraph; with

''(B) applicable programs, as determined by the Corporation, carried out under subtitles B and C of this title, and part A of title I and parts A and B of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001, 5011) that improve performance on those indicators or otherwise address identified community needs.

''(k) INCENTIVES FOR ENCORE SERVICE.—

''(1) INCENTIVES STUDY.—

''(A) STUDY.—The Corporation shall study the use of additional incentives (other than incentives provided by this Act on the date of enactment of the Serve America Act), to attract individuals who are age 50 or older to perform service under subtitle C or this subtitle.

''(B) REPORT.—Not later than 2 years after the date of enactment of the Serve America Act, the Corporation shall prepare and submit to Congress a report containing the results of the study.

''(2) INCENTIVES.—Not later than 2 years after the date of enactment of the Serve America Act, the Corporation shall, notwithstanding any other provision of this title, implement through a pilot program additional incentives that the Corporation has found, through the study described in paragraph (1), to be effective to attract individuals described in paragraph (1)(A) to perform service under subtitle C or this subtitle.''.

(d) NATIONAL SERVICE EDUCATIONAL AWARDS.—

(1) TRUST.—Section 145 of the National and Community Service Act of 1990 (42 U.S.C. 12601) is amended—

(A) in subsection (a)(1), by striking ''section 501(a)(2)'' and inserting ''paragraph (2) or (6) of section 501(a)''; and

(B) in subsection (d)(4), by striking ''subtitle C'' and inserting ''subtitle C or G''.

(2) INCREASED NUMBER OF TERMS OF SERVICE TO ENCOURAGE ENCORE SERVICE OPPORTUNITIES.—Section 146 of the National and Community Service Act of 1990 (42 U.S.C. 12602) is amended—

(A) in subsection (c)—

(i) by striking ''Although'' and inserting the following:

''(1) IN GENERAL.—Although''; and

(ii) by adding at the end the following:

''(2) TERMS OF SERVICE FOR ENCORE SERVICE OPPORTUNITIES.—

''(A) NUMBER OF TERMS.—Notwithstanding paragraph (1) and section 147, a participant who is age 50 or older on the first day of the participant's service under subtitle C or G may receive a national service educational award for not more than 3 terms of service under subtitle C or G.

''(B) AMOUNT OF AWARD.—The participant shall receive—

''(i) a national service educational award in the amount described in the corresponding provision of section 147, for the first or second term of such service; and

''(ii) a reduced national service educational award equal to ½ of the amount described in the corresponding provision of section 147, for the third term of such service.''; and

(B) in subsection (d), by adding at the end the following:

''(3) TERM FOR TRANSFERRED EDUCATIONAL AWARDS.—For purposes of applying paragraphs (1) and (2)(A) to an individual who is eligible to receive an educational award as a designated individual (as defined in section 148(f)(3)), references to a seven-year period shall be considered to be references to a 15-year period that begins on the date the individual who transferred the educational award to the designated individual completed the term of service in the approved national service position that is the basis of the award.''.

(3) EDUCATIONAL AWARD TRANSFERS TO ENCOURAGE ENCORE SERVICE OPPORTUNITIES.—Section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12604) is amended—

(A) in subsection (c)(5), by striking ''subtitle C'' and inserting ''subtitle C or the appropriate national service program under subtitle G, as applicable'';

(B) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(C) by inserting after subsection (e) the following:

''(f) TRANSFER OF EDUCATIONAL AWARDS.—

''(1) IN GENERAL.—An individual who is eligible to receive a national service educational award under a program described in paragraph (2) may elect to receive a reduced national service educational award (equal to ½ of the amount described in the corresponding provision of section 147) and transfer the award to a designated individual. Subsections (b), (c), and (d) shall apply to the designated individual in lieu of the individual who is eligible to receive the national service educational award, except that amounts refunded to the account under subsection (c)(5) on behalf of a designated individual may be used by the Corporation to fund additional placements in the national service program in which the eligible individual who transferred the national service educational award participated for such award.

''(2) CONDITIONS FOR TRANSFER.—A national service educational award may be transferred under this subsection if—

''(A) the educational award is for service in a national service program that receives a grant under subtitle G; and

''(B) the eligible individual is age 50 or older.

''(3) DEFINITION OF A DESIGNATED INDIVIDUAL.—In this subsection, the term 'designated individual' is an individual—

''(A) whom an individual who is eligible to receive a national service educational award under a program described in paragraph (2) designates to receive the educational award;

''(B) who meets the eligibility requirements of paragraphs (3) and (4) of section 146(a); and

''(C) who is a child or grandchild of the individual described in subparagraph (A).''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 501(a) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)), as amended by section 121(b), is further amended by adding at the end the following:

''(6) SERVEAMERICA CORPS.—

''(A) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2009 through 2013 to provide financial assistance under subtitle G of title I and to provide national service educational awards under subtitle D of title I (including providing financial assistance and national service educational awards to participants in national service positions, established or increased as provided in section 168(c)(7).

''(B) AVAILABILITY.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Corporation shall make available—

''(i) not less than 35 percent for the Education Corps Fund; and

''(ii) not less than 35 percent for the Clean Energy Service Corps Fund.''.

Subtitle D—Civic Health Index

SEC. 141. INDEX.

(a) IN GENERAL.—Section 179 of the National and Community Service Act of 1990 (42 U.S.C. 12639) is amended by adding at the end the following:

''(j) CIVIC HEALTH INDEX.—

''(1) DEFINITIONS.—In this subsection:

''(A) CORPORATION.—The term 'Corporation' means the Corporation for National and Community Service, in conjunction with the Director of the Bureau of the Census, the Commissioner of Labor Statistics, and (consistent with the terms of an agreement entered into between the Corporation and the National Conference) the National Conference.

''(B) NATIONAL CONFERENCE.—The term 'National Conference' means the National Conference on Citizenship referred to in section 150701 of title 36, United States Code.

''(2) IN GENERAL.—The Corporation shall establish a Civic Health Index by collecting civic health data, conducting related analyses, and reporting the data and analyses, as described in this subsection.

''(3) COLLECTION OF DATA.—

''(A) INDICATORS.—

''(i) IN GENERAL.—In collecting data for the Index, the Corporation shall collect data on various indicators established by the Corporation, including indicators related to—

''(I) volunteering and community service;

''(II) voting and other forms of political engagement;

''(III) charitable giving;

''(IV) connecting to civic groups and faith-based organizations; and

''(V) understanding and obtaining knowledge of United States history and government.

''(ii) UPDATING.—The Corporation shall periodically evaluate and update the indicators.

''(B) AGE GROUPS AND EDUCATION LEVELS.—The Corporation shall collect data for the Index in a manner that will permit the Corporation to analyze the data by the age group and education level of the individuals involved.

''(C) OTHER ISSUES.—In collecting data for the Index, the Corporation shall collect such information as may be necessary to analyze the role of internet technology in strengthening and inhibiting civic activities, the role of specific programs in strengthening civic activities, and the civic attitudes and activities of new citizens and immigrants.

''(D) RELATIONSHIP TO OTHER DATA.—To collect data for the Index, the Corporation shall consider methods of expanding data collection conducted by the Bureau of the Census, through the Current Population Survey, or by the Bureau of Labor Statistics.

''(4) REPORTING OF DATA.—

''(A) IN GENERAL.—The Corporation shall, not less often than once each year, prepare a report containing detailed data collected under paragraph (3), including data on each

of the indicators described in paragraph (3)(A), and containing the analyses described in subparagraphs (B) and (C) of paragraph (3).

''(B) AGGREGATION AND PRESENTATION.—The Corporation shall aggregate the data collected under paragraph (3) by community, by State, and nationally. The report shall present the aggregated data in a form that enables communities and States to assess their civic health, as measured on each of the indicators, and compare those measures with comparable measures of other communities and States.

''(C) SUBMISSION.—The Corporation shall submit the report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and make the report available to the general public.

''(5) CONFERENCES AND FORUMS.—The Corporation shall hold conferences and forums to discuss the implications of the data and analyses reported under paragraph (4).

''(k) RESEARCH AND EVALUATION.—

''(1) RESEARCH.—The Corporation, acting in conjunction with the Commissioner of Labor Statistics, shall provide for baseline research and tracking of domestic and international volunteering, and baseline research and tracking related to relevant data on the indicators described in subsection (j)(3). In providing for the research and tracking under this paragraph, the Corporation and the Commissioner shall consider methods of expanding research and tracking conducted by the Bureau of Labor Statistics.

''(2) IMPACT RESEARCH AND EVALUATION.—The Corporation, acting in conjunction with the Commissioner of Labor Statistics, shall provide for research on, and evaluations of, the impact of domestic and international volunteering, including an assessment of best practices for such volunteering, and methods of improving such volunteering through enhanced collaboration among entities that recruit, manage, support, and utilize volunteers, institutions of higher education, and research institutions.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 501(a) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)), as amended in section 131(e), is further amended by adding at the end the following:

''(7) CIVIC HEALTH INDEX; RESEARCH AND EVALUATION.—In addition to any amounts appropriated under paragraph (4), there is authorized to be appropriated to carry out subsections (j) and (k) of section 179, $5,600,000 for fiscal years 2009 though 2013, of which—

''(A) not more than $800,000 may be used for a fiscal year to carry out data collection under paragraph (3) of section 179(j);

''(B) not more than $200,000 may be used for a fiscal year to carry out paragraphs (4) and (5) of section 179(j); and

''(C) for fiscal years 2009, 2011, and 2013, not more than $200,000 may be used to establish or update indicators under paragraph (3) of section 179(j).''.

Subtitle E—ServeAmerica and Encore Fellowships

SEC. 151. SERVEAMERICA AND ENCORE FELLOWSHIPS.

(a) FINDINGS.—Congress finds the following:

(1) Full- and part-time volunteer service, both at the national and State levels, can effectively tackle pressing national challenges and improve communities throughout the United States.

(2) Individual service plans and opportunities can improve the ability of the nonprofit sector to address areas of national need by introducing more personal innovation and ingenuity into volunteer service efforts.

(3) Many individuals in the United States who are retiring or age 50 or older have shown an increasing interest in community service and, by utilizing their individual skills and expertise, volunteer organizations can find creative solutions to pressing national problems.

(b) PURPOSES.—The purposes of this section are—

(1) to provide, by 2013, individual fellowships to 5,000 individuals annually, allowing the individuals to propose their own plans for serving in their communities and addressing areas of national need;

(2) to focus the ideas and creativity of individuals into addressing national challenges such as improving education for low-income students, increasing energy conservation, improving access to health care for, and the health status of, low-income individuals, and creating new economic opportunities for low-income individuals; and

(3) to provide Encore Fellowships to individuals over the age of 50 to draw on the individuals' talents and experience, to improve the effectiveness of volunteer service organizations, and to provide the individuals with the support they need to make a transition to longer-term public service work.

(c) GENERAL AUTHORITY.—Subtitle J of title I of the National and Community Service Act of 1990 (42 U.S.C. 12653 et seq.), as redesignated by section 121, is amended by adding at the end the following:

''SEC. 198E. SERVEAMERICA AND ENCORE FELLOWSHIPS.

''(a) SERVEAMERICA FELLOWSHIPS.—

''(1) DEFINITIONS.—In this subsection:

''(A) AREA OF NATIONAL NEED.—The term 'area of national need' means an area related to—

''(i) improving education in public schools for economically disadvantaged students;

''(ii) expanding and improving access to health care;

''(iii) improving clean energy indicators, as defined in section 168(a);

''(iv) improving economic opportunities for economically disadvantaged individuals; or

''(v) improving disaster preparedness and response.

''(B) CAMPUS OF SERVICE.—The term 'Campus of Service' means an institution of higher education designated as a Campus of Service under section 119E.

''(C) ELIGIBLE FELLOWSHIP RECIPIENT.—The term 'eligible fellowship recipient' means an individual who is selected by a State Commission under paragraph (4)(E) and, as a result of such selection, is eligible for a ServeAmerica Fellowship.

''(D) FELLOW.—The term 'fellow' means an eligible fellowship recipient who is awarded a ServeAmerica Fellowship and is designated a fellow under paragraph (5)(B).

''(2) SERVEAMERICA FELLOWSHIP PROGRAM.—The Corporation shall establish and carry out a ServeAmerica Fellowship program.

''(3) GRANTS.—

''(A) IN GENERAL.—The Corporation shall make grants (including financial assistance and a corresponding allotment of approved national service positions), from allotments described in subparagraph (B), to the State Commissions of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation, to enable the State Commissions to award ServeAmerica Fellowships under paragraph (5). The fellowships shall be used to enable fellows to carry out service projects in areas of national need.

''(B) RESERVATION; ALLOTMENT.—

''(i) RESERVATION.—From the amount appropriated under section 501(a)(2)(C) for a fiscal year, the Corporation shall reserve not more than 3 percent to administer the program under this subsection.

''(ii) ALLOTMENT.—The amount allotted as a grant to a State Commission under subparagraph (A) for a fiscal year shall be equal to the amount that bears the same ratio to the amount appropriated under section 501(a)(2)(C) and not reserved under clause (i) for that fiscal year, as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(C) NUMBER OF POSITIONS.—The Corporation shall—

''(i) establish or increase the number of positions that are approved as approved national service positions under this subsection during each of fiscal years 2009 through 2013;

''(ii) establish the number of approved positions at 1,000 for fiscal year 2009; and

''(iii) increase the number of the approved positions to—

''(I) 2,000 for fiscal year 2010;

''(II) 3,000 for fiscal year 2011;

''(III) 4,000 for fiscal year 2012; and

''(IV) 5,000 for fiscal year 2013.

''(D) APPLICATIONS.—To be eligible to receive such a grant, a State Commission shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including information on the criteria and procedures that the State Commission will use for coordinating placements for service projects, and awarding ServeAmerica Fellowships, under paragraph (5).

''(4) ELIGIBLE FELLOWSHIP RECIPIENTS.—

''(A) IN GENERAL.—In carrying out the program, the Corporation shall, each fiscal year, maintain a list of eligible fellowship recipients selected under subparagraph (E).

''(B) APPLICATION.—An individual desiring to be selected as an eligible fellowship recipient shall submit an application to a State Commission, a Campus of Service, or an institution of higher education, that has elected to participate in the program carried out under this subsection, at such time and in such manner as the Commission, Campus, or institution may require, and containing the information described in subparagraph (C) and such additional information as the Commission, Campus, or institution may require. An individual may submit such application to only 1 entity under this subparagraph for a fiscal year.

''(C) CONTENTS.—The Corporation shall specify information to be provided in the application, which shall include—

''(i) a description of the area of national need that the applicant hopes to address through service in the service project;

''(ii) a description of the skills and experience the applicant has to address the area of national need;

''(iii) a description of the type of service that the applicant plans to provide as a fellow; and

''(iv) information identifying the State in which the applicant will serve (which, in the case of an application submitted to a State Commission, shall be the State served by the Commission) and the local area in which the applicant plans to serve, for the service project.

''(D) NOMINATIONS BY CAMPUSES OF SERVICE AND INSTITUTIONS.—After reviewing the applications—

''(i) each Campus of Service may nominate not fewer than 8 individuals for consideration by the State Commission as eligible fellowship recipients; and

''(ii) each institution of higher education that is not a Campus of Service may nominate not fewer than 4 individuals for consideration by the State Commission as eligible fellowship recipients.

''(E) SELECTION.—Each State Commission shall select, from the applications nominated by Campuses of Service and institutions of higher education serving the State and the applications received by the State Commission for a fiscal year, the number of eligible fellowship recipients that may be supported for that fiscal year based on the allotment received by the State Commission under paragraph (3)(B). A total of not less than 10 percent and not more than 15 percent of the eligible fellowship recipients selected by the State Commission for a fiscal year shall be individuals nominated by a Campus of Service or an institution of higher education.

''(5) FELLOWS.—

''(A) IN GENERAL.—To be eligible to participate in a service project through the program as a fellow and receive a ServeAmerica Fellowship, an eligible fellowship recipient shall—

''(i) within 6 months after being selected as an eligible fellowship recipient, select an appropriate service sponsor organization described in paragraph (6) in the State described in paragraph (4)(C)(iv), with which the individual is interested in serving under this subsection;

''(ii) enter into an agreement with the organization—

''(I) that specifies the service the individual will provide if the placement is approved; and

''(II) in which the individual agrees to serve for 1 year on a (as determined by the Corporation) full-time, part-time, or reduced part-time basis; and

''(iii) submit such agreement to the State Commission.

''(B) AWARD.—Upon receiving the eligible fellowship recipient's agreement under subparagraph (A), the State Commission shall award a ServeAmerica Fellowship to the recipient and designate the recipient as a fellow.

''(C) FELLOWSHIP AMOUNT.—

''(i) IN GENERAL.—From funds received under paragraph (3), each State Commission shall award each fellow a ServeAmerica Fellowship amount that is equal to 50 percent of the amount of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

''(ii) AMOUNT FROM SERVICE SPONSOR ORGANIZATION.—Except as provided in clause (iii), the service sponsor organization shall award to the fellow serving such organization an amount that will ensure that the total award received by the fellow for service in the serve project (consisting of that amount and the ServeAmerica Fellowship amount the fellow receives under clause (i)) is equal to or greater than 70 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

''(iii) MAXIMUM LIVING ALLOWANCE.—The total amount that may be provided to a fellow under this subparagraph shall not exceed 100 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

''(iv) PRORATION OF AMOUNT.—In the case of a fellow who is authorized to serve a part-time or reduced part-time term of service under the agreement described in subparagraph (A)(ii), the amount provided to a fellow under this subparagraph shall be prorated accordingly.

''(v) WAIVER.—The Corporation may allow a State Commission to waive the amount required under clause (ii) from the service sponsor organization for a fellow serving the organization if—

''(I) such requirement is inconsistent with the objectives of the Fellowship program; and

''(II) the amount provided to the fellow under clause (i) is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the fellowship program is located.

''(6) SERVICE SPONSOR ORGANIZATIONS.—

''(A) IN GENERAL.—Each service sponsor organization shall—

''(i) be a nonprofit organization;

''(ii) agree, by registering with a State Commission, to abide by all program requirements;

''(iii) agree to provide an amount described in paragraph (5)(C)(ii) for each fellow serving with the organization through the ServeAmerica Fellowship;

''(iv) be responsible for certifying whether each fellow serving with the organization successfully completed the ServeAmerica Fellowship; and

''(v) agree—

''(I) to record and certify in a manner specified by the Corporation the number of hours served by a fellow for purposes of determining the fellow's eligibility for benefits; and

''(II) to provide timely access to records relating to the ServeAmerica Fellowship to the State Commission, the Corporation, or the Corporation's Inspector General.

''(B) REGISTRATION.—

''(i) REQUIREMENT.—No service sponsor organization may receive a fellow under this subsection until the organization registers with the State Commission.

''(ii) REVOCATION.—A State Commission shall revoke the registration of any service sponsor organization if the State Commission determines after a hearing that the organization is in violation of any of the applicable provisions of this subsection.

''(7) COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.—Service under a ServeAmerica Fellowship shall comply with section 132(a).

''(8) REPORTS.—Each service sponsor organization that receives a fellow under this subsection shall, on a biweekly basis, report to the Corporation on the number of hours served and the services provided by that fellow. The Corporation shall establish a web portal for the organizations to use in reporting the information.

''(9) EDUCATIONAL AWARDS.—A fellow who serves in a service project under this subsection shall be considered to have served in an approved national service position and, upon meeting the requirements of section 147 for full-time, part-time, or reduced part-time national service, shall be eligible for a national service educational award described in such section. The Corporation shall transfer an appropriate amount of funds to the National Service Trust to provide for the national service educational awards for such fellows.

''(b) ENCORE FELLOWSHIPS.—

''(1) DEFINITIONS.—In this subsection:

''(A) AREA OF NATIONAL NEED.—The term 'area of national need' has the meaning given the term in subsection (a)(1).

''(B) ELIGIBLE ENCORE FELLOWSHIP RECIPIENT.—The term 'eligible Encore Fellowship recipient' means an individual who is selected under paragraph (3)(B) and, as a result of such selection, is eligible for an Encore Fellowship.

''(C) ENCORE FELLOW.—The term 'Encore fellow' means an eligible Encore Fellowship recipient who is awarded an Encore Fellowship and is designated an Encore fellow under paragraph (5)(C).

''(2) ENCORE FELLOWSHIP PROGRAM.—

''(A) IN GENERAL.—The Corporation shall establish and carry out an Encore Fellowship program. In carrying out the program, the Corporation shall award 1-year Encore Fellowships to enable individuals age 50 or older—

''(i) to carry out service projects in areas of national need; and

''(ii) to receive training and development in order to transition to full- or part-time public service in the nonprofit sector or government.

''(B) PROGRAM.—In carrying out the program, the Corporation shall—

''(i) maintain a list of eligible Encore Fellowship recipients who are eligible to participate in service projects through the program and receive fellowships;

''(ii) maintain a list of organizations that are eligible to have eligible Encore Fellows placed with the organizations to carry out service projects through the program and provide the list to all eligible Encore Fellowship recipients described in clause (i); and

''(iii) at the request of an Encore Fellowship recipient—

''(I) determine whether the requesting eligible Encore Fellowship recipient is able to meet the service needs of a listed organization, or another organization that the recipient requests in accordance with paragraph (5)(B), for a service project; and

''(II) upon making a favorable determination under subclause (I), award the recipient with an Encore Fellowship and place the recipient with the organization as an Encore Fellow.

''(3) ELIGIBLE ENCORE FELLOWSHIP RECIPIENTS.—

''(A) IN GENERAL.—An individual desiring to be selected as an eligible Encore Fellowship recipient shall—

''(i) be an individual who is—

''(I) at least 50 years of age as of the time the individual applies for the program; and

''(II) not engaged in, but who wishes to make a transition to being engaged in, full- or part-time public service in the nonprofit sector or government; and

''(ii) submit an application to the Corporation, at such time, in such manner, and containing such information as the Corporation may require, including—

''(I) a description of the area of national need that the applicant hopes to address through the service project;

''(II) a description of the skills and experience the applicant has to address an area of national need; and

''(III) information identifying the area of the country in which the applicant wishes to serve.

''(B) SELECTION BASIS.—In determining which individuals to select as eligible Encore Fellowship recipients, the Corporation shall—

''(i) select not more than 10 individuals from each State; and

''(ii) give priority to individuals with skills and experience for which there is an ongoing high demand in the nonprofit sector and government.

''(4) LISTED ORGANIZATIONS.—To be listed under paragraph (2)(B)(ii), an organization shall—

''(A) be a nonprofit organization; and

''(B) submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including—

''(i) a description of—

''(I) the services and activities the organization carries out generally;

''(II) the area of national need that the organization seeks to address through a service project; and

''(III) the services and activities the organization seeks to carry out through the proposed service project;

''(ii) a description of the skills and experience that an eligible Encore Fellowship recipient needs to be placed with the organization as an Encore Fellow for the service project;

''(iii) a description of the training and leadership development the organization shall provide an Encore Fellow placed with the organization to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and

''(iv) evidence of the organization's financial stability.

''(5) PLACEMENT.—

''(A) REQUEST FOR PLACEMENT WITH LISTED ORGANIZATIONS.—To be placed with a listed organization under paragraph (2)(B)(iii) for a service project, an eligible Encore Fellowship recipient shall submit an application for such placement to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

''(B) REQUEST FOR PLACEMENT WITH OTHER ORGANIZATIONS.—An eligible Encore Fellowship recipient may apply to the Corporation to serve the recipient's Encore Fellowship year with a nonprofit organization that is not a listed organization. Such application shall be submitted to the Corporation at such time, in such manner, and containing such information as the Corporation shall require, and shall include—

''(i) an identification and description of—

''(I) the organization;

''(II) the area of national need the organization seeks to address; and

''(III) the services or activities the organization carries out to address such area of national need;

''(ii) a description of the services the eligible Encore Fellowship recipient shall provide for the organization as an Encore Fellow;

''(iii) a description of the training and leadership development the organization will provide to the eligible Encore Fellowship recipient if placed with the organization as an Encore Fellow, to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and

''(iv) a letter of support from the leader of the organization, including—

''(I) a description of the organization's need for the eligible Encore Fellowship recipient's services;

''(II) evidence that such organization is financially sound; and

''(III) an assurance that such organization will provide leadership training and development consistent with the description in the application.

''(C) PLACEMENT AND AWARD OF FELLOWSHIP.—If the Corporation determines that the eligible Encore Fellowship recipient is able to meet the service needs (including skills and experience to address an area of national need) of the organization that the eligible fellowship recipient requests under subparagraph (A) or (B), the Corporation shall—

''(i) approve the placement of the eligible Encore Fellowship recipient with the organization;

''(ii) award the eligible Encore Fellowship recipient an Encore Fellowship for a period of 1 year and designate the eligible Encore Fellowship recipient as an Encore Fellow; and

''(iii) make a payment, in the amount of $11,000, to the listed organization to enable the organization to provide living expenses to the Encore Fellow for the year in which the Encore Fellow agrees to serve.

''(6) MATCHING REQUIREMENT.—An organization that receives an Encore Fellow under this subsection shall agree to provide, for the living expenses of the Encore Fellow during the year of service, non-Federal contributions in an amount equal to not less than $1 for every $1 of Federal funds provided to the organization for the Encore Fellow through the fellowship.

''(7) TRAINING AND ASSISTANCE.—Each organization that receives an Encore Fellow under this subsection shall provide training, leadership development, and assistance to the Encore Fellow, and conduct oversight of the service provided by the Encore Fellow.

''(8) LEADERSHIP DEVELOPMENT.—Each year, the Corporation shall convene current and former Encore Fellows to discuss the Encore Fellows' experiences related to service under this subsection and discuss strategies for increasing leadership and careers in public service in the nonprofit sector or government.''.

(d) NATIONAL SERVICE EDUCATIONAL AWARDS.—

(1) TRUST.—Section 145(d)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12601(d)(4)), as amended by section 131(d)(1)(B), is further amended by inserting ''or section 198E(a)'' after ''subtitle C or G''.

(2) REDUCED PART-TIME SERVICE.—Section 147 of the National and Community Service Act of 1990 (42 U.S.C. 12603) is amended by adding at the end the following:

''(d) REDUCED PART-TIME SERVICE FOR SERVEAMERICA FELLOWS.—A participant (eligible by meeting the requirements described in section 146(a)), who performs service as a ServeAmerica Fellow under section 198E(a) and who successfully completes a required term of reduced part-time national service in an approved national service position shall be eligible to receive a national service educational award having a value, for each of not more than 2 of such terms of service, equal to the amount described in subsection (b), prorated based on the number of hours served by the ServeAmerica Fellow.''.

(3) TRANSFER OF EDUCATIONAL AWARDS.—Section 148(f)(2)(A) of the National and Community Service Act of 1990 (20 U.S.C. 12604(f)(2)(A)), as added by section 131(d)(3)(C), is further amended by inserting ''or section 198E(a)'' after ''subtitle G''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 501(a)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)(2)) is amended—

(1) in subparagraphs (A) and (B), by inserting ''(other than section 198E)'' after ''H of title I''; and

(2) by adding at the end the following:

''(C) SERVEAMERICA FELLOWSHIPS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2009 through 2013 to provide financial assistance under section 198E(a) and to provide national service educational awards under subtitle D of title I (including providing financial assistance and national service educational awards to participants in national service positions, established or increased as provided in section 198E(a)(3)(C)).

''(D) ENCORE FELLOWSHIPS.—There are authorized to be appropriated to carry out section 198E(b), $7,000,000 for each of the fiscal years 2009 through 2013.''.

Subtitle F—Volunteer Generation Fund; National Service Reserve Corps; Call to Service Campaign

SEC. 161. STATEMENT OF PURPOSES.

The purposes of this subtitle are to—

(1) assist nonprofit, faith-based, and other civic organizations in the United States and State Commissions in expanding the supply of volunteers and improving the capacity of such organizations and State Commissions to utilize new volunteers;

(2) spur innovation in volunteer recruitment and management practices, with a goal of increasing the number of volunteers in the United States each year;

(3) enable the people of the United States to effect change throughout the United States by participating in active volunteer and citizen service; and

(4) draw on the experience, skills, and training of national service alumni to assist local communities that are affected by disasters.

SEC. 162. ESTABLISHMENT OF VOLUNTEER GENERATION FUND.

(a) IN GENERAL.—Subtitle J of title I of the National and Community Service Act of 1990 (42 U.S.C. 12653 et seq.), as amended by section 151, is further amended by adding at the end the following:

''SEC. 198F. VOLUNTEER GENERATION FUND.

''(a) DEFINITIONS.—In this section:

''(1) AREAS OF NATIONAL NEED.—The term 'areas of national need' has the meaning given the term in section 198E(a)(1).

''(2) CIVIC ENTITY.—The term 'civic entity' means a local or national nonprofit organization, including a faith-based organization, that uses volunteers to carry out activities in areas of national need.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State Commission; or

''(B) a nonprofit entity that provides technical assistance and support to civic entities in recruiting, managing, and supporting volunteers, such as a volunteer coordinating agency, a nonprofit resource center, a volunteer training clearinghouse, or an institution of higher education.

''(b) FUND.—

''(1) GRANTS AUTHORIZED.—The Corporation shall award grants on a competitive basis to eligible entities to enable—

''(A) eligible entities to increase the number of volunteers available to carry out activities that address areas of national need through civic entities supported by the eligible entity; or

''(B) eligible entities described in subsection (a)(3)(A) to increase the number of volunteers available to carry out statewide volunteer initiatives that address State priorities with regard to areas of national need.

''(2) PERIOD OF GRANT.—The Corporation shall award the grants for periods of not less than 3 years and not more than 5 years.

''(3) APPLICATION.—

''(A) IN GENERAL.—Each eligible entity desiring a grant under this subsection shall submit an application to the Corporation at such time, in such manner, and accompanied by such information as the Corporation may reasonably require.

''(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall contain—

''(i)(I) in the case of an eligible entity that proposes to use grant funds to carry out an activity described in paragraph (1)(A), a description of the technical assistance and support the entity provides to civic entities in recruiting, managing, and supporting additional volunteers; or

''(II) in the case of an eligible entity that proposes to use grant funds to carry out a statewide initiative described in paragraph (1)(B), a description of the State priorities with regard to areas of national need and the proposed initiative to address such priorities;

''(ii) an assurance that the eligible entity will annually collect information on—

''(I) the number of volunteers recruited for civic entities or to carry out statewide initiatives described in paragraph (1)(B), using funds received under this subsection, and the type and amount of activities carried out by such volunteers; and

''(II) the number of volunteers supported using funds received under this subsection, and the type and amount of activities carried out by such volunteers;

''(iii) a description of any outcomes the eligible entity will use to annually measure and track performance with regard to—

''(I) activities carried out by volunteers; and

''(II) volunteers recruited, managed, and supported;

''(iv) information describing how the eligible entity will annually evaluate the effectiveness of the entity's activities under this subsection; and

''(v) such additional assurances as the Corporation determines to be essential to ensure compliance with the requirements of this subsection.

''(4) USE OF FUNDS.—An eligible entity that receives a grant under this subsection shall use amounts provided through the grant to—

''(A) in the case of an eligible entity using grant funds to carry out an activity described in paragraph (1)(A)—

''(i) increase recruitment and training of volunteers for a civic entity, relying on best practices in volunteer recruitment and management; or

''(ii) strengthen the capacity of a civic entity to use volunteers; or

''(B) in the case of an eligible entity using grant funds to carry out a statewide initiative described in paragraph (1)(B), recruit, train, and utilize volunteers to carry out statewide volunteer initiatives.

''(5) REPORTING REQUIREMENT.—Each eligible entity receiving a grant under this subsection shall annually submit a report to the Corporation that includes the information described in paragraph (3)(B)(ii), information on how the eligible entity performed with regard to the outcomes described in paragraph (3)(B)(iii), and the results of the evaluation described in paragraph (3)(B)(iv).

''(6) MATCHING REQUIREMENT.—Each eligible entity receiving a grant under this subsection shall provide, from non-Federal sources, an amount equal to the grant amount to carry out the activities supported by the grant.''.

(b) APPROPRIATIONS.—Section 501(a)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)(2)), as amended by section 151, is further amended—

(1) in subparagraphs (A) and (B), by striking ''section 198E'' each place it appears and inserting ''sections 198E and 198F''; and

(2) by adding at the end the following:

''(E) VOLUNTEER GENERATION FUND.—There is authorized to be appropriated to carry out section 198F—

''(i) $50,000,000 for fiscal year 2009;

''(ii) $60,000,000 for fiscal year 2010;

''(iii) $70,000,000 for fiscal year 2011;

''(iv) $80,000,000 for fiscal year 2012; and

''(v) $100,000,000 for fiscal year 2013.''.

SEC. 163. NATIONAL SERVICE RESERVE CORPS.

(a) IN GENERAL.—Subtitle J of title I of the National and Community Service Act of 1990 (42 U.S.C. 12653 et seq.), as amended by section 162, is further amended by adding at the end the following:

''SEC. 198G. NATIONAL SERVICE RESERVE CORPS.

''(a) DEFINITIONS.—In this section:

''(1) TERM OF NATIONAL SERVICE.—The term 'term of national service' means a term or period of service under subtitle C, E, or G or section 198E of this Act, or under part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).

''(2) NATIONAL SERVICE RESERVE CORPS MEMBER.—The term 'National Service Reserve Corps member' means an individual who—

''(A) has completed a term of national service;

''(B) has successfully completed training described in subsection (c) within the previous 2 years; and

''(C) is interested in responding to national disasters and other emergencies through the National Service Reserve Corps.

''(b) ESTABLISHMENT OF NATIONAL SERVICE RESERVE CORPS.—The Corporation shall establish a National Service Reserve Corps to prepare and deploy individuals who have completed a term of national service to respond to natural disasters and other emergencies in a timely manner.

''(c) ANNUAL TRAINING.—The Corporation shall, in consultation with the Administrator of the Federal Emergency Management Agency, conduct or coordinate annual training sessions for individuals who have completed a term of national service, and who wish to join the National Service Reserve Corps.

''(d) CERTIFICATION OF ORGANIZATIONS.—On a biannual basis, the Corporation shall certify organizations with demonstrated experience in responding to disasters, including through using volunteers, for participation in the program under this section.

''(e) DATABASES.—The Corporation shall develop or contract with an outside organization to develop—

''(1) a database of all National Service Reserve Corps members; and

''(2) a database of all nonprofit organizations that—

''(A) have been certified by the Corporation under subsection (d); and

''(B) are prepared to respond to major disasters or emergencies with members of the National Service Reserve Corps.

''(f) DEPLOYMENT OF NATIONAL SERVICE RESERVE CORPS.—

''(1) IN GENERAL.—If a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) occurs that the Corporation, in consultation with the Administrator of the Federal Emergency Management Agency, determines is an incident for which National Service Reserve Corps members are prepared to assist, the Corporation shall—

''(A) deploy interested National Service Reserve Corps members on 30-day assignments to assist with local needs related to preparing or recovering from the incident in the affected area, through organizations certified under subsection (d);

''(B) make travel arrangements for the deployed National Service Reserve Corps members to the site of the incident; and

''(C) provide funds to those organizations that are responding to the incident with deployed National Service Reserve Corps members, to enable the organizations to coordinate and provide housing, living stipends, and insurance for those deployed members.

''(2) STIPEND FUND.—Any amounts that are appropriated under section 501(a)(2)(F) to carry out paragraph (1) for a fiscal year shall be kept in a separate fund. Any amounts in such fund that are not used during a fiscal year shall remain available for the next fiscal year for the purpose of carrying out such paragraph.

''(g) INFORMATION.—The Corporation, the State Commissions, and entities receiving financial assistance for programs under subtitle C, E, or G or section 198E of this Act, or under part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), shall inform participants of those programs of the National Service Reserve Corps upon the participants' completion of their term of national service.

''(h) COORDINATION.—In deploying National Service Reserve Corps members under subsection (f), the Corporation may consult and, as appropriate, partner with Citizen Corps programs in the affected area.''.

(b) APPROPRIATIONS.—Section 501(a)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)(2)), as amended by section 162, is further amended—

(1) in subparagraphs (A) and (B), by striking ''and 198F'' each place it appears and inserting '', 198F, and 198G''; and

(2) by adding at the end the following:

''(F) NATIONAL SERVICE RESERVE CORPS.—There is authorized to be appropriated—

''(i) $6,500,000 in year 2009, of which—

''(I) not more than $1,500,000 shall be used to carry out section 198G (other than section 198G(f)(1)); and

''(II) the amount remaining after the application of subclause (I) shall be used to carry out section 198G(f)(1); and

''(ii) for each succeeding fiscal year—

''(I) $1,000,000 to carry out section 198G (other than section 198G(f)(1)); and

''(II) such sums as are necessary to carry out section 198G(f)(1) so that the amount available for such fiscal year to carry out such section, including any amounts remaining in the fund described in section 198G(f)(2), is equal to $4,000,000.''.

SEC. 164. CALL TO SERVICE CAMPAIGN.

Subtitle J of title I of the National and Community Service Act of 1990 (42 U.S.C. 12653 et seq.), as amended by section 163, is further amended by adding at the end the following:

''SEC. 198H. CALL TO SERVICE CAMPAIGN.

''Not later than 180 days after the date of enactment of the Serve America Act, the Corporation shall conduct a nationwide 'Call To Service' campaign, to encourage all people of the United States, regardless of age, race, ethnicity, religion, or economic status, to engage in full-or part-time national service, long- or short-term public service, or volunteering. In conducting the campaign, the Corporation may collaborate with State Commissions, Governors, nonprofit and faith-based organizations, businesses, institutions of higher education, elementary schools, and secondary schools.''.

Subtitle G—Conforming Amendments

SEC. 171. CONFORMING AMENDMENTS.

(a) IN GENERAL.—

(1) Section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) is amended—

(A) in paragraph (17)(A)(i), by striking ''subtitle C'' and inserting ''subtitles C and G''; and

(B) in paragraph (19)—

(i) by striking ''119(b)(1), or 122(a), or in'' and inserting ''or 119(b)(1), subpart B of part I, or part III, of subtitle B of title I, or section 122(a), in'';

(ii) by inserting ''or in part II or III of subtitle F, or in subtitle G, of title I,'' after ''152(b),''; and

(iii) by striking ''or 198D'' and inserting ''198D, 198E, 198F, or 198G''.

(2) Section 117E of such Act (42 U.S.C. 12546) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''116(a)(1)'' and inserting ''114C(a)(1)''; and

(ii) in paragraph (2), by striking ''116(a)(2)'' and inserting ''114C(a)(2)''; and

(B) by striking ''116(b)'' and inserting ''114C(b)''.

(3) Section 118(a) of such Act (42 U.S.C. 12551(a)) is amended by striking ''subtitle H'' and inserting ''subtitle J''.

(4) Section 119(c) of such Act (42 U.S.C. 12561(c)) is amended—

(A) in paragraph (1)(B), by striking ''116(a)(2)'' and inserting ''114C(a)(2)''; and

(B) in paragraph (2), by striking ''116(b)'' and inserting ''114C(b)''.

(5) Section 122(a)(2) of such Act (42 U.S.C. 12572(a)(2)) is amended by striking ''subtitle I'' and inserting ''subtitle K''.

(6) Section 193A(f)(1) of such Act (42 U.S.C. 12651d(f)(1)) is amended by striking ''subtitles C and I'' and inserting ''subtitles C and K''.

(7) Section 501(a)(2) of such Act (42 U.S.C. 12681(a)(2)) is amended—

(A) in the paragraph heading, by striking ''C, D, AND H'' and inserting ''C, D, AND J'';

(B) in subparagraph (A), by striking ''subtitles C and H'' and inserting ''subtitles C and J''; and

(C) in subparagraph (B), by striking ''subtitle H'' and inserting ''subtitle J''.

(b) TABLE OF CONTENTS.—

(1) The table of contents in section 1(b) of such Act is amended—

(A) by striking the items relating to sections 115, 115A, 116, 116A, and 116B and inserting the following:

''Sec. 114A. Consideration of applications.
''Sec. 114B. Participation of students and teachers from private schools.
''Sec. 114C. Federal, State, and local contributions.
''Sec. 114D. Limitations on uses of funds.
''Sec. 114E. Definitions.'';

(B) by striking the item relating to the subpart heading of subpart C of part I of subtitle B of title I and inserting the following:

''SUBPART D—CLEARINGHOUSE'';

(C) by striking the item relating to the subpart heading of subpart B of part I of subtitle B of title I and inserting the following:

''SUBPART C—COMMUNITY-BASED SERVICE PROGRAMS FOR SCHOOL-AGE YOUTH'';

(D) by inserting after the items relating to subpart A of part I of subtitle B of title I the following:

''SUBPART B—YOUTH ENGAGEMENT AND SERVICE-LEARNING TO STRENGTHEN LOCAL COMMUNITIES
''Sec. 115. Grant program.'';

(E) by inserting after the items relating to part II of subtitle B of title I the following:

''PART III—CAMPUS OF SERVICE PROGRAM
''Sec. 119E. Campuses of Service.'';

(F) by inserting after the items relating to part III of subtitle B of title I (as added by subparagraph (E)) the following:

''PART IV—SERVICE-LEARNING IMPACT STUDY
''Sec. 119F. Study and report.'';

(G) by striking the item relating to the subtitle heading for subtitle I of title I and inserting the following:

''Subtitle K—American Conservation and Youth Corps'';

(H) by striking the item relating to the subtitle heading for subtitle H of title I and inserting the following:

''Subtitle J—Investment for Quality and Innovation'';

(I) by striking the item relating to the subtitle heading for subtitle G of title I and inserting the following:

''Subtitle I—Corporation for National and Community Service'';

(J) by striking the item relating to the subtitle heading for subtitle F of title I and inserting the following:

''Subtitle H—Administrative Provisions'';

(K) by inserting after the items relating to subtitle E of title I the following:

''Subtitle F—Social Innovation and Entrepreneurship
''PART I—COMMISSION ON CROSS SECTOR SOLUTIONS
''Sec. 167. Commission.
''PART II—COMMUNITY SOLUTIONS FUNDS
''Sec. 167A. Funds.
''PART III—INNOVATION FELLOWSHIPS PILOT PROGRAM
''Sec. 167B. Program.
''Subtitle G—ServeAmerica Corps
''Sec. 168. Corps.'';

(L) by adding at the end of the items relating to subtitle J (as so redesignated) of title I the following:

''Sec. 198E. ServeAmerica and Encore Fellowships.'';

and

(M) by adding at the end of the items relating to subtitle J (as so amended and redesignated) of title I the following:

''Sec. 198F. Volunteer Generation Fund.
''Sec. 198G. ServeAmerica Emergency Response Reserve Corps.
''Sec. 198H. Call To Service campaign.''.

TITLE II—VOLUNTEERS FOR PROSPERITY PROGRAM

SEC. 201. FINDINGS.

Congress makes the following findings:

(1) Americans engaged in international volunteer service, and the organizations deploying them—

(A) play critical roles in responding to the needs of people living throughout the developing world; and

(B) advance the international public diplomacy of the United States.

(2) The Volunteers for Prosperity Program has successfully promoted international volunteer service by skilled American professionals.

(3) In its first 4 years, the VfP Program helped to mobilize 74,000 skilled Americans, including doctors, nurses, engineers, businesspeople, and teachers, through a network of 250 nonprofit organizations and companies in the United States, to carry out development and humanitarian efforts for those affected by great global challenges in health, the environment, poverty, illiteracy, financial literacy, disaster relief, and other challenges.

(4) The VfP Program has undertaken activities, including—

(A) direct outreach to leading nonprofit organizations and companies in the United States;

(B) promotion of the work of skilled Americans and nonprofit organizations and companies in the United States as it relates to international volunteer service;

(C) public recognition of skilled American volunteers;

(D) support for organizations that utilize skilled Americans as volunteers;

(E) participation in the development of special initiatives to further opportunities for skilled Americans; and

(F) leadership of an innovative public-private partnership to provide eligible skilled with financial assistance for volunteer assignments.

SEC. 202. DEFINITIONS.

In this title:

(1) VFP OFFICE.—The term ''VfP Office'' means the Office of Volunteers for Prosperity of the United States Agency for International Development.

(2) VFP PROGRAM.—The term ''VfP Program'' means the Volunteers for Prosperity Program established through Executive Order 13317.

(3) VFPSERVE.—The term ''VfPServe'' means a program established by the VfP Office, in cooperation with the USA Freedom Corps and the Global Giving Foundation, to provide eligible skilled professionals with fixed amount stipends to offset the travel and living costs of volunteering abroad.

SEC. 203. OFFICE OF VOLUNTEERS FOR PROSPERITY.

(a) FUNCTIONS.—The VfP Office shall pursue the objectives of the VfP Program described in subsection (b) by—

(1) implementing the VfPServe Program to provide eligible skilled professionals with fixed amount stipends to offset the travel and living expenses of volunteering abroad with nonprofit organizations;

(2) otherwise promoting short- and long-term international volunteer service by skilled American professionals, including connecting such professionals with nonprofit organizations, to achieve such objectives;

(3) helping nonprofit organizations in the United States recruit and effectively manage additional skilled American professionals for volunteer assignments throughout the developing world;

(4) providing recognition for skilled American volunteers and the organizations deploying them;

(5) helping nonprofit organizations and corporations in the United States to identify resources and opportunities in international volunteer service utilizing skilled Americans;

(6) encouraging the establishment of international volunteer programs for employees of United States corporations; and

(7) encouraging international voluntary service by highly skilled Americans to promote health and prosperity throughout the world.

(b) VFP PROGRAM OBJECTIVES.—The objectives of the VfP Program shall be to—

(1) eliminate extreme poverty;

(2) reduce world hunger and malnutrition;

(3) increase access to safe potable water;

(4) enact universal education;

(5) reduce child mortality and childhood diseases;

(6) combat the spread of preventable diseases, including HIV, malaria, and tuberculosis;

(7) provide educational and work skill support for girls and empowering women to achieve independence;

(8) create sustainable business and entrepreneurial opportunities; and

(9) increase access to information technology.

(c) VOLUNTEERS FOR PROSPERITY SERVICE INCENTIVE PROGRAM.—The VfP Office may provide fixed amount stipends to offset the travel and living costs of volunteering abroad to any individual who—

(1) has skills relevant to addressing any objective described in subsection (b); and

(2) provides a dollar-for-dollar match for such stipend—

(A) through the organization with which the individual is serving; or

(B) by raising private funds.

(d) FUNDING.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall make available the amounts appropriated pursuant to section 204 to the VfP Office to pursue the objectives described in subsection (b) by carrying out the functions described in subsection (a).

(2) USE OF FUNDS.—Amounts made available under paragraph (1) may be used by the VfP Office to provide personnel and other resources to develop, manage, and expand the VfP Program, under the supervision of the United States Agency for International Development.

(e) COORDINATION.—The VfP Office shall coordinate its efforts with other public and private efforts that aim to send skilled professionals to serve in developing nations.

(f) REPORT.—The VfP Office shall submit an annual report to Congress on the activities of the VfP Office.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $10,000,000 for each of the fiscal years 2009 through 2013.

(b) ALLOCATION OF FUNDS.—Of the amounts appropriated pursuant to subsection (a)—

(1) 90 percent shall be expended to expand VfPServe; and

(2) 10 percent shall be expended to manage the VfP Program.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 657—DESIGNATING SEPTEMBER 13, 2008, AS ''NATIONAL CELIAC DISEASE AWARENESS DAY''

Mr. NELSON of Nebraska (for himself and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 657

Whereas celiac disease affects approximately 1 in every 130 people in the United States, for a total of 3,000,000 people;

Whereas the majority of people with celiac disease have yet to be diagnosed;

Whereas celiac disease is a chronic inflammatory disorder that is classified as both an autoimmune condition and a genetic condition;

Whereas celiac disease causes damage to the lining of the small intestine, which results in overall malnutrition;

Whereas, when a person with celiac disease consumes foods that contain certain protein fractions, that person suffers a cell-mediated immune response that damages the villi of the small intestine, interfering with the absorption of nutrients in food and the effectiveness of medications;

Whereas those problematic protein fractions are found in wheat, barley, rye, and oats, which are used to produce many foods, medications, and vitamins;

Whereas, because celiac disease is a genetic disease, there is an increased incidence of celiac disease in families with a known history of celiac disease;

Whereas celiac disease is underdiagnosed because the symptoms can be attributed to other conditions and are easily overlooked by doctors and patients;

Whereas, as recently as 2000, the average person with celiac disease waited 11 years for a correct diagnosis;

Whereas ½ of all people with celiac disease do not show symptoms of the disease;

Whereas celiac disease is diagnosed by tests that measure the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease can be treated only by implementing a diet free of wheat, barley, rye, and oats, often called a ''gluten-free diet'';

Whereas a delay in the diagnosis of celiac disease can result in damage to the small intestine, which leads to an increased risk of malnutrition, anemia, lymphoma, adenocarcinoma, osteoporosis, miscarriage, congenital malformation, short stature, and disorders of the skin and other organs;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjogren's syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who wrote, ''if the patient can be cured at all, it must be by means of diet'';

Whereas Dr. Samuel Gee was born on September 13, 1839; and

Whereas, by designating September 13, 2008, as National Celiac Disease Awareness Day, the Senate can raise awareness of celiac disease in the general public and the medical community: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 13, 2008, as ''National Celiac Disease Awareness Day'';

(2) recognizes that all people in the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society, the Celiac Disease Foundation, the Gluten Intolerance Group of North America, and the Oklahoma Celiac Support Group No. 5 of the Celiac Sprue Association.

SENATE RESOLUTION 658—EXPRESSING THE SENSE OF THE SENATE THAT THE FORMER CHIEF EXECUTIVE OFFICERS OF FANNIE MAE SHOULD NOT RECEIVE LAVISH SEVERANCE PACKAGES AT TAXPAYER EXPENSE

Mr. NELSON of Nebraska submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 658

Whereas, on September 7, 2008 the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) were placed into conservatorship by the Federal Housing Finance Agency;

Whereas the Department of the Treasury has announced that up to $200,000,000,000 of tax dollars will be invested in senior preferred stock of Fannie Mae and Freddie Mac, with billions more lent to the companies via the Government Sponsored Entity Credit Facility, and invested in mortgage backed securities issued by the companies;

Whereas the Federal Housing Finance Agency, as conservator, has all the rights, titles, powers, and privileges of the companies and of any stockholder, officer, or director of the companies, and has been charged with the duty to operate the companies;

Whereas media reports indicate that the former chief executive officers of Fannie Mae and Freddie Mac may be paid severance packages worth a combined $24,000,000 in pay, bonuses, and benefits;

Whereas these chief executive officers presided over Fannie Mae and Freddie Mac in the time that led to a taxpayer-funded rescue and Federal takeover, and should not be rewarded; and

Whereas the conservator of Fannie Mae and Freddie Mac has a duty both to the stability of the financial markets, and to the best interest of the American taxpayer, whose dollars are being invested in the companies: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the former chief executive officers who presided over the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) during the period that led to a Federal takeover should not be rewarded with lavish severance packages paid for by American taxpayers; and

(2) the severance packages of both former chief executive officers should be carefully examined and eliminated or reduced to an appropriate level.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5498. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5499. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5500. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5501. Ms. SNOWE (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5502. Mr. NELSON, of Nebraska (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5503. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5498. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF NATIONAL SECURITY INTERESTS FROM OIL AND GAS LEASING IN CERTAIN AREAS.

(a) AREAS.—This section applies to—

(1) any area in the Gulf of Mexico that is east of the Military Mission Line (as defined in section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432));

(2) the area that is also known as the ''Joint Gulf Range Complex'' or the ''Gulf of Mexico Range''; and

(3) any military or national security agency operations, training, or testing area that is used by a military or national security agency of the United States

(b) PREREQUISITE.—Notwithstanding any other provision of law, the Secretary of the Interior shall not issue any permit for oil and gas leasing or extraction in an area described in subsection (a) unless and until the President certifies (based on written opinions provided by each of the Secretary of Defense, the Secretary of the Navy, the Secretary of the Air Force, and the head of each appropriate national security agency of the United States) that in balancing the national security interests of the United States—

(1) the advantages of oil or gas extraction in the area; outweigh

(2) the military and national security missions being conducted in the area.

(c) OPINIONS.—Each written opinion required for an area under subsection (b) shall—

(1) be submitted to the national security committees of Congress in unclassified form, with a classified annex (if applicable); and

(2) evaluate the effects of oil or gas extraction on military and national security agency operations, training, or testing in the area.

SA 5499. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1222. SENSE OF CONGRESS ON EXTENSION OF THE MANDATE OF MULTI-NATIONAL FORCE IN IRAQ AFTER EXPIRATION OF ITS CURRENT UNITED NATIONS MANDATE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Special Representative to the United Nations should use the voice, vote, and influence of the United States at the United Nations to seek an extension of the mandate of the Multi-National Force in Iraq under United National Security Council Resolution 1790 (2007) in order to provide United States and Coalition forces within the Multi-National Force in Iraq with the authorities, privileges, and immunities necessary for such forces to carry out their mission in Iraq after December 31, 2008;

(2) the extension under paragraph (1) should expire upon the earlier of—

(A) a period of one year; or

(B) the entry into force of a strategic framework agreement and a status of forces agreement between the United States and Iraq as mutually agreed upon by the Government of the United States and the Government of Iraq;

(3) the strategic framework agreement now being negotiated between the United States and Iraq poses significant long-term national security implications for the United States;

(4) the Bush Administration having fully agreed to consult with Congress regarding all details of the strategic framework agreement and status of forces agreement between the United States and Iraq, copies of the full texts of each such agreement should be provided to the Chairman and Ranking Minority Member of the appropriate committees of Congress before entry into such agreement; and

(5) any strategic framework agreement mutually agreed upon by the Government of the United States and the Government of Iraq should cease to have effect unless approved by Congress within 180 days of the entry into force of such agreement.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Foreign Relations of the Senate; and

(2) the Committees on Armed Services and International Relations of the House of Representatives.

SA 5500. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, before line 6, insert the following:

SEC. 344. ALTERNATIVE AVIATION FUEL INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) Dependence on foreign sources of oil is detrimental to the national security of the United States due to possible disruptions in supply.

(2) The Department of Defense is the largest single consumer of fuel in the United States.

(3) The United States Air Force is the largest consumer of fuel in the Department of Defense.

(4) The skyrocketing price of fuel is having a significant budgetary impact on the Department of Defense.

(5) The United States Air Force uses about 2,600,000,000 gallons of jet fuel a year, or 10 percent of the entire domestic market in aviation fuel.

(6) The Air Force has developed an energy program (in this section referred to as the ''Air Force Energy Program'') to certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011, and to acquire 50 percent of its domestic aviation fuel requirement from a synthetic fuel blend, at prices equal to or less than market prices for petroleum-based alternatives, that exhibits a more favorable environmental footprint across all major contaminates of concern, by not later than December 31, 2016.

(7) The Air Force Energy Program will provide options to reduce the use of foreign oil, by focusing on expanding alternative energy options that provide favorable environmental attributes as compared to currently-available options.

(b) CONTINUATION OF INITIATIVES.—

(1) IN GENERAL.—The Secretary of the Air Force shall continue the alternative aviation fuel initiatives of the Air Force with a goal of—

(A) certifying the entire Air Force aircraft fleet for operations on alternative or synthetic fuels (including blends of alternative or synthetic fuels with conventional fuels) by not later than June 30, 2011;

(B) acquiring 50 percent of its domestic aviation fuel requirement from alternative or synthetic fuels (including blends of alternative or synthetic fuels with conventional fuels) by not later than December 31, 2016, provided that—

(i) the lifecycle greenhouse gas emissions associated with the production and combustion of such fuel shall be lower than such emissions from conventional fuels that are used in the same application, as determined in accordance with guidance by the Department of Energy and the Environmental Protection Agency ; and

(ii) prices for such fuels are equal to or less than market prices for petroleum-based alternatives that are used for the same functions;

(C) taking actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) taking actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

(2) ADJUSTMENT OF GOAL.—The Secretary of the Air Force may adjust the goal of acquiring 50 percent of Air Force domestic fuel requirements from alternative or synthetic fuels by not later than December 31, 2016, if the Secretary determines in writing that it would not be practicable, or in the best interests of the Air Force, to do so and informs the congressional defense committees within 30 days of the basis for such determination.

(3) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter in each of fiscal years 2010 through 2016, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress a report on the progress of the alternative aviation fuel initiative program, including—

(A) the status of aircraft fleet certification, until complete;

(B) the quantities of alternative or synthetic fuels (including blends of alternative or synthetic fuels with conventional fuels) purchased for use by the Air Force in the fiscal year ending in such year;

(C) progress made against published goals for such fiscal year;

(D) the status of recovery plans to achieve any goals set for previous years that were not achieved; and

(E) the establishment or adjustment of goals and objectives for the current fiscal year or for future years.

(c) ANNUAL REPORT FOR ARMY AND NAVY.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter in each of fiscal years 2010 through 2016, the Secretary of the Army and the Secretary of the Navy shall each submit to Congress a report on goals and progress to research, test, and certify the use of alternative fuels in their respective aircraft fleets.

(d) DEFENSE SCIENCE BOARD REVIEW.—

(1) REPORT REQUIRED.—Not later than October 1, 2011, the Defense Science Board shall report to the Secretary of Defense on the feasibility and advisability of achieving the goals established in subsection (b)(1). The report shall address—

(A) the technological and economic achievability of the goals;

(B) the impact of actions required to meet such goals on the military readiness of the Air Force, energy costs, environmental performance, and dependence on foreign oil; and

(C) any recommendations the Defense Science Board may have for improving the Air Force program.

(2) SUBMISSION TO CONGRESS.—Not later than 30 days after receiving the report required by under paragraph (1), the Secretary of Defense shall forward the report to Congress, together with the comments and recommendations of the Secretary.

SA 5501. Ms. SNOWE (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. SMALL BUSINESS PROGRAMS FOR SERVICE-DISABLED VETERANS.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term ''small business concern owned and controlled by service-disabled veterans'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632), as amended by this section.

(b) CERTIFICATION.—

(1) CONGRESSIONAL INTENT.—It is the intent of Congress that the Administrator should accept certifications by the Department of Veterans Affairs, under such criteria as the Administrator may prescribe, by regulation or order, in certifying small business concerns owned and controlled by service-disabled veterans

(2) REGULATIONS.—Before implementing paragraph (1), the Administrator shall promulgate regulations or orders ensuring appropriate certification safeguards to be implemented by the Administration and the Department of Veterans Affairs.

(3) REGISTRATION PORTAL.—The Administrator and the Secretary of Veterans Affairs shall ensure that small business concerns owned and controlled by service-disabled veterans may apply to participate in all programs for such small business concerns carried out by the Administrator or the Secretary through a single process.

(c) TRANSITION PERIOD FOR SURVIVING SPOUSES OR PERMANENT CARE GIVERS.—Section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) the management and daily business operations of which are controlled—

''(i) by 1 or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent care giver of such veteran; or

''(ii) for a period of not longer than 10 years after the death of a service-disabled veteran, by a surviving spouse or permanent caregiver thereof.''.

(d) MENTOR-PROTEGE PROGRAM.—The Administrator may establish a mentor-protege program for small business concerns owned and controlled by service-disabled veterans, modeled on the mentor-protege program of the Administration for small businesses participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(e) IMPROVING OPPORTUNITIES FOR SERVICE DISABLED VETERANS.—Section 36(a) of the Small Business Act (15 U.S.C. 657f(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''may'' and inserting ''shall''; and

(2) in paragraph (1), by striking ''and the contracting officer'' and all that follows through ''contracting opportunity''.

SA 5502. Mr. NELSON of Nebraska (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. AUTHORIZATION FOR PAYMENT OF HAZARDOUS DUTY PAY FOR ARDUOUS PERSONNEL TEMPOS AND OTHER FACTORS.

Section 305(a) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a) SPECIAL PAY AUTHORIZED.—''; and

(2) by adding at the end the following new paragraph:

''(2) In designating duty as hardship duty for purposes of this section, the Secretary of Defense shall take into account the following:

''(A) Quality-of-life and living conditions in the area of a member's assignment.

''(B) The mission a member is performing.

''(C) Whether the tempo of operations under which a member is performing the duty exceeds the thresholds established in section 991 of title 10.

''(D) Whether the time a member has served on deployment during the course of the member's career in specified locations or operations (such as combat zones or combat operations), missions, or assignments exceeds a period specified by the Secretary of Defense.

''(E) Such other factors as the Secretary of Defense considers appropriate.''.

SA 5503. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. PILOT PROGRAM ON TRAINING AND CERTIFICATION FOR FAMILY CAREGIVER PERSONAL CARE ATTENDANTS FOR VETERANS AND MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAMS AUTHORIZED.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out a pilot program to assess the feasibility and advisability of providing training and certification for family caregivers of veterans and members of the Armed Forces with traumatic brain injury as personal care attendants of such veterans and members.

(b) DURATION OF PROGRAM.—The pilot program required by subsection (a) shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(c) LOCATIONS.—The pilot program under this section shall be carried out in three medical facilities of the Department of Veterans Affairs. In selecting the locations of the pilot program, the Secretary shall give special emphasis to the polytrauma centers of the Department of Veterans Affairs designated as Tier I polytrauma centers.

(d) TRAINING CURRICULA.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall develop curricula for the training of personal care attendants under the pilot program under this section. Such curricula shall incorporate—

(A) applicable standards and protocols utilized by certification programs of national brain injury care specialist organizations; and

(B) best practices recognized by caregiving organizations.

(2) USE OF EXISTING CURRICULA.—In developing the curricula required by paragraph (1), the Secretary of Veterans Affairs shall, to the extent practicable, utilize and expand upon training curricula developed pursuant to section 744(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2308).

(e) PARTICIPATION IN PROGRAMS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall determine the eligibility of a family member of a veteran or member of the Armed Forces for participation in the pilot program under this section.

(2) BASIS FOR DETERMINATION.—A determination made under paragraph (1) shall be based on the needs of the veteran or member of the Armed Forces concerned, as determined by the physician of such veteran or member.

(f) ELIGIBILITY FOR COMPENSATION.—A family caregiver of a veteran or member of the Armed Forces who receives certification as a personal care attendant under the pilot program under this section shall be eligible for compensation from the Department of Veterans Affairs for care provided to such veteran or member.

(g) COSTS OF TRAINING.—

(1) TRAINING OF FAMILIES OF VETERANS.—Any costs of training provided under the pilot program under this section for family members of veterans shall be borne by the Secretary of Veterans Affairs.

(2) TRAINING OF FAMILIES OF MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for any costs of training provided under the pilot program for family members of members of the Armed Forces. Amounts for such reimbursement shall be derived from amounts available for Defense Health Program for the TRICARE program.

(h) ASSESSMENT OF FAMILY CAREGIVER NEEDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may provide to a family caregiver who receives training under a pilot program under this section—

(A) an assessment of their needs with respect to their role as a family caregiver; and

(B) a referral to services and support that—

(i) are relevant to any needs identified in such assessment; and

(ii) are provided in the community where the family caregiver resides, including such services and support provided by community-based organizations, publicly-funded programs, and the Department of Veterans Affairs.

(2) USE OF EXISTING TOOLS.—In developing and administering an assessment under paragraph (1), the Secretary shall, to the extent practicable, use and expand upon caregiver assessment tools already developed and in use by the Department.

(i) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the pilot program carried out under this section, including the recommendations of the Secretary with respect to expansion or modification of the pilot program.

(j) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to establish a mandate or right for a family caregiver to be trained and certified under this section; and

(2) to prohibit the Secretary from considering or adopting the preference of a veteran or member of the Armed Forces for services provided by a personal care attendant who is not a family caregiver.

(k) FAMILY CAREGIVER DEFINED.—In this section, with respect to member of the Armed Forces or a veteran with traumatic brain injury, the term ''family caregiver'' means a family member of such member or veteran, or such other individual of similar affinity to such member or veteran as the Secretary proscribes, who is providing care to such member or veteran for such traumatic brain injury.

ORDERS FOR MONDAY, SEPTEMBER 15, 2008

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m., Monday, September 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 3001, the Defense authorization bill, with no motions to proceed in order during Monday's session. I further ask that the mandatory quorum under rule XXII be waived and that the filing deadline for first-degree amendments be 4 p.m. Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANDERS. Mr. President, today Senator REID filed cloture on the Defense authorization bill. Senators have until 4 p.m. on Monday to file germane amendments. The cloture vote will occur on Tuesday. As previously announced, there will be no rollcall votes on Monday.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 15, 2008, AT 3 P.M.

Mr. SANDERS. If there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 12:34 p.m., adjourned until Monday, September 15, 2008, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JAY T. SNYDER, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2010. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

JONATHAN S. ADDLETON, OF GEORGIA
LILIANA AYALDE, OF MARYLAND

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

SUSAN K. BREMS, OF NORTH CAROLINA
MARGOT BIEGELSON ELLIS, OF NEW YORK
PATRICK C. FLEURET, OF VIRGINIA
KAREN L. FREEMAN, OF VIRGINIA
JON DANIEL LINDBORG, OF INDIANA
CARL ABDOU RAHMAAN, OF MARYLAND
SUSAN G. REICHLE, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

DAVID JON BARTH, OF VIRGINIA
E. JED BARTON, OF NEVADA
ROBBIN E. BURKHART, OF TEXAS
SUSAN FRENCH FINE, OF VIRGINIA
JAMES ALAN FRANCKIEWICZ, OF MARYLAND
R. DAVID HARDEN, OF MARYLAND
PETER R. HUBBARD, OF THE DISTRICT OF COLUMBIA
BARBARA JEANNE KRELL, OF VIRGINIA
LAWRENCE A. MESERVE, OF VIRGINIA
THOMAS CHRISTOPHER MILLIGAN, OF THE DISTRICT OF COLUMBIA
BETH A. SALAMANCA, OF VIRGINIA
MAUREEN A. SHAUKET, OF THE DISTRICT OF COLUMBIA
HERBERT B. SMITH, OF DELAWARE
THOMAS H. STAAL, OF MARYLAND
RICHARD WINSLOW WHELDEN, OF VIRGINIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JONATHAN TREVOR AUSTIN, OF MINNESOTA
JENNIFER A. BAH, OF ALABAMA
GAURAV BANSAL, OF NEW YORK
ANNE M. BENNETT, OF TEXAS
MARK MELLAS BLISS, OF GEORGIA
MATTHEW HAROLD BLONG, OF MARYLAND
RYAN EUGENE BOWLES, OF MINNESOTA
NATHAN J. BOYACK, OF WASHINGTON
ROBIN SOPHIA BROOKS, OF COLORADO
CHRISTOPHER J. BROWN, OF VIRGINIA
TODD ALAN CAMPBELL, OF ILLINOIS
ALICE RUTH CHU, OF MINNESOTA
GORDON SCOTT CHURCH, OF TENNESSEE
JEANNE L. CLARK, OF NEW YORK
FRANCES JUANITA CRESPO, OF TEXAS
GRETCHEN MCKEEVER CURETON, OF TEXAS
SARAH J. DEBBINK, OF THE DISTRICT OF COLUMBIA
AMY WUEBBELS DIAZ, OF TEXAS
REBECCA EVE DODDS, OF OREGON
ERIN L. EDDY, OF SOUTH DAKOTA
SITA M. FARRELL, OF VIRGINIA
MOLLY PLEDGE FLORES, OF KANSAS
MARY ANN FREEMAN, OF CALIFORNIA
CHRIS W. GRANTHAM, OF WASHINGTON
BETH BOWDEN HERBOLICH, OF ARIZONA
SAUL ANTONIO HERNANDEZ, OF GEORGIA
SABIN MANZEL HINTON, OF UTAH
MICHELLE LYNN HOYT, OF VIRGINIA
SARAH ELIZABETH HUTCHISON, OF VIRGINIA
DAVID JEFFREY, OF WASHINGTON
ERIC N. JOHNSON, OF COLORADO
HYUN S. KIM, OF ILLINOIS
KEVIN MATTHEW KREUTNER, OF THE DISTRICT OF COLUMBIA
SUSANNE KUESTER, OF FLORIDA
REBECCA LYNN LANDIS, OF CALIFORNIA
DANIEL B. LANGENKAMP, OF THE DISTRICT OF COLUMBIA
COBY DAWNE LASTUKA, OF WASHINGTON
JEAN BOWMAN LEEDY, OF TEXAS
LISA SHIH-YUN LIAO, OF NEW YORK
BRUCE ALEXANDER LIPSCOMB III, OF VIRGINIA
JEFFREY MICHAEL LOREE, OF NEW YORK
RONITA MICHELLE MACKLIN, OF OHIO
DANIEL STEWART MATTERN, OF NEW YORK
SUZANNE SHELTON MCGUIRE, OF VIRGINIA
RUSSELL C. MENYHART, OF INDIANA
SAMUEL S. MIKHELSON, OF VIRGINIA
LOREN GIALLANELLA MURAD, OF MASSACHUSETTS
DANIEL R. MYERS, OF OREGON
TRACY J. NABER, OF SOUTH DAKOTA
HART GABRIEL NELSON, OF MISSOURI
MARLENE MONFILETTO NICE, OF FLORIDA
MARLENE EGUIZABAL OLSEN, OF FLORIDA
DARBY ANDREW PARLIAMENT, OF COLORADO
CHRISTOPHER BRENT PATCH, OF UTAH
VANESSA M. PAULOS, OF TEXAS
MARGARET HOLLIS PEIRCE, OF FLORIDA
MICHELE LOUISE PETERSEN, OF VIRGINIA
ELLEN PETERSON, OF NEW YORK
SCOTT ALAN REESE, OF VERMONT
JAN MARLYS REILLY, OF NEW YORK
RYAN J. ROBERTS, OF TEXAS
MARK ROSENSHIELD, OF FLORIDA
ALEXANDER D. SCHRANK, OF THE DISTRICT OF COLUMBIA
MAHVASH SIDDIQUI, OF CALIFORNIA
ALEXIS LYNN SMITH, OF COLORADO
CHRISTOPHER WELBY SMITH, OF VIRGINIA
KIM M. STEENBERG, OF INDIANA
WILLIAM B. STEVENS, JR., OF VIRGINIA
PAUL W. STEVENSON, OF NEW YORK
KARAN ELIZABETH SWANER, OF VIRGINIA
DMITRI TARAKHOVSKY, OF MICHIGAN
MARK AUGUST TERVAKOSKI, OF FLORIDA
CELIA CLAIRE THOMPSON, OF TEXAS
ELIZABETH KENNEDY TRUDEAU, OF NEW HAMPSHIRE
HELENE N. TULING, OF WASHINGTON
MARK ANDREW TURNER, OF VIRGINIA
ANDREW JONATHAN WEBSTER-MAIN, OF WASHINGTON
BRIGID REILLY WEILLER, OF NEW YORK
RHONDA L. WELLS, OF FLORIDA
LILIETH R. WHYTE, OF COLORADO
PAULA C. WIKLE, OF FLORIDA
RYAN DAVID WIRTZ, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

CHRISTOPHER BECKER, OF ILLINOIS
S. THOMAS BRUNS, OF FLORIDA
STACEY T. CHOW, OF VIRGINIA
SARAH K. FOX-SHIN, OF MARYLAND
LOLA Z. GULOMOVA, OF THE DISTRICT OF COLUMBIA
JOHN R. HOWELL, OF VIRGINIA

DEPARTMENT OF STATE

NATHANIEL W. ADAMS, OF THE DISTRICT OF COLUMBIA
MELISSA D. AINLEY, OF VIRGINIA
MARIA M. ARNETT, OF VIRGINIA
HEATHER MARIE BORLAND, OF VIRGINIA
SHAWN MICHAEL BOYD, OF VIRGINIA
JOHN S. BROWN, OF WASHINGTON
KATHLEEN T. BRYDA, OF VIRGINIA
JESSICA ARIAS BULLOCK, OF VIRGINIA
ROBERT ALFRED BULLOCK, OF VIRGINIA
HERBERT CHRISTIAN CHEN, OF VIRGINIA
JACOB KYUNG-HWOON CHOI, OF UTAH
KARIN J. CHURCHEY, OF THE DISTRICT OF COLUMBIA
KAREN LYNN CLARK, OF TEXAS
JOHN RAMSEY CLARKE, OF THE DISTRICT OF COLUMBIA
DONALD R. COLEMAN, OF CALIFORNIA
LAURA SUSAN CONAWAY, OF MARYLAND
CYNTHIA LAUREN COOK, OF THE DISTRICT OF COLUMBIA
MARJORIE CORLETT, OF FLORIDA
ETHAN K. CURBOW, OF MARYLAND
EBONY ROSE CUSTIS, OF MARYLAND
SANDYA DAS, OF CALIFORNIA

CHRISTOPHER DAVENPORT, OF VIRGINIA
BRIDGET DAVIS, OF NEW YORK
ANDREA JO DEARMENT, OF TEXAS
DUSTIN DEGRANDE, OF THE DISTRICT OF COLUMBIA
DANIEL DEL CASTILLO, OF MINNESOTA
WILLIAM ANTHONY DENTON, OF THE DISTRICT OF COLUMBIA
JUDD B. DEVERMONT, OF THE DISTRICT OF COLUMBIA
LUKE T. DURKIN, OF ILLINOIS
EMMERSON W. EDWARDS, OF THE DISTRICT OF COLUMBIA
JON KELLY EMERSON, OF MARYLAND
SARAH AILEEN ENGELHARDT, OF VIRGINIA
MARK D. ERICSON, OF MARYLAND
ALISON R. EVANS, OF THE DISTRICT OF COLUMBIA
ROBERT T. FALZONE, OF VIRGINIA
M. MARGARET FERRARA, OF VIRGINIA
KELLY E. FOLLIARD, OF FLORIDA
JEREMY J. FOWLER, OF THE DISTRICT OF COLUMBIA
SHAWNA L. GARNER, OF VIRGINIA
ALEXANDER DIMOND GORDON, OF THE DISTRICT OF COLUMBIA
MARY E. GOUDEY, OF THE DISTRICT OF COLUMBIA
MIGUEL A. GUZMAN, OF VIRGINIA
ADAM HALVERSON, OF WISCONSIN
BRIAN HARP, OF NEW HAMPSHIRE
CHRISTOPHER THADDEUS WESTON HARTFIELD, OF GEORGIA
DAVID H. HASKETT, OF MARYLAND
JILLIAN A. HAYES, OF THE DISTRICT OF COLUMBIA
TIMOTHY F. HAYNES, JR., OF NEW YORK
LISA R. HECHT-CRONSTEDT, OF FLORIDA
NEIL HELBRAUN, OF ILLINOIS
JACQUELINE BRETT HERNANDEZ, OF FLORIDA
SHANNON PIPER HILL, OF NEW MEXICO
ANDREA SMITH HILLYER, OF GUAM
HENRY HOWARD III, OF CONNECTICUT
THOMAS J. HUDAK, OF VIRGINIA
VIRSA Y. HURT, OF TENNESSEE
MARK T. HUSE, OF VIRGINIA
JASON RAY HUTCHISON, OF FLORIDA
BRANDON JOVAN JACKSON, OF FLORIDA
SANDRA M. JACOBS, OF FLORIDA
JAMAL JOSEPH JAFARI, OF THE DISTRICT OF COLUMBIA
KELVIN JAMISON, OF INDIANA
HUGO A. JIMENEZ, OF FLORIDA
SHEENA M. JOHNSON, OF VIRGINIA
KYLE T. JONES, OF OKLAHOMA
N. RASHAD JONES, OF GEORGIA
MARK RICHARD JORGENSEN, OF MINNESOTA
JERRY G. KALARICKAL, OF TEXAS
ELIZABETH A. KEENE, OF TEXAS
SALMAN K. KHALIL, OF VIRGINIA
JOHN P. KOSER, OF VIRGINIA
MARIANNE B. L'ALTRELLI, OF PENNSYLVANIA
ANDREW D. LEBKUECHER, OF MINNESOTA
MATTHEW L. LEE, OF VIRGINIA
NANCY M. LEW, OF OREGON
ELEESHA M. LEWIS, OF FLORIDA
EILEEN M. LISTON, OF VIRGINIA
LISA E. MAHONEY, OF VIRGINIA
PATRICK MARTINO, OF WISCONSIN
BRITTNEY ANJALI MCCLARY, OF FLORIDA
KIRK MCDONALD, OF FLORIDA
DEBORAH M. MCGRATH, OF WISCONSIN
NINA D. MCLAUGHLIN, OF THE DISTRICT OF COLUMBIA
BRIANA GRIBBIN MEACHAM, OF PENNSYLVANIA
AMANDA JOHNSON MILLER, OF THE DISTRICT OF COLUMBIA
ERIN M. MOLNAR, OF NEW YORK
JOAN A. MORGAN, OF VIRGINIA
DALI MUKHERJEE, OF VIRGINIA
PETER M. MUNOZ, OF VIRGINIA
YOMARIS C. NUNEZ, OF NEW YORK
KATHLEEN M. NUTT, OF VIRGINIA
JAMES PATRICK O'BRIEN, OF WASHINGTON
JOHN BURTON O'BRIEN, OF FLORIDA
DANIEL PATRICK OGAN, OF VIRGINIA
MATTHEW GEREON OSBORNE, OF VIRGINIA
PAUL A. PAVWOSKI, OF THE DISTRICT OF COLUMBIA
AMANDA K. PAZ, OF CALIFORNIA
BENJAMIN JOSEPH PERACCHIO, OF NORTH CAROLINA
MATTHEW L. PETIT, OF FLORIDA
BRETT ANDREW PIERCE, OF VIRGINIA
ANDREW J. PUBLICOVER, OF WASHINGTON
ELIZABETH A. QUIRING, OF PENNSYLVANIA
JUDNEFERA A. RASAYON, OF VIRGINIA
ALISSA MEREDITH REDMOND, OF NORTH CAROLINA
ROBERT ALEXANDER ROMANOWSKI, OF VIRGINIA
STEVEN MEREDITH RUGGE, OF VIRGINIA
RYAN RUTA, OF TEXAS
JENNIFER L. SAMPLE, OF VIRGINIA
NICOLAS STEVEN SAMUELSON, OF VIRGINIA
BENJAMIN SAND, OF NEW YORK
MARIA W. SAND, OF NEW YORK
SETH E. SCHLEICHER, OF VIRGINIA
AUDREY LOUISE SCHRADER, OF VIRGINIA
KYLE E. SCHRADER, OF CALIFORNIA
MELISSA L. SCHUMI, OF THE DISTRICT OF COLUMBIA
PATRICIA A. SEEKER, OF FLORIDA
ROSEMARIE E. SKELLY, OF VIRGINIA
TARA E. SKRABANEK, OF TEXAS
JASON P. SPELLBERG, OF COLORADO
INEKE MARGARET STONEHAM, OF THE DISTRICT OF COLUMBIA
NATELLA V. SVISTUNOVA, OF OREGON
DINA LUCIA TAMBURRINO, OF FLORIDA
JOSEPH P. TAVES, OF VIRGINIA
BEVERLY A. THACKER, OF OREGON
MARK EVAN TRABUE, OF VIRGINIA
COLLEEN M. TRAUGHBER, OF MINNESOTA
ERIN J. TRUHLER, OF MINNESOTA
MARY VARGAS, OF CALIFORNIA
JOSEPH WILLIAM WADE, OF UTAH
DAVID AUSTIN WESTENHOFER, OF KENTUCKY
TERESA WILLIAMSON, OF CONNECTICUT
JONATHAN WOLFINGTON, OF THE DISTRICT OF COLUMBIA
HANAN YEHIA, OF MARYLAND
MATTHEW J. ZAMARY, OF VIRGINIA
MARK W. ZANOLLI, OF PENNSYLVANIA
LINDSEY M. ZULUAGA, OF PENNSYLVANIA

CONSULAR OFFICER IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOSEPH AMBROSE KENNY, JR., OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER COUNSELOR, EFFECTIVE MARCH 20, 2005:

PHILIP A. SHULL, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER COUNSELOR, EFFECTIVE JANUARY 6, 2008:

DAVID MALCOLM ROBINSON, JR., OF CONNECTICUT

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO AND WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

JOHN E. HERBST, OF VIRGINIA
RONALD LEWIS SCHLICHER, OF TENNESSEE
THOMAS A. SHANNON, JR., OF VIRGINIA
WILLIAM BRAUCHER WOOD, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MARK L. ASQUINO, OF RHODE ISLAND
BARBARA S. AYCOCK, OF OREGON
JESS LIPPINCOTT BAILY, OF GEORGIA
MICHAEL ANTHONY BUTLER, OF VIRGINIA
MARY DEANE CONNERS, OF PENNSYLVANIA
JEFFREY W. CULVER, OF VIRGINIA
ROBERT E. DAVIS, JR., OF WASHINGTON
DAVID F. DAVISON, OF HAWAII
JAMES C. DICKMEYER, OF OHIO
ELLEN CONNOR ENGELS, OF VIRGINIA
KATHLEEN M. FITZPATRICK, OF MARYLAND
ROBERT STEPHEN FORD, OF MARYLAND
ALCY RUTH FRELICK, OF CALIFORNIA
KAY E. GOTOH, OF VIRGINIA
BRADFORD EUGENE HANSON, OF VIRGINIA
DOUGLAS C. HENGEL, OF NEW YORK
PHILLIP P. HOFFMANN, OF NEW YORK
MICHAEL STEPHEN HOZA, OF WASHINGTON
CHERIE J. JACKSON, OF COLORADO
KENNETH HOWARD JARRETT, OF NEW YORK
RICHARD E. JAWORSKI, OF MICHIGAN
DEBORAH KAY JONES, OF NEW MEXICO
IAN C. KELLY, OF NEW JERSEY
JOHN MONROE KOENIG, OF WASHINGTON
JUNE HEIL KUNSMAN, OF MISSOURI
BARRY JAY LEVIN, OF MISSOURI
NANCY LEE MANAHAN, OF FLORIDA
SCOT ALAN MARCIEL, OF VIRGINIA
C. STEVEN MCGANN, OF CALIFORNIA
ROBERT MCKINNIE, OF TENNESSEE
RONALD KEITH MCMULLEN, OF IOWA
PATRICIA N. MOLLER, OF PENNSYLVANIA
RODERICK W. MOORE, OF FLORIDA
BRIAN A. NICHOLS, OF CALIFORNIA
RICHARD BOYCE NORLAND, OF MISSOURI
JAMES D. PETTIT, OF VIRGINIA
LISA A. PIASCIK, OF VIRGINIA
DANIEL WILLIAM PICCUTA II, OF CALIFORNIA
ROBERT A. POLLARD, OF VIRGINIA
RONALD J. POST, OF FLORIDA
MARTIN R. QUINN, OF VIRGINIA
BROOKS A. ROBINSON, OF CALIFORNIA
DANIEL RICHARD RUSSEL, OF CALIFORNIA
THOMAS F. SKIPPER, OF CALIFORNIA
DERWOOD KEITH STAEBEN, OF WISCONSIN
GRACE CAROLY STETTENBAUER, OF VIRGINIA
KAREN BREVARD STEWART, OF FLORIDA
SHARON E. W. VILLAROSA, OF TEXAS
MARY BURCE WARLICK, OF CALIFORNIA
EDWARD J. WEHRLI, OF TEXAS
JOSEPH YUOSANG YUN, OF OREGON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

THEODORE ALLEGRA, OF COLORADO
KURT E. AMEND, OF WASHINGTON
LARRY EDWARD ANDRE, JR., OF TEXAS
THOMAS H. ARMBRUSTER, OF FLORIDA
BRUCE ARMSTRONG, OF FLORIDA
LISA GAMBLE BARKER, OF RHODE ISLAND
CLARE A. BARKLEY, OF MARYLAND
ERICA JEAN BARKS-RUGGLES, OF VIRGINIA
JOHN F. BERRY, OF MICHIGAN
TIMOTHY A. BETTS, OF CALIFORNIA
JAMES A. BOUGHNER, OF WASHINGTON
WILLIAM BRENT CHRISTENSEN, OF OREGON
CARL S. COCKBURN, OF FLORIDA
JONATHAN RAPHAEL COHEN, OF CALIFORNIA
MAUREEN E. CORMACK, OF ILLINOIS
JOHN S. CREAMER, OF VIRGINIA
MARK J. DAVIDSON, OF NEW JERSEY
JEFFREY F. DELAURENTIS, OF NEW YORK
LAURA FARNSWORTH DOGU, OF TEXAS
WALTER DOUGLAS, OF NEVADA
CATHERINE I. EBERT-GRAY, OF COLORADO
JOHN J. FINNEGAN, JR., OF VIRGINIA
MICHAEL J. FITZPATRICK, OF FLORIDA
VALERIE L. FOWLER, OF WASHINGTON
CARLOS GARCIA, OF FLORIDA
THOMAS B. GIBBONS, OF VIRGINIA
DANIEL EDWARD GOODSPEED, OF VIRGINIA
LAWRENCE J. GUMBINER, OF CALIFORNIA
BLAIR P. HALL, OF THE DISTRICT OF COLUMBIA
DANIEL J. HALL, OF TEXAS
BRENT R. HARTLEY, OF MARYLAND
STUART M. HATCHER, OF VIRGINIA
WILLIAM A. HEIDT, OF CALIFORNIA
DEBRA P. HEIEN, OF WASHINGTON
JAMES WILLIAM HERMAN, OF WASHINGTON
CHARLES F. HUNTER, OF THE DISTRICT OF COLUMBIA
KAREN E. JOHNSON, OF TEXAS
RUSSELL WARREN JONES, JR., OF ILLINOIS
GERALDINE L. KAM, OF CALIFORNIA
STEVEN B. KASHKETT, OF FLORIDA
ELIZABETH COOPER KAUFFMAN, OF FLORIDA
SUNG Y. KIM, OF CALIFORNIA
LAURA JEAN KIRKCONNELL, OF FLORIDA
PHILIP S. KOSNETT, OF NORTH CAROLINA
ROBERT R. KUNTZ II, OF CALIFORNIA
MARY BETH LEONARD, OF THE DISTRICT OF COLUMBIA
EARLE D. LITZENBERGER, OF CALIFORNIA
NAOMI EMERSON LYEW, OF PENNSYLVANIA
WILLIAM JOHN MARTIN, OF CALIFORNIA
RAYMOND D. MAXWELL, OF NORTH CAROLINA
ELIZABETH KAY WEBB MAYFIELD, OF TEXAS
VICTORIA SHARON MIDDLETON, OF VIRGINIA
JEFFREY A. MOON, OF FLORIDA
JONATHAN M. MOORE, OF ILLINOIS
WENDELA C. MOORE, OF VIRGINIA
TULINABO SALAMA MUSHINGI, OF VIRGINIA
JULIETA VALLS NOYES, OF FLORIDA
JULIE H. NUTTER, OF PENNSYLVANIA
MARY MONICA O'KEEFE, OF VIRGINIA
THEODORE G. OSIUS, OF THE DISTRICT OF COLUMBIA
JOSEPH M. POMPER, OF CONNECTICUT
MICHAEL A. RAYNOR, OF MARYLAND
BRUCE DAVID ROGERS, OF CALIFORNIA
SARA A. ROSENBERRY, OF VIRGINIA
CHRISTOPHER JOHN ROWAN, OF TENNESSEE
JULIE ANN RUTERBORIES, OF TEXAS
SUE ELLEN SAARNIO, OF VIRGINIA
MICHAEL R. SCHIMMEL, OF MICHIGAN
TODD P. SCHWARTZ, OF OHIO
KRISTEN B. SKIPPER, OF CALIFORNIA
DANA SHELL SMITH, OF CALIFORNIA
KURT D. VOLKER, OF THE DISTRICT OF COLUMBIA
PAUL ALLEN WEDDERIEN, OF CALIFORNIA
UZRA S. ZEYA, OF FLORIDA
SUSAN L. ZIADEH, OF WASHINGTON
BENJAMIN G. ZIFF, OF CALIFORNIA
JANE BUCHMILLER ZIMMERMAN, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AZIZ AHMED, OF VIRGINIA
DOUGLAS A. ALLISON, OF VIRGINIA
JAMES PATRICK BACIGALUPO, OF NEW YORK
RICHARD L. BOOHAKER, OF FLORIDA
MICHAEL B. BRETZ, OF FLORIDA
TODD JAMES BROWN, OF VIRGINIA
PANAKKAL DAVID, OF NEW YORK
JOHN M. DAVIS, OF VIRGINIA
EDMUND J. GAGLIARDI, JR., OF PENNSYLVANIA
LEON G. GALANOS, JR., OF NEW HAMPSHIRE
TIMOTHY G. HALEY, OF TEXAS
DANIEL BARRETT HOGAN, OF VIRGINIA
MARTIN FORTUNE KRAUS, OF MARYLAND
DANIEL R. MUHM, OF WASHINGTON
JOSEPH MICHAEL PATE, OF TENNESSEE
STEVE G. ROMERO, OF VIRGINIA
DAVID J. SCHNORBUS, OF NEW YORK
CHRISTIAN J. SCHURMAN, OF VIRGINIA
CHARLES J. SLATER, OF FLORIDA
WALTER D. STORM, OF WASHINGTON
XAVIER VAZQUEZ, OF NEW YORK

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

THOMAS R. REED

To be major

REBECCA W. CARTER

RICHARD A. DEFELICE
ALBERTO L. ENRICO, JR.
JOAN M. HOVERMAN
MICHAEL W. KRUG
NIDA SHEMMERI
VIJAYALAKSHMI SRIPATHY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

To be colonel

DANIEL URIBE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARK A. LAMBERTSEN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

RANDY L. MANELLA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

TIMOTHY W. RICKS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

MARCO V. GALVEZ
MARY A. HAYES
MARK L. KAMPFE
ENEYA H. MULAGHA
JOSEPH M. OLIVEIRA
INAAM A. PEDALINO
JOHN T. SYMONDS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 4333(B) AND 4336(A) :

To be colonel

STEVEN B. HORTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARY F. BRAUN

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

JAMES C. BAYLEY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JOSE R. RAFOLS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MATTHEW MYLES

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JAYANTHI KONDAMINI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KATHERINE G. ARTERBURN
JAMES H. GRIFFITHS
JESSE C. WHITE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

LEEANN M. CAPACE
PAMELA A. DIPATRIZIO
DUAINE J. KACZINSKI

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JOB ANDUJAR

To be major

RALPH LAYMAN